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10TH
ANNUAL
STUDY

MEDIA SUSTAINABILITY INDEX

2011

DEVELOPMENT
OF SUSTAINABLE
INDEPENDENT MEDIA IN
EUROPE AND EURASIA

MEDIA SUSTAINABILITY INDEX

2011

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



MEDIA SUSTAINABILITY INDEX 2011

The Development of Sustainable Independent Media in Europe and Eurasia

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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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**EUROPE
& EURASIA**

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As an illustration of how panelists' views of their media sector have changed, or not, over the space of 10 years, IREX selected a few indicators to compare how they were described in 2001 versus today.



I am pleased to introduce the tenth annual Media Sustainability Index (MSI) study for Europe and Eurasia. This body of work has helped establish the MSI as one of the most reliable and trusted evaluations of media health globally and in the various regions and countries included. Covering the same 20 countries since its inception in 2001 (with one addition made in 2008), the Europe and Eurasia MSI over the years has documented a mixed history of encouraging improvements, frustrating stagnation, and disappointing regression throughout the region. In an encouraging example, earlier studies reported a nascent Internet media; over time one can track the progress made by Internet media and other new media platforms, which have undeniably improved citizen access to news and undermined attempts by some authorities to control political dialogue. A fuller analysis is available in the Executive Summary that follows.

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

How does the MSI aid journalists and independent media supporters realize the improvements they seek? The MSI provides important—and useable—information for the media and media advocates in each country and region. By reflecting the expert opinions of media professionals in each country, its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector.

IREX would like to thank all those who contributed to the publication of the 2011 MSI. Participants, moderators, and authors for each country, listed after each chapter, provided the primary analysis for this project. At IREX, Leon Morse and Dayna Kerecman Myers managed the MSI. The United States Agency for International Development (USAID) has been a consistent supporter of the MSI, helping to develop the project from its inception, ensure its ongoing implementation, and foster its expansion into the Middle East and Africa.

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

Sincerely,



W. Robert Pearson

President, IREX

Regardless of the underlying reasons, self-censorship robs citizens of news and information they need. However, it is a sign of progress in countries where this is a matter of business relationships as opposed to fear of arbitrary violence; the former is much easier to mitigate.



With three notable exceptions—Belarus, Russia, and Uzbekistan—the media sector in the countries included in the first edition of the MSI in 2001 have over time either improved overall or stayed more or less the same. But, a review of overall MSI scores is just one way to use the MSI to see how the media situation has changed. Another is to compare the qualitative characterizations made by panelists in 2001 to those they are making today; in some cases the same panelists that provided comments in 2001 made appearances on 2011 panels. IREX looks below at some issues that troubled panelists in 2001, how they were described then, and compares these to how they are described today.

In a similar vein, IREX includes a summary of how the Internet was viewed in 2001 and how it is described today as a way to look at the impact of new media on dissemination of information, public dialogue, and citizen access to timely news and information.

IREX this year employed an updated methodology to prepare the reports. More details are provided in the following Methodology section. Briefly, however, IREX added two new indicators. One assesses a media sector's ability to report on local, regional, national, and international news in a way that meets the needs of citizens in all corners of a country. This was not a new concept to the MSI, but IREX determined that this important concept did not receive enough consideration before. The other looks at the ability of a county's communications infrastructure to meet the needs of the media sector and media consumers, particularly as new technologies such as digital broadcasting or mobile broadband Internet access are becoming increasingly important. Other language in the methodology was modified to better capture the concepts we have always sought to assess.

Ten Years of Progress? Panelists' Perspectives

As an illustration of how panelists' views of their media sector have changed, or not, over the space of 10 years, IREX selected a few indicators to compare how they were described in 2001 versus today. Those selected cover media licensing, objective and ethical journalism, and self-censorship. IREX also selected two countries that have shown significant change: Kosovo, which has improved its overall score by 34 percent, and Russia, which this year received an overall score 25 percent lower than in 2001.

In Albania, for example, 2001 panelists said that the code of ethics was uniformly ignored and “Reportage is mostly based on innuendo, lies, and distortion.” Journalism was described as supremely polarized along political lines. This year’s report painted a much-improved situation, even if political differences linger.

Broadcast Licensing

As countries throughout the region gear up to make the transition to digital broadcasting, the regulatory bodies that oversee licensing processes come under increasing scrutiny by the media profession they are tasked to serve and regulate. However, problems predate digitalization. Since the inception of the MSI, these agencies have been the target of criticism from panelists because often they are politicized and their decisions non-transparent. In most cases, these issues have not been resolved to the satisfaction of the panelists.

For example, Bulgaria’s 2001 panelists described broadcast licensing as “partially fair” and one panelist said, “It is obvious that the Council of Ministers has complete control over the licensing body. Even some independent commercial outlets got their licenses on political grounds.” This year, panelists continued their criticism from recent years that the digital transition is being mismanaged and, as a result, well behind schedule. Recent changes to the law governing the regulator met with mixed reviews: one panelist felt that fewer council members in the agency would open it up to increased political and economic pressure; another panelist saw the changes as cathartic, allowing the competitive award of digital licenses.

In Bosnia, when the 2001 MSI panel convened the broadcast regulator was partly under control of the international community. Today it is in the hands of Bosnians and panelists respect its operations; however it has come under increasing political pressure that threatens to upset its professional operation. Georgians in 2001 complained of political favoritism in both licensing and enforcement of broadcast laws. Georgian panelists’ critical tones were no different this year.

Not all reviews of licensing lack positive notes. Croatian panelists in 2001 acknowledged promising changes that had not yielded practical changes. Today, they criticize the operations of the licensing agency, but concede that political

control is no longer a significant factor. Kosovo’s broadcast regulator had not even been established in 2001. This year, panelists described the licensing process as transparent.

Nonetheless, in most of the countries in the region, political authorities have not shown a willingness to cede control of the airwaves, and many of the issues raised in 2001 remain.

Objective Reporting and Ethics

The media professionals who serve as MSI panelists often level frank criticism at their colleagues for unfair and unethical reporting. Reporting that lacks balance, relies only on official sources, is not fact-checked, or is interspersed with the opinions of the reporter are common complaints. Paid-for stories and “advertorial” content is likewise pointed to as doing a disservice to the profession. But taken as an average, scores for objective 2 have improved in every sub-region; panelists in some countries are painting a better picture of journalism, although others feel little has changed.

In Albania, for example, 2001 panelists said that the code of ethics was uniformly ignored and “Reportage is mostly based on innuendo, lies, and distortion.” Journalism was described as supremely polarized along political lines. This year’s report painted a much-improved situation, even if political differences linger. Said one panelist, “Today, in the conditions we live in, journalists do an exceptional job; even when the government does not provide information, they try their best to verify their information with at least two sources.”

Panelists from Montenegro described journalism in 2001 as fractured by rival pro-Serbian and pro-Montenegrin camps that nearly precluded fair reporting. This year, one panelist pointed to stubborn deficiencies, but also to progress: “However, while now we do not have explicit hate speech—that simmered down alongside the political cycle—tabloidization is now a major problem.”

Kyrgyzstan’s 2011 panelists were not at all satisfied with the state of journalism, and cited several deficiencies. However, in contrast to 2001, the current state of affairs still seems like an improvement. At that time, panelists described many independent media as “cut and paste” outfits that, in some cases, did not even have professional journalists on staff.

Stagnation exists in several countries. The Armenia chapter from 2001 reads almost identically to the 2011 chapter: journalists producing good-quality work exist, but they are the exception. Likewise, in Macedonia, panelists 10 years ago complained about the prevalence of subjectivity and opinion in reporters’ work. The same complaints are heard this year.

Self-Censorship

Self-censorship lingers as an obstacle to improved scores for professional journalism. However, after 10 years, its nature has changed somewhat. As the political situation in many of the region's countries has stabilized, self-censorship is less a matter of life and limb and more a matter of avoiding inconvenient confrontations with the authorities and protecting relationships with advertisers.

In Bosnia, panelists listed a number of reasons why journalists in 2001 would practice self-censorship, including fear of offending politicians and conforming to business interests. In 2011, economic factors were given as the prevailing reason. Panelists in Kosovo cited lack of security as a reason that, in 2001, journalists did not cover organized crime. Nowadays, the political leanings of editors appear to be the primary problem: journalists themselves do not shy away from covering topics but may find their stories shelved.

A Tajik panelist in 2001 asserted that all journalists practice self-censorship out of fear that harm might come to them or their families. Although such fears do not seem to have disappeared, panelists this year pointed to relationships with key advertisers as one reason to self-censor. Another reason is to avoid visits by the tax authorities.

In Ukraine, panelists cited similar reasons in 2001 and 2011 for self-censorship. However, physical attack was not explicitly stated in 2011, whereas in 2001 it was. Presently, government harassment in the form of lawsuits is feared most. However, one 2011 panelist felt that if a story is expected to make a big splash that these fears take a backseat to the benefits of breaking the story.

In Macedonia, self-censorship is practiced for the same reasons now as in 2001: economic benefits and conforming to a stated editorial line. Armenian panelists in 2001 cited a past history of violence against media professionals as a reason for self-censorship, and even now panelists said that the practice persists out of fear of offending politicians. In Montenegro fear of reporting on criminal activity, reported in 2001, has not abated.

Regardless of the underlying reasons, self-censorship robs citizens of news and information they need. However, it is a sign of progress in countries where this is a matter of business relationships as opposed to fear of arbitrary violence; the former is much easier to mitigate.

Kosovo

In 2001, much of Kosovo's media sector was brand-new or still being established. Having nominally won independence only two years before, infrastructure had been destroyed

A Tajik panelist in 2001 asserted that all journalists practice self-censorship out of fear that harm might come to them or their families. Although such fears do not seem to have disappeared, panelists this year pointed to relationships with key advertisers as one reason to self-censor. Another reason is to avoid visits by the tax authorities.

and institutions had been started from scratch with the help of international advisors. Ten years later, Kosovo has recognition of their independence, established institutions, and robust infrastructure. Kosovo's overall score in 2001 was 1.90, reflecting the beginnings of a sustainable media sector but also uncertainty about the future. Scoring 2.54 this year, Kosovo is squarely in the "near sustainability" bracket.

The international community oversaw the legal framework in Kosovo in 2001; as such the text for Objective 1 (freedom of speech) was unusually short that year. Panelists addressed most of the indicators from the standpoint that much of the legal system was out of their direct control: being in the hands of internationals they therefore needed to wait and see.

Today, however, panelists describe a sophisticated legal framework that is in the hands of Kosovars. Legal guarantees of press freedom have been established and panelists feel that the public and the government mostly respect these. As mentioned above, broadcast licensing operates relatively well. While some confusion remains about libel laws, moves have been made to decriminalize them. Likewise, the government has fine-tuned access to information laws, even if some deficiencies remain.

The state of professional journalism was low in 2001. There was little tradition of media serving as the fourth estate. Available training opportunities before independence were rare and no university-level program for journalism existed; training sponsored by international groups was just taking hold. Particularly outside Prishtina, media used outdated equipment. Nowadays, the situation is markedly different. Reflecting this, Kosovo's score for professional journalism has improved 43 percent since 2001 to fall in the middle of the "near sustainability" range. Panelists agree that equipment is adequate to the task, despite broadcasters' concerns of the expense of upgrading to digital. Journalists often consult with more than two sources, including experts (even if they concede the pool of local experts on many topics is limited).

In Ukraine, five percent of the population in 2001 was thought to be online. Today, more than twice as many Ukrainians have an account with just one Russian social networking site, VKontakte.

And, despite measured criticism, panelists took note of multiple academic journalism programs; short-term training, however, is still wanting in their opinion.

Finally, were it not for recent setbacks due to the world financial crisis, business management would demonstrate the most dramatic turnaround. However, even despite the recent setbacks, the change is striking. In 2001, panelists characterized media outlets as “not well-managed businesses” and “donor-dependent.” At the time, most independent media had been in existence for no more than two years. Now, panelists speak of the importance of business plans for media outlets, even if not all use them. Audience ratings exist, even if panelists say not all media trust them. Advertising has become the key source of revenue for most media, and, importantly, panelists say that existing television stations are self-sustainable.

Russia

With an overall MSI score of 2.00, in 2001 Russia achieved its highest score in the ten years of this study. The score of 2.00 that year, while not exceptional in the absolute, was enough that Russia placed fourth among the 20 countries studied. After 2001, it slid about a third of a point and remained stuck in that range for several years, until the past two years when it scored even lower—in the middle of the “unsustainable, mixed system” range.

Of course, a score of 2.00 out of a possible 4.00 implies that many challenges remain for developing a sustainable media. Further, while Russia’s slide in human rights measurements, media freedom in particular, is often linked to the election of Vladimir Putin, he is not to blame entirely. The initial study notes:

This is not to say media were solidly independent under Yeltsin: almost all media were primarily representing their owners’ political and financial interests, essentially becoming mouthpieces for political and business oligarchs. One achievement in Yeltsin’s time was relaxed political control over media by the state. The Law on Mass Media (1991) and the Russian Federation Constitution (1993) remain the regulatory documents that guarantee free speech and ban censorship,

but the reality hardly corresponds to the principles proclaimed on paper. Putin’s coming to power has simply aggravated the contradictions that existed before.

The chapter goes on to detail some of the challenges facing the development of a sustainable media. Panelists complained that Kremlin-backed conglomerates exercised undue control on the media sector, thus limiting plurality. One panelist commented: “scandals reveal who owns media: otherwise everything is covered by five blankets here.” The study noted that few journalists follow ethical guidelines, calling the Moscow Journalist Charter “a paper exercise.” Journalists involved in trying to accomplish credible reporting, the report said, “are protected neither by law nor by labor unions.” Journalism schools were staffed by the “old guard,” teaching theory instead of practice.

The 2001 study in many ways summed up where Russia’s media sector was heading when it noted that “Putin’s coming to power has simply aggravated the contradictions that existed before.” Those “contradictions,” loopholes and caveats that allowed government to exert control over the press, have been used continually over 10 years to steadily absorb the most important media into the ruling-party fold. Indeed, few, if any, new ways to control the press have been invented. Rather, the degree to which the old ways have been used has increased and with rather devastating effectiveness for stifling political and social discourse in the country.

The introductory paragraph to this year’s Russia chapter sums up the situation succinctly:

Although 2010 did not bring any serious changes to the Russian media sector, it left journalists with a feeling of despair. Authorities retained direct or indirect control over many news media outlets, and stepped up their Internet presence. Panelists believe that the quality of journalism is declining, self-censorship flourishes, and investigative reporting has all but died. Still, a small but stable group of media outlets adhere to principles of fair, independent journalism and manage to function in a market distorted by subsidies and preferences for state-affiliated media.

The “small but stable group” is hamstrung by its effective reach. In the section of the 2011 study on plurality of news, the author notes: “Panelists were concerned that with television channels as the major source of information, citizens only hear the government’s views. Alternative news and opinions are available only through a few independent media outlets and online, but most people do not use these sources of information.” However, such news sources may serve as a nucleus of an improved state of journalism and public discourse should the political situation open up. In an example of how politics play a direct role in controlling plurality,

further in the same section, the author notes: “Governors of the Kirov, Saratov, and Perm regions are liberal, so state media in these regions have very pluralistic tendencies.”

There are no signs that the government is willing to ease its control of the most important traditional media. Therefore, whether a wider audience will embrace objective and pluralistic media via new technologies—and whether these new technologies can retain their unfettered distribution—seems to be the key to rediscovered pluralism in the Russian media.

Ten Years of New Media Growth

The use of the Internet, social networking tools, and mobile platforms in Europe and Eurasia today may, in some cases, still have some catching up to do to approach that in neighboring Western Europe. Nonetheless, contrasting the current situation now to 2001 is stunning in how fast these technologies have become entrenched.

In 2001, simple access to the Internet was reported to be quite problematic, particularly outside of capital cities. In both Armenia and Bulgaria, panelists reported that in smaller towns and rural areas, people could not afford print media, let alone Internet access. Bosnian panelists noted that computers were not readily available in rural areas, and even in Sarajevo connections were expensive and unreliable. In Serbia at the time, three percent of the population was estimated to be online; only one percent were estimated to be online in Moldova and Georgia—where 92 percent had never even used a computer. Few Uzbeks had even heard of the Internet. In Belarus, fewer than 10 percent were online, and one panelist noted, “for the next few years, however, the Internet will not be a major factor in Belarus.”

In Ukraine, five percent of the population in 2001 was thought to be online. Today, more than twice as many Ukrainians have an account with just one Russian social networking site, VKontakte. One million Belarusians have VKontakte accounts. Throughout most of the region—with parts of Central Asia as a notable exception—people are using the Internet and related new communications technologies in similar numbers.

The content available in 2001 was also strikingly sparse compared to today. Panelists from a few countries relayed what sorts of news and information sites were available: Bulgaria had an online newspaper; in Russia, news sites mostly relayed information from news agencies, although a few were considered independent-minded; in Ukraine the panel described online media as being as polarized and unprofessional as the mainstream media.

In contrast, the 2011 study includes reports from each country on the many sources of news and information available

online, and the ways they are being used. Ukraine counts more than 100,000 active blogs. Armenian Prime Minister Tigran Sargsyan hosts a blog. Opposition activist and now president of Kyrgyzstan Roza Otunbayeva used Twitter to help rally supporters and others to oust the Bakiyev government (although one estimate shows that there are only about 1,000 Twitter accounts in Kyrgyzstan). Mobile telephone networks in Kyrgyzstan offer voice news services to subscribers, and 3G phone service is being rolled out with 4G in the near future. Traditional media across the region have online presences and are embracing multimedia content, for example a Bosnian radio station providing reporters with video cameras for producing content for its website.

Panelists in 2001 were not oblivious to the potential new media could have and did have at the time. Panelists in Azerbaijan, despite the low penetration there, were using the Internet to gather information for their reporting and called for training on how to better use the Internet. Belarusian panelists, in discussing access to news, noted that with the Internet, barriers to news sources were no longer a problem. Indeed, when in 2010 Russia launched a media offensive against Belarusian president Alexander Lukashenko, Belarusian citizens got around censorship of Russian television channels by watching these reports via the Internet.

Other examples of using the Internet as an alternative news source were reported in 2001. Bulgarian panelists noted how the Internet was beginning to undermine the monopoly position held by the state-run news service. Kazakh panelists spoke of a return to *Samizdat*, or the passing of dissenting leaflets during Soviet times: materials from websites such as Eurasia.ru were printed twice a month and distributed in hard copy.

Similar examples from the 2011 study can be found. In Belarus, many independent news websites were blocked on Election Day 2010. Social networking sites become handy tools to share information. Armenian panelists this year felt that some important stories are not covered by the mainstream media; “Bloggers and citizen reporters, on the other hand, cover all events without hindrance,” they reported. In Kyrgyzstan, the study author wrote, “The first and only 24 hour-a-day service that reported what was happening on the eve of the revolution in Talas was the Diesel website.” The Macedonia study discusses how social media are used by the establishment, but also how news about corruption scandals involving the establishment can originate on social networking sites.

In 2001 as today, intolerant governments are savvy to the threat posed by these alternate news sources and seek to co-opt them or shut them down. In 2001, panelists from Russia and Kazakhstan reported that the government was already

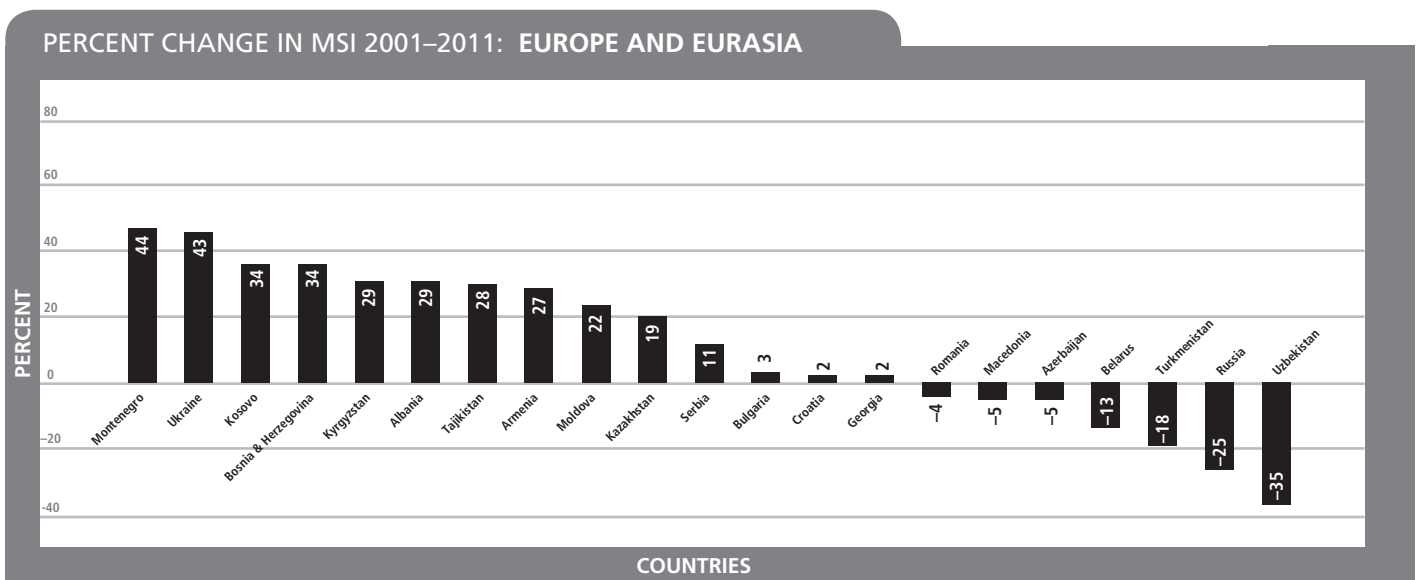
filtering the Internet (although Russia's 2011 panelists think this is no longer the case there). Today, with the notable exception of Belarus, this drastic measure is primarily a Central Asian phenomenon: Turkmenistan and Uzbekistan aggressively control Internet access and content that is available to its citizens, while Kazakhstan and Tajikistan are more selective.

Impeding the work of online media need not be so heavy-handed: in Ukraine and other countries, panelists reported that citizen journalists or bloggers are not considered journalists and therefore have a difficult time getting accreditation to cover official events. Having such a status was also reported to be problematic in terms of accessing public information.

Finally, panelists in 2011 did not discuss the potential that new media had to revolutionize public debate and discourse. This year's MSI has several examples. The author of the Russia

study wrote, "Ordinary citizens now communicate with senior officials on blogs. Traditional media are increasing their online presence and picking up stories that first emerged on blogs." In Armenia, panelists reported several cases where citizens used social networking tools to get their voices heard, such as forcing the abandonment of a plan to amend maternity-leave laws and compelling the resignation of teachers caught on video beating schoolchildren. In Kosovo, political candidates used Facebook to, for the first time, reach out and interact with voters on a large scale.

New developments in technology will continue to impact communications, and journalism, as they have throughout history. Those wishing to control information will continue to seek ways to curtail access to these technologies, and possibly seek to abuse them. The MSI will continue to document the successes and setbacks in years to come.



* Data for Turkmenistan is since 2008

MEDIA SUSTAINABILITY INDEX 2011: OVERALL AVERAGE SCORES

<ul style="list-style-type: none"> ▣ Turkmenistan (0.35) ▣ Uzbekistan (0.56) 	<ul style="list-style-type: none"> ▣ Belarus (1.02) ▣ Russia (1.50) ▣ Tajikistan (1.42) 	<ul style="list-style-type: none"> ▣ Azerbaijan (1.65) ▣ Georgia (1.85) ▲ Kazakhstan (1.68) ▼ Kyrgyzstan (1.66) ▣ Macedonia (1.65) ▣ Ukraine (1.96) 	<ul style="list-style-type: none"> ▲ Albania (2.27) ▲ Armenia (2.09) ▼ Bosnia & Herzegovina (2.22) ▼ Bulgaria (2.29) ▼ Croatia (2.48) ▲ Moldova (2.10) ▣ Montenegro (2.28) ▣ Romania (2.29) ▣ Serbia (2.06) ▣ Kosovo (2.54) 				
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

MEDIA SUSTAINABILITY INDEX 2011: FREE SPEECH

<ul style="list-style-type: none"> ▣ Turkmenistan (0.28) ▣ Uzbekistan (0.43) ▣ Belarus (0.68) 	<ul style="list-style-type: none"> ▣ Azerbaijan (1.66) ▲ Kazakhstan (1.73) ▼ Kyrgyzstan (1.94) ▲ Macedonia (1.66) ▣ Russia (1.52) ▣ Tajikistan (1.57) ▼ Ukraine (1.84) 	<ul style="list-style-type: none"> ▲ Albania (2.39) ▲ Armenia (2.32) ▣ Georgia (2.07) ▲ Moldova (2.15) ▲ Montenegro (2.43) ▲ Serbia (2.14) 	<ul style="list-style-type: none"> ▼ Bosnia & Herzegovina (2.54) ▣ Bulgaria (2.56) ▼ Croatia (2.54) ▲ Kosovo (2.70) ▣ Romania (2.55) 				
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

CHANGE SINCE 2010

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

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

MEDIA SUSTAINABILITY INDEX 2011: PROFESSIONAL JOURNALISM

<ul style="list-style-type: none"> □ Turkmenistan (0.75) □ Uzbekistan (0.66) 	<ul style="list-style-type: none"> ▲ Armenia (1.93) □ Azerbaijan (1.67) ▼ Bosnia & Herzegovina (1.87) ▼ Bulgaria (1.88) ▲ Georgia (1.80) ▲ Kazakhstan (1.68) □ Kyrgyzstan (1.61) ▲ Macedonia (1.69) ▼ Romania (1.95) □ Serbia (1.74) ▼ Ukraine (1.75) 	<ul style="list-style-type: none"> □ Albania (2.23) ▼ Croatia (2.08) ▲ Moldova (2.11) □ Montenegro (2.07) □ Kosovo (2.54) 					
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

MEDIA SUSTAINABILITY INDEX 2011: PLURALITY OF NEWS SOURCES

<ul style="list-style-type: none"> □ Turkmenistan (0.25) □ Uzbekistan (0.53) 	<ul style="list-style-type: none"> ▲ Georgia (1.85) ▲ Kazakhstan (1.79) □ Kyrgyzstan (1.88) □ Macedonia (1.70) ▲ Russia (1.76) ▲ Belarus (1.13) □ Tajikistan (1.59) 	<ul style="list-style-type: none"> □ Azerbaijan (1.71) ▲ Armenia (2.30) ▲ Moldova (2.36) □ Serbia (2.27) ▲ Ukraine (2.04) 	<ul style="list-style-type: none"> ▲ Albania (2.51) ▼ Bosnia & Herzegovina (2.59) □ Bulgaria (2.66) ▲ Croatia (2.83) □ Kosovo (2.78) ▲ Montenegro (2.64) □ Romania (2.61) 				
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

CHANGE SINCE 2010

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

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

MEDIA SUSTAINABILITY INDEX 2011: BUSINESS MANAGEMENT

		<ul style="list-style-type: none"> ▼ Azerbaijan (1.31) ▼ Georgia (1.47) □ Kazakhstan (1.48) ▼ Kyrgyzstan (1.27) □ Macedonia (1.39) □ Russia (1.35) □ Tajikistan (1.16) 	<ul style="list-style-type: none"> □ Albania (1.77) □ Armenia (1.85) ▼ Bosnia & Herzegovina (1.84) ▲ Moldova (1.60) ▼ Romania (1.92) ▼ Serbia (1.72) ▼ Ukraine (1.97) 	<ul style="list-style-type: none"> ▼ Bulgaria (2.13) ▼ Croatia (2.24) ▼ Kosovo (2.15) □ Montenegro (2.01) 			
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

MEDIA SUSTAINABILITY INDEX 2011: SUPPORTING INSTITUTIONS

		<ul style="list-style-type: none"> ▲ Azerbaijan (1.90) ▲ Kazakhstan (1.71) ▼ Kyrgyzstan (1.61) ▲ Macedonia (1.79) ▲ Russia (1.64) 	<ul style="list-style-type: none"> ▲ Albania (2.43) ▲ Armenia (2.05) ▼ Bosnia & Herzegovina (2.27) ▼ Bulgaria (2.22) □ Georgia (2.07) ▼ Kosovo (2.50) ▲ Moldova (2.27) □ Montenegro (2.24) □ Romania (2.43) □ Serbia (2.40) □ Ukraine (2.20) 	<ul style="list-style-type: none"> ▼ Croatia (2.68) 			
0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
UNSUSTAINABLE ANTI-FREE PRESS		UNSUSTAINABLE MIXED SYSTEM		NEAR SUSTAINABILITY		SUSTAINABLE	

CHANGE SINCE 2010

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

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

But taken as an average, scores for objective 2 have improved in every sub-region; panelists in some countries are painting a better picture of journalism, although others feel little has changed.



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 scoring is done in two parts. First, a panel of local experts is assembled in each country, drawn from the country’s media outlets, nongovernmental organizations (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.

Panel participants are provided with a questionnaire that explains the objectives, indicators, and scoring system. Each panelist individually reviews the questionnaire and scores each indicator. Descriptions of each indicator explain their meaning 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.

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 is subsequently edited by IREX editorial staff. Names of the individual panelists and the partner organization or individual appear at the end of each country chapter.

IREX editorial staff review the panelists' scores, and then score the country independently of the MSI panel. This score carries the same weight as an individual panelist. The average of individual indicator scores within each objective determines the objective score, and the average of the five objectives determines the overall country score.

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.

Changes and Additions in 2011

Between 2001 and 2010 IREX used the same objectives and indicators without any changes. In the MSI's tenth year, IREX drew on our experience using this methodology in three regions, Africa, Europe and Eurasia, and the Middle East, to refine the methodology. Based upon the comments from our panelists during panel discussions, IREX felt that certain concepts required clarification and amplification. Changes in technology over time required more direct language to show that our studies have captured its impact on the media sector and ensure that panelists continue to consider this in their deliberations. Finally, IREX intended from the beginning that the MSI not discriminate in favor of a country with a preponderance of public media or private media; regardless of ownership, the underpinnings of an effective media system are the same. Therefore, IREX clarified some language to ensure our intentions are clear in that regard.

Highlights of the Changes

Close inspection of the new objectives and indicators will reveal some subtle changes, and we invite users of the MSI to review these at their convenience. However, below is a summary of the key amendments and additions, with a short explanation.

- Objective 1, indicator 2: Although international norms of media freedom frown upon licensing and/or registration of print media or online media, this nonetheless occurs in many countries. The original wording of this indicator singled out broadcast media to reflect IREX's belief that only media making use of a public good—the broadcast frequency spectrum—should be subject to licensing. The changed wording broadens the scope, yet the guiding questions in the questionnaire ask panelists to consider if any licensing or registration serves to protect a compelling public interest.
- Objective 3, indicators 1 and 2: Changes made to these two indicators are intended to clarify the meaning of each and make each more distinctive. Indicator 1 covers the availability of different sources of news on different platforms and the diversity of viewpoints represented therein. Indicator 2 assesses any obstacles faced by citizens when trying to access domestic and foreign media, be those obstacles legal, socioeconomic, and/or infrastructural (e.g., inconsistent electrical supplies) in nature.
- Objective 3, indicator 8: Ideally, citizens have access to news about their immediate area, neighboring communities, national developments, and international events. Further, such reporting should be contextualized: the media should analyze the impact of such developments for their audience in a way, for example, that an international satellite news channel cannot do. IREX felt that this concept was not receiving adequate consideration in panel discussions and added an indicator dedicated to it.
- Objective 4: By changing the wording of this indicator, IREX intended to remove a perception of bias against public or non-profit media. IREX's intention from the beginning was to focus on good management and solid financial sustainability that encourages editorial independence of media outlets.
- Objective 4, indicator 5: By broadening the language of this indicator to specifically include government advertising, which in some countries is the largest source of advertising revenue, IREX aims to more fully assess the government's impact on the media marketplace and how fairly it spreads public funds amongst the media. Previously, guiding language in the questionnaire asked panelists to consider government advertising, but this change makes IREX's intention more explicit.

- Objective 5, indicator 8: Information and communications infrastructure is increasingly important to allow media to reach citizens and for citizens to serve as reporters or otherwise interact with the media. Citizens whose countries have poor resources in this area face disadvantages in this regard. IREX added an indicator to assess how well this infrastructure serves both the media and citizens. Indicator 7 under this objective, which previously also tried to cover this concept, is now solely dedicated to the control of these resources and the ability of media to access them without undue restrictions.

Impact on Scores of the Methodology Changes

In considering changes, IREX wanted to be sure that historic scores would maintain comparability to future scores. IREX did not see the need for radical additions; rather the intention of the changes was to ensure that MSI panelists properly assess the concepts already incorporated. However, adding indicators or changing language has had some minor impact on scores.

For example, adding an additional indicator in Objective 5 (previously seven indicators, now eight) to cover the information and communications infrastructure does allow for a relatively wealthy country with an advanced infrastructure but otherwise lackluster supporting institutions to perform better than in the past without any apparent change. However, the ability of one additional indicator to significantly change the average of seven other indicators is limited. Where the new indicators noticeably impact scores from previous years is noted in the introductory paragraph of the relevant objective in each country chapter.

Further, changes to the wording of the indicators had modest impact. For example, in years past panelists sometimes provided better scores than expected for Objective 4, indicator 5, which covered government subsidies for private media, if the government provided no such subsidies. Guiding text also asked panelists to consider government advertising, but experience showed that they probably did not do so to the extent IREX desired. Changing the wording of the indicator to also specify advertising has had a noticeable impact on the scores for this indicator, although it has not been enough to drastically impact Objective 4 scores.

The changes made to the methodology will result in more accurate reflections of the sustainability of a country's media sector and its ability to function as the "fourth estate." While IREX recognizes that scores are affected by these changes, the magnitude of the impact has been minimal in this first year of using the revised methodology and does not discredit comparisons to scores from past years.

I. Objectives and Indicators

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing 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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

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) exists 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 non-partisan, 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 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.

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 (e.g., 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

Each indicator is scored using the following system:

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

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

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

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

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

B. Objective and Overall Scoring

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

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

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

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

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



**SOUTHEAST
EUROPE**

The polarization of the Albanian political environment has increased pressure on the media as both sides attempt to co-opt the press to present their viewpoint. In this battle, the panelists reported that the government seems to have the advantage.



ALBANIA

P

Political and economic crises in Albania made life difficult for journalists and media outlets. The Albanian opposition continued to boycott Parliament and organized massive protests across the country. Over the summer, members of Parliament from the Socialist Party began a hunger strike in front of Prime Minister Berisha's political headquarters.

In spite of international pressure and opposition concessions, Berisha maintained a rigid political stance and rejected challenges to the legitimacy of the last election. The prime minister's intransigence perpetuated the political upheaval and strengthened the opposition's suspicion that the upcoming local elections will also be manipulated.

The polarization of the Albanian political environment has increased pressure on the media as both sides attempt to co-opt the press to present their viewpoint. In this battle, the panelists reported that the government seems to have the advantage.

Hard economic times only reinforce this dynamic as advertising revenue dries up and circulations dwindle. Many media outlets have been forced to seek financial shelter in the form of a political party or business patron, which affects their ability to report objectively.

In November 2010 Albanians received the good news that they would be able to travel without visas in the Schengen Area. Shortly thereafter, however, bitter news followed. The European Commission (EC) refused Albania's application to be a European Union candidate country. The EC's response cited the level of corruption, the absence of independent institutions, and political pressure on the media as areas requiring significant improvement. All of these shortcomings were clearly evident in the panelists' analysis of Albania's media environment.

Modestly improved panelist scores for three objectives gave Albania's score a small bump compared with last year. These higher scores came in Objective 1 (freedom of speech), Objective 3 (plurality of news), and objective 5 (supporting institutions). The other two objectives remained unchanged.

ALBANIA AT A GLANCE

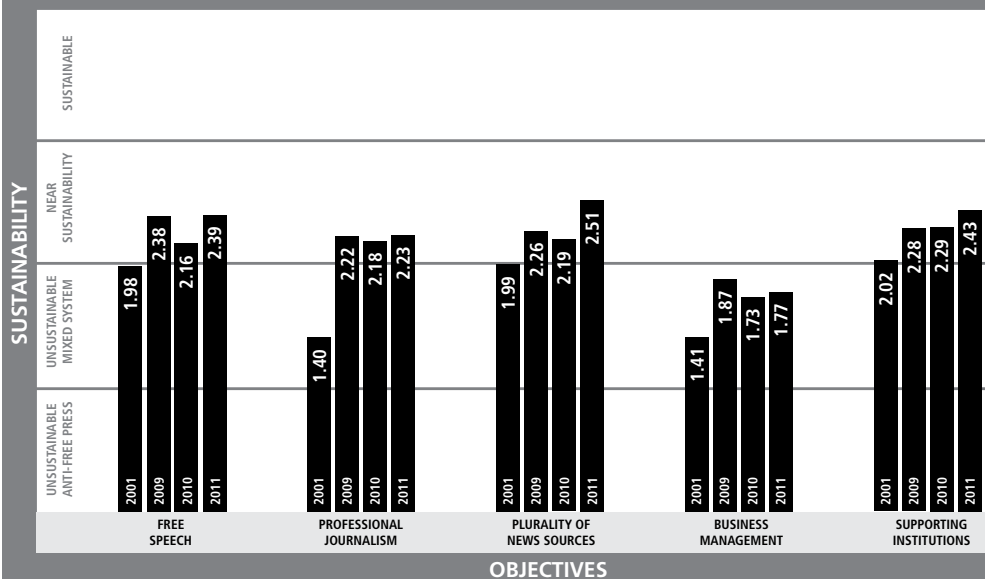
GENERAL

- > **Population:** 2,986,952 (July 2010 est. *CIA World Factbook*)
- > **Capital city:** Tirana
- > **Ethnic groups (% of population):** Albanian 95%, Greek 3% other 2% (*CIA World Factbook*)
- > **Religions (% of population):** Muslim 70%, Albanian Orthodox 20%, Roman Catholic 10% (*CIA World Factbook*)
- > **Languages:** Albanian
- > **GNI (2009-Atlas):** \$12.6 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$8,300 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 98.7% (*CIA World Factbook*)
- > **President or top authority:** President Bamir Topi (since July 24, 2007)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 190 print outlets; 52 radio stations, (48 local, 4 national); and 72 television stations (69 local, 3 national) (Albanian Media Institute and National Council of RTV)
- > **Newspaper circulation statistics:** Approximately 30 million (Albanian Media Institute)
- > **Broadcast ratings:** N/A
- > **Annual advertising revenue in media sector:** N/A
- > **News agencies:** Albanian News Agency (state), and ALNA (private)
- > **Internet usage:** 1.3 million (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ALBANIA



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

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Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.39

Freedom of speech is protected under the Albanian constitution and the country's laws on electronic media and freedom of information generally correspond with international standards. Remzi Lani, director of the Albanian Media Institute said, "The legal framework in Albania is generally good. Fault does not lie with the legislation, but rather the failure to implement it over the past few years." The notable exceptions panelist reported are related to libel and defamation, which remain criminalized.

Multiple panelists criticized the government's failure to move forward with a law on the press. "It is true that many other countries do not have a law on the press, but given Albania's conditions, such a law is necessary. Journalists need protection," said Njazi Jaho, a lawyer at the Albanian Helsinki Committee. Lani countered, "No country has ever really benefited from a law on the press."

The panelists reported that pressure on investigative journalism increased over the past year. One of the most alarming aspects of this development was the tendency of members of the judiciary to openly side against investigative journalists. In June 2010, Albanian journalists protested

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In June 2010, Albanian journalists protested a court decision to fine Top Channel TV €400,000 for broadcasting a video clearly showing then Minister of Culture Ylli Pango demanding a female applicant for a ministerial position undress at his private villa.

a court decision to fine Top Channel TV €400,000 for broadcasting a video clearly showing then Minister of Culture Ylli Pango demanding a female applicant for a ministerial position undress at his private villa. Months after the video was originally aired, the court decided to punish the broadcaster, a move that panelists said was likely the result of political pressure. Jaho explained that the court was likely using the case to "threaten and pressure investigative media" into silence.

The case generated significant international condemnation. Reporters without Borders declared, "This ruling is unacceptable and constitutes a serious violation of media freedom. We hope that the judiciary system will show its real independence by rescinding this harmful and unjustified ruling and dismissing the case." Top Channel TV is currently appealing the court's decision. Gent Ibrahim, a lawyer with the Tirana-based Institute for Legal Studies, emphasized that while the Pango case received a significant amount of attention because of the salacious content of the video in question, it is not uncommon for journalists investigating more mundane matters to experience similar treatment. State employees, especially the influential and well connected, are generally protected by prosecutors and the courts. "The courts have a strong tendency to emphasize the right to privacy and dignity of officials over the value of media transparency," he said.

According to the panelists, the most important positive legal development was the new bill on electronic media, which will regulate the country's switchover to digital broadcasting. A national strategy on digitalization in line with the law is also expected soon. "These are very important statutes because Albania's entire media sector will so go through a major transition from analog to digital," Ibrahim stressed.

While generally positive about the switch, the panelists said that there are still a number of issues to be resolved, most notably the transfer of licenses distributed under the analogue regime to the digital. The National Council of Radio and Television (NCRT), which is in charge of both the licensing and transition process has pledged that outlets will

Luftim Vani, director of TV Mati, explained that the crisis at the NCRT also affected television outlets. "The country is brimming with cable television channels, 40 percent of which do not have licenses," he said.

not be required to re-apply for licenses; existing outlets will simply be relocated to their new digital frequency without interference. The panelists, however, expressed concern that process could invite political meddling and thus have a negative effect on Albanian media.

In Albania, only electronic media outlets are required to apply for dedicated licenses. Print media outlets only need to register as standard businesses, a process that in general has significantly improved in the recent years. Although only a few licenses were awarded in 2010, the panelists were critical of the NCRT's activity and the Parliament's oversight of it. Parliamentarians failed to appoint new members to replace outgoing members and as a result the NCRT was inactive for six months because it did not have a quorum. Journalist, radio station owner, and University of Tirana professor Iris Luarasi said that her radio station's work was jeopardized by the NCRT's inactivity: "We have been working without a license for more than a year, as if we were a pirate radio, even though we had paid our tax obligations. This is only because the NCRT board could not convene for political reasons."

Luftim Vani, director of TV Mati, explained that the crisis at the NCRT also affected television outlets. "The country is brimming with cable television channels, 40 percent of which do not have licenses," he said. In 2010, the NCRT also failed to protect private television channels from unlicensed pirate cable channels that broadcast proprietary television shows, movies, and sporting events without permission.

The panel agreed that the NCRT remains highly politicized after a series of government supporters were appointed to its board in 2009. "If there is an opportunity to award new licenses, they are awarded based on political preferences" said Luarasi. Other panelists agreed with this assessment. Lani said, "Even compared to their colleagues in the rest of the Balkans the NCRT is an exceptionally unprofessional and co-opted organization." Anila Basha, editor-in-chief of *Gazeta Shqiptare*, added that the NCRT operates without even the semblance of transparency and often fails meet the standards set for it by law.

Most of the panelists agreed that independent media outlets are not discriminated against in comparison with other businesses and that they face the same market entry criteria. Media is not overtaxed and it continues to be exempted from several taxes including the value added tax.

The panelists agreed that crimes against journalists are rare and that the journalism profession is generally respected in Albania. The public and civil society organizations take the protection of journalists very seriously. Eni Vasili, journalist and director of TV Alsat said, "Crimes against journalists are not typical in Albanian society. The biggest reason for this is that journalists associations have decisively acted to address threats against their members."

The panelists said that over the past year the overt political bias of Public Television (TVSH) was especially problematic. TVSH closely served the ruling government's interest, openly flaunting a law that mandates the editorial independence of public media. Luarasi reported that according to a study conducted by the journalism department at the University of Tirana, 60 to 70 percent of TVSH's airtime time is devoted to coverage of the government and there are often days when the opposition does not receive any coverage at all. In parts of the country that favor the opposition, TVSH reports exclusively on failings of the local governments in an attempt to make the opposition look bad.

In 2010, the movement to decriminalize libel and defamation remained stalled in the Albanian parliament. While the prime minister declared a moratorium on government officials suing journalists, private suits are still a significant issue. One notable example was the case Ilir Yzeiri, MSI panelist, journalist, and lecturer of journalism at the University of Elbasan, who was accused of libel by a religious foundation with connections to government officials. "My trial has been dragging on for a year and a half now and I face a €80,000 fine," Yzeiri said.

The panelists repeated concerns from previous years that journalists face difficulties accessing public information. Basha said that in spite of the law on access to public information, journalists rarely receive the information they request. "We are offered only the information that serves the government propaganda, while the rest of the information is totally off limits," she said. Aleksander Cipa, head of the Union of Albanian Journalists, agreed that "There is a strong tendency to not observe the right of journalists to access the documents they request," but added that many journalists do not fill out the proper paperwork, which gives governments officials an easy way to deny their requests. Other panelists reported that the council of ministers had deliberately removed pages from its website so that journalists and the public could not access information guaranteed by law.

Media outlets have enjoyed almost unlimited access to international news and sources of information through the Internet. The panelists reported, however, that plagiarism and illegal use of articles and photographs produced by international outlets remains a significant problem in Albania.

The panelists agreed that access to the journalism profession generally remains free. Yzeiri, however, noted that this is not the case with public outlets, which tend to only employ supporters of the ruling government. Vasili said that sometimes the low entry barrier allows untrained individuals to masquerade as professionals, damaging the overall reputation of the profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.23

The panelists reported that overall the professionalism of journalists in Albania improved over the past year. “Today, in the conditions we live in, journalists do an exceptional job; even when the government does not provide information, they try their best to verify their information with at least two sources,” said Basha. This assessment was supported by a 2010 Gallup poll, which found that 71 percent of Albanians trust the media—significantly more than other institutions, including the judiciary and local governments. Panelists noted that there is a significant gap between the relatively professional work of most private outlets and the failure of the public TVSH to adopt and maintain professional standards.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Despite this, the panelists reported that many media outlets voluntarily observe ethical standards, avoiding slander and taking steps to avoid invasions of privacy. That said, it was clear to the majority of the panelist that there is still room for improvement.

Other members of the panel reported that while private media is clearly better than public, there is still room for improvement. Valbona Kurti, a journalist working for the television channel Vizion+, reported that both television and print news outlets focus too much on statements made by ministers and members of parliament. Luarasi reported that the news remains politically fragmented; viewers often have to watch several outlets and then form their own opinions. “If the International Monetary Fund releases a report on Albania, one channel will focus on the positive aspects while another will focus on the negative,” she said. Other panelists cited coverage of floods in the northern regions of the country and the dispute over the Albania-Greece maritime border as other examples of instances where coverage differed significantly between pro-government and opposition outlets.

The panelists reported that Albania’s journalism code of ethics as written provides a good set of guidelines for journalists to follow. However, like many statutes in Albania, journalists often fail to adhere to its dictates. Panelists Ibrahim and Cipa said that the biggest problem is that there is no special organization to supervise the implementation of the code of ethics. Despite this, the panelists reported that many media outlets voluntarily observe ethical standards, avoiding slander and taking steps to avoid invasions of privacy. That said, it was clear to the majority of the panelist that there is still room for improvement.

The panel observed that self-censorship remains a serious issue for the Albanian media. According to Vani, editors, journalists, and even bloggers censor themselves because of the real or perceived threat that they could lose their jobs if they offend their boss or a powerful patron. Cipa said that in his experience as president of the Union of Albanian Journalists (UAJ), editors are regularly pressured by media owners to cover news events in a certain way or not at all. Media owners in turn take cues from powerful politicians and other business leaders. In this context most journalists resort to self-censorship instead of challenging the management’s designs.

At the local level, the situation is very different, the panelists said. Outside of the few journalists who work as correspondents for Tirana-based outlets, salaries for journalists outside of the capital city are low.

The underlying issue, panelists reported, is that political leaders both in government and in the opposition keep close ties with friendly media outlets. Consequently, even when political power shifts, bias and political based censorship remain. This system is reinforced by high levels of corruption and the dependence of supposedly independent institutions, most notably the judiciary, on the ruling government.

Salaries for journalists working in Tirana range from €300 to €600 per month. Media directors and managers are paid somewhat more depending on the size of the outlet. The panelists reported that salaries are essentially commensurate with those earned by other professionals in Albania. Despite this fact, the panelists reported that some journalists accept bribes to write favorable articles. Andi Tela, editor-in-chief of *Panorama*, said that this speaks more to the character of a handful of journalists than to their economic situation.

At the local level, the situation is very different, the panelists said. Outside of the few journalists who work as correspondents for Tirana-based outlets, salaries for journalists outside of the capital city are low.

The panelists agreed that there is a good balance between entertainment and news and information programs. If anything, the panelists said that there are too many news shows on television. The quality of these programs is generally high; the majority of the Albanian press has adopted modern means of collection, production, and dissemination, although many rural outlets are still far behind their urban peers.

Coverage of niche areas varies significantly. In 2010, the first television channel devoted to financial news opened, which improved the level of reporting on the nation's economy. Expert coverage of important issues like education and health, however, lags behind. Given high levels of corruption across Albania, the panelists reported that the country needs more shows dedicated to investigative journalism. Last year *Hapur*, one of the more audacious investigative programs, ended due to a lack of funds.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.51

The improvement of the plurality of information sources available was largely the result of the growing diversity of news sources available online, panelists said. More Albanians are using the Internet as a source of information and Albanian journalists are increasingly using the online space to present alternative views to the public. In 2010, independent journalist Mustafa Nano started the country's first online daily newspaper, *Respublica.al*.

The traditional media also provide a range of political perspective, although the panelists reported that there are few truly objective sources. Electoral reform carried out in 2009 established a strong two-party system in Albania by making it harder for minor parties to enter parliament. Consequently, most mainstream press outlets tend to lean toward one side or the other of the political spectrum.

The government does not use either direct or indirect means to block or limit consumption of international media. That said, there are still parts of the country that do not have reliable Internet access and international publications and cable service remain expensive. The panelists also reported that there is stark difference between the resources available in cities compared to the rural areas. Outside of metropolitan areas, the primary source of information is still 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) exists 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 non-partisan, 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.

In 2010, public television deteriorated to the point that the channel basically became a mouthpiece for the ruling government. Often, the channel does not even acknowledge that other political parties and their viewpoints exist. “Even private television stations close to the government try to hide their bias, but TVSH doesn’t even try to hide its open support for the government,” Valbona Kurti, a journalist working for Vizion+ TV, said. Moreover, the panelists reported that the channel also fails to provide quality educational and cultural programming to the public. This reality is the result of political pressure on the journalists and editors who work for TVSH.

Panelists described the public Albanian News Agency as doing “feeble” work and producing little relevant news for Albanians. “A real news agency should provide a range of news services and features for newspapers to purchase. This is not the case with the Albanian News Agency,” Tela said. While the agency generally leans toward the government’s editorial line, even private, pro-government outlets ignore it. Instead, international news agencies such as AP and Reuters are widely used by Albanian publications.

The panelists agreed that private media outlets are able to produce their own content without external assistance.

While ownership of media outlets is generally transparent, owners often do not disclose their financial partners. “You can go to the Center for Business Registration and find out the name of the owner, but his silent partners won’t be listed,” Ibrahim said. Other panelists said that although law forbids it, a powerful mobile operator provides funding for multiple radio stations. “Major companies are inclined to invest heavily in media. Hidden monopolies will likely seriously endanger media pluralism in the near future,” Lani said.

Albanian media address a wide array of social issues including gender, ethnicity, religion and increasingly last year, sexual orientation. After a participant in Top Channel TV’s *Big Brother* program came out, the media openly discussed the issue and invited a diverse range of commentators to share their views.

Minority language newspapers and radio stations operate in many parts of the country. Notably, in the Southern part of Albania, Greek and Macedonian language outlets exist and Albanian public media provide news in both languages. The panelists agreed that more should be done to bolster minority language programming.

Panelists bemoaned the state of local media in Albania. “Montenegro has half the population of Tirana, but there are newspapers even in its smallest city,” one said. Rural residents can access information about national and

“Even private television stations close to the government try to hide their bias, but TVSH doesn’t even try to hide its open support for the government,” Valbona Kurti, a journalist working for Vizion+ TV, said.

international affairs via television, but these channels devote little attention to local issues. As Albania continues to pursue administrative decentralization, the diminished ability of local media outlets to report on corruption and waste is a critical problem.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 1.77

The panelists reported that most media outlets are still a long way from becoming efficient and profitable businesses. Only a small group of media have achieved the goal of financial independence and even these have struggled to survive during the global economic downturn. Most still rely on the support of shareholders who own other, more lucrative businesses. As a result, media outlets often work to promote the interests of their patrons.

During the past year, two daily newspapers went bankrupt, while the others have had to cut costs, staff, and salaries. It is

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

“The media scene in Albania practices a sort of bankruptcy-free capitalism. Outlets that are subsidized do not need to play by economic rules and as a result other outlets suffer,” Lani said.

difficult to say whether any daily newspaper makes a profit. Albanian circulation figures have decreased, with the average being 70,000 copies and many publications sell less than 1,000 copies. Many newspapers have expanded to include websites, but have yet to determine how to use the Internet to make a profit, the panelists reported. Overall, print outlets, whether online or in hard copy, face stiff competition from television outlets as Albanians read less and watch more. According to the panelists media groups that own both broadcast and print outlets often have to use profits from one to make up for losses at the other.

The advertising market for media organizations is particularly poor in Albania. The market is saturated with small print outlets that are subsidized by their owners. These publications distort prices and make it extremely hard for a paper to survive based on advertising revenue alone. “The media scene in Albania practices a sort of bankruptcy-free capitalism. Outlets that are subsidized do not need to play by economic rules and as a result other outlets suffer,” Lani said.

Even the most popular publications cannot generate enough revenue to effectively sustain operation. Both of the editors-in-chief on the panel readily acknowledge that their publications receive less than 50 percent of their revenue from advertising. The panelists agreed that the situation in rural areas where businesses are few and far between is even worse.

Because of these conditions media outlets attempt solicit advertising from businesses with similar political affiliations or interests. The government participates in this system by giving public notification to small, pro-government newspapers, in violation of a law requiring these notifications be published in the three largest newspapers in the country. Basha cited 55 as an example. Despite having very low circulation, the paper runs four pages of public notifications every day. Additionally the government uses a loophole in the law governing the publication of public awareness advertising to dole out these valuable campaigns to its political supporters. According to the law, public awareness campaigns must be published in at least two newspapers with national circulation. In Albania however, all newspapers are national, regardless of circulation.

The panel confirmed that media outlets generally work with an advertising agency, rather than directly with clients. “Now agencies produce advertisements that are significantly better than those that newspapers, radio or television outlets used to produce on their own,” Yzeiri said. Thanas Goga, an analyst at a Tirana-based advertising firm, said that international advertising agencies have shown interest in the Albanian market, but that it will likely be a while before these deals come to fruition. The panelists generally agreed that the involvement of international advertising firms would help independent private media outlets, but that it is likely the politically motivated advertising would continue.

Although the number of international companies conducting market research in Albania has increased, media outlets rarely use this information to draft strategic plans or tailor their programs to a specific audience. “Even though some operators in the market sporadically try to use these services, these techniques are not very popular and media markets do not effectively use these techniques to measure audience levels and consumer behavior,” Goga said. Some outlets conduct their own limited market research to present to potential clients, but the credibility of these surveys is rather low.

The panelists said that if one of these respected firms was able to provide a complete, objective set of media statistics, it could help to reduce political clientelism greatly. The problem is that many media organizations are not willing to divulge accurate figures. This is especially true of media outlets controlled by powerful political and business interests.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.43

While there are no legal restrictions on the registration or establishment of professional associations, no viable broadcast or publishing associations exist. According to the panelists this is a result of the political polarization of the media in Albania. Instead of being united by common values and interests, media outlets are divided based on political affiliation. “The owner of TV Klan, the largest private pro-government television channel, lobbies on behalf of his own interest, not on behalf of other media,” Tela said. Similarly, opposition media organizations appeal directly to opposition leaders in the hope that they will reap benefit if political power changes hands.

The panelists reported that Albania has three journalists’ associations. In practice, however, only the UAJ actively protects and represents journalists. The UAJ was initially

established with international donations but now operates effectively without donor support. The union quickly responded to various crises including the Pango case and an attack on the local head of the UAJ branch in Gjirokastra. Additionally, the UAJ has continued to work to force media outlets to sign binding contracts with the journalists they employ. Many media owners oppose this process and consequentially negotiations have been slow. According to its president Aleksander Cipa, the organization has about 800 members and continues to work to increase membership and establish connections with international associations of journalists.

The panelists agreed that the Albanian Helsinki Committee is one of the most active NGOs supporting freedom of expression. The rest of the Albanian NGO sector is relatively meek when it comes to standing up for journalists' rights and challenging government bias and corruption.

The emergence of private universities has expanded the options for students interested in becoming journalists. The panelists stressed, however, that the quality of training at these institutions relatively low. The lack of practical training students receive is especially problematic. The panelists reported that the Albanian Media Institute, which offers specialized training with the support of international donors, has helped journalists to develop new practical and technical skills.

Printing houses and distribution companies are privately held. The panel said that the printing houses are generally

efficient and apolitical. Regarding the distribution networks, the panelists reported that the system is controlled by two powerful newspapers. Consequentially, certain papers reach destinations outside of the capital early, while others arrive much later depending on the publication's affiliation.

Information and communication technology networks have consistently improved in Albania's urban areas. Most citizens are able to access media through digital platforms (terrestrial and satellite). In cities, Internet access is widely available, quick enough to stream audio and video, and is not subjected to censorship.

List of Panel Participants

Lutfi Dervishi, specialist, Transparency International-Albania, Tirana

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

Luftim Vani, owner, TV Mati, Burrel

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

Njazi Jaho, lawyer, Albanian Helsinki Committee, Tirana

Gent Ibrahim, lawyer, Institute for Legal Studies, Tirana

Eni Vasili, journalist, TV Alsat, Tirana

Bashkim Hoxha, journalist, TV News 24, Durres

Aleksander Cipa, head, Union of Albanian Journalists, Tirana

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

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

Valbona Kurti, journalist, Vizion Plus TV, Tirana

Anila Basha, editor-in-chief, *Gazeta Shqiptare*, Tirana

Remzi Lani, director, Albanian Media Institute, Tirana

Moderator and Author

Andrea Stefani, media consultant, Tirana

Assistant

Sokol Lilo, media consultant, Tirana

The panel discussion was convened on November 19, 2010.

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 (e.g., 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.

Partly due to the political polarization that intensified during the election period, the negative trends identified in last year's MSI study continued in 2010. But even more so, the overall decline of the media sector was caused by the accumulated consequences of the economic crisis evidenced by an additional drop in advertising revenues.



BOSNIA & HERZEGOVINA

P

Political disputes and polarization within Bosnia and Herzegovina (B&H) deepened in 2010. No significant progress was made towards harmonization of the constitution and electoral law in line with the judgment of the European Court of Human Rights that limiting eligibility for the House of Peoples to “constituent peoples,” namely Bosniaks, Croats, and Serbs, is contrary to international law. Political disputes were frequent at all administrative levels and governmental institutions on different administrative levels have been undermined by their underperformance, lack of consensus, and controversial political rhetoric. Political leaders from Republika Srpska have loudly questioned the sovereignty and sustainability of Bosnia and Herzegovina by underlining that the country is a “virtual state,” sustained only by the presence of the international community. Attempts in the Republika Srpska parliament to open the door to a secession referendum threatened national unity. Such rhetoric intensified during 2010, in the run-up to the general elections held on October 3.

In Republika Srpska, the election did not bring major changes in power distribution and a coalition was established in December. In the Federation of B&H the Social Democratic Party (SDP), followed closely by the previously leading party, the Bosniak Party of Democratic Action (SDA) won the majority of votes. Unlike SDA, SDP is perceived to be a civic-oriented, multiethnic party, but it is supported mainly by Bosniaks, and therefore lacks the potential to reduce the current ethnic polarization. Its election campaign focused mainly on economic progress and abandoning the nationalistic politics. The government at the national and Federation level is yet to be established.

The mandate of the Office of High Representative (OHR), an ad hoc international institution responsible for supervision of civil affairs in the country, was officially extended for a year, indicating that B&H had not proved able to govern its political affairs. However, OHR itself functions on the principle of promoting domestic responsibility and often chooses not to impose decisions that could potentially address the political crisis.

Partly due to the political polarization that intensified during the election period, the negative trends identified in last year’s MSI study continued in 2010. But even more so, the overall decline of the media sector was caused by the accumulated consequences of the economic crisis evidenced by an additional drop in advertising revenues. The political parallelism and problematic financial circumstances also caused a decline in professional standards, particularly impartiality and balance.

Overall, Bosnia’s score sank significantly compared with last year, as it lost 0.38 point. Each objective fell at least modestly, with Objective 1 (freedom of speech), Objective 4 (business management), and Objective 5 (supporting institutions) taking the most serious hits.

BOSNIA & HERZEGOVINA AT A GLANCE

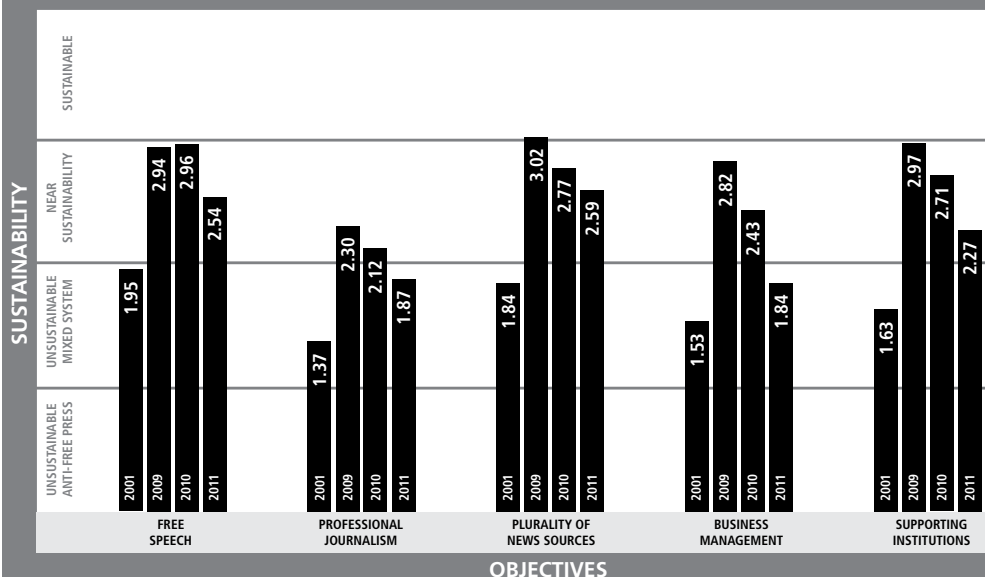
GENERAL

- > **Population:** 4,621,598 (July 2010 est, *CIA World Factbook*)
- > **Capital city:** Sarajevo
- > **Ethnic groups (% of population):** Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (*CIA World Factbook*)
- > **Religions (% of population):** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)
- > **Languages:** Bosnian, Croatian, Serbian
- > **GNI (2009-Atlas):** \$17.12 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$4,700 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 96.7% (male 99%, female 94.4%) (*CIA World Factbook*)
- > **President or top authority:** Presidents Nebojša Radmanović, Željko Komšić, Bakir Izetbegović (presidents rotate every eight months)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 11 daily newspapers, 86 periodicals (weekly and monthly newspapers, periodical magazines); 143 radio stations; 44 television stations (BH Press Council and Communications Regulatory Agency)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** The top three television stations are Federal TV (15%), Pink BiH (14.3%), Mreza Plus (13.1%), (Mareco Index Bosnia, 2010)
- > **News agencies:** FENA (state), SRNA (state), ONASA (private), NINA (private), MINA (Islamic Community in Bosnia and Herzegovina), KTA (Conference of Bishops of Bosnia and Herzegovina)
- > **Annual advertising revenue in media sector:** Television: \$37.4 million; Radio: \$11.8 million (CARDS 2006); Print Media: N/A
- > **Internet usage:** 1.422 million (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.54

Panelists stress that the legal framework supporting free speech has generally been marked by the lack of strong mechanisms, capacity, and incompetence of the personnel within the agencies that are mandated to enforce laws and regulations that guarantee freedom of media. The objective scored significantly lower than the last year, losing more than four-tenths of a point. Only three indicators did not suffer a notable loss in score: indicator 4 (attacks on journalists), indicator 5 (law guarantees editorial independence for public media), and indicator 9 (free entry into the journalism profession). Three indicators managed to maintain a score more than half a point higher than the objective score: indicator 2 (media licensing), indicator 8 (media access and use of foreign and domestic news sources), and indicator 9. However, indicator 4, indicator 5, and indicator 6 (libel laws) all lagged behind by at least half a point.

Freedom of speech and freedom of media in B&H are guaranteed at both the national level and the sub-national level. Article II/3h of the constitution of B&H, article II/A2 of the Federation constitution, and articles 32 and 34 of the constitution of RS constitution establish these freedoms. International covenants such as the European Convention 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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

In spite of the pressure on CRA, panelists evaluated it positively, saying it had contributed to the development of media freedom. Licensing procedures are seen generally as impartial, transparent, and apolitical.

the Protection of Human Rights and Fundamental Freedoms further support these freedoms. Specific legislation and regulations at various levels of government go even further. Therefore, panelists agree that the legal and regulatory preconditions for the freedom of media are developed and perceived as progressive.

However, the general stance of the panelists is that implementation of media freedoms has been dropping since 2006. The panelists explained the decline of free speech by pointing to underdeveloped social norms protecting and promoting free speech, reflected in deliberate obstructions, as well as in largely immature mechanisms to protect it. As Faruk Borić, editor in chief of Sarajevo-x, stated, "Very often certain political circles contribute to disrespect for legal and social norms when it comes to information that is not suitable to them... [E.g.,] journalists from Federal Television were denied access to the government of Republika Srpska."

Press freedom was especially endangered in 2010 because of the general elections. Journalists and media were exposed to various pressures coming from political agents interested in manipulating the public's perceptions and the image of candidates and parties. Panelists felt that the election campaign was followed by a significant subordination of media content to the needs of powerful political parties, whether based on censorship, or self-censorship. Dunja Mijatović, former director of the broadcasting division of CRA, now an OSCE representative on media freedom, made note in an interview published in Infokom that "an increased number of complaints [concerning media content] submitted to the Agency either by politicians, or political parties, religious communities and other public figures and institutions" is indicative of such pressures being intensified at the beginning of 2010.¹ One of the more visible violations of media freedom came when the Alliance of Independent Social Democrats party in RS notified Banja Luka's ATV that its journalists were barred from covering its Election Day activities. As Borka Rudić, secretary general of the BH Journalists Association, added, a complaint was addressed to the Central Electoral

¹ Interview with Dunja Mijatović, published in Infokom, No.29, p.53, May 1, 2010.

A MediaCentar Sarajevo interview with a lawyer who handles libel cases suggests that whether or not a public official is held to a higher standard is highly dependant on the presiding judge.

Commission, as well as to OSCE mission and CRA. However, the Central Electoral Commission replied that it did not have the authority to influence the party in this regard.

Laws regulate hate speech, but online hate speech is not presently stipulated as a criminal offense under national law. Web content is especially difficult to regulate since the servers are mostly based abroad, often in the USA, where what would be considered hate speech in European legislation, and therefore penalized, is protected by law. Presently, the online media are held accountable only for libel, in accordance with already established court practice.

Freedom of expression as well as the development of a broadcast sector free of political control and manipulation is stipulated by the Law on Communications. The Communications Regulatory Agency (CRA) regulates broadcasting. Independence of the CRA is granted through its financial autonomy, as well as through the mechanisms for the appointment of its management. Supporting financial independence, CRA's budget submission, approved by the multi-ethnic Council of Ministers, cannot be amended more than 20 percent by the council. CRA also receives its own sources of financing from licensing fees as well as loans and international donations. CRA has executive powers to enforce the rules and regulations governing the broadcast sector. The director of CRA is also appointed by the Council of Ministers.

Despite the existence of regulatory guarantees of its independence, the CRA is constantly exposed to political pressures. As Asja Rokša-Zubčević, head of the Division of Audiovisual Services and International Cooperation in Broadcasting at CRA, pointed out, such pressures intensified during 2010. The delay in appointing the general director of CRA, now in its third year, is considered to be a form of politically motivated pressure on CRA. The Council of Ministers has given no official justification for its refusal to appoint a director. The current acting director is faced with significant administrative difficulties as a result of his status.

In spite of the pressure on CRA, panelists evaluated it positively, saying it had contributed to the development of media freedom. Licensing procedures are seen generally as impartial, transparent, and apolitical. However, Radmila Žigić, editor in chief of PAN radio, expressed a need for a more

sophisticated approach to licensing, so that programming criteria would meet the needs of different geographic areas as well as a variety of social groups.

Broadcasters are obligated to report, and get a written consent from CRA, for the changes in their program scheme that exceed 20 percent of airtime. However, enforcement of this provision is lacking. Panelists suggested developing the mechanisms that would ensure broadcasters' adherence to the program schemes for which they received their license. Currently, CRA is not mandated to conduct, and does not have capacity for, monitoring programming to ensure compliance with license requirements, especially since there are 187 broadcasters. As Adnan Osmanagić, director of Radio Stari Grad, stressed, "It seems to me that certain [broadcasters] got...their license thus, but I believe that they haven't been implementing [the program defined by the license] to the fullest. My only remark would be that the implementation should be monitored and the treatment of such cases should be stricter."

Panelists expressed their concern at the lack of efforts to introduce different rates of value added taxes for different industries. Currently, there are no tax breaks for the media that would assure a better market position. Otherwise, market entry for media enterprises is not unduly restricted.

The panelists agreed that the crimes against journalists were fortunately not frequent in 2010, but that there were more subtle forms of pressure on journalists. The Free Media Help Line, a service aimed at helping journalists resist pressure and protect their rights and freedoms,² registered 40 cases of violations of media freedoms and rights of journalists during 2010, amongst which nine fall under the category "threats and pressures" and five under the category "physical assault." The case that caught the most public attention was that of a lawsuit against journalist Damir Kaletović, a reporter for public broadcaster FTV. In July 2010, former B&H Ombudsman for human rights Vitomir Popović filed a lawsuit against Kaletović for publishing unauthorized audio-video material recorded during an unofficial conversation. In the recording, Popović makes serious threats, stating that a journalist and his editor "deserve a bullet in the forehead." The case is still ongoing, with vast support for Kaletović from media professionals and the wider community.

The public condemns particularly the fact that the threats against journalist have been treated with impunity. One of the most recent cases of physical violence occurred in front

²The Free Media Help Line is operated by the BH Journalists Association. Journalists are encouraged to report any kind of pressures or labor rights violations. In reported cases, it provides legal advice as well as support in the form of publicity about the case. Additionally, it organizes debates and seminars. See more at: <http://www.bhnovinari.ba/linija/en/>

of the building of the State Court, when employees of RTVSA were attacked by a police officer. Charges were not brought against the officer, but a petition was filed with the State Court and a complaint submitted to the Free Media Help Line. Editor in chief of RTVSA, panelist Amir Zukić, did not know whether any disciplinary action was taken against the officer. There was also one registered case of a death threat, made against journalist Mišo Vidović during a press conference.

Panelists compared the laws protecting the editorial independence of public media as generally adequate and comparable to the laws on public broadcasting in developed countries. The law on the public broadcasting system guarantees editorial independence and the institutional autonomy of public broadcasters. The process for appointing the board of directors and the position of executive manager is one guarantee of independence. As a precondition for editorial independence, financial independence is stipulated through financing based on public fees and partly on advertising and sponsorship. While regular programming cannot be subsidized, the government can allocate financial aid for programs of national significance, broadcasting by satellite, archive preservation, etc.

Nevertheless, panelists felt that the laws that guaranteeing editorial independence are not being implemented. Despite the law that regulates selection of public media management, Zukić stated that, with some exceptions, "During the past and current year it has become more than obvious that not a single person lacking political support can be selected for such positions." Panelists expressed concerns over the fact that Parliament is appointing members of managerial boards in public broadcasting services. Partisan affiliation rather than competence of candidates and serving the public interest is therefore the primary criteria for appointment according to Zukić, Rudić, and Jasmin Duraković, founder and executive producer of the web portal depo.ba.

There are also 78 broadcasters founded and financed by cantonal and municipal authorities, which also fall under the category of public media. However, there is no equivalent regulation of financial independence of these media outlets. For example, in 2006, most public radio stations run by cantonal or municipal governments received more than half of their revenues from local government budgets, while some of them are entirely dependent on such financing.³ The influence of local authorities on editorial policies of public media is therefore potentially heavier. The panelists agreed that local media are in fact more exposed to such influence. Rule 42/09 on public broadcast stations stipulates that editors in chief and/or directors of public stations at

any level (state, entity, canton, municipality, and district) cannot be a public official and cannot perform duties within political party or organizations affiliated with a political party. Panelists suggest that in practice, managerial personnel are possibly either appointed on the basis of their affinity towards the local authorities, or they are exposed to different kinds of pressures in order to comply with the interests of local authorities. In such circumstances, as Zukić put it, "It is extremely difficult to fight successfully for a minimum of professional work."

Libel has been regulated by civil law since 2003, which panelists viewed as a positive development. However, there are indications that libel is misused to pressure journalists. Panelists stressed that court proceedings are time- and energy-consuming, and often problematic since: the burden of proof is put on defendants (instead of the plaintiff, as the law stipulates); there are no deadlines for assessing emotional distress; suits can wait for several years before court proceedings begin; courts lack the capacity to deal with a large number of lawsuits; appeals are lengthy and expensive, which leads to media being inclined to accept decisions of the municipal courts without appeal, and; municipal courts are often unlikely to be impartial, if impartiality would put the courts in opposition to local authorities.

Entity libel laws (Article 7 of the Federation's libel law; Article 6 of the libel law in RS) stipulate that courts weigh different circumstances particular to each case when rendering a decision. According to Rudić, this includes "whether it pertains to issues from private life of affected person or to issues of political and public relevance. An example of a court proceeding for libel against Radio Q, processed in 2010, was seen as highly disputable. The decision was unfavorable to Radio Q, although the municipal court had reached the final verdict that [the plaintiff] had perpetrated a misdemeanor." A MediaCentar Sarajevo interview with a lawyer who handles libel cases suggests that whether or not a public official is held to a higher standard is highly dependant on the presiding judge.

In most cases information is accessible in everyday practice through interviews, public officials' statements, etc. However, there are cases of denying access to information by delaying replies or offering inadequate information. For example, research on media freedoms published in 2010 showed that three respondents (out of 15 journalists and editors interviewed) said they had experienced an absolute denial of information and refusal to give interviews on the part of a number of social actors, primarily political officials, whom they had previously written about critically.⁴ Panelists

³Communications Regulatory Agency. *Overview of the Communications Sector in Bosnia and Herzegovina*, 2008, p. 143.

⁴Hodžić. S. *Under Pressure: a report on state of media freedoms in Bosnia and Herzegovina*. Mediacentar Sarajevo. 2010. p. 26.

Žigić accentuated cases of violation of the privacy of minors as the worst examples of journalistic misconduct. She pointed out a case in March 2010 concerning sexual abuse of a minor wherein the minor's identity was revealed.

also reported on such practices. The Freedom of Access to Information Act stipulates that public officials have to provide requested information to any citizen, including journalists, using specified procedures. However, journalists employ this legislation rarely, mostly in order to provide insights for investigative stories. Reuf Herić, director of Radio Q, suggested that journalists generally lack persistence when requesting information. "In most cases, media and journalists give up the very first time a certain institution refuses to provide them with the information. We, for example, had a similar experience with the Public Health Institute of Zenica-Dobož Canton, or with the Parliamentary Assembly of Bosnia and Herzegovina, and so on."

Research conducted by Mediacentar Sarajevo in 2006 shows that institutions often fail to provide access to information pursuant to obligations defined by law: 51.7 percent of 240 requests submitted as part of this research received no response. After requests were re-submitted, a total of 68.7 percent were responded to.⁵ Reasons for not providing requested information includes a lack of willingness or intent to hide information by officials; understanding of how the law is implemented, and; insufficient capacity and efficiency to provide timely responses.

The original law does not provide for sanctions on public agencies for non-compliance. At the end of 2009 the law was amended to include such penalties, but there were no cases of these being applied to date. Fines range from KM 1,000 to KM 15,000 (\$700 to \$10,500) for public agencies, or from KM 200 to KM 5,000 (\$140 to \$3500) for individuals responsible for failure to act pursuant to the law. However, this was amended only at the national level, which means that public institutions at other levels can still deny or delay access to public information with relative impunity.

⁵Džihana, Amer. "Monitoring Democratic Development in B&H: Accessibility Index of Public Institutions, Organizations, and Agencies," Mediacentar Sarajevo, 2006. Available at: <http://www.media.ba/msonline/bs/tekst/monitoring-demokratskog-razvoja-u-bosni-hercegovini-indeks-otvorenosti-javnih-institucija-or>.

Media access to news sources is open and unrestricted by law. However, panelists felt that increasingly there are infringements of intellectual property rights. In practice, copyrights are constantly violated by some media outlets, especially when it comes to online media content, despite provisions of the Law on Authorship and Related Rights.

Entry into the journalism profession is open and the government does not impose any restrictions in this regard.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 1.87

The score for this objective fell a quarter of a point compared with last year, primarily due to losses in three indicators: indicator 3 (self censorship) indicator 4 (journalists cover key events), and indicator 6 (balance of entertainment and news). Most of the indicators stayed within half a point of the objective. However, indicator 5 (pay levels for journalists) fell short by half a point. Despite their losses in score, indicators 4 and 6 both exceeded the objective score by three-quarters of a point.

The lower scores are partly because, as Amir Zukić, the editor in chief of TV SA, pointed out, the professional journalism community is not engaged in the promotion of professional standards. The overall low level of respect for professional norms is also seen as a consequence of financial deficits, and a lack of policies that would address this problem. Namely, annual advertising revenues are scarce and cannot support a huge number of broadcasters. As Reuf Herić, Director of

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Radio Q, stated: "Until this situation is improved...you cannot expect a pay rise at the media that struggle to make ends meet month after month, and that is exactly how electronic media stand."

Panelists agreed generally that professional norms are not consistently respected, especially in print and online media. Practices of partisanship, failing to get all sides of a story, ethnic bias in reporting on certain issues, lack of background investigation, as well as publishing of false information, were identified as some of the causes for concern.

Žigić accentuated cases of violation of the privacy of minors as the worst examples of journalistic misconduct. She pointed out a case in March 2010 concerning sexual abuse of a minor wherein the minor's identity was revealed. Journalistic reports included initials, full names of the relatives, area of residence, her nationality, and even photographs, although with eyes blurred.

The fall of the overall score, in comparison to recent years, was explained by the panelists in light of the election campaign, where partisan affiliations of media outlets resulted in biased reporting and violations of journalistic norms. As Borić stated, "I believe that all three public broadcasters failed the test during this election period... In that period, I saw some of the most monstrous things in print media in Bosnia and Herzegovina since the Dayton Accord was signed...the propaganda of political parties was evident and I believe that only few media remained unblemished."

On the other hand, print media are not regulated at the institutional level, but rely on a self-regulatory mechanism. The Press Council, as a non-governmental agency, promotes good journalistic values in print media, but only based on the voluntary acceptance by the print media outlets themselves.

Panelists also stressed the need to regulate online media content more as the role of online media in the creation of political environment increases. Borić said that there are efforts to include online media in the self-regulatory system, which is currently operating within the print media sector. He expressed his concern about the efficiency of the system, relying as it does on the voluntary acceptance on behalf of the media outlets, in the circumstances where the editorial decisions are more likely to be governed by political and economic interests rather than by professional norms.

Within the broadcasting sector, the Broadcasting Code of Practice for Radio and Television Programs defines the standards of programming, while the Press Code defines the professional standards for the print media sector. The CRA has executive powers over electronic media in cases of violation of journalistic norms. Unlike CRA, the Press Council does not enjoy executive power, but it has a mandate to suggest

As Borić summarized, "I believe that all the media respect the Code...as long as no other interest prevails, which is in most cases of an economic nature."

press media publish retractions or corrections in cases where the Press Code is violated. Results of research conducted in 2009 and 2010 suggest that the self-regulation system is not being fully accepted in the professional community,⁶ and that publishing the decisions of the Appeals Council (functioning within Press Council) still has not become a common practice in print media.

Violations of accepted professional standards pointed out by panelists included, as mentioned above, disrespect for privacy of minors, but also one-sided presentation of information and unjustified conclusions and failure to distinguish between assumptions and facts (especially with regard to guilt of court defendants).⁷ Panelists suggest that the practice of plagiarism is common in online media, but did not report on such cases in other media sectors.

Additionally, a significant proportion of journalists are not actually familiar with the ethics codes and there is a lack of efforts of individual media outlets to develop their own internal ethical norms and procedures. Respect towards professional standards is not promoted, and violations, such as accepting payments for certain types of coverage, are not penalized by the managerial and editorial staff.

A dominant orientation towards profit before professionalism, combined with the development of survival strategies in times of economic crisis, have resulted in the commercialization of media content to the point where professional standards are set aside.

The economic interests of media owners are the prevailing cause of self-censorship and the primary obstacle to robust implementation of professional norms. Media content can be subjected to the interests of economic power when media outlets are financially dependent. As Borić summarized, "I believe that all the media respect the Code...as long as no other interest prevails, which is in most cases of an economic nature."

There was a consensus among panelists that self-censorship is vastly present in media outlets in B&H. Additionally,

⁶See Hodžić, S. *Under Pressure: Research Report on the state of Media Freedom in Bosnia and Herzegovina*. Mediacentar Sarajevo, 2010. pp. 16 and 33. Available at: http://www.media.ba/mcsonline/files/shared/UNDER_PRESSURE_FINAL_ENGL.pdf.

⁷Source: Hodžić, 2010, p. 33, footnote 109.

panelists agree that there is a strong fragmentation of the journalistic community based on ethnic identities, and furthermore based on political affiliations. This fragmentation also often leads to biased reporting and other violations of professional standards.

Panelists believe that key events and issues are covered in the media, although not with equal and constant promotion of standards of quality and credibility.

Entertainment programming does not considerably eclipse information programming. Informative programming seems to have its place, and there is audience demand for such programming, even more so in times of political and economical crisis. As Adnan Osmanagić, director of Radio Stari Grad claimed, "These programs' ratings are rising and...it is exactly due to these reasons that the media are inspired to include such programs."

Yet, the quality of informative programs is often questionable. One of the main reasons is the particularly low economic status of media outlets. As Reuf Herić, director of Radio Q points out, broadcast media that are in dire financial straits reduce their informative program to cheap and bad news, and a few agency news since they are unable to finance their own journalists' field work, purchase of new equipment, investigative journalism, and so on."

There is little attention paid to developing unique and interesting news programming. Most of the informative programs are deemed similar in all media outlets, lacking appeal and distinctiveness. Media content is underdeveloped in several areas, such as news, education, children's, and documentary programming.⁸ Production of news for special population categories, such as refugees and persons with impaired hearing, as well as of religious programs and programs for minority groups is especially scarce. However, panelists consider that the key issues are generally covered, each by at least some of the media, if not by all of them. Limited human and financial capacities of the outlets hinder the impartiality or overall quality of the reports, but do not result in complete absence of relevant issues from the media content.

Blogs are also seen as an additional sphere in which socially marginalized groups and local communities can become more visible. However, positive examples of covering relevant issues in blogs and forums have been rare and have had limited social impact.

⁸ Source: CRA Programs available to viewers and listeners in Bosnia and Herzegovina. 2002. available at:<http://www.rak.ba/bih/aktuelnost.php?uid=1270505112&searchterm=PROGRAMI+DOSTUPNI>.

Pay levels for journalists are insufficiently high, especially in regard to long working hours and the pressures to which journalists are often exposed. Borka Rudić, Secretary General of the BH Journalists Association, stressed for example that there were scores of dismissals in media outlets during 2010, and many more can be expected. Significant differences among media in this regard were pointed out, depending on the economic position of various media outlets. While in some media outlets pay levels for journalist have been constantly rising over the past several years, other media demand more work from journalists' although the pay rates are declining.

Paychecks are not received regularly in some media outlets. The salaries of journalists amount to around KM 1000 (\$706) in public television stations, or around KM 1100 (\$777) in more successful private television stations. However, salaries drop at smaller, local media and at less successful private media. On the other hand, pay levels of public officials are significantly higher, with salaries of members of parliament being more than KM 4000 (\$2826) per month.

State and entity level public broadcasters appear to be in a somewhat better position, since they have steady revenues from the public budget. However, Borka Rudić emphasized that 11 employees had to leave FTV in the previous year for one reason or another. Panelists agree that there is a high rate of attrition of journalists seeking better paid and more secure professions, namely public relations. Mira Lolić-Močević, Director of RTRS public broadcaster stated that this situation in RTRS is an exception and shows a tendency of improving. "This year, there was a slightly lighter exodus of journalists and editors compared to the past year, and an increased number of applications for certain positions since we [RTRS] still have a regular income."

Borka Rudić, Secretary General of the BH Journalists Association, points out that the journalists' labor rights have been grossly violated. As findings of research conducted in 2008 suggest, the most violations are concerning salaries (irregular salaries, low salaries, minimal wages officially reported), the length of the working day and general working conditions. Other violations reported include irregular social and health security contributions, violations of the right on annual vacation, atypical working arrangements such as unregistered hiring, or false single-purpose contracts (while journalist perform full time working duties), etc.

Social status of journalists and the level of respect for labor rights are perceived to be low, but more so due to general socio-economic circumstances in the country than to special

conditions within the journalistic profession.⁹ Based on Rudić's experience, even if the court rulings that protect journalists' labor rights, such as reappointment of dismissed media workers, are reached, their implementation remains uncertain. There were eight cases of infringement of labor rights reported to Free Media Help Line during 2010, such as unjustifiable dismissals and nonpayment of salaries.

There are huge variations between individual media outlets regarding technical resources for production and distribution of news. Digital production within broadcasters is still generally in its inception, with private media being leaders in the technical developments and public broadcasters lagging behind. The B&H Council of Ministers adopted the digitalization strategy developed by the Digital Television Transition Forum in June 2009, but no significant process has been made since. However, Zubčević pointed out that important prerequisites for the digitalization process have been realized, since the technical plan for frequencies that had been developed is evaluated as the best in region. Additionally, Zubčević said, "Public broadcasters have formed...a team of experts which have already developed all possible technical plans for digitalization." Still, most of the panelists agree that there were no significant results in practice; broadcasting is still using analog technology, with no indication that B&H will soon catch up with the European countries.

Journalists are generally not specialized in specific niche programming, but are engaged in different areas of journalism. The imperative of fast production of media content, combined with the cost reduction strategies, does not lend itself to media to developing specialized reporting. Few journalists are specialized in covering economic issues, as that is an area that requires additional education that journalists and media outlets can rarely afford.

Public broadcasters, unlike private ones, have regulatory requirements to produce specialized programs. The Rule 41/2009 on public RTV stations stipulate that public broadcasters must produce content intended for children and special categories, such as displaced persons, national minorities, and vulnerable categories. Whether this obligation is constantly fulfilled by public broadcasters remains debatable, since there is no monitoring of their content. CRA has the mandate and capacity to react only upon specific complaints about the programming.

⁹ See more in: Hodzic, S. 2008. Chapter on B&H. in *Labor Relations and Media*. SEENPM and Independent Journalism Center-Moldova

Amir Zukić asserted that online portals are taking over the role previously played by news agencies, since the same news is published on portals before they are received from news agencies. Additionally, web portals include multimedia content that news agencies do not provide.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia & Herzegovina Objective Score: 2.59

The score for this objective dropped somewhat, from 2.77 last year to 2.59 this year. Much of the drop is due to lower scores for indicator 4 (news agencies) and indicator 6 (transparency of ownership). Indicator 6, along with indicator 3 (public media are nonpartisan), scored about three quarters of a point lower than the objective score. Indicator 1 (plurality of news sources and viewpoints) and indicator 2 (citizen access to media) scored about two-thirds of a point higher.

There are a variety of media sources available to citizens within different media type (print, broadcast, online) and with different ownership structures (public and private).

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) exists 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 non-partisan, 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.

Concentration of media ownership is currently not regulated in any way. Previous laws pertaining to media concentration have expired.

Editorial policies within individual media allow expression of a plurality of viewpoints; in many cases independent of the interests of financiers and political affiliates.

The possibility of licensing community radio has existed for several years now. However, only one community radio license has been issued so far, to religiously affiliated radio Marija for frequencies in Sarajevo and Banja Luka. The lack of interest in community radio stems primarily from issues of financial sustainability: they are prohibited from obtaining advertising revenues (rule 42/2010, article 12).¹⁰ Radio Marija is financed solely through donations.¹¹ Nonetheless, there are a few radio stations whose mission can be characterized as public service meeting the needs of a specific population.¹²

In addition, the role of online content is increasing in the light of rapid growth of Internet penetration. This includes web portals of mainstream media and online media outlets, blogs, forums, and social networking tools. However, content communicated through blogs, and even more so through social networks (such as Facebook and Twitter) and forums, is mostly considered lacking informational value. Occasionally, they appear as sources of news and information and facilitate citizen engagement. On the other hand, they are also burdened with homophobic, fascist, nationalistic, and/or sexist outbursts that initiate more criticism than praise for new media. In spite of that, potential of these media is recognized, and they are seen as places of possible expression of "authentic civil society not dictated by donor interests and national programs."¹³ More systematic use of such potential is expected in the prospect of general development of civil society engagement in B&H. Citizen journalism in B&H is still

in its infancy, and citizens still turn to mainstream media as the primary sources of information.¹⁴

There are no government restrictions over accessing domestic or foreign media. Several public and private broadcasters have nationwide coverage. Print media circulation is geographically differentiated based on the ethnic identity of the readers. Panelists agree that economic reasons prevent citizens from accessing a variety of news sources. Income levels affect access to different kinds of media beyond television, which still remains the primary source of information. The average monthly Internet subscription costs around KM 30 (\$20) and the price of dailies is KM 1 (\$0.67), average domestic magazines cost KM 3 (\$2), while foreign magazines are far more expensive. Media consumption is therefore relatively expensive since the average salary rate is KM 795 (\$530).

Overall Internet penetration has been rapidly increasing over the years. The percentage of Internet users older than 15 increased from 4 percent in 2002 to 35 percent in 2009.¹⁵ CRA reports that there were almost 400,000 Internet subscribers in 2009. It was assessed that there were 1,421,540 Internet users (37 percent of the population) in 2009. The number of users with broadband Internet access has especially increased over the years, with 292,113 broadband subscribers and 107,216 dial-up subscribers in 2009.¹⁶

Additionally, Žigić stressed that there are major differences between individual geographical areas when it comes to availability of different news sources. Mostly, major city centers enjoy a plurality of news sources, while certain other areas are deprived of the necessary infrastructure to achieve that. Smaller cities and rural areas especially depend on few available news sources. Print and online media are not considered a common source of information within rural areas, due to financial and infrastructure reasons. As Zubčević said, "There is a problem with rural areas that simply do not have access to any kind of communication infrastructure or means, including coverage by radio and television stations and especially the Internet."

¹⁰ Also see Coyer, K, and van Beek, J. Community radio in Bosnia and Herzegovina. In Jusić T. (ed) *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*. Mediacentar Sarajevo 2010. Bosnian version available at: http://www.media.ba/mcsonline/files/shared/Participatorne_komunikacije_Final_za_web.pdf

¹¹ Source: e-mail reply of Amela Odošević, Head of Public Affairs, CRA. February 24, 2011.

¹² Ibid. Coyer and van Beek identified Vesta Radio (Tuzla), Studio 88 (Mostar), Studentski radio IFM (Sarajevo), and Radio Balkan (Banja Luka).

¹³ Nedimović, S. 2009. Ljepota poruka forumanja. Available at: <http://www.media.ba/mcsonline/bs/tekst/ljepota-poruka-forumanja>.

¹⁴ See for example Jusić, T and Hodžić, S. Source: Jusić, T & Hodžić, S. *Local Media and Local Communities: Towards Public Policies for the Promotion of Local Media Content in Bosnia and Herzegovina*. In Jusić, T (ed) *Communication and Community: Citizen, Media and Local Governance in Bosnia and Herzegovina*. Mediacentar Sarajevo, 2010. available at: http://www.media.ba/mcsonline/files/shared/Participatorne_komunikacije_Engleska_Ver2_Final.pdf

¹⁵ Source: AGCOM & CRA, *Overview of the Communications Sector in Bosnia and Herzegovina*, 2008, p. 143. available at: <http://rak.ba/en/public-affairs/msword/Twinning%20Light%20Report%20final%20engl.doc>, 12.1.2010). GfK BiH, 2006b, *Electronic media in B&H—which are most viewed and listened-to?*, available at: http://www.gfk.ba/public_relations/press/press/003245/index.ba.html.

¹⁶ Annual survey of holders of CRA licences for provision of Internet services in B&H for 2009, available at: <http://www.rak.ba/bih/index.php?uid=1272548201>, p. 3, accessed on 08.01.2011)

Serving the public interest was not a priority of public media during the election period. Panelists agreed that the candidates with current government positions during the election campaign were promoted more than other candidates, and that there was additional bias of individual media towards certain political options. There is a need for a change in the rules and regulations that would assure more balanced reporting on both the ruling and opposing parties, especially in the election period.

The panelists also stressed that impartial programming in the public interest is rare in public media that function at cantonal and municipality level, since they are financially dependent on local governments.

Additionally, Duraković called attention to the tendency of public media to focus their reporting on politics to the extent that other areas are neglected. For example, programs of educational and cultural significance are scarce or given less importance.

News agencies failed to adapt to rapid changes in the media environment and growing needs of media outlets in terms of timeliness and quality of news services. Amir Zukić asserted that online portals are taking over the role previously played by news agencies, since the same news is published on portals before they are received from news agencies. Additionally, web portals include multimedia content that news agencies do not provide.

Two news agencies in B&H are public, and four are commercial. Borić stated that most media use the services of at least one of the agencies. He considers that most of the news provided by the agencies is neutral, but a small portion of the news offered by some agencies can be considered "time bombs," with information presented in a biased manner.

The services of international agencies are normally not used by media in B&H, due to their costliness as well as local media's focus on national and/or sub-national issues. Information on international affairs is received through international media sources instead.

Panelists agreed that the majority of private broadcasters and print media produce their own news and information programming. Although web portals are regarded as a sphere in which copyrights are especially infringed, some of the portals produce their own news content as well. However, the previous section of this report showed that there are substantial reservations about the quality of production of news and informative programming in different media sectors. Other online media (blogs, forums, etc.) often amalgamate information from other sources, but also include

personal experiences and reflections thereby contributing to plurality of public debate.

Concentration of media ownership is currently not regulated in any way. Previous laws pertaining to media concentration have expired. Zubčević believes that the development of new, adequate regulations will require involvement of state authorities, CRA, and the Council of Competition B&H. CRA is currently trying to initiate development of such legislation, which would address not only concentration in the broadcasting sector, but in overall media market.¹⁷

Furthermore, media are required to submit documents on media registration and ownership structure to CRA. Still, panelists believe that the actual, as opposed to official, ownership structure is not always known. For example, the fact that the owner of Radio-RTV Travnik is a political party, which is contrary to the law, was discovered only at the beginning of 2010.¹⁸

Panelists agree that transparency of ownership and concentration of media has deteriorated in comparison to the previous years. Panelists expressed fear that the concentration of ownership will increase in the near future. Certain media owners already hold a significant market share.

Public broadcasters have a responsibility to assure certain programming for and about national minorities, displaced persons, and vulnerable groups. However, special shows for national minorities are rare, while programs in minority languages are aired only on Radio Republika Srpska. Two print media for minority groups have been identified as well.¹⁹ Duraković pointed out that Internet portals give minority groups more opportunity to be represented and can produce content for them.

Additionally, information about and for local communities is marginalized, if not excluded completely from media content. Approximately 25 cities in B&H are covered by the signal of at least two television stations and at least four radio stations, but more than 50 municipalities do not have local broadcast media within their communities. Commercial local media mostly include news programming, but are primarily focused on entertainment. Local public media are directly financed by local authorities, which raises serious concerns over their editorial independence. However, public broadcasters FTV and RTRS broadcast at least one television show each about local

¹⁷The Council of Competition initially confirmed interest to participate in these developments (e-mail correspondence with Helena Mandić, Sector for programming standards appeals and regulation in broadcasting sector, 06.09.2010)

¹⁸Source: Kavazović K, Global, No.82, p.12-13, 20.08.2010.

¹⁹Marko, D. Media and Minorities in Bosnia and Herzegovina in Hodžić, E and Jusić T. Against the Margins: Minorities and Media in South East Europe. Mediacentar 2010. p. 156-157.

Contrary to such estimates, Mira Lolić Močević, director of RTRS, claims that the business efficiency of RTRS in 2010 was high, with significant investments in technical and human capacities of this public broadcaster.

communities in B&H. Civil journalism and online platforms are not developed enough to be considered as a continuous sources of news on local issues. By contrast, national and international issues are sufficiently reported.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 1.84

Scores measuring the business management side of the media plunged in the past year, with nearly all indicators taking a hit. Only indicator 5 (government distortion of the media market) did not experience any movement; however this indicator has been the perennial laggard; unfortunately the objective score sank closer to it. Indicator 6 (market research) was the only indicator to score noticeably different from the objective score, exceeding it by more than half a point. Such backsliding indicates that the business environment has become significantly more hostile toward media outlets during the past year.

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.

Panelists agreed that media outlets have immense difficulties attaining sustainability. As Herić pointed out, media outlets outside big city centers face the greatest difficulties given that, “Most media are struggling to survive month after month—reflected in the low incomes of their employees, unpaid phone bills, electricity bills, and so on.” Additionally, growth is stifled because media often cannot employ either competent journalists, or economists, marketers, and human resources personnel who could potentially enhance their efficiency and help them turn business around.

Revenue sources are drying up, especially after international media projects are terminated—leaving media outlets adrift in an uncertain media market, commented Osmanagić. To explain this year’s immense drop in scores, the panelists point to the economic crisis, and specifically the additional dropdown of advertising revenue in an already modest, overcrowded media market. According to unofficial estimates, advertising revenues fell by 25 percent in 2009, and an additional 10 percent in 2010.²⁰

Maintaining a large number of media in the context of the economic crisis is considered a fatal flaw within the market, which has ultimately “undermined all possible standards of production,” according to Duraković.

Available data from 2006 suggest that advertisements are the most important source of revenue in the television sector, followed by license fees (for members of the Public Broadcasting System), and finally public funding (for municipal or cantonal level broadcasters).²¹ Panelists stressed that the dependence on major advertisers (and potentially associated political actors) is increasing. Consequently, those advertisers are gaining more power to influence editorial policies, directly or through self-censorship. As Borić stated, “I am convinced that not a single editor would fail to carefully reconsider publishing a big story that casts a negative shadow on one of their biggest advertisers...it is questionable whether journalists and editors would even embark on investigating such a story, knowing in advance that they might lose a big advertiser; this kind of auto-censorship probably appears at the very outset.” Such tendencies are particularly worrying, as they endanger both the sustainability of a vast number of media and journalistic credibility.

State and entity level public broadcasters (RTRS, FTV and BHRT) are financed through fees collected from the public. However, fee collection has been inadequate to

²⁰ Ibid, p 79, footnote 44.

²¹ Data from 2006 show that advertisement has a 45 percent share, RTV fees 33 percent and public funding 4 percent. Overall revenues of the television market were KM 180,000,000 (AGCOM and CRA, 2008, Overview of Communication Sector in Bosnia and Herzegovina, version on Bosnian Language available at http://www.rak.ba/bih/results.php?se_arhivinput=pregled+sektora&submit=Tra%C5%BEi ; pp. 89-99).

ensure business efficiency.²² Zukić expressed concern about the future sustainability of the members of PBS. These broadcasters must raise advertising revenues to maintain their financial efficiency. Contrary to such estimates, Mira Lolić Močević, director of RTRS, claims that the business efficiency of RTRS in 2010 was high, with significant investments in technical and human capacities of this public broadcaster.

A large number of public media (64 radio stations and 14 television station functioning at municipality and canton level)²³ are funded primarily by local governments—and therefore, they distort the media market. Additionally, there are a few media outlets known for being owned and financed by political or religious institutions.

Advertising agencies work actively with all media sectors (print, radio, television, and Internet), to the extent the advertisers are interested in each media type. Television broadcasters still pull the largest share of advertising, but the Internet ascended to second place—leaving the print and radio sector behind.²⁴ Advertising agencies are also seen as agents that do not have the power to support the advertising market, since major advertisers manipulate them as well. As Osmanagić put it, “Their conduct depends on their advertisers and the media...there are still some public institutions, such as BH Telecom, that can manipulate their campaigns.”

Besides telecom operators from B&H, some of the major advertisers are foreign brands such as Procter & Gamble, Henkel, and Nivea. Advertising is mostly concentrated in bigger cities, while major advertisers typically ignore media in smaller communities—especially local television stations, which rely mostly on small local enterprises.

Research gathered by Mareco informs distribution of advertising revenue between media.²⁵ Panelists also underlined preferential treatment of certain media in allocating the marketing shares, based on affiliations between media and advertising agencies. In one case, Borić mentioned, the same person owns both a magazine and

²² Currently, the taxes are being collected as a part of telephone bills. In 2006, only 63 percent of revenues from RTV fees were collected, which is far below 85 percent that would assure financial sustainability of the public broadcasting service. Jusić i Džihana, Bosnia and Herzegovina, in: Bašić-Hrvatinić S., Thompson. M., Jusić, T. (ed.), *Divided they Fall: Public Service Broadcasting in Multiethnic States, Mediacentar Sarajevo*, p. 98. available at: http://www.media.ba/118/mcsonline/files/shared/Bosnia_divided.pdf 2008. Additionally, as Amir Zukić pointed out, possible separation of the telephone bills and the tax collection process would additionally endanger future self-sustainability of the PBS system.

²³ See more in Jusić, T & Hodžić, S. 2010. *Supra* note 67.

²⁴ Source: Senad Zaimović, director of advertising agency Fabrika. Telephone interview, 28.02.2011.

²⁵ According to Senad Zaimović, the diary method is applied four times per year for radio, telemetric for television, and data on readership gathered by Mareco twice a year- on a sample of five thousand people.

Since unofficial assessments suggest that advertisement revenues were reduced by approximately 35 percent in last few years, many of the media face serious financial difficulties.

an advertising agency—a clear case of conflict of interest, and major manipulation of the market occurred as a result. Additionally, lack of information on newspaper circulation distorts the market, since it hinders allocation of advertising revenues based on market positioning.

A small segment of those media that rely primarily on advertising revenues (109 broadcasters) are self-sustainable, while others limp by on the edge of existence. Since unofficial assessments suggest that advertisement revenues were reduced by approximately 35 percent in last few years, many of the media face serious financial difficulties. According to Senad Zaimović, director of the advertising agency Fabrika, the media employ strategies of lowering the prices of advertisement in order to attract advertisers and assure steady incomes. Osmanagić said that increasing the amounts of advertisements is in fact the result of price dumping, rather than increased demand or advertising. As he pointed out, such price dumping has a devastating effect, since essentially the leading television stations dictate the prices in all other media sectors. Therefore, private/commercial media relying primarily on advertising revenues are pushed further to the brink.

The advertising limitation for public broadcasting is six minutes per hour for radio, and four minutes per hour for television broadcasters. Private television stations are limited to 12 minutes of advertisements per hour, and private radio stations to 20 percent of daily broadcasting time. Some panelists doubt that all media comply with the permissible amount of advertisements. Zukić shared his belief that public media frequently exceed their limits. As Herić observed, injecting commercial considerations in such circumstances reduces informative content and interferes with the overall program quality. To illustrate, Herić said, “Some of us have to insert commercial breaks with ten or fifteen commercials—forcing us to cut informative and other programs.” In such circumstances, as Herić points out, media are pressed to use more advertisements, which probably reduces news programming and hinders its quality.

Major advertisers are seen as close to different political actors, where political loyalty is used as a criterion for

giving preference to certain media outlets in allocation of advertisements, according to Hadžiarapović.

Different governmental institutions also tend to provide subsidies for media. For example, the government of Republika Srpska provided donations for a majority of media in that entity in 2009, amounting to KM 5 million (\$3.5 million). Serious doubts about the criteria of the distribution of such revenues have been raised, especially in light of the forthcoming elections.²⁶ As Žigić stated, "The government of RS issued a public call—but they allocated the funds to television stations, newspapers, and the most influential outlets before the public call was closed." As mentioned in the previous MSI report, the criteria used for distributing the assistance were not defined in terms of promotion of public interests, but were based on the number of employees, circulation, the scope of programming, and financial factors.

Similarly, Herić noted that Zenica-Doboj Canton has been providing electronic media with a small amount of support, but that one radio station consistently receives much more than the others.

Therefore, specific problems with current government subsidies are multiple. First, the criteria and procedures are non-transparent, and the processes are not centralized and cannot be monitored and evaluated. Furthermore, subsidies are not intended explicitly for promotion of public interest—but possibly for promotion of interests of governmental institutions.²⁷

In terms of market research, panelists agree that the research for enhancing strategic business planning is not used consistently and universally across all media. However, some panelists believe that awareness about the relevance and value of research for business development is rising, especially within the broadcasting sector. Osmanagić stated: "I believe that televisions have started to apply this in practice... analyses are being conducted, programs are moved on the programming scheme according to their ratings, and new programs are being introduced." Furthermore, Osmanagić and Močević both see evidence that these broadcasters are using the research results as a basis for their editorial policies.

Many media outlets are still unwilling to finance ratings and circulation research out of fear that the results could be financially adverse for them. This is one reason cited for the fact that the print media have never initiated a sector-wide study on print media circulation and the market position of every newspaper. However, Mareco Index conducts research on readership of newspapers twice a year, while four

newspapers in Republika Srpska endorsed an Audit Bureau of Circulation audit for newspapers.²⁸ According to unofficial assessments, overall daily circulation of the six leading newspapers does not exceed 90,000 copies.²⁹

Mareco Index Bosnia, subcontracted by the Association of Media Industry of BiH (UMI), also conducts broadcast media ratings research, and occasionally conducts ratings research for television, radio, and newspapers in B&H. However, Mareco Index ratings research studies became the subject of vast debate and controversy at the end of the 2010. The results of the research were called into question, due to accusations that distribution of advertising revenue has been arranged between several key actors, and that the results are not accurate.³⁰ At the same time, other actors argue that such accusations are completely unfounded and they are fueled by those outlets with low ratings, who aim to dismantle the system of measurement. After a period of disputes between members of UMI, an agreement was reached according to which a new public call for a research agency will be opened. Panelists expressed their fear, however, that any research will face similar attacks, because there will always be some broadcasters unsatisfied with the results. As Osmanagić stated: "Many criticize the research only for one reason and that is to completely prevent the implementation of the research, which is the worst possible option...but this does not mean that there should not be a request for an audit, a company that will conduct better work and for less money, etc." He added that previously, Mareco was, by far, the only financially acceptable option. He stressed that the absence of the research would be the worst option, given that the big international advertisers would not invest in a market that is lacking research data. If that happened, Osmanagić estimates that the advertising revenues would drop to a devastating point, with not even 50 percent of current advertisement income entering the market.

Duraković pointed out that stakeholders in neighboring countries that would benefit if this happened—if advertisers abandon B&H for lack of research, all the marketing business could, for example, be conducted more efficiently in Zagreb. Therefore, he concluded that the process of the research agency selection should be freed of influence of such stakeholders.

Internet-based media are seen as the least problematic in terms of research needs, since using Alexa and Google Analytics for information on ratings and browsing behavior

²⁶ Source: Radio Free Europe. Article available at: http://www.danas.org/content/republika_srpska_vlada_mediji/1875374.html

²⁷ See more also in: Jusić, T and Hodžić, S. 2010. supra note 67.

²⁸ These are Pres, Blic, Ljepota i zdravlje and Šik. Source: Senad Zaimović, Director of Fabrika. Telephone interview, 28.02.2010.

²⁹ Estimates from Freedom House in 2009. Source: <http://freedomhouse.org/template.cfm?page=251&year=2010>.

³⁰ See Ćosić. M. Slobodna Bosna, No 727, 21.10.2010. p. 54.

is considered a solid basis for the internal development of editorial policies. Additionally, around 34 websites are also prepaid on gemiusAudience research.³¹ Media, as well as international advertisers, are generally aware of the value of ratings data, and are familiar with rating terminology. On the other hand, according to a telephone interview with Senad Zaimović, many domestic advertisers still do not fully understand online advertisement possibilities and ratings data. Still, the fact that the Internet share in overall marketing revenues is growing shows that awareness of the potential of online advertisement is also rising.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 2.27

Objective 5 scores dipped dramatically from last year's study—by nearly a half a point. Much of the loss came from indicator 1 (trade associations), indicator 2 (professional associations), indicator 4 (academic journalism programs), and indicator 5 (short-term training). Indicator 4 and the new indicator 8 (ICT infrastructure) scored half a point or more lower than the objective score. Indicator 6 (access to media equipment and printing) scored nearly a point higher.

There are several broadcasters' associations in Bosnia and Herzegovina, including the Association of Electronic Media (AEM), the Association of Private Broadcasting Media, 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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Panelists agree that the associations did play an active role while the international community was present in the sector, especially in the development of media regulations. However, they stressed that they are no longer as active; they lack both the support and capacity for a more substantial role.

the Association of Local Broadcasters of Republika Srpska. As Herić states, these associations are mostly preoccupied with the financial sustainability of the media, especially pertaining to issues of "state contributions, building quality relationships with the regulatory agency, and participating in the drafting of regulations." Herić commented that AEM's membership growth—from a dozen members in 2004 to 52 members currently—indicates relevancy. Panelists agree that the associations did play an active role while the international community was present in the sector, especially in the development of media regulations. However, they stressed that they are no longer as active; they lack both the support and capacity for a more substantial role. From her experience as a representative of CRA, Zubčević said, "AEM was formerly the leader in articulating the positions of broadcasters in lobbying the CRA in regard to regulations, compensations, and so on...yet lately...we have not received any feedback from AEM."

Regarding professional journalists' association, there are six journalist associations in B&H, as well as three journalist trade unions at state and entity levels. Most of the associations are not very active or visible. Only the B&H Journalists' Association has remained active throughout the years, with a mission to improve the state of media freedom and working conditions for media professionals and journalists, raise public awareness on media-related issues, and organize debates and provide additional assistance for its members.³²

There are several NGOs whose mission is not oriented primarily to media but their more general human rights agendas do have some overlap and they react to some of the issues that appear in media sector as well. These NGOs are based mostly in the main cities and include the Helsinki Committee for Human Rights in B&H; Helsinki Citizen Assembly in Banjaluka; Helsinki Committee for Human rights

³¹ Conducted in cooperation of Valicon and Gemius S.A.

³² See more in Hodžić, S. *Under Pressure: Research Report on the State of Media Freedom in Bosnia and Herzegovina*. Mediacentar Sarajevo. pp. 29-31. Available at: http://www.media.ba/mcsonline/files/shared/UNDER_PRESSURE_FINAL_ENGL.pdf

The target groups are mostly students of journalism and inexperienced journalists; previous experience showed that working journalists were reluctant to engage in such programs, due to lack of spare time.

in Republica Srpska, Info House, Sarajevo, Human Rights Office Tuzla, etc. Some NGOs, or associated individuals, react to certain extreme media-related cases, and they occasionally issue reports on media-related topics, but it cannot be said that the NGOs have committed to continuous efforts to improve the situation in the media sector.³³

To improve their contributions to the media sector, NGOs need support in providing educational programs for journalists, such as programs on niche reporting and investigative journalism, but they also need guidance in advocating for policy changes that will help ensure the sustainability of media, their relative independence from centers of power, and the production of quality programs of public interest. For example, NGOs could help advocate for more sophisticated licensing procedures, adjusting the number of media to market capacity, ensuring production of content of interests for local communities and specific groups through program requirements and providing funds for such programs, ensuring that public funding is conducted according to public interest based criteria and through transparent procedures, developing more guarantees of editorial independence, and including a conscience clause in the labor contracts of journalists, etc.

Formal education for journalists is provided, as in the previous year, by four public institutions, and one private faculty of journalism. Panelists agreed that the journalism degree programs are poor and do not meet the needs of the media market. They stressed particularly that practical education on the media production process is simply missing from the curriculum. According to the panelists, efforts to transform the educational system simply led to even greater distance from the actual needs of the media labor market.

Short-term training opportunities to compensate for the poor formal education options are declining, as well—both in quantity and quality. As Rudić stated, “Mediacentar and Mediaplan formerly offered two types of quality education programs (BBC Journalism School, and High

³³ However, Mediacentar Sarajevo (which has been subcontracted by IREX to produce this report) and the Association BH Journalists, supported by USAID, are implementing a three-year project aimed at improving the journalism profession in B&H.

School of Journalism). Today, others also offer training, but I do not think that they offer... such quality.” However, both Mediacentar and Mediaplan have organized other educational programs in the past years as well. Mediacentar Sarajevo is shifting its programs to focus more heavily on new media platforms, based on assessments of priorities. The target groups are mostly students of journalism and inexperienced journalists; previous experience showed that working journalists were reluctant to engage in such programs, due to lack of spare time. The panelists noted also that financial hardship has curtailed opportunities for journalists to study abroad; just a few years ago, that was a common strategy for promising students.

There are no restrictions on importing and/or purchasing materials, such as newsprint, software, video equipment, or transmission equipment. Panelists agree that all the equipment is available; the only limitations are financial.

In the print media, channels of media distribution are privately owned, as are printing houses. Television transmitters, on the other hand, are owned by entity governments. Two major telecommunications companies are state-owned.

In a departure from previous MSI studies, the panelists raised serious questions surrounding distribution, and consider the situation highly problematic. Zubčević believes that the Internet and telecommunication market is especially challenging at the regulatory level. The core concern is that dominant telecommunications and cable companies hinder positive trends with their monopolistic behavior. Although regulations stipulate that BH Telekom should assure free access to telecommunications, Zubčević pointed out that the private cable operator, Logosoft, has filed numerous complaints due to Telekom’s constant avoidance of this obligation. The courts have been slow to complete the proceedings and fully implementing this regulation.

Furthermore, Zubčević stated that there are cases of cable distributors making decisions about transmitting certain television channels based on the political background and related interests of the cable distributor and television channel owners. In addition, usage fees for telecommunications companies are extremely high. Osmanagić said that the dominant relays/repeaters are mainly owned by PBS or telecom operators, and he remarked, “The demands are enormous, and you have to give thousands of marks for a certain location with no guarantees for support, responsibility, security...and all under their conditions. The alternative is usually nonexistent or very poor.”

The panelists said that Internet and mobile service providers are obligated to enable access to all their services on a

non-discriminatory basis. Online media outlets and bloggers are free to choose software and platform options.

However, the panelists provided the lowest scores within Objective 5 to the question of how well the information and communication technology infrastructure meets the media needs of citizens and media professionals. The panelists stressed that Internet connections are slow and that the technology underpinning the transfer of video images is underdeveloped. Not all Internet service providers offer high bandwidth due to infrastructural limitations—especially in smaller cities. Additionally, the prices of better bandwidth are high and less affordable for online media outlets. Within the media industry, some opt to use servers from abroad instead of those based in the country—which are considered overly expensive and notoriously slow.

List of Panel Participants

Adi Hadžiarapović, web editor, Dnevni Avaz, Sarajevo

Adnan Osmanagić, director, Radio Stari Grad, Sarajevo

Amir Zukić, editor-in-chief, RTVSA, Sarajevo

Asja Rokša Zubčević, head, Division of Audiovisual Services and International Cooperation in Broadcasting, Communications Regulatory Agency, Sarajevo

Borka Rudić, secretary general, BH Journalists Association, Sarajevo

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

Faruk Borić, editor-in-chief, Sarajevo-x.com, Sarajevo

Jasmin Duraković, founder and executive producer, Depo.ba, Sarajevo

Mira Lolić-Močević, program director, Republika Srpska Television, Banjaluka

Nevenko Erić, editor, Srpska Republika News Agency, Bijeljina

Radmila Žigić, editor-in-chief, Radio PAN, Bijeljina

Reuf Herić, chairman of the board, Association of Private Radio and Television Stations; director, Radio Q, Visoko

Moderator

Tarik Jusić, program director, Mediacentar Sarajevo, Sarajevo

Author

Sanela Hodžić, research coordinator, Mediacentar Sarajevo, Sarajevo

The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, Mediacentar Sarajevo, Sarajevo. The panel discussion was convened on December 6, 2010.

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

The media sustainability indicator that draws the most criticism from panelists is the level of professional and ethical integrity of Bulgarian journalists and editors. Noted already as an alarming tendency last year, self-censorship is clearly on the rise in 2010.



BULGARIA

The MSI panel concluded that the Bulgarian media environment is in crisis, and slipping away from sustainability in a growing number of indicators. For a second year running, the MSI survey clearly demonstrates the decline affecting the country's media. Not only is the MSI score for Bulgaria lower than last year's; the 2011 score takes Bulgaria back to a score comparable to the one it received in the 2003 study.

Although some sustainable achievements are unlikely to be reversed, Bulgarian media still fail to capitalize on these aspects and make progress. The MSI panelists agree it is always the same forces at play that contribute to the decline in media sustainability in Bulgaria: the economic crisis and the media's unhealthy ties with politics and business.

A wealth of information sources is undeniably among the achievements of the Bulgarian civil society. The media's unrestricted access to news consistently tops the list of high-scoring indicators, and this free access of the media—and citizens—to sources of news and information is a solid foundation for the freedom of speech. Other strengths include the technical equipment of the country's leading outlets, and the quality of news programs they produce, as well as the favorable market and tax conditions in the industry.

The media sustainability indicator that draws the most criticism from panelists is the level of professional and ethical integrity of Bulgarian journalists and editors. Noted already as an alarming tendency last year, self-censorship is clearly on the rise in 2010. The upsurge in self-censorship is not completely surprising, perhaps, in view of the consistently low pay levels in the industry—an issue that panelists have repeatedly highlighted in previous MSI studies.

Other underachieving indicators that hold the country's overall sustainability down are the low efficiency and organizational capacity of professional journalists' associations, the lack of transparency of media ownership, and the distribution of government advertising. The growing dominance of entertainment programming and the inadequate supply of continuous in-service training are also to blame for the country's overall performance.

The underperforming indicators—a substantial portion in the unsustainable, mixed system range—imply uneven and inconsistent development, and lack of political commitment and support within the industry for a transition towards media sustainability.

BULGARIA AT A GLANCE

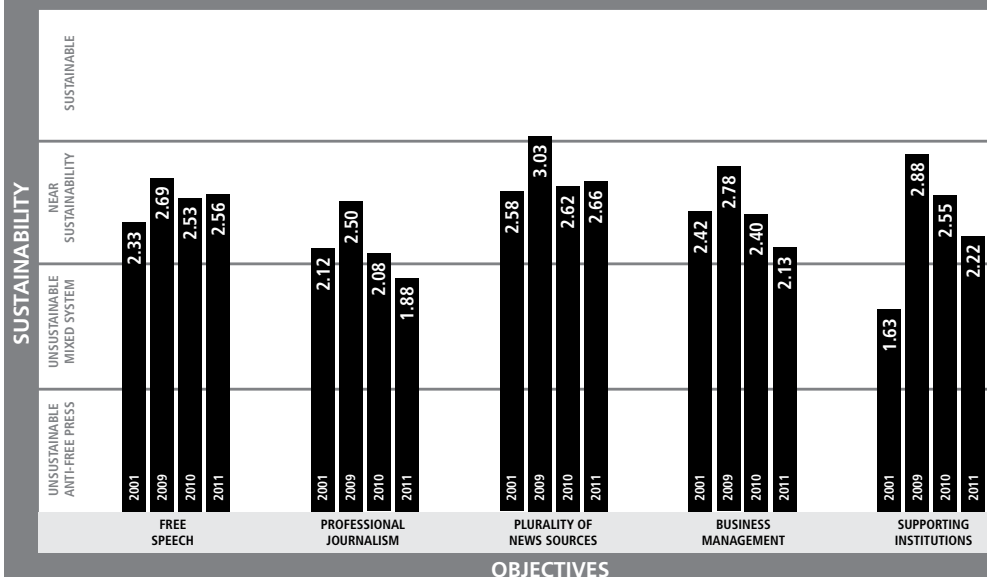
GENERAL

- > **Population:** 7,148,785 (July 2010 est., *CIA World Factbook*)
- > **Capital City:** Sofia
- > **Ethnic Groups (% of population):** Bulgarian 83.9%, Turk 9.4%, Roma 4.7%, other 2% (*CIA World Factbook*)
- > **Religions (% of population):** Bulgarian Orthodox 82.6%, Muslim 12.2%, other Christian 1.2%, other 4% (*CIA World Factbook*)
- > **Languages (% of population):** Bulgarian 84.5%, Turkish 9.6%, Roma 4.1%, other and unspecified 1.8% (2001 census)
- > **GNI (2009-Atlas):** \$45.96 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$12,750 (World Bank Development Indicators, 2010)
- > **Literacy Rate:** 98.2% (male: 98.7%, female: 97.7%) (2001 census)
- > **President or top authority:** President Georgi Parvanov (since January 22, 2002)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 211 newspapers; Radio Stations: 76; Television Stations: 217 (Pairo97)
- > **Newspaper circulation statistics:** Total daily circulation: 340,000 (Market Links)
- > **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:** \$256 million (Market Links)
- > **Internet usage:** 3.39 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: BULGARIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.56

The score for this objective remains unchanged from last year's mark. In certain areas, like broadcast licensing, panelists saw movement in the right direction although it still lagged half a point behind the objective score. Elsewhere, for example, in access to public information, the panelists point to backsliding.

Panelists agree that a legal framework is in place to guarantee the freedom of speech, and it generally meets internationally accepted standards. Some legislative and judicial activities improved the media environment in 2010, including passage of the Amended Radio and Television Act, and the introduction of amendments to the Compulsory Deposition of Printed and Other Publications Act that mandate periodicals to disclose actual owners.

But there are blunders, too, in actually enforcing the law, as well as a lack of strong public sentiment against attempts to suppress free speech. Svetla Petrova, a bTV journalist, said, "Overall, the legal framework to guarantee freedom of speech is comparable to that in mature democracies. The problems are mostly related to the actual enforcement, and public awareness and support are lagging behind." For

For example, Ivan Mihalev, a journalist with The Capital Weekly, said, "Journalists are being intimidated if they do not please those in power. A shining example is the arrest of the Galleria reporter [Dobromir Dobrev] investigating the real estate holdings of Deputy Prime Minister Tzvetanov."

example, wire tapping without a court order is illegal, but wire tapping cases are not prosecuted and do not reach the courts. Leaked transcripts from wire tapings show that the authorities monitor a large number of journalists. The police claim that such wire tapping only happens with a court order, and in order to prevent or gather information about a crime, but there are widespread fears of indiscriminate wire tapping without proper court orders. Petko Georgiev, a BTC ProMedia journalist, commented, "Moving toward large scale electronic surveillance will make the confidentiality of sources pointless. Why ask journalists who they have been talking to when you have the phone transcripts? This is a serious threat to the confidentiality of sources."

In addition, the cabinet passed a set of amendments to the criminal code. Stoyana Georgieva, editor-in-chief of MediaPool.bg, commented that they could turn out to be a backdoor to censorship. Although the amendments have not passed through parliament, the panelists nevertheless expressed concern that the council of ministers would adopt such legislation. The government is believed to favor tougher measures, and is known to have tested the ground for a dedicated libel law and tougher punishments than currently exist.

Furthermore, not only does the public fail to support journalists, journalists cannot rely on their employers to stand behind them. Chavdar Stephanov, a TV+ journalist, pointed to the Bulgarian National Radio (BNR) local correspondent in Stara Zagora as a relevant example. Sued for libel by the former minister of social affairs, she has been tied up in lawsuits for several years now, and getting no help from the editorial board. Her employer, the state-owned Bulgarian National Radio, does not stand by her and does not give her legal support.

Despite the lack of positive development on some points related to licensing, this year licensing scores improved. There have been changes—however questionable—in the regulatory bodies, and there have been new licenses issued—

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Despite these successes, panelists continue to be critical of the slow pace of the judiciary in libel cases against journalists and outlets. Stephanov commented, "It takes three to four years for good to prevail."

both analog and digital. That is notable, as prior to passage of the new Radio and TV Act no licensing was occurring. However, Assya Kavrakova, of the Open Society Institute, commented, "There has been a surge in the number of digital licenses issued this year. As to other indicators, there is hardly any significant progress."

For instance, the licensing process continues to be viewed as largely non-transparent. Panelists agree that limiting the number of the Council of Electronic Media (CEM) members (one of the Radio and TV Act amendments introduced this year) has made the regulator more prone to political and economic influence. Georgiev said, "...there's no quality change in the way [that members of the CEM] are elected and appointed. To me there is simply another way to control the regulators." By decreasing the number of Council members, the ruling majority in Parliament managed to establish a majority in the Council as well, by circumventing rules allowing the president to appoint new members (the president and the ruling majority in are in fierce opposition to each other). Dilyana Kirkovska, of CEM, added that CEM organized and held open competitions to elect heads of the public radio and television.

In addition, digitalization is way behind schedule, and there is no public debate on the topic.

The market entry and tax environment for the media are comparable to other business fields; the media do not receive any tax breaks. The average value for this indicator is largely unchanged, but there are ongoing debates on a number of related issues. One is whether CEM should be collecting fees from outlets for periods between the licensing and actual launch of broadcasts. Kirkovska noted that most outlets that were required to pay fees for such time periods filed appeals. Another question is whether blogs should be considered media outlets, and pay taxes like the rest of the media.

The panelists reported no cases of violence against journalists in 2010. However, they could not point to any progress, either, in investigating and punishing crimes from previous periods. Panelists agree that a widespread sense of impunity for crimes against journalists continues to affect media professionals.

The panelists did share examples of political pressure against journalists covering the property status of cabinet ministers and other prominent officials in the state and local administration. For example, Ivan Mihalev, a journalist with *The Capital Weekly*, said, "Journalists are being intimidated if they do not please those in power. A shining example is the arrest of the *Galleria* reporter [Dobromir Dobrev] investigating the real estate holdings of Deputy Prime Minister Tzvetanov. This amounts to abuse of power by the police—an attack on freedom of speech to please a politician."¹

Danail Danov, a media expert from Sofia, said, "Crimes against journalists remain unpunished," but added that in his opinion, the media work in tabloid style rather than in the public interest. Danov cited a number of cases of unpunished crimes: "The assault on Ognyan Stephanov remains unsolved. Charges against the Galevi brothers for pressuring journalists have been dropped. Their employees, Apostol Chakalov and Vladimir Angelov (found guilty for threatening reporters) were given minimum sentences, which—it turned out—they served during the preliminary arrest. As a result, fear has tightened its grip. The witnesses in the Galevi trial say they fear retribution more than ever."

A serious concern is the lack of wide public response, or even a burst of indignation against crimes targeting journalists and the media. Panelists believe one of the reasons for this ongoing trend is the overall lack of public sensitivity to violations of human rights in general, as well as the low esteem of journalism as a profession. On the other hand, there is also a complete absence of solidarity and joint defense of journalists' rights—due, perhaps, to a twisted understanding of competition and the need to standing one's own ground on the market. Commented Ivo Indzhev, a journalist and blogger, "There is an outrageous lack of journalistic solidarity in Bulgaria. It's a deliberate, conscious refusal to support fellow journalists. I don't know what else must happen for journalists to stand up than a journalist getting beaten near death, like Ognyan Stephanov.² And it's only because media outlets are territorial. When a news photographer gets robbed of their camera, it is news for the affected paper only. The others will not bother to cover it—they would not want the competition to gain publicity."

¹Police held Dobromir Dobrev, a *Galleria* reporter, and the newspaper's driver for a few hours for questioning. He was writing a story about the country house of the Minister of the interior, when a local resident called the police and accused the journalist of trying to run her down with his car. The reporter was released after a couple of hours and the case did not go to court.

²Ognyan Stephanov was the editor-in-chief of a news website closely related to current and former secret service agents, and a businessman. In 2008, the journalist seemed to have been caught in the crossfire between them.

On the level of public tolerance for crimes against journalists, Kavrakova added, "The public is not simply turning a blind eye—it expects and demands this treatment. It's an environment that tolerates violations of human rights. And that's the worst thing, it's not only about the media." Georgiev concluded, "One of my biggest fears is that the public is growing numb, worryingly senseless. It almost feels like the crowd is pleased when a journalist gets beat up. We're in the same boat with lawyers, politicians and customs officers—society's traditional bad guys. And that's a sad thing to say. In the early nineties, journalists were among the most respected guilds. We're now at the bottom."

The score assessing the editorial independence of the public outlets changed little from last year. In spite of the amendments to the Radio and TV Act, the level of the editorial independence of public radio and television is virtually unchanged. Kirkovska commented, "From a legal point of view, the new Radio and TV Act brings no change. The editorial boards of the BNR and BNT are still elected the way they used to: with a Council of Electronic Media vote."

What most of the panelists are concerned with is not the transparency of state funding for the public media, but the transparency in how the funds are being spent. In 2010, the media trained much focus on competitions to appoint new directors general of the Bulgarian National Television and Radio. The Boards of BNT and BNR are appointed by the general director and have limited functions. They usually include well-known experts and media figures, acceptable to the ruling majority. The public media are independent from the government on paper, but in reality they are (willingly) subject to constant government pressure. They are trying to balance their act, but a bias in favor of the government is common and indeed expected.

Regarding libel laws, from a legislative point of view, there's been no change—libel continues to be a criminal offense. However, in 2010, there have been examples of charges being dropped against journalists in lawsuits going on for years. Georgiev described, for example, the case of Boyko Stankushev and Milena Dimitrova, of "Na Chisto." Defendants in a libel case that went on for nearly five years, they were acquitted this year after the last appeal was heard. The plaintiff, a prosecutor, was offended by a Na Chisto episode in which a police investigator accused him of corruption. The prosecutor filed a lawsuit against the program host and the investigative reporter—not against the interviewee. It was his choice of target. The two journalists were found not guilty and the decision is now final.

Despite these successes, panelists continue to be critical of the slow pace of the judiciary in libel cases against journalists and

outlets. Stephanov commented, "It takes three to four years for good to prevail."

In Bulgaria, the burden of proof is on the defendant, though there is court practice in favor of higher responsibility and greater transparency for public figures. The panelists noted that the number of libel cases is limited, but there are no known cases of corruption involving libel court proceedings.

Access to public information is guaranteed by law, but the altogether negative trends are reflected in a lower score that compared with last year. The biggest issue is the growing propensity of public institutions to engage in procedural maneuvering to delay and obstruct attempts by the media and citizens to obtain public information by both the public and the media. Kavrakova said, "There's one access law for all, but there are striking differences in how the law is applied. Some institutions pretend to be responsible, but all too often they will openhandedly provide you with details of little consequence, while jealously guarding information of great public importance." Petrova agreed, and said that the government institutions are really mastering the art of obstructing public access to significant public information. Georgieva added, "Institutions are trying hard to dodge the responsibility to provide public information. It's hard for journalists to do their job."

In general, all journalists have equal access to information; bloggers or freelancers are not denied access for lack of press credentials.

In 2010, various advocacy groups were swift to react against the government's attempts to restrict the free access to the corporate register (a move initiated by major business associations, with the goal of protecting personal data. The issue was covered by the majority of Bulgarian media and prompted much public discussion. The final decision is to be made next year. Mihalev commented, "We're backsliding in terms of access to public information. The impending amendments to the Corporate Register Act aim to limit the publicly available information about companies in Bulgaria. Public institutions continue to have a piecemeal approach to journalists' requests and filter the provided information: it's easy to obtain anything that implicates the previous government; while inconvenient information is kept under wraps.

Still, panelists noted some positive developments, too, regarding access to public information. For example, they see an increasing amount of information available on institutional websites. Mihalev shared one small but significant victory in 2010: The Publishers' Union came together and got behind a common cause; it requested information from the Finance Minister, about where

state-owned firms keep their money. In a rare breakthrough, they received the information. There are select ministries and municipalities willing to assist journalists and the media, the panelists said—Stephanov singled out the Interior Ministry and the Foreign Ministry for praise in this respect—but overall, they deemed last year’s positive trend unsustainable.

Panelists consider the unrestricted access of outlets to international sources of news and information among the most consistently sustainable aspects of the Bulgarian media environment. Petrova confirmed, “The media are not limited in their access to local and international sources. And they are respectful of the rules.” Panelists were also keen to note that use of other media’s product falls within the accepted guidelines, and respect copyright laws.

The extremely liberal entry into the journalism profession is believed to even have negative consequences on the overall quality of journalism. Danov elaborated, “Access to the journalism profession is quite liberal. Anyone willing can be a journalist. This means there are casual visitors to the profession, as well as some business and political protégés. The most striking example is that of Elie Gigova. At one point, she was a soccer World Cup commentator at BNT, and later a morning show presenter and Nova TV.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 1.88

The indicator measuring the fair, objective and well-sourced reporting sustained a modest decrease compared with last year’s score—and has dropped more than half a point below the 2008 score. Panelists agree that the quality of journalism in Bulgaria is declining steadily. Generally, the regional outlets—especially print—fail to live up to accepted standards. To a great extent, this is due to limited access to training and insufficient knowledge of owners, editors and reporters.

Petya Mironova, from the Union of Bulgarian Journalists and the Journalism Ethics Committee, commented, “The worst thing is the low level of media literacy, the lack of journalism awareness. A large portion of local newspapers (regional, municipal) are still run by their long-time editors-in-chief, who are now also the owners. But they have not gained any new knowledge or acquired new skills. They do not know the standards. All of our efforts to promote journalism ethics and the new code were in vain; our voice was unheard. A local paper in Veliko Tarnovo is a good example. The editor-in-chief, in charge for over thirty years, says: “Right of reply? There’s no such thing.”

Alexenia Dimitrova, special correspondent for 24 hours, said, “Sadly, Bulgarian journalism is way behind international standards. It is a crossbreed between tabloid and serious reporting. Events and issues are covered from a very narrow local angle—disregarding the universal criteria of balance, fairness and objectivity. Journalists are either unmotivated or unprepared; they have no access to continuous training. Last year I sat on the jury of the Local Media Awards and I was amazed by the extremely one-sided style of reporting.”

Quite a few outlets have sufficient access to news and news sources, and their journalists follow the recognized professional standards. However, it is the intervention of the editors—motivated by the political or business affiliation of the outlet—that really brings down the quality of the reporting. Presenting the plurality and diversity of viewpoints in the coverage has yet to become the rule for the majority of Bulgarian media.

Georgiev agreed that traditional media are in decline, and added that new media do not follow professional standards. However, he said, “As a whole, a majority of reporters in the national media are sufficiently professional and keep to a set of standards that would be adequate across the EU. However, the professionalism of editors is based on a completely different set of criteria. In other words, what the media say is true—but it is not the whole picture.” There are certain things that the media just will not talk about, depending on their political or business affiliations. There is no firewall between advertising and the newsroom; for example, nothing critical can be written about mobile phone companies—the biggest advertisers in the country.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Mihalev said that the majority of media outlets fail to present all sides of a story. Danov said that although he believes reporting is based on a variety of sources, official sources seem to prevail over voices from civil society. He also brought up a problem with national radio: Interviews often have questionable audio quality, making them virtually impossible to understand. Varying viewpoints are presented, but often air in different editions of the program—so depending when an audience tunes in, it can leave a one-sided impression. In Danov’s view, television stations are meticulous and detailed in their daily coverage, but fail to provide answers to the important questions, often letting politicians hijack the interviews (e.g., *Otpechatatsi (Off-prints)* on bTV or *Na Chetiri ochi (Tête-à-tête)* on Nova TV).

Adherence to ethical standards is lacking, as well. Panelists criticized CEM, as well as the ethical commissions, for being too slow to address issues related to journalism ethics. The panelists noted that CEM failed to give an opinion on the protection of minors on television (specifically, children appearing on Big Brother)—it only issued a statement after the show was over.

As Danov said, ethical standards exist, but observing them is problematic. As a result, he noted, hybrid media formats thrive, leading to vulgarization and tabloidization of the media content. Self-regulation of the media sector is a formality rather than a conscious choice: commissions sit once or twice a year, and fail to address some of the most important issues—such as hate speech by politicians, and outspoken threats against the media and journalists (e.g., Volen Siderov and the Lufthansa incident),³ and vulgar and offensive language (e.g., MP Yane Yanev on his sexual orientation).

As a member of the broadcast ethics committee, Petrova commented that on paper, Bulgaria has adopted the right standards. But, as a member of the broadcast ethics committee, she said the committee deals mostly with petty complaints. “Yes, these things are important to the people involved, and it is part of the committee’s job. But overall, our ethical standards feel quite low, including the big mainstream media.”

Furthermore, quite a few major, popular media still have not adopted the existing ethical codes. This is a conscious choice on the part of their owners, and their decision is indicative of the values and level of responsibility in the Bulgarian media environment. Mihalev noted, “Big media groups

³The leader of the ultra nationalist party, Ataka Volen Siderov, was held by the authorities at Frankfurt airport for allegedly using aggressive language to the Lufthansa on-board staff. He then threatened to sue any media that claimed that he was arrested by the German police for the incident (and indeed, he was not.)

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owning multiple daily newspapers refuse to adopt the ethical code. The ethics committee has no authority over them, and they do not feel obliged to play by the rules. On the other hand, we have the ever-growing army of the sensationalist press. The tabloids just can’t be bothered about ethical or professional standards. And their strength is in numbers: every one of them beats the aggregate circulation of all newspapers that have signed the code of ethics.

Another category of ethical complaints involve the professional behavior of journalists. In the midst of an economic crisis, job cuts affecting journalists, ever greater economic pressure and corporate dependency, the panelists believe under-the-table pay for journalists and editors continues to be an issue.

Self-censorship continues to poison the media environment, commented Danov. “The ‘silence zones’ are growing,” said Mihalev, who linked the negative trend to the global economic crisis, which he said made the media a losing business. Unable to secure the funds they need, the media are particularly vulnerable to corporate and political pressure. Self-imposed censorship is also encouraged by the new political behavior (more aggressive, less tolerant, and disrespectful of public opinion) and the distinct style of dealing with the media of some of currently the most prominent politicians in Bulgaria.

Petrova expressed her opinion that self-censorship is making a frightening comeback, and noted that current affairs and investigative journalism are losing ground as a result. Journalistic investigations suffice with minor (and safer) issues or, even worse, are politically motivated.

Danov described one clear-cut cases of self-censorship, where journalists were reluctant to risk offending the prime minister: The notorious fund-raising soccer game in Pescara, Italy (a benefit match between Bulgarian MPs and cabinet

ministers and their Italian counterparts). All media covered the prime minister's goal scoring abilities but, reluctant to risk offending the prime minister, no one bothered to ask about the funds raised. For the record, tickets for the game cost €10, attendance was less than 100.

Panelists also criticized the depth and quality of coverage of key events and issues. The media are exposed to pressure, and their editorial independence is undermined, which affects their decision-making on which topics to cover. For example, Mihalev was especially critical of journalists' avoidance of the corporate ties of the ruling party GERB. The situation is particularly complicated for small regional outlets, which have especially suffered from the economic crisis. To survive, they are more likely to favor the political or business agenda of a local lord over the interests of the community.

Danov also raised the question of blurring borders between journalism and publicity. "Journalists do cover key events and issues," he said. "The question, though, is how."

Although some events are covered by blogs, citizen reporters, or social networking tools, such reporting is not yet very influential on public opinion.

Pay levels for journalists continue to vary across different types of media: commercial and public, national and local. Pay levels for journalists are higher than for civil servants or teachers. Still, the panelists agree that pay is altogether low in the industry—with the obvious exception of some of the national-coverage broadcasters. This in turn favors an unhealthy environment: the relatively low living standard of journalists is a premise for questionable practices, as well as increased manpower mobility within the industry and outflow into other businesses. In a stagnant media environment and labor market, the journalistic profession seems to have little potential for growth and development.

Mihalev commented, "The crisis has led to job and salary cuts—journalists are no longer motivated to work to higher professional standards; instead, they are pushed instead into various forms of corruption. Or moonlighting: As Danov noted, "Even journalists from leading outlets work a second job. As to pay levels in local and regional media—they're simply laughable. No wonder then, at election time some of the senior journalists are handling PR for local politicians." Stephanov added, "Outside the capital city, our fellow journalists work for token pay. All that, along with the unstoppable march of entertainment, calls into question the professional standards in journalism."

Konstantin Markov, honorary chair of the Association of Bulgarian Broadcasters (ABBRO) concluded that the current state of the economy and the low pay levels do not favor

the emergence and development of quality journalism in Bulgaria.

The surge in entertainment programming at the expense of news and current affairs is another serious, negative trend, according to the panelists. The line is increasingly blurred: issues and topics of public importance are addressed somewhat equally in entertainment programs and in news and current affairs shows. The issue of balance between news and entertainment is a matter of much debate. Media owners and managers unfailingly claim it is what the market wants, and they are simply responding to the audience demands. As Danov said, "Entertainment obviously dominates over serious content and it's a market-driven trend. It's what the audience wants in the end. Just take a look at the ratings."

Still, Kirkovska, noted that important social issues are overlooked in favor of entertainment programming; investigative journalism is growing thin. "Show prevails over in-depth analysis, and the agenda of the media is not the agenda of the audience," she remarked.

The level of technical equipment and facilities remains virtually unchanged—and this indicator is within reach of long-term sustainability. The big commercial broadcasters (and, to a certain extent, the public (formerly state) media have adequate, and up-to-date technical facilities. However, that is not the case everywhere. Danov explained, "Proper equipment is no issue for the big commercial outlets—and their workforce is skilled enough to use the new technology. At the Bulgarian National TV and Radio, things are a little more complicated. Digitalization is taking too long, upgrading the equipment is a long and complex procedure—and the actual acquisition is often tainted by corruption allegations (BNT). However, it's the local media where the situation is most problematic. They're struggling to pay the wages, and upgrading the technology is not a priority.

There is little change to report in the level of niche reporting and investigative journalism in 2010. Niche reporting is developed in the big nationals, while local outlets lag behind, mostly due to lack of funding and qualified personnel. Mironova commented that both journalists and editors need more training in this area.

Investigative journalism is inevitably affected by the economic downturn and the resulting lack of funds for training, development and specialization in specific beats. But the surge in self-censorship has had a negative effect, as well—evident in the protective bubble surrounding the prime minister. In addition, some panelists voiced doubts about the motives behind some of the investigations in the past year, fearing the media may have been used for political or business gain. Still, there are some notable exceptions

of strong investigative reporting—such as the exposure of lucrative land deals by family members of several high magistrates, who were later forced to resign.

Danov agreed that beat reporting is sufficiently developed in national-coverage media, but said that this positive feature is stifled by self-censorship and the aggressive pressure exerted by people in power. Investigative journalism exists in big television stations, while in the press they're for the most part sensationalist or overtly partisan (tabloids like Shock, Weekend, Galleria). Investigative journalism remains a luxury for smaller outlets. Occasional pieces are more likely to be based on tips by insiders pushing their own agenda (the mailbox syndrome), rather than a consistent policy. Georgieva explained that in the mailbox syndrome, the outlet is a mere mailbox for planted evidence used in smear campaigns or in pursuit of political or corporate interests.

Ivan Mihalev commented that at his daily, the approach is shifting from niche reporting to team coverage (teams of reporters covering a single issue), and he believes this is the way the field is evolving.

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.66

Most panelists agreed that not only are there a growing number of news sources, but citizens also enjoy unrestricted access to print, broadcast, online and digital platforms. Petrova commented that sources of news and information are plentiful and the media succeed overall in adequately serving the public with information that's both diverse and reliable.

Still, some panelists remarked that quantity does not equal quality, and that the mainstream media actually fail to reflect profoundly diverse viewpoints on issues of great public importance. Alternative views and opinions are instead limited to smaller—even marginal—outlets. Panelists point out that it takes a higher level of public awareness and a more mature society for citizens to actually benefit from the existing media plurality in making informed decisions.

Danov agreed that news sources and platforms are plentiful, but noted that new media—including social networks—are available but only to a limited group of users. He added, "The reach of the Internet is growing every year, and that is undeniably a positive thing. However, coverage is still very stereotyped and superficial."

Mihalev shared his opinion that there are too many news sources, and that in some cases diversity is in fact to the audience's detriment. Radio waves, he emphasized, are

overcrowded—the advertising market is too small to support all of the stations. "They are struggling to survive, and their editorial independence is in question." It is pretty much the same situation on the newspaper market—more than 10 national dailies is a disproportionate number for a small nation like Bulgaria. An outlet can be a losing business but still stay afloat by trading with influence. They're not market players—they're a tool of influence.

Kavrakova and Indzhev contemplated what the array of choices means for youth, in particular. Kavrakova said, "Viewers need to have a critical mind, an understanding of what and how many sources they need. This is a delicate balance—particularly for the young generation." Indzhev remarked, "Let's admit that most youths do not look for different opinions—they just watch television. Whether what they watch reflects a variety of views is an entirely different story."

Citizens' access to international and local media is free and unrestricted—and this is one of the stable trends over time. Once again, the panelists based their favorable assessment on the ever-growing Internet access, and the wide reach of cable television—two platforms that secure citizens' access to a great number of domestic and foreign sources of news and information. The only restriction to the use of international media is the language barrier, which affects mostly the older segments of the population. Danov commented, "People are free to use media and information, and the opportunities to obtain foreign news are unlimited. 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) exists 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 non-partisan, 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.

reach of cable is a curious phenomenon in Bulgaria—over 80 percent of households are subscribers.” He also underlined declining literacy levels as one explanation for the deepening tabloidization of the Bulgarian media.

Most of the panelists believe the public television and radio, BNT and BNR, objectively cover an array of social issues and developments. They address problems of public importance, and produce quality public interest content. Both media outlets have multiple hours of “social” programming, so they cover almost everything. Disadvantaged people, children and the elderly are the most frequent social issues explored in public media. Georgieva noted that the public media might have taken a much worse turn in this respect, and she feels they are doing quite well: “Public broadcasters will say things every now and then that commercial outlets will never day to say,” she said. Still, some panelists offered criticism, claiming the two public broadcasters have not lived up to their public service obligations and failed to offer quality coverage of issues of public interest, such as the management and absorption of EU funds.

Danov pointed out that BNT and BNR are continuing their transition from state-owned to public media. As Stephanov put it, “State media are not wholeheartedly committed to genuinely becoming public, but they’re contributing to the development of journalism nonetheless.”

According to Danov, political leanings do not show—let alone affect—the work of presenters. However, he said, “A degree of bias exists in some media in favor of the ruling majority (*Standard*, *Monitor*, BNT).”

Panelists acknowledge the contribution of the independent news agencies; over the last few years an evolving market has made room for some private news agencies that widen the diversity of sources. These include BGNE5—an alternative news agency; and DNE5.BG and vesti.bg—alternative independent news portals. The problems noted by panelists are mostly related to unclear ownership and insufficient independence from political and business influence.

According to Danov, Bulgaria has independent and editorially sound independent news agencies which do a professional job of gathering and distributing news. The Focus agency is a particularly popular choice among regional outlets, as its service is free of charge. He added that some of the popular online sources (news agencies and blogs) are sometimes lacking in quality.

Most of the independent broadcasters produce their own news and this is a sufficiently stable component of the media environment. Big broadcasters with national coverage continue to improve and develop their newscasts. On the other hand, regional media are able to stay afloat by serving

their niche with local news content. Vesselin Vassilev, owner of Radio Sevlievo, commented, “Local news—and regional news—is our corner on the market. There’s demand for that and we’re serving our audience.”

As for online media, the share of websites producing their own news content is relatively low. But panelists believe this to be one of the developing features of the media environment with potential for growth.

As diagnosed by previous MSI panels, the transparency of media ownership continues to pose obstacles to the development of the Bulgarian media environment. The lowest-scoring indicator of Objective 3, it dropped from the 2009 level, as well.

Danov commented, “Media ownership is not entirely transparent. The general audience is ignorant of who’s who in the media—and the blogosphere is no exception. Media ownership can be concentrated (as seen with Iren Krusteva, who owns *Monitor*, *Telegraph*, *Politika*, BBT TV, and others) and shrouded in mystery. In such instances, a meddling owner is the rule rather than an exception.

Panelists identified two key developments in 2010 that characterize the controversial media sector policies of the new ruling majority. A clearly positive step is a piece of legislation (amendments to the Compulsory Deposition of Printed and Other Publications Act) that favors the disclosure of print media ownership. Opinions are split on another legislative decision: by virtue of recent amendments to the Radio and Television Act, it is no longer illegal for the same entity to own a media outlet and an advertising agency. The country still lacks a public register of broadcast media owners.

It is not unheard of for individuals or legal entities that own media outlets to meddle with editorial content and decision making. On the other hand, Bulgarian media continue to attract foreign investment (the leading independent television channel changed owners in 2010), which gives a boost to both content quality and editorial independence. According to the panelists, foreign investment is quite prominent, and it helps the general environment by favoring clear rules, better pay and protection against external pressure.

Panelists continue to express concern over the lack of depth in covering minorities, gender and other social issues, although this year’s panelists are divided in their assessment—and the overall score for this indicator changed little from last year. Some panelists see a wider range of topics and issues gaining prominence on the media’s agenda. Others find the coverage piecemeal, superficial and stereotypical. Dimitrova commented, “To me, political stories have priority, 90 percent of the coverage is politics and big business... The fact that a

gay pride event gets mentioned briefly does not necessarily mean pluralistic coverage.”

According to Danov, it is not just a question of what the media supplies, it is also a question of audience demand for coverage of minority issues (LGBT, ethnic and religious minorities). Sometimes the coverage is skewed towards sensationalism, and issues are not addressed in depth, he said. He added, “The Otechestven Front (Fatherland Front) program on Nova TV is an interesting phenomenon in that it’s trying to place focus on the real issues of various minorities, but often does so in vocabulary and style that defy good taste. Minority coverage is often reactive rather than proactive: based on a calendar of repeating or planned events, rather than a policy of consistent in-depth coverage of issues.”

The panelists said that coverage of international stories seems to lack depth and substance recently—with some exceptions in the public media. The media claim the audience’s interest lies elsewhere. Major commercial broadcasters are trying to strike a balance between domestic and international stories, but sometimes focus on topics that are terribly relevant to the Bulgarian society. Indzhev commented that some international topics appear to be avoided deliberately, such as the lack of locally produced coverage of the Russo-Georgian conflict in Bulgaria. Kavrakova added, “There are other stories that get the same treatment—such as Turkey’s EU accession... There’s no public debate on this topic, no analysis of the pros and cons, no way to make an informed opinion.”

Danov believes that Bulgarian media offer local, national, and international news, and he remarked, “That is where local outlets count—they will always provide the local angle.” Commenting on his region, Sevlievo, Vassilev said, “In recent years, in our community there’s been a decline in the demand for international—and even national—news. People care about local stories—the rest is less relevant.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 2.13

Scores for Objective 4 sustained a moderate decrease compared with last year’s score. Panelists agree that there is a genuine tendency to base media management on market principles, but said the environment is not conducive to applying good business practices on a wider scale.

Bigger outlets are well managed from a business perspective—especially the national coverage broadcasters. Markov noted that wherever foreign capital is involved, success is more likely. Danov added that many independent

print and broadcast media are efficient and profit-making enterprises. Panelists voiced concerns, however, that planning and allocation of funding in the public radio and television are not efficient enough. As for small regional outlets, Danov commented, “Strategic planning is altogether absent; they live one day at a time. Journalists are not paid regularly, and they often work for minimum wage or untaxed cash payments.” Poorly compensated, these journalists have little motivation, and this is reflected in the quality of their work.

Print media and regional outlets are particularly hard-pressed to secure a regular flow of funding, which upsets their long-term planning and strategic development. The situation is amplified by the ongoing financial crisis and the general trend of decreasing sales in the print media. Furthermore, attempts by online media to adopt sustainable business models meet with little success.

In its various shapes, advertising is the only source of revenue for most of the commercial media. For the majority of publications, subscriptions and sales of copies do not constitute a big enough source of revenue—advertising is the primary means of sustenance. Mihalev explained, “Media are at the mercy of advertisers and direct funding from owners. The quality papers are the worst affected—with dwindling circulation and less revenue from advertising or classified ads. Most newspapers are losing money and are de facto funded by the publishers. Publishers, in turn, are pressed by politicians.” Stephanov concluded that the media, especially print, are in effect run by the advertisers—and this is killing good, objective, non-partisan journalism. Some of the tabloids are the obvious exception: their massive circulation is a viable source of income, which is also a boost

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.

for their editorial independence. Indzhev noted, "Circulation is something for the tabloids alone to take advantage of. And it so happens that they have greater independence, as they are paid by the readers, not advertisers." Georgiev added that this is really a global phenomenon; he said, "Maybe the smaller Bulgarian market is making it more prominent but it's happening all over the world. The only newspapers that profit from circulation are the tabloids."

Given the pivotal role of advertising in the prevailing business model of media funding, most of the panelists believe the editorial independence and the professional integrity of journalists are under substantial pressure. In public radio and television, the importance of state funding is believed to create conditions that favor political interference. According to Danov, "The media funded from the state budget are obviously in a state of dependence on the parliamentary majority."

The advertising market continues to evolve, but some of the negative effects on the overall sustainability of the media environment have not been overcome. There are signs of recovery from the slump in previous years, and some new legislation. Recent amendments to the Radio and Television Act lifted the restriction on simultaneously owning media outlets and advertising agencies. Some consider this a positive step: the restriction was not strictly enforced anyway, and it is a way for the industry to come clean on ownership. Krassimir Guergov is a specific example: he has admitted to holding a stake in bTV parallel to owning shares in advertising agencies.

The legislative amendments can change how the media do business; it is now legal for outlets to have their own companies selling airtime. Following the passing of the amended law, MTG registered such a company, and it is also handling sales for the Discovery group of channels.

Panelists attribute a worsened advertising environment to concentration in the advertising market. Georgieva said that the media operate on a distorted advertising market, dominated by a single owner of multiple agencies who also has stakes in certain outlets. The editorial content of the media—especially print—is increasingly dependent on the advertisers' agenda. Georgiev added, "The advertising market is shrinking and becoming concentrated—and doing so in a non-transparent way, in defiance of market rules."

Big advertising agencies are increasingly likely to concentrate all spending on national coverage outlets, as well—undermining the sustainability and often the very market survival of regional media. Vassilev remarked, "In the last few years, advertising agencies have become complacent. They used to be proactive in their relations with local outlets, cable channels, but in the last three or four years they have grown

lazy: they do not bother work with local outlets. There is no data about small markets."

Danov agreed that big advertisers continue to ignore smaller outlets—paying for advertising is based on clientelism rather than market values. The biggest advertisers are telecoms and banks. The panelists did agree that advertising agencies are highly professional, and adhere to international standards of production: advertising clips are professionally produced, and placed professionally, using marketing research.

Another cause for the drop in rating compared to last year's MSI survey is the trend of increasing advertising-related content in the media, both broadcast and print. In television, full use of the prescribed limit of advertising time is a legitimate goal to secure revenue in times of crisis, but also limit the expenses for actual content. The adoption of new forms of advertising—such as product placement—is approaching the levels typical of developed markets. Kirkovska said that too much of the media content is being commercialized. Danov noted, "Commercial media's pursuit of as much advertising as possible is only natural. That's especially prominent in the print media, for which revenue from subscriptions is not an option really—it cannot compare with advertising income. In big national broadcasters, advertising often takes away from the actual newsworthy content... It seems the lifted restriction over advertising in news and current affairs programming has not resulted in greater freedom and variety but rather excessive commercialization."

In terms of the volume of advertising, Danov said, "The advertising market is evolving and the big nationals are playing by the market rules. The volume of advertising is limited to six minutes per hour for the public radio and TV, and 12 minutes for the commercial outlets. It's an entirely different story that neither the BNT, nor the BNR are capable of making good use of the advertising time they're allowed."

Petrova shared her own experience with ads taking over content: "I host a one-hour show. There used to be a clear pattern whereby at the start of each year when new contracts were still being negotiated I used to have more time to fill with content. Recently though, I only have 45 or 46 minutes and that's that. They wouldn't let me have a second more. The content of my program is inevitably affected." Georgiev concluded, "Outlets are offering discounts just so they sell out their commercial time—that means less program time to worry about. The idea is to get as much commercials as they can—and have less time to fill with content."

Most of the panelists agree that state and municipal advertising and publicity funds, or funding under various projects, is not fairly distributed across participating

outlets. The government—both state and local—is likely to use them to leverage influence and shape the media's agenda. In addition, there are outlets that seek to earn the government's favor by adjusting their editorial policy towards more sympathetic coverage and friendly commentary. Georgieva summed up the concerns: "State funding, including distribution of EU funds, is consistently non-transparent. They're feared to be an instrument of bribing the media."

For his part, Danov offered a slightly more nuanced view, "I don't think the government is using budgets and funding as a pressure tool—at least not directly. Buying air time is handled by advertising agencies—at least for the big outlets. As to favoring certain media, I have the feeling it's the outlets themselves that proactively seek the government's approval, not vice versa. In way, there's an element of self-censorship in all this."

Regarding the use of market research, due to the continuing economic crisis, marketing research was less and by fewer outlets in the past year—a trend that is especially prominent in the print media. However, leading outlets—especially television channels—continue to base their strategic planning and decision-making on market research. Danov said, "In big commercial media, especially television, market research is key to the strategic planning. This is certainly true for major independent productions where ratings are of utmost importance." Several companies, including some major international companies—Gallup International, TNS, TVPlan and local—like Alpha Research, MBMD and others, offer market research surveys in Bulgaria.

However, the panelists noted that smaller outlets lack the financial resources to afford proper audience research, which in turn is causing them to lose their competitive edge. Vassilev added, "It turns out that research simply ignores smaller communities with population of less than 50,000. There used to be market data for these areas; we used to have an idea of how they are doing. We were required by CEM to submit this kind of data. Today we're in the dark."

The majority of panelists continue to express doubts about the official ratings and circulation figures. Danov said that producers frequently question the publisher's ratings, especially when they're not in their favor. Miranova, for her part, said she is skeptical of the reliability of independent agencies producing ratings and circulation figures. In 2010, despite the existence of two People Meter systems, only one was supplying the bulk of media outlets, advertising agencies and media shops with data. The agency in question is alleged to have ties with some advertising agencies and media.

For more than 10 years, there used to be a single source of broadcast ratings in Bulgaria, the TNS TV Plan People Meter

system. The media have repeatedly questioned the credibility of the data. Doubts were expressed that intentionally pumped-up ratings of certain outlets were distorting the market—amid speculation that a prominent stakeholder in the media and advertising market (Krassimir Guergov, who recently admitted that he used to own shares in the country's biggest TV Channel, bTV) was involved in the ownership of the rating agency.

About four years ago, the market research company GfK set up an alternative People Meter system, the GARB system, to compete with the TNS panel. After a brief spell of success—and having attracted a major client in the face of Nova TV, the country's second biggest television channel—GARB failed to achieve prominence. Advertising agencies continued to predominantly use TNS figures, which caused GARB to lose most of its subscribers.

Many experts have questioned the capacity of the Bulgarian market to sustain two competing People Meter systems. However, media stakeholders have also repeatedly called for tighter control over the methodology and the integrity of the data produced by TNS. A committee of subscribers initiated an independent audit by an international company, which found no major deficiency in the system. Yet, at the end of 2010 (a few weeks after the MSI panel was actually held), GARB officially announced the acquisition of the TNS TV Plan People Meter system. Effectively, this will preserve the present status quo of a single, competition-free source of broadcast ratings.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 2.22

Trade associations exist and represent the interest of publishers and outlet owners. This year's scores dropped, however, based on the doubts expressed by some panelists about the level of political independence of trade associations. In addition, there's a history of rivalry between associations as well as internal bickering between competing members, which also contributed the lower scores.

Danov observed that the authority of the active trade associations—the publishers' union, the association of cable operators, ABBRO, etc., seems to be decreasing. "They have contributed to no substantial change in the media environment—and changes have occurred not because of, but despite their efforts." Danov added, "Often the associations have legitimacy issues—their heads are elected through vague procedures and their work remains of marginal interest to society."

Vassilev said that associations such as ABBRO are defending the professional interests of their members, but he wishes that they offered more in the way of training programs.

The majority of experts believe that the Bulgarian media environment suffers from a shortage of efficient and committed associations of media professionals. The existing institutions are failing to defend journalists' rights or promote professional standards. The overall conclusion is that a long downward trend has settled into a status quo. On the one hand, Danov said that professional associations benefit from a liberal registration procedure, and no government pressure. On the other hand, he said, "However, I see no merits in their existence, at least over the past year. It was the media and not the associations that responded to the prime minister's letter about political pressure. The associations have failed to stir debate on the amendments to the Radio and Television Act. They failed to adequately respond to the removal off the air of leading journalists like Lora Krumova and Milen Tsvetkov, or the appointment of Dimitar Tsonev as host of the BNT Sunday afternoon show despite the clear conflict of interests constituted by his position on the BNT board."

As for NGOs supporting the media, The Bulgarian Helsinki Committee and the Access to Information Program are the two most prominent NGOs supporting the freedom of speech and the independence of media. Overall, however, panelists felt that NGOs now have less impact than they once did. This is mostly attributed to the decreasing role of civil society organizations in the development of the media environment. Some of their actions have even been interpreted as attempts

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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

to restrict the freedom of speech. Gregoriev explained, "NGOs petitioned the parliament to actually censor a television program. A group of NGOs asked the regulators to take *Big Brother* off the air even before the start of the show. There was civil pressure in favor of imposing censorship in Bulgaria, because they were afraid that the program might violate children's rights."

Danov agreed that NGOs in the media sector have clearly stepped back from their traditional roles. He said, "They could not possibly think that their mission is accomplished, that they are no longer needed. The potential of NGOs was severely limited by the withdrawal of foreign donors, the slow and obscure procedures related to project funding, the delayed payments for completed projects, the poor administration of government-managed EU funding programs such as Human Resource Development and, above all, Administrative Capacity. As a result, organizations like the Media Development Center and the Center for Independent Journalism saw their activities limited."

Two of the indicators, reflecting the quality of journalism education and professional training, received lower scores. Academic programs fail to keep up with the quickly evolving new technologies and the demand for practical hands-on training. Due to financial constraints, media are less willing to fund short-term training programs for their staff. In addition, there are almost no foreign organizations to support the process. Thus, training remains largely a question of personal motivation and opportunity. The general conclusion is that the shortcomings of academic education and professional training have a negative impact on the quality of media coverage.

Danov said that academic journalism programs are still lagging behind the needs of the media industry—and due to rapidly developing technologies, the divide is growing more pronounced than ever. Due to a chronic lack of funding, the technical facilities at the universities are out of date, and academic programs are theoretical rather than practical. He concluded, "As a result, journalism graduates are not capable of taking up jobs in the media straight from the bench, they need special training." Miranova commented that fresh graduates have trouble finding full-time appointments; at best, they might secure short-term internships. Gregoriev said that only the American University in Bulgaria has an adequate journalism program.

Danov noted that the number of organizations offering specialized training is decreasing, as well, both due to economic and strategic reasons. He said, "On one hand, the economic downturn has severely limited funding for professional development. Moreover, some of this funding is set aside or used for different purposes. On the other hand,

international organizations, which up until about four or five years ago offered training, are no longer present on the local market. As a result, the professional development of journalists is stagnating and the quality of programming inevitably suffers.”

Dimitrova underscored the huge need for mid-career training, especially in local media. She also pointed out the vital importance of foreign language training for journalists (especially English) in local media.

Access to equipment, newsprint and facilities is non-restricted and market-driven, although there is a degree of concern about potential monopolization and shrinking investments in new production technologies. Some experts share similar fears regarding the distribution channels. The lower rating has been attributed to the attempts of a certain media group, New Bulgarian Media Group, which owns a television channel, some publications and a printing facility, to acquire media distribution companies. Mihalev expressed concern about this trend towards monopolization of the print distribution market; he also lamented the fact that distribution firms do not supply circulation and market information to the actual media.

Media are not constrained in their choice of equipment, domain registration, and IP addresses. The common opinion is that media infrastructure is developing rapidly and even outpacing the actual needs of the media and users. As a result, the rating of this indicator is relatively higher compared to the objective average. A major challenge to the development of the Bulgarian media environment, related to distribution, is the decision to delay the switch to digital television.

Danov elaborated, “Regardless of the advancement of the IT and communication infrastructure, the process of digitization is lagging behind and has been delayed until 2015. Some parallels were drawn with the UK, where the switch was also delayed, but no one cares to compare the degree of digitization of households in Bulgaria and the UK. CEM is nonchalant and public debate is virtually non-existent, outside very narrow professional circles.”

Danov went on to describe the market of mobile services as extremely dynamic, but at the same time limited in terms of the number of actual users of the digital platforms. As for cable distribution, he said, “...it is of epic proportion in Bulgaria—I think cable has already covered over 80 percent of Bulgarian households in towns and villages alike. This high percentage is, and will be, an extra hold-up for digitization—users will be reluctant to support the switch as it will only mean more expenses.”

List of Panel Participants

Yassen Boyadzhiev, editor, MediaPool.bg, Sofia

Danail Danov, media expert, Sofia

Alexenia Dimitrova, special correspondent, *24 Hours*, Sofia

Petko Georgiev, journalist and producer, BTC ProMedia, Sofia

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

Ivo Indzhev, journalist and blogger, Sofia

Assya Kavrakova, director, European Policies Program, Open Society Institute, Sofia

Dilyana Kirkovska, monitoring directorate, Council for Electronic Media, Sofia

Konstantin Markov, honorary chair, Association of Bulgarian Broadcasters, Sofia

Ivan Mihalev, journalist, *The Capital Weekly*, Sofia

Petya Mironova, deputy chair, Journalism Ethics Committee, Union of Bulgarian Journalists, Sofia

Svetla Petrova, journalist and host, bTV, Sofia

Chavdar Stephanov, journalist, TV+, Sofia

Vesselin Vassilev, owner, Radio Sevlievo, Sevlievo

Moderator and Author

Dobromir Zhivkov, analyst, Market Links Research and Consulting, Sofia

The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on November 17, 2010.

For the third consecutive year, advertising income for all media outlets and circulation levels for print outlets fell precipitously. Hundreds of jobs have been lost and iconic media outlets including Radio 101 and Glas Istre remain on the brink of collapse.



CROATIA

It was Friday at 4:15 p.m. A phone interrupted the MSI panel discussion, already in full swing. Turning-off mobile phones during the panel standard procedure, but considering the circumstances, the moderator had made an exception. "He's busted!" one of the panelists exclaimed. "Austrian police have just confirmed that they have arrested him," she added.

"He" was the former Croatian prime minister, Ivo Sanader. Just a day before, Sanader had left the country in a hurry, only hours before the parliament lifted his immunity from prosecution as a result of an anti-corruption investigation. The shaken Sanader was arrested in Austria, where he had formerly resided. The same evening, two of the MSI panelists were guests on public television's special late evening news. The arrest of Sanader was a grand finale of a year in which politics dominated media headlines in every way.

However, the past year saw Croatian media struggle and in many areas the sector regressed. Panelists reported that professional media standards deteriorated and that the global economic crisis continued to weigh heavily on the media industry. For the third consecutive year, advertising income for all media outlets and circulation levels for print outlets fell precipitously. Hundreds of jobs have been lost and iconic media outlets including Radio 101 and *Glas Istre* remain on the brink of collapse.

While physical attacks on journalists are rare, many local journalists continue to face verbal threats and intimidation. Bloggers and electronic media outlets endure government pressure for their work. Marko Rakar, a prominent blogger and MSI panelist, was detained by police on charges that he released classified data, but was later cleared and released. And blogger Željko Peratović's reporting on corruption has made him the target of civil suits by government officials.

The poor performance of public television is another area of concern. Tainted by financial scandals and hampered by ineffective management and employee protests, audience ratings fell significantly. Panelists reported that despite having advantages over commercial competitors, including receipt of taxpayer subscription fees, public television continued to produce low quality programs.

Despite significant regression in some areas, there are signs of improvement in others. New media outlets continue to grow in size and diversity; the police moved quickly to protect threatened journalists and solved multiple prominent cases involving attacks on journalists; and public media organizations shed the pro-government bias that plagued the outlets during Sanader's rule.

Overall, Croatia's media sector remains unable to make significant progress forward or prevent some regression, but still maintains the basic freedoms and market principles adopted over the past two decades. This is reflected this year in a lower overall score, although not by a large amount. Losses in most objective scores were offset to some degree by improvement for Objective 3, plurality of news.

CROATIA AT A GLANCE

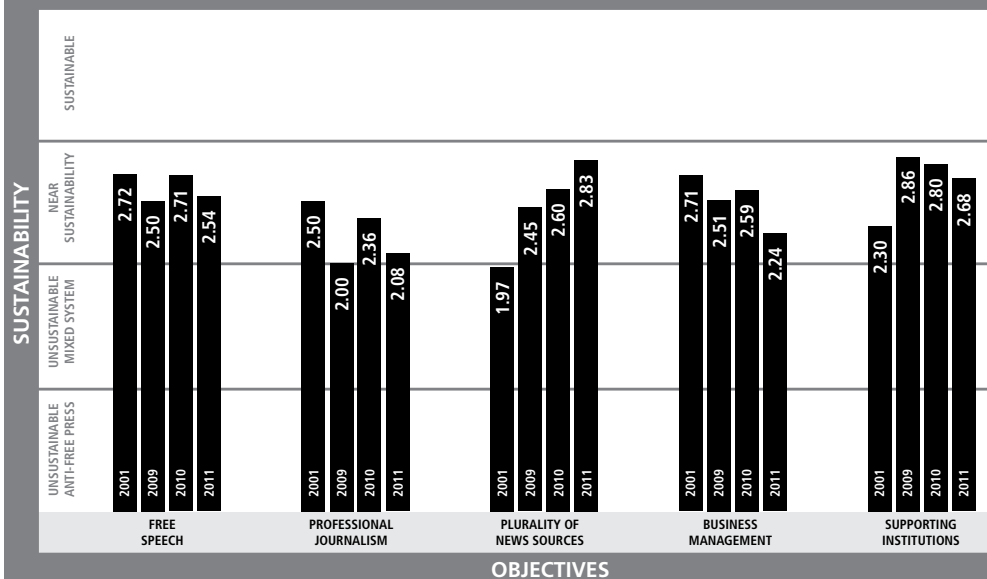
GENERAL

- > **Population:** 4,486,881 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Zagreb
- > **Ethnic groups (% of population):** Croat 89.6%, Serb 4.5%, other 5.9% (including Bosniak, Hungarian, Slovene, Czech, and Roma) (*CIA World Factbook*)
- > **Religion (% of population):** Roman Catholic 87.8%, Orthodox 4.4%, other Christian 0.4%, Muslim 1.3%, other 0.9%, none 5.2% (*CIA World Factbook*)
- > **Languages:** Croatian 96.1%, Serbian 1%, other and undesignated 2.9% (including Italian, Hungarian, Czech, Slovak, and German) (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$60.79 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$19,040 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 98.1% (male 99.3%, female 97.1%) (*CIA World Factbook*)
- > **President or top authority:** President Ivo Josipović (since February 18, 2010)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print: 1,000+, 17 daily newspapers, 40 weekly newspapers; Radio: 140+, 6 of which are national; Television Stations: 23, 5 of which are national.
- > **Newspaper circulation statistics (total circulation and largest paper):** The total circulation of daily papers is estimated at 420,000 copies a day, the top 3 being tabloid *24 Sata* (circulation 130,000), *Vecernji List* (circulation 75,000), and *Jutarnji List* (circulation 55,000); the highest circulated political weekly is *Globus* (35,000 copies), followed by *Nacional* (30,000)
- > **Broadcast ratings:** Top 3 television stations: HRT 1 (state), RTL Croatia (private), and Nova TV (private)
- > **Annual advertising revenue in the media sector:** Approximately \$550,000,000
- > **News agencies:** HINA (public), STINA, IKA/Croatian Catholic News Service
- > **Internet usage:** 2.23 million (2009, *CIA World Factbook*).

MEDIA SUSTAINABILITY INDEX: CROATIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.54

Several of the indicators received lower scores this year, contributing to a moderately lower score than last year. Indicator 3 (market entry and taxation), indicator 5 (legal guarantees of editorial independence for public media), and indicator 7 (access to information) all lost some ground. The latter two scored more than half a point behind the objective score. Indicators 8 (unrestricted use of domestic and international news sources) and 9 (free entry into the journalism profession) also scored lower this year, but still about a point higher than the objective score. Indicator 2 (media licensing) improved in the eyes of panelists, however.

The legal framework protecting freedom of speech in Croatia has never been a concern. All panelists agreed that legal provisions protecting free speech are in line with international standards. In the 20 years since the end of communist rule, the Croatian public opinion has become especially sensitive to infringements on freedom of speech and the European Union application process forced the Croatian government to harmonize its media legislation with the European legal framework. The panelists reported, however, that there are still problems with 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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

As a caveat Galić added, "Publishers haven't used this tax break to improve working conditions or salaries for journalists. It goes straight to their profit margin."

implementation of the laws governing freedom of speech and the media.

"Legal provisions are defined according to international standards. They are pro-democracy oriented, by all means. But, there is still not enough consistency in how the judiciary system implements them" panelist Gordan Malić, a prominent investigative reporter, said. "Problems now emerge when a judge is not competent enough to handle the case." Veteran journalist Denis Kuljiš added, "Most of them [judges] have no experience with or specialized training in highly demanding fields like media law."

Panelists reported significant problems with the Croatian Telecommunications Agency, which oversees broadcast licensing. "The Agency is one of the most non-transparent institutions in Croatia. It is almost impossible to get any relevant information," Toni Gabrić editor of H-Alter.org said. In the 1990s, the Agency was highly politicized, both in terms of its composition and the decisions it made. While it would not be fair to say that the same situation exists now, especially after the fall and dissolution of the former prime minister's network of formal and informal influence, panelists reported that it remains one of the worst functioning regulatory agencies in Croatia. "The Agency is not under political control. But, they have no history of being independent, so they still think they should respect political interests," Kuljiš said.

Three years ago, a law was passed obliging the Agency to publish online its contracts with license holders for public review. To date, the Agency has not posted the information online. "The Agency's website has been 'under construction' for the past two years," the moderator, Davor Glavaš, said.

Panelist Marko Rakar, a noted Croatian blogger, added that from his perspective the Agency's oversight of the Internet has been extremely disappointing: "We should end the Agency's control over the Internet immediately. They don't know what they are doing. They are not aware of the implication of their acts." Other panelists agreed with Rakar's assessment. "The Agency began making a register of web portals in Croatia. But why now? Because the new Electronic Media Act has given them the right to collect a percentage of a web portal's income for Agency activities," panelist Gabrić

“The situation is particularly bad outside of large media markets. Many local journalists face almost constant harassment and verbal threats, bordering on physical attacks, but there is no public reaction to this,” noted Simeona Pancirov of Narodni List, a local paper in the city of Zadar.

said. “If so, fine, but why don’t they ask the government web portals to pay the fee as well? Why should only independent portals pay?”

There are no capital requirements or special restrictions, taxes, or procedures for new media outlets. Starting a new outlet, assuming it does not violate antimonopoly regulations, depends only on the investor’s budget. “Print media have a privileged position compared to other industries,” panelist Gabriela Galić said. Indeed, daily papers pay only half of the standard value added tax (VAT) rate. The same VAT rule, however, does not apply to the broadcast and electronic media. As a caveat Galić added, “Publishers haven’t used this tax break to improve working conditions or salaries for journalists. It goes straight to their profit margin.”

Statistics show crimes against journalists are rare. Glavaš reported that in 2010 physical attacks on journalists were a virtual non-issue. “For the first time I feel safer than the people I write about,” Kuljiš said. Panelists attributed the improvement to positive personnel changes at the General Police Directorate.

Panelists also reported “tangible improvements” in the prosecution of crimes against journalists. “The murderers of Ivo Pukanić [publisher and journalist killed in a car bomb late in 2008] were found and prosecuted very quickly,” investigative reporter Gordan Malić said. Emil Havkić, a media lawyer based in Zagreb, added, “The public views attacks on journalists as attacks on freedom of expression. After many years, state institutions have started to share the same approach.”

Despite many improvements, journalists still are subjected to verbal threats and intimidation, mostly from criminal gangs and organized crime. “The situation is particularly bad outside of large media markets. Many local journalists face almost constant harassment and verbal threats, bordering on physical attacks, but there is no public reaction to this,” noted Simeona Pancirov of *Narodni List*, a local paper in the city of Zadar.

Public media outlets do not receive preferential treatment from the government and there are no laws that unduly discriminate against private outlets in favor of public outlets. Additionally, panelists agreed that both have equal access to information.

Panelists expressed concern that proposed amendments to the criminal code would make it easier for journalists to be criminally prosecuted for libel. Additionally, the panelists reported that judges are forcing journalists convicted of “damaging reputation” to pay higher fines. “In the 1990s, the fines were HRK 1,000,000 [\$170,000]. In 2000s, fines were reduced to HRK 30,000 to HRK 50,000 [\$6,000 to \$9,000], and these days they are up to HRK 100,000 to HRK 150,000 [\$20,000 to \$30,000],” Havkić said.

Coincidentally, on the day the panel convened, the Croatian Parliament adopted amendments to the Access to Information Act, which significantly expand the definition of classified information. While it remains unclear how this will change journalists’ access to information some panelists argued that this move is indicative of a broader trend toward further restrictions on information deemed sensitive. Others disagreed with the assessment: “There is no such thing as a right to all information for all journalists,” Malić said. “If information is classified or sensitive, access will depend on the individual journalist’s skills and connections. It’s always been like that, from the Watergate scandal onwards. The problem is when even the information that should be ‘open’ is not available, or when you have to wait for weeks to get official documents.”

Panelist Marko Rakar reported direct experience with a prominent case involving classified information. In early 2010 Rakar was detained by police and falsely accused of hacking into the Ministry of Defense’s computer network, copying the names of 500,000 registered war veterans and making them public. This event opened an important debate in Croatia over what information should be classified and what information should be made public. Rakar was eventually released and his computer equipment was returned after investigators determined he was innocent.

All panelists agreed that there are no restrictions on access to or use of local and international news. Similarly, there was a strong consensus that entry for aspiring journalists is not impeded in any way. And finally the panelists reported that there are no restrictions on entrance to journalism schools aside from standard university admissions requirements. With a bit of cynicism, one panelist quipped that considering the quality of entry-level journalists he wished there were “some sort of vetting process, at least for journalists to prove they know grammar.”

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 2.08

The drop in score for this objective is the result of lower scores for three indicators: indicator 4 (journalists cover key events), indicator 5 (pay levels for journalists), and indicator 8 (niche and investigative reporting). Indicator 3 (self-censorship) was the only indicator to lag behind the objective score by more than half a point, while indicator 7 (modern equipment and facilities) exceeded the objective score by more than a point.

The panelists disagreed over the state of professional journalism in Croatia. Experienced journalists on the panel said that professional standards are eroding. "Young journalists do not have mentors. Newsrooms are treating them like disposable material: they use them, pay a fraction of what they should pay, and then throw them away," former president of the Croatian Association of Publishers Ante Gavranović said. "Instead of verifying their information with at least two independent sources, journalists just say 'we heard from a well positioned source.' As a result, media becomes a tool for politicians, lobbies, and different pressure groups to use," journalism lecturer and editor Dražen Klarić said. Additionally, some panelists complained that editors often rush journalists to write stories without proper sourcing so that their publication can be ahead of the competition.

Other panelists said that their colleagues were being too hard on Croatian journalists and especially on young journalists. "There are good journalists and bad journalists just like everywhere else. We can always say that our generation was

Havkić agreed: "I have yet to meet a journalist with no drive to investigate, to step beyond the initial information. True, there is too much spin in media today, but in general terms, I think we have good quality of information in media."

better educated, more professional, and that journalism is now dominated by a bunch of irresponsible kids, but we should give them a chance," Kuljiš said. Havkić agreed: "I have yet to meet a journalist with no drive to investigate, to step beyond the initial information. True, there is too much spin in media today, but in general terms, I think we have good quality of information in media."

The Croatian Journalists' Association (CJA) has a well-defined code of ethics and a respected Council of Honor that reviews complaints from individuals or institutions. More than 90 percent of active journalists in Croatia are members of the CJA and the vast majority of them follow basic ethical standards. "Unfortunately, there are a few journalists who don't care about any ethical standards. This continues to have a devastating effect on the public perception of journalism as a profession," president of the Croatian Journalists Association Zdenko Duka said. The most common ethical violations reported are journalists failing to respect the privacy and dignity of private citizens and sources. President of the Croatian Journalists Trade Union Gabrijela Galić added, "We do have an ethics code, but daily practice differs substantially from it." And other panelists noted that some outlets still regularly publish articles supporting a prominent patron or attacking the patron's rival to generate revenue.

The panelists reported that poor economic conditions have made journalists more tentative overall. "The general economic crisis and awareness that there are few jobs in the media industry have increased the level of self-censorship," Havkić said. Galić added, "People are afraid. They simply don't know whether they'll find their names on the lay-off list next week." Compared to the 1990s, politics is much less of a factor in self-censorship. "Politics and politicians are not perceived as the center of power any more. Now it is much more about the big advertisers," Gabrić said.

Jelena Berković, a media specialist with Građani Organizirano Nadgledaju Glasovanje (GONG; Citizens Organized to Monitor Voting) pointed out, "Many media outlets, even some previously important ones, haven't been paying taxes for years. Tax authorities can freeze their bank accounts or file bankruptcy procedures against them at their will. I don't

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

“We can definitely conclude that pay level decreases have forced some journalists to leave the profession,” Galić said.

think that the media have enough room to maneuver, or will to criticize, say, the government’s fiscal policy.”

While acknowledging that self-censorship remains an issue, the panelists concluded that it does not prevent important events from being exposed or discussed by the media. “A journalist who doesn’t feel comfortable enough publishing a story on a sensitive issue will simply pass the information on to a colleague who will. You can’t hide relevant information; you can’t prevent it from going public anymore. Someone will publish it,” Kuljiš said. Moreover, the panelists reported that new media outlets are much less restrained than their traditional counterparts and have played a prominent role in breaking controversial stories.

“Taking into account all media—print, broadcast, and online—I can say that all major events and issues are covered,” Havkić said. Martin Mayer political adviser for the European Union Delegation to Croatia concurred: “I haven’t found a single important issue that was not covered by the media.” The growing importance of the new media has contributed significantly to media openness. “Everything goes out, news fit for print, as well as news not-yet-fit to print,” Kuljiš said adding, “In this regard, Croatia is certainly a leader in the region.” That said, the panelists also acknowledge that there is room for improvement. “Too often, irrelevant or sensationalistic stories find their way on to the front page, while socially and politically relevant issues are more often buried on the inside pages,” Gabrić said.

While the panelists reported that on average the salary level for journalists is comparable to other professions, they added that there is significant variation between local and national outlets. Many journalists working for local newspapers and stations receive the minimum salary guaranteed by labor laws, while those working for leading national outlets earn significantly more. “We can definitely conclude that pay level decreases have forced some journalists to leave the profession,” Galić said. Many journalists, especially the younger generation, can only find part-time work. This is a better model for employers, since they control contract renewal and have no further financial obligations. “As a part-time worker, one still works full-time, sometimes even more than eight hours a day, but you have no basic labor rights. You are a second-class employee,” said Berković. The panelists reported that there is no significant difference

in pay levels between print and broadcast or public and private media.

While Croatia is not exempt from the global trend toward infotainment, the government is working to ensure that broadcasters leave space for news programs. All broadcasters are legally bound to devote a percentage of their overall daily programming to news. Consequentially, Croatians have a variety of news programming to choose from. Print and electronic media are still news-oriented, despite the inclusion of some trivial content. “I can always find any information needed,” Mayer said.

The divide between news and information channels is somewhat artificial. “The fact is that one commercial national television station, which is known for its ‘trashy’ programming, also has some of the best and most professional news programs. This is paradoxical, but it works,” Klarić said. Other panelists reported that the print media outlets that have replaced “hard” news with trivial and sensationalistic content are losing readers.

Panelists reached a fast and easy consensus on indicator 7: facilities and equipment for the gathering, production, and distribution of news are modern, efficient, and reasonably priced. Internet access is affordable for the vast majority of journalists and used widely.

“Quality niche reporting is in decline, but there are still enough journalists covering their fields of expertise,” Galić said. Kuljiš agreed that there is a deficit of expert journalists: “I think that the lack of niche reporting will soon become one of the biggest shortcomings of our media community.” And Klancir added that publishers “do not encourage enough niche reporting” and instead prefer journalists to be “generalists.”

Croatia has a strong tradition of quality investigative journalism and investigative journalists are well-respected by the public for their work. Sometimes there is friction between investigative reporters and their editors and publishers. But the plurality of media prevents this from being a serious issue. Relevant and substantive investigative stories find their way into the media, even if they are initially rejected.

The problem is more with other forms of niche reporting. There is an obvious lack of health, education, business, and science reporting. Most of the commercial media do not believe that these topics are of interest to their audience. Some broadcasters and specialized websites do cover specialized topics well, but these outlets are the exception, not the rule.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.83

With increased scores for indicator 3 (public media are non-partisan), indicator 5 (private media produce their own news), and indicator 7 (coverage of minority issues), Objective 3 improved modestly. Indicator 6 (transparency of ownership) dropped in score, however, and lagged behind the objective score by more than a point. Indicator 2 (citizen access to media) and indicator 5 both exceeded the objective score by about three-quarters of a point. The new indicator 8 scored almost exactly the same as the objective score.

Panelists concluded that a plurality of media sources exists and that citizens have unrestricted and ever growing access to domestic and international news. "Croatian citizens are provided with a myriad of information, from all existing sources and platforms," Klarić said. Indeed, with more than 1,080 registered media outlets including four national papers, five national commercial television channels (with more specialized channels to come), more than 140 radio stations, and a wide range of local outlets and web portals, the Croatian media market is close to becoming saturated.

More than 50 percent of the population regularly uses the Internet and there are a wide variety of Internet protocol television (IPTV) platforms. (With more than 25 percent of households using IPTV, Croatia has one of the highest

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) exists 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 non-partisan, 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.

Blogs, Facebook, and Twitter have all had a significant impact in Croatia. Most notably, these new platforms were used effectively by youth and civic to organize protests in Zagreb in the spring and summer of 2010.

penetration rates in Europe.) Twitter, YouTube, Facebook, and other social networking tools are also very popular.

One of the specific features of the Yugoslav variant of socialism was its relative openness to foreign news. Since the early 1970s, foreign papers have been freely available thanks to the hundreds of thousands of foreign tourists and tens of thousands Croats working in nearby countries.

Because of Croatia's geography, most of the western part of the country has access to international terrestrial television stations. Foreign television channels and radio stations (including Italian and Austrian television stations and international radio broadcasters such as BBC, Voice of America, and Deutsche Welle) are used widely by Croatians. Most international broadcasters, such as Radio Free Europe/Radio Liberty, have closed their Croatian language services because the country's media sector has developed significantly over the past decades.

Panelists reported that the average price of home Internet access has decreased significantly in recent years, allowing more Croatians to access information online. Croatians now pay around \$30 a month for unlimited broadband access, compared to upward of \$150 just a few years ago. The prices of international publications, however remain high (\$5 for daily papers, \$7 for weeklies).

Access to media is still somewhat restricted in the rural areas. But since the introduction of satellite IPTV service in 2010, the access gap between urban and rural populations has shrunk significantly. In addition, Croatia's telecommunications providers offer nearly nation-wide coverage, making mobile Internet an increasingly attractive and affordable option.

Blogs, Facebook, and Twitter have all had a significant impact in Croatia. Most notably, these new platforms were used effectively by youth and civic to organize protests in Zagreb in the spring and summer of 2010. Additionally, they have become indispensable daily communication tools for citizens and the government; even new President Ivo Josipović is a devoted Facebook and Twitter user.

“As media professionals and media consumers, we are witnessing a dramatic decrease in the quality of public television. It is not about political control any more. It is about the fact that public television spends our money and does not even come close to putting out a professional product,” panelist Djurdjica Klancir said.

Panelists reported significant improvements in the veracity of the public television channel, newspaper, and news agency since the end of former Prime Minister Ivo Sanader’s rule in 2009. Public television, which is the most widely known and used public media outlet in Croatia, has eliminated its once infamous bias toward the ruling government and now airs exclusively nonpartisan programming. “Public television definitely does not discriminate against political party organizations regardless of where they fall on the political spectrum,” Havkić said.

The panelists reported growing dissatisfaction with the quality of public television’s overall content, however. “As media professionals and media consumers, we are witnessing a dramatic decrease in the quality of public television. It is not about political control any more. It is about the fact that public television spends our money and does not even come close to putting out a professional product,” panelist Djurdjica Klancir said.

The daily public paper *Vjesnik* has moved beyond its Sanader-era format, which focused exclusively on government events and the prime minister’s activities to become a relatively decent publication that provides coverage across the political spectrum. That said, the panelists agreed that it will take years to remake the paper’s public image and increase circulation.

The publicly owned Hina news agency remains the most popular wire service. Panelists agreed that Hina agency provides relatively professional and objective information to its clients and that most media outlets and journalists use Hina in their work. In addition to Hina, there is IKA—a Catholic news agency—and a major publisher that provides some wire services, for example photos, to other clients. International news agencies are available and access is unrestricted.

All media organizations in Croatia produce at least a portion of their own news. Local radio stations generally purchase

national and international news stories from news providers, which they augment with original reporting on local news. Local print outlets follow the same model.

There are no substantial differences between the stories public and commercial broadcasters decide to cover. Commercial outlets, however, generally put more effort into presenting the news in a dynamic and aesthetically pleasing way, which has increased their popularity vis-à-vis public television.

The transparency of media ownership continues to be a significant issue in Croatia, according to the panelists. “Media ownership is remarkably opaque,” Klancir said. Although media owners are legally bound to present their ownership structure to the Chamber of Commerce at the beginning of each year, many do not. “There are no sanctions against this, so they can afford to avoid their obligations,” Gavranović said.

Most of the national media owners started their careers as publishers, editors or, journalists. On the local level, the situation is different. “Local tycoons with absolutely no media background control most of the local media space,” Pancirov said. “They have full control over the editorial policy, as well.” Foreign investment has played an important role in making the media sector more balanced and professional. Panelists supported the continued involvement of international investors.

Mainstream media outlets often address gender, religion, sexual orientation, and minority issues. According to the panelists, the coverage these issues receive is generally balanced and serious. Minority media play a significant and at times controversial role in Croatian public discourse. In 2010, the government-backed Serbian minority paper was widely criticized for publishing a picture of two fighter jets that crashed during a military maneuver with a title that invoked ironically a slogan used by Croatian fighters during the war of independence. While this situation itself was not positive and led to the resignation of the editor-in-chief, the panelists reported that it also reaffirmed the significant and independent role the minority publication play in Croatia.

Multiple panelists were not satisfied with the coverage of some essential international issues, most notably Croatia’s EU accession. “I think that Croatian citizens do not have enough quality information on the Croatia-EU negotiations. There are ever less international correspondents reporting for Croatian media,” Berković said. Božić agreed: “Foreign policy is definitely not represented enough in the media. Even the most relevant issues, such as EU accession process, are covered at the level of protocol.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.24

Croatia's business management score suffered a moderate drop as panelists returned lower scores for indicators 3 (advertising industry), 4 (advertising revenue compared to other sources), and 5 (government intervention in the market). Indicator 5 lagged behind the objective score by about three-quarters of a point, while indicator 6 (market research) exceeded the objective score by more than half a point. Other indicators scored close to the objective.

The global economic downturn has had a negative effect on Croatian media. Advertising revenue has fallen a disastrous 43 percent and circulation has dropped by more than 20 percent. In this environment, many well-respected media outlets have struggled. For example, conflict between employees and new management over austerity measures has led to a series of shutdowns and strikes at *Glas Istre*, one the oldest and most popular local newspapers in Croatia. And Radio 101, an iconic independent broadcaster, is on the brink of bankruptcy after the economic crisis exposed years of irresponsible management.

The panelists agreed that public television needs to better account for how it spends public funds and reported serious concerns about Public Television's business practices: "The biggest problem [for Public Television] is the lack of management strategy, or more candidly the disastrous financial and organizational situation there," Klarić said. "Public television is notorious for its inefficient management

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

"Public television is notorious for its inefficient management and corruption," Malić said.

and corruption," Malić said. After many years of debate, the channel finally decided to implement a dual accounting procedure to ensure that subscription fees go directly to the production of public interest programming. But panelists still feel that public television has become an expensive media giant that lacks strategy, firm management control, and efficient and transparent internal procedures.

The panelists were divided over whether the broader economic situation, the saturation of the Croatian media market, or poor management is to blame for the overall downturn. "I'd say that this is a reflection of the real market situation. Even the world's best managers would not be able to get out of this type of crisis without sacrificing some benefits," Havkić said. Another segment of the panel countered that if owners had judiciously managed funds during the "fat" years, many media organizations would be in a better position. Meanwhile others said that the country has too many media outlets and the economic crisis is simply pruning the poorly run ones.

Mainstream national media outlets generally adhere to well outlined business plans. Their accounting and finance practices are in line with international standards. Local media organizations, however, are less likely to have and follow a business plan, a fact exposed by their poor response to the economic crisis. For years, many survived thanks to the financial or in-kind support of local authorities, which in some cases damaged their editorial independence. According to the panelists, if there is an upside to the crisis, it is the fact that these practices will end and only healthy local media outlets will survive.

Croatian print outlets receive revenue from multiple sources. Cover price and advertising are the main sources of income for the print media and a smaller portion (less than 5 percent) of revenue is generated by subscriptions. Commercial television stations generate revenue exclusively from advertising. Local commercial broadcasters can apply for grants of up to \$150,000 from the state-run Fund for the Pluralization of Media (which receives three percent of the subscription fees paid to public television) to produce public interest programs.

Despite the economic crisis, the advertising industry has remained exceptionally strong. The biggest advertisers in Croatia are private companies, notably telecommunication

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providers, retail outlets, oil and gas companies, and food distributors.

Given the market situation, advertising brokers are in a position to dictate prices to media outlets. Panelists expressed concerns about the influence big advertisers have on the media in this environment. "One of the leading daily papers published a story about the import of meat past its expiration date but deliberately obscured the name of the wholesaler who was responsible. Is it because that same chain bought three pages of ads in the same paper?" Božić asked rhetorically. According to the panelists events like this are not uncommon. Media outlets also normally avoid criticizing big advertisers and advertisements disguised as articles are often published without necessary warnings.

The fall of Ivo Sanader reverberated in the advertising sector. Fimi Media, an advertising agency that MSI panelists complained about in previous years, was exposed as a tool Sanader used to launder money and give political favors. The firm was responsible for valuable public awareness advertising campaigns and used this power to reward media outlets that stuck to the then government's editorial line.

Croatian public television relies both on advertising and \$170 million in taxpayers' subscription fees to fund its broadcasts. The panelists disagreed about whether the dual funding system promotes independence or gives public television an undue advantage over its commercial peers. "Public television has been underselling its advertising for many years, thanks to the public money it receives. That has resulted in serious distortions on the advertising market, not only for the national commercial broadcasters, but for the local commercial stations as well," Kuljiš said.

In 2010, commercial television stations lobbied hard for parliament to limit the amount of advertising on public television. Under the final version of the law on public television, the channel is allowed to sell nine minutes of advertising per hour outside of prime time and four minutes per hour during prime time compared to the 12 minutes per hour commercial channels are allowed to sell.

Other panelists defended public television: "To a certain degree, I do understand the complaints of commercial television stations. They see public television as a competitor on the market, which has an advantage because of public money. What commercial TV stations don't mention is that public television is obliged to use this money for a variety of purposes, for example keeping a symphonic orchestra, which is definitely not cheap," Havkić said. And public television editor and journalism professor Tena Perišin said that balance of subscription and advertising revenue shields public television from both political and market pressure.

There are no formal government subsidies for the private media in Croatia. But some panelists characterized the 50 percent VAT break that print outlets receive as an informal subsidy.

Use of market research is standard practice for media organizations and advertising firms. Research and advertising companies (notably GfK Croatia, Puls, Henda, Target, and Prizma) use sophisticated tools and methods in their surveys. This research, however, is often ignored by media managers. Professionally conducted surveys are still too expensive to be affordable for smaller and local media outlets. "Those who have money buy surveys or pay for their own. Those who don't rely on their own prognosis," Gavranović said. The panelists agreed that broadcast figures generated by independent agencies using "people meters" are generally reliable but not as precise as they should be.

In the spring of 2010, the Croatian Association of Publishers founded the Croatian version of the Audit Bureau of Circulation to measure readership. "Large advertisers are very interested in this project," said Gavranović, one of the organization's founders. "We still have to convince some publishers that it is in their long-term interest to give us reliable circulation and sales figures. Some of them still hesitate, probably also because of the crisis-generated drop in circulation. But, the idea has finally been institutionalized," Gavranović added.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.68

The small drop in score for this objective was the result of movement in the scores of many indicators. Indicator 2 (professional associations), indicator 4 (academic journalism programs), indicator 5 (short-term training), indicator 6 (access to media equipment and printing), and indicator 7 (apolitical sources of distribution) all lost some ground, although indicator 6 still scored about three-quarters of a point higher than the objective score. Indicator 1 (trade associations) improved its score and ended up more than half a point higher than the objective score. The new indicator 8 (ICT infrastructure) scored relatively well, keeping the objective score somewhat higher than it could have been given the lower scores elsewhere.

For the past two decades, Croatia has had an excellent reputation among the transition countries of Europe and Eurasia for its media support institutions. Croatian unions and trade organizations exist and actively work to support their constituents. There are absolutely no legal restrictions on the registration and operation of these organizations.

The Croatian Association of Publishers, which successfully lobbied the government for a reduction of VAT on daily papers and helped to increase profits significantly, represents newspapers and magazines. Local and national broadcast outlets both have their own professional associations (the

Klarić replied, "An organization reflects its membership. If we want the CJA to be more active, we must be more active."

National Association of Local Television Stations and the Croatian Association of Independent Local Radio Stations) in addition to a national association of commercial television stations, which lobbies on the behalf of all privately owned television broadcasters. All of these associations are independent of the government, although not necessarily completely immune to political influence. Associations are financed either on an ad hoc basis or through the collection of an annual membership fee.

Internet-based outlets are the only media organizations without an official representative or lobbying group. Gabrić reported that a group of bloggers and online journalists are working to start an association to represent the interests of new media outlets.

The Croatian Journalists' Association (CJA), with a membership of almost 3,000 journalists and media professionals (more than 90 percent of the active journalists) is a well-organized and efficient professional association, resistant to political influence. CJA, which celebrated its hundredth anniversary in December 2010, remains actively involved in safeguarding the principle of free speech and protecting the rights of journalists. In order to be more responsive to its members, CJA has specific sub-organizations representing types of journalists (investigative reporters, area specialists, bloggers, free lancers, photo journalists, etc).

While most panelists agreed that CJA fulfills its mission, some said that the organization should expand and improve its activities. "My impression is that CJA should more actively promote its work. The general public does not know enough about these activities and they don't know enough about problems journalists face," Havkić said. Klarić replied, "An organization reflects its membership. If we want the CJA to be more active, we must be more active."

Other panelists reported that journalists hold misconceptions about the nature of trade unions. "Journalists often take trade unions for granted. They don't think about them until they face a problem. Then, they expect an immediate solution," Galić said. "With so many layoffs, breaches of the collective contracts, and journalists not being paid for months, we've been more active than ever, but still we can't do everything for everyone."

The panelists complained that many of Croatia's more than 32,000 NGOs have stagnated since the 1990s when

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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

“Publishers and editors are still not willing to encourage staff to participate in trainings and workshops,” Perišin said. Galić agreed, “Sometimes the problem is the journalists themselves, but more often than not it is their editors who see it as a waste of time.”

international donors funded a wide range of activities. “Some NGOs always complain about not being represented enough in the public, but the fact is that most of them are practically irrelevant,” Havkić said. The panelist reported that there are still a number of NGOs that monitor the press and support media organizations. These include GONG (election monitoring, human rights, and media advocacy), Zelena Akcija (anti-corruption), Eko Kvarner (environmental activism), and Potrošač (consumer protection). The panelists noted that NGOs are mostly based in large cities and as a result they do little work in rural areas.

Given the size of the Croatian media market, the panelists reported that the country might actually have too many schools of journalism. Students who graduate from one of the eight university level journalism programs often struggle to find jobs. Panelists also said that the journalism schools do not provide enough practical training to prepare journalists for the job market.

While journalists have access to a wide range of quality mid-career training, most do not take advantage of the

opportunities. “Publishers and editors are still not willing to encourage staff to participate in trainings and workshops,” Perišin said. Galić agreed, “Sometimes the problem is the journalists themselves, but more often than not it is their editors who see it as a waste of time.”

Newsprint production and printing facilities are private, market-driven businesses, offering a multitude of options to publishers. Because the market is saturated, prices for publishers are generally affordable. Publishers are also free to use printing facilities in the neighboring countries.

There are no undue restrictions in broadcast or Internet distribution means. Providers of these services are privately owned, offering professional, efficient, and unrestricted access to all parties under standard market conditions. There have been no suspicious equipment failures, network outages, or Internet bandwidth reductions meant to hinder the dissemination of media.

The Croatian company Tisak has a monopoly over the print distribution market in Croatia. Panelists reported that while there has been no indication that the company has used its position for ill since the current management took over in the mid-1990s, there is still a concern that it could. “The existence of the distribution monopoly does not comply with higher media standards. There haven’t yet been any serious indications on wrongdoings, but still this is a source of concern,” Duka said. Other panel participants complained about the \$12,000 “entry fee” new publications must pay to work with Tisak.

List of Panel Participants

Emil Havkić, media lawyer, Zagreb

Dražen Klarić, editor, *Made In*; lecturer, High School of Journalism, Zagreb

Martin Mayer, political adviser, European Union Delegation to Croatia, Zagreb

Denis Kuljiš, journalist, Europapress Holding, Zagreb

Marko Rakar, blogger, Zagreb

Djurdjica Klancir, deputy editor-in-chief, Tportal.hr, Zagreb

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

Gordan Malić, investigative reporter, Europapress Holdings, Zagreb

Gabrijela Galić, president, Croatian Journalists Trade Union, Zagreb

Simeona Pancirov, editor, *Narodni List*, Zadar

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

Jelena Berković, media specialist, Građani Organizirano Nadgledaju Glasovanje (Citizens Organized to Monitor Voting), Zagreb

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

Boris Rašeta, journalist, *24 Sata*, Zagreb

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

Željko Matanić, secretary-general, Croatian Association of the Local Media, Karlovac

Nataša Božić, journalist, *Novi List*, Rijeka

Zdenko Duka, president, Croatian Journalists Association, Zagreb

Moderator and Author

Davor Glavaš, lecturer of journalism studies, University of Zagreb, Zagreb

The panel discussion was convened on December 10, 2010.

Facebook and YouTube are gaining more and more popularity, and many candidates used them to promote themselves and their political parties directly to citizens.



KOSOVO

For Kosovars, 2010 was dominated by election fervor. It started with local elections and ended with snap elections in December 2010. Thanks to sound constitutional provisions and media laws that in principle guarantee freedom of expression in Kosovo, a lively debate flourished throughout the election period. Most print media openly take sides and are widely known for their partisanship. Electronic media tend to be more objective in covering election campaigns, but are closely watched by their regulator, the Independent Media Commission. For example, on voting day, the commission fined Klan Kosova television for breaching campaign reporting blackout restrictions. Facebook and YouTube are gaining more and more popularity, and many candidates used them to promote themselves and their political parties directly to citizens.

In its third year as an independent state, Kosovo's new political institutions met significant challenges in addressing international and domestic events. Kosovo made global headlines when the International Court of Justice declared that Kosovo's unilateral declaration of independence did not violate international law. Despite this international triumph Kosovo's independence was recognized by only eight countries in 2010, increasing the total number to 72. Domestically, after the Constitutional Court found that the president was breaking the law by holding two positions, he stepped down and soon withdrew his party from the coalition government. As a consequence, the parliament was dissolved and snap elections fraught with irregularities were held on December 12.

Finally, a report by Dick Marty, member of the Parliamentary Assembly of the Council of Europe, about alleged criminal activities of the Kosovo Liberation Army during its struggle for independence seriously tarnished country's image in the international arena.

Overall, the media sector improved in some areas and experienced setbacks in others, and Kosovo's overall MSI score declined slightly from the previous year, from 2.60 to 2.54. On the positive side, Objective 1 (freedom of speech) has increased slightly each year since 2008 with the highest freedom of speech score (2.70) since the beginning of this study in 2001. However, Kosovo media continue to receive low scores for business management. Local media in particular lack business plans and are often on the verge of bankruptcy. A number of radio stations lost their licenses during the year for inability to pay licensing fees, which in general are relatively inexpensive. As such, Objective 4 (business management) suffered a small decrease in score. Objective 5 (supporting institutions) also lost about a quarter of a point, although still scored well enough to remain in the middle of the "near sustainability" score category.

KOSOVO AT A GLANCE

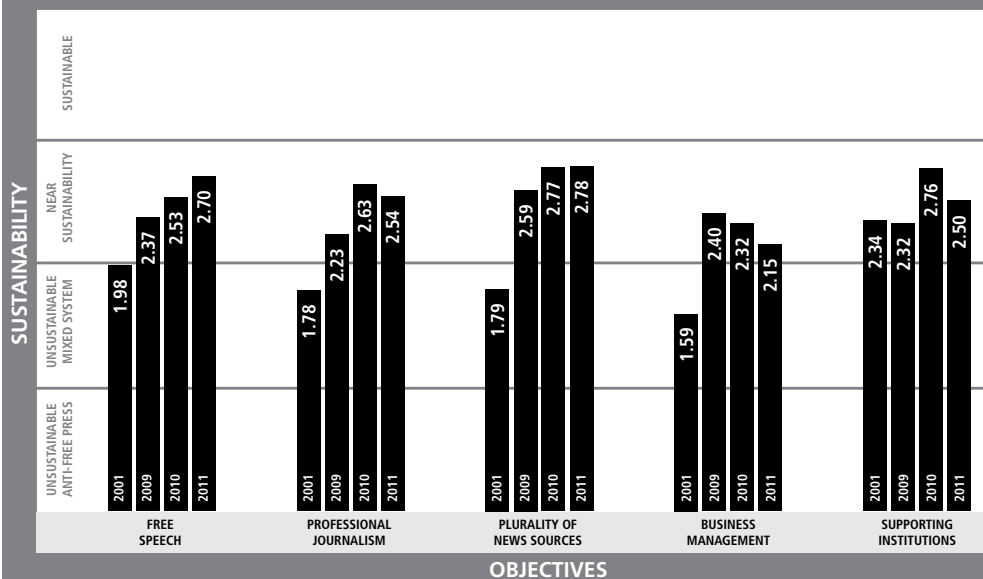
GENERAL

- > **Population:** 1,815,048 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Prishtina
- > **Ethnic groups (percent of population):** Albanians 88 percent, Serbs 7 percent, other 5 percent (*CIA World Factbook*)
- > **Religion:** Muslim, Serbian Orthodox, Roman Catholic (*CIA World Factbook*)
- > **Languages:** Albanian (official), Serbian (official), Bosnian, Turkish, Roma (*CIA World Factbook*)
- > **GNI (2009-Atlas):** 5.855 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-Atlas):** \$3,240 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 91.9 percent (male 96.6 percent, female 87.5 percent) (2007 Census, *CIA World Factbook*)
- > **President or top authority:** Acting President Jakup Krasniqi (since September 28, 2010)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print: 9 daily newspapers; Radio stations: 92; Television stations: 22 (Independent Media Commission, 2009)
- > **Newspaper circulation statistics:** *Koha Ditore* is the leading newspaper, followed by *Kosova Sot* (Index Kosova, July 2009)
- > **Broadcast ratings:** RTK 52 percent, KTV 28 percent, RTV21 49 percent; Radio Dukagjini 8 percent, Radio Kosova 5 percent, Radio 21 2 percent (Index Kosova, 2009)
- > **Annual advertising revenue in the media sector:** N/A
- > **News agencies:** Kosova Live, Kosova Press
- > **Internet usage:** 53 percent of households have Internet access (INDEX Kosova, 2009)

MEDIA SUSTAINABILITY INDEX: KOSOVO



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.70

Freedom of speech has earned the highest score since the Kosovo MSI study began in 2001, moving from 2.53 last year to 2.70, the only significant improvement shown by any objective. Much of the improvement was driven by better scores for indicator 3 (market entry) and indicator 5 (legal guarantees of editorial independence for public media). Slightly lower scores for indicator 4 (attacks on journalists), indicator 7 (access to information), and indicator 8 (media access to domestic and international news sources) counteracted this improvement somewhat. Indicators 4, 6 (libel laws), and 7 all still lagged behind the objective score by nearly three-quarters of a point. Indicators 8 and 9 (free entry into the journalism profession) both scored about a point higher.

There was consensus among panelists that constitutional provisions in Kosovo guarantee freedom of speech. One noteworthy advancement made last year was the modification of the Law on Access to Official Documents (renamed the Law on Access to Public Documents) that shortens the waiting period, although for now it remains to be seen how effectively this will be implemented.

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Confidentiality of sources is not properly regulated by law and needs further improvement. Ardita Zejnnullahu, the executive director of the Association of Independent Electronic Media of Kosovo said that according to current law, an outlet is obliged to provide unedited materials to the police if requested and even reveal sources when the prosecutor demands.

Panelists agreed that civil society is quite reactive in cases when freedom of speech is violated. They were quick to sign a collective reaction in defense of Sebahate Shala, a former journalist for Kosovapress news agency who was pressured to resign after publishing an article that quoted the deputy chief of the European Union Rule of Law Mission in Kosovo who she asked whether people under investigation should be barred from elected office. The official merely answered yes to her question, which her supervisor declared a "stupid and unprofessional question." The article was removed from the web after Shala received phone threats. However, some panelists believe that civil society organizations sometimes overreact when a journalist is fired or resigns under pressure, without first questioning whether the journalist has violated any journalism code of ethics. Shala's outlet stated that she violated journalism ethics by asking prejudicial questions. However, panelists unanimously agreed that threats against journalists should be condemned whether or not the ethics code had been violated.

Confidentiality of sources is not properly regulated by law and needs further improvement. Ardita Zejnnullahu, the executive director of the Association of Independent Electronic Media of Kosovo said that according to current law, an outlet is obliged to provide unedited materials to the police if requested and even reveal sources when the prosecutor demands. Panelists agree that this law should be improved to give media more ability to protect sources, which is especially crucial for investigative reporting.

The Independent Media Commission is responsible for issuing licenses to electronic media. The licensing process is transparent and the criteria are determined by law. The application process is made public as are the decisions to issue or revoke any licenses. Media using SMS alerts still do not need special licenses, although this form of news distribution is still uncommon among Kosovo media. Nevertheless, panelists suggest that if such form of news distribution should

Confusion persists about whether libel is part of the civil or penal code even though the assembly passed a law defining libel as a civil crime.

become more widespread, certain regulations must be put in place to give users control over their subscription to the service. During 2010, the Independent Media Commission renewed the licenses of all existing television stations that use a frequency.

Some see a problem with the licensing for cable operators. Zejnullahu fears that the criteria for providing licenses to cable operators are "too liberal." She criticized the regulator for failure to regulate cable packages. She suggested that there should be a basic cable package that includes the three stations that broadcast on national frequencies and optional extended packages that include domestic and foreign channels. "With the current cable system we have massive breach of copyright," said Zejnullahu. Currently, if local channels choose to be included in a cable package they have to pay a fee. Panelists believe the Independent Media Commission should require cable operators to carry local terrestrial channels in their respective operation zones without any additional fee. Further, cable operators automatically drop both national and local channels from their package in the case of late payment.

Media registration and license issuance function well in Kosovo and have not changed since last year. A new outlet has to demonstrate the same start-up capital as any other business. "It is the same whether you open a shop or a media outlet, you still have to go through the same registration procedures, except for those media that need a frequency," said Luan Ibraj from the online news outlet Telegrafi. Panelists consider the taxes imposed on media outlets high and believe media outlets should not be treated just like any other business. "Electronic media have repeatedly asked for lower taxes, but this has never been approved," said Zejnullahu.

No serious crimes were committed against journalists in Kosovo in 2010 yet threats are common. Threats mostly originate from individual politicians or businessmen rather than from organized groups or through systematized campaigns by the government. For example, a *Koha Ditore* journalist, Vehbi Kajtazi, was threatened by a former Kosovo Liberation Army commander for supposedly slandering his family.

Investigative journalism once again proved to be a hard task in a transitional society. Arbana Xharra, a *Zeri* journalist, received threats after her intensive reporting on economic issues. While investigating a case in an elementary school in Ferzaj, a *Klan Kosova* reporter and her cameraman were attacked by the school director and held against their will in a classroom for 40 minutes. A program host from the same television station was assaulted by a former member of parliament, preventing the start of the show. Another media outlet received a threat from a high official in the Interim Administration Mission in Kosovo.

Even more worrisome are the security problems journalists face when traveling to the northern part of Kosovo, an area populated by Kosovo Serbs. Likewise, Kosovo Serb journalists are still afraid to travel in certain parts of Kosovo.

Media reaction to threats against journalists is immediate, although a number of threats are not made public. Besim Abazi, a journalist for Voice of America, considers threats to be a part of the business. "Not that this is acceptable, but a journalist must understand that this profession involves a certain degree of risk and not everything goes smoothly in this job," said Abazi. According to Faik Ispahiu from the Balkans Investigative Reporting Network, almost every week one of his journalists is threatened due to investigative reporting. "The main reason for this situation is the weak judiciary system in Kosovo," said Ispahiu.

Financing of public television is still problematic. Currently Radio Television of Kosovo, the only public television station, receives subsidies from the Kosovo Assembly and until a new law on public television is passed financing going forward is unclear. The new law must open avenues for other revenue streams from outside the Kosovo budget, as current government financing is feared to be enabling the ruling parties to compromise editorial independence. At least through 2011, Radio Television of Kosovo will continue to receive subsidies from the Kosovo budget.

Panelists would also like to see a more efficient and productive process for selecting board members. According to the Radio Television of Kosovo law, the board should be composed of public figures with professional qualifications in various areas such as culture, art, journalism, law, and academia who have demonstrated political impartiality. The current board has nine members, all appointed by the Kosovo Assembly. The current media laws favor public media over private media because the Independent Media Commission cannot revoke its license but only issue a fine. Additionally, Radio Television of Kosovo is financed by the public thus is never at risk of bankruptcy and enjoys limited advertising space.

Confusion persists about whether libel is part of the civil or penal code even though the assembly passed a law defining libel as a civil crime. In 2010, two journalists, Baton Haxhiu and Jeton Musliu, were charged with libel against the former minister Bujar Dugolli and both were found guilty and received a six month conditional prison sentence. They were accused by Dugolli after publishing two articles in *Express* newspaper in 2007 that questioned the legality of Dugolli's sudden increase in wealth. According to the Kosovo judicial system, it is the plaintiff that carries the burden of proof. Panelists agreed that this puts the journalists in a more favorable position.

As noted above, this year the Law on Access to Public Documents was modified to shorten the waiting period. Previously, according to the law, institutions were given 15 working days time to respond to information requests or state the reason for partial or total refusal. Now the new law has shortened the waiting period from 15 working days to seven calendar days. Despite this advancement, journalists often complain that their requests to access public documents are denied. Rrahman Paçarizi, the head of the board of directors of Radio Television of Kosovo, said that the problem with the law on access to public documents is the absence of a provision that classifies documents as secret or classified, or simply as secret or public. "Public officials often use this gap when deciding to avoid compliance with the request for information, stating that the document is not for public use," said Paçarizi.

Another weakness in the legislation that Paçarizi identified is set fines for public officials who do not respond to information requests. Eugen Saracini, news director at RTV 21, added that journalists also need to better understand this law; they should learn to respect the timeframe for obtaining certain information and not always press officials to provide them with the information on sight.

Minority media continue to complain that some public institutions do not provide information in their native languages. Mirjana Simic from Radio Kim, a Serbian language outlet, said her journalists are unable to obtain answers from public officials. "The use of two languages is not respected by some public institutions. Both the Energy Corporation of Kosovo and Kosovo police spokespersons should be able to speak Serbian and hence answer questions raised by Serb journalists," she said. "The government spokesman does not provide information in Serbian either."

With regard to access to local and international news sources, there is no restriction whatsoever by the government. Services from international news agencies are expensive for a number of media outlets, especially the online media, who

Over the last year a number of journalists, even the editor of a daily newspaper, moved to jobs with political parties or ran for elected office.

still need to improve in terms of citing sources properly. There are also no government restrictions to entering the journalism profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.54

The score for professional journalism scores declined slightly compared with last year. Indicator 8 (niche and investigative reporting) showed the largest decline of any indicator, but it was not a steep one. Most indicators scored close to the objective score, with a few exceptions. Indicator 5 (pay levels for journalists) scored about a half-point behind the objective score, while indicator 6 (news and entertainment balance) and 7 (modern facilities and equipment) surpassed the objective score by the same magnitude.

Panelists agree that considerable improvements have been made in citing sources both in electronic and private media, which reflects a general improvement in journalism standards. Saracini praised Kosovo journalists who generally consult more than two sources. "This is a great achievement in Kosovo journalism," said Saracini. Another achievement is a

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well-sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > 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 favorite topics for journalists remain politics and economics. Science and technology are not considered as an attractive field for journalists. Investigative journalism, although appealing for many journalists, is still not well developed.

competitive market that does not allow any outlet to choose not to cover a particular news item because it risks being left behind by competitors. A slight improvement was also noted in verification of information, which could be as a result of increased competition as well.

Online reporting is increasing but due to the open nature of Internet publications, journalism standards with those outlets are low.

Discussions of standards within the profession are sometimes not productive. Last year a scandal drew the media community's attention after one journalist publicly criticized a fellow journalist during a press conference for asking off-topic questions. The incident was condemned by the media community and the perpetrator later on publicly apologized for using offensive language against his colleague.

In 2010, a television station was fined by the Independent Media Commission for breaching an election reporting blackout on voting day. Panelists were concerned that fines from the Independent Media Commission are so low that an outlet may accept the fine in order to get a particular political message out.

Technical experts sought for comment are often big names in television and print media. Most panelists agreed that expertise is scarce, forcing journalists to repeatedly seek comments from the same source. Kosovo still has no journalism specialists in science and technology. General assignment reporters are used to cover diverse subjects, sometimes with little knowledge in the particular field.

Self-censorship continues to present a major challenge to the advancement of journalism in Kosovo. Certain newspapers have links to political parties or businesses, which provokes journalists to employ self-censorship as a means to political and economic advantages. In most cases, however, it is not the journalists who refrain from pursuing certain topics, but the editorial board that discourages them. "Self-censorship is the main problem at Radio Television of Kosovo, and not pressure from any political parties," said Paçarizi.

Journalists at all outlets tend to cover all key events and issues. There are no key issues, national or international, that are not covered by at least some media outlets. However, some issues, such as suspected corruption by public officials, are not covered equally by all media. While some media outlets make headlines with such cases, some tend to play down the importance of such stories. This is especially true with regard to media outlets affiliated with political parties.

The desire for better salaries and benefits continues to cause journalists in Kosovo to leave the profession in exchange for positions at public or private companies. Over the last year a number of journalists, even the editor of a daily newspaper, moved to jobs with political parties or ran for elected office. Ispahiu noted that before the 1999 war, journalism was considered a patriotic profession. Today journalism serves as a springboard to a better paying job, usually as a spokesperson in public and private sector companies. Nonetheless, pay levels for journalists are reasonable and comparable to salaries at public institutions. Abazi said that while a higher salary is not a guarantee against corruption, it makes corruption easier to resist. Low salaries make journalists more susceptible to corruption and other illegal activities in order to supplement their income. For example, one journalist was found guilty of cutting down trees illegally and served three months in prison.

Panelists agreed that media outlets, especially television stations, achieve a balance of news and entertainment since they are required by law to schedule regular new slots. In some television stations the amount of entertaining programs is significantly larger, but entertainment programming does not eclipse news and information programming. News schedules are reliable and except for live broadcasting of sport events, news schedules rarely change.

Technical facilities and equipment for newsgathering and distribution are considered to be in good condition. Many media owners are worried about the expensive equipment and facilities required in the near future with the change to digital broadcasting. Media owners have repeatedly asked that their technology be exempted from the high customs tax or that a lower tax rate for media equipment to be established.

Niche reporting has not shown any significant progress since last year and is still in a nascent stage. The favorite topics for journalists remain politics and economics. Science and technology are not considered as an attractive field for journalists. Investigative journalism, although appealing for many journalists, is still not well developed.

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.78

The score for this objective remained essentially unchanged compared with last year. Indicator 2 (citizen access to media) dropped a little, while indicator 4 (news agencies) and indicator 6 (transparency of ownership) showed improvement. Indicator 3 (public media are nonpartisan) was the only indicator to not score similarly to the objective score; it lagged behind by more than a point.

Kosovo citizens today enjoy access to a variety of news sources allowing them to select from a variety of public and private media, from electronic to print. Television remains the most prevalent media source. A few newspapers have good reputations and attract devoted readers.

New media, like social networking sites, especially YouTube and Facebook enjoy greater audiences every day. During the December 12 elections, Facebook was widely used by political candidates to campaign and this gave the electorate an opportunity to interact with political candidates to such a degree for the first time. However, the number of bloggers is relatively low in Kosovo. SMS media alerts are still uncommon as news channels in Kosovo.

In Kosovo there are no government restrictions whatsoever on access to domestic or international media and there is no registration needed within the government to access

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, internet, mobile) exists 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 non-partisan, 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.

"I can say that RTK has failed in representing all social categories, gender, age groups, religious, and ethnic categories. From a media outlet with a few employees it turned into a mega media outlet with a great number of employees who get very good salaries," Saracini explained.

the Internet. However, general access to print media, the Internet and especially cable is largely determined by income levels. Spahiu said that this is very evident in areas with large minority populations, like Serbs in the north who do not receive Radio Television of Kosovo signals, or Gorans in the south who have access only through satellite dishes.

Publicly owned Radio Television of Kosovo offers balanced coverage in terms of air time devoted to leaders and opposition. While in terms of quantity, Radio Television of Kosovo divides time equally, in terms of quality of programming, panelists agreed that priority is given to governing political parties. This again brings the debate back to government financing and the need for better alternatives. Saracini explained that Radio Television of Kosovo, despite offering good educational and entertainment programs, still needs improvement to fulfill its role of a public media outlet. "I can say that RTK has failed in representing all social categories, gender, age groups, religious, and ethnic categories. From a media outlet with a few employees it turned into a mega media outlet with a great number of employees who get very good salaries," Saracini explained. "This is how Radio Television of Kosovo takes good journalists from other media, so there are higher expectations for them."

Other panelists agreed that board members have attempted to improve the public broadcaster's performance. Paçarizi accepts the fact that there has been a significant amount of debate about the editorial independence of Radio Television of Kosovo. "This is rather a bad perception that has been created," said Paçarizi. "Indeed the public television is a non-partisan television, which has been proven by many studies done so far."

Both local and international news agencies are used by Kosovo's media and local services tend to be affordable. Local media still tend to depend upon Kosovo news agencies. Zejnullahu is encouraged by an international organization that covers subscription fees for local media in order to get

Panelists praised national television's new steps to air programs in other minority languages and using Albanian subtitles rather than dubbing. Today there are programs in minority languages that are received without objection by a majority Albanian population.

access to content from the KosovoLive news agency. However, sometimes news agencies are not cited properly. Despite significant improvement in recent years, panelists agreed that Kosovo media should adhere more closely to copyright and citation standards.

Private media with national frequencies produce their own news, in comparison with local media that, despite producing news with local content, still depend on news agencies for national news.

Regarding awareness of media ownership, although there is no legislation in Kosovo that requires that information about ownership be made available to the public, it is very easy for people to find out the owner of the electronic media they consume. Ownership of online media outlets is often more difficult to discover.

Kosovo media have improved in presenting programs in other languages, especially on public television. There are already five local television stations that air programs in Serbian and there are efforts to create one public television station dedicated to Serbian language programming. Panelists praised national television's new steps to air programs in other minority languages and using Albanian subtitles rather than dubbing. Today there are programs in minority languages that are received without objection by a majority Albanian population.

Print media seems to be open in its coverage of social issues such as gender, ethnicity, and religion. National television stations have made good progress in including ethnic issues in their programming with balanced coverage. Print media also have designated space for opinion pieces addressing different social issues.

Local television and radio stations, since there are no local newspapers, provide better coverage of local issues. All newspapers have local correspondents who cover local issues. Citizen journalism is in an early stage and the most common method is sending photos to national television stations and newspapers on local problems. Media in Kosovo provide

sufficient coverage of the main international news stories and there are no restrictions on international coverage by the government. The widespread use of the Internet in Kosovo also provides alternative international news sources for citizens.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.15

Objective 4 received the lowest score in this study, and it is moderately lower than last year. Lower evaluations by the panelists of indicator 5 (government distortion of the media market) and indicator 6 (market research) contributed to this decline. Most indicators score close to the objective score. However, indicator 1 (media are efficient and self-sustaining) scored about half a point higher, while indicator 5 scored about half a point lower.

The Independent Media Commission's recent decisions to withdraw licenses for a number of local radio stations that were unable to cover license fee was seen by Zejnullahu as a good sign for market robustness as unsustainable outlets are pushed out. Stronger outlets such as Telegrafi, an online outlet, are evidence that new media, especially online media, can achieve sustainability. According to Ibraj, Telegrafi receives about 200,000 hits per day.

Saracini believes that it is essential for media outlets, especially larger one like national television stations, to have effective management strategies and business plans in order to cope with technology expenses and satisfy the large

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.

number of employees. Business plans are not only necessary, but also can increase chances of success.

Panelists believe that all television stations, national and local, are able to sustain themselves. Zejnullahu said that, unlike some radio stations whose licenses were withdrawn by the Independent Media Commission after failing to pay their fees, no television station has been shut down over the last year for not being able to pay taxes or license fees. The new license fees recently approved by the Independent Media Commission are set according to annual financial reports submitted by the media. Since media outlets have submitted higher annual budgets, license fees have increased 40 percent, evidence that media's financial sustainability has increased.

Ispahiu said that advertising agencies are not used effectively in Kosovo. Out-of-date channels still receive advertising, often on political grounds. Advertising in Kosovo is more developed and more expensive in the capital compared to other parts of the country.

According to regulations, advertising time is restricted to 12 minutes per hour for commercial television stations. According to Zejnullahu, the Independent Media Commission is very attentive to advertising regulations, often sending warnings for exceeding the allowed advertising time. The Independent Media Commission also issues special regulations for advertisements from political parties during elections: these are not counted against the time allocated for advertising.

Public television is allowed no advertising during primetime (this is not respected, however) while during the day it may allocate six minutes per hour for advertising.

In Kosovo the government does not grant subsidies to private media. Up until last year, minority media used to receive 5 percent of their total income from Radio Television Kosovo subscriptions. In 2010 there was no fund allocated for minority media, since Radio Television Kosovo was struggling with its own financial problems.

Regarding government advertising, in general panelists agreed that electronic media in Kosovo enjoy better regulations to ensure fair treatment by the government, while print media are expected to self-regulate. According to the law, government advertising should be allocated to newspapers with the largest circulation; however the government has been repeatedly accused by MSI panelists of unfair distribution of advertising.

"From our experience at RTV21, I can say that only 0.2 to 0.4 percent of advertising revenues comes from government ads, which is very small compared to the revenue that come from

Stronger outlets such as Telegrafi, an online outlet, are evidence that new media, especially online media, can achieve sustainability. According to Ibraj, Telegrafi receives about 200,000 hits per day.

other direct ads, sponsors, etc.," said Saracini. "This is to say that ads from the government are too little in comparison to other ads, meaning editorial independence cannot be jeopardized."

The situation is different with print media, which is largely reliant on advertising from public institutions, which compromises editorial independence. "We all know the case of *Infopress* newspaper, which turned from a small circulation newspaper to a large one, thanks to the support from the government, since most of government ads go to this newspaper," said Ispahiu. Similarly, at the local level, local media depend on local governments. "Local media still look to local governments for advertisements, while most of the central government's ads go to national television stations," said Ispahiu. "This somehow forces local television to maintain good relations with local governments to safeguard financial benefits."

Audience research is often commissioned, but the objectivity of the results is often in doubt and not accepted by all media outlets. The people-meter audience measurement method is not used in Kosovo because of unreliable electric supplies. The Kosovo Electronic Media Industry Group did not conduct any media research last year.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.50

Supporting institutions received lower scores than last year. Indicator 1 (trade associations), indicator 4 (academic journalism programs), and 5 (short-term training) suffered the largest drops in score in this objective. Indicators 4 and 5 also fell short of the objective score by a half point or more. Indicator 7 (unrestricted and apolitical channels of distribution) exceeded the objective score by about two-thirds of a point.

Panelists generally agreed that the Association of Independent Electronic Media of Kosovo (AMPEK) was very productive last year, and has actively lobbied and influenced

“We work closely with the Independent Media Commission especially in the digitalization process and we have managed to modify the first draft law on digitalization, which in its original form was considered very severe by analysts from Brussels,” said Zejnullahu.

media law amendments. AMPEK represents about 70 percent of electronic media in Kosovo, including the Serb television network. One of AMPEK’s objectives is to push for a legal framework for media according to European standards. “We work closely with the Independent Media Commission especially in the digitalization process and we have managed to modify the first draft law on digitalization, which in its original form was considered very severe by analysts from Brussels,” said Zejnullahu. AMPEK also works in cooperation with other international trade associations and closely cooperates with minority media in Kosovo. AMPEK still depends on grants from international organizations such as USAID and is still unable to sustain itself on membership fees.

Professional associations, including the Association of Professional Journalists of Kosovo (AGKP) and the Journalists’ Union of Kosovo operate more as reactive organizations that raise their voice when freedom of expression is violated. Panelists question AGKP’s professionalism. Each year it selects

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 (e.g., 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 best journalist and last year’s winner was recently found guilty of violating the journalism ethics code. Despite a conviction for libel, there was no reaction from professional associations except in statements issued by individual members. Associations do not represent any specialized sectors of the profession such as economic reporters or investigative reports.

Media generally collaborate well with NGOs, especially in promoting freedom of speech and media independence. If there are cases when freedom of expression is violated, usually a number of NGOs issue joint statements condemning the act.

Panelists strongly criticized the quality of journalism programs in both public and private universities. Ispahiu complained that his outlet has difficulty recruiting good journalists. “We usually have to take fresh graduates and train them for some time,” he said. “The Kosovo Institute for Journalism and Communication has turned into an institution of higher education that offers high officials an easy way to get a Master’s degree,” said Ispahiu. “The number of students in the program that plan to have a career in journalism is very low.”

Private university programs tend to be more up-to-date in terms of technology, but the public university attracts the highest number of journalism students. Although modern techniques such as the use of the Internet and multi-media applications are taught, the opportunities to practice them are scarce. The number of graduates from the public university specializing in technical areas such as video production, directing, photography, and sound management are limited. Abazi, a journalism lecturer himself, also complained about the study conditions at the public university. “Nevertheless, almost all of our graduates are working,” said Abazi. “A diploma doesn’t make a good journalist. Most of them understand the profession only when they start working.”

Training opportunities for professional journalists are few and media owners show little interest in investing in training for their staff. Courses on investigative journalism are in high demand but the quality of available training is low. In most cases these are informal trainings conducted by unprofessional trainers.

There are no restrictions for media on the import or purchase of equipment and materials. Printing facilities are owned by private individuals and the state has never tried to own or control them. Not all newspapers have their own printing services, but in general there seems to be a harmonious relationship between printing houses and newspapers, even if a rival newspaper is printed in another’s printing house.

No delays are evident and all newspapers are printed and distributed on time.

In terms of channels of media distribution, panelists said that so far the telecommunication service providers IPKO and KUJTESA have created an oligopoly and the entrance of Post and Telecom of Kosovo will lead to greater affordability. Technology in Kosovo meets the general needs of the media industry, but is far from digital and modern. However, the current state of Information and communication technologies does not affect the quality of the service and slow Internet connectivity or overloaded mobile phone networks are usually not an issue. This holds true in both cities and rural areas.

List of Panel Participants

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

Rahman Paçarizi, chair of the board of directors, RTK, Prishtina

Eugen Saraçini, news director, RTV 21, Prishtina

Besim Abazi, journalist, Voice of America, Prishtina

Luan Ibraj, editor, Telegrafi news portal, Prishtina

Marijana Simic, deputy chief editor, Radio KIM, Caglavica

Faik Ispahiu, executive director, Jeta në Kosovë, Prishtina

Moderators

Jeton Mehmeti, policy analyst, Institute for Advanced Studies GAP, Prishtina

Agron Demi, policy analyst, Institute for Advanced Studies GAP, Prishtina

Author

Jeton Mehmeti, policy analyst, Institute for Advanced Studies GAP, Prishtina

Observer

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Social networks and new media played an enormous role in the media scene in 2010. A couple of significant investments in Internet-based media, and the ubiquity of digital networks, helped broadband penetration reach more than 45 percent of Macedonian households.



MACEDONIA

In 2010, Macedonia faced a stalemate in the Euro-Atlantic accession process and experienced further decline of the democratic political culture. The name dispute with bordering Greece (Greece objects to the Republic of Macedonia's use of the name, because it has a province named Macedonia) and internal political and economical problems kept Macedonia out of NATO, and significantly downgraded Macedonia's hopes for European Union accession. Continuous hate speech against the opposition in both political and public spheres gave the media a negative tone. The ruling party launched a media campaign against the opposing parties, civil organizations, and critical media, systematically blaming them for the failures of its own policies. The campaign reached its peak with a police blockade of A1 TV—the most critical, influential television station in the country. One month after the blockade, the authorities arrested the A1 TV owner and his manager for alleged tax evasion.

Social networks and new media played an enormous role in the media scene in 2010. A couple of significant investments in Internet-based media, and the ubiquity of digital networks, helped broadband penetration reach more than 45 percent of Macedonian households. Subsequently, the Internet ranked second place as the audience's choice for news, right behind television (based upon data from advertising agencies and the State Statistical Bureau's data for broadband Internet penetration). Newspapers, however, suffered and faced a crisis of dwindling circulation. They are not losing readership, but their web versions are overtaking print as the preferred format. Media outlets now must confront the need to redesign their business models.

Business management continues to be a weakness of the media, along with strategic planning and an understanding of applying market research to program design. This problem became increasingly evident in 2010, when the full effects of the economic crisis also hit the media; advertising income fell more than 20 percent.

In another important development, the Association of Journalists of Macedonia (AJM) took important steps to get back on track. Elections brought in new leadership, and AJM announced its mission to restore dignity to the journalism profession.

Despite the ongoing political problems, the Macedonia's overall score improved somewhat although still dwelled in the middle of the "unsustainable, mixed system" scoring category. This increase was driven by minor improvements in Objective 1 (freedom of speech), Objective 2 (professional journalism), and Objective 5 (supporting institutions). Macedonia still has a long way to go to recapture the ground lost from the middle of last decade, when it consistently scored nearly a point higher in every objective.

MACEDONIA AT A GLANCE

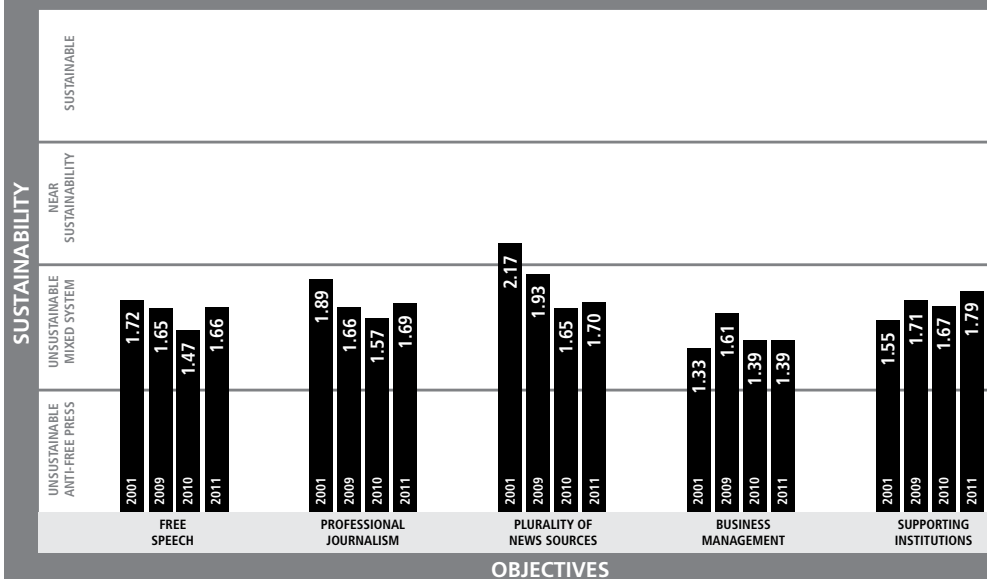
GENERAL

- > **Population:** 2,072,086 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Skopje
- > **Ethnic groups (% of population):** Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma 2.7%, Serb 1.8%, other 2.2% (2002 census)
- > **Religion (% of population):** Macedonian Orthodox 64.7%, Muslim 33.3%, other Christian 0.37%, other and unspecified 1.63% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 census, *CIA World Factbook*)
- > **GNI (2009-Atlas):** \$8.983 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$10,550 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 96.1% (male: 98.2%, female: 94.1%) (2002 census)
- > **President or top authority:** President Gjorge Ivanov (since May 12, 2009)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print: approximately 600 daily, weekly, biweekly, monthly, and periodical editions. There are 147 commercial broadcasters (5 television and 3 radio stations with national coverage) and 3 nonprofit broadcasters; 16 television channels broadcast via satellite. (Broadcasting Council, 2009)
- > **Newspaper circulation statistics (total circulation and largest paper):** Total average daily circulation is 252,372. *Vreme* and *Spic* are the largest daily papers (newspaper sources)
- > **Broadcast ratings:** Television stations: TV A1 (21.07%), TV Sitel (13.95%), and TV MTV1 (6.84%); Radio stations: Antena 5 (14.57%), Radio Ros Metropolis (7%) and Channel 77 (3%), (Broadcasting Council, 2009)
- > **Annual advertising revenue in the media sector:** €347 million, of which €338 million is spent on television and €9 million on radio. (Broadcasting Council, 2009)
- > **News agencies:** Macedonian Information Agency (state-owned), MakFax (private), and NetPress (private)
- > **Internet usage:** 1.057 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MACEDONIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.66

The minor improvement in this objective came as a result of better panelist evaluations of indicator 2 (media licensing), indicator 4 (attacks on journalists), indicator 5 (legal guarantees of editorial independence for public media), and indicator 7 (access to information). However, almost all the indicators scored close to the objective score. Only indicator 8 (media access and use of domestic and international news sources) stood out compared with the objective score, but could not garner good enough scores to exceed it by even a full point.

There are constitutional guarantees for the freedom of expression, freedom of thought, and free access to information. Also, a legal framework sets the standards for implementation. However, in practice, the law is applied selectively and arbitrarily, and the judiciary is subject to harsh political influence. "Judges should be aware of public interest. Public interest should be above all, even when journalists make mistakes," commented Stole Naumov, a member of the Broadcasting Council of Macedonia. Through selective enforcement of the law, the authorities have greatly endangered basic operations of media that dare to criticize the government, and created an atmosphere of fear among

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Biljana Sekulovska, a journalist with A1 TV, described her own experience to illustrate: "I complained formally that the police suppressed my guest's freedom of expression, and mine, by preventing them from entering the studio. The complaint was not processed at all."

journalists. The legal system fails to process complaints that the police overstep their authority, even when complaints are filed according to the correct procedure.

Biljana Sekulovska, a journalist with A1 TV, described her own experience to illustrate: "I complained formally that the police suppressed my guest's freedom of expression, and mine, by preventing them from entering the studio. The complaint was not processed at all." The ultimate police blockade of A1 TV revealed all the problems that Macedonian state institutions have implementing the laws. One legal action of the tax authorities turned into a police intervention.

For the most part, public reaction to obvious breaches of the freedom of expression is minimal. In one notable exception, however, a couple hundred people rallied during the police blockade of A1 TV.

Only broadcast media are required to obtain licenses. However, the panelists objected that even for the broadcasters, the licensing procedure is a formality. The regulatory body awards too many licenses, overcrowding the market. Unable to stay afloat on their own, many of these media outlets end up depending on subsidies from political and business powers, which undermine their independence. The panelists described the licensing procedure as politically dominated and unfair; there are media that do not fulfill basic requirements to be on the air, and yet no regulatory action follows. Furthermore, certain media secured licenses despite the law's clear anti-concentration clauses. The regulator's poor administrative capacity, combined with political and business pressures, greatly undermine the independence of the regulators' licensing procedures. Essentially, the regulators are the technical service providers of the authorities. "It's all about the money. If we have a handful of strong television stations instead of 10 weaker stations, the advertising money could be divided between just a few, giving them financial independence. It is harder to influence financially stable media," observed Zaneta Trajkovska, of the Macedonian Institute of Media (MIM).

Robert Popovski, president of the Macedonia Association of Journalists, commented, "I believe that tax enforcement is a tool for pressure against the media. Almost all owners act similarly [by not complying with tax laws], but tax control is selective."

For the most part, the taxation system does not differentiate between media and other businesses, although the VAT rate of 5 percent for newspapers is favorable (the normal rate is 18 percent). However, the panelists pointed out that in practice, the tax authorities apply pressure on the media, hampering their operations (as seen in the A1 TV case). Robert Popovski, president of the Macedonia Association of Journalists, commented, "I believe that tax enforcement is a tool for pressure against the media. Almost all owners act similarly [by not complying with tax laws], but tax control is selective." Despite public demands that all of the media outlets should be cross-checked by the public revenue office, to prove that the approach is non-selective, as of the time that the MSI was published only A1 TV had been targeted by the financial police and the public revenue office.

Again this year, journalists and other media workers suffered from violent acts—and as usual, the state did not investigate or prosecute the incidents. Verbal threats are commonplace, and the state largely ignores them. Popovski described threats on the lives of journalists issued in certain media—yet no action was taken against the person who made the statement.

Public media outlets are under strict political control, despite legal guarantees for editorial independence and institutional autonomy. The Public Broadcasting Service (PBS) assembly elects the board, which consists of one-third politically appointed members. The rest of the members are civil society representatives, and in theory it should represent the balance of society. However, pro-government representatives dominate the board. Given PBS's long-standing financial instability, the government has regularly funded its budget shortfall—in turn, giving it leverage in the choice of managers and the tone of the news coverage. Mira Kostic, a Macedonia Radio journalist, noted, "Financial independence of PBS is a precondition for editorial independence."

Defamation cases are punishable under the criminal code, and journalists bear the burden of proving their innocence. The panelists noted a significant uptick in cases in the past three years: at the time the MSI was published, 170

defamation cases stood before the courts. Most cases are filed by government or party officials. Although there have not been any cases where journalists have been imprisoned for libel, punishments generally involve relatively high fines—and when they lose a case, journalists are also liable for damages. However, there is no proof of corruption in the courts.

There is a law on access to information, but it functions only partially and arbitrarily. Some, but not all, state institutions abide by the terms of the law. And, at an individual level, compliance by officials with access to information is selective. Furthermore, noted Roberto Belicanec, program director of the Media Development Center, "Institutions treat journalists or public figures differently than common citizens. Citizens face far greater obstacles to gain information, despite the fact that the law does not differentiate between the two." Journalists consistently state that there is a problem with access to information, and that institutions are too closed, but there are no organized efforts underway to address the problem.

The media's access to, and use of, local and international news and news sources is not restricted by law. The only limitation is outlined in the copyright law to guard intellectual property, which is in line with international standards.

Entry into the journalism profession is free, and not limited by any legal means. The government does not intervene in admissions procedures to journalism schools, either. The government, however, demonstrates preference toward certain media and journalists, and openly suggests to the public which media they consider oppositional and untrustworthy. In a similar vein, bloggers are not generally perceived as journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.69

The small increase in score for this objective resulted mostly from better scores for indicator 3 (self-censorship) and 6 (balance of news and entertainment). Indicator 7 (modern facilities and equipment), however, received a lower score this year. None of the indicators scored greater or less than half a point than the overall objective score.

In general, the panelists agreed that journalists do not respect professional standards adequately. They said that there is an ongoing "media war" between the major media blocs to break news first, and journalists cut corners and neglect standards in the heat of competition. Common shortcomings include mixing facts with opinions, leaving out certain details,

and selecting facts to fit journalists' personal views. The panelists also commented that media owners and editors fail to support journalists who attempt to adhere to standards. "The standards are respected by certain professionals, but at the end of the day their editors often choose a different approach," said Kostic. However, radio journalists adhere to the standards a little more than other types of media—probably because radio is under less political pressure, noted one panelist.

Biased reporting is pervasive. Media are divided politically, and political affiliations strongly influence the news. Even though journalists consult different points of view generally, the panelists said this is only to create the appearance of balance—while the thrust of the news is still biased. A whole set of techniques are deployed to pass off biased information as neutral. For instance, important aspects of a story are neglected in order to support opinions that favor the politics of the moment. The ruling political parties categorize the media as friends and foes, and usually try to avoid appearing on unfriendly media—thus making it appear incapable and unprofessional, and undermining its credibility. For example, A1 TV repeatedly invited the spokesperson of the police to be a guest to explain why the police officers blockaded A1 TV, yet the police spokesperson chose to present law enforcement's case on the friendly Channel 5 and SITEL instead.

There is a widely accepted code of ethics, and its standards are aligned with those of the International Federation of Journalists. But breaches occur on a near-daily basis, including hate speech, labeling, and bias. Although the full extent of bribery among journalists is not known, the practice is

Blogs, Twitter, and Facebook communities tend to provide feedback and opinions, rather than producing the news.

believed to be widespread, especially with editors who accept gifts or money on top of their salaries. Also, in most media, there are no clear rules or policies that distinguish public relations material from regular content. Self-regulation of ethics is very weak for the most part. Furthermore, only Macedonia Radio and Television (MKRTV) and Media Print Macedonia (MPM, owned by WAZ Media Group) have created internal codes of ethics. Yet, according to the panelists, there is no visible, public sign that MKRTV enforces its code in everyday work. WAZ Media Group, on the other hand, designated an ombudsman to help ensure the independence of its editorial policy. The manager of *Vest*, one of MPM's newspapers, called upon the WAZ ombudsman to mediate a complaint against one of the general managers of the company—whose contract was ultimately terminated.

Self-censorship exists due to two major factors—journalists fear losing their jobs, and they also hope to secure extra benefits if their work fits the frame of their owners. Self-censorship is closely connected with the political and business interests of owners.

In general, media tend to cover most of the crucial events in society—even though they do so in highly partisan and biased manner. An exception is Roma language media, which have limited resources. Key Albanian language media pay attention to most major events, however. Blogs, Twitter, and Facebook communities tend to provide feedback and opinions, rather than producing the news. YouTube is used as a tool for party propaganda, and on some occasions, the mainstream media use YouTube videos as a source for news.

Journalists on the panel agreed that salaries are low—and that contributes greatly to the low level of professionalism. "Salaries of journalists depend on their will to obey the interests of the media owner. I refused orders aimed at fulfilling his interests, thus my salary is lower than that of my colleagues who are willing to do so," commented Sekulovska. Private media journalists are paid somewhat better than public journalists, but salaries, except for the profession's most prominent stars, are low. Many professionals either compensate with honoraria work for other media outlets, or they use journalism as a trampoline to other, higher paid professions. In the past several years a trend emerged for ex-journalists to leave the media entirely for employment in the public relations sector, especially to become spokespeople for businesses or state institutions.

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.
- > 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 trend of using light talk shows to promote governmental policies continued. Ministers and key governmental figures use such programs to pitch their policies to the public while avoiding serious journalists—minimizing the chance they might face criticism or unpleasant questions. Newscasts are still important for television ratings. Almost all media—except for some music radio stations—tend to keep rather large newsrooms in order to provide news coverage. Entertainment programming takes up a larger portion of the broadcasting in volume, but newscasts are still very important. Mixed infotainment programs are also appearing.

Macedonian media outlets are in the process of digitizing their newsgathering equipment. Media facilities, especially in the private media, are mostly sub-standard, with small studios.

A certain level of specialization among journalists exists. As far as niche reporting is concerned, most major media have economy and entertainment news departments. There are also reporters who specialize in healthcare. However, there is not enough technology, science, and cultural reporting. The shortfall in the coverage of technology news is compensated, though, by the specialized Internet portal www.it.com.mk. Investigative journalism is very rare; managers and editors consider it quite expensive, and risky.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.70

The situation regarding plurality of news remained more or less static. Indicator 4 (news agencies) and indicator 6 (transparency of ownership) did receive slightly higher scores, but indicator 7 (coverage of minority issues) received somewhat lower scores compared with last year. A few indicators scored differently than the objective score: indicator 2 (citizen access to media) received a score just slightly more than half a point higher; indicator 3 (public media are nonpartisan) and indicator 6, despite improving, lagged behind by nearly three-quarters of a point.

Macedonia has 150 broadcasters—half of them radio and half of them television—and around 10 nationwide daily newspapers. Furthermore, there are a number of news web portals. Yet most of the panelists believe that this plurality does not provide quality news for common citizens. “There is a plurality of sources but not of viewpoints within the news; if you search the websites of the media, you will find out that the same news repeats in 15 sources, and almost 70 to 80 percent of the wording matches,” said Darko Buldioski, of the New Media Center.

Most of these media outlets are privately owned, except for the public broadcaster, MKRTV. Aside from the news web portals, there are no media that use mobile networks to deliver content. Social networks, such as Facebook and Twitter, are rapidly changing the way the audience receives news. The major political parties favor YouTube to disseminate party propaganda. On several occasions, anonymous posters on Facebook and YouTube provided raw material for the media. For instance, material on YouTube was instrumental in spreading the news of the scandal surrounding the ex-president’s public relations strategy, “Hope.” YouTube sources revealed that the ex-president used a sizable portion of his office’s budget to create a public relations strategy aimed at diminishing the ratings of the government (dominated by his political opponents at the time). Allegedly, he used the money to contract Slovenian experts directly, without following proper procedures for public procurement. In a separate incident, Facebook was used to spread the payroll of the A1 TV journalists, providing personal data to the public.

Trust in the mainstream media falls year to year; Goran Momirovski, Channel 5, said that he saw one research study that indicated that 65 percent of Macedonians mistrust the media. As a result, the media are losing audiences. According to Broadcasting Council reports covering the past three years, domestic television stations are losing 2 to 3 percent of their audience annually. Newspaper circulations dipped around 10 percent per year in the past two years, and in the last year

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) exists 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 non-partisan, 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.

they even started to lose their Internet audiences, according to data on Alexa.com.¹

There are no legal restrictions of any kind that limit citizens' consumption of foreign news or media. Some sources indicate that broadband Internet connection penetration has passed half of all households, while cable television penetration is around 60 percent. It is commonly believed that price drops for both cable and Internet connections contributed significantly to the fast growth—especially of the broadband connection penetration. However, there is still a digital gap due to cost. Almost 40 percent of the population—mostly rural areas—cannot afford access to these distribution systems. The panelists did not report any cases of censorship, jamming, or embargoes against foreign media, nor of the government blocking access to foreign websites on the Internet.

The public service, MKRTV, is biased and totally dominated by the ruling party. According to the panelists, despite its legal obligation to provide news impartially, in practice MKRTV is considered heavily partisan in favor of the state. Not only does MKRTV spend a predominant amount of time reporting on the government, but when it reports on other issues it presents the news from a pro-governmental lens. Usually, any government criticism is presented in a negative context. As for the educational and cultural programming, they tend to be very low-quality productions. Such programming is available on private media channels, but it is commercialized.

Aside from the state-owned Macedonian Information Agency (MIA), there are no active news agencies; mainstream media use Internet portals instead. Almost all major media outlets, print and electronic, rely on international news agency services, including AP and Reuters, and AFP to a smaller extent. Credit is provided.

Local media, unlike national outlets, rarely produce their own news. "In my region, only four out of seven television stations produce about seven-eight news pieces per day; in the eastern parts of Macedonia the situation is even worse," said Mevaip Avdiu, from TV Koha. Some local web portals compensate for the lack of the local news in the traditional media, but usually they are of low quality. In the panelists' view, bloggers are spectators and commentators on the media scene—not news producers.

Media ownership is somewhat transparent. An entire chapter in the broadcasting law sets standards for media ownership transparency, and obligates the media to publish their ownership structure annually. On the print side, there are no such obligations, and the panelists commented that

¹MPM, the biggest publisher in the country, provided the print circulation figures based on confidential internal documents, so the source cannot be published.

ownership concentration is very hard to regulate. Still, the public knows generally who owns certain media, even though in some cases, the legal owners are not the owners on record with the registration office. Most of the media have single owners, who influence newscasts according to their political or business interest. Two of five major broadcasters are owned by the sons of members of parliament. The broadcast law clearly states that holders of public offices, and their family members, may not own broadcast outlets—but the regulators take no action.

Local news on the national media is often neglected; local issues are covered only when something bizarre or scandalous occurs. International news is included in the regular news coverage, but always in the shadow of domestic issues. International news rarely hits the front pages or the first minutes of the newscast. Also, there is a lack of specialized news.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.39

Objective 4 scored identically compared with last year. There were very minor improvements in many indicator scores, offset by a noticeably lower score for indicator 1 (efficient and self-sustaining media enterprises). All indicators scored close to the objective score.

Media companies are mostly dominated by their owners, who, for the most part, are not professional media managers capable of running their outlets as efficient businesses.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Owners are responsible for company performance and human relations operations. The media have very little experience producing and realizing strategic plans. Mostly, managers improvise. Furthermore, media outlets are usually part of a bigger business conglomerate owned by same person, and most media profits come from advertisements or other economic activities of these companies. Their media just act as their public voice. "Media business: that is a mythical creature in Macedonia," commented Belicanec.

Media, in general, depend heavily on advertising and hidden subsidizing through owners' other companies. Even the print media rely on advertising, because they have unrealistic newsstand prices that cover only basic operational costs. Television stations failed in a bid to push cable operators to compensate them to rebroadcast their programs. Given the high penetration of the cable networks, they fear that any exclusion from these networks will diminish their reach, and ultimately hurt their advertising revenue.

The rate card value (declared prices by the media) of the advertising market is around €300 million, but real income is around €60 to €70 million due to massive discounting of up to 70 to 90 percent in extreme cases (the usual discount is between 25 and 30 percent).

Online media without a traditional media partner are in an even worse situation due to the fact that only about 1 percent of the total marketing budgets in Macedonia are allotted to advertising with new media. Accordingly, bloggers do not have access to these funds. Some of them use Google AdSense to generate revenue.

The public broadcaster should finance itself through the broadcast fee and from advertising, but the fee was reduced from €5 to €2 by the government as a populist measure. These funds, together with a broken fee collection system, open up greater possibilities for state interventions—covering the costs of certain activities that are, essentially, subsidies by a different name. Such support is accompanied by heightened influence on editorial independence.

Generally speaking, advertising agencies work with all types of media, but they focus mostly on the capital-based national media. Most are affiliates of global advertising agencies, and they provide full services, from creative solutions to media buying. Advertising agencies work actively with all media, although to a lesser extent with online media. Although the audience is shifting to the Internet, the money is not following.

Regarding the portion of time and space in programming consumed by advertisements, panelists estimated that for broadcast media, 20 percent of the airtime is consumed by advertising. There is no data for the print.

Government spending in advertising is still very high, and it is used to influence the editorial independence of the media. There is no law that regulates government spending on advertising. The law that regulates public procurement stipulates that bids and tenders should be published in daily newspapers, but they do not provide additional criteria, such as circulation, availability, etc.

Advertising agencies use standardized audience measurement research to guide media buying. People meters are used to conduct ongoing ratings research of television stations, and newspapers circulations are measured as well—but not all of the major media players recognize this research as valid. The panelists also believe that media have only limited success tailoring their programs according to this research, mostly due to their lack of knowledge on using them efficiently.

The panelists also underlined the problem that, despite the efforts of agencies, their clients lack understanding of new media—rendering them unsustainable. Furthermore, traditional media tend to offer their Internet advertising space through offers that bundle Internet advertisements as a bonus in bigger advertising packages—rather than exploring separate strategies for online advertising.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 1.79

The slight improvement in Objective 5's score is the result of a higher evaluation by the panelists of indicator 1 (trade associations). Despite this, however, indicator 1 fell short of the objective score by more than three-quarters of a point. Indicator 7 (unrestricted and apolitical channels of distribution) was the only other indicator to not score within half a point of the objective; it exceeded it by slightly more than half a point.

The status of media trade and owners' associations remains in poor shape, but there are signs of improvement. The associations for newspapers and broadcasters disappeared from the public scene three years ago, and the gap remains unfilled. Major television stations have organized a section within Macedonia's Chamber of Commerce that attempts to compensate for the lack of a strong media owners' association. So far, they have found limited success in negotiating rebroadcasting fees with two out of four major telecommunication operators. Smaller television stations organized themselves under an association of local media, but to date they have shown very limited activity.

In one of the most notable positive developments of the year, the Macedonia Association of Journalists, faced with

strong criticism from its members, reorganized itself through statutory changes, a drive to reenlist members, and open elections for new leadership. Drawing stable income from renting out its premises and collecting membership fees, AJM is better able to finance basic operational costs. AJM is now finalizing the reforms, and it has been constantly vocal regarding threats against journalists and the need to improve professional standards.

Furthermore, in 2010 an independent trade union of journalists was registered and expressed its intention to organize journalists around their social rights.

Different NGOs, including MIM, the Media Development Center, and the CIVIL Media Initiative are still active, but less so than in previous years. Most of them operate in an unfavorable political atmosphere, and the government often labels them as political adversaries in an attempt to marginalize their efforts.

The state university and MIM have journalism schools, while several private universities offer other media and communication studies. Generally, MIM is more practice-oriented than the state program. The panelists believe that the proportion of graduates to jobs available in the media is satisfactory. However, the links between the industry and universities is very weak, and that significantly affects the quality of education. Short-term training programs do not exist, however. Trajkovska said, "There are no donors to support them, and media are not interested in covering the costs of such programs."

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 (e.g., 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.

Printing houses, distribution networks, and supporting industries are free from political influence. Distribution is somewhat problematic, though, because printing houses and newspaper distribution is essentially divided between two major companies, creating economic barriers for possible newcomers.

In the digitalization process, it is expected that telecom operators will handle terrestrial frequencies instead of the television stations. With no legislation in place to regulate access to these networks, media outlets are in danger of being deprived of the technical means of broadcasting either due to unreasonable fees or other forms of pressure.

List of Panel Participants

Robert Popovski, president, Macedonia Association of Journalists, Skopje

Naser Selmani, editor, *Vest*, Skopje

Goran Momirovski, journalist, Kanal 5 TV, Skopje

Roberto Belicanec, program director, Media Development Center, Skopje

Mira Kostic, journalist, Macedonian Radio, Skopje

Zaneta Trajkovska, director, Macedonia Institute for Media, Skopje

Mevaip Abdiu, owner, TV Koha, Tetovo

Stole Naumov, member, Broadcasting Council of Macedonia, Skopje

Darko Buldioski, blogger, komunikacii.net; founder, New Media Center, Skopje

Petar Ribarski, marketing manager, Media Print Macedonia, Skopje

Biljana Sekulovska, journalist, A1 TV, Skopje

Ana Petrusheva, country director, Balkan Investigative Reporting Network, Skopje

Moderator and Author

Gazmend Ajdini, executive director, Media Development Center, Skopje

The Macedonia study was coordinated by and conducted in partnership with Media Development Center, Skopje. The panel discussion was convened on December 17, 2010.

It is commonly accepted that running a media business in Montenegro is very hard, that politics and big capital interfere too heavily in editorial and professional freedom of journalists.



MONTENEGRO

Local elections held in 14 Montenegrin municipalities in May 2010 confirmed, once again, the dominance of the ruling party, the Democratic Party of Socialists. Since Montenegro regained independence in 2006, with a political scene marked by a dominant ruling party and feeble opposition, the will to advance democratic progress and stimulate critical discourse has shifted in the direction of the civil society.

Aside from the elections, the pace of Montenegrin accession to the EU and NATO dominated headlines. For the first time, Montenegro sent a military mission to Afghanistan, reiterating its strategic Euro-Atlantic orientation. However, Montenegrin society is still significantly divided regarding NATO accession. On the other hand, more than three quarters of all citizens support EU accession, and, unlike the divide among political classes when it comes to joining NATO, all the relevant political parties support EU accession. In November 2010, the European Commission issued a positive opinion on Montenegro's aspirations to become a candidate country, bringing Montenegro closer to NATO and EU membership.

There is no doubt that Montenegro's economy is stagnating, threatening the long-term financial viability of most media. Investments in the media sector have frozen, and aside from sporadic online media projects, it is quite obvious that the economic capacity of the local media market is quite limited—thus providing practically no space for new media entrants. At the same time, from a commercial point of view, the state-owned media sport a number of advantages over the private media, including direct budgetary support. It is commonly accepted that running a media business in Montenegro is very hard, that politics and big capital interfere too heavily in editorial and professional freedom of journalists.

Other major problems facing the media include the clear lack of investigative journalism, insufficient commitment to professionalism among journalists, and the absence of efficient collaboration. Media owners proved unable to reach any kind of productive agreement regarding their mutual interests, and journalists proved incapable of establishing strong associations to protect their professional and trade union interests. There are few common institutions and organizations trying to promote the interests of media community. On top of these difficulties, the media face political pressure and courts lack independence—leaving journalists legally and socially unprotected.

Overall, Montenegro's score remained more or less static. In fact, three Objectives scored almost identically to last year. However, Objective 1 (freedom of speech) and Objective 3 (plurality of news) did show modest improvement in their scores.

MONTENEGRO AT A GLANCE

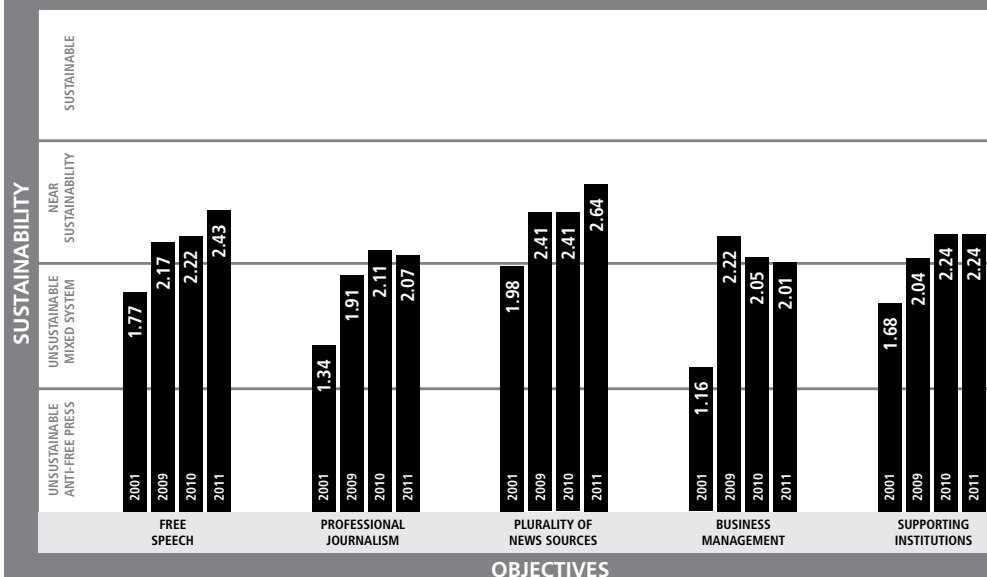
GENERAL

- > **Population:** 666,730 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Podgorica
- > **Ethnic groups (% of population):** Montenegrin 43%, Serbian 32%, Bosniak 8%, Albanian 5%, other (Muslims, Croats, Roma (Gypsy)) 12% (2003 census)
- > **Religions (% of population):** Orthodox 74.2%, Muslim 17.7%, Catholic 3.5%, other 0.6%, unspecified 3%, atheist 1% (2003 census)
- > **Languages (% of population):** Serbian 63.6%, Montenegrin (official) 22%, Bosnian 5.5%, Albanian 5.3%, unspecified 3.7% (2003 census)
- > **GNI (2009-Atlas):** \$4.149 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$13,320 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 97.6% (MONSTAT, 2003)
- > **President or top authority:** President Filip Vujanovic (since April 6, 2008)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 3 dailies, 4 weeklies, 40 monthlies; Radio Stations: 49; Television Stations: 18
- > **Newspaper circulation statistics:** Top three by circulation *Vijesti* (circulation 26,000, private), *Dan*, (circulation 25,000, private), *Pobjeda*, (circulation 8,000, state-owned)
- > **Broadcast ratings:** N/A
- > **News agencies:** Mina News Agency
- > **Annual advertising revenue in media sector:** \$7-\$8 million (2010 est., MEDIA Ltd.)
- > **Internet usage:** 280,000 (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MONTENEGRO



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.43

Eight years ago, Montenegro reformed its media legislation, defining new rules within the media industry and promoting a modern concept of free press protection. In general, media legislation is aligned with international standards and represents a good legal framework for media operations. The real problem in Montenegro, the panelists agreed, is enforcement of the law. Although free speech is protected legally, and the laws promote freedom of expression, selective and slow enforcement of laws threatens legal principles and adherence to media standards.

Mirsad Rastoder, a journalist and chair of the Ethics Committee of Montenegro, commented on the existing legislative framework: “We have good laws, but in practice we are faced with a lot of problems. The real need is to harmonize the legal norms with reality, and reevaluate the quality of related bylaws. Sonja Drobac, a journalist with the state-owned *Pobjeda*, agreed in general with previous speakers regarding the quality of the legislation, adding, “I think that we have a good legislative framework, which provides a solid basis for media sustainability. The biggest problem is in the area of education, as there are no specialized skills, no quality legal experts in court

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Lalić argued, “Libel should be decriminalized. In practice, there are only three media outlets that face libel lawsuits [Vjesti, Monitor, and Dan].”

cases. Whenever you have ignorance, there is a space for manipulation.” Regarding the courts, Draško Đuranović, the editor of the web-portal *Analitika*, noted, “The majority of claims against the media are libel charges. For litigation cases, it would be better if the Supreme Court would practice consistent compliance with international standards.”

The panelists all emphasized the problems regarding the enforcement of the laws, and socio-political limitations affecting the freedom of press. Ranko Vujović, president of the Association of Independent Electronic Media (known by its Montenegrin acronym, UNEM) said that Montenegrin society does not cherish free speech—and that not only the government, but some media professionals as well, oppose freedom of the press.

Regarding licensing procedures, Vujović pointed out changes brought by the adoption of the new Law on Electronic Media. He explained that the former Broadcasting Agency, now called the Electronic Media Agency, oversees the licensing process for electronic media; the law implements the EU Directive on Audio-Visual Media.

The licensing application process is generally transparent, but big broadcasters have a clear advantage—simply because they have lot of employees, pay more taxes, etc., and thus the licensing agency is more cooperative. Dino Ramović, editor-in-chief of the Albanian-language TV *Teuta* in Ulcinj, shared his opinion that, “The licensing process is not overly complicated, although there are some problems regarding frequencies in certain areas. Another problem is money, because it takes a lot of money to prepare the necessary documentation—and this is significant burden for the majority of small media.”

The panelists also reported that TV *Vijesti* finally won a national frequency license, following drawn-out political obstruction. Now, this national television station is in a position to broadcast over the entire territory of Montenegro (one of six stations total with that capacity). Maja Lalić, a TV Montena journalist, said however that the length of time it took TV *Vijesti* to obtain the license shows that broadcast licensing procedures are under political interference.

In principle, media enjoy free access to the market, and in that respect media are treated essentially the same as any

Unković said, “Fines for libel are extremely high, and much more would be achieved with denials or apologies. However, we are also faced with the problems of professionalism and media polarization.”

other company. With recent reforms, media do not need to be registered with public authorities, thus avoiding the need to have special administrative operating licenses. Of course, electronic media have to meet prescribed technical requirements. In terms of taxation, media are treated as all other companies, although print media enjoy a lower tax rate.

According to Zoran Radulović, a journalist with *Monitor*, “From a legal-technical point of view, media business is absolutely equal to all other types of businesses in Montenegro. However, there are certain limitations—but they are the result more from the small and insufficiently developed market, rather than bad intentions or legal restrictions.” Đuranović pointed out another aspect of the issue: “The problem is that one television station [TV Pink], which is registered and has a seat in Serbia, holds a share of the advertising market in Montenegro—although it produces only the legally required minimum [50 percent] of programs in its Montenegrin studio. In this way, TV Pink is privileged, because the regulatory agency takes no action to force this television to maintain a certain level of its production in Montenegro.” Another panelist commented that market access is unequal for private outlets.

Although the panelists reported no serious cases of violence against journalists this year, they did discuss the troubling lack of concern for journalists’ safety among the public, and unresolved crimes from previous years—including a disputable court verdict following an attack on Željko Ivanović, the CEO of *Vijesti*; the unresolved case of an attack on Jevrem Brković, a publicist and author whose bodyguard was murdered; the most famous unresolved murder case of Duško Jovanović editor-in-chief of *Dan*; and; the controversial court proceedings revolving around the personal clash between the mayor of Podgorica and *Vijesti* editor, Mihailo Jovović.

Lalić emphasized that journalists are not the only targets. “Journalists are often targets of court processes, but civil society representatives suffer as well. Court cases are usually instigated against journalists of those media who are critical of the authorities or big business.” Neđeljko Rudović, a *Vijesti* journalist, added that the Jovović case, along with several

others, demonstrates clearly that independent journalists are discriminated against in Montenegro.

Although the panelists could not say that the law favors public/state media, in practice political patronage of public media is quite visible. Ruling political parties secure their control over public media managers. Lalić said that the national public service (television and radio) is in a privileged position. Public services are cushioned financially by a state-supported budget, while their private counterparts are exposed to market forces. For example, Đuranović said, “The election of RTCG [national state-owned radio and television] council members is legally well-regulated, and formally it is not possible for parties to elect their own members directly into the Council. Of course, there is a lot of lobbying going on, and there is always the possibility to indirectly impact the election.”

Dragana Unković, a TV *Vijesti* journalist, added, “The political impact on the selection of public service management is constant, as are the decisions that management are making. Also, when it comes to covering certain government or parliamentary activities abroad, private media are mostly cut off. In the last couple months the situation has slightly changed with respect to this, although I think this is done purely for promotional purposes.” Jadranka Kovačević-Đuranović, editor-in-chief of culture at Montenegrin TV, agreed that there are no problems in the legislative framework, but she commented on how subtle political influences affect the end product. “The editors are still ‘politically obedient,’ and in public media, self-censorship is a much bigger problem than outright censorship.”

Taking the example of *Pobjeda*, several panelists questioned its failure to privatize, despite Montenegrin laws requiring this transition, and continued state support for the daily despite this failure. Radulović charged that *Pobjeda* “failed to transform itself under the law that requires this daily to be privatized” and is now on direct government support. However, he said, “When private media (for example, *Vijesti*, *Monitor*, *Dan*) ask for a tax loan, they are refused—allegedly because that would disrupt the competition. It is quite obvious that laws are being violated.” Drobac conceded that it is quite clear how *Pobjeda* is financed, but she defended her newspaper, saying, “I do not think that *Pobjeda* is illegal media, because privatization has not been carried through. The government complied with the legal procedures, but there were simply no buyers.” Editor-in-chief of Antena M, Darko Šuković, said that *Pobjeda* was unable to be privatized, because at that moment the authorities favored *Vijesti*—so *Pobjeda* was marginalized.

For his part, Slavko Mandić, editor-in-chief of Radio Skala, said that he does not believe in the objectivity of *Vijesti*,

adding, "Citizens are not afraid of the current regime, but they are driven by their own interests." They expect to gain some personal benefits from the regime if they do not criticize it.

The panelists expressed strong views on the question of libel, and in particular, the debate over decriminalization. According to Montenegrin Penal Code, the fine for the criminal offense of libel ranges from €5 to €14,000 or imprisonment if the guilty party does not pay the fine. The whole issue is particularly problematic because a libel conviction does not exclude a parallel civil dispute, and since the courts are not applying balanced penal policy, the rulings for compensation of non-material damages range from symbolic amounts to up to €30,000. It is especially problematic because of divided opinions—on both the public and political scene—regarding de-criminalization of libel.

Lalić argued, "Libel should be decriminalized. In practice, there are only three media outlets that face libel lawsuits [*Vjesti*, *Monitor*, and *Dan*]." Vujović agreed, and commented, "I also do not think that media should be relieved from their responsibility, but there must be a fair balance between the freedom of the press and political aspirations to discipline certain media. I think that the proposal to decriminalize of libel is the right thing. Alternatively, we might have sanctions obligating media proven guilty of libel to publish a court verdict describing their offense... for media, that would be a harsher penalty than the fine." Rastoder shared his view that the public would welcome decriminalization of libel. Others underlined problems in the judiciary standards, and questions about what constitutes appropriate fines in civil cases.

Đuranović presented a different perspective. He agreed that most of the regulations are aligned with international standards, but said that the Supreme Court must finally harmonize the judicial practice. Noting that the main problems are court verdicts for libel, he said, "However, I am against the idea of full de-criminalization of libel. Damage compensation represents a far bigger problem—it cannot be used as mechanism for pressuring the media. Damage compensation claims, at the moment, amount to in excess of €13 million. Still, I am against low fines as well because that would favor tabloidization of the media scene. Simply, the courts must find the right balance."

Šuković also raised questions about decriminalizing libel, saying, "I do not think that our society is mature enough for its decriminalization. Of course we have problems with the judiciary. On the same issue, we see different verdicts. Yet the sanctions should never threaten media survival. Unković said, "Fines for libel are extremely high, and much more would be achieved with denials or apologies. However, we

are also faced with the problems of professionalism and media polarization."

Vujović added, "As far as the courts are concerned, it should be pointed out that judges are finally beginning to apply the standards of the European Court for Human Rights. Still, this refers to criminal proceedings, and we are still faced with the problem of civil disputes with possible high fines. I think the courts need to be educated on the matter, although even within the EU there are examples of drastic fines in civil disputes—for example, in the UK, which is famous for high fines." Rudović brought up one example of an especially harsh fine: "...the first court verdict against *Vijesti*, (filed by the president of the opposition party, 'Movement for Change') involving a €33,000 fine. In comparative terms, this would amount to a €15 million fine for some media in Germany."

Unković also pointed out how the question of libel plays a role in Montenegro's EU aspirations. She remarked, "Only a couple of days prior to publication of the European Commission's Opinion on Montenegrin application for EU membership, the High Court overruled the ruling of the Basic Court by which journalist Petar Komnenić was sentenced to pay, on account of libel, €2,000 to the controversial businessman from Rožaje, Safet Kalić. At the same time, we witnessed several acquittals in cases involving representatives of civil society—so our impression is that all that is posturing to answer pressure coming from Brussels." Likewise, Radojica Bulatović, director of the Media Institute of Montenegro, said, "Montenegro's bad image in the past few years is just a warning to those in power that they have to change their ways when it comes to media. Likewise, the journalists must take care not to enter the area of sensational journalism, which impacts negatively readers and viewers alike."

Radulović warned, "When sanctioning libel, the problem is not in the amount of the fine. For example, *Monitor* was fined for publishing other people's statements, which tells us something about the incompetence of the courts. It is particularly problematic that courts issue guilty verdicts even when journalists act in compliance with the Code of Ethics.

Montenegro has a Freedom of Information Act to facilitate journalists' and citizens' access to public information, but the media still experiences difficulties in this respect. Kovačević-Đuranović pointed out, "There are no legal regulations limiting media access to information." Yet in practice, government bodies often simply refuse to submit requested information within the legally prescribed timeframe.

Kovačević-Đuranović added, "Media polarization is simply a reflection of the social divide. Journalist associations and self-regulatory bodies are not sanctioning the media for incorrect reporting; society is also not critical. That is why the debate on self-regulation is of crucial importance."

Bulatović said, "Although every third request to access information is rejected (according to NGO data on access),¹ we can say that pressure from the public has improved the overall situation." Mandić added, "It all depends what documents we are talking about. There are definitely cases when some public officials are trying to deprive the public of certain pieces of information. However, by complying with procedures and being insistent, one can obtain requested information." Journalists are not addressing the lack of access to information in a consistent or organized way, as far as the panelists are aware.

There are no limitations to access international news. Internet is widespread in Montenegro and relatively cheap, with close to 200,000 users. All media use online sources, foreign publications are also accessible online, and a majority of private electronic media have modern, digital equipment. All in all, there are no limitations in that respect, and when it comes to tapping online sources, the Montenegrin media market is quite liberalized.

Mandić said, "Media are not limited in terms of access and use of news and sources. Journalists and editors are free to use the Internet without any censorship. Furthermore, media are allowed to broadcast foreign or local news programs or information of news agencies. However, he has seen troubling cases regarding failures to protect intellectual property that went unpunished.

There are no legal limitations regarding entry into the journalism profession, or any administrative barriers to obstruct journalists from working. Also, the government is neither implementing any restrictions regarding the journalism profession, nor posing legal limitations that could be interpreted as an attack on freedom of the press. Unković said, "Becoming a journalist is unrestricted; there is no control over who can enroll in journalism schools or

¹ "Free Access to Information & Secrecy of Data in Montenegro." MANS. Download report here: <http://www.mans.co.me/en/about-mans/publications/free-access-to-information-secrecy-of-data-in-montenegro/>

political interference when recruiting journalists. However, certain political structures favor some journalists." Vujović added, "Becoming a journalist is absolutely a matter of individual choice, and the authorities do not impose any kind of licenses, restrictions or special rules for the journalist profession."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 2.07

The panelists were unanimous that Montenegro faces a huge problem regarding professional standards in journalism. Journalists are often biased in their reporting, and very often they publish unconfirmed information or otherwise neglect to observe accepted standards. Rastoder said that when it comes to professionalism, Montenegrin media is perfunctory, lacking in creativity and quality.

Numerous court cases initiated against journalists on the grounds of poor professionalism illustrate this challenge. Vujović pointed out, "UNEM, within its Journalists Protection Project, supported journalist defense teams in 30 court cases in the last couple of years." Đuranović, however, noted that cases are decreasing, compared to the peak of verdicts against journalists in 2008: "However, while now we do not have explicit hate speech—that simmered down alongside the political cycle—tabloidization is now a major problem. The journalists' self-regulatory body definitely does not exist anymore, but the journalists still have to self-regulate. Journalists are not admitting their own mistakes, and that is a huge problem."

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Mandić countered that hate speech persists, and gave examples on Radio Bum and Radio Svetigora. He added, "The Regulatory Agency is not doing its job, in terms of preventing unprofessional journalism. Simply, the rule of law is not functioning." Thus, Rudović said that the media community must prioritize reaffirming the journalists' self-regulatory body. He said, "We implement different editorial policies, but we should all comply with the Code of Ethics. Yet, this can happen only when the authorities give up the attempt to discipline the free media." Kovačević-Đuranović added, "Media polarization is simply a reflection of the social divide. Journalist associations and self-regulatory bodies are not sanctioning the media for incorrect reporting; society is also not critical. That is why the debate on self-regulation is of crucial importance."

An Ethical Code, drafted by the journalists' self-regulatory body in the spirit of international professional standards, has existed for a number of years in Montenegro. However, the panelists generally agree that compliance is poor. The most commonly seen violation is publishing irresponsible information. In that respect, the activities of the journalists' self-regulatory body, regardless of its commitment and good intentions, failed to produce necessary results, because the majority of media simply ignore its conclusions and recommendations.

However, Rastoder said, "We must make a decisive step in order to gather the media around minimal common interests. Although a lot has been said regarding the functioning of the Self-regulatory Body as well as regarding its opinions and recommendations, I would like to say that we also had positive results in the seven years of its operations. Šuković, in response, explained his skepticism over the enthusiasm about reviving a self-regulatory body in the media community; in his view, the problem is rather the deep divide over understanding of media professionalism, and widespread corruption in the media.

Radulović ended discussion of this point on a pessimistic note. "It is impossible to revive self-regulation in a meaningful way," he said. "Journalists are poorly paid, government provides no guarantees for their salaries, and even in state-owned media, wages are paid up to three months late." In his view, all of these hardships erode journalists' will to uphold the professional code.

The panelists are convinced that self-censorship is also widespread in Montenegrin journalism. Journalists are inclined to skillfully avoid the toughest topics (especially stories about organized crime or corruption), and fearing for their social or existential safety, they cast aside their professional ideals to protect their jobs.

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Lalić commented, "Self-censorship in journalism is disappointingly widespread. I have been working as a journalist for three years, and I have witnessed self-censorship. Although we have more overt censorship in terms of editors' involvement in news as well, self-censorship remains the main problem." Kovačević-Đuranović agreed, and said that the degree of self-censorship practiced is directly proportional to the quality of journalists. Drobac believes that self-censorship stems from poor skills, and said that media lack professionally qualified editors.

Regarding the media's coverage of key events, the general assessment of the panelists is that journalists cover all the important events, both at local and national level. Furthermore, private and state-owned media focus equally on the most important events. Mandić commented, "There are no events or information that, if published, would cause negative consequences for editors, journalists, bloggers, and photographers. It is possible that we have cases when some editors prevent journalists from covering certain events. But the level of freedom in Montenegro is sufficient that everybody can cover events related to security, whether they are of national or international importance." Unković noted, however, that while most journalists cover all key events and issues, some go into more depth than others, and the quality of reporting varies.

Đuranović commented that salaries that are barely sufficient to cover basic living costs are contributing to the decreased quality of journalism. Journalism in Montenegro is, on average, a poorly paid profession. Very few journalists earn more than €1,000 per month, while the average journalist earns a salary of €500 per month. At the moment average net-salary in Montenegro is approximately €460, inflation does not exceed one percent, the unemployment rate is around 13 percent, and almost half of the employed work in the public sector (paid from the budget or working in state owned companies). The differences between pay for private and state-owned media are very small, although in

Rudović added, "In the majority of Montenegrin media, the focus is on the news programs, but the best ratings go to those television stations promoting entertainment programs; proved by the success of Pink TV on our market."

some more financially viable private media journalists earn better salaries.

Unković said, "Depending on the media they are working in, some journalists can make enough money for a normal life-style—but that is a very small number of individuals. Most journalists work for more than one media outlet, or for foreign media, because that is the only way to make a decent living." She added that as a result, there is a trend of people leaving journalism and starting work as public relations officers within government institutions." Kovačević-Đuranović added that the low salaries for journalists also explain why journalism is becoming a women's profession.

In terms of the balance between entertainment and news, commercial entertainment programs dominate most private electronic media. Electronic media ratings indicate that the most popular programs are those with 'light' content—and that television stations promoting this kind of material enjoy greater financial success. On some private media outlets, the ratio of entertainment to informative content is approximately 80:20. On public services, the ratio is closer to 50:50. Rudović added, "In the majority of Montenegrin media, the focus is on the news programs, but the best ratings go to those television stations promoting entertainment programs; proved by the success of Pink TV on our market."

In print media, however, news content prevails, while electronic outlets are shifting more to entertainment, sports, and other commercial programs. Furthermore, the panelists expressed concern that the majority of entertainment programs display cultural standards below acceptable, and promote disputable social messages and unacceptable values.

All the relevant private electronic media with national coverage (example, TV IN, TV Vijesti, TV Pink, PRO TV) use modern digital equipment. However, planned digitalization of the media system by 2012 remains a problem, because in the harsh financial climate it is questionable whether that timeframe is realistic. This goes for the national public service as well, because RTCG still operates on an analog system. Nevertheless, the existing technical equipment, regardless of the quality of produced images, is enabling electronic

media to function in a stable manner. All the media have access to the Internet, so journalists have access to all online information as well.

In general, the panelists believe that there is little investigative and specialized journalism in Montenegro. As Ramović pointed out, "Specialization of journalists for certain areas exists, but this is just a characteristic of the big media companies. Local media are not capable of investing in specialization; each journalist usually covers several areas." Šuković commented, "In several larger media companies, there are programs for the specialization of journalists, while investigative journalism is on the margins. This is a big gap in the Montenegrin media community." Lalić said that specialization is almost exclusively seen in print media. She explained, "On television, in 90 percent of the cases, journalists cover several areas, especially those working on news desks. State-owned media, due to their legal obligations, address some social issues—including poverty, people with disabilities, labor issues, and unemployment—but the quality of their reporting is not very high." Radulović agreed, and added, "We still do not have enough journalists who are specialized for important social areas," thus making the development of expert journalism one of the priorities and biggest challenges for Montenegrin media. This directly affects the overall quality (and quantity) of investigative journalism, although all the panelists agreed that serious investigative journalism requires financial means that most of the media simply do not have.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.64

In Montenegro, there are approximately 70 print and electronic media outlets. That is roughly one media outlet for every 9,000 residents. Some 90 percent of media companies are privately owned. This number is even bigger if you add up on-line newspapers (portals, blogs), and the country is also feeling the impact of social networks (Facebook, YouTube). However, due to the economic crisis, the total number of media has been decreasing over the last few years.

Šuković pointed out that "Pluralism is enormous, but the quality is often minimal." Unković said, "Citizens have a sufficient number of media to choose from in terms of information—maybe even too much. However, the choice is there and it is up to the citizens to choose."

Multiple viewpoints are available, including a range across the political spectrum. The only new entrant onto the media scene mentioned this year that has contributed to

better quality and pluralism on the local media scene is the launching of private online daily (a political portal, Analitika). However, the healthy number of media companies does not necessarily mean that professional standards in Montenegrin journalism meet a high standard.

Access to local and foreign media is not restricted, and in that respect Montenegro has quite liberal and open media space. Citizens are able to access different media sources in virtually every corner of the nation, thanks primarily to easy Internet access. However, cost is a prohibitive factor for some, and people in large cities enjoy greater access to media compared to their rural counterparts. Television and radio prevail as the most accessible media for rural audiences. Internet access is low outside urban areas.

The panelists concurred that public media rely upon the government and ruling parties for funding, marginalizing the public interest and promotion of certain political interests not necessarily in line with those of the ruling party. Unković commented, “Public service is not independent from structures in power, and its openness to alternate views is a charade. Likewise, people from public media think that they are doing their jobs very professionally and accept no criticism.” Đuranović pointed out that “although they should represent the public, state-owned media reflect the structures in power more than those critical of the ruling party. Although they are not censored, it would be good to hear such voices more often in the programs of public service RTCG (Radio TV Montenegro) or in the state-owned daily *Pobjeda*.”

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) exists 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 non-partisan, 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.

Unković said, “Citizens have a sufficient number of media to choose from in terms of information—maybe even too much. However, the choice is there and it is up to the citizens to choose.”

Mandić added, “National public service hasn’t met the expectations yet, explained more by poor professionalism and journalists’ fears about losing their job than pressure from the ruling structures. Although the majority of journalists and editors of the public service might claim to be independent, their performance is at odds with those claims.”

Ruling political structures have unacceptably great influence on the editorial policies of the public media, thus compromising the primary purpose of professional public service. Public media select such topics that are unlikely to question or discredit the ruling parties. Furthermore, public media neither provide longer-form public affairs programs nor in-depth reporting, nor enough educational and cultural programming—especially high quality programming.

Montenegro offers the services of several independent news agencies. Mandić said, “These agencies provide information to all those willing to pay, regardless of the type of media company.” For a number of years in Montenegro, however, there has only been one private news agency (MINA), while a similar state-owned agency does not and has never existed. Apart from foreign news agencies, such as Reuters, media often use news from Serbian news agencies, such as Beta, operating in Montenegro. The largest media outlets can afford news agency services, while local media mostly rely upon the local MINA agency.

The panelists agreed that private media produce their own programs, and discussed contrasts between public and private media productions. Đuranović said, “Private media produce their own programs, which often differ from the state-owned media programs in terms of priorities in news programs or criticism of certain social events or phenomena.” In that respect, Mandić added, “The difference is in the style of reporting. Private media are more objective and they treat all sides equally.” According to Šuković, “A few big private media companies have their own news editorial policies, which differ substantially from the state-owned media and public services. Truth be told, some private media are very good at what they produce, and others are very poor.”

Private electronic media have their own production capabilities and news programs, which differ somewhat from public media. This applies mostly to media with national

In that respect, Mandić added, “The difference is in the style of reporting. Private media are more objective and they treat all sides equally.”

coverage, while the local media have poorly developed programs. Blogging is still poorly developed in Montenegro, and lags behind other types of media.

From a legal point of view, media companies are obliged to operate transparently so the public may know the registered owners of media companies. Essentially, the public is privy to the ownership structure of media companies, although there are doubts as to the authenticity of those owners. In that regard, Đuranović noted that “ownership in private media is not sufficiently transparent and there is hidden concentration of media ownership.” Mandić added, “We allegedly have transparent media ownership. However, for some media we simply do not know the true owner. The public is likewise unaware of who controls the blogs and other online media.”

In line with the law, media companies are obliged to register in public registries that are easily accessible by journalists or any citizen. The matter of ownership concentration is visible in at least one segment of the printed media, but perhaps less directly in the electronic media as well. The economic crisis and financial difficulties that followed for media businesses have caused a slowdown of foreign investments. One big foreign investor (PRO TV) still has not managed to develop its media project in Montenegro, for instance, and in the last two years has witnessed a number of foreign investors giving up on Montenegro altogether (Fox TV, WAZ). These facts lead to the conclusion that media in Montenegro are in dire economic straits.

Media address topics including inequality and discrimination in society. Mandić pointed out, “Media rarely report on different social problems such as gender issues, age groups, ethnicity, religion, sexual orientation. They are not rejecting the issues so much as they fail to express any interest in them whatsoever. Media in minority languages are accessible to citizens only in those areas able to receive public services, but there are legal print and broadcast media in minority languages.” TV Teuta, for instance, broadcasts mostly in Albanian. No journalists are harassed for covering minority-related issues, as far as the panelists are aware.

Đuranović added, “We have a lot of minority language media. The government has special financing for them, and minority cultural institutions exist within the special Council

of National and Ethnic Groups.” Ramović stressed, “Media are covering quite a wide spectrum, but the reporting in minority languages is only starting to get better. We have few programs in minority languages and this must change.” Minorities most in need include the population known as RAE (Roma, Ashkali, Egyptian), although some media outlets (state radio and television and Radio Antena M, for example) provide special editions of certain programs in these languages.

Obviously there are no legal bans or government obstacles to promotion of relevant social issues in the media. The panel could not say that there has been an organized failure to cover the activities of certain social groups, though in certain cases the restraint of the media is visible (e.g., LGBT population).

Turning to exploring the extent to which media provide news coverage and information about local, national, and international issues, all the panelists agreed that media are covering all relevant local, national, and international issues, and Montenegrin citizens are well-informed about global events. In that respect the public is not isolated from any relevant information that is being placed on local, national or international news markets. Lalić said, “The combination of local and national media provides access to information from all areas.” Unković added, “Through local or national media, citizens have the opportunity to get informed on local, regional, and international events. Citizens do not have to turn to international sources in order to learn about most important international events.” Mandić agreed, and added, “National media usually report on events of national importance, focusing less on news from local communities.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 2.01

Panelists agree that, as in previous years, media business in Montenegro is largely unprofitable. Mandić commented, “We do not have a single media company, which, despite being managed well, is producing a profit. Business is mostly done in line with international standards. I am not familiar about those media companies that are financed by corporations to achieve their own goals. Media founded by local councils are sustainable only because they are financed from the budget.” Radulović added, “Only a few media companies are able to sustain themselves financially.” Rastoder noted that Montenegro is a small market, not strong enough to sustain a great number of media.

Duranović remarked, “The fact is that, in Montenegro, we have too many media, most of which launched during the flush period of international community support. We are going to see a reduction in number of media companies, dictated by the market conditions.” Šuković said, “Before the crisis some media were profitable. Today, most are on the brink of survival, particularly those media companies that have donors, whether they are political or commercial ones.” Ramović added, “When it comes to media sustainability the situation is contradictory. I think that most media are not sustainable or are at the brink of business closure, especially small local media.”

Unlike commercial national media, which are sustaining themselves and occasionally show good operating results, the local media are indebted and at the brink of bankruptcy. Public media are surviving only because they are supported from government budgets. We are also witnessing unfair market competition, as public media are privileged over private ones. In these difficult conditions, the media business in Montenegro definitely cannot be seen as either profitable or challenging.

Contemplating on the revenue sources for the media, Šuković observed, “Public service is mostly financed by the state. In view of that fact, the political influence of the government on editorial policy of RTCG and *Pobjeda* is quite visible. On the other hand, most media are primarily just tools in the hands of their owners and big business.” In that regard, Đuranović noted, “Media are generating revenues from several sources, but the limited advertising market is forcing concessions in editorial policies. Sometimes the media fail to cover negative events affecting companies that advertise with

**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.

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them.” Mandić added, “Big media companies, and we have just a few of them, are running their editorial policies to suit their owners. State-owned national and local media, on the other hand, have guaranteed budgets. We have a problem in which our media accept money from the very people wishing to impact editorial policies. Generally speaking, media are susceptible to those who finance them.”

Advertising and direct owner/donor financing are the only relevant revenue streams for the media. Unković said, “Advertising revenues are not equal at all media companies, and this depends on their broadcast ratings and print circulation numbers.” Subscription financing does not exist anymore, so the media rely on the advertising money. Very few media use subscription, especially for online editions, although some printing outlets bundle distributions of famous books, offered at low prices, alongside newspapers and periodicals.

According to the panelists, the private media are more capable than the public outlets, but the public media enjoy secure sources of funding, thus are less exposed to market risk.

Regarding the advertising market, the panelists said that advertising agencies are definitely present in the market—although, according to Mandić, there are just a few, and most of them do not operate on market principles or produce their own ads. Most advertising business is done through these agencies, although some media negotiate with companies directly.

According to Unković, Montenegro has sufficient advertising agencies. She noted, “They represent the biggest advertisers and they cooperate with the media. The price of advertising space is left to the market, but very often, advertising agencies seek to take advantage of the bad financial position of media outlets and secure low prices for their advertising space.” Mandić added, “We also have a problem with unfair competition because the public service offer far lower advertising rates, damaging the private media. This raises the question of possible ban on advertising in the public media.”

On the question of state subsidies, Ramović commented, “Some people think that the authorities are promoting certain media, lobbying for their grants and even providing them with a piece of the budget funds. The law in this respect is not bad, but lobbying is always more productive than normative solutions and formal frameworks.”

However, the panelists are not aware of any lobbying by media groups around this issue.

Private media with national reach and the national public service (television) win the vast share of advertising business. According to the panelists’ estimates, however, the advertising market has shrunk significantly and now amounts to less than €8 million per year—bringing the media into the danger zone, Ramović said.

According to the Rule Book on Advertising and Sponsorship in Electronic Media, adopted by the Broadcasting Council, electronic media can allocate 12 minutes per hour for advertising. Most media comply with this regulation.

The general assessment is that private media depend on the circulation, advertising and support from donors and businesspersons. However, advertising money is insufficient to support profitable private media, yet the state-owned media are able to compete for advertising funds while enjoying the support from the government and local councils. Some of the panelists think that serious thought should be given to idea of banning state-owned media from advertising.

Duranović thinks that it is possible for the government to advertise in state-owned media or on the public service, but objected that public companies advertise extensively in private media as well. On the question of state subsidies, Ramović commented, “Some people think that the authorities are promoting certain media, lobbying for their grants and even providing them with a piece of the budget funds. The law in this respect is not bad, but lobbying is always more productive than normative solutions and formal frameworks.”

Unković added, “One may say that the government is the main advertiser during election years, but only in supportive media. There can’t be fairness when the government provides subsidies.” Bulatović commented, “We should pay attention to the status of *Pobjeda*. The national public service is under government influence and it is struggling with this financial

stability. And, the private radio station Antenna M is an example of a station that has had difficulty competing in the advertising and news markets.”

The broad sentiment among panelists is that advertising by governmental bodies, taking into account the great financial weight of those advertisements, is very important for private media. Herein lies the problem as the government favors pro-government, uncritical media.

Duranović stressed that market surveys are not being used enough to develop media companies’ development strategies. Mandić said, “Surveys in Montenegro are not adjusted to the needs and interests of the public. Surveys usually concentrate on bigger media, leaving out the vast majority of local media, so the question is: Do we really have realistic picture of the Montenegrin media community?”

There are few media market surveys in Montenegro. Media cannot afford to use marketing agencies often, so NGOs conduct the majority of surveys. For example, the Center for Democracy and Human Rights regularly conducts surveys about political public opinion in Montenegro, including items about media related issues.

Regarding ratings, Ramović noted, “We get sporadic information on the ratings and circulations of some national media, coming from various marketing agencies, but rarely with the local media. Furthermore, Šuković thinks that media rating surveys are unreliable; he said, “Usually the agencies are measuring the confidence in media. The highest ratings therefore go to music radio stations. More realistic are television station ratings, thanks to accurate data provided by the cable operators.”

As in previous years, ratings of certain programs and surveys measuring confidence in certain media is usually done either by NGOs or specialized marketing agencies. However, there is a problem with media rating surveys that are insufficient and not performed within the context necessary to draft quality business plans and development strategies.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.24

According to the panelists, the influence of trade associations is very minimal in Montenegro. Bulatović commented, “The media community is fragmented, and therefore we have several associations advocating more narrow interests.” Unković and Ramović added that few results are visible, for local or national media. As a group, the panelists generally believe that media trade associations are poorly

developed, with limited impact and credibility. There are several associations in Montenegro, formed to protect the interests of their members. UNEM, the Association of Commercial Broadcasters, and the Association of Local Electronic Broadcasters are all associations for the protection of electronic media interests, but their work is occasional, insufficient, and without professional foundations. Thus, the panelists believe that business interests are poorly protected within the Montenegrin media community.

Unković said that the situation for professional journalists' associations is even worse. There is no united journalists' association to protect the profession. Many fragmented associations exist, but that is just a reflection of the divide among the Montenegrin media community. Kovačević-Đuranović agreed that there are several associations, but said they are doing little. Ramović agreed, and noted that attempts to protect journalists are not synchronized—professional solidarity is very low. Furthermore, Bulatović added, "This year we witnessed additional confrontation between journalists' associations over the need to elect new leadership. Trade unions are passive, and the work of journalists' self-regulatory body has been blocked for some time now." To date, none of the media NGOs have made any effort to strengthen the professional associations.

There are several journalists' associations in Montenegro, but not a single one is able to meet integral needs and protect the interest of the journalism profession. Panelists were unanimous in their assessment of the poor quality of

Furthermore, Bulatović added, "This year we witnessed additional confrontation between journalists' associations over the need to elect new leadership. Trade unions are passive, and the work of journalists' self-regulatory body has been blocked for some time now."

journalists' associations, and view this void as confirmation of the declining state of the journalism profession.

Panelists agree that there are numerous NGOs dedicated to the free speech and providing support for the independent media and professional editorial policies, such as the Montenegro Media Institute, and they see positive and constructive cooperation between media and the NGO sector—although NGOs mostly focus on the largest cities. For all of its shortcomings, thanks to numerous projects and daily public activity, the NGO sector is still an important element in the development of a free press and professional journalism, including efforts to review legislative changes on the media, provide legal support to journalists or media outlets. From time to time, they work in cooperation with international free speech and human rights organizations.

Educational opportunities for journalists have improved greatly compared to previous years, the panelists said, and there is a much more educated pool of journalists. According to the panelists, colleges and other specialized programs (School of Political Sciences, Journalist School of the Media Institute) are enabling students to acquire solid theoretical knowledge and practical skills. However, the key question now is, how much will economic factors impact the ability of young journalists to find jobs within their profession. Bulatović stressed, "Now, the first generations educated at the School of Political Sciences are coming onto the media scene [the department opened in 2006]. Unfortunately, media companies cannot employ all of them, so we are running a real risk of educating people for the unemployment bureau."

However, Šuković said that conditions for practical training are still poor at the journalism department at the School of Political Science in Podgorica.

In terms of short-term training opportunities for journalists, Bulatović noted that the Media Institute has organized three journalists' schools in the last three years to meet the clear need for hands-on training. Unković agreed that only the Media Institute organizes short-term training for journalists, but she noted that it is intended for beginners or

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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

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inexperienced journalists. “There are no training programs that would cover all the aspects of the media profession,” she said. Bulatović added, “The Media Institute courses are dependent on donors, and the media do not have the money to support the training programs.”

Ramović commented that some media companies do organize short-term in-house training programs, notably with beginners. “Courses are often organized by journalists’ associations, or in the form of workshops organized by some editors. I think all this has proven to be useful and effective.”

Regarding whether or not sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and unrestricted, Đuranović confirmed, “In this regard there are no limitations.” Mandić also pointed out that while there are no restrictions in terms of buying the media equipment, there are only one or two companies offering these items in Montenegro. Existing printing presses, used to print the leading dailies, are privately owned (*Vijesti, Dan*), except for the state-owned press, where *Pobjeda* is printed.

Ramović said that transmitters can be leased on the market. The only problem is the price of that lease, as the most powerful transmitters are very expensive and this limits the reach of financially less well-off media companies. In addition, he said, “The upcoming digitalization process will be hard to implement with small media due to high costs.” The panelists expressed concern over the limited funds for digitalization, and said that they hope the government or donors come to the rescue and purchase the necessary equipment. Currently, only a few private media are already running on digital technology.

Đuranović also commented that the economic crisis has threatened operations of some private companies, and this has affected development of press distribution channels—and now, monopolies are being created on the distribution market. All distribution companies are privately owned, but most of them are experiencing minor or more severe financial difficulties. However, the difficulties of many are favoring the few.

Although citizens have free access to all the media without any problems, Ramović added that the “... existing infrastructure is not of high quality due to obsolete equipment. The biggest problems are occasional weak signal reception and breakdowns due to weather conditions.” However, the panelists noted that Montenegro’s telecommunication network is one of the region’s more advanced, so it experiences few problems regarding access to cable media, mobile telephony, or Internet—even in rural areas, because there is an optic cable that connects all Montenegrin cities.

List of Panel Participants

Radojica Bulatović, director, Media Institute of Montenegro, Podgorica

Zoran Radulović, journalist, *Monitor*, Podgorica

Dragana Unković, journalist, TV Vijesti, Podgorica

Jadranka Kovačević-Đuranović, editor-in-chief, Montenegrin TV, Podgorica

Darko Šuković, editor-in-chief, Radio Antena M, Podgorica

Draško Đuranović, independent media analyst, Podgorica

Neđeljko Rudović, journalist, *Vijesti*, Podgorica

Maja Lalić, journalist, TV Montena, Podgorica

Ranko Vujović, president, Association of Independent Electronic Media, Podgorica

Sonja Drobac, journalist, Pobjeda, Podgorica

Slavko Mandić, editor-in-chief, Radio Skala, Kotor

Mirsad Rastoder, president, Ethics Committee of Montenegro, Podgorica

Moderator and 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 3, 2010.

Although media outlets savagely attacked public spending cuts, media owners themselves savagely cut costs in 2010. Our panelists approximated a total loss in journalists' salaries of over 50 percent in 2010 compared with pre-crises 2008.



ROMANIA

After three years of prolonged electoral campaigns for an impeachment referendum, European elections, parliamentary and presidential elections, one may have expected 2010 to be a calmer year. This was the case only to a limited extent. President Băsescu won a new term at the end of 2009 and he did so against the opposition of the major media outlet which openly supported his competitor. Băsescu succeeded in ending the myth that no one can win elections against the media, but this victory haunted him in 2010.

Seizing the momentum of the presidential elections victory, Băsescu succeeded in creating a new majority in the Parliament attracting splinter groups from the opposition parties, both National Liberals and Social Democrats, and thus manufacturing a government coalition together with his own Democrat-Liberal Party and the representative of the Hungarian party. This coalition proved to be surprisingly stable in 2010, when it resisted no less than five attempts through censure motions of the opposition in Parliament to force the resignation of the government.

Political stability did not mean social and economic stability. 2010 was the year in which the effect of the economic crisis fully hit Romania. Macroeconomic stability was maintained only with money borrowed from IMF and with the austerity measures of severe budget cuts. President Băsescu personally assumed responsibility in May 2010 for cuts of up to 25 percent for state employees and 14 percent of all pensions. This later measure was declared unconstitutional by the Constitutional Court, so the government was forced to increase the VAT by 5 percent.

Băsescu and his government needed a minimal consensus to make these cuts acceptable to the public, but after years of jostling the media and opposition he had no chance to obtain such support. Both the mainstream media and the opposition attacked the budgetary cuts and blamed Băsescu personally for the economic crises and its effects. Media coverage of public policies reached new populist lows. Băsescu's personal ratings fell below 15 percent.

Although media outlets savagely attacked public spending cuts, media owners themselves savagely cut costs in 2010. Our panelists approximated a total loss in journalists' salaries of over 50 percent in 2010 compared with pre-crisis 2008. Many outlets were closed, especially in print media, or transferred operations onto the Internet.

For the 2010 study, all MSI objective scores decreased because of the elections, given the polarization of the media outlets and the open conflict between the President Băsescu and most of the media owners. 2010 shows a normalization, with some objectives increasing and others decreasing, but in most cases the fluctuation is slight to small. Objective 4, business management, is the only exception, with a moderate drop of 0.20 over the course of last year due to the severe effects of the economic crisis on Romanian media. This trend continued and the score of Objective 4 went below 2.00, from 2.12 in 2010 to 1.92 this year.

ROMANIA AT A GLANCE

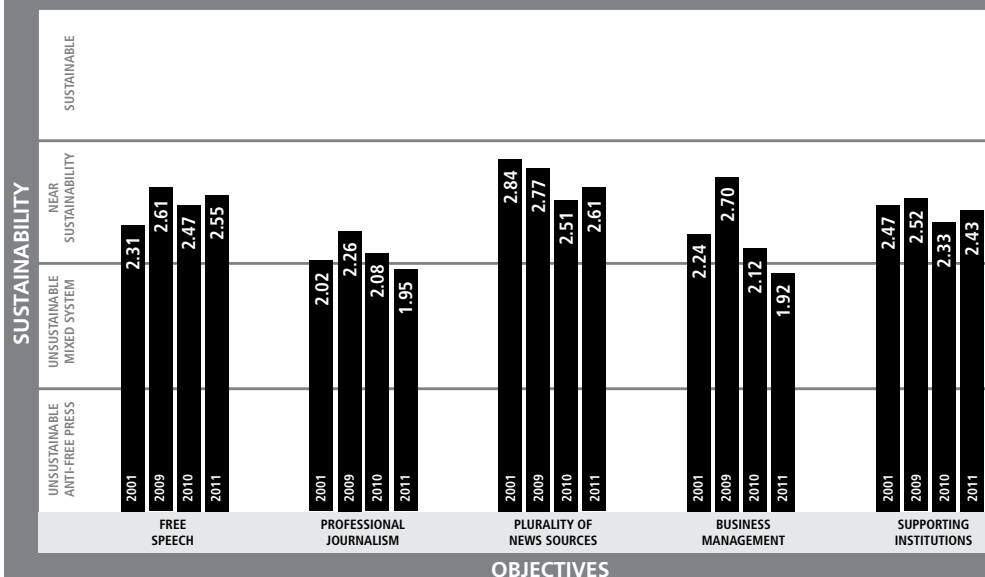
GENERAL

- > **Population:** 21,959,278 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Bucharest
- > **Ethnic groups (% of population):** Romanian 89.5%, Hungarian 6.6%, Roma 2.5%, Ukrainian 0.3%, German 0.3%, Russian 0.2%, Turkish 0.2%, other 0.4% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Eastern Orthodox (including all sub-denominations) 86.8%, Protestant (various denominations including Reformat and Pentecostal) 7.5%, Roman Catholic 4.7%, other (mostly Muslim) and unspecified 0.9%, none 0.1% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Romanian 91% (official), Hungarian 6.7%, Romany 1.1%, other 1.2% (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$178.9 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$14,460 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Traian Băsescu (since December 20, 2004)

MEDIA-SPECIFIC

- > **Newspaper of active print outlets, radio stations, television stations:** Print: Over 1,000, exact number unavailable; Radio Stations: Exact number unavailable (704 radio licenses granted by the National Audiovisual Council); Television Stations: 8 general stations, 3 sports-oriented, and 4 news stations (387 television licenses granted by the National Audiovisual Council)
- > **Newspaper circulation statistics:** Top ten papers have a combined circulation of approximately 1,127,000 (Audit Bureau of Circulation, 2010)
- > **Broadcast ratings:** Top three television stations: Pro TV (7.9%), Antena 1 (4.9%), Kanal D (2.9%) (*paginamedia.ro*, 2011)
- > **News agencies:** Mediafax (private), Agerpress (state-owned), NewsIN (private)
- > **Annual advertising revenue in media sector:** €273 million, of which €209 million is spent on television, €27 million on print, €23 million on radio, and €14 million on internet and cinema. (*paginamedia.ro*, 2011)
- > **Internet usage:** 7.787 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ROMANIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.55

There are no serious legal threats in Romania to the freedom of speech and the legislation is generally considered to be in line with democratic principles, although some of the participants feel the lack of regulation to be a problem for media. Dan Tapalagă, a journalist, said, "Insult and slander became something common on television and in newspapers and there are no consequences. In the last 10 years we have not seen greater freedom of speech than what we have at the moment. You can do whatever you want, practically nothing happens."

The current legal framework is favorable to freedom of speech, but this legal protection is unstable. From time to time, members of Parliament propose laws to regulate the field. Most of these initiatives lack political support and are withdrawn following criticism from the media community. For example, in 2009 two MPs proposed a law that would require television stations to ensure a 50-50 balance between "positive" and "negative" news, citing a need to protect public health as negative news caused depression. The draft law was vetoed by President Băsescu. Two other MPs proposed in 2010 a law to regulate readers' comments on online newspapers and to subordinate TVR International,

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Dan Tapalagă is among the journalists very critical towards big media owners but he strongly criticized the president's initiative, asserting that "it's potentially dangerous. It doesn't make me feel well knowing that I'm in the 'threats to national security' chapter."

the public television channel for Romanians living abroad, to the Minister of Foreign Affairs. After the media community fiercely criticized these drafts and actively lobbied against them, both proposals were rejected in the Parliament. Elena Coman, of Soros Foundation, said even if such ideas do not produce direct effects, they exemplify a "regulatory field which is dynamic, chaotic and potentially dangerous."

Panelists were alarmed by a new draft of the National Security Strategy that presents the press as a threat to national security. Proposed by the president, the document considers the so-called "media smear campaigns" among the threats to national security, claiming these campaigns spread false information about the government. Panelists explained these campaigns as series of articles on the same topics, repeatedly targeted at intimidating decision makers.

Although observers recognize the negative potential of media owners to use their outlets as political weapons, they are still worried about bringing the issue within the limits of national security concepts, afraid it will lead to increased power for the secret services. Dan Tapalagă is among the journalists very critical towards big media owners but he strongly criticized the president's initiative, asserting that "it's potentially dangerous. It doesn't make me feel well knowing that I'm in the 'threats to national security' chapter." Three leaders of political groups in the European Parliament, Martin Schultz (Socialists and Democrats), Guy Verhofstadt (Liberals) and Daniel Cohn-Bendit (Greens) sent an open letter to the speakers of the Romanian Parliament asking them to reject the proposal, considering it an "undemocratic gesture" and an infringement of the Charter of Fundamental Rights of the European Union. The draft is still waiting to be adopted by the Parliament.

The intervention of the secret service was central to a media issue in 2010 when Sorin Ovidiu Vintu, a controversial businessman and owner of a media conglomerate, was indicted for providing financial support to a fugitive who was a former director of an Investment Fund controlled by Vintu. The Romanian Secret Service assisted Prosecutors in phone tapping Vintu, as was the legal procedure. When

"I think there should be more controls because those of us who pay taxes compete in the same market as the ones who pay salaries avoiding taxes," asserted Manuela Preoteasa, a journalist and online media entrepreneur.

the transcripts were made public, including those of many conversations with journalists working in his media group, they showed a depressing image of an owner openly dictating editorial policies. Furthermore, Maria Popa, working for the Media Monitoring Agency, felt that "publishing the transcripts raises the issue of the confidentiality of sources. If people know that their identity can be uncovered at a later stage, they will not reveal information. The courts were the ones responsible to protect the identities and they didn't." Dan Tapalagă stressed this later point, "It is the judge's decision to select which transcript goes public. They have a law, why don't they apply it?" The public did not react strongly to the leaking of these sources; rather, people were interested in the content of the case.

The National Council of Broadcasting (CNA) controls broadcast licensing. It is nominally an autonomous body subordinated to the parliament, and the president, the cabinet, and the parliament appoint CNA's 11 members. Over the years MSI panelists have constantly criticized CNA's poor management of the licensing process. This year's panel continued to raise doubts about both the process of granting licenses and CNA's failure to follow-up with monitoring. Panelists agreed that granting licenses is not done in a correct, competitive, and apolitical manner. The criteria for granting licenses are vague and several groups of insiders may obtain licenses with little attention paid to the content of the projects submitted. According to Iulian Comănescu, a media analyst, "The same persons come with a joke content format and get licenses. This means that the market is closing." Journalist Dan Tapalagă complained that "there are always the same people who get licenses whatever they write in those projects," and Silviu Ispas, the director of an advertisement agency reiterated that "with whomever you talk to who got a license or tried to, you hear the same horror, Sci Fi stories." Additionally, there are major problems with CNA's follow-up. According to the law, CNA is supposed to monitor the implementation of the editorial plans and to sanction the broadcasters that fail to fulfill their proposals, but only superficial follow-up is conducted. The main all news television station, Realitatea TV, was caught in a scandal in 2010 regarding ownership interference in the coverage of

politics. When Realitatea's nine-year license expired in the following period the station applied for a renewal submitting an editorial plan emphasizing journalists' independence. This was largely considered to be disingenuous but the renewal was nevertheless granted. Dan Tapalagă raised these issues during the MSI meeting. "I saw the editorial plan of Realitatea TV," he said. "You can write practically anything there, it does not matter." All of the panelists believed CNA should have a stronger policy to enforce the content promises made by broadcasters when they apply for licenses.

In addition to the common criticism of the CNA, this year the panelists disparaged current must-carry rules. Must-carry rules require television cable companies to transmit a minimal package of stations (25 percent of all stations they transmit): all channels of public television, the largest national private stations (in terms of measured audiences), largest regional and local stations (also by audiences). This rule led to including in the must-carry package of commercial stations some very low quality news stations such as OTV (a scandal oriented outlet), because they are popular with viewers. Some observers and even CNA members feel the must-carry rule implies in practice that the state is favoring television stations that lead the race to the bottom in term of journalistic quality.

Since the total number of television stations increased in the last years, the must-carry rule affected the business interests of cable companies, which fiercely lobbied to change it. The broadcasters' association lobbied to maintain it and the two lobbies clashed at the CNA level. The institution initiated a bill in 2010 to redefine the must-carry package. However, Răsvan Popescu, the president of CNA, is reluctant towards a significant change quoting the possibility that some officials will put pressure on the cable companies to stop transmitting some channels if the obligation would be abolished.¹ For instance, Popescu said, there are towns with de facto monopolies of one cable company that submits requests to the town halls for transmission. Without the must-carry obligation, the mayor can informally impose the distributors to transmit or not a certain channel, according to their preferences.

Romania has no legal rule to limit media cross ownership and the tendency of cable companies to start their own television channels raised concerns, given the fact that 78 percent of Romanians watch television via cable companies.² 10 television launched in December 2010 and one panelist believed that CNA was pressured to give this license and that

¹ Quoted by M. Preoteasa, I. Comănescu, "Romania," in M. Dragomir, M. Thomson (eds.), *Mapping Digital Media: journalism, democracy and values*, OSI/Network Media Programme, London (draft version as of September 15, 2010) (from now on "Preoteasa & Comănescu, 2010")

² Ibid.

the entire debate around the must-carry rule was meant to make room for the new station. Some even suspect the government and President Băsescu, which are in open conflict with most television stations, to favor the emergence of new players on the market. Dan Tapalagă commented, "If you change the must-carry rule, then you move the power of the media moguls from one side to the other."

The EU Audiovisual Media Services Directive set in 2009 the general framework for the digitization of broadcasting. Romania initially set 2012 as the deadline for switching from analog to digital transmission but postponed it until 2015, the last possible deadline accepted at the European level. The official explanation for the delay concerned the socio-economic difficulties of the country, but some argue that the government was unable to manage this process and instead answered to the pressure of the cable operators which were interested in a controlled opening of the market. One panelist, Manuel Preoteasa, a journalist and co-author of a special report about digitalization, believes "the political signal of postponing digitalization is only one: they want to keep the market closed. There is tremendous pressure coming from the current players in the market." The other co-author of the digitalization report, Iulian Comănescu added that given the effects of the economic crises on the media sector "nobody is in the mood to invest. And digitalization assumes new investments."

For the most part there are no undue fiscal barriers to enter the media market in Romania. As noted last year, after the economic crisis there was some discussion of introducing facilities for media outlets such as tax deductions or VAT refund for distribution. Some panelists voiced concern over the possibility. "Any kind of advantage created by the government creates problems," said Dan Tapalagă, "The press should work as a business, period. Considering the reality in Romania any such policies would create unacceptable distortions." However 2010 did not bring such policies from the government and the issue was not even seriously discussed.

2010 saw negative effects of the abolishment of the intellectual rights contracts and a resultant higher social tax: A widespread practice in media was to pay journalists using the so-called "intellectual rights contracts" allowing authors to pay only income tax and avoid paying social taxes. Although it was initially meant to cover only non-permanent work and artistic products (thus not the work done by the journalist in their quality of regular employees) these types of contracts became a norm in the media outlets. As part of the general strategy to close fiscal loopholes and increase the social taxation, the government abolished the intellectual rights' contracts in 2010. Beyond the de facto increase of

All agreed, however, that there was a general hostility towards journalism as profession: "If you read the comments on forums directed at journalists, you'll be terrified at what people would do to them," said Elena Coman.

taxation for media employees, it was the form of paying the social taxes that created widespread distress. According to the initial form of the law, each 'author' paid in this form had to go each month to three different institutions (pension, health and unemployment offices) to pay the social taxes. As lines were created to these institutions, the scandal occurred in summer of 2010 when the new legislation was supposed to be enforced. An online petition asking for a simpler modality to pay was initiated and signed by 6000 journalists, actors, painters and other artists affected by the law. The government changed the law simplifying the payment system, but the taxation itself remained.

The Fiscal Agency, the Romanian equivalent of the IRS, undertook in 2010 a prolonged investigation into the accounts of Realitatea TV, the leading all news television station. The station's management protested the action, accusing the government of interfering in response to the station's anti-government line in the 2009 electoral campaign. One panelist, Elena Coman, believes this was a case in which "fiscal control was used as an instrument for abuse," but other panelists were convinced that such controls may benefit media industry because they could punish those not playing by the rules. "I think there should be more controls because those of us who pay taxes compete in the same market as the ones who pay salaries avoiding taxes," asserted Manuela Preoteasa, a journalist and online media entrepreneur.

Unlike some of its neighbors, Romania is not the scene of murders or retaliatory violent attacks against journalists. No journalist has been killed or injured in recent years, but some cases of harassment still occur. Occasionally harassment takes aggressive forms, mostly from the subjects of the reporting. Maria Popa, program manager within Media Monitoring Agency, pointed out that the authorities' indifference in prosecuting these cases is distressing. "We even had a case with a cameraman who was hit by the owner of a building which he was filming right in front of some policemen who did not intervene." Some panelists blamed the media for provoking aggressiveness. Preoteasa claimed "the media uses an aggressive style both in language and subjects it covers and this backfires against the journalists," but other panelists did not think the style justifies harassment against

the press. All agreed, however, that there was a general hostility towards journalism as profession: "If you read the comments on forums directed at journalists, you'll be terrified at what people would do to them," said Elena Coman. "I have attended political rallies from 1990 and I have seen how the atmosphere has evolved." Dan Tapalagă elaborated, "People look now at journalists with hatred and say 'this one belongs to Vântu, this one belongs to Băsescu.'"

Repeated attempts to achieve real editorial independence for public media have fallen short. Public media in Romania include the national television society (TVR), the national radio (SRR), and the public news agency (AgerPres). The president, the parliament, and the cabinet appoint the boards of these national radio and television stations, according to a 1995 law. After years of talking about changing the law in order to create a more accountable mechanism to appoint board members, many participants are beginning to accept that the situation cannot be improved. "The politicians are interested to depoliticize TVR and SRR only artificially and only during the elections," lamented Maria Popa.

Some expected the president to keep a promise he made back in 2005—to support a change in the rule of the game—after he and his party won both parliamentary and presidential elections in 2009, and after Băsescu refused to appoint a representative in the previous boards, saying the law should be changed. The new parliament delayed the appointment of new boards for the public media until it rejected the Turcan bill in June 2010, which would have changed the law.

The old rules were applied to appoint new boards and management, and Alexandru Lazescu was appointed president of TVR. Lazescu is respected in the profession, as much as one can be in such a highly divided media and political scene, as he has rich experience working in media. The move to appoint Lazescu at TVR was at least seen as a return to the tradition to appoint professionals. However, the opposite happened at SRR. Maria Toghina, a professional appointed by the Liberal Party as the head of Public Radio, succeeded in the last years to build a reputation for balance and good management but her position was negotiated within the current government coalition and obtained by the Hungarian Party, which appointed András István Demeter as the head of SRR while Toghina stayed on as an adviser to the new president.

Cezar Ion, a panelist working in the public television said "the law does not protect at all the television and public radio." When asked if some regulations, for instance, the existence of an ethics committee directly elected by TVR's employees, offer the journalists working there more protection than enjoyed by their colleagues at private stations, Ion answered, "The existence of an ethics committee is a plus, but it is

inefficient. It is form without substance. The committee gives some rulings but it is ignored, its decisions fail to have an impact. Within the board is a permanent political struggle, a reproduction of the situation in the Romanian parliament." However, other panelists perceive TVR as offering better opportunities for professionals than the private outlets. "Although the system is bad, it also allows some happy occurrences and the situation of journalists is generally better at TVR. Besides, now there is a migration trend from private networks to TVR, given the economic crisis."

In November 2010 the opposition Social Democrat Party (PSD) announced a new bill to abolish the compulsory subscription for TVR and SRR—each household and company theoretically pays such a tax, although the actual collecting rate is rather low. PSD criticized TVR for being a mouthpiece of the president and the government (perhaps an unfair position from a party which previously appointed its spin-doctor as the head of the television). The draft law has minimal chances to be voted but it speaks volumes on how the political class is changing its discourse towards this institution.

The legal confusion provoked by incoherent decisions of the Parliament and the Constitutional Court concerning libel ended in 2010. As reported last year, the Parliament eliminated by law the prison terms for libel back in 2006, but the Constitutional Court reversed this decision on the grounds that the honor of a person cannot be defended only with monetary awards. The Parliament was to vote on another version of the law following the Constitutional Court decision but the legislative did nothing, resulting in a lot of confusion in the judiciary about the issue. Most of the judges decided libel cases based on the assumption that libel was not a matter of the criminal code, but this was rather a good practice than a clear legal rule. "Every judge applied the law as he/she understood it, there was no unitary practice," explained Maria Popa. Fortunately this situation was clarified when the Supreme Court (the highest Court in Romania in charge of the interpretation of the legislation, and separate from the Constitutional Court, which is in charge with the interpretation of the Constitution) decided that libel should not be judged under the Criminal Code, thus de facto making libel a subject of the civil law.

Romania adopted a Freedom of Information Act in 2001. In 2006, the government made a significant improvement to the law by including all national companies and state-owned firms. However, this very liberal law is undermined in practice by a culture of secrecy deeply entrenched in the state institutions. Trying to use the law leads often to endless negotiations with the public servants whose first reaction is to stamp each document they work with as 'secret.' Although the law allows them, verbal requests are almost always

refused and redirected to written ones. This is especially problematic for journalists since they need rapid access to information. Some exceptions exist, however, as journalist Dan Tapalagă remarked, “With the Freedom of Information Act, we get the information only if we threaten them with a lawsuit. If you limit yourself to filing a request according to the law, they don’t give you the information. If you threaten them with a lawsuit, they give it to you.” Nonetheless, the information given is often badly edited and presented, and of little use. The public institutions in Romania still make a distinction between traditional, mainstream media and the new media. The Chamber of Deputies refused in 2009 to allow a blogger the same access as the journalists but since then such cases did not occur. A freelance journalist was denied access in Parliament because she was not a representative of a media outlet, but a solution was found after the case was brought to the public’s attention.

As in the previous years, the panelists did not consider access to international media a problem in Romania. International magazines are widely available, the only problem being the high prices compared when compared with average wages. The Romanian media outlets are free to republish foreign content but such partnerships are still rare due to economic constraints.

There are no restrictions for practicing journalism in Romania; however, the perceived low quality of Romanian media made some of the panelists regret not having such restrictions. Some institutions are however still reluctant to cooperate with freelancers and bloggers.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.95

The panelists continued to complain about the low quality of reporting in Romanian media, and debated whether today the Romanian media are more or less professional than in the euphoric period of the early ‘90s. “There is no comparison to the 1990s,” Manuela Preoteasa believed. “We have real content now, not just opinions,” but Iulian Comănescu disagreed, almost nostalgically. “At least we had some norms and content based on information back then. Now we have only propaganda and pacts with the politicians. I no longer have anything to read, to watch.” Some of the panelists accused news television stations of transmitting a general catastrophic view about reality. “If you turn off the two news televisions, reality becomes bearable, try it,” urged Tapalagă, but this is not a solution for the general public who often do not have access to online news as an alternative to

“‘Investigation’ means someone is leaking information to you, you receive a dossier and you just publish it, without further documentation,” according to Iulian Comănescu.

the local newspapers controlled by politicians and the news television stations.

Content added value in print is poor in recent years as the two most active all-news television stations set the agenda and the newspapers follow, and talk shows dominate the television news programs. “News bulletins have some background information, some substance but the problem is with the talk shows,” said Tapalagă, which panelists complain are too focused on scandals and manipulative in handling political issues. Talk shows are prolific because they are cheap to produce. Investigative journalism, on the other hand, is expensive and almost extinct from Romanian television. “‘Investigation’ means someone is leaking information to you, you receive a dossier and you just publish it, without further documentation,” according to Iulian Comănescu. Romania media in general lack the basic preoccupation for accuracy and fact-based reporting. In There is a lack of fact-checking, effort to get multiple viewpoints, or background research. Since the media is highly concentrated and the holdings try to sell their content on various channels, there is no real difference in this regard between television, radio, and print.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

“There are journalists, who respect the norms, but they are not in the top positions, they do not make the decisions. The trend does not favor them. The reporters from the news television ask good questions in press conferences, but the editors totally change the meaning of the news,” Manuela Preoteasa said.

More and more content is being produced by independent projects funded by NGOs or in freelancing. For example, the Rosalynn Carte scholarships for reporting mental disorders led to several editorial projects that launched debates on how to deal with depression, also trying to analyze the social prejudices against looking for mental help. The Media Monitoring Agency implemented a project to investigate fraud surrounding EU funds in Romania. The Centre for Independent Journalism implemented projects to encourage unbiased reports about the Roma minority and the Soros Foundation Romania started a project which is funding documentaries and offering them free of charge to television stations.

While there are several ethical codes for media in Romania, none of them has implementation mechanisms and self regulation is basically non-existent. The main owners' organization, the Romanian Press Club, has its own code, as does the main trade union but they either lack the capacity or willingness to implement them. Behaving ethically in Romanian media is purely a personal choice; there is no organizational pressure to behave ethically. “There are journalists, who respect the norms, but they are not in the top positions, they do not make the decisions. The trend does not favor them. The reporters from the news television ask good questions in press conferences, but the editors totally change the meaning of the news,” Manuela Preoteasa said. “These rules are not implemented because there is no code at the management and ownership level. There are many obligations for journalists, but there is no obligation for managers and owners.”

Moreover, there is little public demand for ethical behavior, as exemplified by the case of Dan Diaconescu. For years a marginal television figure, Diaconescu started a small television station called OTV in early 2000. The station survived by promoting extreme trivialization, with endless live broadcast of bizarre stories and characters. It only covered politics in a plotting and populist manner. Diaconescu had

some marginal success in terms of audiences but it was never clear how the station survived, although rumors about blackmails abounded and there was a practice of charging people to be invited onto programs.

Nevertheless Diaconescu became one of the richest men in Romanian media, accumulating a personal wealth of over €30 million. He was arrested in 2010 for blackmailing a mayor. The anticorruption prosecutors presented taped conversations between him and the victim that showed a complex system of extortion, including the threat of live announcements on television about the mayor's businesses. Diaconescu spent 30 days in jail but was released with a lawsuit pending. Once back on live television, Diaconescu started a war against the prosecutor handling his case with below the belt personal attacks. The Anticorruption Office filed a complaint to the Broadcasting Council (CNA) which fined Diaconescu €5,000, but this did not discourage Diaconescu,³ who continued to defy the CNA. He launched a new party called The People's Party and appointed his brother as the formal president of it in order to circumvent the law against television stations overtly favoring any party.

Diaconescu's case demonstrated the inability of CNA to prevent unethical behavior in television. This was at least formally recognized by some of the Council members, who sent an official letter to the Culture and Media Committees of the Parliament in order to find solution for the “shortcomings of our institution.” The letter, signed by 6 of the 10 members, acknowledged that “by its lack of reaction CNA encouraged media outlets to breach the basic norms of professionalism.”⁴

In such an environment, panelists considered self censorship to be a constant presence in Romanian media, with pressure coming mostly from businesses and political interests. Elena Coman believed that companies that paid for publicity during the financial crisis ended up dictating content. For example the Rosia Montana Gold Corporation (RMGC) started a controversial project to mine gold in the Rosia Montana area against the protests of many NGOs and environmental groups. At the beginning of the project the media was overwhelmingly against the project but this attitude started to change noticeably in the last period after RMGC became a major advertisement payer. Newspapers announced during editorial meetings that no more was to be written on the Rosia Montana case.

Various media outlets keep informal lists of politicians to be criticized or supported. “It is common knowledge that you don't write about such and such minister. The

³Carmen Maria Andronache, “DNA sesizează CNA. Dan Diaconescu, amendat cu 20.000 de lei,” paginademedi.ro, 23 November 2010

⁴Carmen Maria Andronache, “CNA este depășit de situație. O spun oficial membrii Consiliului!” paginademedi.ro, October 29, 2010

name differs from one editorial office to another,” said Tapalagă. Elena Coman said the economic crises aggravated political pressure since it “spoiled the good guys also. We are too poor to be honest. Being ethical is a luxury,” when layoffs disproportionately affect people known to disregard editors’ directives.

At the same time editors try to anticipate owners’ wishes. This was clear from transcripts of media tycoon Sorin Ovidiu Vintu’s conversations when he was coordinating an anti-Băsescu strategy in the 2009 electoral campaign, openly telling⁵ his editorial management that he had an “army” to be used against Băsescu. There was no reaction from the preeminent journalists called by Vintu. Tapalagă explained, “In the transcripts one can see how the mechanism works. The people find out what Vintu wants and they are ready to fulfil his wishes. Therefore, there is no need that Vintu or the party tell them what to do. They adapt themselves.”

In October 2010 Vintu made a surprising move signing a management contract with Sebastian Ghiță for a period of five years. Ghița has a personal fortune of up to €300 million according to Romanian Forbes and he took over the management of Realitatea TV, promising to invest €75 million in exchange for 80 percent of future profit. Realitatea TV, however, was never profitable and few media insiders believe it could become so. The media community overwhelmingly believes that Ghița’s involvement is simply a win-win strategy for the two tycoons, allowing Vintu to take a step back in order to solve his judicial problems and allowing Ghița to gain political influence by controlling the television station for five years. Ghița’s IT companies are heavily dependent on state paid contracts, and in an interview⁶ published several days after the transaction announcement, Ghița said, “Businessmen have no sympathies, they have interests. Realitatea TV supported various political leaders in various periods.” The reputable journalist Cătălin Tolontan published on his blog details⁷ about the closed relation between Ghița and some social democrat leaders and summarized the general view within the media community that Realitatea TV will continue to support this party.

There are no permanent taboo subjects for the Romanian media but rather particular issues that are covered according to the owners’ interests, as shown above. The foreign news and topics are poorly presented in the media. “The globe

starts in Bucharest and ends at the border for the Romanian press,” said Dan Tapalagă. There is also general reticence to cover anti-business topics. Despite the major social interest, the media was slow to react in covering a draft bill that would change the conditions for banking contracts, making them more favourable to the banks’ clients.

During the financial crisis in 2010, panelist Iulian Comănescu intimated that the “media suffered a bigger implosion than other industries. The personnel budgets fell more than the average in the economy.” Panelists approximated that journalists’ revenues were halved between 2010 and 2008. Media companies dealt differently with the crises. With Dinu Patriciu’s new investments, the newspaper Adevarul did not lay people off and only reduced salaries accordingly with the taxation changes mentioned earlier. Intact Corporation announced in 2009 a 20 percent overall salary cuts and stayed with this. Realitatea Media (Ovidiu Vintu’s companies built around Realitatea TV) closed most of its print outlets and laid off more than 50 percent of people working for its television stations, those remaining also suffered sharp wage cuts. Outlets not announcing layoffs were exceptions in 2010. The journalist and blogger Cătălin Tolontan, who worked in top level editorial positions for the last 20 years, claimed “the Romanian media currently has the fewest employees in the last 10 years. The fewest people, with the fewest resources.”⁸ Consequently, as Dan Tapalagă pointed out, “It is not the salary level which puts pressure on journalists, but the possibility to be sacked. First of all you have to think what you have to do not to be laid off.”

Panelists denounced the general tendency in Romania to mix yellow journalism with quality journalism. Panelists feel there are no really professional newspapers, but rather various degrees of mixing the two categories. There is a general tendency to cover politics in a very populist manner, overshadowing difficult choices of public policy with hysteria and scandals. In television, the success of OTV has led many mainstream stations to copy its yellow journalism style, known as “OTVisation.” “The televisions’ problem is that they cannot copy OTV as much as they want,” said Silviu Ispas. Thus the difference between mainstream and yellow television journalism is fading away. Cezar Ion said, “We have these stations that started as news, but now there is only circus.”

Panelist did not consider the technical capacity of media outlets to be a problem for content production. Dan Tapalagă, a former newspaper editor who made the transition into working for a web portal, commented that many of his former colleagues refused to update their skills

⁵ “Stenograme integrale in dosarul Vintu. Pasaje intregi n-au aparut in presa. Citeste in intregime discutiile lui SOV cu Sergiu Toader, Corina Dragotescu si Stelian Tanase. Cum si-a lasat Vintu supape majore in trust,” Victor Cozmei, HotNews.ro, October 19, 2010.

⁶ Sebastian Ghiță: “La Realitatea, peste eticheta Vintu lipim alta,” Florin Ciornei, Evenimentul Zilei, November 29, 2010

⁷ “Realitatea TV, PSD și generația lui Sebastian Ghiță în cinci fapte reale,” www.tolo.ro, December 2, 2010

⁸ “Cătălin Tolontan: Conținutul nu se discută în nici un fel cu patronul,” interview for ImpactNews, November 5, 2010

“The moguls cannot be condemned because they invested. The problem starts when they begin making deals with politicians,” noted Iulian Comănescu.

for use in a modern multimedia environment, “One can see them carrying around a pen at the press conferences. Journalists refuse to get training, to learn to work with new technologies.”

Romania has a developed market for niche publications and this was affected to a lesser extent by the economic crises than the mainstream media. There were three business-focused dailies in Bucharest before the economic crises; one of them was closed in 2010. Still this market is still too fragmented with two dailies and three weeklies reporting on a still underdeveloped economy. On the other hand, Romania lacks publications oriented on social issues, such as education or health. While most foreign investors left the mainstream market where the competition was driven by political interests, they remain powerful in the glossy magazines market (for IT, vehicles, women, fashion).

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.61

Little more than 1 percent of Romanians regularly buy quality newspapers.⁹ This does not mean the offerings are limited; on the contrary the market is sharply fragmented with more than 13 Bucharest-based daily newspapers (although several of those counted in last year’s report abandoned print and limited themselves to online operations). Public television has six channels, and there are two active all-news television stations (Antena 3 and Realitatea TV) and two other television stations that have partially failed but are still transmitting. As in the previous years, media outlets remained concentrated in several conglomerates, with limited shifts in power and market in 2010.

The media conglomerates were built around powerful individuals, and panelists consider them as unique entities though they sometimes function as separate companies linked among themselves by the personality of the owner.

⁹Calculated in “Preoteasa & Comanescu, 2010.”

Adrian Sarbu is the only person in this elite group of conglomerates that employs media as his main activity. Sarbu launched Mediafax, the first private news agency in Romania, which dominates the market, and the first professional private television station (Pro TV), which revolutionized the media market in the mid ‘90s. He built a media empire around Pro TV which now includes five television stations (niche orientated for movies, sports, women’s issues), two radio channels, a daily and several magazines. Although Pro TV remains the leader of generalist television stations in terms of audiences, the outlets controlled by Sarbu are largely irrelevant for the public agenda since they limit themselves to entertainment.

Dan Voiculescu, a former informant of Securitate, the secret service of Communist Romania, made a fortune in the early ‘90s with shadow deals involving state ownership. Voiculescu invested early in media, starting a newspaper and a television station, Antena 1, to compete with Pro TV (Antena 1 is currently the second one in terms of audiences). Voiculescu controls six television stations, three newspapers (one generalist, one sports oriented, one business oriented) and several magazines. His all news television station Antena 3 is an outlet created to be a mouthpiece for attacking President Băsescu, which it does obsessively, although with limited success given the fact that Băsescu won two terms and an impeachment referendum.

Sorin Ovidiu Vintu controlled, at its peak, a media empire of over 20 media outlets in all segments—television, print,

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) exists 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 non-partisan, 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.

Internet, radio, but they were never profitable and Vintu was the main participant in the media investment frenzy of 2005–2008 period. As 2009–2010 brought both new legal problems for Vintu and general difficulties for media, his companies were the most affected. He closed most of the print outlets, neglected radio operations and maintained for a while Realitatea TV as the flagship operation.

Dinu Patriciu, who made his fortune in the oil business, started investing in media in 2005 and more seriously in 2006, when he bought Adevarul, once the most reputed quality newspapers. Adevarul is considered number one in Romanian quality newspapers but Patricia also controls the tabloid Click, the most popular in yellow journalism.

These media conglomerates are continually expanding to the detriment of independent outlets. Although one cannot speak of monopoly, the concentration itself may be a problem when these owners impose the same line to their outlets, as it was the case in 2009 electoral campaigns, when the Vintu and Voiculescu's outlets set the anti-Băsescu agenda of mainstream media. "The moguls cannot be condemned because they invested. The problem starts when they begin making deals with politicians," noted Iulian Comănescu. On plurality of news in Romania, Silviu Ispas said, "We have several sources, but they are not objective."

There are no legal restrictions in Romania for preventing the access to media, both traditional and new media. There is a problem for print media to reach the rural areas, where around 40 percent of Romanians still live, but this is rather an economic decision made by the newspapers. Our panelist Silviu Ispas worked for a leading local newspaper—Ziarul de Iasi—and mentioned that for most of the local outlets distributing in the villages was not making economic sense, thus they were not even trying. Television is the media most available to rural audience.

The main problem of public television is not the usual political infightings around it but its constant decline in audiences. The TVR 1 primetime news declined from 7.9 percent in 2005 to 2.2 percent in 2010.¹⁰ This was accompanied by the worsening financial situation, with the public television Company registering losses of around €19 million in 2010. Surprisingly most of the losses do not come from TVR providing some public interest content that do not attract audiences. On the contrary, the popular sports broadcasting is responsible for €12 million losses.¹¹ TVR competed in auctions for broadcastings rights with private stations and the former management had an irresponsible policy to acquire them at any costs.

¹⁰ "Preoteasa & Comanescu, 2010"

¹¹ Figure provided by TVR to the author.

After an explosion in the number of blogs in 2008 and 2009, this trend lost speed and there are less than five bloggers in Romania able to make a living out of their work. Generally speaking, the blogs' content consists on opinions and personal reactions to the general news, with limited originality.

An insider of the public television, Cezar Ion thought that "there is pluralism of opinions within TVR. Journalists that lean leftwards select their guests accordingly and vice versa." Compared with their critical attitude towards the former head of TVR, the panelists tended to trust the new president Andi Lazescu. "I think TVR will evolve better under Lazescu," said Iulian Comănescu. "In comparison to the other presidents, he acts the fastest. Lazescu was a member of the board and Executive Director at TVR and he knew what had to be done."

The news agency market is dominated by Mediafax, a private agency created in early '90s that shadowed the stated owned Agerpres. Mediafax's dominance was challenged in the last years by NewsIn, an agency created by Sorin Ovidiu Vintu. NewsIn forced Mediafax to be more flexible in negotiating the contracts and reducing the prices, but it finally failed in establishing a market for itself and became a victim of the general restructuring of Vintu media companies in 2010.

The state owned Agerpres is formally controlled by the Parliament, but it is largely irrelevant. Its €4.6 million budget is comparable with the one of Mediafax but Agerpres is look upon by the journalists as an old unreliable outlet. It is visible only when some scandals occur there, such was the case in 2010 when the pop VIP Madalina Manole killed herself and Agerpres published a so called interview with the singer. It was later exposed to be a compilation of old statements and Manole's blog fragments. The editor of Agerpres was the 'author' of the interview and she was only suspended for two months after this scandal.

All television stations and most radio stations produce their own news programs, but the panelists were critical with the general tendency to create content only from politicians statements and scandals. Panelists said, "News programs mean more and more artificial content, politicians' statements commented upon by other politicians...Newspapers have ended up being news compilations and information from other sources."

Panelist Silviu Ispas, a top manager in the advertisement industry, described how the crises changed the rules of the game: "...The most stable press institutions are now the local newspapers, which have more revenue sources—national advertisement, local advertisement and small local announcements."

There is no real difference between public and private mainstream television stations. The first channels of TVR are competing with private stations to provide entertainment and sports, although the new management announced its intention to promote educational programs as well. On the other hand, TVR currently produces documentaries and cultural programs but they are broadcasted on a special channel—TVR Cultural—with minimal exposure.

After an explosion in the number of blogs in 2008 and 2009, this trend lost speed and there are less than five bloggers in Romania able to make a living out of their work. Generally speaking, the blogs' content consists on opinions and personal reactions to the general news, with limited originality.

While it was considered a problem several years ago, ownership transparency is largely known in Romania. Ironically this was encouraged by the media concentration, with big companies cross-promoting their outlets, thus having to recognize their ownership.

Although declining in the last years, a general bias is still present in Romanian media against minorities, especially the Roma. "Most online publications accept the readers' racist comments and rarely moderate statements which incite violence and racial hatred," said Maria Popa. There is a Pavlovian reaction from the mainstream media after each statement of a Hungarian minority leader asking for autonomy in Transylvania, an issue which is still largely considered a non-debatable one by most of the Romanian journalists. "Any declaration about autonomy from the Hungarians immediately becomes a media volcano," noted Coman. There is no governmental or political pressure against covering some gender, sexual or ethnic issues. However, the prejudices against Roma, homosexuals, or Jews are widespread among the journalists, which is immediately visible in the way the cover such subjects.

Each of the 41 counties of Romania has one or more local newspaper, but their quality is generally low. Local television stations were pressured in the last years by the national stations, which need local licenses to cover the entire territory and as a consequence the local content provided has decreased. The national television TVR launched in 2008 a dedicated channel for regional content, but its audience numbers are low.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 1.92

Despite the wage cuts and layoffs virtually all media companies registered losses in 2009. Total advertising revenues decreased 37 percent in 2009 compared with 2008.¹² The economic crises affected print media disproportionately, where the decrease reached 55 percent. The advertisement market reached its peak in Romania in 2008, with €540 million (€337 million for television and €82 million for print media). The amounts forecasted for 2010 show a further decline, with a total projection of €308 million (€209 for television and €27 million for print).¹³

Before the crisis hit, Romanian media managers were generally trying to increase the share of the revenues from advertisement. This strategy back fired in 2009 and 2010 since the advertisement declined sharper than the subscriptions and direct sales. Panelist Silviu Ispas, a top manager in the

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

¹² Initiative Media quoted by "Preoteasa & Comanescu, 2010"

¹³ Ibid.

advertisement industry, described how the crises changed the rules of the game: “Before the crisis, the industry tended to draw a higher percentage of revenue from publicity and that is exactly where the crisis hit the hardest. Mainstream newspapers were affected the most. The most stable press institutions are now the local newspapers, which have more revenue sources—national advertisement, local advertisement and small local announcements.” If one looks back to earlier MSI studies, local newspapers were considered disadvantaged because of being disconnected to the national advertisement market, compared with the Bucharest based newspapers.

Romania has many active advertising agencies, most of them local branches of big international players such as McCann Ericsson; Grey, Saatchi & Saatchi; Leo Burnett; BBDO; Young and Rubicam. As was the case in the previous report, the panelists complained about the corrupt practices of the agencies, including blackmailing media outlets into providing higher rebates to the agencies.

Ad agencies also transferred practically all of the losses provoked by the crises on the shoulders of the media outlets. Silviu Ispas, an insider of the advertisement industry described these practices, “No media channel is indispensable. You can prove scientifically, with statistics, that you can reach the same target as the one wanted by your client. So, the agencies are calling the shots and the media has to obey. The rebates, the money that the media outlets return to the ad agencies in return for delivering clients, were increased to ensure that agencies would receive the same revenue as last year. Realitatea TV and Pro TV ruined the market. In June 2009, Pro TV raised the rebate it was paying back to agencies to 15 percent and this without conditioning a minimum amount of advertising income. All the advertisement agencies took their clients to Pro TV, followed by Realitatea TV. This also explains the severe effects for the print media. The agency takes its rebate faster from television, from a single contract, than on multiple contracts with many newspapers.

There are no direct subsidies for media outlets in Romania. However, an indirect and disruptive form of subsidy consists of the advertisement money paid by the state institutions and state owned companies. Adrian Nastase’s government abused these contracts in 2000–2004, when the state became a major player on this market. The new government installed in 2005 passed a special law with the assistance of the Center for Independent Journalism, creating a transparent system to announce state advertisement contracts and some criteria to distribute the money to media outlets. The problem seemed to be controlled in 2005 - 2008 but returned in 2009 with the economic crisis.

The Romanian media industry has developed professional forms of measuring audience and circulation for nearly all segments, including print, television, radio, and Internet. The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, not-for-profit organization to bring together the media outlets, ad agencies, and clients playing for advertisements. The advertising agencies have set the existence of a BRAT certificate as a precondition for allocating any advertising contract. BRAT later developed the National Readership Survey (SNA), which approximates the total number of readers for publications and establishes the demographic data. Some panelists continued to raise doubts about the number of readers reported by SNA. Since many voices in the industry raised the same concerns, BRAT contracted in 2010 an external auditor for its system and the audit confirmed BRAT’s practices were in line with international standards, though some criticism of the measurement system remains, including amongst some panelists.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.43

Although they were severely hit by the economic crisis, Romanian journalists remain skeptical of joining trade unions. 2010 continued the trend of pay cuts and layoffs in the industry, but there were few signs of collective actions from the journalists. There are special associations of local publishers and broadcasters that are organized formally as non-governmental organizations in order to promote business interests and lobby the government when legislation affecting their sectors is debated. However, these associations are minimally active most of the time, with a minimal permanent staff around one to two employees.

The only reaction to pay cuts and downsizing in the media sector was the judicial assistance provided by the union MediaSind for several journalists that started law suits against their employers after being laid off. This union claims to have 9,000 members but panelists were generally skeptical about this claim. MediaSind signed in 2004 a collective labor agreement for the media industry, establishing some rights for the journalists, including a so called “clause of conscience” forbidding ownership’s interference in editorial policies. However, this contract is largely ignored in the industry and was ineffectual in preempting the arbitrary actions against the journalists.

2010 brought the first cases won in courts by some journalists, with the union’s help. A journalist won a case against Evenimentul Zilei newspaper for being paid below the

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minimum wage established by the collective agreement for those with graduate studies. One of the panelists, Elena Coman, underlined that MediaSind was a necessary voice defending the journalists this period, “Regarding MediaSind, we don’t have to concentrate and to be too critical on the membership issue. They are vocal on protecting rights; they sued the owners and defended the journalists.”

As noted in last year’s report, at the national level, the Press Club of Romania (CRP) used to be the most powerful media organization, counting the country’s most important media outlets and journalists as members. CRP experienced a self-imposed revolution in 2007 and at the beginning of 2008, and was radically transformed. The president of CRP, Cristian Tudor Popescu, started a process to separate the journalistic

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 (e.g., 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.

side of CRP from the media owners. This led to the creation of the Association of Romanian Journalists (AJR), which has taken over for CRP in representing journalists.

All of the panelists agreed that this had been a good plan but recognized the failure to implement it. Panelist and president of AJR, Cezar Ion said, “As AJR president, I can state that the association has failed. It is visible, it has certain notoriety, but it is insufficient from the point of view of its initial goals. There are two reasons for lack of progress: a) the lack of cohesion around certain ideas. There are few within the profession for whom ethics constitute a fundamental concern; and b) the media outlets management’s lack of desire to support these kinds of principles.”

There was a lack of interest from the owners’ side to have a powerful common organization, especially after the economic crisis). Coupled with the bureaucratic difficulties to register an owner’s association¹⁴ and the lack of leadership from inside the CRP (Popescu resigned or was marginalized and the new president is a less reputed journalists with no real influence over the owners), the CRP did not succeed in reinventing itself as an umbrella association.

After the journalists left to create AJR, the Club itself remained with the unclear role to represent the owners. Cezar Ion explained that there are some plans to create a Media Committee—an organization dedicated to the profession’s self regulation composed of CRP and AJR but added that “it works only theoretically.” As Elena Coman explained, the former glory of the Club was dependent on Cristian Tudor Popescu’s personality and thus started declining after his departure, “Popescu toiled in trying to bring them together. He had the capacity to be a catalyst.”

The most important NGOs dealing with media freedom are the Center for Independent Journalism (CIJ) and the Media Monitoring Agency. They act as media freedom watch dogs and advocacy groups and are particularly active in promoting ethics rules and self regulation, although they operate mostly in Bucharest and 2-3 big cities, none of them in small cities or rural areas.

Romania has around 20 journalism university programs, both public and private. Previous panels criticized the media university programs for being disconnected from the reality of the profession and too theoretical. This year some panelists noticed some efforts to connect with the media outlets by inviting practicing journalists as visiting professors and paying more attention to developing practical skills. Two

¹⁴In order to register the organization, each company has to provide: registration papers, decisions of the board to participate, decisions to appoint a representative, decisions on their mandates—including on who the vote for the management of the future organizations, banks accounts of each company and the papers to prove liquidity.

media faculties, in Bucharest and Cluj, are implementing a €5 million EU funded project to develop media outlets staffed with students

The Center for Independent Journalism is the main provider of short-term training programs for journalists, training more than 5000 journalists since November 2004. CIJ offers short term journalism courses, both topical (health, political reporting, investigative journalism, etc) and general (news writing, narrative reporting, photojournalism). The most popular courses are those in narrative reporting and “good governance” (a complex of articulated courses in human rights, covering public authorities, budget reading, public procurement and journalism ethics). In 2010, CIJ offered, for the first time, a program aimed exclusively to online journalists, to teach them how to create and use multimedia products to enhance their story-telling.

Newsrooms rarely pay to train their journalists. CIJ charges fees up to €80 for short term courses, with discounts for students. The fees cover the costs of the courses, but not the general functioning of the Center. No more than six organizations pay systematically for their journalists to attend. While CIJ maintained a full swing activity, based on grants from various donors, some of its fee-based courses went unsubscribed, although there was a clear interest for them.

Since Romania is part of the common European market, there are no restrictions for trading media equipment or printing facilities. The market is competitive. There is only one plant in Romania producing paper for publications and this was a concern several years ago, when a powerful local politician bought the plant, but since 2004 Romania has no import taxes and most media outlets are currently buying paper from other countries. There are no subsidies for printing houses and the critical media has many options on the market and there are no monopolies on public or private distribution.

List of Panel Participants

Adrian Voinea, manager, *Gazeta de Sud*, Craiova

Iulian Comănescu, blogger, *comanescu.ro*, Bucharest

Manuela Preoteasa, journalist and director, *EurActiv.ro*, Bucharest

Silviu Ispas, manager, Midas Media Group, Bucharest

Maria Popa, program assistant, Media Monitoring Agency, Bucharest

Elena Coman, public relations coordinator, Soros Foundation-Romania, Bucharest

Dan Tapalagă, editor, *hotnews.ro*, Bucharest

Cezar Ion, president, Association of Romanian Journalists, Bucharest

Cătălin Moraru, editor-in-chief, *Monitorul de Botosani*, Botosani

Teodor Tita, editor-in-chief, *Realitea FM*, Bucharest

Moderator and Author

Cristian Ghinea, media expert, Bucharest

The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on December 3, 2010.

Yet, again this year, the government launched a fresh attack on press freedom with the new Law on Electronic Communications, which contains provisions that violate journalists' right to protect their sources.



SERBIA

In 2010, some aspects of Serbia's media environment improved, and some worsened, but on the average it was a lost year for media in Serbia—hence the score remained nearly identical compared with last year.

Several major events shaped the year. Most significantly, the economic crisis deeply affected the entire media sector. Advertising budgets shrank sharply, and led to a drop in revenue for practically all media—generating a number of effects that endangered professionalism and freedom of speech. The economic crisis in Serbia hit state financing strongly too, and even non-privatized media had difficulty securing their budgets. In perhaps the most important development in the long run, the economic crisis—especially diminishing advertising revenue, coupled with inflation—spelled disaster for the local media. The economic crisis further aggravated the well-known belief that the Radio Broadcasting Agency issued too many licenses, unleashing enormous competition on weak local markets. According to one panelist, around 70 percent of local media in Vojvodina are on the edge of bankruptcy procedures.

In another important development, the Ministry of Culture announced plans for a new media strategy. Following release of an EU-supported study and a public debate period, the Ministry promised quick realization of the strategy as a base for better media laws. Anticipating an improved environment as result, many media activities were postponed—but pointlessly. By the end of the year, the Ministry had delayed realization of the strategy several times, and ultimately pushed deadlines into 2011.

Following last year's turbulent reaction to controversial amendments of media laws, which sparked intense resistance by journalists and the media community, lethargy set in as Serbia's media waited for the Constitutional Court decision to weigh in on the amendments and essentially determine whether Serbia's media would progress down a path of democratic development or not. In the end, the Constitutional Court abolished six out of eight amendments—a positive signal to the media. Yet, again this year, the government launched a fresh attack on press freedom with the new Law on Electronic Communications, which contains provisions that violate journalists' right to protect their sources. However, before the media community could even react, the Ombudsman immediately appealed to the Constitutional Court.

Several democratic steps marked Serbia's political scene in 2010. Although the International Court of Justice's ruling that Kosovo's independence is in line with international law was a shock to some Serbians, the Serbian Assembly issued a declaration apologizing for the massacre of Bosnian Muslims in Srebrenica in 1995, and relations with neighboring countries improved substantially. In addition, the government abolished compulsory military service, the police took several successful steps against organized crime and drugs, and for the first time a Gay Pride Parade was carried out in Belgrade in October. The year finished with the arrival of 2,483 questions from the European Union aimed at determining Serbia's readiness to begin the formal process of approaching to European Union membership.

SERBIA AT A GLANCE

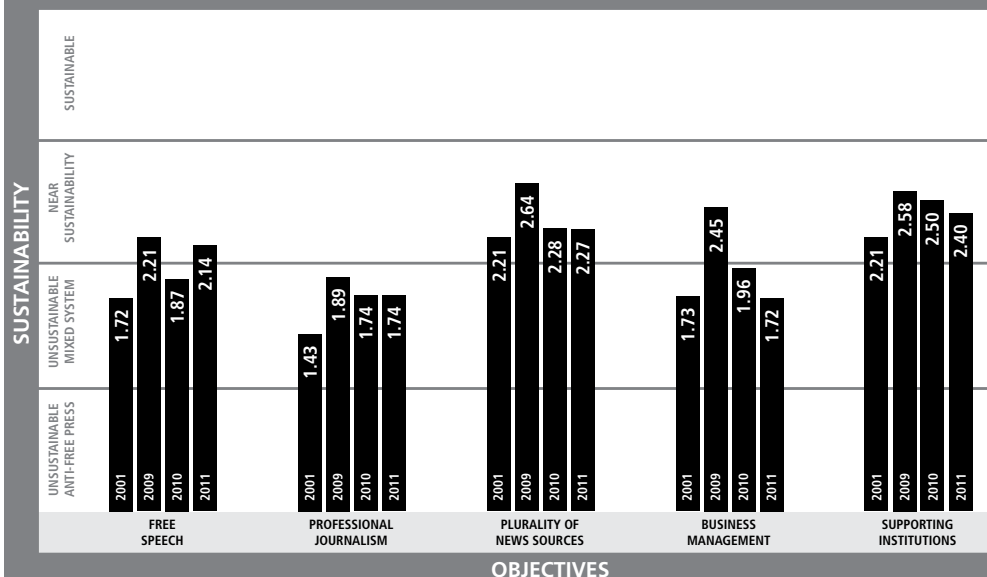
GENERAL

- > **Population:** 7,344,847 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 82.9%, Hungarian 3.9%, Romany 1.4%, Yugoslavs 1.1%, Bosniaks 1.8%, Montenegrin 0.9%, other 8% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Serbian Orthodox 85%, Catholic 5.5%, Protestant 1.1%, Muslim 3.2%, unspecified 2.6%, other, unknown or atheist 2.6% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Serbian 88.3% (official), Hungarian 3.8%, Bosniak 1.8%, Romany 1.1%, other 4.1%, unknown 0.9% (2002 census, *CIA World Factbook*)
- > **Literacy rate:** 96.4% (male 98.9%, female 94.1%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** Boris Tadic (since July 11, 2004)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 496 print outlets including 20 dailies, 83 weeklies, 6 bi-weeklies, and 72 monthlies; approximately 186 radio stations; and 96 television stations
- > **Newspaper circulation statistics:** The three newspapers with largest circulation are *Blic* (private), *Vecernje Novosti* (state-owned) and *Kurir* (private)
- > **Broadcast ratings:** The top three ranked television stations are RTS1 (public), TV Pink (private) and TV B92 (private). The three radio stations with top listenership are Radio S (private), B92 (private), and Radio Beograd (state-owned) (SMMRI radio research, November 2009)
- > **News agencies:** BETA (private), FONET (private), TANJUG (state-owned)
- > **Annual advertising revenue in the media sector:** Approximately \$215 million (2009 est., AGB Nielsen)
- > **Internet Usage:** 4.107 million internet users (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: SERBIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 2.14

Scores for Objective 1 (freedom of speech) improved for several reasons. Most significantly, in 2010 there were no major attacks on the freedom of speech, as in 2009 when amendments to the Law on Public Information drastically endangered free speech. Aside from an important 2010 Constitutional Court decision to abolish six of eight amendments, improved police response to attacks on journalists, the long awaited start of court trials against attackers on journalists, the improvement in information availability, unrestricted access of international news sources and free enter into profession, produced higher scores for most indicators in Objective 1. In keeping with tradition, the best-performing indicators were 8 (access to news sources) and 9 (entry into the profession), while indicator 5 (law guarantees editorial independence of the public media) again drew low scores. Indicator 2 (media licensing) and indicator 4 (attacks on journalists) also lagged behind the objective score by half a point. In spite of the higher overall Objective 1 score, panelists remain very critical of the authority's posture regarding the media.

The rules and laws that determine freedom of speech are generally strong and adequately applied. Most significantly,

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Seven national television stations threaten the existence of regional and local television stations in a country with less than 7.5 million people.

the Constitutional Court examined the August 2009 legislative changes (Amendments to the Law on Public Information) that violated basic principles of journalistic profession and basic principles of valid media laws and regulations. In the end, the Constitutional Court abolished six of eight amendments on July 22, 2010 (the two amendments that held are the right to pass information from the media register to ministries and tax authorities, and regulations against establishing new media with the same name as media that have ceased to exist for a period of one year). Unfortunately, the amendments stood in power for four months after the Court's ruling, until November 29, 2010 when the Court finally published its decision. Ljiljana Smajlovic, president of the Journalist Association of Serbia, thinks that the fact that the Court decision was not published on time shows the cynicism of authorities; she said the move added insult to injury. Not a single ministry reacted to last year's amendments, not even after the Constitutional Court's decision, despite the fact that they were obviously anti-democratic and contrary to media freedom. The panelists think that the amendments produced strong self-censorship, for fear of the heavy fines introduced in the amendments. The panelists also saw negative impacts of the amendments in a flood of private complaints against the media, with requests for compensation in much higher amounts than commonly seen before.

During 2010, passage of the Law on Electronic Communications released a fresh threat to the freedom of speech. It contains provisions that increase the authority's ability to monitor citizens' electronic communications, and media professionals fear it could infringe upon the right of journalists to protect their sources. Although the Ombudsman swiftly dispatched an appeal to the Constitutional Court, a decision has not yet been reached. Both the Ombudsman and the Commissioner for Information of Public Importance repeatedly pointed out that the Serbian Constitution guarantees the confidentiality of information sources.

The Ministry exercised strict control over preparations of the new media strategy, although it was billed as a move that will bring new and better media laws and improve Serbia's media systems. Unfortunately, the panelists interpret the poor transparency throughout the process, and the delays in preparation of the strategy, as another reason to worry for freedom of speech. Initially, the Ministry set a date of

The brutal attack on Vreme journalist Teofil Pancic, one of the most famous journalists in Serbia, on July 24, 2010 attracted the most attention... For this crime, the minimum judicial punishment proscribed by the law is six months, but the assailants only received three months in prison.

October 2010; after several more delays, at the time of the MSI panel they announced March 2011 for the strategy's release—claiming they are having problems determining the costs for new solutions proposed in the strategy. It has been pointed out the government is likely motivated to prolong the status quo until the next election.

In an unprecedented show of strength, however, five media associations formed a united front to defend free speech from further attacks by the authorities—and especially, to prevent misuse of the future media strategy. They published a joint proclamation in which they underscored the minimum conditions that the strategy must contain to preserve media freedom. Some of their main conditions include: Transparency of media ownership should be accessible to public; the regulation that forbids majority ownership by foreigners should be abolished; all media should be private except public service—in contrast to the state's present position as majority owner of many media in Serbia in spite of the law that prohibits state ownership; public interest in media laws should be explicitly determined; equal treatment of all media players on the market should be secured; and; state financing of the media must be transparent and non-discriminatory.

The same problems remain regarding broadcast licensing practice. The panelists believe that from the beginning, the licensing process initiated chaos, manifested in too many electronic media outlets yet with inadequate geographic coverage, and without efficient monitoring of program principles—especially on the local level. Seven national television stations threaten the existence of regional and local television stations in a country with less than 7.5 million people.

Some regions expected to receive a license, but did not—for example, Niš was sure that its TV5 would secure a national license, but only Belgrade television stations received such licenses in the end. Some stations clearly promoting hate speech secured licenses. Furthermore, Serbia continues to struggle to find a way to deal with pirate stations; pirate

stations are still on the air and there are cases of cable operators broadcasting their illegal programs. According to the Republic Agency for Electronic Communications (RATEL), in the last two years, 161 pirate stations were shut down—but 46 are still broadcasting. One radio station—Radio Stil Balkan—airs an illegal program that reaches across the whole territory of Serbia. In spite of a number of police reports, it still broadcasts from 11 locations. Radio Tamis has two pirate stations broadcasting on its legal frequency, but around 60 appeals to the state by Radio Tamis have been in vain.

“The election of experts in the Republic Broadcasting Agency [RBA] is highly politicized, and RBA is losing its independent function, said Vesna Sladojevic, deputy editor-in-chief of RTS public service, who added that the decisions RBA has made up to now support this conclusion, and hint at corruption. A number of panelists emphasized the fact that eight and a half years after the law was passed, not a single license for cable broadcast has been issued.

In principle, market entry is free, but the panelists believe the media is treated unfairly regarding tax practices, compared to other businesses. For several years in a row now, RBA has been collecting enormous amounts of money from electronic media—from what the panelists consider unfairly high taxes for licensing and other RBA services. RBA has big surplus at the end of each year, which they concede to the state budget (to be spend on non-media related purposes). The surpluses amounted to \$5.4 million in 2007; \$3.8 million in 2008; \$2.1 million in 2009, and in 2010, \$0.8 million. RBA expects to reach a surplus of \$1.1 million and direct it to Serbia's state budget as well.

Unfortunately, crimes against journalist were not rare during 2010. The panelists pointed to numerous examples of physical attacks on journalists: A *Blic* correspondent from the town of Aleksandovac—attacked by the mayor's driver; a *Kurir* journalist attacked in Smederevo; a B92 correspondent assaulted in Kursumlija, and a photojournalist from *Alo* attacked in Belgrade. In addition, the car of a *PrvaTV* correspondent was trashed, and hooligans attacked the Serbian public service RTS headquarters—along with many more incidents. The brutal attack on *Vreme* journalist Teofil Pancic, one of the most famous journalists in Serbia, on July 24, 2010 attracted the most attention. He was beaten on a town bus in a targeted attack (two boys entered the bus with baseball bats and attacked only the journalist). For this crime, the minimum judicial punishment proscribed by the law is six months, but the assailants only received three months in prison.

Tamara Skrozza, a journalist with *Vreme*, thinks that judicial punishment is so mild that it encourages criminals to proceed with their activities against the media and journalists.

Vukasin Obradovic, president of the Independent Journalist Association of Serbia (NUNS), pointed out that journalists in local media are by far the more endangered and subject to worse attacks than journalists and media in Belgrade. Obradovic argued that when journalists are attacked in Belgrade, the national media covers the case extensively and kicks up a big fuss. By contrast, in local areas, targeted journalists are often in conflict with local politicians, police, tycoons or Mafia members, and the public and law enforcement alike often marginalize or ignore their cases.

The panelists also underlined the rise of threats against journalists on websites, blogs, and Facebook.

The financing system of state-owned media is non-transparent and is directly linked with the ambitions of politicians to maintain control over the media, according to the panelists. Obradovic pointed out that the state practice of financing local media is so voluntary and politically biased that in some cases, the state budget even financed pirate stations. Local media in 2010 experienced financial catastrophe, and the financing system for local media financing is now dominated by blackmail and manipulation. Sladojevic commented that typical language at the local level is "Support the authorities in your programs or no money will be given to your station." Minority language media owned by national councils face similar political control. Last year, the Hungarian National Council established a unique Council to control the editorial policy of the newspaper *Családi Kör* in the Hungarian minority language. "Such voluntary practice is a clear control of media through state subventions," said Obradovic. The public service, RTS, is also in financial distress. Due to the economic collapse, subscription collection dropped sharply in 2010. Obradovic said there is no comprehensive system of financing RTS activities, and added that a "serious country should solve the problem of financing its public service."

A drastic case of a politician's treatment of public media involved the public announcement of the Vojvodina prime minister, who conditioned financial help to *Dnevnik* with the Vojvodina government's right to elect its editor-in-chief. Commenting on this, Smajlovic said that media institutions should insist on legally proscribed procedures in electing editors—even if it is clear that politics will win. Sladojevic explained that such a practice is traditional in Serbia. Ljubica Markovic, director of Beta news agency, responded, "Political control over media includes election of journalists and editors, non-transparent budget financing etc. Transparent procedures should be pursued in electing managers and editors in state-owned media, and independent commissions, rather than politicians, should distributed funds for the media. Such moves will diminish the present role of the state in media."

Despite all the concerns about financing and appointments of leadership in the state-owned media, the panelists noticed that in the last year the news on public service RTS improved in objectivity and professionalism.

Libel still falls under criminal law, but prison time was abolished as a punishment for libel several years ago. In 2010, journalists faced much more serious problems with civil litigation for libel than with criminal litigation. In civil cases, the private prosecutors ask for enormous compensation awards. The punishment of *Čačanske Novine*, with a fine of RSD 180,000 (\$2,250) for publishing a spoof, drew the most comment in 2010. The court's statement matter-of-factly explained that it decided to punish the magazine because ex-Minister Velimir Ilic recognized himself in a published spoof.

Regarding access to information, this year the panelists again praised the Commissioner for Information of Public Importance and Personal Data Protection—whose role in obtaining public information for journalists that authorities are unwilling to publish remains indispensable. Almost all media editors use that channel to get hidden information. However, the panelists did note that local media, for technical and financial reasons, have more problems than media from Belgrade acquiring information from state institutions and organizations.

Again this year, the panelists agreed that access to international news and news sources is unrestricted. Only a few problems were registered, such as sporadic cases of unfair treatment of Beta and RTS journalists by individual ministries. For example, ministries barred journalists from entering news conferences, based upon previous material they published that criticized the ministries.

Similarly, entry to the journalism profession is not subject to limitations.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.74

According to the panelists, this year's scores for professional journalism reflect the stagnation of the sector. Most panelists see poor salaries for journalists, as a strong reason behind the continuing failures to lift standards. Average salaries as low as \$300 per month do not give journalists the motivation to devote themselves completely to their job. On the contrary, salaries are the impetus for many of them to leave the profession and move on to better paying positions—often in public relations departments of ministries or businesses. The panelists described the especially ruinous influence of

Sladojevic stated, "In all media, superficiality reigns, and initiative—even among young journalists—has disappeared. We have a 'Dead Sea,' with minimal investigative journalism. For professionalism in Serbian media, 2010 was the worst year."

low salaries on fair reporting, ethical standards, avoiding self-censorship and in-depth coverage of key events and issues. All indicators in this objective scored the same or very similar to last year's scores. Further, the two indicators whose scores differed by more than half a point remained in the same relative position: indicator 5 (pay levels for journalists) about three-quarters of a point behind the objective score and indicator 4 (journalists cover key events) about three-quarters of a point ahead.

Fairness, objectivity, and sourcing in reporting have never been worse, the panelists said. Sladojevic stated, "In all media, superficiality reigns, and initiative—even among young journalists—has disappeared. We have a 'Dead Sea,' with minimal investigative journalism. For professionalism in Serbian media, 2010 was the worst year." Although, as mentioned above, RTS news has improved in respect to airing more viewpoints, there is still not enough investigative journalism, and journalists neglect a number of important themes.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Fortunately, there have been some excellent exceptions, with solid investigative stories despite the very difficult circumstances. Some examples include B92 TV program *Insider*, the B92 radio program *Pascanik*, and number of serious analytical texts in *Republika*.

The panelists described more violations of ethical standards this year. For example, in a number of cases, bloggers lifted complete articles from other media and posted them on their blogs, without compensating the source. Media representatives claim there is no chance of gaining any compensation or punishing bloggers who steal material, due to the inefficiency of the legal state and the lack of laws and regulations on the matter.

The panelists see a serious problem regarding the failure to regulate copyrights for news. In the most important case in 2010, TV Pink took over complete frames from RTS and published them in their news without permission. RTS sued TV Pink in November; a decision was pending at the time of the MSI panel. Also, a large number of daily newspapers complained that other websites copied and published texts from their Internet editions without quoting the sources. The deterioration of ethical standards appears to be spreading with Internet journalism.

Skrozza also brought up the growth of sensationalist journalism in the context of ethics. She said, "In spite of the Ethical Code adopted by journalists' associations, it is often violated; tabloidization is spreading without adequate public reaction. *Alo*, on the day of Pride Parade in Belgrade, displayed a number of scandalous texts and headings that could be included in any journalist's textbook in the world as violations of ethical codes. Several associations protested against the most vulgar and unacceptable breaches during the year, but tabloids are unfazed by their pressure.

The panelists agreed that self-censorship is spreading even more this year than before, due to political pressures and, above all, the economic pressures that brought most media to their knees. Many (local) media feel forced to accept blackmail as the only way to survive. Furthermore, editors increasingly turn to self-censorship, fearing the €20,000 fines introduced in last year's amendments.

All media in Serbia cover key events, almost without exception. Voja Zanetic, CEO and owner of Mosaik Marketing Agency, thinks that key events are registered, but not analyzed thoroughly. Most news occupies the public space for one day, then evaporates. "There is no ability in the media to deal with news and events more deeply. The best example is this year's earthquake in Serbian town of Kraljevo. All media published information on the earthquake promptly, but never analyzed why so many houses were destroyed in

an earthquake of such magnitude. Instead, a few days after earthquake, all media focused extensively on which politicians came to visit the town," Zanetic said. He added, "Key events are intensively treated only if and when they fall within a politician's public relations strategy."

The media did neglect some more complex and serious problems, such as Serbia's long-term economic stagnation, budget processes, the real conditions of approaching European Union membership, and corruption. Although some media reportedly maintain lists of forbidden topics, in most cases there simply are no journalists qualified to address specialized issues. Coverage of these more challenging themes requires specialized journalist and uncompromising editors, who are difficult to find in today's media. The lack of journalists specialized to cover economic development, culture, foreign policy, etc. is hurting the quality of coverage.

Traditionally the indicator with lowest score, this year the panelists were especially critical of salaries for journalists. In most media, the situation is getting worse. Salaries are too low, very often paid late by months; the dinar exchange rate is weakening; and inflation in Serbia is the highest in Europe. In this environment, journalists have lost social protection, and they are afraid for their own existence. Smajlovic said, "As a profession, journalism in Serbia is on the eve of destruction. Low salaries are the most efficient remedy against free journalism. This is an alarming situation. Nobody will choose journalism as a profession any more. Compared with other activities, journalism was never so low." Obradovic added that the outflow of good journalists into ministries and public relations is a direct consequence of low salaries. This outflow is "compensated" with the inflow of low-quality newcomers who agree to work for low salaries, but in a professional sense cannot substitute for good journalists. Other journalists devote much time to moonlighting activities, to secure a livable income.

According to AGB People Meter results, the balance between television news and entertainment programs is about the same. The example of TV B92, whose program was monitored by RBA agency for the period of January-August of 2010, showed a high share of news in the total program (19 percent, plus an additional 29 percent of other types of informative programming— mostly political talk shows). The other national television stations, however, are diminishing the length of their news. Most participants see a mild trend of spreading entertainment compared to news programming. Skrozza commented, "Infotainment is growing."

The economic crisis has hurt the media's access to modern technical equipment in two ways: Not only is it harder to obtain new technology; existing equipment cannot be maintained. Local media are particularly affected; focused

"There is no ability in the media to deal with news and events more deeply. The best example is this year's earthquake in Serbian town of Kraljevo. All media published information on the earthquake promptly, but never analyzed why so many houses were destroyed in an earthquake of such magnitude," Zanetic said.

on mere survival, they cannot even think of buying new equipment. The panelists recognize the adverse effects this has on the quality of journalism, and commented that if the situation persists Serbia will lag behind media in neighboring countries. Panelists complained about the quality of distribution channels, especially Internet connections, as well. Predrag Blagojevic, CEO and owner of *Juzne vesti* (*South News*), said, "In the short run, I do not see the quality of equipment as a significant problem for quality news reporting—it is a bigger problem in the production of entertainment or educational program."

The lack of quality niche reporting, in-depth and investigative reporting continues to plague Serbia. "Asking for extraordinary commitment in a given circumstances, journalist specialization is extremely rare", said Sladojevic. Obradovic stated, "The deepening of the economic crisis is responsible for the reduction in the number of journalists specialized for certain categories; only a few media have enough money to pay the serious investigative journalists. They have been substituted with generalists, and as a consequence, investigative journalism is practically dying out." Sladojevic added that a number of editors are restricting investigative journalism due to the lack of funds. Zanetic underlined the stagnation of economic journalism as an especially critical problem, especially given the nature of the problems facing Serbia in that sphere.

OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 2.27

The panelists did not see serious deterioration in the plurality of news sources, and the marks changed little from last year's MSI score. Access to media by Serbian citizens is free, the only limitation being economic means. Transparency of media ownership had the biggest drop compared to last year, reflecting the panelists' views on the government's

Blagojevic noticed that all local media produce just a small percentage of news content locally and half is about those who fund the programs. "The target audience is funding clients, not viewers," he said.

halting privatization and postponement, once more, of the adoption of the new law on media concentration (announced every year by Ministry for Culture and Media for several years running). Plurality of news sources, citizen access to international and domestic media, and independent news agency practices rated the highest. The biggest improvement was seen in activities of news agencies, and biggest drop registered in private media news production—where the quality dropped compared to last year due to funding shortages.

The situation concerning a plurality of affordable public and private news sources (e.g., print, broadcast, community, Internet) and citizens' access to domestic or international media did not deteriorate, and actually improved somewhat with the speed of Internet development in Serbia. Blogs are becoming more and more important as sources of information, as are social networks. As in previous years, news sources are affordable, and media access is satisfactory.

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) exists 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 non-partisan, 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 state and public media do not reflect the broader views of the entire political spectrum. As a consequence, politicians are almost without exception choosing the in the leaders of state media including editor in chief and editors of news or political programs. In particular, the public interest is poorly represented.

Zsuzsana Serences, correspondent for Radio Free Europe commented that the shortage of cultural, scientific, and children's programs is obvious, and the law is violated regarding minority languages on public service television. The public service of Vojvodina is weak, for example. Svetlana Kojanovic, director of TV CACAK, thinks that years after RTS was supposed to be transformed into public service, it is still a public service in name only. She believes it should feature much more information on South Serbia and local events to satisfy the citizens of Serbia outside Belgrade, as well.

Obradovic stressed, "Public service news programs are seen as the government daily bulletin, it includes programs that are not appropriate for public service, and there is a shortage funding for real public service programs." Smajlovic thinks that other stations are ingratiating to the government, as well, not just RTS: "There is no pluralism on television, and less and less variety of politically different opinions." Sladojevic agreed that there is pressure but feels that representation of the government is similar on all national television news programs. Sladojevic agreed that the RTS news program has improved, and agreed that there is a need to display more alternative opinions on all media.

The panelists consider independent news agencies, Fonet and Beta, professional. Last year, the panelists raised concerns about Infobiro, a new agency that rose up in 2009 with funding from political parties. In particular, the panelists expressed concern that it blurred the lines between public relations and news, and undermined the market of Fonet and Beta by providing free and technically appealing (but lacking in a journalistic sense) material—mostly coverage of political events contracted by the state. Yet this year, Infobiro's activity has diminished, and it is now less focused on covering the president. In a survey last year, out of twelve free programs for downloading on the Infobiro website, six were on President Tadic. This year showed not a single program on the president.

Still, Fonet and Beta, the private agencies, were hard hit by the economic crisis, and the state-owned Tanjug—which improved its service in the past year—is proving competitive. The independent agencies claim that partial funding from the state gives Tanjug a leg up, while their subscriptions continue to fall. The decline has been dramatic. Years ago, media subscriptions provided 90 percent of revenues at Beta—a

figure that fell to 70 percent in 2010, as a result of local media canceling their subscriptions.

Continuing a trend observed last year, local media are increasingly sharing news programming. As Obradovic noticed, "Local media have very limited self-produced informative programming and what they do have is low quality. Funding is scarce and instead of producing their own programs local media are using recorded programs that are free of charge. There are several free sources of information such local media are turning to, including websites of television and radio stations, free content on news agency sites, reading newspapers on radio and television, and using recorded materials (features) financed by donors and delivered free of charge. Accordingly, information programs across the board are increasingly similar."

Blagojevic noticed that all local media produce just a small percentage of news content locally and half is about those who fund the programs. "The target audience is funding clients, not viewers," he said. The decline of in-house news production is yet another serious consequence of the financial crisis on the media. Despite the setback in local media to produce their own news, original news production remains a strength for major independent broadcast media outlets—especially at the local level.

The formal ownership of all Serbian companies, including media, is published on the website of the Serbian Business Registers Agency (RBA). Nevertheless, while the formal owners are well known, many media specialists and journalists believe that behind the scenes other, more powerful owners lurk to skirt the regulations against media concentration. RBA is charged with monitoring media ownership concentration and any change in media ownership is subject to RBA approval.

In the last four years, four television stations with nationally licensed frequencies changed ownership. The panelists noted that now, instead of four different television stations with varying programming lineups, we have four television stations with nearly identical programs. The last two ownership changes at two national television stations happened in 2010, awakening suspicions of unhealthy media concentration. Rumors are that out of five national television stations, two are in Greek hands, two are owned by Pink, and a business tycoon owns the fifth. The data, however, are not transparent and the process is not yet complete, as two television stations sold recently appear to be on the market again. Zanetic described the situation ironically: "The transparency of media ownership in our country exists, but it can't be seen."

As Blagojevic emphasized, "The new development is blogging. For example, blog 016 Leskovac informs the public of town events. Another is Aleksinacnews.net, which publishes news that cannot be found anywhere else."

Another worrying sign is the growing concentration of radio stations held by TDI Radio that has two stations in Belgrade, two in Niš, and two in town of Cacak.

A key problem is that the minority voices are only seen in the media in response to official actions or incidents. For instance: In February, two young Hungarians were attacked in the town of Temerin, and in July a Belgrade shop owned by an Albanian was demolished. Blagojevic noted that on many blogs minority problems are sometimes covered well, but other blogs are full of fascist rants against minorities.

Some panelists think that lack of funds produces weak coverage on minorities. Sladojevic agreed, but said that the lack of money is not entirely to blame. "Society needs more goodwill to understand the problems of minorities," she said.

A variety of social issues in the media, such as those concerning gender, ethnicity, social convention, religion, and sexual orientation, are well represented in media, and there is no resistance to their inclusion, said one panelist. The extensive, multi-day coverage of the Gay Pride Parade is a good example (though of course some media took controversial approaches). Blogs, however, are often full of hate speech and even fascist comments, but still a number of them offer thoughtful and serious commentary on such issues.

In media with national reach, especially television, too little time is devoted to local issues, and there is a lack of correspondents from small local communities. As Blagojevic emphasized, "The new development is blogging. For example, blog 016 Leskovac informs the public of town events. Another is Aleksinacnews.net, which publishes news that cannot be found anywhere else. The site Southern News attracts 30 percent of its readers from Facebook, and is improving coverage of Central Serbia—compensating for a lack of news on national television. Sladojevic remarked that the public service has a special program on local events called *This is Serbia* that covers events south of Belgrade, including contributions from RTS correspondents. Unfortunately, the show does not yet have a permanent timeslot. Kojanovic reiterated that local news in-house production is too

“Advertising agencies, therefore, have undue influence on editorial policy. If data were transparent it would be apparent whether media are financed by one marketing agency or several, and editorial policies could be understood and assessed in that light,” said Obradovic.

expensive, so a number of local electronic media broadcast free-of-charge programs from the agencies and other television stations such as RTS or B92. Local news is obviously losing ground. Traditionally, Serbian media cover and analyze international events and news extensively.

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.72

Heavily hit by the economic crisis, management of media enterprises deteriorated in 2010. The highly competitive, overcrowded media market had to contend with diminishing advertising revenue—a countrywide phenomenon, but especially hard hit were local areas—and the monopolization of the advertising market by a few media. With the further withdrawal of foreign donors, and the state’s traditional disinterest in the media’s economic problems, managers

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.

had little opportunity to improve the business side of their operations. Most media managers aspired only to survive, let alone make a profit or pursue further development.

The panelists demonstrated the severity of the crisis with a score moderately lower than last year. In particular, scores for indicator 3 (the advertising market), indicator 5 (government distortion of the market), and indicator 7 (reliability of broadcast figures and circulation data) suffered the greatest drops in score. However, despite that drop in score, indicator 7 still scored more than three-quarters of a point ahead of the objective. All other indicators scored close to the objective score.

Although some media in Serbia are fairly well organized from a business perspective, most are not managed effectively. There are two major factors currently holding media back from operating as profit-generating, professionally managed businesses. First, with too many registered media in a market of just 7.5 million people, competition is intense. Second, the financial crisis had a devastating impact on the Serbian economy, and was an enormous setback for the media—local media especially. With shrinking advertising revenue and the disappearance of other possible sources of income, the panelists went so far as to conclude that Serbia’s media are on the verge of bankruptcy.

Although many media prepare business plans, and accounting practices are close to international standards, the economic situation in Serbia is so unstable that it is not possible to follow a business plan. In 2010, Serbia’s media had to contend with the biggest inflation in Europe, high-interest bank loans, and delayed payments for goods and services rendered—yet media outlets must often pay taxes on the services before they receive their payment.

Formally, media are permitted to earn money from multiple sources, but with shrinking municipal budgets and the disappearance of donations, advertising is essentially the only income source remaining. “Advertising agencies, therefore, have undue influence on editorial policy. If data were transparent it would be apparent whether media are financed by one marketing agency or several, and editorial policies could be understood and assessed in that light,” said Obradovic.

In this environment, local media are forced to accept any conditions the biggest advertising agencies offer. The two biggest agencies are consistently late to pay; they are arrogant and in general blackmail outlets. Their approach to local media is a classic, “take it or leave it” attitude. Blagojevic commented, “Marketing agencies have little interest in doing business with small media. The contacts with local media are weak; all power is centered in Belgrade.”

Darko Brocic, Director, AGB Nielsen, noted that the crisis hit print media and local media the hardest. The first budget cuts for advertising were at the local level. The lack of good quality data on local audiences contributes to declining local advertising income.

Though data on advertising for 2010 are not available yet, it is certain that the year will see a decline in overall advertising spending in Serbia. One reason for the likely drop is the practice of giving lower prices and discounts to advertisers on electronic media. Skrozza pointed at opaqueness in the ownership of big advertising agencies, which are managed by people active in top state political bodies. However, Brocic said, "Ownership of agencies is well known; the three biggest are under control of close associates of the president. That is creating an abnormal atmosphere among the media."

As a percent of overall income, advertising revenue is in line with standards, but prices are low. According to Obradovic, income from agencies in local media declined by 60 percent in the last period, and local advertising has had a detrimental impact on editorial policy (i.e., news content suffers due to reduced funding). All local media have big problems with commercial business. Kovacevic agreed that damping was the dominant trend in advertising prices, especially with local media—where advertising income dropped nearly 50 percent.

According to the Advertising Law, television and radio are limited to advertise only 15 percent of every 24 hours of broadcasting time, and no more than 12 minutes per hour. A new Advertising Law is being written and is expected to regulate these activities more extensively.

Directly or indirectly, the state is the biggest single advertiser, but distribution of subsidies is not fair, the panelists said. "The state budget is an inexhaustible source for financing of media obedience," said Blagojevic. State subsidies for independent media are minimal, while state-owned media receive 66 to 100 percent of their financing from the state. Recent budget problems, however, have prevented a number of municipalities from paying their media obligations, leading to several strikes against state-owned media.

At the local level, aside from municipality budgets, the biggest advertisers are local public companies closely connected with municipal authorities—opening yet another channel to influence editorial policy.

Government ministries advertise selectively, but never in local media. Kojanovic pointed out, "Certain ministries advertise heavily in individual media, raising concerns of corruption."

Government ministries advertise selectively, but never in local media. Kojanovic pointed out, "Certain ministries advertise heavily in individual media, raising concerns of corruption."

Market research has been an industry standard for years. Radio and television conduct audience research at least once, if not twice, a year. AGB Nielsen collects daily People Meter measurement of television viewership in certain areas. The least satisfactory is research in print nationwide and local electronic media. Obradovic pointed out: "Local media do not have funds for research; explorations of the media sector in Serbia, which are common, are almost always at the national level." Skrozza added that research results are used marginally in print media and few journalists are aware of the findings when they do exist. Some do not even know their target audience. Management fails to share what knowledge is gathered to journalists and staff."

Brocic said that research on the national level is satisfactory enough to provide daily data on television viewership. Local viewership is examined twice a year (financed by USAID), and radio listenership is surveyed in only 10 Serbian towns. In print, research on readership lags far behind. RTS public service conducts research, but according to the panelists, it does not use the results properly, nor are they disseminated adequately to journalists.

The panelists agreed that circulation numbers are extremely useful for program planning, and quite reliable. Kovacevic said that ABC measures print media circulation—a welcome development, as only several years ago no reliable data whatsoever was available on circulation. ABC measures around 80 percent of magazine circulation and around 95 percent of daily circulation in Serbia. But, here again national media are better off. ABC Serbia has only one local media under audit (the Hungarian minority *Családi Kör*).

On the other hand, Internet usage statistics are very detailed, and have a positive and extensive impact on editing web pages. Statistics on the number of visitors is a very useful aid and should be used more extensively, the panelists agreed. According to web analysis, the most popular websites are Krstarica.com, Blic, B92, and Infostud.

Until recently, the Belgrade Political Science faculty had a reputation for doing the worst job of preparing journalists. However, in the last two years, the situation changed dramatically for the better. Several panelists commented and credit the reversal with the fact that the program adopted a more hands-on, practical approach.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.40

Although scores for Objective 5 fell slightly from last year, none of the indicators fell below a 2—the threshold between an unsustainable, mixed system and near-sustainability. All indicators scored near the objective score.

Serbia has a media publishers' association, ASMEDI, which includes representatives of three dailies and three weeklies, one television station, one news agency and several media owners. The association is believed to be close to the authorities. In addition, there are also several journalists' unions in the country, but the panelists said they are disjointed and inefficient in protecting and promoting

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 (e.g., 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.

journalists' interests. In Serbia, journalists' associations have taken over a large part of activities in protecting journalist's interests and rights that would normally be handled by a union.

In the most noteworthy development in 2010 regarding supporting institutions, five media institutions—NUNS, the Journalist Association of Serbia, the Independent Journalist's Associations of Vojvodina - NDVD, Lokal Press, and the Association of Independent Electronic Media—succeeded in formulating a united front toward ensuring the media's interests are upheld in the new media strategy. The panelists praised this effort as the crowning achievement for media associations in 2010, as they found agreement on important questions raised in discussions surrounding the strategy. Marking the first time that different associations formed a common approach to important media problems, the panelists hope it sets a precedent for more successful efforts to pressure state institutions in the future.

However, the panelists noted that ASMEDI opposed the move, and insisted that only media entities, and not journalists' associations, should be involved in discussions on the new strategy.

The relationship between NGOs and media is basically ad hoc. The panelists feel that NGOs are less active in defending media freedoms. Communication is diminishing, in part because a number of NGOs have grown closer to the government and no longer criticize even the most obvious undemocratic moves of the authorities.

In the universities, there are 13 faculties offering journalism studies in Serbia, and they receive generally low marks for preparing journalists adequately. Until recently, the Belgrade Political Science faculty had a reputation for doing the worst job of preparing journalists. However, in the last two years, the situation changed dramatically for the better. Several panelists commented and credit the reversal with the fact that the program adopted a more hands-on, practical approach. Students started to learn and work in the field (e.g., visiting media and working directly with journalists and editors).

Short-term training programs fill certain gaps, providing a boost in specialist areas such as economy and energy. The training is financed mostly with ever-dwindling donations. The panelists underlined a noticeable shift in interest in such training, from technical aspects of media production to social and economic specialties such as management, finance, marketing, EU accession, EU project bidding techniques, etc.—and especially toward new media. Unfortunately, as average media cannot finance their employees' attendance,

commercial courses are very rare and everything leans upon the support of foreign donors.

The panelists confirmed newsprint sources and printing facilities remain private, apolitical, and unrestricted.

In terms of media distribution, the biggest print media distributor, Futura plus, fell into a bankruptcy crisis. In May, the Commercial Court adopted a plan to restructure the company, narrowly avoiding liquidation of a company with 1,200 outlets across Serbia and 2,500 employees. Despite this, by the end of the year most dailies could not be found in Futura kiosks as most publishers boycotted Futura for lack of payment.

ASMEDI announced that mounting outstanding balances (RSD 250 million, or \$3.45 million) from Futura endangered the viability of many newspapers. On the other hand, Futura accused ASMEDI of attempting to shut it down, despite its status as the only national distributor of print media in Serbia. At the time of the MSI panel, the conflict remained unresolved. NUNS supported ASMEDI in the conflict, and the Ministry became involved as well, saying that the boycott of Futura endangered citizens' rights to information.

Regarding broadcast media, Kojanovic believes that there are monopolies in media distribution. There are several providers that cover certain areas in which competition is not possible. Confident in their monopolies, some cable operators behave so arrogantly that they have started their own television programs on cable. As mentioned last year, the problem stems from the state's inability to regulate the cable business.

Overall, the panelists are not happy with the communications infrastructure in Serbia, though it improves modestly every year. Skrozza cited her frustration with poor telephone connections, even near Belgrade. For big media houses, Internet quality is not adequate. Beta news agency, for instance, has difficulties delivering some of its services to its customers. Poor Internet service is considered a consequence of monopoly control of Internet Service Providers in Serbia.

List of Panel Participants

Ljiljana Smajlovic, president, Journalist Association of Serbia, Belgrade

Vukasin Obradovic, president, Independent Journalist Association of Serbia, Belgrade

Predrag Blagojevic, owner and CEO, *Juzne Vesti*, Nis

Svetlana Kojanovic, director, TV CACAK, Cacak

Darko Brocic, director, AGB Nielsen, Belgrade

Slobodan Kremenjak, attorney, Zivkovic & Samardzic Law Office, Belgrade

Vesna Sladojevic, deputy editor-in-chief, Radio-Television Serbia, Belgrade

Zsuzsana Serences, correspondent, Radio Free Europe, Novi Sad

Tamara Skrozza, journalist, *Vreme*, Belgrade

Voja Zanetic, owner and CEO, Mosaik Marketing Agency, Belgrade

Ljubica Markovic, director, Beta News Agency, Belgrade

Milan Kovacevic, director, Audit Bureau of Circulation Serbia, Belgrade

Moderator

Dragan Kremer, program manager, medienhilfe-West Balkans, Belgrade

Author

Goran Cetinic, independent media consultant, Belgrade

The panel discussion was convened on December 14, 2010.



CAUCASUS

The most remarkable improvement came in Objective 1, freedom of speech, primarily as a result of decriminalization of libel and defamation laws and the government's finally moving forward with awarding broadcast licenses.



ARMENIA

Three major developments in 2010 significantly impacted Armenia's media sector and received a lot of attention by the MSI panelists: defamation was decriminalized; in anticipation of the increased use of online media tools, Prime Minister Tigran Sargsyan launched a blog on Livejournal in late 2009, garnering attention from the blogging community over the course of the next year; and the number and influence of online periodicals, citizen journalists, and social networking platforms dramatically increased. The last development incited tangible changes in a number of cases. To name a few, plans to demolish the summer hall of a downtown movie theater were revoked; amendments to the country's maternity-leave laws limiting maternity welfare payments were abandoned; and several teachers were forced to resign after videos of their beating schoolchildren were widely circulated online. Perhaps the most unexpected event of the past year, the forced resignation of the Yerevan mayor following rumors that he beat an officer in the president's protocol department, could also be partly attributed to online media and the blogger community, which heavily covered the incident prior to the resignation.

Over the years panelists have noted that constitutional and legislative norms are in compliance with international practices and provide for free speech and freedom of expression, but the prevailing practice in enforcement—or lack thereof—limits free speech, particularly as many journalists practice self-censorship. Nevertheless, there are exceptions. Free expression is becoming the dominant theme online. Traditional media often pick up topics from these online sources. Issues raised in online media, blogs, and social networking tools like Facebook or YouTube eventually seep into traditional media coverage, allowing for greater impact. This, however, is no guarantee that these sources are necessarily and predominantly reliable or objective. Freedom in online media brings both wheat and weeds.

The country's gradual digitalization process is slated to be completed by 2015. The National Commission on Television and Radio announced the results of frequency license tenders for digital broadcasting on December 16, 2010.

Professional standards and ethics, especially in print media, are still matters of deep concern. The opposition press openly reviles government and pro-government circles, while pro-government media respond in kind.

The overall score for Armenia showed solid improvement, driven by increases in most of the objectives. The most remarkable improvement came in Objective 1, freedom of speech, primarily as a result of decriminalization of libel and defamation laws and the government's finally moving forward with awarding broadcast licenses. Objectives 2, professional journalism, and 5, supporting institutions, also received better scores. Objective 4, business management, was the only objective to decrease in score, and even then only slightly.

ARMENIA AT A GLANCE

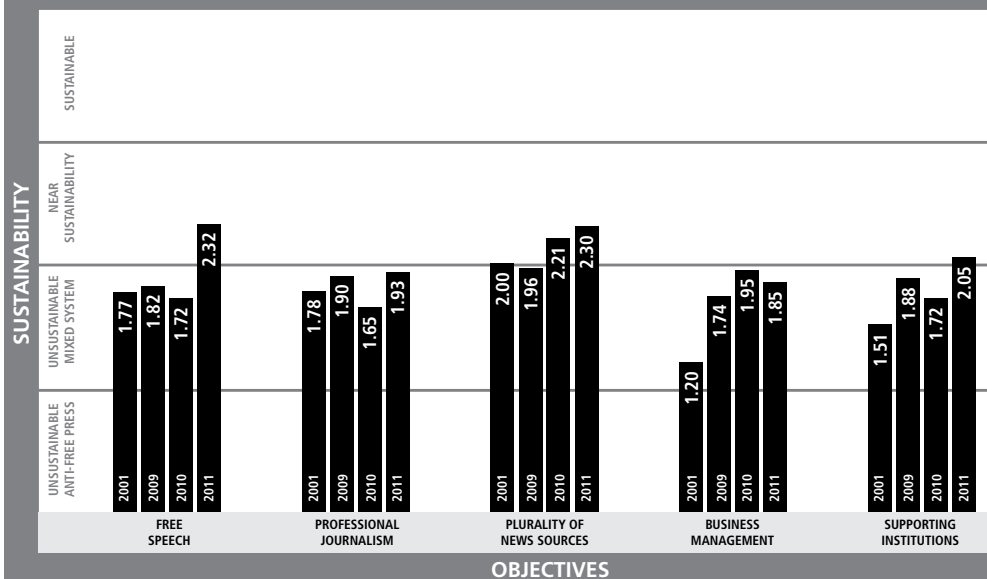
GENERAL

- > **Population:** 2,966,802 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Yerevan
- > **Ethnic groups (% of population):** Armenian 97.9%, Yezidi (Kurd) 1.3%, Russian 0.5%, other 0.3% (*CIA World Factbook*)
- > **Religions (% of population):** Armenian Apostolic 94.7%, other Christian 4%, Yezidi 1.3% (*CIA World Factbook*)
- > **Languages:** Armenian (official) 97.7%, Yezidi 1%, Russian 0.9%, other 0.4% (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$9.5 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$5,410 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (*CIA World Factbook*)
- > **President or top authority:** President Serzh Sargsyan (since April 9, 2008)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print media: 36 publications; Radio Stations: 21; Television Stations: 19 local stations in Yerevan (5 of which broadcast nationwide), 3 Russian relay channels and 1 relaying CNN; 23 television stations in regions
- > **Newspaper circulation statistics:** Average reported circulation is between 5,000-6,000
- > **Broadcast ratings:** The three most popular television stations are H1 (public), Shant TV (private), and Armenia TV (private) (AGB Nielsen)
- > **News agencies:** ARKA, Armenpress, Arminfo, MediaMax, Noyan Tapan, Photolure News
- > **Annual advertising revenue in media sector:** \$85 million, estimated by panelists
- > **Internet usage:** 208,200 (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ARMENIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 2.32

This objective's score increased significantly from the previous year, due in large part to the decriminalization of defamation and libel. In May 2010, parliament adopted an amendment decriminalizing those offenses. In addition, the increased openness of expression online contributed to the higher scores. In fact, all indicator scores showed noticeable improvement, except for indicator 7 (access to public information). Indicators 8 (unrestricted use of domestic and international news) and 9 (free entry into the journalism profession) both scored well above the objective score. However, as in past years panelists agreed that despite free-speech protections in the constitution, the reality is that these laws are unevenly enforced. In particular, despite improvements, indicators 4 (attacks on journalists) and 5 (legal guarantees of editorial independence for state media) still fell far short of the objective score.

Armenia's constitution and its media laws clearly protect freedom of speech. In particular, article 27 of the constitution guarantees the citizen's right to freedom of expression, including the freedom to search for, receive, and impart information and ideas by any means. In reality, this right is effectively restricted because the broadcast media are largely aligned with the government. "It's like having a luxury Mercedes but not being able to drive it because there is no fuel," explained Tigran Paskevichyan, a freelance journalist and producer of many investigative journalism documentaries.

The government's controlling approach is different in the case of electronic or broadcast media versus traditional print media. The latter enjoy more freedom but have less impact because of low circulation numbers. Online media are freer, Paskevichyan noted. "Although the [government's] desire to control and restrict it is strong, at the moment there are no mechanisms to do so," he said. "It's not like you can switch off the Internet in Armenia, or shut down YouTube." Indeed, he said, the government's practice of controlling the media often supercedes the media-friendly laws on the books. "A constitutional article or an article from a law has less influence than a call [to a media outlet] from a government official," Paskevichyan added.

Shushanik Arevshatyan, the owner of Radio Van, and Artyom Yerkanyan, a political analyst for Shant TV and *Novoye Vremya* newspaper, disagreed. They said such occurrences were more typical 15 years ago than they are now.

Violations of free speech cause outrage among different communities, like bloggers, journalists, and NGO communities,

instead of the public at large. The confidentiality of sources is respected by law, but in practice there are ways to circumvent those protections. "You either have to disclose your source or be liable for libel," explained Samvel Martirosyan, a security analyst and popular blogger. However, according to Edik Baghdasaryan, the president of Hetq, an association of investigative journalists, there have been no arrests connected with not disclosing sources of information.

Licensing, which is limited to both terrestrial and cable broadcast media, is still not considered transparent or even apolitical. In December 2010, two rounds of tenders were held by the National Commission on Television and Radio to identify the 18 broadcasters that will be granted digital broadcasting licenses, in preparation for the transition to all digital broadcasting in 2015. As a result of the tenders, two current analogue broadcasters, A1+ and ALM, will not be given digital licenses. In their place, Armnews and Yerevan TV, respectively, received licenses. Although there is an appeals process for those denied licenses, applicants generally do not trust in it, and those motivated enough often take their appeal to the European Court for Human Rights.

Though licensing remains politicized, the barriers to market entry that remain are comparable to those faced by other industries in the country. Tax structures are also no different for media companies.

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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 Armenian law on access to information is very liberal and progressive. However, in real life it is still very difficult for journalists, especially investigative journalists, to obtain and use government documents in their reporting.

Some panelists noted that although crimes against journalists have decreased in number, this is the result of self-censorship cultivated by previous attacks, rather than an improvement in the security situation for journalists. There is some progress. Unlike many years ago, the crimes are now better investigated, and perpetrators are often identified and punished, though not in every case. One vivid example came from panelist Baghdasaryan, who was attacked by three individuals on his way home after work in 2008. One of the individuals was later arrested, tried, and sentenced to five years in prison. However, the people behind this attack were never identified, and outcry about the attack was limited to the media community and not the public at large.

Panelists mostly agreed that public and state media are far from providing unbiased, objective coverage. Indeed, Public Television is treated preferentially and does not need a license for broadcasting. Moreover, Public Television, unlike privately owned stations that are regulated by the National Commission on Television and Radio, is regulated by the Council on Public Radio and Television and can thus circumvent legal provisions applied to private stations, such as those that limit advertising to 10 minutes per any given hour. In addition, Public Television receives annual state funding, giving it an unfair competitive edge over private broadcasters.

Even with some improvements in the legal situation, such as the decriminalization of libel, there still remain consequences for media outlets. The highest fine that courts can impose on media outlets for disseminating defamatory information is 2,000 times the minimum monthly salary of AMD 32,500 (\$87); therefore, a fine could be as high as AMD 65,000,000 (\$174,000). "However, it is only partial decriminalization, since libel against certain state officials—judges, prosecutors, bailiffs—is still criminally prosecuted," Baghdasaryan said. Despite these parameters, there have not yet been any cases of imprisonment for libel convictions in Armenia.

Arevhat Amiryan, editor-in-chief of *Vorotan* newspaper, recollected a case from 2010 when she printed an article that revealed false information disseminated by the local

authorities. Rather than pursue the case in court, the officials contacted the source, Baghdasaryan, and forced him to renounce the information he provided.

The Armenian law on access to information is very liberal and progressive. However, in real life it is still very difficult for journalists, especially investigative journalists, to obtain and use government documents in their reporting. In many cases, even mayors' decisions are not accessible. To obtain them, journalists must go to court, which is time-consuming and can last as long as two years, as is the case with one of Hetq's requests. There is little organized response to the lack of access to information. Because such requests are time-consuming and often costly in terms of court and legal fees, very few journalists or media outlets follow up on such cases.

Armenia media outlets and journalists have unfettered access to international news and news sources and use this freely in their reporting.

There are relatively few other barriers to entry into the journalism profession. Accreditation is required for covering parliament. Online media requesting such accreditation face the additional restriction of proving that they get 800 visitors each day via a rating service, like circle.am. Indeed, entry into the journalism profession is free, and the government imposes no licensing or other restrictions for aspiring journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 1.93

Trust in journalism is very low, largely because of the quality of information products. Little lasting progress has been achieved over the years in the professional quality of journalism and respect for ethical norms. Nonetheless, the score for this objective did show improvement, with the most improvement coming from indicators 1 (objective, well-sourced reporting), 3 (self-censorship), 4 (coverage of key events), and 7 (modern media equipment). Most of the indicators scored very close to the objective score, the exception being indicator 7, which scored a bit more than half a point higher.

Reporters often do not verify or check all the information on which they report, nor do they consult a wide variety of relevant sources while producing a piece of news. "The journalists don't even think that the information can and should be checked," Baghdasaryan said. "There are media outlets where the news is even accompanied by their own comments." Journalists often use rumors and disinformation

in their reporting. Reporters often visit press conferences without first preparing with preliminary interviews or familiarizing themselves with the individuals speaking. "I was recently covering a key political leader's press conference, and somewhere close to the end a couple of young reporters slammed into the hall, took their seats beside me, and then one of the girls asked me: 'Who is this?'" recalled Anna Satyan, deputy editor-in-chief of *Novoye Vremya* newspaper.

This lack of professionalism can be attributed to several factors, including the low quality of journalism education, which often emphasizes theory over practice, low salaries, and media's distance from their own audience. This is particularly true for print media, which are generally either pro-government or pro-oppositional and do not rely on audience feedback or financing to remain viable.

There are, of course, highly qualified professionals in the field, but they are rare exceptions. Unethical journalism is flourishing more in print and online media than in other types of media.

There is little movement among other professionals to raise standards, though there are some apprentice programs for new journalists. Journalistic organizations have developed ethical standards that fall in line with broadly accepted international standards, but these are not widely accepted or used. Hetq, for example, has developed its own set of rules, but that is for its internal use. Other outlets also may have their own sets of rules, but they are mostly informal. The panelists agreed that it is not rare for media professionals to accept payments or gifts in exchange for certain types of coverage. Most of the media do not make clear distinctions between news reporting and so-called advertorials. "The

TV station I work at [Shan TV] is to my knowledge the only media outlet that does [differentiate between real news and paid-for advertising coverage]," said Artyom Yerkanyan.

Practicing self-censorship remains a major issue.

"Self-censorship in the country is more of a real force impeding objective news coverage rather than hidden censorship," Martirosyan said. The fear of offending certain political circles or figures, businesspeople, and also business interests often leads to a great degree of proactive self-censorship. However, the practice seems to be less prevalent among online media and blogs.

Journalists, in general, do cover most key events and issues in the country. However, there are certain types of events that may be ignored or poorly covered by mainstream broadcast media, such as protests or other activities related to the political opposition. "When it comes to covering opposition events, the TV companies abide by the informal rule: either nothing or accusation," said Gayan Abrahamyan, a reporter for Eurasianet.org and ArmeniaNow.com. "The oppositional media abide by only accusation." Bloggers and citizen reporters, on the other hand, cover all events without hindrance. Indeed, such coverage often later penetrates the mainstream media due to their significance, impact, and scandalous nature. One prominent example was the video of a child who was beaten in school by his teacher. The video was uploaded on YouTube and then covered by broadcast media. The teacher was forced to resign.

While political and social reporting continues to be of low quality, niche reporting has grown in recent years, in some cases due to donor funding. There has been significant growth in ecological and investigative journalism. Even still, there are very few journalists specializing in investigative journalism. Few periodicals can afford ongoing investigations and follow-up reporting. Even fewer specialize in health, business, education, and sports. Those who do are mainly in print or work for online outlets.

Compensation is also a hindrance to improved professional standards. The panelists agreed that reporters are not sufficiently compensated to meet their living expenses. "You can judge pay levels by simply looking at the gender of reporters: they are mainly young females who do not have to support a family financially," Paskevichyan said. Many journalists work for multiple media outlets and take other jobs to meet their financial needs. Others leave the profession altogether and go to other, better-paying industries. Traditionally, the broadcast sector pays better than print or online, since the advertising money is mainly concentrated in the electronic broadcast sector. Indeed, some broadcast journalists earn larger salaries than civil servants or teachers.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Entertainment programming does eclipse news and information programming. It is rarely balanced with news and information programming, though some stations have had success selling advertising for news programs, making them profitable for the stations. In general, consumers can get information when they need it. Nevertheless, entertainment content (mostly soap operas) is increasingly consuming programming time. At most major stations, news programming is limited to two or three top-of-the hour reports in segments of 10 to 25 minutes each.

Overall, technical facilities and equipment for gathering, producing, and distributing news are relatively modern and efficient. The advent of digital technology has made it financially accessible for more broadcasters. Professional analogue equipment for television and radio stations was extremely expensive, especially for regional television stations, but even the semi-professional or high-end consumer digital equipment can provide broadcast quality and these are more affordable. Newspapers, however, lag in this arena. "Many newspapers do not have modern facilities, and several reporters have to work on one and the same workstation," Baghdasaryan said.

Despite advances in digital communications, Internet connections, while available, are not always sufficient for more than basic search and e-mailing needs. Today, most media in Yerevan and provincial capitals such as Gyumri and Vanadzor have Internet connections. Although the prices for such connections are reasonable, compared with previous years, they remain unreasonably high, compared with those of other developing countries.

OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.30

All of the panelists agreed that the number of sources that provide multiple viewpoints has significantly increased primarily because of the higher number of Internet resources, ranging from established online media to citizen journalists disseminating news through social networks like YouTube, Facebook, Twitter, and others. In addition, the increasing rate of Internet penetration has contributed to a more pluralistic media landscape. This, however, does not necessarily mean that the sources are reliable or trustworthy or that they provide citizens with unbiased, objective information.

Despite the impact of new media, overall the plurality of news has increased only slightly this year. Indicator scores shifted in both directions, with better evaluations of indicators 3 (public media are nonpartisan) and 6

(transparency and concentration of ownership) and lower scores for indicators 4 (news agencies), 5 (private media produce their own news), and 7 (coverage of minority issues). However, despite a better score, indicator 3 was still the lowest-scoring indicator, lagging behind the objective score by more than a point. In contrast, despite its small decline in score, indicator 5 retained its status as the leading indicator, with a score more than half a point higher.

The majority of panelists agreed that in terms of objectivity and bias, there should be a distinction among print, broadcast, and online media. While print media are vastly polarized and often serve as a mouthpiece for either pro-government or pro-opposition forces, broadcast media are controlled by the government to a considerable degree. "The oppositional media do not offer multiple viewpoints, either; they do not offer varied opinions and express only the opposition's views," Paskevichyan said. In response, Baghdasaryan added that other media do offer varied viewpoints. The situation has improved with the distribution of a variety of newspapers to the regions. "I travel to the regions a lot, and I always check the kiosks," Paskevichyan said. "I can now see that a wide spectrum of newspapers is represented in multiple copies." Pap Hayrapetyan, editor-in-chief of *Sevan* newspaper, disagreed, however, saying there is still limited distribution in many villages.

Though online media are not restricted and many different perspectives are expressed, they are also subject to biases, said Gayane Abrahamyan. "Often these [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) exists 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 non-partisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.
- > The media provide news coverage and information about local, national, and international issues.

[and resources] are again serving the interests of either the government or the opposition in a disguised manner, and it is difficult to find objective and balanced news," she said. In addition, for ordinary citizens, especially in the regions, Internet access is still limited in terms of both quality and price.

Despite somewhat limited Internet access, social networking tools have been used several times in 2010 to effect serious change and combat crimes. Marina Mkhitarian, program manager for media at the Eurasia Partnership Foundation, said, "There are blogs in Armenia that enjoy much bigger audiences than some print newspapers." Among these are Samvel Martirosyan's kornelij.livejournal.com, Tigran Kocharyan's pigh.tv, and Radio Van's radiovan.am.

All types of media—domestic or international and print, broadcast, or online—are available without restriction by law. One impediment is weak and expensive Internet connections. The regions remain in a worse position, both in terms of Internet access and access to a variety of media sources. Most villages and smaller towns, depending on their geography, have the choice of a local channel, the Public Television station, one to three private national domestic channels, and one or two Russian channels via free terrestrial broadcast. The country's second and third cities, Vanadzor and Gyumri, have a little more access with two and three local channels, respectively.

Panelists agreed that the public media do not reflect the views of the political spectrum, are partisan, and often do not serve the public interest. Further, they agreed that public media are not independent of the state or ruling party. Coverage is somewhat balanced outside of election periods, but during the campaign season it can take unpredictable swings.

Public media do not fill the gap left by commercial broadcasters. "Often, it's quite the contrary: the private TV companies do what the public TV is obliged to do," Yerkanyan said. "For example, they promote folk music or historical documentary films, which in fact can be profitable, too." In contrast, the public station airs four low-quality soap operas, running almost back-to-back and taking up almost all of prime time, leaving room for only the 9 p.m. news.

There are many news agencies: ARKA, Armenpress, MediaMax, and others. However, the panelists said there has been a shift and today media outlets seldom pay for information. "In my opinion, the online media and similar resources are gradually ousting the traditional news agencies," Yerkanyan said. In addition, most of the media outlets that have news sections produce and rely on their own news production. Following this trend, the agencies

Though online media are not restricted and many different perspectives are expressed, they are also subject to biases, said Gayane Abrahamyan. "Often these [online] media [and resources] are again serving the interests of either the government or the opposition in a disguised manner, and it is difficult to find objective and balanced news," she said.

have gradually switched to free dissemination to local media and survive for the time being through the sale of exclusive interviews, analytical pieces, and outsourcing contracts with international agencies. This is not true for photo agencies and in particular international agencies, which provide specialized, niche, or video news products. As an example, broadcast outlets still buy video footage from Reuters, AP, and others. Print outlets still purchase photographs from Photolure and other photo news agencies.

Most of the broadcast outlets with news programs produce their own news and information programming. However, according to the panelists, in general news programming produced by the private broadcast media does not differ significantly from that produced by Public TV.

In terms of media ownership, in many cases the officially registered owners are nominal directors and not the real owners or decision makers. The panelists were split on whether the general public is aware of who the media owners are. "At the very least, they know who's on whose side," Martirosyan said, a statement with which all of the panelists agreed. Paskevichyan said there should be a distinction between broadcast and print: "If in the case of TV it is mostly clear who the owners are, it is surely not so in case of print media. Whose is, for instance, *Hraparak*? Whose is *Hayots Ashkharh*?"

Minority-language media do exist and are legal: Russian, Ukrainian, and Kurdish minorities print their newspapers, and the Public Radio has programs in Russian, Georgian, Kurdish, Yezidi, and Assyrian. Topics like gender, religion, ethnicity, sexual orientation, or other minority issues are very limited in coverage in the mainstream media. Rather, these issues are more widely covered online.

The local news is mostly covered by local media. "This [covering local news] is our advantage, our competitive edge," explained Haykaz Simikyan, owner of *Vanadzoryan Khchankar* newspaper and SIM printing house. "The conventional belief

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that local news from the regions is not interesting is a myth," Yerkanyan said. "It all depends on how you package it." Public TV also periodically covers local issues. National issues and major international developments are mainly covered by national and Yerevan-based media and less so by local outlets. Connecting diaspora communities, Shant TV has regular live national and international linkups with Gyumri (Armenia's second-largest city), Los Angeles, and Beirut.

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 1.85

This objective scored slightly lower than the previous year, due in part to a noticeable drop in indicator 5 (government distortion of the media market). Offsetting some of this loss was a modest increase in indicator 2 (multiple sources of revenue). All indicators scored within a half-point of the objective score. Most panelists agreed that with a few exceptions, the media in Armenia are not efficient or well-managed businesses. They also agreed that there are almost no newspapers that operate as for-profit businesses and that the lion's share of advertising is in the broadcast sector, particularly television.

Few media outlets operate as efficient and self-sustaining enterprises. The bulk of those that are self-sustaining are in the broadcast sector because advertisers concentrate their budgets on television and, to a lesser degree, radio. "Notwithstanding the overall sad picture, it should be noted that it is possible to make media self-sustainable through literate and professional management, and there are sufficient examples of this," Yerkanyan said. Baghdasaryan noted that most media outlets are not profitable. "Based on their official [financial] statements, they are functioning at a loss," he said.

Simikyan said regional media barely stay viable. "In general, the media in regions can only [hope to] survive," he said.

"The situation is a bit different in, for example, Gyumri and Vanadzor, where the economy is more vibrant. I can say that the newspaper I own is profitable. I also have a printing house, but I don't mix the two businesses and the newspaper pays the printing house and is still profitable. I don't interfere with the editorial content. I read the newspaper as a consumer, when it's already issued." Few outlets hire trained professionals to manage marketing and, to a lesser degree, human resources. However, most do keep a professional accountant. Bloggers are not yet earning substantial revenue through commercial activities, primarily because there is not access to sophisticated-enough Armenian ranking tools that would support reasonable pricing structures.

Broadcast outlets earn revenue from multiple clients. This, however, does not guarantee absolute independence from advertisers' indirect influence on content or editorial policy. Public media have an adequate and guaranteed source of revenue, but this also subjects them to government and political interference. Among other sources of revenue for Armenian media are investments by founders, shareholders, founders' businesses (aside from advertising), grants (which are primarily available for regional media), and outsourcing services.

The advertising market primarily focuses on radio and television. The biggest advertisers are from the banking, insurance, telecommunications, and automobile industries, and they mostly place their broadcast advertising based on market principles. Political influences also drive these processes. However, politics has had less of an influence after the establishment of the TAM (Television Audience Measurement) system, which meets internationally accepted

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

standards for ratings. Media outlets used to set the rates based on the TAM data, but even this system suffered after the financial crisis, when prices significantly decreased. Public-media advertising is not restricted and does not differ in minutes per hour from the commercial channels; in fact, it often exceeds that at commercial stations. Commercial media have a hard time competing against public broadcasters, who can afford to offer lower advertising rates.

Aside from commercial advertising, crawling lines, infomercials, and SMS aggregation are all used as revenue sources. Holiday greetings, congratulatory messages, and similar advertising are used by regional broadcast media.

Advertising agencies work mainly with television and less with radio, primarily because there are no rating data available for radio. To a much lesser extent, the agencies also work with print or online periodicals. The advertising market is not well developed outside of the capital, again because there is a lack of local ratings data.

Media outlets mainly rely on their own sales resources and market themselves directly to advertisers; however, they also work with advertising agencies, since in some cases these agencies provide exclusive deals that are otherwise unavailable. In terms of creativity and artistic value, very few advertisements are produced professionally. However, in terms of effectiveness, some professionalism has been achieved. "Radio advertising requires a lot of creativity, while TV advertising requires a lot of money. Today, the advertisers are not ready to spend a lot of money on [producing] advertising," Arevshatyan said.

The panelists agreed that advertising is the prevailing source of income for the broadcast sector, and therefore managers must use more and more advertisements to compete with each other and the public media. This results in advertising's consuming a large segment of broadcast programming time, often far exceeding the legally allowed length during primetime, which is 10 minutes per hour. For example, one advertising block can reach up to 15 to 17 minutes. The print sector is contrary to broadcast in that the main revenue source is retail sales and subscriptions, while advertising constitutes a tiny portion of total revenue. Here, too, there are exceptions. For example, Simikyan has gathered around half his revenue from advertising.

The government does provide subsidies for private print media, but they are not enough to distort the market. "The general subsidy amount remains more or less the same, but the number of subsidized outlets increases every year, making the individual subsidy amounts less and less," Amiryanyan explained. "For example, my newspaper used to get AMD 800,000 (\$2,200) years ago; now it gets only 400,000

(\$1,100)." Government advertising is primarily channeled into public media.

There are companies that provide professional, detailed research services, but these services are not affordable for most outlets. Consequently, individual outlets mostly conduct their own research through focus groups, surveys (both ad-hoc and more formal), and call-in shows. Also, they still tend to trust their own research more than that produced by another company. Gradually, some editors and journalists are starting to tailor their products to the requirements of the market. One vivid example is Radio Van: the broadcaster tests topics through its blog. If it raises enough public interest, then the topic is addressed in programming.

At present, two internationally acclaimed companies, AGB Nielsen and JFk, produce television ratings. Only paying outlets have access to this data. There are no reliable data for circulation figures. The data that exist are reported by the newspapers themselves, which, according to panelists, are often exaggerated. As for online media, there are no sophisticated statistics or ranking providers; only circle.am offers this service but does not provide in-depth analytical data. The majority of advertisers cannot differentiate among unique visits or total hits, hosts, and page views.

Broadcast ratings are accepted by some outlets and not by others. However, most advertisers, particularly international ones, base their decisions solely on ratings data. "We tend to shift our blame, our faults onto others when [the ratings data] don't favor us," Simikyan said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 2.05

Scores in this objective were mixed, but overall the objective score showed noteworthy improvement. Newspaper distribution has improved, particularly print distribution in regional centers and towns; reflecting this, indicator 7 received much better scores. Likewise, indicator 6 (access to media equipment and printing facilities) improved to the point where it exceeded the objective score by nearly three-quarters of a point. There are still no trade associations that represent the interests of media owners and managers; thus, indicator 1 scored the lowest of all the indicators under this objective, lagging behind the objective score by a point.

All of the panelists agreed that to date, there are no serious organizations or associations that represent media owners and managers. "The culture of such coordinated work is not yet shaped, and this is the reason why the media field is so vulnerable," Baghdasaryan said. Although the All-Armenian

"We have felt [the consequences of] that on ourselves," Baghdasaryan said. "Quite recently we had to pay \$800, a very significant amount for a newspaper, to lawyers. Now when you need something like [legal expertise] no one supports you, because as I understood they don't have current grants or that legal counseling is not envisaged in those grants."

Mass Media Association was formed in 2008 to unite media organizations and protect members' rights, the organization has slowly disappeared from view.

Professional associations that work on behalf of journalists exist. However, as most panelists agreed, these are not of a stable character, as they often depend on grants from international organizations. Their activities include training, legal advice, and lobbying efforts.

While there are numerous NGOs that work in cooperation with the media sector to support freedom of speech and media independence, the panelists disagreed as to how effective and consistent this work is. Further, the panelists questioned how heavily reliant the organizations are on grant funds. For example, legal support to journalists or 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 (e.g., 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.

outlets is available only when the NGOs have grants that allow them to engage in specific legal assistance. Otherwise, there is no legal assistance available, and the media have to defend themselves, if they can afford it. "We have felt [the consequences of] that on ourselves," Baghdasaryan said. "Quite recently we had to pay \$800, a very significant amount for a newspaper, to lawyers. Now when you need something like [legal expertise] no one supports you, because as I understood they don't have current grants or that legal counseling is not envisaged in those grants."

The panelists said trainings conducted by NGOs remain invaluable. "IREX and Internews, through their [USAID-funded] projects, were very useful and developed the media field, supporting independent media at a time when it was so necessary," Arevshatyan said. "It was thanks to IREX's media project that I actually started developing my newspaper's reporting through the various trainings, and I wouldn't have been able to afford it myself. Now I send my reporters to trainings as much as possible, whenever there's such an opportunity," Simikyan added. As for local NGOs, they mostly survive through subgrants from international NGOs.

Journalist education remains weak. Over the years, panelists have consistently agreed that programs at private and public institutions are of considerably low quality. There are many degree programs in private institutions, but most of these are of very low quality. The ones in public institutions lack practical training and do not produce high-quality graduates who are prepared to enter the industry. "A fourth-year journalism student at Yerevan State University cannot set up a blog or edit video content," Abrahamyan said. "There are neither specialists nor financial resources. Despite the claims of the faculty that they have specialists, in reality they don't. They still have various specialists left from the Soviet era, and they teach useless disciplines." Institutions usually do not have access to the latest media technologies. Consequently, media outlets have great difficulty absorbing journalism graduates for these reasons. There are exceptions, though: "I constantly have interns from the Caucasus Institute [formerly the Caucasus Media Institute], and out of six interns I usually hire two of those after the end of the internship," Arevshatyan said.

Short-term training opportunities exist but are primarily provided by international organizations and are limited to only a few media professionals. Depending on the length and intensity of the trainings, it is often very difficult for media managers to support staff efforts to participate in professional development opportunities, because small staff sizes maintained by these outlets make coverage for absentees more difficult. "These [short-term trainings] always

yield results, provided that the [trainers] are of high quality," Baghdasaryan said.

There are no evident or direct restrictions on importing or purchasing the materials journalists and media outlets need to produce their work. "This is already a stage that we've overcome," Baghdasaryan said. "However, it still contains some risk in that it might be applied at a future point," Paskevichyan added.

Today, there are enough printing firms that can support decent-quality printing. Most are private, and media critical of the government are able to print their publications and distribute to their readers. Unlike in past years, neither government, nor political parties, nor business interests have pressured national or local media using printing or distribution.

Most broadcasters own their transmitters. However, they do not own the towers, with the exception of some regional stations. The Internet is the least restricted medium in Armenia. Paskevichyan said, however, "This is not due to the government's loyalty but the limited control options." Online media and bloggers are free to choose software and platform options, none of which are not controlled by the state. The allocation of domain names or IP addresses is not a source of pressure for new online media, with the exception, as some panelists noted, of the high price for the national (.am) domain, which costs around \$33. Martirosyan, though, contended that national domains tend to be expensive. He said a reasonable alternative is the .info domain, which you can buy for as low as one dollar.

The country's ICT infrastructure does not meet the needs of the media industry in terms of news dissemination. While media outlets can provide themselves with fast Internet of medium quality, for mass end-users connectivity is still a problem despite the fact that there are many Internet providers in the capital. There are far fewer in the regions, however. Beyond the country's three main telecommunications providers, there are no large ISPs that can provide an acceptable level of consistent-quality Internet for the wider public. Furthermore, speeds are low and inconsistent, but the prices are still quite high. For example, for \$30, a user would receive 8 GB of cumulative uploading and downloading at speeds of up to 3 mbps, which rarely reaches this rate and certainly never during peak hours. This limits the use of streaming video for large audiences. "The market is growing so fast that they [ISPs] are not able to catch up," Martirosyan said. The use of mobile phones for news consumption is minimal and is mostly used by more sophisticated segments of the population, like those in the IT industry, bloggers, and businesspeople.

List of Panel Participants

Shushanik Arevshatyan, director and owner, Radio Van, Yerevan

Anna Satyan, deputy editor-in-chief, *Novoye Vremya*, Yerevan

Gayane Abrahamyan, reporter, Eurasianet.org, Yerevan

Marina Mkhitarian, program manager, Eurasia Partnership Foundation, Yerevan

Tigran Paskevichyan, freelance journalist, Yerevan

Samvel Martirosyan, blogger, kornelij.livejournal.com, Yerevan

Arevhat Amiryan, editor-in-chief, *Vorotan*, Sisian

Davit Yeranossyan, director, Zangak TV, Martouni

Pap Hayrapetyan, editor-in-chief, Sevan Newspaper, Sevan

Haykaz Simikyan, owner, Sim Publishing House and *Vanadzoryan*, Vanadzor

Artyom Yerkanyan, journalist, PanArmenian.net and Shant TV, Yerevan

Edik Baghdasaryan, journalist; president of the Armenian Association of Investigative Journalists, Yerevan

Moderator and Author

Artashes Parsadanyan, independent media consultant, Yerevan

The panel discussion was convened on December 3, 2010.

With more Azeris embracing social media, such as Facebook, YouTube, and Twitter, they actively used these channels to comment on the campaign and share information—boosted by several young parliamentary candidates who used new media heavily to reach their audiences.



AZERBAIJAN

FFor the first time in years, only one journalist is in prison in Azerbaijan. Though the Azerbaijani Supreme Court ruled to uphold the Strasbourg-based European Court of Human Rights decision to release editor Eynulla Fatullayev immediately, he remains in jail. Media freedom remains a critical issue—attacks on journalists are common, and perpetrators are not punished.

Defamation is still a criminal offence, and 2010 saw further worsening of legal and social defense of free speech. In February, the Azerbaijani parliament approved amendments to five existing media laws, including banning journalists from filming, recording, and photographing without permission—a move media activists characterized as “a further blow to information gathering.”

Pro-government Lider TV stirred up public outrage when, in a flagrant breach of privacy, it broadcast a video clip showing an opposition newspaper official in an explicit sexual act two weeks prior to the November 8 parliamentary elections. Widely believed to be an attempt by the government to discredit the opposition ahead of elections, the National Television and Radio Council (NTRC) was pressed to look into the matter, but took no action.

Other problems that have long plagued the Azeri media persist. The allotment of broadcast media licenses, for example, remains a strictly political affair, although print media enjoy greater freedom. Despite an increase in ambitious, quality media, fair and objective reporting remains rare. Restricted access to information compounds the problem. Despite a law that envisions equal rights for public and independent media, representatives of independent media are routinely refused accreditation for state events.

In an apparent gesture to win media sympathy, the government handed out generous awards and gifts to about 100 senior journalists on National Press Day in 2010. The state allocated AZN 2 million (\$2.5 million) to the newly created State Council for Support of Media, regarded by some as an attempt to silence critical media. A few independent outlets and journalists, however, opted to not participate; one journalist returned his award in protest.

After last year’s ordeal with the arrest of two bloggers, Azerbaijan’s blogosphere grew in 2010—a rise partly attributed to interest in the media surrounding the parliamentary elections. With more Azeris embracing social media, such as Facebook, YouTube, and Twitter, they actively used these channels to comment on the campaign and share information—boosted by several young parliamentary candidates who used new media heavily to reach their audiences. However, bloggers are still not perceived as journalists and do not participate in press briefings.

AZERBAIJAN AT A GLANCE

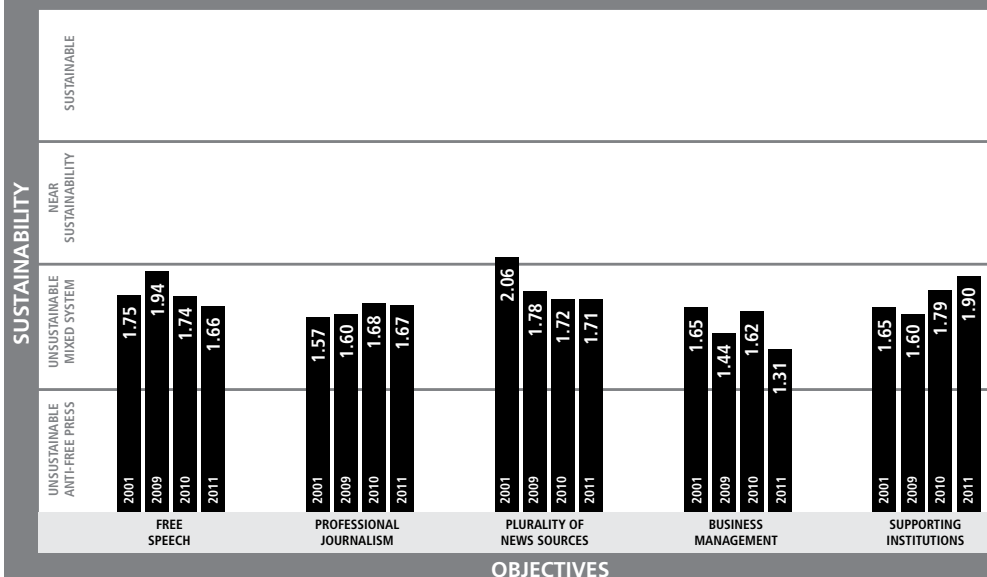
GENERAL

- > **Population:** 8,372,373 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Baku
- > **Ethnic groups (% of population):** Azeri 90.6%, Dagestani 2.2%, Russian 1.8%, Armenian 1.5%, other 3.9% (1999 census)
- > **Religions (% of population):** Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% (1995 est., *CIA World Factbook*)
- > **Languages (% of population):** Azerbaijani (Azeri) 90.3%, Lezgi 2.2%, Russian 1.8%, Armenian 1.5%, other 3.3%, unspecified 1% (1999 census, *CIA World Factbook*)
- > **GNI (2009-Atlas):** \$42.53 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$9,020 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 98.8% (male 99.5%, female 98.2%) (1999 census, *CIA World Factbook*)
- > **President or top authority:** President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 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 publication is the opposition newspaper *Yeni Musavat*
- > **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); Azertac (state-owned)
- > **Annual advertising revenue in media sector:** Newspaper: approximately \$1,000,000; Television: approximately \$30-\$40 million (figures are not publically released)
- > **Internet usage:** 2.42 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 1.66

The score for freedom of speech in Azerbaijan remained nearly the same as in 2010, with the slight decrease resulting from somewhat lower scores for indicator 3 (market entry). A somewhat higher score for indicator 8 (media use of local and international news sources) was not enough to offset indicator 3's poorer score. Most indicators scored close to the objective score, although indicator 2 (media licensing) scored more than a half-point behind, while indicator 8 and indicator 9 (free entry into the journalism profession) outperformed the objective score by nearly a point-and-a-half and more than half a point, respectively.

Since 1995, the Azerbaijan Constitution has guaranteed free speech, thought, media and other basic human rights. One article states explicitly: "Everyone is free to look for, acquire, transfer, prepare, and distribute information," and "Freedom of mass media is guaranteed." Three years later, in 1998 President Aliyev abolished all censorship of mass media. Yet these legislative efforts have not been upheld and, panelists agreed, this held true in 2010.

2010 saw worsening legal and social protections of free speech. Amendments to the constitution came into effect in

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Panelists discussed the use of tax authorities as a tool to punish media critical of the government. Fatullayev, the editor-in-chief of the opposition newspaper Realniy Azerbaijan, mentioned above, is currently serving multiple prison sentences, the first of which is for allegedly violating the tax code.

spring 2010 following a 2009 referendum. A number of media laws changed to bring free-speech protections into accord with the constitution. Thus in early February, the Azerbaijani parliament approved amendments to five already existing media laws. Media activists characterized these changes as a further blow to information gathering—particularly an amendment banning journalists from filming, recording, and photographing without permission. The provision fell short of identifying an exception for public officials. The only exceptions to the law are cases when there is a search warrant issued by law enforcement.

Media lawyer Alasgar Mammadli believes an environment exists where issues of public importance can be covered up easily in the name of privacy. This is, in and of itself, a violation of law, but it also restricts media freedoms guaranteed by the constitution. It complicates efforts by journalists sued for reporting on transgressions by public officials to provide evidence, as they are not allowed to film and record events without approval.

According to journalist Farid Gahramanli, the worst-case scenario is coming true. "In summer 2010, two young journalists were detained while trying to take pictures in Shuvelan. They were doing a story on luxury properties owned by government officials. Both journalists were arrested for violating privacy."

While panelists agreed that Azerbaijan's constitution meets European standards, the implementation is lacking. According to blogger Natig Jafarli, Azeri officials use the privacy card to cover up personal issues, while violating the same standards to punish political adversaries. The broadcast of a sex video of opposition newspaper leader Azer Ahmadov illustrates this double standard. Pro-government Lider TV broadcast the clip, and it was also available on social media networks. Media activists believe the government ordered the airing of the clip, in an attempt to discredit a political opponent and win support for the ruling party.

Qahramanli said that cabinet ministers, who are supposed to be an example, are particularly “stingy” when releasing public information.

The public was outraged. According to Elchin Shikhlinski, editor-in-chief of *Zerkalo* and *Ayna*, the incident proved that “The law was not written for everyone. If this video was broadcast on an independent television channel, that channel would have already been closed, and its heads would be behind bars. Yet, nothing happened in this case. The NTRC should have imposed sanctions, and closed the channel at least temporarily.”

In another step back for legal protection of free speech, the Azerbaijani parliament adopted a change to the Law on Information, placing responsibility for freedom of the press in the hands of the ombudsman on human rights, Elmira Suleymanova—rather than establishing an institute of the Representative on Freedom of the Media, as envisioned in the 2005 Law on Access to Information. The president’s office submitted a draft bill altering this provision.

Media rights activists protested dropping the media ombudsman provision, and stressed that creation of such an institution is an important, unfulfilled obligation for a country in which journalists are subjected to pressure, persecution, and arrests. Many journalists feel the decision is doomed to failure, as the human rights ombudsman lacks expertise on media. Gahramanli emphasized that an effective media freedom ombudsman must know the media.

Licensing of broadcast media remains unfair and strictly political, according to the panelists, in stark contrast with the print media—which the panel characterized as “very liberal.” 2010 saw further tightening of the Law on Broadcast Media. One amendment provides for closure of a television station for three regulatory infringements in two years, whereas earlier it was three regulatory infringements per year. This increased pressure on independent television stations, especially for those that use live broadcasts. In Mammadli’s view, the toughness was intended to increase the dependence of broadcasters on the government. One outlet, the independent ANS TV, was not allowed to broadcast election coverage.

State-run AzTV acquired a third broadcast license in 2010 for Medeniyyet (Culture) TV channel, an apparent violation of anti-monopoly provisions under the Law on Broadcast Media. According to the law, one broadcaster cannot hold a license for more than two television and three radio

channels. Azerbaijan Television and Radio Corporation already holds licenses for AzTV and Idman (Sports) channels. Mammadli argued that this puts AzTV in a position where no independent television channel can compete.

In contrast with television, print media continued to enjoy good start-up conditions. Panel participants said that market entry and tax regulations for print media are fair and, in fact, more favorable than in other industries. Newspapers, for example, are exempt from 18 percent taxes for purchase of imported newsprint. “There are no obstacles for starting newspapers. Anyone with AZN 50 (\$63) in his or her pocket can start up a newspaper in Azerbaijan,” said Shikhlinski. However, Aytekin Alkhasli, an ANS TV and Radio reporter from the Gusar region, considered that market entry conditions are somewhat inferior in the provinces: “I have seen people who abandoned starting a newspaper under pressure from various interests.”

Panelists discussed the use of tax authorities as a tool to punish media critical of the government. Fatullayev, the editor-in-chief of the opposition newspaper *Realniy Azerbaijan*, mentioned above, is currently serving multiple prison sentences, the first of which is for allegedly violating the tax code. Jafarli said due to the complexity of the existing code, it could be used unfairly to find irregularities and suspend or close a media outlet. In 2010, independent ANS TV and Radio was subject of major tax inspection just after the parliamentary elections in which ANS TV reported vote rigging.

Crimes against journalists are poorly investigated, and perpetrators of such crimes are punished only in a few instances. Gahramanli points to this as one of sad statistics of Azerbaijan: “With only two or three crimes against journalists successfully resolved over the past seven years, there is an atmosphere of impunity.”

According to Media Rights Institute, in 2010 there were 106 reported acts of violence against journalists. Journalists assigned to Nakhchevan Autonomous Republic, as well as those affiliated with pro-opposition *Azadlig* and *Yeni Musavat* newspapers and U.S.-funded Radio Free Europe/Radio Liberty were often targets.

More than ten lawsuits were filed regarding attacks on media. Court rulings, however, often fail to find attackers guilty, or punishments are not commensurate with the crimes committed. For example, a court found the attacker of Salamnews agency reporter Zulfigar Kheyirkheber guilty of hooliganism, but he was sentenced to a couple days of labor. To draw a parallel, the two bloggers Emin Milli and Adnan Hajizade were also found guilty of hooliganism in 2009, but the sentence was two years imprisonment. The editor-in-chief

of *Azadlig*, Ganimat Zahid, was jailed for hooliganism and received an even harsher sentence—four years in prison.

Irada Tunjay, editor-in-chief of the pro-government *Edalet*, believes the number of claimed crimes against journalists is over-estimated as most beatings, assaults, and other violence occurs when so-called “racketeer journalists” try to blackmail innocent people. She says racketeer journalism is a crime and should be dealt with accordingly. “When they cannot get what they want, they end up beaten up,” Tunjay said.

In some cases, journalists and editors attempt to defend their rights. Shikhilinski said that he acted upon information that his reporter was threatened and succeeded. “I had a reporter who was writing about houses being destroyed on Fizuli Street. For two months, he had been receiving threatening phone calls. We appealed to the police and the calls instantly stopped.”

Alkhasli, who was deported from Nakhchevan a couple of years ago for her reporting, said she has been trying to resolve conflicts on her own, without seeking help of law enforcement. “I try to explain and provide as much information as possible that there are laws that should be taken seriously.”

Gahramanli shared his view that plurality at state-financed public media outlets should be guaranteed by law, as mandated European public television. “I think there should be some kind of mechanism of public control over the public media outlets so that they serve interests of the greater public,” he suggested. Mammadli stressed that such a mechanism of control is desperately needed for the state-run AzTV television. “This year, AzTV received 30 million AZN (\$37.5 million) from the state budget, and it is not obliged to submit any kind of accounting. There is a provision on accountability for private television companies in the media law, but AzTV does not regard itself as a private entity and does not declare anything.”

Libel remains a criminal offense in Azerbaijan despite campaigns by media rights activists to change it. In 2010, 36 libel suits were filed against journalists, but none resulted in journalists being arrested. In 2010, two media NGOs submitted draft bills on libel and defamation to parliament. None had been adopted at year’s end. In her December interview with 1news agency, Rabiyyat Aslanova, chair of the parliament’s Committee for Human Rights, said that the Law on Libel would be adopted only when journalists in Azerbaijan prove ethical. “Only when Azerbaijani journalists become responsible for what they write and comply with high journalistic principles, we will agree to adopt this bill,” said Aslanova.

Tunjay provided her view, in line with the government position, that the Azerbaijani public is not ready for abolishing criminal punishments for libel: “If defamation is no longer a crime, no one will be able to stop them. There will be no means left, but to kill a liar.” Countering this position, Shikhlinksy recalled a similar line of reasoning when Azerbaijan debated abolishing the death penalty in 1998. “We did not return to the 18th century despite [opponents’] warnings. There are no mass murderers around us.”

Problems persist regarding access to public information. Despite a legal requirement to provide information within days, press inquiries are often delayed or in some instances completely ignored. Qahramanli said that cabinet ministers, who are supposed to be an example, are particularly “stingy” when releasing public information. According to one journalists’ survey conducted by Women’s Media Watch, the Ministry of Taxes, Ministry of Ecology and Environment, and Ministry of Foreign Affairs are the most effective providers of information, whereas the Ministry of Defense does not even have a website.

High-level government meetings and visits are typically attended by only a small number of government-affiliated media, namely the official Azertag news agency and state-run AzTV. All other media rely on those agencies’ often-biased coverage, according to the panelists.

For the first time, the panelists commented, the mood during the parliamentary election season could be felt in both traditional and new media spheres. While interest is clearly growing in blogs, bloggers still have a difficult time gaining access to information; they are not given the same rights as journalists in participating in press briefings and events. Social media users actively commented on the ongoing campaign, sharing links to often-ridiculous videos of candidates’ television appearances. It was also interesting to see several young parliamentary candidates use all the advantages of new media to get out their campaign messages—although the majority of candidates still rely on paid television appearances and newspaper articles for their election coverage.

According to Socialbakers.com, in 2010 the number of Facebook users in Azerbaijan reached 279,000, a 6 percent increase over the previous year. Azerbaijan was rated 94th in the Facebook users chart worldwide. Even Azerbaijani President Ilham Aliyev opened Facebook and Twitter accounts.

Access to international news sources is practically limitless. Media outlets can easily access local and foreign news sources. Over the period of study, no foreign media outlets were closed, filtered, or in any way restricted, according to the

It is an endless cycle: media criticize officials for poor access to information; government officials accuse journalists of lacking ethics and professionalism.

panelists. When Wikileaks released a series of U.S. diplomatic cables critical of the Azerbaijani government, there were no restrictions on reading, distributing, or reprinting the reports. Several newspapers translated and reprinted the cables in their entirety. One newspaper ridiculed companies holding U.S. government contracts that banned their employees from reading Wikileaks cables in their workplaces.

Becoming a journalist is free and there are no licenses required—although some senior journalists argued that the field needs a filter of some sort to improve professionalism. However, as noted above, the government does not grant full access to coverage of its activities, rather it chooses which journalists may do so.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.67

Objective 2 scored nearly identically to last year, with only indicator 5 (pay levels for journalists) losing ground. Indicator 7 (modern and efficient equipment and facilities) scored slightly more than half a point higher than the objective score, the only indicator to differ from the objective score by that magnitude.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Despite an increase in the number of ambitious quality media, fair and objective reporting is sparse in the eyes of the panelists. Barriers to accessing information add to the severity of the problem.

It is an endless cycle: media criticize officials for poor access to information; government officials accuse journalists of lacking ethics and professionalism. At the request of the government, international organizations have increased their efforts to provide training opportunities for journalists and editors. However, these efforts failed to address the core problem with the media: many are propaganda tools and the founders of most of the newspapers care little about professionalism.

All media in Azerbaijan share a basic journalism code, meant to encompass ethics. Women's Media Watch campaigned to urge all media outlets to develop their own guidebooks for journalists. The campaign gained momentum in 2010 under the auspices of OSCE and the Press Council. Nonetheless, many media heads remain unconvinced of the need for individual guidebooks for their journalists. ANS TV has long had such a guidebook, similar to the BBC's Producer's Guidebook, which is updated regularly and mandatory reading for all employees.

Given their concerns that entry into the journalism profession is perhaps too free, some senior journalists suggest a filtering mechanism to improve the overall professionalism of the field. Shikhlinski thinks that the liberal process of registration of newspapers made it too easy for non-professionals to work in the media. "Anyone can establish his or her own newspaper, which makes it dangerous," said Shikhlinski. He considers a new regulation requiring editors to hold a university diploma inadequate. Tunjay believes filters to keep "the gates closed for non-professionals" would contribute to professionalism in media. "Yes, the state created conditions for freedom of registration, but it did not say go and turn it into a prison," she said.

Although censorship was officially abolished years ago, journalists admitted to self-censorship to protect themselves against attacks, lawsuits, and arrests. *Azadlig's* editor, Rovshan Mammadov, recalled the Soviet years when whole pages could be printed blank and people knew it was censored, but now pages are printed in full and readers do not realize the censorship, because authors censored themselves.

In an atmosphere of impunity for the attacks on journalists, many media heads warn their journalists to protect themselves. Consequently, articles miss important details and lack in-depth investigation and thorough analysis. "In the past, there were four layers of censorship in place [as sensitive articles had to be approved by the KGB, Ministry of Defense, the Communist Party, and the Information Department], and yet I was optimistic," said Shikhlinski, concluding, "Today, there is no censorship yet I think we are regressing."

Considering whether journalists cover key events or issues, panelists felt the media neglected to pick up some important events. For example, in the wake of flooding in central Sabirabad region, several protests took place that television channels essentially ignored. However, social media stepped into the void, sharing videos and images from the residents' protests in the flooded province.

Pay levels for journalists differ depending on employers. Generally speaking, however, journalists are not paid well in Azerbaijan. Independent and opposition media remain poor, as they struggle to secure advertising. In government-affiliated newspapers, the government guarantees subscriptions, which covers some expenses. In addition to their formal salaries, government-affiliated journalists are also paid in what are known as "envelopes," a monthly under-the-table subsidy.

The Azeri public vigorously debated the growing number of entertainment programs on television, spurred by an op-ed by Ramiz Mehtiyev, head of the president's administration, published in *Azerbaijan*. Following the article, many television channels changed programming policies, dropping or altering popular shows. However, according to head of NTRC, Nurshirevan Meherremli, these changes were not sufficient to address the problem.

In 2010, a new, much-criticized trend arose of shows that included live marriages. ATV's *Onun Yarisi (His/Her Soulmate)* and ANS TV's *Toy Olsun (Let There Be a Wedding)* set television rating records, hitting 30 to 35 percent shares. These live shows that found spouses for singles and married them during live broadcasts were seen as counter to national traditions and ethics and were harshly criticized. "A mother asking for a fiancé for her daughter and herself is not something to be shown on TV," wrote *Azadlig*. Amid harsh public criticism in the end of December, ATV dropped its popular *Onun Yarisi*, but ANS kept *Toy Olsun* and continued to enjoy record ratings.

By the end of 2010, ATV channel underwent radical changes, as an official within the president's office reportedly dismissed its leadership. *Yeni Musavat* reported that the official's wife was expected to assume leadership of the entertainment channel. What triggered reforms at ATV no one knows for certain, but rumor has it that it has to do with an interruption during the president's New Year's address to the nation.

Technical facilities and equipment used by media vary by media type and individual outlet. Azerbaijan Publishing House (formerly state-owned), which prints the majority of newspapers, upgraded its printing equipment, which improved cost efficiencies. Several newspapers switched from black-and-white to color, including *Azerbaijan*, *Khalg Gazeti*, *Zerkalo*, *Kaspiy*, and others.

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At the end of 2010, preparations were underway to launch a new Internet television channel called YURD Television. The architect of YURD TV, Elnur Baimov, is the entrepreneur behind Day.az, News.az and other successful media projects. In his interview with 1news, Baimov said that YURD TV will offer high-definition quality to the whole region. It was not clear how the Azeri audience would benefit from the high-definition Internet project, since more than 90 percent of Azerbaijan's Internet users still use dial-up, according to Osman Gunduz, president of Internet Forum. The panelist said it is believed that the government-backed YURD TV is intended to counter the U.S.-financed independent Objective TV Internet project.

Among television channels, the panelists said that ANS, Public Television, and, to some extent, Khazar TV are seen as offering quality niche reporting. Among newspapers, *Zerkalo*, *Yeni Musavat*, and *Azadlig* are considered the most popular for their niche reporting on politics, while *Zerkalo* is also known for its quality coverage of economic issues. *Ekho* stands out for its foreign affairs coverage.

Investigative reporting remained problematic in Azerbaijan. Although media restrictions make it a risky business, financial difficulties also contribute to the problem. Many reporters were expected to file one-to-two reports daily, and therefore could not engage in in-depth investigation.

Among television channels, ANS, Public Television, and, to some extent, Khazar TV are seen as offering quality niche reporting. Among newspapers, *Zerkalo*, *Ekho*, *Yeni Musavat* and *Azadlig* are considered the most popular for their niche reporting.

Investigative reporting remains risky because of obstacles to media freedom—but financial difficulties also contribute to the problem. Many reporters are expected to file one-to-two reports daily, and therefore cannot engage in in-depth investigations.

“There is no uncertainty as to who owns ANS,” said Mammadli. “But if you make a request regarding who is behind Space TV, you will not learn the true owner.”

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.71

Objective 3 also scored nearly identically to last year. Improvement in indicator 2 (citizen access to media) improved, but this was offset by losses in indicator 4 (news agencies) and 6 (transparency of ownership). Indicator 2 was the only indicator to score more than half a point higher than the objective score, while indicator 3 (state media are non-partisan) was the only one to lag behind by more than half a point.

With around 4,200 media outlets and 50 news agencies registered with the Ministry of Justice, there is an abundance of choice for Azeri citizens, and it is possible to find different viewpoints among the various channels and publications.

According to the panelists, the independent media do try to offer all sides to a story, whenever possible. When a reporter writes, “Information could not be independently confirmed,” or “we were not able to get a reaction,” it often indicates

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) exists 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 non-partisan, 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.

that requests were ignored. However, with the exception of a couple of independent media outlets, many outlets are biased in one direction or another, choosing stories to fit their political agenda, sometimes with distortion.

The state has plenty of leverage to influence the reporting of independent outlets. According to Elchin Shikhlinsky, this might include withdrawal or interruption of advertising, creating problems with tax authorities, or newspaper sales that suddenly dry up. In other cases, journalists’ relatives who work for the state might find themselves in trouble.

In contrast to pressure on independent media, panelists unilaterally agreed that access to domestic and international news remains practically flawless. There were no reports that access to a local or foreign media outlet was closed, filtered or somehow restricted. When Wikileaks released a series of cables criticizing the Azeri government, there were no restrictions to read, distribute, or reprint these reports. Websites of news outlets that originally printed these cables, such as the UK’s Guardian newspaper or local *Yeni Musavat*, which translated and reprinted the cables in their entirety, could easily be accessed throughout the period. Furthermore, critical YouTube videos, which many Azeris find offensive, are accessible without obstacle. Users of social media, such as Facebook, Twitter, and others also enjoyed unrestricted freedom.

However, in 2009 the government withdrew licenses for foreign broadcasters such as Radio Free Europe, leaving the Internet as the only way for Azeris to access these news sources.

Following critical media reports and public debates, the Ministry of Communications and Information Technologies successfully lowered Internet tariffs, helping more people afford Internet access in 2010. However, Internet users indicated that while tariffs were cut nearly in half compared to previous years, providers cut corners on quality.

Public news sources remain largely under the control of the government and cannot offer objective information, said the panelists. Editor-in-chief of the state-owned *Azerbaijan*, Bakhtiyar Sadikhov, argued at a group discussion at Women’s Media Watch that the newspaper’s status stipulates that it can only print information that reflects the views of the government and ruling elite. The official Azertac news agency also is used to advance political interests of the government: its daily news bulletins, offered in several languages, chronicle only official events.

It is true in the case of state-financed AzTV television as well. The television channel is used as the government’s propaganda tool, exclusively reflecting views of the political elite. It sees its mission in airing programs that showcase

effective management of the country—lengthy coverage of officials’ visits to regions, openings of new ventures, residents praising the leaders—anything that strengthens the impression that the country is in good hands. Political opposition leaders could only be seen on ANS or ITV Public Television and only on rare occasions. AzTV maintains a blacklist of people or organizations it cannot show or interview—including human rights activists, political opposition members, and intellectuals who expresses critical views.

There are plenty of news agencies in Azerbaijan gathering and distributing news, such as Turan, Trend, APA, Day.Az and 1news.az, but the problem is their quality, not quantity. Political affiliation influences the quality of their services. Pro-government media rely mostly on news offered by official Azertac and semi-official APA, Trend, and 1news agencies, while Turan’s reports are only seen in independent and opposition-affiliated newspapers.

All broadcast media outlets produce their own news programs. ANS remains a leader for its news programs. Its 9 p.m. *Kheberchi* news program enjoys the highest viewer ratings, and its weekly analytical program *Hesabat (Report)* is also popular. *Ich Kheber (Inner News)* program offers social reports based on complaints from viewers. However, some viewers feel that ANS compromised its independence after its 18-day closure by the government four years ago. Among the government circles, ANS is still perceived as an opposition channel, and is accordingly wary. The latest manifestation of apparent pressure on ANS was an instant, large-scale, company-wide tax inspection, launched in a matter of days after the November 8 parliamentary elections.

Government-backed Khazar Television continues to build up its popularity. Led by a Turkish entrepreneur, its Turkish-style presentation of news, accompanied by music and graphics, seems to appeal to viewers. Khazar’s somewhat excessive criminal news coverage (also accompanied by music) is known to contribute to its popularity.

Another pro-government station, Lider TV, has significantly decreased its news production, dropping its 9 p.m. news program altogether. Meanwhile, the public television station ITV, commended for its cultural programs on national traditions and public figures, fails to offer quality news programming.

Transparency of media ownership remains problematic. Among commercial television stations, only ANS TV’s founding ownership is laid out on its website. “There is no uncertainty as to who owns ANS,” said Mammadli. “But if you make a request regarding who is behind Space TV, you will not learn the true owner.” The panelists pointed

Gender imbalance in the media management has affected coverage of gender-related issues, such as women’s rights, health, abortion, career opportunities for women, etc. Several news groups campaign for gender balance in the leadership of news outlets.

to developments related to the commercial ATV station to prove that real owners do not feel obliged to come forward and release information about its recent change in ownership. Rare press reports on ATV’s ownership are based on eyewitness accounts from staff and assumptions. ATV has released no official information.

Several newspapers are published in the languages of ethnic minorities. Alkhasli, based in Gusar, where the Lezgyn minority lives, said that she does not encounter problems while reporting on ethnic minorities, mostly because journalists are trained to be considerate on sensitive issues. “For instance, there was an incident in Gusar, when a man of Lezgyn origin raped an Azeri woman. I was told not to mention the attacker’s national identity.”

Due to Azerbaijan’s secular status, journalists are also trained to work carefully around foreign religious influences, such as Wahhabis and others, to avoid advancing their missionary interests. Gender imbalance in the media management has affected coverage of gender-related issues, such as women’s rights, health, abortion, career opportunities for women, etc. Several news groups campaign for gender balance in the leadership of news outlets.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 1.31

Objective 4 lost ground due to lower evaluations by the panelists of indicator 5 (government intervention in the media market), indicator 6 (market research) and indicator 7 (audience and circulation statistics). All indicators scored within half a point of the objective score.

“There is no market for media outlets to operate as profit-generating businesses,” summarized Shikhliniski. In his view, in the absence of a market-oriented economy and lack of advertising revenues media organizations cannot survive and thrive. Therefore, only media outlets that get some kind of external subsidy survive, with a few lucky exceptions,

Advertising by and large bypasses the independent and pro-opposition media. With few exceptions—like Azercell, the mobile communications giant—private businesses do not place their advertisements in pro-opposition media, fearing pressure from the government.

including *Zerkalo*. But even *Zerkalo* experiences difficulties whenever it challenges the accepted boundaries of media freedom. Shikhliniski believes that the fact newspapers cannot sustain and flourish financially ultimately affects the prestige of journalism as a profession. As a result, those who fail elsewhere land involuntarily in journalism, a profession widely believed to not promise a prosperous future.

Selective advertising placement remains a major reason for the poor business performance of media outlets. Advertising by and large bypasses the independent and pro-opposition media. With few exceptions—like Azercell, the mobile communications giant—private businesses do not place their advertisements in pro-opposition media, fearing pressure from the government. In 2010, the Press Council offered to adopt a Turkish model where all state advertising is equally divided among newspapers meeting certain criteria. It remains unclear how this model would be effective in Azerbaijan. Government pressure on private entrepreneurs, who provide the lion's share of advertising, would not end in the opinion of the panelists.

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 television, ANS TV and to some extent Public TV are the only television stations that practice legitimate accounting, registering their profits from their advertising. According to advertisers, in other television stations there is not much paperwork involved to document financial operations, allowing the bulk of income to go undeclared. It allows these outlets to offer generous reductions, bartering, and other forms of financial flexibility. ANS TV's advertising rates are the highest, but so is its transparency.

According to the law on mass media, advertising in television should not exceed 15 minutes per hour of airtime. In newspapers advertising may not exceed 40 percent of column-space. In practice, however, few print media are able to exceed 30 percent and independent newspapers struggle to reach 10 percent. The major opposition newspaper *Azadlig* is struggling to survive in a near-total absence of advertising. In contrast, *Azerbaijan* not only receives government subsidies, but on holidays, its pages are full of paid greetings by private enterprises. No businesses place holiday greetings in the widely read *Azadlig*. *Azerbaijan* also receives a large share of advertising from funeral announcements and condolence notes; it is seen as prestigious to place condolences in the newspaper read by decision-makers.

Since 2005, each of 30 newspapers receives AZN 2,000 (\$2,500) in state assistance. In 2008 the government gave 38 newspapers AZN 5,000 (\$6,250) each. In 2009 this sum was doubled, and each of 38 newspapers and news agencies, including opposition-affiliated ones, received AZN 10,000 (\$12,500). The government's subsidy was widely welcome by its recipients, but Shikhkinski holds that the subsidies seriously affect newspapers' credibility and ability to criticize.

Created in 2009 by presidential decree, many welcomed the State Foundation to Support Media as an opportunity to help struggling media benefit from gigantic oil benefits. In 2010, the Foundation conducted a number of grant tenders and writing competitions with generous cash awards. On the occasion of 135th anniversary of the creation of Azerbaijani media, the government called upon the media community for award nominations. Most media outlets and NGOs submitted nominations, signed by their own employees, nominating heads of their organizations for awards. One of the few exceptions was the Russian-language *Ekho*, which, instead of its head, nominated its deputy editor-in-chief instead.

Only a few independent media refrained from applying for awards and gifts. Nearly all those suggestions were approved and over 100 editors-in-chief and senior reporters received awards, medals, cash and gifts. The ceremony, held by Ramiz Mehtiyev, head of the president's administration, further announced that the president signed a decree designating money go to the State Council for Support of Media to construct a residential complex for journalists.

However, some feel that the Foundation is doing a disservice to the media in Azerbaijan. Once an enthusiastic supporter, Shikhlinski acknowledges that it is not what it was originally intended to be: “We created this Foundation with good intentions. But look what is happening today. All it does is to give out money—to newspapers that are dead already. In the absence of working economic mechanisms—with no market, no advertising—these papers will die again.”

Shikhlinski considers that, instead, the Foundation should focus on projects of strategic importance to aid media. One such project could be reforming the distribution systems. “Take Gazakh, there are 78,000 people living in this region, and not a single newspaper kiosk. You bring them an eggplant wrapped in newspaper and people start to read it to see what’s happening in the world. I was born and grew up in Baki Soveti area of Baku. There used to be seven or eight kiosks in this area. You won’t find a single one today,” he said

Market research by media outlets is sporadic. Newspapers have ideas about their readership based on perception rather than research. Television networks have more information about their ratings. To attract more advertising, television stations routinely follow the ratings produced by AGB/Nielson, an international rating service.

Television managers, however, have some reservations about the objectivity of ratings. They believe the ratings are altered to divert attention from news and current-affairs programs in favor of entertainment shows. This, they believe, is especially true in the run-up to elections. Television ratings are hotly debated by various public groups—from parliamentarians to musicians, and other art figures. Panelists felt the race for television ratings produces a drop in quality, a reduction in education programs, and a rise in the already mentioned entertainment shows.

As an example of public debate around ratings, Member of Parliament Azay Quliyev has stated publicly that foreign-owned AGB/Nielsen chooses 400 families from the lowest rungs of the social ladder in order to denigrate the Azerbaijani public. It is likely that this was wishful thinking on his part, however, as experience around the world has shown the popularity of programming eschewed by the elite. Various groups campaigned to stop television channels from “profiting at the expense of public morale” to no effect.

The only television channel that ignores audience ratings is AzTV, the state-financed station that receives millions of manats in subsidies from the state, regardless of ratings or performance. All the remaining five national television channels depend to various extents on ratings to support revenues.

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OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.90

Objective 5’s score improved modestly this year as a result of better scores in indicator 1 (trade associations) and 6 (access to media equipment and printing). Indicator 3 (NGOs) exceeded the objective score by about half a point, the only indicator to score much differently than the objective scored.

Just like the media itself, professional associations and other supporting institutions are also polarized. Some panelists said that the journalists’ trade union head sounds more like a party apparatchik than a media-rights advocate. Those

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 (e.g., 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.

Another marginally independent media rights organization, the Azerbaijani Committee for the Protection of Journalists (not affiliated with the New York-based Committee to Protect Journalists, which criticized this award), went so far as to identify President Ilham Aliyev winner of its “Friend of the Media” Award.

trade associations willing to help have very little power to improve protections for journalists. To date, there are no real publishers’ or online media associations.

Another marginally independent media rights organization, the Azerbaijani Committee for the Protection of Journalists (not affiliated with the New York-based Committee to Protect Journalists, which criticized this award), went so far as to identify President Ilham Aliyev winner of its “Friend of the Media” Award. The announcement and a glamorous presentation ceremony took place while Editor-in-chief Eynulla Fatullayev sat in prison, despite a ruling of the European Court of Human Rights ordering his immediate release. The head of the committee, Aflatun Amasev, who is also chair of the Press Council, thanked the government leadership for efforts to protect and develop Azerbaijani media. Opposition leader Isa Gambar, a previous winner of the award himself, publicly gave his award away in a sign of protest.

Several professional organizations are active, but possess little power to change the media predicament. The Journalists Union, active since Soviet times, is the largest journalists’ organization. According to Shikhliniski, the organization’s chair, the organization will survive only if its members pay their dues. A common perception that NGOs are incapable of drastically changing the situation affected the credibility of journalism associations.

Another body, the Press Council, bills itself as a regulatory body able to bring opposing sides to reconciliation and its fight against “blackmail media” continued in 2010.

However, the Press Council is not perceived as independent of the government.

Considering the quality of education available to journalism students, the panelists said that universities favor theoretical over practical knowledge. Baku State University and Slavic University do have in-house television and radio studios, however. In addition, in 2010, the State Foundation to Support Media organized meetings of heads of media with leading journalism students to foster internships. ANS TV offers the U.S.-Azerbaijan Journalism Academy jointly with the U.S. Embassy that provides for three-month courses to broadcast journalists. AzTV also has its own program, the Television and Radio Academy, for its entry-level journalists.

Azerbaijan Printing House remains the most used printing facility. Despite a number of new private print companies, the once state-owned Azerbaijan remains the cheapest. However, several opposition dailies, including *Yen Musavat*, have begun to rely on Chap Evi Publishing House, following a series of obstructions from Azerbaijan.

Media distribution remains restricted and politically driven. There is no reliable delivery of newspapers to the regions. The pro-government Azermetbuatayim company delivers government newspapers only. Even in Baku, the capital city, there is a selective distribution of independent and opposition newspapers. For instance, in the past the chief of the Baku subway system banned sales of opposition newspapers in stations, based on his own political inclinations. The government has likewise directly interfered with distribution in the past, confiscating news kiosks of the privately held Qaya distribution company. These kiosks have not been returned despite a 2005 presidential decree ordering their restoration.

Regarding Internet services, state-run Delta Telecom held onto its grip as a monopoly, and provided services to over thirty local Internet providers. Amid growing public dissatisfaction over Internet quality, in the spring of 2010, the government and Delta Telecom offered to introduce licensing regulations for secondary providers—a move that was criticized by independent experts and dismissed as a measure intended to pressure independent providers.

List of Panel Participants

Irada Tunjay, editor-in-chief, *Adalet*, Baku

Farid Qahramanov, reporter, Turan News Agency, Baku

Aytekin Alkhasli, reporter, ANS TV and Radio, Gusar

Natig Jaffarli, blogger, Baku

Tarana Tarverdiyeva, media expert, Women's Media Watch
Azerbaijan, Baku

Elchin Shikhlinki, editor-in-chief, *Zerkalo* and *Ayna*, Baku

Asad Yagubzade, representative Press Council, Baku

Alasgar Mammadli media lawyer, IREX, Baku

Tahir Mammadov, head, Public Relations Department, Public
TV and Radio, Baku

Moderator and Author

Sevinc Osmanqizi, chairwoman, Women's Media Watch
Azerbaijan, Baku

*The Azerbaijan study was coordinated by, and conducted in
partnership with, Women's Media Watch, Baku. The panel
discussion was convened on January 11, 2011.*

A handful of non-mainstream outlets consistently offer professional, balanced, and in-depth reporting, but these are accessible only to avid and educated news consumers.



GEORGIA

Georgian viewers were transfixed by a harrowing account of an invasion and siege when they tuned to Imedi television on the night of March 13, 2010. A visibly shaken news anchor told the dismayed audience that the Russian army attacked their country, killed the president, and engaged the population in violent clashes around the capital city. The footage showed explosions, columns of tanks rumbling down the roads and jets dropping bombs. Viewers started frantically making calls and mobile networks soon crashed. The news soon went viral. Theaters, cafés, and gyms emptied before anyone realized that the broadcast was a hoax.

Producers from the pro-government television station staged the dramatization to remind the audience of the potential outcome of the 2008 Georgian-Russian war. A brief disclaimer before the broadcast was missed by many, who experienced chilling flashbacks to 2008. Before long, crowds of angry viewers besieged the head office of Imedi TV, which issued multiple apologies. This bogus sequel of the real war made international headlines. *Time* magazine ranked the mockumentary as the top hoax of all time, eclipsing even Orson Welles' radio adaptation of *The War of the Worlds*.

While an extreme case, Imedi's war report illustrated both the flaws and the power of television in a spectacular show of poor ethics and political bias. Sleek visuals and diversified programming does not compensate for the broadcast media's poor professional standards and political loyalties, panel members said.

Partisanship pervades the news industry. Media elite, especially mainstream television, are busy toeing the government line, while their smaller, opposition-minded cousins relish in highlighting the government's bad practices. Both sides usually include a token dissenting voice in their coverage, but often just to pay lip service to the standards of objectivity and balance. A handful of non-mainstream outlets consistently offer professional, balanced, and in-depth reporting, but these are accessible only to avid and educated news consumers.

Logrolling between political groups and media has a distortive effect on both the editorial independence and financial viability of the media. News business is largely shaped by mechanisms outside pure market forces and the industry has yet to produce a model that is both financially robust and quality-oriented.

After a period of perceived absence, media support to Georgia was revived in 2010. The U.S. and European Union funneled hefty sums into media development projects meant to boost professional and financial strength of Georgian news outlets. Georgia also has a number of professional media associations, including a new trade union, but weaning these groups off donor funding and creating self-sustainable institutions remains a challenge.

Georgia's score inched up slightly this year. Modest gains in Objective 2 (professional journalism) and Objective 3 (plurality of news) were slightly offset by a small setback in Objective 4 (business management).

GEORGIA AT A GLANCE

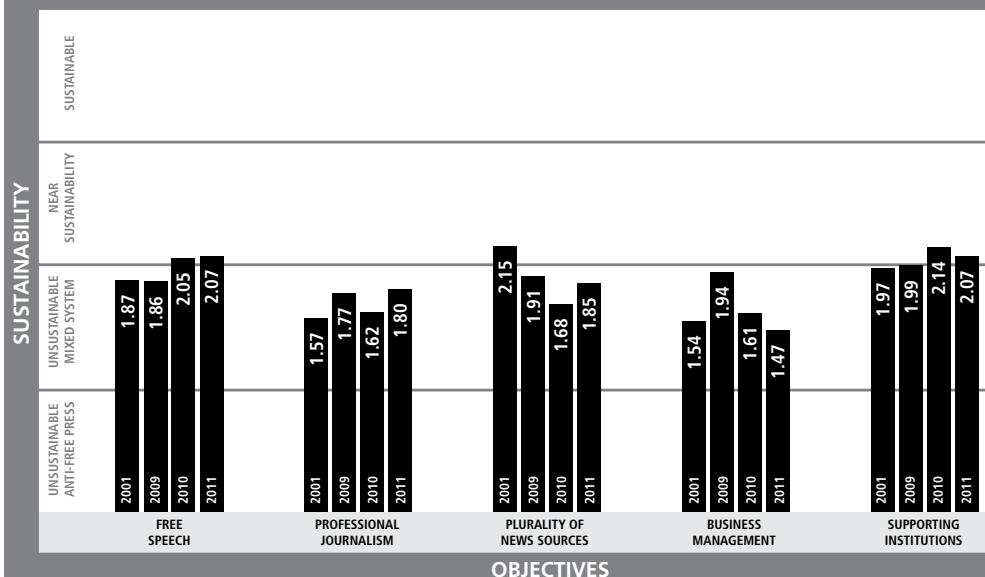
GENERAL

- > **Population:** 4,600,825 (July 2009 est. *CIA World Factbook*)
- > **Capital city:** Tbilisi
- > **Ethnic groups (% of population):** Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (*CIA World Factbook*)
- > **Religion (% of population):** Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (*CIA World Factbook*)
- > **Languages (% of population):** Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$11.09 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$4,700 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 100% (male 100%, female 100%) (2004 est. *CIA World Factbook*)
- > **President or top authority:** President Mikheil Saakashvili (since January 25, 2004)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print: 73 newspapers, 87 magazines (yellowpages.ge); Broadcast: 47 television broadcasting licenses, 5 special television broadcasting licenses, 4 cable broadcasting licenses, 28 radio broadcasting licenses, 7 special radio broadcasting licenses (Georgian National Communications Commission)
- > **Newspaper circulation statistics (total circulation and largest paper):** *Rezonansi* (5,000–7,000 daily), *24 Saati* (average 4,200 weekly), *Kviris Palitra* (45,000–50,000 weekly) (individual newspaper claims)
- > **Broadcast ratings:** Highest rated television outlets in Tbilisi are Rustavi2, 5.04%; Imedi, 3.86%; Channel 1, 1.03% (TV MR GE, Licensee of AGB Nielsen Media Research)
- > **Annual advertising revenue in the media sector:** For television, approximately \$35 million; unknown for print and radio (TV MR GE, Licensee of AGB Nielsen Media Research)
- > **News agencies:** Black Sea Press, Novosti Gruzia, Sarke, Interpressnews, Iprinda, Itar Tass, Kavkazpress, Media News, Prime News, Prime News Business, Pirveli, Georgian Business Consulting News, Georgian Hot News (www.yellowpages.ge)
- > **Internet usage:** 1.3 million (*CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: GEORGIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 2.07

Although the score for Objective 1 is almost identical to last year's score, some indicators did receive different assessments by the panelists. Indicator 2 (media licensing) and indicator 4 (attacks on journalists) both improved. Indicator 3 (market entry), indicator 8 (media use of local and international news sources), and indicator 9 (free entry into the journalism profession) all received lower scores. Indicators 6 (libel laws) and 9 received the highest scores, each exceeding the objective score by about half a point, while indicator 5 (law guarantees editorial independence for public media) and indicator 7 (access to information) both lagged by half a point.

Previously Georgian media laws were widely regarded as good on paper, but poor in practice. The recent media debates, however, have identified several legal blind spots that contribute to a lack of transparency in media ownership: one of the biggest failures in the media sphere. Television, the nation's single-most influential medium, is at the center of these debates.¹

The transparency challenge is three-dimensional and touches on issues of ownership, financing and access to public information. Ownership of the largest news networks is open to speculation. Anyone trying to parse through the complex ownership structures to track down the true owners of the largest private television networks would hit a dead end. Rustavi2, the nation's most prominent broadcaster, provides is a case-in-point. The television is majority owned by an obscure company Degson Limited, based in the British Virgin Islands, well beyond Georgian jurisdiction.

The broadcasters are financially accountable to the government but their accounting records are not publically accessible. There are many suspicions of untoward financial arrangements and competitors and media critics assume that the government-friendly networks, such as Rustavi2, get rewards for toeing the party line.

Access to public information is also central to the national media discourse. The panel, as well as many journalists and non-governmental organizations, identify poor access to official documents as the biggest impediment to quality reporting.² The panel found that the situation worsened

¹ Caucasus Resource Research Centers. (July, 2010). "Pre-Election Media Monitoring in Georgia." Retrieved from http://undp.org.ge/files/24_975_639258_MM-CRRC-report-201007.pdf

² Tarkhishvili, N. "What Was the Access to Public Information in 2010," Radio Free Europe/Radio Liberty, January 20, 2010. Retrieved from <http://www.radiotavisupleba.ge/content/article/2253451.html>

Gela Mtvlishvili, head of Kekheti Information Center, said that journalists often are not familiar with their rights or the legal avenues to challenge a refusal or delayed release of public information.

in 2010, either due to a growing media appetite for public information or a stronger system of stonewalling.

Journalists continue to battle government bureaucracy, sometimes in courts, to gain access to public information. Slow processing of public information requests is a stalling tactic employed by many government officials who wait until the information requested is no longer newsworthy. "I cannot think of a single case when public officials did not make the full use of the 10-day period [the maximum timeframe to respond to Freedom of Information requests]," said Ia Mamaladze, chairwoman of Georgian Regional Media Association.

A 2010 study³ by the Transparency International probed the scale and the scope of the problem. To test the transparency

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

³ Transparency International Georgia. *Access to Information in Georgia: Results of FOI Tests for Public Agencies*. June 22, 2010. Retrieved from <http://www.transparency.ge/en/post/press-release/access-information-georgia-results-foi-tests-public-agencies>

Nino Jangirashvili, owner of a small television business in Tbilisi, said that the regulatory body selectively enforces the laws and regulations. According to her, the GNCC tends to display lenience toward pro-governmental broadcasters, while it is far more stringent with companies hostile to the ruling establishment.

of public institutions, the group sent Freedom of Information requests to 10 key public agencies, including the Parliament, Finance Ministry, Defense Ministry, and the Supreme Court. In 78.8 percent of cases, requests were met fully or in part, while the refusal rate ran at 21.2 percent. The parliament was particularly responsive to the requests, while the *Siloviki* (law-and-order, military and security agencies) lagged behind. The report found that in terms of response time by requesting organization, the agencies did not discriminate against the news media in particular.

Gela Mtvlishvili, head of Kekheti Information Center, said that journalists often are not familiar with their rights or the legal avenues to challenge a refusal or delayed release of public information.

Public information has also become an expensive commodity that smaller, regional news outlets can ill afford. "We were doing an investigation on land seizures by public officials and had to request 480 files from the public registry," Mamaladze said. "We have got a bill of GEL 4,800 (\$2,818), which is well beyond what we can afford."

Journalism practitioners and observers traced the problem to the very laws that had long been praised as comparable to access to information laws in developed countries. Civil groups and the government began parallel campaigns to change the media laws "to help fill in the gaps in the legislation," said Ia Antadze, journalist and director of Civic Development Institute. A media advocacy group, operating under the financial auspices of Open Society Georgia Foundation, drafted a package of amendments⁴ to the law on broadcasting that calls for the full disclosure of media owners, financial flows, and easier access to public

⁴Draft Law on Amendments and Additions to the Georgian General Administrative Code. Retrieved January 3, 2011 from http://transparency.ge/sites/default/files/post_attachments/GPA%20legislative%20initiatives_geo.pdf

information. The largest minority party, the Christian Democrats, later introduced the draft to parliament.

The parliamentary majority, the National Movement for Victorious Georgia, came up with a milder counterproposal. Unlike the civil initiative, which calls for an outright ban of offshore ownership of broadcasting business, the establishment's proposal set a 10 percent cap on offshore stakes. The two drafts also fundamentally differ in the absence of financial transparency and access to public information clauses in the government version.

After heated discussions the ruling officials and media forged a key compromise as the ruling party agreed to prohibit ownership by offshore companies. The amendment to the Law on Broadcasting passed the first reading in Parliament on December 7, but the hearings rolled over into 2011.

The move was met with cautious optimism by media observers. Khatia Jinjikhadze, manager of the media development program of the Open Society Georgian Foundation, hailed the change as a major success of a grassroots initiative, while skeptics fear that the ban will do little to demystify broadcast media ownership as home-based straw men can effectively replace offshore media barons. This could be the case with Real TV, an aggressively pro-government channel in Tbilisi. Little is known about the company's owner, a certain Ia Paitchadze. News reports maintain that she is but a figurehead, while in fact high-profile police officials run the control room.

Some panelists believe the main challenge facing the broadcast media is not the laws themselves but rather the lack of enforcement. Television and radio companies must obtain licenses from the government to use the airwaves, which is public property per Georgian law. The licensing body, the Georgian National Communications Commission (GNCC) also acts a policing agency, ensuring that broadcast content is in line with laws and regulations.

Nino Jangirashvili, owner of a small television business in Tbilisi, said that the regulatory body selectively enforces the laws and regulations. According to her, the GNCC tends to display lenience toward pro-governmental broadcasters, while it is far more stringent with companies hostile to the ruling establishment.

The alleged political bias is evidenced in disciplinary and licensing decisions. "Rustavi2 also often got sanctions from the commission, but nevertheless it was granted new frequencies in the regions, while Maestro faced problems," Jangirashvili said. Last year, Maestro TV accused GNCC of dragging its heels in the issuance of a satellite license to this small, opposition-minded broadcaster.

The GNCC is not dependent on the state for funding and the bulk of its income comes from license fees. But the executive branch of the government holds sway over GNCC as the president nominates three of five commissioners who manage the agency. All would-be commissioners are required to obtain the approval of parliament, which is dominated by President Mikheil Saakashvili's United Movement Party. The president selects the commission chairman from the five commissioners.

Jangirashvili says that the GNCC chairman, Irakli Chikovani, has business interests in the very industry he is tasked to regulate. A former shareowner of Rustavi2, he also held a stake in Media House, one of the main players in the television advertisement market.⁵

Print and Internet outlets enjoy a far lighter regulatory burden than the broadcast media. Bloggers do not need to register with the government while newspapers with a circulation larger than 500 copies need to register their business, said Mtvlishvili.

Print media continue to enjoy an exemption from the value-added tax. The original draft of the 2010 tax code threatened to scrap this vital benefit, but after print media protested strongly the financial officials revised the code to extend the exemption and blamed the omission on technical error.

Legal and physical attacks against journalists are infrequent, with 2010 experiencing even fewer instances of violence and harassment against journalists. "If we step back and look at the regional picture, I would say that we have a positive trend in this regard," said Jinjikhadze. But several attacks on journalists did gain public attention. Police allegedly assaulted reporters from Trialeti TV when they tried to cover the removal of a Joseph Stalin statue in the Soviet dictator's hometown, Gori. Investigative reporter Vakhtang Komakhidze sought asylum abroad after intimidation by officials for his documentary on the 2008 war.

Libel is a civil case and the burden of proof lies with the prosecution. Media law has yet to address responsibility for libelous content posted on websites.

Tamar Kordzaia, of Georgian Young Lawyers' Association, said that Georgian laws do not offer absolute protection of the confidentiality of journalism sources. On one hand, the law requires a reporter to protect confidential sources, but on the other hand a court may request a journalist to reveal a confidential source in a closed hearing. The latter

⁵Mgeladze, G. "Advertisement beyond Law," in *Liberali*, October 30, 2010. Retrieved from <http://www.liberali.ge/node/3450>

is permitted only in extreme cases, she said, and so far has never been employed.

Flouting copyright law is still commonplace. Jangirashvili said that many television channels air pirated films but the GNCC does little to admonish government-leaning channels for violating copyright. "Should I do the same, I am sure that the commission will knock on my door the next day," she said. Executive Secretary of the Journalists Trade Union Beka Oniani said that new movies appear on Georgian TV before they hit movie theaters. Using unauthorized media software is a common occurrence, panelists said.

No special government authorization is needed to enter the field of journalism but some panelists complain that the authorities show favoritism toward loyal reporters through privileged access to key events and sources.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 1.80

The improvement in score for objective 2 is mostly the result of panelists providing better assessments for indicator 3 (self-censorship) and indicator 7 (modern facilities and equipment). Indicator 7's score exceeded the objective score by more than half a point, the only indicator to score notably different from the objective score.

News quality runs the full gamut from poor to mediocre to excellent, but overall quality does not yet meet professional standards. Hearsay tends to substitute for hard facts and journalists often cross the line from reporting 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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

The panelists noted a palpable improvement in the public television's reporting and attributed this to the inclusion of independent media experts on the board starting early last year.

editorializing. Bias, censorship, opinionated reporting, hate speech, and a general lack of balance are common across broadcast, print, and online media, the panel concluded, but added that some of the practices are more prevalent than others.

News, both print and broadcast, often lack such basic elements as the "Five W's," said Nino Khurtsidze, associate country director of Eurasia Partnership Foundation. Television channels with national reach are most watched and therefore drew most of the panel's criticism. In a single news segment the host's introduction, pre-recorded components, live updates by the reporter on the scene, and interviewers' comments tend to repackage the same information instead of advancing the story. "Instead of adding informational value or including alternative takes, they keep saying the same thing over and over again," said Khurtsidze.

The big two, Rustavi 2 and Imedi, offer effusive praise of government achievements, while Kavkasia and Maestro dedicate significant airtime to carping on the failures. Both groups often include the opposite point of view to a modest degree and reporters, conscious of their companies' editorial policies, practice self-censorship. Since pay levels are low and employment opportunities scarce, journalists adopt a conformist position rather than risk losing their jobs, said Natia Kuprashvili, chairwoman of the Georgian Association of Regional Television Broadcasters. She added that these risks are often exaggerated, but journalists prefer not to take any chances.

Journalists do produce well-rounded, well-sourced programs, but these are the exception. The panelists noted a palpable improvement in the public television's reporting and attributed this to the inclusion of independent media experts on the board starting early last year.

The pro-government channels sometimes adopt a "see no evil, hear no evil, speak no evil" attitude towards events that are potentially damaging to the government. Kuprashvili said that bias appears in the way government and opposition media broadcast content is selected, sequenced and delivered.

Panelists believe that, political pressures aside, reporters, editors, and media managers have not embraced the core

values of journalism ethics. Some panel members blamed the lack of an established free market, where poor quality would result in unsustainable ratings and sales. The fact that government-backed Imedi got off with a few apologies after the hoax war newscast scandal proves that forces beyond market demand are at play.

Generally there is little audience demand for improved news reporting, Kuprashvili said. Media literacy is low so many media consumers often do not question the quality of the information they are receiving, said Jinjikhadze.

A new independent ethics watchdog oversees compliance to the Georgian Charter of Journalism Ethics. The Charter council reviews and rules on complaints about deviations from ethical norms, but even some of its 180 signatories take issue with their non-binding verdicts. The GNCC-drafted ethical guidelines for broadcasters did little to improve matters. The most common violations include hate speech, bias, and opinionated reporting. Accepting gifts in exchange for favorable coverage is not seen as a major problem in Georgia, but corporate sponsorships billed as advertising are becoming a bigger issue and further compromise ethics. Khurtsidze said that only organic, internally developed self-regulatory mechanisms could be productive.

Advertising bias has blurred the division between news and advertising and misleads viewers. For instance, Rustavi2 reported in a prime time news show that most available meat products are poor quality and only a handful of meat producers offer high-quality sausages. The story did not mention names of any companies, except the one that the reporter identified as a quality sausage producer. The reporter and producer of the show later admitted that this company sponsored the story.⁶

Niche reporting is rife with embedded marketing for which reporters are unapologetic. Investigative journalism does not appear on national airwaves. Only smaller television studios offer some independently produced investigative content. A weekly show broadcast by Maestro often airs investigative reports produced by Monitor, FM Studio, and the now-defunct Reporter that cover issues such as education, land privatization, and the economy. Print publications do not have the resources and the skills necessary to conduct investigative reporting independently and they rely instead on international organizations for funding.

Citing intimidation by authorities, investigative reporter Vakhtang Komakhidze sought and received political asylum in Switzerland. Komakhidze, who ran an investigative film production studio named Reporter, claimed he came under

⁶Chitanava, Eka. "For Sale!" in *Liberalli*, March 11, 2010. Retrieved from <http://liberali.ge/node/1346>

serious pressure after he had travelled to breakaway South Ossetia to shoot a documentary on Georgia-Russia war. Another such studio, The Monitor, continues to produce investigative reports that are sometimes reprinted and aired, but never appear in the mainstream press.

There is a growing penchant for “if it bleeds, it leads” rule on television. Crime reporting takes top billing in the daily newscasts and television channels routinely air police footage of suspect arrests and confessions. Panelists took issue with this practice. Rustavi2 and Imedi air *The Oprah Winfrey Show* and *Got Talent*-style programming and Public TV broadcasts often include cloying videos depicting the bright side of life in Georgia.

Most of some 500⁷ officially registered newspapers are cheap tabloids splashed with sensationalist headlines and photos. Well-written articles often share the page with flagrant pieces of yellow journalism. Journalist and media analyst Zviad Koridze said that the newsrooms across the country still rely on sensationalism and concocted stories to boost sales.

Kuprashvili and other panelists agreed that bloggers are not significant players in the Georgian media scene. Good quality news blogging can be found on the website of the Georgian service of the Radio Free Europe/Radio Liberty and the online version of *Liberari* magazine. Blogging, however, has a limited news dimension. The number of blogs registered on Open Society Georgia Foundation’s “Blogroll” reached 800, but not many are devoted to news, said Jinjikhadze.

Although media overall provide a multitude of political viewpoints, a discerning media consumer must watch various channels and check online content and foreign news to get the full picture, the panel concluded, adding that this is the prerogative of an urban, educated, and avid news consumer.

overall provide a multitude of political viewpoints, a discerning media consumer must watch various channels and check online content and foreign news to get the full picture, the panel concluded, adding that this is the prerogative of an urban, educated, and avid news consumer.

Liberali, a weekly magazine with socially liberal leanings and perhaps the most professional news publication in the country, now faces fierce competition from its ideological counterweight, the right-libertarian magazine, *Tabula*. Essentially catering to white-collar readership, *Tabula* is openly pro-government. Both magazines outshine anything that goes to print in Georgia since most other newspapers and magazines practice yellow journalism.

Rustavi, Imedi and, to less degree, public television offer an almost identical repertoire of news. Some stories are covered

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 1.85

Improvements in scores for a few indicators accounted for most of the improvement in the score of this objective: these are indicator 1 (plurality of news sources and viewpoints), indicator 2 (citizen access to media), and indicator 3 (state media are nonpartisan). On the other hand, indicator 5 (private media produce their own news) received a lower score this year. Most of the indicators scored close to the objective score. However, indicators 2 and 4 (news agencies) scored about two-thirds of a point higher, while indicator 6 (transparency of ownership) fell short of the objective score by nearly a point.

Political bias often comes not in the form of the Western-style, value-based leanings, but rather outright propaganda and counter-propaganda. Although media

⁷European Journalism Center. Media Landscape: Georgia. November 5, 2010. Retrieved from http://www.ejc.net/media_landscape/article/georgia/

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) exists 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 non-partisan, 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.

Social media have become ingrained in Georgia. Compared to other social networking sites, Facebook has the greatest news application in Georgia. Media companies set up Facebook pages and users actively share and comment on articles and videos.

from the same angles and appear in the same order in these channels' newscasts, the panel noted. For another side of the story, viewers have to switch to broadcasters such as Maestro and Kavkasia, but the reach of these channels is limited.

A study⁸ by the Caucasus Research and Resource Center offered evidence-based insights into political bias in television. According to the findings, in their coverage of mayoral election campaigns in Tbilisi, Rustavi2, Imedi, and Real TV devoted more airtime to the establishment candidate Gigi Ugulava, than Maestro and Kavkasia. This coverage was mostly positive in tone, while the three channels often resorted to mudslinging when covering Ugulava's opponents. By contrast, Maestro and Kavkasia's coverage of the ruling party candidate was either neutral or negative in tone, the study found.

Georgian media and audiences have access to foreign news sources. Local outlets reprint and rebroadcast international media content, but tend to cherry-pick Georgia-related foreign news reports to fit their agendas. Since the 2008 war, access to mainstream Russian television has been restricted. Reportedly, cable networks are under an informal ban on rebroadcasting Russian state television, but the channels are available through satellite.

The Georgian Public Broadcaster (GPB) said its attempts to broadcast Russian-language news into Russia are blocked by Moscow. Amid the bitter confrontation between Tbilisi and Moscow over the occupation of breakaway Abkhazia and South Ossetia, Georgian public television tried to extend the broadcasts of its Russian-language channel, Perviy Kavkazskiy, to Russia to break the Kremlin's stranglehold on television news. Europe's leading satellite operator, Eutelsat, stopped carrying the Peviy Kavkazskiy signal after receiving a more lucrative offer from Russia, GBP claimed. GPB took Eutelsat to the Paris Court of Commerce, but the Georgian company lost the case.⁹

⁸ http://undp.org.ge/files/24_975_639258_MM-CRRC-report-201007.pdf

⁹ "Georgian Broadcaster Loses Case against Eutelsat," in *Civil.ge*. July 13, 2010. Retrieved from <http://www.civil.ge/eng/article.php?id=22509>

The channel, now called Perviy Informatsionniy Kavkazskiy or PIK, was re-launched in January 2010 through another satellite, also operated by Eutelsat. Its broadcasts reach Russia and the Caucasus, parts of Eastern Europe, Turkey, and Iran.

The cloistered world of media ownership was of major concern for panelists, as described above in Objective 1. Identities of Georgia's key media barons are lost in the byzantine corporate ownership chains and the Georgian population does not have a clear understanding of who sells the news they consume. Simply put, the audiences do not know who the Rupert Murdoch of Georgia is.

Rustavi2's parent company is hidden away in the Caribbean, while little is known about Imedi's owner Raak Georgia Holding, a self-described affiliate of the United Arab Emirates-based Ras Al Khaimah Investment Authority.¹⁰

Hopes remain that the GPB will inject some balance and quality into Georgian television. But some panelists note that the public has so far failed to take the ownership of public television as the state retains executive control over editorial decisions. Appointments to the board of trustees, the body that governs GPB, are made through political compromise and only three seats are left to non-partisan voices. The presidential appointees dominate the 15-person board. GPB newscasts tend to be similar to the Rustavi2 and Imedi's news reporting, but GPB content is more open to alternative topics, views, and public-service programming.

Mainstream media give a wide berth to controversial social topics such as religion and sexual orientation. Criticism of the dominant Orthodox Christian Church is rare and risky for media outlets. Religious activists broke into premises of Kavkasia TV during the live on-air discussion of a homoerotic book that derided the church. Jangirashvili, who was hosting the talk show called the police for help. Davit Paitchadze, a host at GPB's first channel, also faced pressure from religious conservatives after he hosted a discussion on the church's internal politics.

Media outlets subscribe to editorially independent news agencies, mainly Interpressnews and GHN. In 2010, the Open Society Georgia Foundation organized trainings for news agencies in newsgathering and distribution and helped develop multimedia websites. Despite the availability and quality of news agency content, most national and community media as well as newer online media continue to produce their own content. Mainstream news outlets tend to be Tbilisi-centric, but regional news is covered fairly extensively as well, especially in the breakaway regions of Abkhazia and South Ossetia. The Open Society Georgia

¹⁰ "UAE's RAKIA Denies Owning Imedi TV." February 4, 2010. Retrieved from <http://www.civil.ge/eng/article.php?id=21950>

Foundation also supported news production in minority languages in community news outlets.

There is a shift towards online news platforms, but access to the Internet is uneven across the country. A 2009 media survey by the Caucasus Resource Research Center showed that nineteen percent of Georgians have access to the Internet.¹¹ There are no statistics available for Internet access by region and the major division is between urban and rural populations. Poorer, remote communities have low access to the Internet and printed media and television is often the only medium available to them.

Social media have become ingrained in Georgia. Compared to other social networking sites, Facebook has the greatest news application in Georgia. Media companies set up Facebook pages and users actively share and comment on articles and videos. Georgia's Facebook population is 479,880, a figure significantly higher than in neighboring Armenia and Azerbaijan, according to Socialbakers.com website.¹²

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.47

Small losses in nearly every indicator contributed to the minor loss in score that Objective 4 experienced this year. All indicators scored very close—within a quarter point—to the objective score.

Government interference, cronyism, and the lack of solid market data continue to distort the media advertising market, panelists said. The lack of transparency in cash flows sparks allegations of uncompetitive moneymaking practices even though accounting practices are generally thought to be sound. Online outlets, while growing, barely earn enough to sustain themselves and often rely on non-commercial sources of revenue such as grants. Most bloggers work on a volunteer basis.

The estimated total net television advertising market is worth about GEL 52.3 million (\$30 million), according to the Georgian chapter of Transparency International. The lion's share of the market is split between the big players Rustavi2 and Imedi.

The advertisement dollars are concentrated in Tbilisi. Local television stations eke out an income primarily through classified advertising rather than corporate commercials and

¹¹ Caucasus Research Resources Centers. "Georgian Media as Business/ Data Snapshots." December 11, 2009. Retrieved December 26, 2010 from <http://crrc-caucasus.blogspot.com/search?q=access+internet>

¹² <http://www.socialbakers.com/facebook-statistics/>

The advertising market is widely believed to be susceptible to political influence. Jangirashvili claimed that perceived or direct pressure from the political elite continues to scare away advertising from her television company.

government advertisements. A study of 23 local television stations showed that 70 percent of these companies' revenues stems from paid personal messages and obituaries, said Kuprashvili.

The advertising market is widely believed to be susceptible to political influence. Jangirashvili claimed that perceived or direct pressure from the political elite continues to scare away advertising from her television company. A private company retracted an advertisement that was ready to be aired after allegedly receiving informal advice to avoid association with Kavkasia, she said. Managers of Maestro TV, another vocal government critic, have voiced similar complaints.

Two marketing and communications companies—Media House and Touch Media—dominate the television advertising market. Both Touch Media and Imedi TV are owned by the Georgian Media Production Group. Giorgi Arveladze, former government minister and a close ally of President Saakashvili is the director of this company. Chairman of the Georgian National Communications Commission Irakli Chikovani held a share in Media House. Because of such links business meets

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.

“Under the tax amnesty bill, these companies were required to use the money they owed to improve their business, upgrade equipment, and create programming,” commented Jangirashvili. “So while I was busy paying taxes, lax taxpayers like Rustavi2 and Imedi were purchasing new expensive TV shows and now are flaunting new shiny studios.”

political interests in the advertising industry and little room is left for real market mechanisms, said Koridze.

The government is a major advertiser. Series of promotional clips for government agencies or campaigns generate important revenue for government-leaning television channels that, in turn, offer fawning coverage of government's work, panel members said. Competitors and some media observers suspect that the leading channels also receive financial infusions from their political patrons.

A group of media activists pushed for passage of a law that would require television companies to disclose their income publicly, but the proposal was largely opposed by Georgia's pro-business government. Some officials countered that such a requirement would interfere with the corporate right to commercial secrets.

Print advertising is also heavily influenced by politics, Koridze said. Citing an example, he said that while *Tabula* magazine has abundant advertisements, *Liberali* has had almost no advertisements since it went to print in 2009.

Product placement is swallowing a good deal of the television news slots and the line between news and advertisements becomes blurry. News and talk shows routinely air corporately sponsored content, ranging from shorter plugs to full stories, entirely devoted to promoting a product or a service. The viewers receive no warning of the commercial nature of such content. Studies of the changes in the ration of news content to advertising in print and broadcast media have not been undertaken.

An independent investigative report provided a detailed listing of prices that the main television channels charge for airing branded advertisements as news. *P.S.*, a popular Saturday night show, which offers a round-up of the week's events and international news, allegedly charges \$3,000 for airing branded advertisement packaged as an ordinary news report.

A tax amnesty for delinquent broadcasters came as a lifesaver for debt-saddled regional outlets, but also left a bitter aftertaste among regular taxpayers within the industry. Late in 2009, media associations and advocacy groups pressured tax authorities to write off some GEL 1.8 million (\$1.1 million) that local television companies, including near-bankrupt Channel 25, owed in taxes and late fees. Negotiations went into 2010 and eventually the government responded with a GEL 36 million (\$20.6 million) debt pardon for all television businesses.

Mamaladze complained that the move turned out to be more of a favor to loyal and well-heeled national networks than assistance to floundering freewheeling media outlets. Jangirashvili was particularly outspoken against what she described as unfair and uncompetitive market intervention and the blow to her television company and other broadcast outlets that “conscientiously pay taxes.”

“Under the tax amnesty bill, these companies were required to use the money they owed to improve their business, upgrade equipment, and create programming,” commented Jangirashvili. “So while I was busy paying taxes, lax taxpayers like Rustavi2 and Imedi were purchasing new expensive TV shows and now are flaunting new shiny studios. Had I invested the sums I had paid in taxes in technical upgrades for past two years instead, I may have also created very good television... The tax pardon was the most unfair thing that happened in the television industry recently.”

Transparency International shares this view. The corruption watchdog said that the tax reprieve distorts the market in favor of national channels and an array of local stations that are “officially owned or controlled by individuals closely connected to the local authorities or the ruling National Movement Party.”¹³

People Meters are used to measure television audiences and produce program ratings, but other forms of news media have little reliable and analyzable market data. “Radios do not really know the sizes of their market shares,” said Oniani. “They do not know where the moneymaking opportunities are and they do not use professionally conducted surveys to better cater to the intended audiences.”

Print publications either conceal or claim inflated circulation numbers to attract advertising and sales rarely exceed the breakeven point.

¹³ Huter, Mathias. Tax Amnesty for Georgian TV Channels: a Subsidy for Pro-Government Reporting? Transparency International Georgia, April 8, 2010. Retrieved on December 28, 2010 from <http://www.transparency.ge/en/comment/reply/748>

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.07

The score for this objective remained more or less the same as last year. Indicator 2 (professional associations) and indicator 3 (NGOs) both received somewhat lower scores this year. Most indicators scored close to the objective score, although indicator 6 (access to media equipment and printing) scored about a half-point higher.

Media issues became central to international aid programs in Georgia last year. The trio of main donors in the field—USAID, the European Union, and the Open Society Georgia Foundation—sponsored a host of assistance initiatives ranging from smaller, ancillary projects to large-scale, complex programs.

A significant portion of development efforts are dedicated to building the capacity of media associations to enable them to deliver meaningful services to their constituencies. In 2010 the media made some efforts to tackle common challenges collectively, but limited institutional capacity of trade associations and deep-running divisions within the industry often undermine attempts at unity among the major associations such as the Regional Broadcasters Association, the Regional Press Association, and the Charter of Ethics Association. The Georgian Young Lawyers Association is by far the most active on media issues and has sidestepped much of the infighting that plagues other associations.

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 (e.g., 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 a lack of common values. What you get is a gridlock of parochial interests of business owners, individual journalists, and various companies and they are all pulling in opposite directions," commented Koridze.

Professional associations tend to be more active outside the capital, where the news industry is particularly fractious. The largest television networks enjoy such close relationships with the government that they have alternative ways of addressing problems and thus have little interest in collaborating with independent television stations to solve ongoing problems, said Jangirashvili. "Why would they work together with us to try change the laws if they can always find ways around them?" she asked.

"There is a lack of common values. What you get is a gridlock of parochial interests of business owners, individual journalists, and various companies and they are all pulling in opposite directions," commented Koridze.

Despite such infighting, associations did find some common ground. The Regional Press Association did manage to cement unity among newspapers of divergent political persuasion to fight perceived attempts by the government to monopolize channels of print distribution. The Georgian Regional Broadcasters Association was instrumental in efforts to push tax amnesty through the parliamentary floor. The work of the Association of the Georgian Charter of Journalism Ethics did gain some traction last year as described above in Objective 2. A recently established media trade union is still a work-in-progress and has not had a tangible impact on the industry.

These associations are dependent on donor funding. The visibility of the associations waxes and wanes depending on donor-funded projects and a few events that command broader solidarity. "I keep saying that the poor cannot create a wealthy club," said Mamaladze. "Realistically speaking, I do not have hopes that our association will become financially sustainable anytime soon." Kuprashvili said that almost none of 26 members of her association, the Georgian Association of Regional Television Broadcasters, pay the meager GEL 20 (\$12) membership fee.

Despite a diversity of journalism education programs, panelists say they are somewhat out of touch with market needs. Medea Imerlishvili, news producer at Radio Mtsvane Talgha (Green Wave) said that journalism courses tend to put

“Journalism professors should be writing books to upgrade their qualifications and offer fresh study materials to students,” said Koridze. “Every self-respecting university in the West practices this.”

theory before practice and the graduates often lack basic skills such as interviewing, audiovisual recording, and editing. “We take 20 to 30 students as interns every year,” said Imerlishvili. “GIPA [Georgian Institute of Public Affairs] and Caucasus Media School students tend to be better qualified than others, but even they are out of their depth when it comes to basic practical skills.” Students who study abroad and return to Georgia often fair better while Georgian university journalism graduates face the same unemployment challenges as their classmates across most disciplines.

The lack of quality textbooks in the Georgian language and by Georgian authors is a persistent problem. “Journalism professors should be writing books to upgrade their qualifications and offer fresh study materials to students,” said Koridze. “Every self-respecting university in the West practices this.”

Writing textbooks is an expensive and uncertain enterprise, as far as the donor community is concerned, Jinjikhadze said. Instead, she proposed pooling together the available development resources to provide translations of several Western journalism handbooks that can be used by every journalism school in Georgia. “Our position is that today we do not have a cadre of experienced authors who would produce modern textbooks,” she said. “So we would rather help translate basic textbook in coordination with other organizations and every university.”

The Open Society Georgia Foundation also plans to help train Georgian scholars to publish textbooks, Jinjikhadze said. “We hope that over time we will have a pool of authors versed in textbook writing methods.” She said that it is important that the major development agencies active in Georgia coordinate their efforts in training the teachers and translating books to avoid duplication of efforts. The Eurasia Partnership Foundation has translated a handbook for investigative journalists.

Koridze, who teaches journalism at Tbilisi State University, noted that despite the ongoing Open Society Georgia Foundation-assisted curriculum development efforts there is still a problem with course sequencing. “Students come to a newspaper publishing course without having a command of news writing, reporting, and gathering,” he said.

Apart from formal education, many short-term courses provided by international groups offer journalists, editors and media managers opportunities to fine-tune their skills. Increasingly, the training projects focus on application of new media tools.

Media owner Jangirashvili was somewhat critical of existing short-term educational courses. She said that these courses are often conducted just to “check off the task list” and because of the cut-and-paste nature of some educational activities they do not address the real needs of the media. “For instance, one group organized a five-day training retreat to teach journalists how to interact with the Ministry of Health’s press service,” she said. “What’s the use of such training, if tomorrow the ministry’s press people do not take your calls?”

Imerlishvili said that an Internews in-house, hands-on training proved particularly useful for her radio and added she would want to see more training that strengthen practical, applicable skills.

Panelists said that printing facilities are apolitical and not monopolized, but are concentrated in the capital city. This makes it harder and more expensive to distribute newspaper in the regions, said Koridze. The 2009 row between newspapers and municipal authorities on changes in distribution of print content continued in 2010. Many print outlets remain mistrustful of the Tbilisi city authorities’ designation of one company to set up a network of newspaper kiosks in Tbilisi. “There is a risk of monopolization of the distribution market and then it will be easy to exert control on the print distribution channels,” said Baia Tsanova, who runs Interpressnews agency. Discriminatory access to mobile and Internet service providers for news distribution is not an issue in Georgia; likewise this is not reported to hinder the activities of bloggers and online media outlets who wish to use certain software or online platforms.

List of Panel Participants

Zviad Koridze, freelance journalist, Tbilisi

Nino Zhizhilashvili, dean, Caucasus University's School of Media, Tbilisi

Nino Jangirashvili, director, TV Kavkasia, Tbilisi

Natia Kuprashvili, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

Beka Oniani, chair, Journalists' Trade Union, Tbilisi

Ia Mamaladze, chair, Georgian Regional Media Association; publisher, *Guria News*, Chokhatauri

Hatia Jinjikhadze, manager, Media Development Program, Open Society-Georgia Foundation, Tbilisi

Nino Khurtsidze, associate country director, Eurasia Partnership Foundation, Tbilisi

Aza Tsanava, editor, IPN News Agency, Tbilisi

Nikoloz Nergadze, blogger, Radio Free Europe/Radio Liberty, Tbilisi

Ia Antadze, director, Civic Development Institute, Tbilisi

Gela Mtvlishvili, director, Kakheti Information Center, Gurjaani

Medea Imerlishvili, head of news service, Radio Mtsvane Talgha, Tbilisi

Tamar Kordzaia, lawyer, Georgian Young Lawyers Association, Tbilisi

Moderator

Ellada Gamreklidze, independent media expert, Tbilisi

Author

Giorgi Lomsadze, reporter and analyst, EurasiaNet.org, Tbilisi

The panel discussion was convened on December 3, 2010.



**RUSSIA AND
WESTERN
EURASIA**

Lukashenka told a press conference he had thwarted a revolution and promised there would be no “brainless democracy.” He also vowed to “reform the Internet” and warned journalists that they should “stop jeering at the authorities and the people.”



BELARUS

The political situation in Belarus, and its relations with the outside world, saw substantial deterioration. The year ended with violent crackdowns against the opposition, civil society, and media because of their protests against the December elections that saw Alexander Lukashenka declared the winner under dubious conditions.

Earlier in the year, Belarus's relations with Russia—its closest ally and most important trading partner—deteriorated further. Moscow faulted Lukashenka for renegeing on promises to form a customs union with Russia and Kazakhstan, recognize the independence of Abkhazia and South Ossetia, and sell key enterprises to Russian investors. In summer 2010, Russia banned dairy products from Belarus and accused Lukashenka publicly of usurping power, repressing the opposition and the media, and murdering his opponents. Although Russian television channels are censored in Belarus, many Belarusians saw the documentaries on the Internet.

Lukashenka continued to try to woo the West to counterbalance his overdependence on Moscow. The European Union promised more aid if the presidential elections were free and fair. Election rules were somewhat relaxed, and nine opposition candidates were allowed to register. The government invited the Organization for Security and Cooperation in Europe (OSCE) to monitor the election. Many hoped this time the government would refrain from an outright crackdown on the opposition and civil society.

They were wrong. Ten days before the vote, Lukashenka agreed to join the Russia-Kazakhstan customs union and secured a deal with Russia that once again gave him subsidized gas and oil, necessary to fuel the Soviet-era state enterprises that ensure nearly full employment.

Official election results gave Lukashenka 80 percent of the vote, deemed improbable by most observers. OSCE declared the election neither free nor democratic. Thousands of opposition supporters took to the streets to protest and were met by riot police and plainclothes agents who violently dispersed the crowd. Approximately 700 demonstrators were detained and given brief prison sentences. Dozens of journalists were attacked and some briefly detained; the KGB raided homes and offices of journalists to seize equipment and footage related to coverage of the protests. Lukashenka told a press conference he had thwarted a revolution and promised there would be no "brainless democracy." He also vowed to "reform the Internet" and warned journalists that they should "stop jeering at the authorities and the people."

The year 2011 is not shaping up to be a good one, the panel agreed. Repressions continue as this report was written. Political opposition, civil society, and independent media feel intimidated. Belarus's independent journalism will survive, yet many might suffer.

BELARUS AT A GLANCE

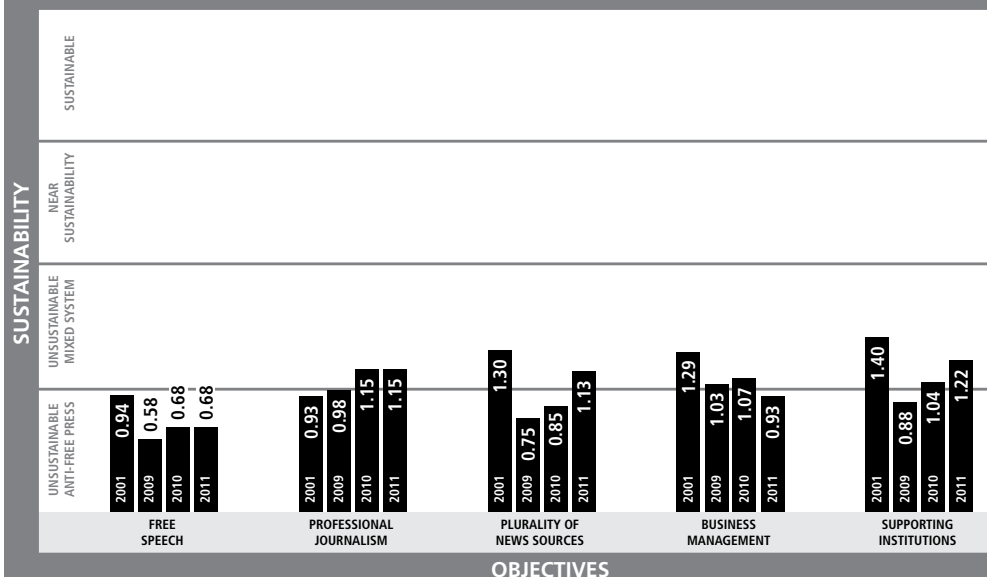
GENERAL

- > **Population:** 9,577,552 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Minsk
- > **Ethnic groups (% of population):** Belarusian 83.7%, Russian 8.3%, Polish 3.1%, Ukrainian 1.7%, other 3.2% (2009 census)
- > **Religions (% of population):** Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)
- > **Languages (% of population):** Belarusian (official) 36.7%, Russian (official) 62.8%, other 0.5% (includes small Polish- and Ukrainian-speaking minorities) (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$53.70 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$12,740 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.6% (male: 99.8%, female: 99.4%) (*CIA World Factbook*)
- > **President or top authority:** President Alexander Lukashenka (since July 20, 1994)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, and television stations:** 1,320 publications including 653 newspapers (9 regular dailies), 623 magazines and journals, 36 bulletins, and 7 catalogues; 157 radio stations (2 nationwide); 77 television stations (6 nationwide) (Belarus Ministry of Information, 2010)
- > **Newspaper circulation statistics:** The top three newspapers by circulation are *Sovietskaya Byelorussia* (state-owned, 2,000,000 weekly circulation), *Komsomolskaya Pravda v Belorussii* (independent, 561,000 weekly circulation), *Respublika* (state-owned, 240,000 weekly circulation) (Medusa Advertising Agency December 2010)
- > **Broadcast ratings:** The top three by audience share are ONT (16.2%, state-owned), NTV-Belarus (16.0%, Russian-owned, broadcasting state-controlled), RTR-Belarus (11.3%, Russian-owned, broadcasting state-controlled) (GEVS, September 2010)
- > **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, 2010)
- > **Annual advertising revenue in media sector:** \$97 million (\$58 million television, \$14 million press, \$7.6 million Internet, \$5.4 million radio) (ZenithOptimedia advertising group, December 2010)
- > **Internet usage:** 3.3 million (Gemius, August 2010)

MEDIA SUSTAINABILITY INDEX: BELARUS



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, “Discrediting the Republic of Belarus,” that provides for criminal liability for giving international organizations “false information” about the situation in the country. Human-rights groups, both domestic and international, believe the article’s vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 0.68

The score for freedom of speech is exactly the same as it was last year. Most of the indicators’ scores remained the same; only indicator 1 (legal and social protections for free speech) lost a little ground while indicator 3 (media market entry and tax structure) gained a little. As with last year, indicator 8 (restrictions on media access to and use of news sources) was the sole outlier, scoring about three-quarters of a point higher than the objective score while all other indicators scored well within half a point.

Freedom of speech in Belarus is protected by the law—first, the constitution and second, the media law. They both provide for the freedom of opinions and beliefs and their free expression. Censorship, unlawful restriction of media activities, and monopolization of the media are expressly banned. However, the panelists noted these provisions are hardly enforced.

Both local and foreign civic groups condemned the media law adopted in 2008 as severely restrictive, citing the government’s extended powers to penalize media even for minor violations and fewer safeguards for the journalists and the media. A vague requirement of “compliance with reality” was introduced and accreditation rules for journalists tightened. Papers have received notices that their stories are not in compliance “with reality.”

Other laws restrain freedom of speech. The law on civil service restricts access to public information, as the media can obtain official information only via press officers or top officials of governmental bodies. The criminal code offers greater protections for top government officials, most notably the president. Defamation is criminalized. The vaguely worded law on combating extremism also has a chilling effect on critical reporting.

“The freedom of speech never became a value for most Belarusians. The fear of losing your job, to become a social outcast dominates them. At the same time, the economic crisis and presidential elections raised their interest in alternative information,” a panelist commented.

However, the crackdown on the freedom of speech in Belarus has not caused any public outcry apart from some complaining on the Internet. Many Belarusians are afraid to protest, as doing so might mean direct loss of income.

Confidentiality of sources is protected by the media law yet can hardly be enforced, one of the panelists argued. Newsrooms are increasingly relying on the Internet to communicate with their sources and obtain information from whistle-blowers. Their anonymity, however, could be easily compromised. A presidential Internet regulation adopted in February 2010 ordered Internet service providers (ISPs) to store log files with usernames for twelve months.

In March 2010, the police raided offices of main opposition news website Charter97.org and the independent weekly *Narodnaya Volya*. The apartments of Natalia Radzina and Sviatlana Kalinkina, editors for Charter97 and *Narodnaya Volya*, respectively, as well as those of Maryna Koktysh, a journalist with *Narodnaya Volya*, and Iryna Khalip, a journalist for Moscow-based *Novaya Gazeta*, were also searched. Their computers and data-storage devices were confiscated as part

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

The law on civil service restricts access to public information, as the media can obtain official information only via press officers or top officials of governmental bodies.

of the investigation into alleged defamation of a top regional KGB boss. Their newsrooms, however, claimed they had been reporting on the under-the-carpet war between the Ministry of Interior and the KGB and the police were looking for those who had been leaking information to the press.

The Ministry of Information acts as a regulator for the media (print and broadcast outlets) and publishing (printing presses) sectors. Television and radio stations as well as the press must obtain registrations from the ministry. Under the law, the registration procedure should take 30 calendar days to complete, yet the ministry tends to procrastinate, according to a panelist. And it is “beyond question” that registration of media outlets is politicized, another panel participant added. In response to attempts by independent groups to register regional newspapers last year (detailed in the 2010 MSI report), the ministry introduced additional requirements for potential applicants. Would-be editors were required to have journalism diplomas and at least five years of previous editing experience, and the outlet had to have a nonresidential address.

The number of registered outlets, both print and broadcast, inched up a bit compared with the previous year, according to the ministry’s statistics. The ministry traditionally failed to specify how many newspapers, for example, are registered as “socio-political” publications, i.e., those allowed to report on political and social issues rather than offer only entertainment content. Panelists could not recall any newly established news outlets.

Broadcasters must follow a licensing regime. After obtaining registration from the Ministry of Information for a television or radio program, a broadcaster must obtain a frequency, allocated via a tender by the Republican Commission on Television and Radio Broadcasting, the nine-member body of government officials headed by the minister of information. After that, the Ministry of Communications and Informatization issues a license to use the frequency allocated. The procedure remains obscure and politicized, according to panelists. No tenders were announced in 2010, and there were no reports that a television or a radio station had received a frequency.

Online media remained largely outside of governmental control, although the media law provides for their registration.

Apart from the aforementioned politicized registration and licensing practices, market entry for media companies is by and large the same as for businesses in other sectors. Capital requirements and tax structure for media businesses are the same as in other industries. The media law, however, limits direct foreign ownership of news outlets to 30 percent. Radio stations are still required to air 75 percent Belarusian music. Unlike in other sectors, operations of any media outlet can be suspended for up to three months without a court ruling, following a written warning from the Ministry of Information. The ministry may thus penalize newsrooms even for minor violations—for example, as the law puts it, for “distributing information that does not correspond to reality and discredits the honor, dignity, and business reputation of physical and legal persons.”

Although crimes against journalists remained rare, media professionals do not feel secure. Reporters covering opposition rallies put themselves in jeopardy of being physically assaulted by the police. In October 2009, journalists took complaints to the Ministry of Interior about unidentified men attacking cameramen and photographers during pickets and demonstrations. Police authorities said they would adopt German experience and send “press officers” to mass events, where they would “handle journalists’ requests.” Yet in practice this had little effect. Obstructing the work of journalists is a criminal offense in Belarus, yet it happens frequently. When rallies are dispersed and participants are detained, the police usually treat journalists the same way as protesters, a panelist noted. Yet afterward, unlike demonstrators, they are neither fined nor given brief prison sentences, which leads observers to believe that they are simply being prevented from reporting.

Attacks on journalists peaked on December 19, when at least 20 journalists were detained and dozens more beaten up while riot police were breaking up a post-election protest rally in Minsk, according to the Belarusian Association of Journalists (BAJ), a domestic press-freedom watchdog. The police paid no attention to journalists’ IDs, according to numerous reports. Both foreign and domestic journalists were assaulted, including photographers from state-controlled media outlets. Separately, dozens of journalists had their photo and video equipment damaged.

Some journalists, however, seemed to be a target of a coordinated attack. Natallia Radzina, editor of Charter97.org, was severely beaten by the police. Though rescued by friends during the dispersal, she was subsequently arrested by the

KGB, along with all her coworkers, at the website's editorial office in the middle of the night.

Irina Khalip, an award-winning investigative journalist with the Moscow-based *Novaya Gazeta*, was detained by the KGB, along with her husband, Andrei Sannikau, on their way to the hospital. Sannikau stood as a candidate against Lukashenka. He was severely beaten, and his leg was broken during the dispersal of the rally. Radzina, Khalip, and Sannikau are all in a KGB prison and face up to 15 years in jail on charges of "organizing mass disorder."

Men thought to be security agents attacked opposition candidate Vladimir Neklyayev and his supporters on their way to the rally. A group of Belarusian and foreign journalists who witnessed the attack were prevented from using their recording equipment and were ordered to lie face down in the snow, BAJ reported. John Hill, a reporter with *The New York Times*, was hit in the face when he tried to show his press ID to the attackers. Andrei Liankevich, an award-winning freelance photojournalist, had his camera confiscated.

In the days that followed, the KGB raided editorial offices of several independent news outlets most likely seeking footage of election-night protests. Warrants said searches were part of investigations into the post-election "mass disorder." The independent weekly *Nasha Niva* and European Radio for Belarus had their computers, cameras, recorders, and data-storage devices confiscated. The apartments of *Nasha Niva's* editor-in-chief, photojournalist, and video-reporter were also searched and equipment seized. The office of independent satellite television Belsat was also raided, yet nothing was impounded there because the reporters managed to get out in advance.

Panelists also mentioned the strange death of Aleh Biabenin, once a journalist and cofounder of pro-opposition news website Charter97.org. In September 2010, he was found hanged in his country house outside Minsk, and the police were quick to allege he had killed himself. Biabenin's friends dismissed suicide claims and said he was killed by the security services to intimidate the opposition ahead of the presidential election. In an unprecedented development, the government allowed OSCE experts into the country, and their inquiry confirmed suicide claims. It is, however, unknown whether Biabenin had been actively involved in journalism work. According to some reports, he was managing Andrei Sannikau's election campaign.

Like any autocracy, the Lukashenka government keeps a tight control on the flow of information. "Media hold a weapon of a most destructive power," the president told journalism students in February 2008, "and they must be controlled by

the state." The Soviet-style system of "ideology work" has been, in fact, reinstalled. Local governments, educational institutions, and organizations—whether state-owned or private—employing more than 300 people must employ ideology officers. Ideological orientation sessions are regularly held. State-owned media are just part of that system. While outlining ideologists' personnel practices, a presidential edict of February 2004 said the appointment of editors of national and oblast-level state media should be approved by the Lukashenka administration. In the same manner, oblast governments are authorizing the appointment of editors of local media. Editors of key national outlets are appointed by the president directly.

Via generous funding, subsidized printing and distribution, as well as forced subscriptions, the government retained a Soviet-era network of 136 local newspapers. Many of them kept their communist-style names and editorial policies. Bigger newspapers are similarly pushing propaganda, perhaps in a more subtle way.

Although the law guarantees equal opportunities for both state and non-state media, the former enjoy preferential treatment. Private outlets commonly face restricted access to information (via an unregulated system of accreditations where they are denied the ability to cover government news conferences) and distribution channels (either via direct ban or restrictively unaffordable fees).

Furthermore, a presidential decree in September 2009 exempted state-controlled television channels ONT and STV from VAT (value-added tax) and income taxes for three years. The National State Television and Radio Company, a conglomerate of national and regional television and radio networks, also received similar tax breaks. Television and radio stations founded by the president and the Council of Ministers receive frequencies without a tender and pay only a fraction of the state registration fee that other media companies are charged.

The government also restricts how much revenue non-state media can get from advertising. State firms are generally not allowed to advertise in outlets critical of the government; then there are subsidized advertising rates offered by state media that are used to lure advertisers from private media companies.

Many events involving top officials are covered on a pool basis, most notably those attended by President Lukashenka. Of all non-state media, only BelaPAN, a privately owned news agency, was lucky to win inclusion into the presidential pool, according to a panelist.

Discussion participants mentioned only one case when state media face a disadvantage in comparison to private media.

Obstructing the work of journalists is a criminal offense in Belarus, yet it happens frequently. When rallies are dispersed and participants are detained, the police usually treat journalists the same way as protesters, a panelist noted.

For the general news press, advertising is restricted to 30 percent of content in non-state publications and 25 percent in state-owned publications.

Belarusian law has both civil and criminal defamation provisions. The criminal code has four articles related to defamation. Two of them, “calumny toward the president” and “insult of the president,” are punishable by up to four and two years in prison, respectively. Two more cover “insult of the representative of the authorities” and “discrediting the Republic of Belarus” and are punishable by up to two years in prison. However, none of these provisions have been applied since 2002. More common are honor, dignity, and business reputation suits, dealt with under civil law, yet still having the same chilling effect on the media. For such suits the plaintiff does not have to prove malice; it is enough to claim the story had caused “emotional distress.”

Every year media face several dozen such suits, sometimes resulting in fines of hundreds or thousands of dollars or even official warnings from the Ministry of Information. Information minister Aleh Praliaskouski told a press conference in December 2010 that official warnings were more of a “security cushion” for the press rather than a tool to silence critical voices. He went on to explain, “Had media outlets faced a suit for every inaccurate piece of information they distributed they would go bankrupt.”

All the judges in Belarus are appointed by presidential decrees, and thus courts provide very little protection, especially when cases are politicized.

Official information remains restricted, especially for non-state newsrooms. Belarusian law does not regard bloggers, freelancers, citizen reporters, or those working for foreign media without accreditation as journalists. Many events require accreditation—and procedures to obtain this remain largely unspecified—and non-journalists are not admitted. Furthermore, under the civil-service law, information or comments from many official institutions may be obtained only via press services or following approval from top leadership.

Though the presidential Internet regulation edict ordered, among other very few positive things, that state bodies should put information about their activities on their official websites, that requirement has not built up the amount of available public information, the panel agreed.

Access to both domestic and international news sources is not restricted by law. The only obstacle is affordability and journalists’ poor foreign-language skills. As a result, only a handful of bigger media companies use subscriptions to foreign news services, such as Reuters, Associated Press, or AFP. Reprints and rebroadcasts are quite common, sometimes with disregard to intellectual property rights. However, in most cases media outlets at least provide links to the original sources. Meanwhile, the Internet remains the main source of news for journalists, a panelist added.

Entry into the profession is unrestricted for journalists. In fact, many reporters working for both state and private media lack journalism diplomas. The government, however, effectively bans new people from becoming editors-in-chief and starting up their own outlets, since, as detailed above, they should have gained both journalism degrees and editorial experience elsewhere. Admission to journalism schools is controlled by the state. Applicants must provide recommendations from local governments and undergo interviews; both of them are used to politically vet would-be journalists, according to some reports.

Graduates of journalism schools—just like any students getting free university training at state-run universities—are subject to Soviet-style “distribution” and must work for two years wherever the government sends them or reimburse their tuition. In 2010, according to the Ministry of Information, 32 graduates were sent to state-run regional newsrooms.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.15

Panelists’ evaluation of professional journalism also did not change compared with last year; no indicator scores changed noticeably, and all indicators scored pretty much the same as the objective did overall.

“Self-censorship, professional compromises, and deteriorating professionalism are common,” one of the panelists, an independent editor, said, while discussing the status of professional journalism. At the same time, he added, most journalists are aware of their ethical duties of supplying objective information to the public but face obstacles in obtaining official information and often lack resources to

conduct thorough research. News agencies and larger media do a better job in this respect.

State-run media, though, are less likely to adhere to those principles because they are just part of the state propaganda machine. Some of their independent counterparts are somewhat following suit. With restricted access to information and officials, they find it hard to get comments from all sides to a story. Since state media shy away from covering edgy issues, independent outlets still try to refute state propaganda, but they are adopting an increasingly antagonistic approach.

Journalists try to consult technical experts. Yet most of them, especially economists and political analysts, must cope with restricted access to information; consequently, they offer few insights, and their forecasts are frequently off target. Furthermore, the “pool of experts” is rather small, and the same names and similar comments tend to appear in numerous media at once.

There are two journalists’ organizations in Belarus—a state-controlled one, the Belarusian Union of Journalists, and its independent counterpart, the Belarusian Association of Journalists. Both have developed their own ethical codes, just like some bigger media companies, and they are accepted quite universally. Journalists do accept gifts, albeit ones of low value. More common is the selling of stories in the form of advertorials, quite often to sidestep a requirement that puts a cap on the maximum amount of advertising.

Self-censorship does exist, since, as a panelist noted, “There is a constant threat of some kind of governmental intervention. There is no way we can avoid it [self-censorship]; otherwise

Self-censorship does exist, since, as a panelist noted, “There is a constant threat of some kind of governmental intervention. There is no way we can avoid it [self-censorship]; otherwise your media business won’t last long.”

your media business won’t last long.” The family of President Lukashenka and business interests of his closest allies, as well as corruption in the law-enforcement agencies, remain the topics that are most avoided. Separately, media outlets steer clear of criticizing prominent advertisers.

Independent media try to cover all key events, panelists agreed, yet slants may range from being pro-opposition to more unbiased. Some panel participants argued that given the government’s wide-reaching control over society and information, one cannot be sure all important issues make it to the news. Bloggers and citizen journalists generally do not provide substantial amounts of new information since they are either reporting on hyperlocal issues or adding personalized comments on top of what the “traditional” media cover. They did a great job of covering the dispersal of post-election opposition rallies, according to the panel. Bloggers even launched a grass-roots campaign to “investigate” what many believed had been a provocation by security agents. Photos, videos, and even intercepted police radio conversations were analyzed to reconstruct the events that had been a pretext to the crackdown on the protesters.

Pay levels of media professionals differ across the sector, being “high to very high” in state-run media companies and “obviously insufficient” in independent ones. Journalists with private media outlets earn \$400 to \$600 a month in the capital, Minsk, and less so in the regions. Heavily subsidized state-run newsrooms are more generous. Journalists are paid around \$800 to \$1,000 a month. Key staff at bigger state-owned media companies, like the presidential daily *Sovietskaya Belorussia*, earn \$2,500 to \$3,000 a month, according to a panelist. Separately, government-owned media are still able to secure for their employees loans on generous terms. State-mandated wage hikes have been used for years to win popular support for the government and President Lukashenka personally. Several weeks before the 2010 presidential election, salaries of government media workers (along with other sectors) were increased once again to reach the average of \$500 a month. As a result, private media companies noticed a more pronounced outflow of staff, first of all technical specialists who prefer to go freelance and accountants and lawyers who find jobs with state

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

organizations more lucrative and less frustrating. Journalists tend to work for multiple outlets or supplement their primary jobs with moonlighting.

State-owned broadcasters that dominate the media market have a rather high news-to-entertainment ratio (estimated at 30 percent news and public affairs), yet the quality of both remains low, the panel agreed. One of the panelists said that instead of blatant propaganda he would like to see more news on state television and radio, while newspapers and online media should have more entertainment content.

All media outlets, regardless of how small, have basic equipment for newsgathering and content production. At the same time, many journalists prefer to use their own laptops, recorders, and cameras. Speaking of state-run outlets, the government is spending millions of dollars to equip them with up-to-date technology. Although basic facilities are in place, independent newsrooms still need faster PCs, more professional photo and video equipment, and, most notably, licensed software. Recent confiscations of equipment at independent newsrooms suggest they also need extra sets of equipment stored elsewhere to make sure their work will not be interrupted in case of an emergency. Internet fees are dropping, yet newsrooms said they would like faster and more reliable connections for what they pay.

Most newsrooms are understaffed, and their resources are stretched thin, which makes it nearly impossible to offer quality niche reporting. Some specialized journalism does exist, first of all on economics, legal issues, and sports. In other sectors, Belarusian media find it next to impossible to compete with the niche reporting done by Russian magazines and journals, a panelist said. Investigative journalism is almost non-existent: what has been offered as investigative is at best in-depth reporting or leaks from the security services. In general, news agencies and newspapers offer better at specialized reporting while state media avoid any potentially controversial topics.

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.13

This objective showed modest improvement compared with last year, almost entirely due to better evaluations of indicators 4 (news agencies) and 5 (private media produce their own news). Otherwise, there was little change among the indicators. Further, most indicators scored close to the objective score. Indicator 4 led the pack, exceeding the objective score by slightly more than half a point, while

indicator 3 (state media are non-partisan) trailed the objective score by three-quarters of a point.

Readily available media do not offer a diversity of viewpoints. As a rule, non-state outlets are more likely to include multiple perspectives while state-controlled media all speak in a single voice. The expression of alternative views on political developments, however, remained limited to a handful of remaining private newspapers, a few expatriate broadcasters, and the Internet.

The Ministry of Information claims non-state actors dominate the press sector: there are more than twice as many non-state publications compared with the state-owned ones (923 versus 397 in October 2010). However, most of those private titles published entertainment content. According to the BAJ, fewer than 30 independent newspapers are reporting on political and social issues, and their aggregate weekly print run varies from 500,000 to 700,000 copies. Meanwhile, *Sovietskaya Belorussia*, Belarus's biggest daily run by the presidential administration, alone has a weekly print run of more than 2,000,000 copies. Then there are several other national newspapers, as well as the state-owned province-level publications. And finally, there is a network of 136 state-owned newspapers in smaller towns with an aggregate weekly print-run of 897,000 copies.

Most of the radio stations in Belarus are state-owned (135 versus 22); 121 of them are distributed via wired radio network, which reaches millions of households.

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) exists 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 non-partisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.
- > The media provide news coverage and information about local, national, and international issues.

State television remains the main source of news for Belarusians. In a May 2010 survey by the Center for Information and Analysis, the government's major think tank, 86.4 percent said they get news from national television channels. National newspapers yielded 39.3 percent; local newspapers 36.3 percent; local television 30.2 percent; national radio 27.9 percent; the Internet 22 percent; and local radio 20.9 percent.

Alternative political views do make it into mainstream media, yet only for a short period of time. Media monitoring of the presidential campaign by the OSCE election observers showed that all major television stations with nationwide coverage demonstrate a clear bias in favor of the incumbent president, devoting some 89 percent of primetime news coverage to his campaign activities and official duties. Other candidates tended to be mentioned as a group, their names mentioned infrequently, and generally portrayed negatively. All four state-funded newspapers monitored by the OSCE demonstrated clear bias in the president's favor. For example, *Sovietskaya Belorussia* devoted 91 percent of its political and election-related coverage to President Lukashenka.

The opposition was allowed access to state television, yet only as talking heads. In accordance with the electoral code, presidential candidates were granted one hour of free airtime on Channel One TV and one hour on Radio One. The airtime was then split into two 30-minute presentations. Neither pre-recorded audio and video materials nor photos were allowed during those presentations. The Central Election Commission denied three requests for additional airtime by opposition candidates.

Additionally, the candidates were allowed to publish their platforms (a maximum of five typed A4 pages) in four national and seven regional newspapers. Lukashenka's presentation appeared on the front page of the most widely read newspapers, while the opposition candidates' platforms were published on inside pages.

One televised debate and one radio debate were aired live for the first time since 1994, when Lukashenka was elected as Belarus's first and only president. This time, however, he did not participate in the debates and never used his free airtime.

The candidates were also allowed to purchase airtime and newspaper space from both state and private media. Only Autoradio, a Minsk-based privately owned radio, agreed to broadcast advertisements of two opposition candidates, yet it was forced by the government to suspend advertisements after just three days.

With traditional media being so firmly under the government's fist, Belarusians are turning to the Internet for independent news and analysis, since it remains the least

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regulated of all sectors. The aggregate weekly audience of Belarusian news sites reached 412,000 visitors in September 2010, up from 250,000 in October 2009, according to Gemius, an independent Internet research company. However, media outlets make very little use of mobile-phone technologies, aside from having mobile versions of their websites.

Usage of social networks skyrocketed in 2010, according to numerous reports. By the end of the year almost 1,000,000 Belarusians had accounts with VKontakte, Russia's most popular social network. Belarusian social network I.TUT.BY had 800,000 accounts, followed by Russian social network Odnoklassniki (420,000), Facebook (193,000), LiveJournal (80,000), and Twitter (20,000). Many Internet users turned to them for news and comments, most notably on Election Day, when many independent news websites were blocked and social networks became informal conduits for news, a panelist added.

Access to both domestic and international media is largely non-restricted, bar the domestic independent press. In 2010, 10 private newspapers remained excluded from state-owned distribution networks. In 2005, they were expelled from the subscription offerings of Belposhta, the postal service, and banned from newspaper kiosks of Belsajuzdruk, a press distribution monopoly controlled by the Ministry of Information. Since then, they have relied on their own distribution services and sales via shops that dared to put them on their racks.

The foreign press is in most cases unaffordable. Furthermore, to be distributed in Belarus, foreign media outlets need express permission from the Ministry of Information. Several years ago the ministry ousted all foreign news channels from Belarus's cable networks. Despite the close relations between Belarus and Russia, Russian channels offering news were also swept away. The bigger ones were replaced by localized versions, technically controlled by Belarusian state-run networks. As a result, their news programs and documentaries covering Belarus's affairs are censored; this

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became more acute during the all-out information war between the two countries that erupted in mid-2010.

Still, Belarusian cable operators broadcast 120 television channels, including 60 Russian ones. Most of them offer entertainment content.

Uncensored foreign television remains accessible via satellites. Although installation of satellite dishes is subject to approval by local housing authorities, this requirement is in most cases ignored. The only obstacle to broader use of satellite television and the Internet is affordability and willingness to take extra efforts, panelists argued, as technically they are available everywhere, including remote rural areas.

"A Belarusian living in a small town or a village can afford television, occasional Internet surfing—still better if that's done at work—and buying a newspaper. Yet that hardly equals accessing multiple news sources," a panelist commented.

The Internet became cheaper and faster, yet still not good enough for users to avoid delays on YouTube and similar services, according to a panel participant. It remains largely unrestricted, except for on Election Day, when key pro-opposition and news websites were blocked. The same day Belarus's telecommunications monopoly Beltelecom blocked secure HTTPS connections outside of Belarus. That made it impossible for thousands of Belarusians to log into their social network accounts and use mail services like Gmail. Some online media reported they also had trouble logging into their websites to add content. Several reports mentioned attempts to spoof at least nine pro-opposition and news websites by redirecting users to the dated copies of those websites rather than just blocking the originals. Beltelecom was believed to be involved, since fake websites were reportedly hosted on its facilities. Those spoofing attempts, however, turned out to be unsuccessful, since they were spotted in their early stages by cyber-activists and made public.

There are no true public media outlets in Belarus, while "state-owned ones are just informational servants of government at all levels," a panelist commented. Election campaign coverage was no different. OSCE election

observers said state media were grossly biased in favor of the incumbent president. The only way state media serve public interests is via cultural, educational, and sports programming.

Although nine media companies—two state-owned and seven private—are registered as information agencies by the Ministry of Information, only four of them work as traditional news agencies, panelists argued: BelaPAN, BelTA, Interfax-Zapad, and Prime-TASS.

Just like during previous panel discussions, the participants were complimentary of BelaPAN, an independent news agency. Despite limited resources and intense pressure from the government, it is able to deliver high-quality content that includes news subscriptions, the e-paper Naviny.By, photos, infographics, audio, video, and multimedia.

State-owned BelTA is the mouthpiece of the government, according to the panel. It offers news, photo services, and infographics and analytical bulletins to over 300 media outlets, both domestic and foreign. In addition, it publishes the weekly *7 Dnei* and several journals and builds and maintains websites for local governments and state-owned newspapers.

Two more agencies—Interfax-Zapad and Prime-TASS—are Russian-owned. Prime-TASS offers mostly business and financial news.

Subscriptions, ranging from \$300 per month for daily updates to \$600 for hourly, are too expensive for many newsrooms. At best, media outlets can afford to buy news from one company only. In most cases, they instead prefer to use information from these agencies that is available for free, but certainly cite them as sources, a panelist said. Subscriptions to international agencies like AFP, Associated Press, and Reuters are affordable only to big state-owned media.

Private print media seek to produce more of their own content, since that is essential for their survival, a panel participant argued. Regional outlets tend to be more prolific in producing their own content, while national ones offer more thorough analysis. One of the panelists quoted a survey by a media-development NGO that analyzed news sources for dozens of independent news sites and newspapers. The percentage of original content varied from 30 percent to 80 percent. BelaPAN tends to be the most widely used source of news, followed by BelTA, Radio Liberty/Radio Free Europe, European Radio for Belarus, Interfax-Zapad, and Ria Novosti (a Russian news agency).

There are 70 private broadcasters in Belarus—48 television channels and 22 radio stations—yet they produce very little of their own news programming. Instead, they tend to rely on the Internet and official information as sources of news

content. Expatriate broadcasters such as European Radio for Belarus, Radio Liberty/Radio Free Europe, Radio Racyja, and satellite channel Belsat that beam news into Belarus do produce most of their own news programming. However, they are only reaching smaller audiences via broadcasting. According to an August 2010 poll by NOVAK, an independent pollster, 5.7 percent of Belarusians watch Belsat; 2.6 percent listen to the European Radio for Belarus, 2.4 percent Radio Liberty/Radio Free Europe, and 1.1 percent Radio Racyja. However, broadcasters such as European Radio for Belarus and Radio Liberty/Radio Free Europe have substantially larger audiences accessing via the Internet and are operating as de facto news agencies with their content widely used in other media and online.

As mentioned above, bloggers produce very little of their own content. Yet they helped cover and distribute information on the post-election protests and then reconstruct events and even identify possible provocateurs of the violent crackdown on the protests.

Media ownership is not always transparent, especially in the case of online media and blogs. For registered outlets, the law orders disclosure of the founder as well as the publisher and the broadcaster, yet real owners are not always apparent. In many cases, media do not mention that the government owns them. Judging by the content, however, an average consumer can always tell whether an outlet is state-controlled or independent. The government remains Belarus's only media tycoon.

As mentioned above, foreign media ownership is restricted in Belarus. The only foreign investment in the media industry is from Russia. In addition to the two aforementioned news agencies, Russian businesses own popular daily *Komsomolskaya Pravda v Byelorusii* and the weeklies *BelGazeta* and *Argumenty i Fakty*.

The Lukashenka government has always been keen on ensuring Soviet-style "stability." As a result, many social issues receive very little, if any, coverage in the mainstream media. While presenting his platform to the Belorussian National Assembly (a convocation of handpicked Lukashenka supporters) two weeks before the election, he said there was no discord on ethnic, religious, or cultural grounds in Belarus. He went on to recall the Polish foreign-affairs minister's attempt to discuss problems of the Polish minority and telling him: "Remember, we do not have any minorities: neither sexual, nor ethnic. These are our people, these are our Poles, these are my Poles." Underrepresented issues are, however, discussed online and in small-circulation publications distributed within relevant communities.

Quite the contrary to underreporting minority issues, while trying to appeal to Lukashenka's electorate the mainstream

state-owned media report extensively on local issues, including rural areas and smaller towns. The coverage is in most cases positive, with little reporting on "smaller drawbacks." While covering international developments, state-run media mostly report on calamities, like scandals, crimes, riots, economic crises, and accidents. Against such a background Belarus looks like an island of stability in a turbulent world. Privately owned media, news websites, and blogs offer much more balanced coverage of both local and international affairs.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 0.93

The score for this objective fell slightly, mostly as a result of a precipitous fall for indicator 5 (government distortion of the media market). This indicator also received the only score to lag behind the objective score by more than half a point. To some degree this is due to the rewording of this indicator, which was intended to focus panelists' attention on the government's impact on the media market as a whole, beyond subsidies. For example, in Belarus the government controls much of the commercial and industrial sectors and is not shy about steering advertising away from independent-minded media. On a positive note, panelists awarded a higher score to indicator 7 (audience and circulation measurement), and this indicator was the only one to exceed the objective score by more than half a point.

"Media businesses, apart from a very few projects not related to reporting on political and social issues, are hardly making

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.

“Media businesses, apart from a very few projects not related to reporting on political and social issues, are hardly making both ends meet, and mostly survive due to funds coming from other sources, like state subsidies, grants, or revenues from owners’ other businesses,” a panelist commented.

both ends meet, and mostly survive due to funds coming from other sources, like state subsidies, grants, or revenues from owners’ other businesses,” a panelist commented.

Private media try to operate as efficient firms, including some that use basic business planning and put efficient policies in place, yet to very little avail. Restrictions imposed by the government related to printing, distribution, and sales make profitable and legal businesses all but impossible.

State-controlled media are far from being sustainable. Apart from direct funding—\$56 million from the national budget alone—state media are supported via subsidized salaries, rent, printing, and distribution fees. Their propagandistic functions are much more important. “I have always said and repeat it once again: sustainability should not be seen as an end in itself. Nowadays the emphasis should be placed on informational and ideological components, improving the content, the quality, and the competitiveness of the press,” the Belarusian information minister told a press conference in December 2010. He went on to say that only 46 (out of 136) local state newspapers are self-sustainable, which is up from 18 five years ago. Among regional state television stations, 85 percent are at least breaking even.

Instead of spending money training their journalists, some state-run newspapers still employ typists, a panelist said. Personnel policies at private outlets are much more efficient, yet in most cases apart from newsroom staff they can afford only professional accountants (a legal requirement), advertising managers, and sometimes lawyers.

Revenue sources vary across the sector. State media depend on direct funding from national and local governments and to some extent on advertising. State-owned newspapers are also benefiting from imposed subscriptions and cheaper printing, distribution, and advertising fees. Regional media rely on sales of copies and to a great extent on classified advertisements by local small businesses. Quite often both state and private companies come under pressure not to advertise in non-state newspapers or online media. Radio

stations rely on advertising while regional broadcasters are getting most of their revenues from congratulatory messages and greetings.

Apart from bigger portals, like TUT.by, online media hardly generate enough advertising revenue to sustain their operations and must be subsidized either by owners or sponsors. Foreign donors continue to fund independent broadcasters based outside the country, as well as some non-state publications and online media.

Belarus’ advertising market totaled \$97 million in 2010, according to advertising group ZenithOptimedia. Print media earned \$14 million, the Internet \$7.6 million, and radio \$5.4 million. Television spending was up 11.5 percent against 2009, while the Internet leaped by 28.8 percent; print and radio remained the same. Big multinational companies, including Procter & Gamble, Schwarzkopf & Henkel, Colgate-Palmolive, and domestic mobile-phone operators remained the biggest spenders. Newspapers also depend on advertisements from banks, lotteries, and car dealers.

Revenue sources do influence editorial policy, the panel agreed: state media do not criticize the government while all media outlets avoid giving bad press to key advertisers.

Advertising agencies do very little to foster the development of the advertising market, especially outside the capital, Minsk, a panelist argued. Another panel participant, an independent editor, added that his regional newspaper is getting a maximum of 10 percent of its revenues via advertising agencies. As seen in the figures above, the lion’s share of advertising expenditure—almost 60 percent—is going to television (mostly big state-run channels). Although media outlets themselves set advertising prices, prominent advertisers and bigger advertising agencies that dominate the market tend to demand huge discounts. Subsidized state-run outlets often undersell private media companies. As a result, private newspapers, for example, might feel pressure to add more pages to comply with a legal restriction on the amount of advertising: 30 percent of content in non-state, general news publications and 25 percent in state-owned. For radio and television, advertising is limited to 20 percent of total daily broadcast time and 30 percent of prime time (6 p.m. to 10 p.m.).

State subsidies are meant only for state-owned media, and the government is hardly selling any advertising. One of the panelists mentioned informal orders from the Lukashenka administration that “did not recommend” that banks and other big state-owned companies advertise in independent newspapers and online media.

Commissioned market research remains affordable to only a handful of big media companies. Still, one of the panel

participants added, “In 2010 I did not hear about surveys of media audiences, except for online media.” Some regional outlets are doing their own research—mostly via paper-based and online questionnaires—to tweak editorial policies and attract advertisers. Donors have also commissioned research, but its use for business or editorial purposes by the media has been limited.

Press sales figures remained suspect: advertisers had to rely on published print-run figures only, since no circulation auditor has emerged.

There were some developments as far as broadcast ratings and press readership data are concerned: GEVS had built up its peoplemeter panel and started offering national television ratings beginning in January 2010. In December it launched two more national phone-based research tools. One would measure ratings and advertising of 36 Belarusian FM stations. The second would provide data on readership and advertisements placed in 100 newspapers.

Another private research outfit, NOVAK sells ratings on television, radio, and print media via subscriptions to its diary panel; it also conducts face-to-face polls twice a year.

Just like commissioned market research, these ratings are affordable only to wide-reaching media companies and leading advertising agencies. Meanwhile, both big television channels and key advertising firms seemed to be dissatisfied with the quality of television ratings and the discrepancy between data provided by GEVS and NOVAK. A workgroup was set up to announce a tender that would invite a bigger western company like TNS Gallup Media, AGB Nielsen Media Research, or GFK Group to run measurement of television audiences. The head of the working group said in an interview that diary panels are archaic and peoplemeters should be introduced instead, while failing to at least mention ratings produced by GEVS.

Internet statistics are offered by Gemius (via online counters, online questionnaires, and face-to-face interviews), Akavita (online counters and questionnaires), and NOVAK (Internet usage panel).

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.22

This objective improved somewhat compared with last year, due to the relative strength of the newly added indicator 8 (communications infrastructure meets the needs of media) and because of small improvements in indicators 3 (NGOs) and 5 (short-term training). This objective did see more varied scores than the other objectives, with indicators 2

(professional associations) and 3 exceeding the objective score by about a half a point each. Indicator 6 (apolitical sources of media inputs) lagged by about three-quarters of a point, while indicator 7 (apolitical distribution channels) trailed the objective score by nearly a point.

Supporting institutions remained shackled. The government retains control over production and distribution facilities and put a stranglehold on trade and professional associations. Press-freedom watchdogs and human-rights defenders are constantly harassed. Though the Internet remains relatively unrestricted, some alarming legal developments and Election Day censorship suggested the period of relatively loose controls over the Internet might soon be over.

Panelists mentioned only two trade associations: United Media, an association of 17 private regional newspaper publishers, and the Telecommunications Industry Union (TIU), a 99-member organization of cable operators and television broadcasters. Both serve as a forum to exchange ideas and experience. United Media still maintains its own training program for participating outlets. In addition, there is an exchange of news (mostly via their websites) and advertising. The TIU said on its website that it worked to liberalize the telecommunications market, licensing, and customs and taxation procedures, and contributed to the legislative process. It was, however, unknown how successful those lobbying attempts have been.

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 (e.g., 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 press depends heavily on the state-owned printing houses, as very few privately owned presses are licensed to print newspapers. Printing facilities remain monopolized by the state and are politicized, panelists agreed.

Two professional associations of journalists work in Belarus. The 2,000-strong Belarusian Union of Journalists is the “governmental” organization of media professionals employed by state-run outlets. Panelists failed to expand on what the Belarusian Union of Journalists is doing apart from organizing contests and giving out prizes.

The BAJ has over 1,200 members representing mostly private media. Only BAJ works for the benefit of journalists and protects the freedom of speech, panelists said. Apart from networking activities, it maintains a training program for its members and offers them legal assistance. It cooperates actively with similar organizations in other countries. BAJ is in fact the only organization actively campaigning for media freedom and journalists’ rights and frequently comes under pressure. In January 2010, BAJ received a warning from the Ministry of Justice over its legal assistance center and membership cards. The ministry said that BAJ, being an NGO rather than a media outlet, had violated the media law by issuing membership cards that read “PRESS.” It was urged to collect all the IDs used by journalists during their daily work since 1995, when BAJ was established. The warning also attacked BAJ’s internal legal-assistance unit, which the ministry said had not been properly established. The organization appealed to the Supreme Court, but the appeal was dismissed. BAJ faces closure if it fails to comply and receives a second warning within the next twelve months.

In December 2010, BAJ came under pressure once again after it condemned police brutality against Belarusian and foreign journalists during the Election Day opposition rally. The Ministry of Justice said the organization could defend the rights of only its members.

Apart from BAJ, the panel agreed, there are no other organizations working to systematically support the freedom of speech. The few surviving organizations of human-rights defenders, most notably the Belarusian Helsinki Committee and Viasna, sometimes provide legal assistance to journalists and media outlets and offer limited publicity of such cases.

Journalism degrees are offered by the journalism institute at the Belarusian State University (BSU) in the capital,

Minsk, as well as by state universities in Homiel, Hrodna, and Viciebsk. There are also journalism programs at several smaller private institutions, all based in the capital. Their faculty and curricula remain very Soviet-style, a panelist said. Editors of both state and private media remain dissatisfied with the quality of training. Graduates themselves think skills obtained at these universities are of very little practical use, a panel participant added. Meanwhile, the country’s biggest journalism school, BSU’s 1,500 student-strong journalism institute, is offering majors in online journalism. In a positive development, domestic journalism schools increased cooperation and had joint programs with German and Swedish media-development organizations.

Opportunities to get journalism degrees abroad do exist—for example, at the European Humanities University (EHU), once a leading Belarusian university now in exile in Vilnius, Lithuania, just 20 miles from the Belarusian border. EHU offers two journalism-related majors: media and communications and visual design and media. Belarus education authorities do not recognize EHU’s bachelor degrees, so many students enroll in master programs, either with EHU or other European universities, rather than going back to Belarus.

Other opportunities include government and foreign donor-funded scholarship programs in Poland, Germany, Ukraine, the United Kingdom, and the United States.

Short-term trainings are available, and “non-state” media professionals have better access, one of the panelists argued. As a rule, such training opportunities are offered for free by domestic and foreign media-development organizations. Sometimes media companies cover all or part of participation fees. Most trainings target journalists and editors while advertising and sales managers, newspaper designers, photographers, and video journalists are often neglected, a panel participant complained.

Hands-on onsite consultations and trainings by invited practitioners would be most useful, a panelist argued, since most outlets find it next to impossible to send key staff away for several days.

Sources of newsprint, software, and equipment are neither monopolized nor politicized. The only restriction is that of affordability. Although broader use of laptops and netbooks sold with preinstalled licensed operating systems somewhat lowered the percentage of pirated software, office, graphic, and video editing packages are almost 100 percent pirated, according to many panelists. Meanwhile, most outlets remained reluctant to use free and open-source alternatives.

Distribution remains a sore point. Very few broadcasters own transmitting equipment, which puts them at a disadvantage, since the government may take away their frequencies at any

time. The press depends heavily on the state-owned printing houses, as very few privately owned presses are licensed to print newspapers. Printing facilities remain monopolized by the state and are politicized, panelists agreed. Under the law, a printing house director is responsible for the content of the printed materials produced, so censorship is not infrequent. Printing services are expensive while quality is notoriously poor; most notable are color inconsistencies and an inability to print photo-spreads.

Likewise, press distribution channels are almost entirely owned by the state, and around a dozen independent titles have been banned from them for years. The press distribution network Belsajuzdruk and the postal service Belposhta are owned by the state, and access is politicized. A dozen regional private newspapers were denied access in 2005 and must rely on their own limited in-house distribution via shops. The latter frequently come under pressure from local governments that urge them to stop selling these critical publications. Those non-state titles that are lucky to win access to state networks are also dissatisfied with huge mark-ups (up to 70 percent of the retail price), caps on the number of copies allowed to be sold, and delayed payments. Belsajuzdruk has huge outstanding debts; even debt-recovery suits offer little help since its revenues are dwindling, a panelist commented.

Cable networks are often privately owned, yet the list of television channels must be approved by the local government and the Ministry of Information, which means they keep controversial channels off the air.

ISPs continue to build up their last-mile networks, especially in Minsk and bigger cities. The government, however, retains control over most of the telecom infrastructure, interconnections between computer and mobile-phone networks, and all international Internet traffic. State telecommunications giant Beltelecom sells Internet subscriptions to both end-users and ISPs, charging the latter exorbitant fees.

A presidential Internet edict in February 2010 ordered all Belarusian companies selling goods or services via the Internet to move to Belarusian hosts and have .BY domain

names. Media outlets wishing to sell advertisements or subscriptions to their online content had to comply. Many pro-opposition websites chose to stick to foreign hosting and non-Belarusian domain names. Others must use expensive and inefficient services of Belarusian hosting providers, which are themselves, in most cases, using Beltelecom's infrastructure. According to industry sources, Beltelecom in fact had only one secure and reliable datacenter in Minsk, and its resources are already stretched to accommodate more websites. The same edict provided for filtering of websites that the government considers dangerous. Those provisions were never implemented, yet, as detailed below, independent news sites were inaccessible on Election Day. Separately, ISPs are required to identify all the devices (including computers and mobile phones) that are being used to connect to the Internet. Identification cards must be presented at Internet cafés.

Still, Internet use continued to grow, and prices dropped. In August 2010, 3.3 million Belarusians used the Internet, according to Gemius. The Ministry of Telecommunications said 1.8 million people use broadband connections. Plans with 1 Mbps connections without a traffic cap were sold in December 2010 for as low as \$18 a month, down from \$35 in 2009. Mobile-phone networks cover 97.8 percent of the country, and all operators were offering 3G Internet connections.

List of Panel Participants

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the situation in the country. Human-rights groups, both domestic and international, believe the article's vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

First, boosted by an infusion of significant foreign investments, new print and electronic media appeared. With a revival of competition, standards of quality for media products increased.



MOLDOVA

From a social and political perspective, Moldova experienced an exceptional year in 2010—the first year of the Alliance for European Integration government, formed after July 2009 parliamentary elections. After eight years of predictability, a series of intense events unfolded on the political scene.

After the parliamentary elections of 2009, four attempts by the parliament to elect a president failed. Furthermore, parliament failed to reach a consensus or to achieve a quorum on the issue of amending Moldova's constitutional provisions on electing the president; this could have ended the political crisis. Instead, Moldovan citizens were invited to participate in the first constitutional referendum since the country's independence. The referendum aimed at directly involving the voters in amending Article 78 of the Constitution of the Republic of Moldova, to enable the country's president to be directly elected by its citizens. The referendum, however, failed as a result of insufficient participation by voters, possibly weary from so many electoral campaigns. The dissolution of the Moldovan parliament became inevitable.

Parliament was dissolved on September 28, with early elections set for November. Twenty political parties and the same number of independent candidates joined the race. In 2010, the Electoral Code was amended to (1) lower the vote threshold for political parties to enter parliament; (2) allow electoral blocs; (3) remove the prohibition of parliamentary candidates with dual citizenship, and; (4) liberalize provisions regarding reporting on elections in the mass media. These changes and the authorities' interest in encouraging electoral competition and participation in voting marked a departure from previous campaigns with educational initiatives, interactive electoral debates, and unprecedented opportunities for electoral propaganda. Nevertheless, the results of the November elections confirmed the political polarization in society. Almost half the voters gave their votes to the Communist Party, while the other half voted for democratically oriented parties.

Many aspects of the media sector progressed during 2010. First, boosted by an infusion of significant foreign investments, new print and electronic media appeared. With a revival of competition, standards of quality for media products increased. The regional media, however, especially outlets in Gagauzia, still survive on donations of a political nature.

Indeed, all objectives showed strong improvement in score compared to last year. After years of stagnation in the middle of the "unsustainable, mixed system" scoring category, Moldova has achieved its highest overall score and its first time achieving a score in the "near sustainability" range, even if by a fairly small margin.

MOLDOVA AT A GLANCE

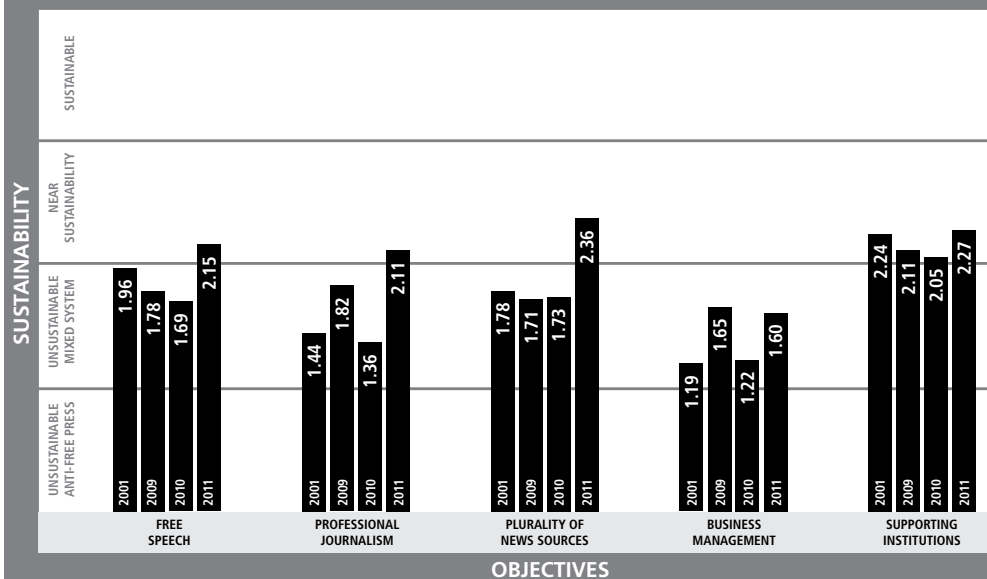
GENERAL

- > **Population:** 4,317,483 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Chişinău
- > **Ethnic groups (% of population):** Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3% (2004 census)
- > **Religion (% of population):** Eastern Orthodox 98%, Jewish 1.5%, Baptist and other 0.5% (2000 est., *CIA World Factbook*)
- > **Languages (% of population):** Moldovan (official, virtually the same as the Romanian language), Russian, Gagauz (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$5.568 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$3,010 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.1% (male: 99.7%, female: 98.6%) (2005 est., *CIA World Factbook*)
- > **President or top authority:** Acting President Mihai Ghimpu (since September 11, 2009)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print media: about 170 newspapers and magazines with local and national coverage in Romanian and Russian (www.moldpresa.md); Radio stations: 48; Television stations: 50 (www.cca.md)
- > **Newspaper circulation statistics (total circulation and largest paper):** N/A
- > **Broadcast ratings:** TV Moldova 1 and Radio Moldova, both state-owned, are the highest rated broadcasters.
- > **Annual advertising revenue in the media sector:** Television: €16 million; Newspapers: about €5 million; Magazines: €1 million; Radio: €1.5 million (National Agency for Competition Protection)
- > **News agencies:** Infotag, Basa-press, Moldpres (state-owned), Info-prim Neo, InfoMarket, Deca-press, Novosti-Moldova, Monitor Media
- > **Internet usage:** 1.333 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MOLDOVA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 2.15

MSI panelists agreed that Moldova achieved visible progress on Objective 1 this year, reflected in a significant jump in the score and crossing the threshold into near-sustainability. All indicators shared in receiving better scores from panelists, with the exception of indicator 3 (market entry) and indicator 9 (free entry into the journalism profession). Despite improvement, however, indicator 2 (media licensing) still lagged behind the objective score by more than half a point. Indicator 8 (media access and use of domestic and international news sources) and indicator 9 both scored more than half a point higher than the objective; historically these have been the highest scoring indicators in this objective.

Moldova's constitution guarantees the freedom of expression and access to information. Not only speech is protected as a form of expression, but expression through images or any other means is guaranteed as well. Constitutional norms also stipulate cases for limiting freedom of expression which, in addition to those listed in paragraph (2) of Article 10 of the European Convention on Human Rights, include "defamation of the country and the nation."

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

"Jointly, these actions could lead to the consolidation of legal norms protecting the freedom of the media," Macovei claimed.

Nevertheless, this indicator progressed due to the adoption of two extremely important laws on freedom of speech and information. "Last year saw some changes in the liberalization of the media market, the adoption and enforcement of the Law on Freedom of Expression, the adoption of the Law on the Denationalization of Public Periodicals, and work on the development of a new broadcasting code," said Petru Macovei, executive director of the Independent Press Association (IPA). "Jointly, these actions could lead to the consolidation of legal norms protecting the freedom of the media," Macovei claimed. Carolina Budesco, editor of the online outlet azi.md, considers the guarantees provided by the new law extremely important for the freedom of speech, and representative of European standards in the field. "The Law on the Freedom of Expression secures the right of every person to criticize the authorities; the confidentiality of sources is protected by this law, so that people who disseminate information received from confidential sources to the public cannot be obligated to disclose the identity of the source in a civil or criminal trial," Budesco said. Moreover, a person's refusal to disclose the source of information does not deprive him or her of other guarantees for defendants in judicial proceedings. In addition, the law stipulates that prosecuting agencies or courts can oblige a person to disclose a source of information in criminal proceedings only if several conditions are met simultaneously.

NGOs in the country, namely the Independent Journalism Center (IJC) and IPA, helped to develop and advocate for the two new laws. IJC has worked on the Law on Freedom of Expression since 2006. IJC advocated for its adoption with the previous parliament, but only after the parliament gained a democratic majority in 2009 was passage possible. IPA developed the other law, on the denationalization of public periodicals.

Yet Eugen Luchianuc, blogger and co-founder of the privesc.eu online portal, believes that journalists' freedom of speech is directly proportional to the freedom "allowed" by their employers or funders. Valentina Ceban, a journalist at the public broadcasting company in Gagauzia, expressed a similar opinion—except she went a step further and asserted that there are no independent media outlets. "Any media outlet, be it television, radio, print, or online, directly belongs to some political party, and if it is not owned, it nevertheless

Matei described some common types of harassment journalists face. "Journalists may be harassed by politicians' bodyguards, they may be ordered to film from a certain standpoint, or they must present their accreditation to at least 10 people before being allowed to film an event," she said.

supports some political group," Ceban said. "Examples in this regard can be *Chas Pik*, the online *Gagauzlar*, and the public broadcasting company Teleradio Gagauzia, which openly supports the Communist Party," Ceban added.

Also, panelists agreed that enforcement of the law is deficient in Moldova. Veaceslav Perunov, director of the periodical *SP* in Bălți, noted that court decisions on the freedom of speech are not always correct. "Legal texts generally comply with international standards on human rights and freedom of expression, and journalists can litigate cases violating their rights, but they cannot be sure of the independence of the judiciary," confirmed Vasile State, of the Electronic Press Association (APEL).

Periodicals and broadcast outlets are subject to registration. A registration certificate for print media is equivalent to a license for broadcast media. Unless a print outlet bears a registration number, a fiscal code, and a VAT code (assigned at registration) it cannot operate as a legal entity. Thus, periodicals are registered at either the Ministry of Justice or the State Registration Chamber, while the Broadcast Coordinating Council (BCC) licenses broadcast media. As for online publications, they are not subject to registration, although Eugen Urușciuc, director of the Monitor Media News Agency, recalled that in 2010 the BCC requested that parliament oblige live streaming online media to obtain a BCC license. The status of this request is not clear, but the panelists did not believe it likely that parliament would consider the request.

Panelists agreed that there are no difficulties with the registration procedures for periodicals and news agencies, but the press law prohibits unregistered newspapers and news agencies. As for the licensing procedure for broadcasting outlets, panelists strongly criticized the BCC's actions. The majority of panelists held that BCC is an easily manipulated institution, and that the licensing and distribution of frequencies is non-transparent and corrupt. State said, "Licensing is a weak point in the development of Moldovan

radio and television." He added, "In 2010, just like in previous years, the BCC licensed some broadcasting outlets of questionable merit." Licensing procedures lack transparency, and it is not clear to ordinary citizens why one broadcaster is granted a new radio frequency or a new television channel and another one is denied.

Panelists described the remarkable BCC session of October 19, 2010, when 10 frequencies of the 11 up for tender were taken by a single broadcaster: VDT—a virtually unknown outlet competing against important stations Jurnal TV and Publika TV. Later, VDT refused eight of the frequencies granted. In the same session, the BCC granted four of the seven radio frequencies up for tender to a single radio station—Maestro FM. Panelists emphasized that the media reported that the two winning outlets belonged to one businessman, but the simple fact that nearly all television frequencies were granted to one broadcaster raised doubts about the impartiality of BCC decisions.

In 2010, parliament modified Article 66, paragraph (3) of the Broadcasting Code to stipulate that a broadcasting outlet could hold a maximum of five licenses in one *raion* or other sub national division (previously, a broadcaster could hold only two). Rodica Mahu, editor-in-chief of *Jurnal de Chisinau*, pointed to this decision as further evidence of influence and lack of transparency regarding the BCC.

Panelists agreed that entry into the media market is free and unlimited. All print, online, and broadcasting outlets, apart from official registration requirements, are absolutely free to launch their media businesses. "It seems that print media enter the market more easily, although maintenance is as difficult as it is with broadcasting media," said Mahu. On the other hand, Perunov expressed the view that mass media must be treated preferentially, to protect local content and enable financial independence for local media.

Rodica Matei, reporter and editor on TV Elita in Cimislia, however, said that media enterprises are disadvantaged compared with other sectors. "We pay a 20 percent VAT, while agricultural enterprises pay an eight percent VAT; furthermore, we are additionally charged a five percent local advertising tax," Matei said. Discrimination against the mass media is also evident in the way rental charges for premises in public buildings are calculated. "While before the Tarlev government the media were treated like art and music associations in calculating rental charges, now a media outlet must pay as much as a bank," Matei added.

Panelists expressed their disagreement with the 2010 introduction of the local advertising tax, which requires media outlets to pay five percent of advertising revenue. According to Macovei, "The taxation of media continues

to be a hindrance for the development of the media market, and in 2010 authorities repeatedly pushed the local advertisement placement tax. The protests of mass media organizations, especially of the IPA, were followed by the introduction and vote in the first reading of a draft law annulling this tax, which so far has not been voted on in a final reading," Macovei said.

Generally, violations against the media are penalized like violations against any citizen. Moldovan legislation stipulates no special penalties for violations against journalists. Violations against media professionals are not frequent, though occasionally defense and security services intimidate working journalists. Also, isolated cases of hooliganism or threats against journalists take place as well. Perunov believes that the intensity of these incidents increases during electoral campaigns, and that in most cases the aggressors escape punishment.

Mahu explained that she awarded this indicator the lowest possible score based on her personal experience. Mahu tried to bring to justice the policemen who kidnapped her during the civil unrest in April 2009. "Although international opinion was more scandalized than that of Moldovans, no one was punished," Mahu said. "The two policemen who detained and interrogated me had two administrative proceedings instituted. The second ended in March 2010 with their appeal, and nothing happened to them; they retained their positions," she explained.

Uruşciuc presented several examples of violations of journalists' rights in 2010. "On April, 7 journalist Ernest Vardanyan was arrested in the separatist region of Transnistria, which is not controlled by the Chisinau authorities, and was accused of espionage for Moldova. Also, in several instances journalists were harassed on duty—including Victor Ciobanu [Jurnal TV] and the Publika TV team of journalists. There were also several cases of preventing the media from accessing events—including a case when a magistrate ordered journalists out of a court session on a high-profile case [that of Iacob Gumenita, Chisinau's ex-police chief who was arrested for his role in the violent crackdown on protestors in 2009], and the intimidation of a journalist from *Ziarul de Garda*, and a robbery at the *Capitala* office in July."

Matei described some common types of harassment journalists face. "Journalists may be harassed by politicians' bodyguards, they may be ordered to film from a certain standpoint, or they must present their accreditation to at least 10 people before being allowed to film an event," she said. "Journalists are not treated favorably, especially if they seem to be investigating a case," she concluded.

Many bloggers say they are not recognized as news sources since they have more limited access to information than journalists at traditional media outlets.

The constitution, the Broadcasting Code, and the Law on the Freedom of Expression prohibit censorship or any other interference with the editorial policy of the media, especially that of public institutions. Although legal guarantees for the editorial independence of public media have existed for a long time, censorship and interference with editorial policy have never been punished, because the legislation failed to stipulate sanctions for such violations. In 2010, at the initiative of civil society groups, the parliament registered a draft law inserting two new violations into the Criminal Code: censorship and illegal, deliberate hindrance of the activities of mass media or intimidating a person for offering criticism. This draft, however, has not been voted on yet in a parliamentary session.

While the public company Teleradio Moldova has been heavily criticized in recent years by national and European experts for its editorial policy favoring the governing party, in 2010 it began to visibly abandon this practice. Studies monitoring the company's journalistic products—conducted by civil society organizations including IJC and APEL, by BCC, and also by the company's own monitoring department—reported this progress. Investments by European organizations, including the European Commission's media program and the Council of Europe, supported the improvements. The panelists said that two steps, in particular, were instrumental in breaking Teleradio Moldova's subservience to the government: appointing five new members to the Supervisory Board, and appointing new leadership for the company.

On the other hand, partisan practices, self-censorship, and subservient journalism are still promoted at the regional public company Teleradio-Gagauzia and at print media outlets founded by local public authorities. The situation at Teleradio-Gagauzia greatly depends on the director's will and character to resist the political and economic influence. Teleradio-Gagauzia's problems are linked to the administration's political bias. In the case of public print media, the Law on the Denationalization of Periodicals is expected to remove these media outlets from the state's financial and editorial control.

Ceban explained that she awarded the lowest score to this indicator on the basis of her personal observations as an employee at Teleradio-Gagauzia. "For two weeks already I have been watching the non-execution of the Supervisory Board's decision on the dismissal of the company's president." She explained, "The selection of the public company's leadership is done on the basis of their political affiliation; members of the editorial board are appointed according to the same political criteria, although they are formally independent."

Perunov believes that in Moldova there are no editorially independent media except for Teleradio-Moldova. "*Raion* and municipal newspapers founded by local authorities are totally dependent on the will of the leadership and on party interests," said Perunov. "Although the law forbids public authorities from founding broadcasting companies, in Bălți BTV still operates and is de jure owned by the municipal council—and de facto by the municipality, as it is funded from the local budget," he added.

Defamation in Moldova is a civil offence. Still, the Contravention Code provides that libel and slander are unlawful deeds punishable by fines, community service, or arrest. However, with the entry into force of the Law on Freedom of Expression, public figures are less shielded from criticism, the parties in a case bear the same burden of proof, media bank accounts cannot be seized, and the press enjoys more freedom to criticize the state.

Free access to information is a constitutional right. Moldovan citizens are free to access official information on the basis of both the Law on Access to Information and the Law on Transparency in Decision Making. There are no specific legislative provisions that would grant the media additional privileges in accessing information of public interest. "No changes occurred in 2010 regarding access to information, except for greater openness from the State Chamber of Registration in this area," said Macovei. "It is still problematic to obtain information from the Cadastral Service or the General Prosecutor's Office."

Tudor Iașcenco, director of *Cuvantul* in Rezina, is convinced from experience that the authorities are open to the media and citizens only when it comes to information that contributes to their positive image—and that they are very reluctant when asked to provide inconvenient information that may reveal unsavory facts.

On the other hand, Urușciuc believes that officials and politicians have recently displayed greater openness to the media, and that the degree of access to public information is higher than in previous years. "Some government institutions increased the degree of transparency for the media. Cabinet

meetings became accessible to the public by creating opportunities for viewing them online on the government's website [www.gov.md], and launching the *Government Monitor* newsletter," he explained. Also in 2010, the government declassified a series of documents relevant to the previous government by means of a specially created website: www.secret.gov.md.

However, while panelists agreed that at the national level media access to public figures had improved, at the local level the situation remained stagnant. Local public authorities do not hesitate to order the press out of public sessions, or to restrict journalists' access to public information—especially regarding public procurements. Angela Zaharova, an editor at Moldova 1, said that local public authorities rarely employ press officers, and although they do designate an employee responsible for public relations, this person typically does not know the specifics of the work or is insufficiently trained.

The mass media's access to international news and sources of information, including the Internet, is not restricted in any way. Journalists and editors can use the Internet to access international news and other information. There is no prohibition with regard to relaying news and information from foreign news agencies. Television stations have the right to retransmit programs from foreign European television channels, and from countries that are signatories of the European Convention on Transfrontier Television on the basis of the free retransmission principle.

Entry into the profession is free; anyone can choose to become a journalist. However, bloggers have no access to most state institutions. Journalists need special accreditation to attend parliamentary sessions, even if they have a press card. Also, journalists need accreditation to report on the government. Many bloggers say they are not recognized as news sources since they have more limited access to information than journalists at traditional media outlets.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.11

Just as with the previous objective, visible progress has been made in Moldova. Many panelists agreed that due to the competition that appeared in the media market in 2010, the quality of journalism products offered by the media has improved, and accordingly, MSI scores for this objective went up. All indicators received higher scores and all scored close to the indicator score. However, there is still room for improvement.

Some panelists highlighted the negative effects on professional standards stemming from heavy political campaigning in recent years. "Overall, the quality of journalism products is average to good," said Macovei, "but the election campaigns of recent years and excessive political influence on the media have eroded the basic principles of responsible journalism, and some media outlets publish biased, poorly documented reports that do not comply with ethical principles of two sources, the presumption of innocence, and the right of reply." According to State, despite some overall progress compared with previous years, there are still plenty of gaps in terms of reporters observing professional standards. "Events are often reported superficially and tendentiously, journalists' subjectivity seeps into reports, and audiovisual production values do not always meet professional standards," he remarked. Participants agreed that some journalists fail to verify information using several sources and give space to the views of all parties concerned, and that when that happens, it is done to benefit certain persons, parties, or subjects.

Uruşciuc believes that compliance with ethical norms by professionals is one of the main problems of journalism in Moldova. "Manipulation, interpretation, juggling facts, and taking statements made by sources of information out of context are typical of a number of media outlets in the country; in an election year like 2010, the media used these techniques extensively," Uruşciuc said.

Also, panelists noted that the departure of some prominent journalists from certain television stations shows that the editorial policy of these institutions still seems to be influenced by particular factors and situations. Panelists

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Matei said, "I have been working in the field for over three years and I cannot deny that there have been some cases in my career when I was forced either not to publish an article that was already prepared or to keep silent on a certain situation."

referred to the cases of Vitalie Calugareanu, who left Jurnal TV, and Natalia Morari who left Publika TV. "We cannot blame the two journalists; they were put in a position to accept self-censorship and to compromise, but their decision indicates that the management of media outlets requires employees to comply with certain rules," added Uruşciuc.

In this regard, the situation in Gagauzia is much worse. Ceban believes that there are virtually no journalists in Gagauzia who collect all points of view for an article. Ceban added that this phenomenon is directly related to the fact that Gagauzia has practically no independent media outlets, except for the public radio station, the Ajyn Achyk television station, and *Znamja*.

Participants also discussed that in principle, journalists accept ethical standards, but do not appear to prioritize compliance. According to State, "The problem is that those who violate the rules of professional ethics generally escape punishment. Moreover, they find ways to circumvent ethical rigors by somewhat unusual methods, such as distorting messages by mixing information and comments, even in news programs, as in the case of NIT TV's editorial policy favoring the Communist Party." Panelists believe that use of these media effects aimed at subtly manipulating public opinion have become alarmingly common.

In recent years, Moldova has taken some concrete steps toward increasing the accountability and credibility of the media to society, and to promoting quality journalism based on specific ethical standards. Media NGOs, including IPA, drafted and edited the "Guide to Ethical Style," and in 2009, the National Press Council was founded. Its basic function is to examine complaints about the editorial activities of newspapers and magazines, news agencies, and web editions and information portals in Moldova, and to develop recommendations to enhance professional standards in the media and promote responsible journalism. In 2010, media and civil society representatives launched a consultation campaign on changing and improving the Journalists' Code of Ethics adopted in 1999, which many consider poorly structured and confusing. Furthermore, upon its adoption

Uruşciuc noted that, “Overall, the Moldovan media report on the most important events of the day, but it should be mentioned that the media bask in political topics at the expense of social and community issues.”

in 1999, only a few organizations co-signed, and organizers of the 2010 campaign hope to draw in more media organizations through a subscription process. Finally, the Code of Ethics lacks provisions pertaining to self-regulation that are so necessary; the National Press Council needs to have clear and thorough obligations and responsibilities spelled out.

Regarding ethics for journalists in Gagauzia, Ceban said, “There is a guide on ethical norms, but it is not widespread in the editorial offices of Gagauzia.” Iaşenco, director of a publication that is an IPA member, said that the IPA distributed the “Guide to Ethical Style” to a large number of editorial offices, but the enforcement of these rules in most cases depends on a director’s will. Ceban added that she personally knows of Gagauzian journalists who agreed to receive gifts or payments in exchange for coverage of some event.

As for plagiarism, the phenomenon is widespread among journalists in Moldova. This problem has been addressed with growing frequency in editorial offices, journalistic circles, seminars, and at conferences. Luchianiuc, representing online media, said that journalists in Moldova fail to respect copyrights.

Discussing self-censorship, all panelists agreed that it still exists in editorial offices of Moldova. Matei said, “I have been working in the field for over three years and I cannot deny that there have been some cases in my career when I was forced either not to publish an article that was already prepared or to keep silent on a certain situation.” Perunov commented, “Self-censorship is most common in the state media, although there are cases when it is encountered in the independent media when the outlet’s economic interests are at stake.” Some journalists practice self-censorship for various reasons: fear of losing their jobs or of upsetting authorities or economic interests. Editors and publishers also practice self-censorship, imposing it on journalists and photojournalists. According to Ceban, “Editors and publishers deliberately force reporters to resort to self-censorship; such situations are common in public television in Gagauzia as well.” Additionally, the lack of transparency regarding mass

media ownership leads to interference in media outlets by political or economic groups that aim to use the media to manipulate public opinion. As a result, journalists at these outlets are unable to report on certain important events and situations, and in some cases practice self-censorship.

Journalists mostly manage to report on important events occurring in the country; however, the media outlets’ agendas frequently reflect the official agenda. According to State, “As a rule, over half of the issues broadcast are prepared based on press conferences by official or unofficial actors.” Uruşciuc noted that, “Overall, the Moldovan media report on the most important events of the day, but it should be mentioned that the media bask in political topics at the expense of social and community issues.” Panelists believed that the Moldovan press is politicized as a result of the “chronic electoral process” that afflicts the country. “Moreover, the Chisinau media are strongly centralized; they report mostly on daily events occurring in the capital, and less on events in other regions,” Uruşciuc said. Luchianiuc offered that traditional media organizations do not always report on events that are important to society, and that sometimes bloggers write more about such topics than journalists. Moldova is not yet seeing a large extent of coverage on such topics on social networking tools, such as YouTube, Twitter, or Facebook.

In 2010, two new television stations appeared in the media market. As a result, competition heated up, and job offers for journalists materialized. Broadcasting in general evolved dramatically this year. Competition forced producers and directors to enrich television schedules with interactive programs, political debates, and similar offerings. All these developments generated a massive migration of journalists and media professionals working in the NGO sector to accept flattering offers from media outlets. These offers, however, came from private media, and public broadcasters lost many employees because they could not match salary offers.

The situation outside the Moldovan capital is different. According to Matei, “Although there are some very good regional journalists, they are paid poorly in comparison with journalists working in Chisinau, and this drives some to practice political partisanship.” Iaşenco, from Rezina believes that for this reason, many good journalists prefer a decent salary at the cost of denying their own beliefs and opinions. She added, “Being a reporter in the region, I get frustrated when I hear about my Chisinau colleagues’ salary for the work they do, while I am both a reporter and video editor.” Uruşciuc shared this opinion, and said, “Low pay for journalists is a handicap for the media industry in Moldova; the low wages of journalists, especially outside Chisinau, can lead to corruption and editorial subjugation by political or financial powers.

Ceban noted that in Gagauzia, the media owners themselves openly tell their employees to accept projects from other media outlets to augment their income, as the average salary paid to journalists in Gagauzia is not more than MDL 2,500 (\$210). "In our region, there are too few media outlets for journalists to be able to work for several publications, and for this reason one has to work 12 hours a day instead of eight," added Ceban.

All panelists agreed that journalists in Moldova have to work at several jobs in order to secure their existence financially. The participants also said that print journalists earn lower salaries than television journalists. However, journalists—especially television journalists—in Moldova are paid much better than teachers and civil servants, for example.

Participants agreed that so far, entertainment and political programs in the Moldovan press are balanced. Perunov believes, however, that the new stations Jurnal TV and Publika TV hint at a trend for information programs to eclipse entertainment shows. According to information on the BCC website, Jurnal TV devotes 77 percent of its airtime to informative and analytical programs, and 23 percent to entertainment programs; Publika TV declared a similar ratio. On the other hand, some panelists noted that the print press is filled with political news items and articles at the expense of entertainment. "If radio and television maintain a certain balance, I can hardly remember the last time I read in newspapers anything other than news," remarked Ceban.

Regarding the media's use of modern equipment and facilities, the panelists were unanimous that there are certain differences between the situation of regional media and that of media outlets in the capital, between print and electronic media, and between public and private media. The panelists representing online media declared that their technical equipment is satisfactory. In the regions, however, there is less investment in the media, and for this reason technical performance indicators are very low. Public broadcasting professionals noted that public company Teleradio-Moldova is decidedly lacking in high-performance equipment, which reduces the quality of the products provided to the public. However, the progress in independence and professionalism shown this year by the public broadcaster resulted in increased interest from foreign donors and European institutions in supporting this progress through personnel training programs and the provision of technical equipment. For example, in November 2010 the government of the Slovak Republic offered Teleradio-Moldova technical equipment worth €100,000. Media consumers expect quality programs and shows as a result of these investments.

Meanwhile, the problem of obsolete and outdated equipment at Teleradio-Gagauzia remains acute. "For

television, this issue is urgent; it has a crucial influence on the quality of journalism in the region," said Ceban. "Old and unprofessional cameras often fail during filming, and obsolete antennas cannot cover the entire region," she added.

Panelists said that although there are journalists who specialize in certain areas—economics, medicine, sports (Radio Sport, the first specialized radio on sports, launched in November 2010)—investigative journalists are too few. Perunov believes that one reason could be poor training and lack of material resources. According to him, "Media managers consider in-depth investigations prohibitively expensive." He added, "Investigative journalists are not financially motivated to produce such complicated products." This is true in the sense that journalists are not financially supported to cover the costs of in-depth reporting, nor are they compensated in terms of better pay if they are willing to take on the extra risk and put in the extra time that such reporting calls for. Mahu said that while some journalists do conduct investigative reporting, they lack quality. "A quality investigation—not a story inspired by a file leaked by the political opponent of the object under investigation—is difficult. It takes time and resources to make a genuine social exploration for the benefit of the entire community," explained Mahu. Furthermore, very few reporters and editors are professionally prepared to do the investigations. In universities and in newsrooms, only superficial attention is paid to this type of reporting.

While in Chisinau niche and investigative journalism is weak, in Gagauzia it is missing altogether. "Media report only on political events, and investigative reporting is non-existent," said Ceban.

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.36

Public access to multiple sources of information has improved: broadcasters that received licenses for broadcasting via satellite made serious efforts to persuade as many cable broadcasters as possible to include these stations in their program lineups. In addition, access to objective and accurate information improved as well, due to changes in the editorial policies at television stations with national coverage, such as Moldova 1, 2 Plus, and Prime. All indicators improved, and indicator 2 (citizen access to media) improved to the point of exceeding the objective score by more than half a point. Indicator 3 (public media are nonpartisan) and indicator 6 (transparency of ownership), however, were not able to

“The low income of the population is the factor that restricts access to information the most, and television remains the most inexpensive source of information,” said Perunov. “At the same time, local and regional television stations are still quite fragile and cannot bridge the gap of diverse and pluralistic information in rural communities,” said State.

improve enough to finish near the objective score, and lagged by a bit more than half a point.

The amount of media options grew very rapidly in Moldova in 2010. At the beginning of the campaign for early parliamentary elections, the BCC published a list of television and radio stations with national coverage (meaning more than 60 percent coverage). Thus, Moldova 1, Prime, 2 Plus, NIT, and Euro-TV Chisinau are national television stations, and Radio Moldova, Prime FM, Vocea Basarabiei, Noroc, Hit FM, and Europa Plus Moldova are national radio stations. According to data published by the BCC, 50 television stations plus 14 Moldovan television channels and 48 radio stations currently operate in Moldova. Of these, 25 television stations, seven Moldovan channels, and 18 radio stations have their headquarters and broadcast in regions beyond Chisinau.

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) exists 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 non-partisan, 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.

As for print media, according to National Bureau of Statistics from 2008, 518 outlets (magazines, periodicals, and newspapers) operate across the country, while www.moldpres.md counted 170 media titles published in Moldova. Although no data exist on the number of online media, more than 20 news portals can be accessed in Moldova. Also, there are about eight currently functioning news agencies. In addition to these media that operate exclusively online, most television, radio, and print companies manage their own websites. In general, media consumers in Moldova have access to many sources of information. According to the Public Opinion Barometer (POB) that surveyed 1,100 people, as of November 2010, almost 10 percent of respondents believe they have a great deal of free access to information, more than 40 percent said they have some access, and about 36 percent said they have little access.

According to the POB, nearly 75 percent of respondents turn mainly to television for their news, about 10 percent rely on the Internet, and 6.7 percent count on radio. Newspapers are the main source of information for just 2.3 percent of the respondents. The most popular television channels serving as the main source of information for citizens are: Moldova 1 (27.8 percent), Prime (24.9 percent), NIT (16.7 percent), and Pro TV (15.1 percent).

In terms of the quality of programs broadcast by television channels with the largest audiences, Moldova 1 led with just over half of the respondents believing that it reports events with the most truth and objectivity.

Monitoring reports conducted by the BCC and media NGOs during the election campaign of October-November 2010 pointed to fairly decent standards of behavior of the media monitored. The only television channel that aggressively engaged in political partisanship in favor of a political party was NIT. According to the final report on media monitoring in the election campaign,¹ NIT decidedly favored the Communist Party (PCRM), behaving like its “pet station.” Journalists accompanied PCRM candidates to the majority of meetings with the electorate and openly campaigned for this party. At the same time, NIT failed to feature other candidates and ensure a pluralism of opinions in its news bulletins. In response, the BCC applied three sanctions to NIT during the last election campaign.

All panelists agreed that access to pluralistic sources of information is more difficult in the regions, where, panelists said, the population has already been brainwashed by NIT and Moldova 1, which before 2009 was absolutely subservient

¹Independent Journalism Center. “Media Monitoring in the Election Campaign for the Early Parliamentary Elections of November 28, 2010.” Available at: http://www.ijc.md/Publicatii/monitorizare/Report_elect_final_en.pdf

to the communist government. "As for social networking websites, especially odnklassniki.ru, access to them is becoming more frequent in rural areas," said Zakharova.

National legislation does not in any way hinder citizens' access to national and international media. Although access is free, the international media presence in the Moldovan market is not significant. Recently, the first television station in Romania, TVR, resumed its retransmission in Moldova through the 2 Plus television channel (after the BCC withdrew this station's broadcasting license in 2007). Prime, which used to retransmit the programs of Russian channel Pervyj Kanal on state network III, displeased Russian media consumers and the Russian authorities after it reduced the Russian station's retransmission time and enriched its broadcast schedule with its own programs and shows in Romanian. A total of 500 veterans from Moldova sent an open letter to the Russian leadership and to Pervyj Kanal in which they accused Prime of broadcasting only 40 percent of the authentic Russian product.²

"The low income of the population is the factor that restricts access to information the most, and television remains the most inexpensive source of information," said Perunov. "At the same time, local and regional television stations are still quite fragile and cannot bridge the gap of diverse and pluralistic information in rural communities," said State.

Considering whether or not public media outlets reflect the views of the entire political spectrum, are not partisan, and work in the public interest, the panelists said that, unfortunately, this statement is valid only for the public broadcaster Teleradio-Moldova—and only since 2010. Indeed, after appointing new members to the company's Supervisory Board and a new administration at the beginning of January 2010, Moldovans and international observers recognized the public broadcaster's progress in establishing an independent editorial policy and pluralistic and fair coverage of events. Monitoring reports on the national public broadcaster's behavior performed by the BCC and civil society during the 2010 election campaigns demonstrated this company's commitment to professional media standards. At the same time, Mahu noted that the people who had been openly favoring the communists for eight years remain in office, and they sabotage the principles of a balanced, impartial, and fair editorial policy. According to Mahu, "The style of these stations [Moldova 1 and Radio Moldova] remains obsolete and often primitive, even if they try to cover the areas of public interest [educational and cultural programs] ignored by their colleagues in private broadcasting companies."

²Media Monitor, October 6, 2010.

As for blogs, Mahu commented, "I do not think that bloggers produce original content; I believe that they basically comment on the major news—or, frequently, on rumors. In all cases, bloggers are not a source themselves."

Unfortunately, local media funded by public authorities are not independent; they depend entirely on the founder's will financially and editorially and are nothing but a mouthpiece for the authorities. "The state media do not serve the public interest; they devote attention mostly to local authorities," said Perunov. In Moldova, there are about 40 periodicals founded by public authorities that will soon be subject to privatization under the Law on Denationalization of Public Periodicals adopted in the autumn of 2010. The implementation of this law will contribute to strengthening the editorial and creative independence of the periodicals, will develop media competition and will attract investment.

Ceban remarked, "In Gagauzia, the leaders of many public and state media formally declare that these media serve readers' or viewers' interests while in fact the situation is exactly the opposite." According to the monitoring report conducted by APEL on the manner in which Teleradio-Gagauzia reported on the elections, the regional public broadcaster presented unbalanced and disproportionate amounts of political/electoral news, ignored its function of educating the radio listeners and television viewers through educational programs, and violated legal provisions on electoral debates.

While the television and electronic media market became more dynamic, news agencies faced a crisis, according to Uruşciuc. He explained, "The speed with which information began to circulate somehow 'confused' news agencies. News agency executives say they lost many subscribers this year because access to promptly produced, quality information has become easier via television and web information resources." All news agencies have been affected equally, working to fight the demand for swift information at the expense of accurate information. Also, although news agencies offer news services on the web as well, other web portals provide the same information free of charge. In terms of international agencies, Mahu noted that major agencies—Reuters, Associated Press, or Agence France-Press, have only a handful of subscribers in Chisinau; media outlets also receive news via Agerpres and ITAR-TASS. Mahu added, "The online portal jurnal.md, which is in fact a news agency, does not subscribe

to any international news agency, not even to Agerpres.” Ceban noted that there are no news agencies in Gagauzia.

Almost all private television and radio stations produce their own news, as media market competition has virtually forced broadcasters to enhance their broadcasting schedules with their own news bulletins and programs. In 2010, two television news stations—Jurnal TV and Publika TV—supplemented the media market with hourly news broadcasts. In addition, noted Urusciuc, “Prime made serious investments in its production, and it has launched a series of news bulletins, debates, and entertainment talk-shows.” According to Ceban, Gagauzia has television channels and newspapers that produce their own news, including the private TV2 Komrat and Eni Aj. She added that sometimes the news produced by private stations differs from the news broadcast by public stations, but only with regard to the politicians who appear on screen.

As for blogs, Mahu commented, “I do not think that bloggers produce original content; I believe that they basically comment on the major news—or, frequently, on rumors. In all cases, bloggers are not a source themselves.”

The subject of transparency of media ownership became a heated topic of discussion in 2010 in journalistic circles and civil society. The Broadcasting Code does not include any provisions to increase the transparency of ownership. A civil society initiative, however, prompted an amendment to the electoral code requiring broadcasters, at the beginning of an election campaign, to provide the BCC with a list of owners and the editorial policies adopted during the campaign. Nevertheless, those provisions have not reached their target because the real owners of the stations remain unknown. Media NGOs argue that it is essential to add provisions in the Broadcasting Code to increase transparency of ownership in broadcasting by revealing the names of owners, founders, shareholders, members, and owners of parent companies.

In most cases, media owners are intermediaries. Newspapers publish only the name of the editorial company—not the people involved. Furthermore, party newspapers deny being the press bodies of political parties, thus misleading readers. “For example, *Argumenty i Fakty v Moldove* belongs to a member of the PCRM, *Gazeta MD* in Bălți also belongs to—and is funded by—some PCRM members, *Novoe Vremja* belongs to a politician, and so on,” Perunov said. He added that the country has no law requiring the publication of such information. “There are both monopolies and oligarchies in the media market,” he concluded. Ceban said that in Gagauzia, on the other hand, the public knows the media owners because they are very few.

Budesco said that despite the lack of official data, it was said during communist rule that there was a so-called “Voronin media trust” that included several television stations, newspapers, and news agencies (Moldpres, Basa-press, OMEGA), as well as public broadcasting institutions, because their editorial policies favored the PCRM. “Currently, there is information about the creation of another media trust, that of businessman Vlad Plahotniuc who owns several television stations and most local radio stations,” said Budesco, adding, “Foreign oligarchs who expanded their businesses in Moldova are already being spoken about openly—the controversial businessman from Romania, Sorin Ovidiu Vantu, who launched Publika TV in Chisinau, and Dinu Patriciu, owner of *Adevarul* in Romania who launched *Adevarul* and *Click*.”

As mentioned above, the panelists believe that the media in Moldova focus more on political issues than on any other subject. Some participants explained that this is due to the political crisis that the country has faced over the past two years, and as a result, most of the topics broadcast in news bulletins and talk shows are political, and the figures most often seen on screen are politicians. Moldovan media report very infrequently on issues relating to equality between the sexes, ethnicity, or religion. The reasons are not obstacles raised by the authorities, but a lack of interest by editors, media executives, and even reporters. Although domestic violence, trafficking in women, and migration are some of the most serious problems experienced by Moldovan society, they are under-represented in the media, although some outlets do organize campaigns aimed at raising awareness.

In terms of minority language media, Iașenco commented, that the number of Russian-language publications that circulate in Moldova almost equal offerings in Romanian. Perunov noted that while Moldova has newspapers in minority languages, the legislation requires broadcasters to devote at least 70 percent of broadcasting time to programs in the official language. Ceban said, “In Gagauzia, because people speak Gagauz and Russian, there is only one television station that broadcasts both in these languages and in the official language.” Budesco added, “The trend in Moldova is that speakers of other languages receive information from the Russian-language media, especially those originating from the Russian Federation.”

Most of the panelists believe that Moldovan media provide the public with information of local, national, and international interest, though it is still insufficient. Overall, in the media outlets with national coverage and in those from the capital, topics of national interest prevail, while local and international topics attract their interest only in cases with sensational elements. Nevertheless, the public has access to information of international interest due to the

presence in the media market of TVR 1, Radio Free Europe, Pervyj Kanal, and several other retransmissions from foreign channels and newspapers published in Russia. A number of local broadcasters produce news of community interest, encouraged with technical and financial support from foreign donors. Teleradio-Moldova, with its mission to cover a wider range of consumer interests, broadcasts news and programs of local interest to a greater degree.

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.60

Despite improvement in the score of this objective, panelists concluded that the media in Moldova are not well-managed businesses and this complicates editorial independence. Indeed, this objective is the only one to remain in the “unsustainable, mixed system” scoring category. All indicators showed improvement except for indicator 5 (government distortion of the market) and indicator 6 (market research). However, all indicators scored very close to the objective score, meaning panelists’ criticisms are well founded.

Independent media managers try to organize their businesses so that they are profitable. According to market rules, a quality product normally means more sales and higher profits. Unfortunately, Moldova is not normal in this regard. Advertising flows continue to be directed not by market forces, but rather to businesses loyal to or dependent on political or economic groups. In other words, in Moldova the best does not always win. Politicization of media businesses

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Uruşciuc, who manages his own media business said, “The country’s precarious economic situation directly affects the media industry... News-oriented print media, especially in the regions, often lives on the edge.”

is a known fact. Many managers see mass media not as businesses but as propaganda tools. This fact became even more evident during electoral campaigns. According to State, “Although there are signs of recovery, the situation is not satisfactory and there is room for improvement.”

Iaşenco believes that, “Most media outlets are kept afloat by grants from various international bodies...because the income from the sale of publications and advertising space does not fully cover production costs.” Independent media in Moldova are at best sustainable, but they are neither effectively managed nor produce substantial profit. Media rarely develop business plans because they lack the skills to do so. Moreover, the media do not have sufficient resources to employ specialists in marketing or finance, in particular because such specialists are few. “The operation of the media in Moldova is not stable or efficient,” said Perunov.

Uruşciuc, who manages his own media business said, “The country’s precarious economic situation directly affects the media industry.” He added, “Only media outlets that exist on grants by local or external donors—Jurnal TV, Publika TV, Prime—or media with an economic character—*Ekonomicheskoe obozrenie, Economis*—can be considered prosperous. News-oriented print media, especially in the regions, often lives on the edge.”

There is no transparency in the use of taxpayers’ money by the public media, because they do not have adequate and secure sources of income to exclude political intervention. Advertising has a negative influence on the editorial policies of all media, regardless of ownership. Prices are primarily dictated by advertisers and not by media outlets.

Most of the country’s media outlets receive income from different sources. Mahu said, “Short advertisements bring very little, insignificant income to *Jurnal de Chisinau*. Jurnal Trust Media has its own advertising agency, Reforma Advertising. As for us, we at *Jurnal de Chisinau* make the most of election campaigns, providing space to all political advertisers except for the PCRM. In fact, during these campaigns we have a rare opportunity to feed our rather modest budget. Actually, *Jurnal de Chisinau* is financed

from subscriptions and sales of advertising and has shown a modest profit.”

According to Perunov, “The country’s poor economy does not allow the local media to have reliable sources of income that would ensure their stability and sufficient funding.” Ceban said that media outlets in Gagauzia, in most cases, are funded from a single source. She added, “The regional public company is financed from the local budget, draws additional income from advertising and renting antennas, and is under pressure from the main funder: the local administration.”

In October 2010, Veaceslav Ionita, an economist, told Jurnal TV that the advertising market in Moldova is in an embryonic stage, and is nearly monopolized by one advertising agency that decides which media outlets get advertising money. Luchianiu said that 80 percent of the television advertising market is concentrated in a single advertising company, which works preferentially with a limited number of television stations owned by the same holding as the advertising company. Analysts say the main obstacle to the development of advertising is the existence of media monopolies, and the fact that local businesses have small budgets for advertising. Most of the money in the advertising market comes via foreign companies. Advertising specialists say that corruption and violations of copyright prevent the flow of more advertising. Media owners, however, talk about the crisis in media advertising in stronger terms. Val Butnaru, the director of Jurnal Trust Media who founded Reforma Advertising, his own advertising agency, told the same television channel that television advertising is pure thuggery; there is no law that would establish clear rules, such as a requirement to advertise in the official language or to exclude foreign broadcasters from the Moldovan advertising market.

If in 2009 organizations specializing in assessing the advertising market found a decline of nearly 10 percent in the global advertising market, in 2010 they found an increase, despite pessimistic forecasts at the end of 2009. According to Zenith Optimedia, in 2010 global advertising expenditures rose by a surprising 4.9 percent; however, experts predict that from 2010 to 2013 expenditures on advertising in magazines and newspapers will fall by 2 percent while spending on online advertising will increase about threefold. In Moldova, similar to the global trend, placing advertisements with online media is a growing trend among advertisers. According to the Totul.md portal, banner advertising has very low prices, about €0.55 to €3 per 1000 clicks, while the average price in Europe, Russia, and Romania is more than €10 per 1000 clicks.

Panelists identified a number of problems that affect media advertising. First of all, advertising from public institutions is unfairly channeled, mainly to publications controlled by the authorities. Second, legal provisions limiting the amount

of advertising (which is not subject to additional taxes) in social and political newspapers to 30 percent are a serious impediment to the development of print media businesses. Third, massive public funding of public media that also sell advertisements and granting various advantages of access to information create conditions of unfair competition. Finally, fees for distributing publications are based on the number of pages and are arbitrarily applied by Posta Moldovei, which hampers the increase in the volume of newspapers.

According to the panelists, the majority of newspapers pull 60 to 70 percent of their revenue from subscriptions and sales. Managers would be happy to place more advertising in the stations’ programs or on the pages of newspapers, but they receive no offers, especially in the regions. In print media, journalists/editors/directors themselves solicit advertisements, while television stations tend to have on-staff commercial directors to handle this role. “Not all media companies get high revenues from advertising. Regional television stations will never be able to compete with public stations or even with television stations newly appearing on the market because of unequal conditions of competition,” said Matei, representative of a regional channel. Perunov added, “Advertising in newspapers is unprofessional. According to law, in a commercial newspaper advertising cannot exceed 30 percent of the space, and in my opinion this restriction should be removed to allow each newspaper to decide advertising percentages—while publications with over 60 percent advertising should be considered advertising publications and charged VAT.”

State-owned and public media have the right to offer space and broadcasting time for advertising, which private media owners consider unfair competition. The panelists expressed outrage that state-owned media receive all the announcements, articles, and information from public authorities. In Moldova, the government does not provide subsidies for the private media; there are, however, media outlets funded from local budgets that are granted low rent or free space and absorb all the advertising from public authorities. From this point of view, private media are discriminated against compared to state-owned media.

“There are no legal regulations on financial assistance for mass media except for provisions on funding for the child-oriented press, said Macovei.” (The Press Law provides that periodicals dedicated to children are financed by the state.) Macovei continued, “However, in 2010, a parliamentary commission on culture, education, research, youth, sport, and mass media developed and examined the draft Law on State Aid to Periodicals, which provided for the establishment of a special fund that could be used to provide grants. Later, however, the government rejected this draft for

the reason that it involves additional expenses from the state budget,” said Macovei.

According to Uruşciuc, “There are very few examples when media outlets can afford the luxury of ordering professional market studies. Publications reject market studies for two reasons: either they have no funds for such research or they consider it unimportant.” Mahu noted, “Unfortunately, in Moldovan reality one cannot talk about professional, credible market studies—which in fact are nonexistent. Media market research is mainly performed empirically, by deduction, by comparison, or by use of unofficial sources.”

Monthly audience measurements are published by TV MR MLD, the official representative of the international research network AGB/Nielsen Media Research, which monitors 15 television stations and eight national radio stations. “Television stations in Chisinau treat audience measurements differently; the public most often regards this data as research, the [favorable] results of which have been bought,” said Zaharova. “Media ratings are produced by some untrustworthy organizations,” said Perunov.

Local stations do not have full access to such services. Before 2010, large audience measuring companies refused to assess the audiences of small television stations. “In 2010, local radio broadcasters that formed into networks launched contracts on audience measurement and research on public preferences,” added Zaharova.

In the print press sector, the Audit Bureau of Circulation and the Internet in Moldova (ABCI) was established in 2009, and it is to launch the first circulation audit in January 2011. ABCI includes 16 media outlets, five advertising agencies, and two advertising clients. Perunov added that there are no organizations that provide audience information at no cost to media outlets—such information must be purchased for a high price.

As for the Internet, there are several websites that publish statistics on Moldovan website audiences: *metrica.md* (180 sites listed), *alexa.com*, and Google Analytics. Many media outlets check their statistics regularly; there is tight competition among online media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.27

Panelists awarded modestly higher scores for this objective, and indicator 2 (professional associations), indicator 4 (academic journalism programs), indicator 5 (short-term training), and indicator 6 (access to media equipment and

printing) all received noticeably higher scores. Indicator 3 did not change, but remained the highest-scoring indicator with a score a little more than half a point higher than the objective. The new indicator 8 (ICT infrastructure), however, lagged behind all others, receiving a score about half a point lower than the objective.

The official register of NGOs, updated by the Ministry of Justice, includes several trade organizations of radio broadcasters and cable television providers—some with similar names and unclear pursuits. Thus, the register contains the Employers’ Association of Cable Television Providers NORD, the Employers’ Association of Broadcasters of Moldova, the Association of Directors of Independent Radio and Television Stations of Moldova Meridian, the Moldovan Employers’ Association of Broadcasters, and the National Employers’ Association of Broadcasters of Moldova. Unfortunately, the panelists could not confirm that all these organizations are active in defending the interests of media businesses.

Panelists were positive about the emergence of the National Employers’ Association of Broadcasters of Moldova in August 2010; the press wrote that it was the first of its kind in the country. The Association includes seven radio stations (Radio 7, Megapolis FM, Europa Plus, Retro FM, Publika FM, Pro FM, and Radio 21) and seven television stations (Publika TV, TVC 21, Pro TV, Accent TV, TV 7, TNT, and N4). This organization managed to annul the 5 percent local tax on revenue from advertising imposed by the Chisinau Municipal Council.

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 (e.g., 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.

Some panelists said that the Employers' Association of Broadcasters of Moldova, registered in 2004, is active and includes 40 cable operators and broadcasters that cover some 150 localities. According to the association's president, Vladimir Topal, the association represents about half of all cable operators.

Foreign donors, including USAID and SOROS Foundation Moldova, have recently invested in establishing networks of local television outlets to enhance their ability to defend their interests and support their development. Examples of such networks include the Regional Broadcasters Association, MERIDIAN; the TV AICI Network, which consists of seven television channels, two cable channels, two newspapers, and two radio stations covering the Republic of Moldova and Transnistria, and; a network of local television and radio stations founded in February 2010 that includes 13 local radio stations and 15 local television stations.

Unfortunately, there are no journalists' trade unions in Moldova to defend and promote the professional, financial, and social interests of journalists and other workers. Mahu said, "There are two national associations of journalists; one was founded in strictly political interests and disappeared, and the other, the Union of Journalists of Moldova, is in a state of vegetation—reviving just a little during congresses when its management seeks re-election." She added, "There are also some thematic associations, whose endeavors, if they exist, are known to only the few people who are members." The Register shows that two other professional organizations were registered in 2010, the Media Center and the Association of Russian Language Journalists in Moldova. Both advocate in support of media independence and pluralism in Moldova.

The most active supporting NGOs, which constantly and publicly defend the rights of journalists and organize professional training for them, are: IJC, IPA, APEL, Committee for Free Media, Journalist Investigations Center, and Acces-Info Center. Also, the IJC and the Committee for Free Media regularly organize the Press Club, while the Journalist Investigations Center organizes the Journalist Investigations Club. Although their core activities are concentrated in Chisinau, these organizations pay a lot of attention to local media. For instance, IPA's members are exclusively local media, and IJC focuses on media in Gagauzia and Transnistria. Recognizing that in the past, Chisinau journalists were spoiled with too much attention at the expense of regional journalists, professional organizations now orient their activities primarily to local media.

"[These organizations] played and continue to play the main role in changing the mentality of journalists, building and adapting their capacities to new realities and conditions of

work. Their support helped the majority of independent periodicals to get started and to remain afloat. They consequently defend the interests and rights of journalists and media outlets in all areas. This is the reason why these NGOs receive support and are respected and appreciated not only by most workers in the field, but also by society. Media NGOs actively defend the freedom of speech and independent media, but they have not yet managed to achieve solidarity of the media as a guild that could influence public policies," said Macovei.

Mahu added, "They immediately react to any violation of media freedom and provide counseling and legal assistance for journalists and media outlets (covering all expenses)." Although these organizations make attempts to be present in regions as well, they manage it to a lesser extent. Nevertheless, events are organized in the northern capital of the republic as well as in Gagauzia; in-house training is organized at editorial offices in the regions and local journalists are invited to events in Chisinau.

"The quality of training received by young journalists is poor," said Rodica Russu, from Radio Moldova. "Gaps are bridged by engaging foreign experts in the field to train journalists and managers of Moldovan media; this training is, however, expensive and can rarely be afforded by public broadcasters or specialized NGOs that access funds for this purpose." Zaharova added, "The existing programs aimed at young journalists provide practical training, but mostly at NGOs and less at universities."

Instead, students can obtain degrees abroad. There are exchange programs to help students continue their studies in Europe or the United States, but usually students do not return to Moldova after studying abroad. "As for journalism schools in the country, employers remain dissatisfied with the quality and level of training of graduates," Zaharova said. Gagauzia has just one university with a journalism department, but for two years the department has been dormant because of lack of student interest. "I cannot understand why, but young people are not willing to learn journalism," said Ceban. "I can honestly state that the best journalism training program is the School of Advanced Journalism [ŞSAJ] in Chisinau, which mainly offers practical training; after graduating from ŞSAJ, it is very easy to get a job," added Ceban. ŞSAJ is an IJC project in which young people are trained for 10 months in a newsroom regime. Studies at ŞSAJ are mainly focused on practical activities. The 10th month is the internship month—media managers are keen to have students work with them and see this as an opportunity to lure future employees. "ŞSAJ graduates in recent years have proved to be far more competitive than graduates of Moldova State University's Department of

Journalism, not to mention other local institutions that have departments of journalism," said Mahu.

There are few short-term training courses provided in the workplace. Recently, training has been organized at the public television station led by western experts. Unfortunately, even the opportunities offered by various media NGOs are not fully exploited; they are sometimes ignored by journalists or editors who are not pleased by the absence from work of employees engaged in short courses. When invited to short courses abroad, journalists often refuse them because a few weeks' absence from work at a media outlet will cost them their salaries. "Few people are willing to participate in seminars, because that leaves newsrooms empty," remarked Mahu.

Perunov suggested online courses as one solution. Luchianiuc said that online journalists do not participate in such courses because they do self-training on the Internet. "We held seminars focused on media ethics in Cahul, and managers did not send people from the newsroom; no one from the university wanted to come, either," said Alexandru Canțir, director of the Committee for Free Media.

Regarding sources of media equipment, newsprint, and printing facilities, Perunov commented, "Suppliers of consumables for print media are not politicized, but they are practically monopolies as there are only two or three of them." Also, there is an acute shortage of quality modern printing companies in the capital and in the regions, and the poor quality of printing hinders the press, according to Perunov. Mahu said the director of the state-owned printer pressured *Jurnal de Chisinau* after it published an article about the printing director's collaboration with the KGB, "... and we refused its services and were forced to abide by the often inconvenient conditions imposed by a private printer."

Some media distribution channels are politicized. Relations between Posta Moldovei and newspaper editors are still tense, because of its media distribution monopoly. Editors say that the enterprise absorbs about half of their revenue and that business dealings are not transparent. In October 2010, IPA organized a discussion between the prime minister, Vlad Filat, and a group of newspaper executives to discuss the problems between Posta Moldovei and newspaper editors.

Other media distribution channels (kiosks, transmitters) are mainly owned by the state. The radio transmission network is state-owned and, under some pretexts, it can halt the broadcasts of some stations—although in 2010, no such cases were reported. Panelists noticed no difficulties in other areas related to media distribution.

Information technology and communications infrastructure do not meet the needs of the media, according to some panelists. "The Internet is slow, mobile telephony is expensive, mobile Internet is very expensive, and so the practice of media information transmission through mobile telephony is not widespread," said Perunov, adding, "In villages the situation is even worse." Panelists noted that to date there is a discrepancy between taxes on Internet services for consumers in rural and urban areas. "For example, a person from a region sometimes pays twice as much as someone in the capital, for the same Internet service. People living in regions are limited to a single service provider that monopolizes the local market. Chisinau and Bălți suppliers offer much lower prices for the same quality parameters because there is competition."

List of Panel Participants

Angela Zaharova, editor, Moldova TV 1, Chișinău

Carolina Budesco, online editor, www.azi.md, Chișinău

Eugen Luchianiuc, blogger, www.privesc.eu and www.luchianiuc.com, Chișinău

Vasile State, expert, Electronic Press Association, Chișinău

Petru Macovei, executive director, Independent Press Association, Chișinău

Rodica Mahu, editor-in-chief, *Jurnal de Chișinău*, Chișinău

Eugen Urușciuc, director, Monitor Media Press Monitoring Agency, Bălți

Rodica Russu, news director, Radio Moldova, Chișinău

Alexandru Canțir, director, Press Freedom Committee, Chișinău

Rodica Matei, reporter and editor, Media TV, Cimișlia

Turdor Iașenco, founder, *Cuvântul*, Rezina

Veaceslav Perunov, founder, *SP*, Bălți

Valentina Ceban, reporter and editor, Teleradio Gagauzia, Comrat

Moderator and Author

Doina Costin, media law coordinator, Independent Journalism Center, Chișinău

The panel discussion was convened on December 3, 2010.

Vartanova said, “Many journalists realized, ‘That could happen to me.’ If regular journalists are being assaulted, it means that the profession is really threatened.”



RUSSIA

Although 2010 did not bring any serious changes to the Russian media sector, it left journalists with a feeling of despair. Authorities retained direct or indirect control over many news media outlets, and stepped up their Internet presence. Panelists believe that the quality of journalism is declining, self-censorship flourishes, and investigative reporting has all but died. Still, a small but stable group of media outlets adhere to principles of fair, independent journalism and manage to function in a market distorted by subsidies and preferences for state-affiliated media.

Signals began to appear in 2010 that the media community is no longer willing to tolerate violence against journalists. Journalists and media advocates reacted sharply to the violent attack on Oleg Kashin, a *Kommersant* reporter, in November. Several MSI panelists commented that the media demonstrated more solidarity than seen previously, for example after the murder of prominent investigative reporter Anna Politkovskaya in 2006. Elena Vartanova, dean of Moscow State University's journalism department, explained that Kashin's assault shocked the media community in part because he was not very prominent. Vartanova said, "Many journalists realized, 'That could happen to me.' If regular journalists are being assaulted, it means that the profession is really threatened." On the other hand, independent journalists show signs of fatigue. Maria Eismont, head of the Russian Independent Media Program, said that several owners of some of the best regional newspapers told her they are thinking of selling their media outlets and leaving the country. They feel there is no demand for independent journalism in Russia.

There are also signs that the government is tiring of subsidizing unprofitable state newspapers. In his address to the Federal Assembly at the end of 2010, President Medvedev said briefly that authorities should not own newspapers. This prompted panelist Vladimir Pavlovsky, editor-in-chief and director of *Krasnoyarsky Rabochiy*, to comment, "I think this is a revolutionary event. Since the October Revolution Russia always had party and state media, and no public official ever attempted to change that."

In 2010, blogs and social networks took off and became significant sources of news. Ordinary citizens now communicate with senior officials on blogs. Traditional media are increasing their online presence and picking up stories that first emerged on blogs. Internet advertising is growing rapidly, and many journalists have their own blogs. A more liberal pattern of media interests is evident among online users, in contrast to television audiences that make up the majority of the population.

The overall MSI score did not change significantly; minor drops in score for Objective 1 (freedom of speech), Objective 2 (professional journalism), and Objective 4 (business management) were offset by modest increases for Objective 3 (plurality of news) and Objective 5 (supporting institutions); the improvements in these objectives were due partially to the introduction of a new indicator in each that happened to score well. However, despite a few improvements even near-sustainable scores are out of reach currently for all objectives.

RUSSIA AT A GLANCE

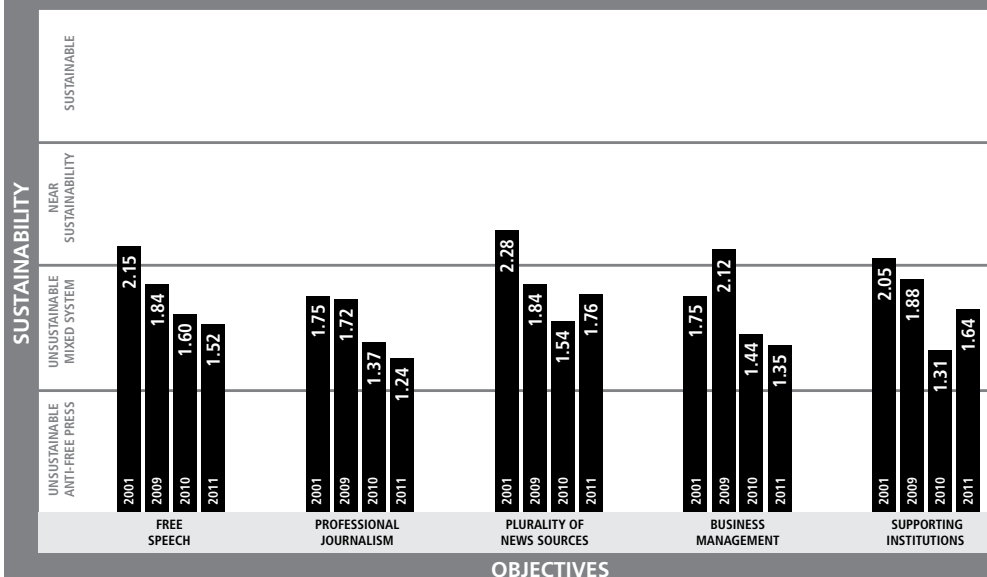
GENERAL

- > **Population:** 139,390,205 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Moscow
- > **Ethnic groups (percent of population):** Russian 79.8%, Tatar 3.8%, Ukrainian 2%, Bashkir 1.2%, Chuvash 1.1%, other or unspecified 12.1% (2002 census, *CIA World Factbook*)
- > **Religions (percent of population):** Orthodox 86.5%, Muslim 10%, Armenian-Grygoryans 0.8%, Pagan 0.5%, Lutheran 0.3%, Buddhist 0.25%, Jewish 0.15% (2002 census, *CIA World Factbook*)
- > **Languages:** Russian (official), many minority languages
- > **GNI (2009-Atlas):** \$1.324 trillion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$18,350 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.4% (male: 99.7%, female: 99.2% (2002 census, *CIA World Factbook*)
- > **President or top authority:** President Dmitriy Anatolyevich Medvedev (since May 7, 2008)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 27,425 newspapers, 20,433 magazines (Federal Agency of Press and Mass Communications, 2009); Radio and Television Stations: Formal statistics are not available, but the country has dozens of broadcast television channels, hundreds of radio stations, and even more cable, satellite, and Internet television channels.
- > **Newspaper circulation statistics:** Annual circulation of 7.8 billion newspapers, 1.9 billion magazines total (Federal Agency of Press and Mass Communications, 2009)
- > **Broadcast ratings:** top three television stations: Russia 1 (18.2%), Channel 1 (17%), NTV (13.8%) (TNS Gallup Media)
- > **News agencies:** ITAR-TASS (state), RIA Novosti (state), Interfax (private)
- > **Annual advertising revenue in media sector:** \$7.89 billion (2010 est., Association of Communication Agencies of Russia)
- > **Internet usage:** 40.8 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: RUSSIA



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.52

The scores for Objective 1 (freedom of speech) dropped slightly compared to last year. The decrease came mostly from even lower scores for indicator 4 (attacks on journalists) and indicator 6 (libel laws). A modest gain was observed for indicator 2 (media licensing). Four indicators scored very close to the score achieved by the objective, however other indicators showed marked variation. Indicator 8 (media access and use of domestic and international news sources) and indicator 9 (free entry into the journalism profession) each scored more than a point higher than the objective score. However, indicator 4, indicator 5 (legal guarantees of editorial independence for public media), and indicator 6 all scored more than half a point lower than the objective score.

The panelists generally agreed that freedom of speech is only protected on paper in Russia. The Russian constitution guarantees free speech, and the Russian Media Law, in effect since 1991, is considered very democratic and supportive to freedom of speech in the mass media. But for the most part, the public does not value these freedoms, nor cares that they are not realized.

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Mikhail Melnikov, an analyst at the Center for Journalism in Extreme Situations, said that the majority of people do not understand how freedoms of speech and media are connected with other freedoms. They do not understand that open discussion of the obstacles to the realization of economic freedoms and rights for medical care and housing could help to improve the quality of their life.

"Free speech is not a priority. Social benefits, economic security, quality of life, and other economic freedoms are valued much more," commented Tamerlan Aliev, an advisor to the president of Chechnya. Mikhail Melnikov, an analyst at the Center for Journalism in Extreme Situations, said that the majority of people do not understand how freedoms of speech and media are connected with other freedoms. They do not understand that open discussion of the obstacles to the realization of economic freedoms and rights for medical care and housing could help to improve the quality of their life.

Eismont also commented on the harm caused by the lack of an independent judiciary. Even when people can obtain information about violations of public interests, nothing usually changes because the judicial system is not independent. Russian authorities can easily ignore inconvenient information. For example, in November 2010, blogger Alexei Navalny published on his blog a link to the documents showing that a company, Transneft, overcharged by about \$4 billion for the construction of the East Siberia-Pacific Ocean oil pipeline funded from the Russian budget. His post attracted many Internet users, and many media picked up the story. Navalny, who is a professional lawyer, sent written requests to the public prosecutor's office and to the president of Russia to follow up on this information. But no investigation was launched.

There are legal protections for the confidentiality of sources; according to Article 41 of the Russian Media Law, media must protect the confidentiality of sources of information and can disclose them only if there is a request from the court related to the case under consideration. However, the panelists were not aware of any Russian journalists recently imprisoned for not revealing sources used in reporting.

In Russia licensing applies only to broadcast media. No licensing is required for cable and on-line television and

According to the same decision, websites registered as media can be held accountable for readers' comments that violate the laws: e.g. promote social, national or religious enmity, only if these comments are not edited or removed within 24 hours after receiving a removal order from the media oversight agency.

radio. Print media, if they want to publish one thousand or more copies, are expected to register.

The authorities have not attempted to institute the obligatory registration of websites as media outlets; but in July 2010, the Russian Supreme Court decided that sites are not required to register as media—though they have the right to obtain registration. According to the same decision, websites registered as media can be held accountable for readers' comments that violate the laws: e.g. promote social, national or religious enmity, only if these comments are not edited or removed within 24 hours after receiving a removal order from the media oversight agency. The panel did not hear about any attempts in 2010 to compel media websites to edit comments; it happens more typically prior to elections when sites are monitored closely.

The print media registration process is quite straightforward. Applications can be rejected only if there is already a publication registered under the same title. But occasionally, the registration process does not work smoothly, noted Galina Arapova, director and lead attorney of the Center for Protection of Rights of Media: "We worked on a European court case, *Dzhavadov v. Russia*, when journalist Valery Dzhavadov was denied registration for a newspaper titled *Letters to the President*. He tried to register it as a federal newspaper." Dzhavadov lodged a complaint to a Moscow court, but lost the case. The court judged that the title of the newspaper gave the misleading impression that it was an official publication of the president's administration—and that the journalist had to ask the president's administration just for permission to use the word "president."

As Russia continues its transition to digital television, licensing for new broadcast media was put on hold. Media outlets could only apply to renew existing licenses. Beginning from the Far East and moving westward, the entire country should be covered by digital television by 2015. In 2010, technical preparations for this transition started in Khabarovsk region.

Although there were no scandals to speak of this year over failed license applications, given the licensing freeze, Anna Kachkaeva, an associate professor at the Moscow State University journalism department who also covers issues related to television on Radio Liberty in Russia, commented on the broken licensing process. "It is absolutely obvious that over the last few years, the Federal Competition Commission stopped having a real impact [on the licensing process]. The process got muddy, people quietly made backdoor arrangements, and the competition procedure does not attract the attention of journalists and public."

Market entry conditions and tax structure for media are comparable to other industries. Several panelists emphasized that market entry conditions and taxes are unfair for all industries, but some argued that media should get tax breaks and other preferences (such as no VAT on newsprint, advertising, technical equipment, etc.), because they serve a public good.

Crimes against journalists, media outlets, and citizen reporters are not rare and are not prosecuted vigorously. The corresponding indicator fell this year, and was the lowest for Objective 1. Arapova noted that investigations of all principal murders of journalists failed; she mentioned that in 2009, Alexander Bastykin, the chief of the Committee for Enquiry at the Prosecutor's Office of the Russian Federation, said that his agency successfully investigated four out of every five murder cases. "For some reason, this statistic does not work when the murder victims are journalists and civic activists. And the number of violations of the rights of journalists is enormous," Arapova concluded.

According to the Russian Glasnost Defense Foundation (GDF), 10 journalists and citizen reporters were murdered or killed in accidents in 2010 (in 2009, GDF registered 11 lethal cases, in 2008—five). There were also 51 attacks on journalists and six attacks on media outlets, including robbery, bombings, and a takeover of the studio at the radio station in Asbest, in the Sverdlovsk region in the Urals.¹ Civic activists who use blogs widely to communicate with the public often become victims of violent attacks. In some cases local authorities are thought to be behind the attacks—that was the case in Khimki, where Kashin was beaten severely. Kashin believes his attack stemmed from his reporting on threats to the Khimki forest. In other cases extremist groups are suspected.

"If a crime against a journalist is committed in Moscow, people in Moscow and around the world immediately learn about it. The president, prime minister, and the authorities react, and pledge to oversee the investigation.

¹ See the Glasnost Defense Foundation website for complete details, available in Russian: http://www.gdf.ru/murdered_journalists/list/2010

If a similar crime happens outside the capital, the media community, civic society, or the president do not respond,” said Pavlovsky. He also mentioned the 1996 murder of Vladimir Alferiev, a correspondent of *Segodnyashnaya Gazeta* in Krasnoyarsk: “This crime still has not been cleared, and I believe that this had a serious impact on the media environment in Krasnoyarsk. Today almost no one dares to do investigative reporting.”

No laws specifically govern editorial independence for state media. According to the media law, an internal editorial chargé and agreement regulate relations between the editorial board of any state media outlet and those who appoint the board members. Fedor Kravchenko, a managing partner of Media Lawyers Collegium, noted that Russian society generally agrees that state media are the property of state authorities.

Pavlovsky said that state media are unable to have editorial independence: “Editorial boards and supervisory boards established in these media are made of deputies and officials who usually share the views of the ruling party. Even ruling party deputies, let alone the opposition, cannot appear in the state media if they have not secured prior approval from the officials who oversee the state media.”

Libel is both a civil and a criminal matter in Russia, so the corresponding indicator scored low. Furthermore, a person can be subject both to civil and criminal penalties for the same offence, a practice approved in a 2005 Russian Supreme Court ruling. Arapova noted that criminal cases against journalists for libel occur quite often; she mentioned the recent case of Vladimir Timakov—a journalist, public activist, and deputy of the Tula City Duma. After he published material accusing the governor of the Tula region of corruption, the governor lodged both civil and criminal libel cases against Timakov. Timakov lost both. Pavlovsky added that recently, a Krasnoyarsk businessman tried to launch a criminal libel case against *Krasnoyarsky Rabochiy* newspaper, but the prosecutor’s office decided not to open the case.

The panelists confirmed that Internet service providers or web hosting companies are not held legally responsible and punished for the content of individual website owners who use their services to create web pages.

Although the Russian media law guarantees journalists access to public information, it is not easily available. As indicated by the panelists’ low scores for this indicator, Russia meets the corresponding indicator only minimally. “The government has created the semblance of openness, but it is not possible to get access to information, especially to public interest information, for example on the environment, human rights violations, etc.,” commented Arapova. Kachkaeva

said that often, public officials refuse to talk to television journalists, damage their cameras and equipment, and try to prohibit video recording. Pavlovsky said that press offices of government agencies restrict journalists’ access to senior public officials. Journalists have taken to carrying the text of the media law to prove they are allowed to shoot in public places and public offices in case they are threatened.

The law does not restrict access to and use of local and international news and news sources in media and blogs, and the panelists assigned some of their highest scores to the corresponding indicator again this year. Media are allowed to reprint and rebroadcast foreign and local news programs and materials. Also, Russian media outlets have joint projects with their foreign counterparts. For example, TV Kultura rebroadcasts Euronews from 6:30 to 10 a.m. *RBK Daily*, a business newspaper, cooperates with the German *Handelsblutt*. On the web, journalists generally do not believe that foreign websites are monitored or blocked.

Entry into the journalism profession is free and unrestricted. Panelists believe that the government is very unlikely to try to impose any restrictions, as it has other ways to control media. So the corresponding indicator again received a high score. Anyone can become a journalist. As Arapova noted, there are many chief editors who do not have formal journalistic training.

However, government and municipal agencies have the right to set the rules for accreditation of journalists, and they often use accreditation as an instrument to control access to their events. Usually accreditation is given to registered media. Potentially, this could put bloggers at a disadvantage, as they are not considered to be journalists in Russia. Andrei Ponomarev, correspondent of Interfax-South news agency, however, does not believe this is a serious problem, as many Russian bloggers—especially those who cover public interest issues—are journalists, and can get accreditation through their media outlets.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.24

The panelists all agreed that professional standards of journalism are declining; hence scores for this objective dipped slightly and indicate that Russia only minimally meets the aspects of this objective. Most of the indicators did not vary much compared to last year, except for indicator 8 (niche and investigative reporting), which accounted for most of the dip in score. With the exception of indicator 7 (modern facilities and equipment), which scored more than a point

“The trouble is that reporters, especially in the Internet Age, are less and less rigorous about fact-checking, and often rely completely on press releases and information provided by news agencies. Often journalists presents only their own point of view and ignore other perspectives,” said Pavlovsky.

higher than the objective did, all indicators scored close to the objective.

The panelists cited several reasons contributing to declining standards. Many journalists are leaving the profession, taking more lucrative jobs in public relations departments of government and municipal agencies and businesses instead. Aliev noted that newspapers supported financially by federal, regional, and local authorities have little incentive to attract readers, and churn out material “just to fill the pages.” Few independent newspapers adhere to international standards of journalism and support journalists in building up their professional skills. Another reason is that the financial crisis compelled many media outlets to lay off staff. The workload on remaining journalists increased considerably, making them more likely to sacrifice quality of reporting for quantity.

Several panelists also commented on the very low level of education of young people entering the profession, and their lack of the critical thinking that quality reporting demands.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

On the other end of the spectrum, Ponomarev said that many older journalists still practice the old Soviet-style journalism.

Most of the panelists agreed that reporting is not always fair, objective, and well-documented. “The trouble is that reporters, especially in the Internet Age, are less and less rigorous about fact-checking, and often rely completely on press releases and information provided by news agencies. Often journalists presents only their own point of view and ignore other perspectives,” said Pavlovsky.

Vartanova noted that in Russia, there is no tradition of separating facts from the personal opinions of journalists. The reporter’s opinion is often integrated in his or her reporting. Only a few media outlets manage to maintain the separation of news from reporters’ views. In many cases, media, particular those with larger staffs, consult with technical experts to enhance their work. Bloggers, however, usually do not consult with experts.

The Russian Union of Journalists adopted the Code of Professional Ethics for Russian Journalists in 1994. This code is well aligned with international standards. The Union of Journalists also established a jury responsible for reviewing ethical conflicts and violations of ethical standards by journalists. There are also some media outlets that have their own codes of ethics and follow them strictly. Still, many journalists break ethical standards, leading a majority of panelists to decide that Russia meets the corresponding indicator only minimally.

Regarding the practice of giving gifts to journalists in exchange for favorable coverage, Pavlovsky commented, “In Russia, it is customary to accept them.” He is concerned that gifts are often disguised as awards competitions for reporters covering specific topics: “When competitions are organized by various ministries and agencies, no matter federal or regional, they leave the impression that journalists and media are bribed. The journalists who best cover the achievements of the agency win the awards. Sometimes journalists are ready to sing the praises of any authorities, even bad ones, just for some small vase, voice recorder, or notebook.” Another form of corruption is the widely accepted practice of allowing authorities to cover all of the travel expenses of reporters invited to cover their events.

Many media outlets make contracts with regional and local authorities for so-called “information support,” that is, coverage of their activities. Authorities usually review materials published under these contracts. But these materials are not always marked as advertorial.

Although larger media outlets try to avoid plagiarism, many smaller media use a lot of materials from the Internet and fail

to refer to the sources of information. Many bloggers, as well, copy and paste text, and often do not refer to the source.

Self-censorship continues to flourish, leading panelists to assign their lowest scores for Objective 2 to this indicator. Ponomarev noted that now, journalists can use blogs to publish information rejected by editors: "Often when editors reject my material, I publish this information on my blog, and people from other media call me and ask about the source of information and contacts."

Although media do cover key events and issues, journalists often are forced to cover events when people start to talk about them. For example, in 2010, national media only covered forest fires in Central Russia when they were already well underway. Media tend to cover events that will not "bite" the authorities, and will not undermine the trust that ordinary people have in the government. Anything riskier likely will be avoided by journalists until pressure and demand from the public builds, noted Arapova. In 2010 there were many cases when issues were first raised in blogs and on Internet forums, and only then appeared in mass media. Certain events are not covered by media outlets, but covered by social networking tools. There are also many local and regional events that never get covered by national media. Anything that contradicts the official point of view has less chance of getting broad coverage in larger media, especially on television—but journalists, bloggers, and citizens are tapping social networking services as an alternative way to sharing information.

Andrei Allakhverdov, editor-in-chief of the Foundation for Independent Radio Broadcasting, expressed concern that journalists in the regions do not actively look for stories, but wait for tips—often from authorities: "All themes are prompted by the administration, even on basic things like drugs or Russia's 2010 census campaign. If regional journalists cover the issue of drugs, it is always a police check. They never look for topics themselves. Until they get a press release from the administration, they do not make a move." And when journalists need experts, their first choice is governmental officials.

Panelists consider the pay level of Russian journalists low. The beginning of the economic crisis in 2008 and 2009 forced media outlets to cut salaries—and so far, many have not returned to higher levels. Ponomarev said he was making RUB 20,000 (about \$660)—considered a good salary for a journalist in Rostov-on-Don, the largest city in the south of Russia. Journalists and editors at *Krasnoyarsky Rabochiy* make RUB 15,000 to RUB 20,000 (about \$500 to \$660) a month, but payment is often delayed. At *Courier. Sreda. Berdsk*, a newspaper in the small city of Berdsk in the Urals region, journalists and editors make RUB 15,000 to RUB 30,000 (\$500

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to \$1000) a month. Thus, in 2010, the average salary of a journalist was around RUB 20,000 (\$660), by comparison, an average public official pulled in about RUB 35,000 (\$1160) a month.²

The panelists commented that the level of pay is not sufficient to retain qualified professionals within the media profession. Many journalists prefer better paying, less hectic jobs at government press offices—and more journalism students plan to apply for jobs at press offices than at media outlets.

According to Eismont, there is no relation between corruption and level of pay—rather, it is a matter of personal integrity and values. There are journalists who make little money, but adhere to journalistic standards. And, of course, there are journalists who make a lot but still are ready to accept gifts and payments from officials and businesses and provide favorable coverage in exchange.

Entertainment materials and programming eclipse news and information in most media, and this indicator drew some of the lowest scores for this objective. Melnikov expressed concern that producers apply an entertainment approach to information programs. News presenters try to make jokes and this distracts people from information. On major national television channels, news makes up about 10 percent of airtime. Major channels air political talk shows as well, but they go on air very late, often around midnight.

Allakhverdov said that people rarely express a need or desire for information: "Surveys show that people want just meaningless entertainment, some gutter press, and celebrity news, something to laugh at." And, he added, media corrupted people by catering to their lowest interests instead of trying to enlighten them and promote free speech.

According to the panelists, facilities and equipment used by media outlets and journalists are sufficient to gather and produce news—although they are not always modern.

² Data of the State Statistics Committee for the first half of 2010. http://www.gks.ru/bgd/free/b04_03/IssWWW.exe/Stg/d04/185.htm

“For the past fifteen years, rural areas have been plagued by poverty. People do not have money to subscribe to newspapers. I once brought old newspapers to one village, some from half a year ago. I thought people would use them to light their stoves. Instead, they were reading them,” said Pavlovsky.

This year, many panelists shared the impression that investigative reporting died in Russia. The panelists underlined various reasons for the decline of investigative reporting. It is expensive for media outlets to pursue, it runs the risk of creating problems—and there is a heavy sense of pessimism that very few people would care, and nothing would change after the investigation aired or was published, anyway.

Several panelists noted, however, that the quality of economic journalism is quite high. Arapova attributed the absence of good niche reporting to the lack of relevant training for journalism students and the high turnover of working journalists. For example, often once a reporter covering judicial and criminal beat learns enough on the job, he or she leaves for another job and a new journalist replaces him or her and does not know the basics of the beat.

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.76

Despite the great number of new sources, the Russian people are not exposed to multiple viewpoints. State media continue to serve as instruments for government propaganda. The rise in the score for this objective this year is due partly to the introduction the new indicator 8 (media provide news coverage and information about local, national, and international issues). It received the highest score within this objective, almost three-quarters of a point higher than the objective score. Without this indicator the objective score would have been 1.66; still an improvement of 0.12 compared with last year. Better scores for indicator 5 (private media produce their own news) and indicator 6 (transparency of ownership) contributed most to this improvement. Indicator 3 (public media are nonpartisan) received the lowest score, more than a point lower than the objective.

According to the Voice of Russia, the total number of registered media exceeds 90,000 outlets, more than 90 percent of which are private.³ This figure, however, includes media that publish only rarely or individual television and radio programs that can be registered as media.

According to a survey conducted by the Foundation for Information Policy Development, in 2009 Russia had 517 regional and 2,870 municipal newspapers, with a combined circulation of about 34.7 million copies.⁴ There are 20 free television channels capable of reaching between 36 and 98 percent of the population. There are some 230 paid television channels. Ninety-nine percent of Russian citizens can watch at least one television channel, while 70 percent have access to at least seven free television channels. Forty-three percent of households subscribe to cable television. There are 325 unique radio stations, most broadcasting in several cities. The total number of active radio broadcast licenses is 2,246.⁵ The daily Internet audience equals 25 percent of the adult Russian population, and the monthly audience reaches 38 percent.⁶

In the summer of 2010 the Public Opinion Foundation surveyed news consumption by Russian citizens. Eighty-seven percent of people get news from television, 21 percent from

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) exists 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 non-partisan, 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.

³Voice of Russia website, <http://rus.ruvr.ru/2010/07/09/11916583.htm>

⁴Russian Press Market. Industrial Report. Russian Agency for Press and Mass Communications. 2010. <http://www.fapmc.ru/activities/reports/>

⁵Industrial Reports. Russian Agency for Press and Mass Communications. 2010. <http://www.fapmc.ru/activities/reports/>

⁶As of July 2010. Data of Public Opinion Foundation.

newspapers and magazines, 19 percent from the radio, 13 percent from news websites and 4 percent from blogs and social networks. Asked which sources of news they trust most, an overwhelming majority—71 percent—said television, 3 percent said print, 4 percent said radio, and 1 percent responded news websites and blogs. When asked to give specific names of news sources they used, 57 percent named state television Channel One and 49 percent named state television channel Russia 1.

The panelists said that mobile phone and SMS news alert technologies are not common. Mobile operators are trying to promote advertising via SMS, but it is still uncommon. Russians are much more interested in SMS voting on various issues when media outlets solicit public opinion.

These data indicate that while, in principle, Russian people have access to multiple sources of information, they actually use very few. Panelists were concerned that with television channels as the major source of information, citizens only hear the government's views. Alternative news and opinions are available only through a few independent media outlets and online, but most people do not use these sources of information. "There is an obvious difference in public agendas—one for those who use Internet, and one for those who watch television," noted Kachkaeva.

There are very few independent newspapers, and those affiliated with the authorities dominate regional and local markets. According to Aliev, "In Chechnya, there is only one private newspaper, funded by a businessman from Moscow. Its circulation is small, but it is rather popular. At the same time, there are about forty newspapers created by various governmental structures."

Many independent newspapers went online, and their sites often now function as local news portals. But online consumption of news, especially of local news in smaller cities, is still low, and independent newspapers continue to serve in these areas as the main source of alternative points of view. Although the Internet is available in smaller cities, the cost is prohibitive for some, including the cost of equipment. In smaller cities, people make less money, and there are more elderly people who have never touched a computer in their lives.

Eismont offered statistics to prove the point. The private newspaper *Zhukovskie Vesti*, published in Zhukovsky, population 100,000, has a circulation of 13,000, while its website has 2,000 to 2,500 unique visitors daily. *Kamenskie Zory*, a newspaper published in Kamensk with 35,000 residents, had a circulation of 9,000 and 250 to 400 unique visitors on its site per day.

"Media ownership, however, is not transparent. Most people do not care until they have a problem they need assistance with, and must choose where turn for help: a private or a state newspaper," said Komornikova.

Vartanova noted that the Internet offers a broad spectrum of views, but blogs often present facts out of context, making it difficult to get a complete picture of a situation. With all of these considerations, the panelists gave low marks to the indicator assessing whether a plurality of news sources exist and offer multiple viewpoints.

Russian law does not restrict citizens' access to domestic or international media. Although it is difficult to say whether or not the authorities monitor Internet use, they do not block websites. Overall, the score for this indicator again was one of the highest within the objective.

No registration is required to access the Internet, to own a satellite dish, or to use any type of media. People in large cities enjoy access to broader media options than those in smaller cities. In many rural areas, media choice is often limited to two federal television channels and a local newspaper. The main limiting factor is economics. "For the past fifteen years, rural areas have been plagued by poverty. People do not have money to subscribe to newspapers. I once brought old newspapers to one village, some from half a year ago. I thought people would use them to light their stoves. Instead, they were reading them," said Pavlovsky.

Access to international media is often limited by poor knowledge of foreign languages, especially outside major cities. Vartanova also noted a lack of interest: "Many people in Russia just are not interested in what people in other countries think."

State media do not reflect views of the full political spectrum, serving the interest of executive authorities rather than the public. Thus, the score for this indicator was, again, the lowest for the objective. Several panelists noted that state media believe they serve public interest—meaning that different people have different understanding of what constitutes public interest. And many people believe that support to the authorities, promotion of the official point of view, and consolidation of the society around authorities is in the public interest. Melnikov noted that the spectrum of views present in media affiliated with regional authorities depends directly on the position of the governor. Governors

of the Kirov, Saratov, and Perm regions are liberal, so state media in these regions have very pluralistic tendencies.

Of the three major Russian news agencies, two are state-run (ITAR-TASS and RIA Novosti), while Interfax is private. As noted in last year's MSI, RIA Novosti boasts the most advanced multimedia newsroom in Europe, and offers text, audio, video, photo, and infographic content. Ponomarev noted that Interfax generates revenue in two ways: paid news subscriptions for media outlets and paid "information support" services for state agencies. Additionally, there are smaller private agencies (Regnum, Bankfax in the Altai Kray, and UralPolit.ru) covering the Urals and Siberia.

Galina Komornikova, editor-in-chief of *Courier. Sreda. Berdsk* said that Interfax uses news from the sites of local media outlets—officially, after making contractual arrangements with these outlets—but without paying. Major media outlets buy subscriptions to the news provided by news agencies. Many other media choose not to subscribe, but instead use the news available for free on agencies' sites—and while some provide attribution, others do not. Some media outlets, especially at the national level, use information from international agencies.

Private media produce their own news, so the score for this indicator was relatively high, and improved slightly over last year's score. Local independent media outlets are often the principal producers of local news—for local and even some national media and news agencies—and their websites have become city news portals. There are also numerous online media outlets that produce their own news.

"Media ownership, however, is not transparent. Most people do not care until they have a problem they need assistance with, and must choose where turn for help: a private or a state newspaper," said Komornikova. She refers to the tradition in Russia of media outlets helping people to resolve their problems; for example, journalists and editors might involve necessary specialists, like attorneys, to help find solutions.

Holding companies play an important role in Russian media, as well. According to the data published by the Russian Agency for Press and Mass Communications,⁷ 50 national media companies account for half of press circulation and more than half—60 percent—of advertising revenue. Another 90 to 100 interregional and regional media companies account for another 25 percent of circulation and revenue. Nine companies own the 20 free television channels. Vartanova shared her view that Russia faces the problems of

a high concentration of self-censorship and opinions rather than the concentration of media ownership.

Mainstream media fail to present a broad spectrum of social issues; many topics appear only online. Some topics that the press neglects include the activities of NGOs and environmental issues. The reasons go back to Allakhverdov's observations above: that many journalists wait for press releases from authorities and view authorities as the main source of information. Further, journalists not trained in school to think critically have a narrower worldview, reflected in their media content. There are minority-language information sources, usually newspapers, but not for all minorities. For example, according to Pavlovsky, there are two national autonomous areas in the Krasnoyarsk region—for the Even and Taimyr people—but there are no newspapers in their languages.

The new indicator, "Media provide local, national, and international news," received the highest score in this objective. Most municipalities have local newspapers that report local news. These newspapers usually do not cover regional, national, and international news, as people get that from television. The state television channel Russia 1 has slots for regional news filed by regional offices. NTV, which has a network of re-broadcasters, allots time for local news.

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.35

The Russian media market is distorted. A great number of media outlets receive financial support and preference from national, regional, and/or local authorities at the same time sell advertisements, often at below-market prices. In 2010, the advertising market has somewhat recovered from a 30 percent decline in 2009, but remains tight. Independent media continue to face unfair competition with state-affiliated media. Lower scores this year for indicator 6 (market research) and indicator 7 (audience and circulation measurement) contributed to an objective score just slightly lower than last year. Indicator 1 (efficient and self-sustainable media) improved somewhat to offset the loss. Indicator 3 (the advertising market) remained the leading indicator, scoring just a bit more than half appoint higher than the objective. Otherwise, all indicators scored relatively close to the objective.

Many independent media outlets are self-sustaining. The Alliance of Independent Regional Publishers brings together 48 independent regional and local media companies. Anna Koshman, the Alliance's executive director, referred to their

⁷ Industrial Reports. Russian Agency for Press and Mass Communications. 2010. <http://www.fapmc.ru/activities/reports/>

experience: "Given that newspapers have survived over the past 8 to 10 years under unfavorable political and economic conditions, their managers are not idiots and try to optimize business processes, especially when crises hit. Over these years, media outlets have developed management, financial, and accounting professionals who know how to manage effectively. But the thing is that the advertising market in the regions is not developed enough to allow media to make adequate profits or, in some cases, even to be self-sustaining. Only one or two of our member newspapers closed in the crisis, but nobody feels super secure or has financial reserves to survive further hard times. This is not management inefficiency, but because advertising rubles go to television and to Moscow-based media outlets."

Regarding the sources of revenue, in Russia there are no accepted standards for revenue structure. Few media companies are publicly traded and, therefore, few must disclose their financial information. Furthermore, said Eismont, "In Russia, the multitude of revenue sources does not necessarily lead to editorial independence." Editorial policy depends on the position and values of media owners. When they believe that media should serve the public interest and journalism should be fair and objective, they manage to make their media financially sustainable even in small local markets. Some pursue diversification, e.g. launch entertainment projects, offer printing services, etc., and use profits from these projects to support their flagship news products.

Over the first nine months of 2010, the Russian advertising market grew by 14 percent.⁸ Panelists said that this growth

**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.

⁸According to the Russian Association of Communication Agencies. http://www.akarussia.ru/knowledge/market_size/id351

Editorial policy depends on the position and values of media owners. When they believe that media should serve the public interest and journalism should be fair and objective, they manage to make their media financially sustainable even in small local markets.

occurred both in Moscow and in the regions. There is a rapid growth of web media advertising, in particular—this segment has grown by 24 percent. Many media outlets now train their staff to sell online advertising and actively pursue this source of revenue. Koshman said that newspapers have gotten more creative and offered advertisers special projects to boost income. Still, the Russian advertising market is heavily skewed toward television. There are estimates that, in 2010, 73 percent of advertising money will have gone to television, 10 percent to print media, and only 6 percent to the Internet.⁹

Advertising agencies support the advertising market, but, as Pavlovsky noted, many have stopped working with print media and switched to the fast-growing outdoor advertising sector. (Outdoor advertising grew 18 percent over the first nine months while print advertising grew only 7 percent.)¹⁰

Russia's law on advertising limits the amount of advertising in media. On television, the limit is 15 minutes per hour, on radio it is 20 percent of airtime per day, and in print 40 percent of publication space can go to advertising.¹¹ Panelists agreed that in 2010 media outlets easily complied with these requirements, as the advertising market had not yet completely recovered after the crisis.

In Russia, government subsidies are part of the business model of some media outlets. Most panelists agreed that government subsidies and advertising are not distributed fairly and distort the market considerably. Pavlovsky said that, at least in Krasnoyarsk, subsidies are not transparent. There is no single line item for media subsidies in the city budget of Krasnoyarsk; money comes out of budgets of separate departments and is impossible to track, but most subsidies and information support contracts go to the local newspaper

⁹"Review of Advertising Market: 2010-2011 and prospects." November 11, 2010. <http://www.planetasm.ru/blogi/userblog/%D0%9F%D0%BB%D0%B0%D0%BD%D0%B5%D1%82%D0%B0%20%D0%A1%D0%9C%D0%98%20News.html>

¹⁰Numbers for advertising are from Russian Association of Communication Agencies website: http://www.akarussia.ru/knowledge/market_size/id351

¹¹Numbers for the limits are from the Law on Advertising. The text is available in many places, e.g. <http://www.consultant.ru/popular/advert/>

The Federal Antimonopoly Service, charged with oversight of advertising in Russia, does not control state media outlets as strictly as it does independent ones. "Therefore, state media publish ads that are officially prohibited—e.g. ads of fortune tellers and unregistered food supplements," said Koshman.

Gorodskie Novosti. "Sometimes it gets completely ridiculous. Once the mayor's office openly launched a tender offer for the publication of official documents in *Gorodskie Novosti*."

Regional and local authorities often push local businesses to place advertisements in state-affiliated media outlets. The Federal Antimonopoly Service, charged with oversight of advertising in Russia, does not control state media outlets as strictly as it does independent ones. "Therefore, state media publish ads that are officially prohibited—e.g. ads of fortune tellers and unregistered food supplements," said Koshman.

Many media outlets do not use market research. Some try to do it themselves. Very few use the services of market research companies. Allakhverdov expressed concern that tailoring media products to the interests of a particular audience could actually be detrimental to the quality of journalism: "All research shows that people need mindless entertainment... people rarely say they want information."

Broadcast ratings and readership of print publications are measured only in large cities. As a result, many local media remain invisible to national and regional advertisers that rely on ratings and readership data to allocate advertising budgets. In October 2010, several major national publishing houses, dissatisfied with the operation of the existing National Circulation Service—and because advertisers did not trust the data produced by the old service—launched an alternative circulation service. Komornikova warned, however, that many media outlets overstated their circulation numbers: "It is quite common to announce a print run of 50,000 copies and print only 3,000."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.64

Russia has many supporting institutions, but they are not always effective. However, this objective did show moderate growth this year, improving from 1.31 to 1.64. Two factors

contributed to this growth in score. Indicator 1 (trade associations), indicator 2 (professional associations), and indicator 3 (NGOs) all received higher scores. Furthermore, to a lesser degree the addition of indicator 8 (ICT infrastructure) bumped the score upwards: without indicator 8 the objective score would have been 1.59. However, all indicators scored within half a point of the objective score, meaning panelists did not see any as particularly strong.

There are several trade associations representing media owners. The largest are the Guild of Periodic Press Publishers and the National Association of Television and Radio Broadcasters. The Guild has more than 380 members—most belonging to national and regional media outlets—that publish more than 3,000 newspaper and magazines.¹² The National Association of Television and Radio Broadcasters has more than 200 members. But there is only one trade association where membership is conditioned on adherence to principles of editorial independence—the Alliance of Independent Regional Publishers (AIRP). At the end of 2010 AIRP had 48 members. Koshman, its executive director, considers the potential for recruiting new members very low.

"AIRP is five years old, and it is too early to talk about sustainability; we are just building our work systems. Still, we already have well-developed training services. We were among the first in Russia to start doing webinars. Every year we organize large forums, and over the last year we offered

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 (e.g., 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.

¹²The Guild of Periodic Press Publishers 2009 Report. http://www.gipp.ru/zip/31713_report_2009_ppt.pdf

high quality legal support to our members. When there were attacks on our members, we tried to respond. At least our member publishers felt supported. We do lobbying. We are independent from the government, but membership fees do not cover all our expenses. Our fees are the highest in the industry, and we have few members. Therefore, we actively seek grants, both Russian and international, and cooperate with various international organizations. So far we have not faced any restrictions," said Koshman. Some webinar training topics offered in 2010 included investigative journalism, covering personal finance, use of infographics, revenue from Internet projects, and understanding the Law on Advertising and Media.

Panelists had some criticism for the Russian Union of Journalists. "Regional branches of the Union of Journalists are usually affiliated with authorities, get funding from them, and do not protect journalists," said Melnikov. The situation, according to Mikhail, differs in only a few regions—Sverdlovsk, Saratov, and Perm. Pavlovsky said that the Krasnoyarsk branch of the Union of Journalists is simply not active, and he could only get help from the Moscow Secretariat of the Union when he needed it.

Russian NGOs have a rather lengthy history and a good record with the media community. "We have been working for 15 years, noted Arapova. Glasnost Defense Foundation has been working for 20 years; in Central Russia we have even managed to change judiciary practices considerably. We work on about 100 cases every year. We also managed to ensure that provisions of the European Convention on Human Rights are consistently applied to court cases involving journalists. If you work consistently, sooner or later authorities begin to regard you not just as a human rights advocate, but as an expert."

Eismont cautioned that NGOs have a limited ability to influence media: "We don't impose anything, we just try to expand the mental outlook of media people. We understand that they have to earn their living in a very tough and unfair market, dominated by state media that receive all possible subsidies and can sell advertising at dumping prices. Furthermore, every person has his or her own limits of courage."

Thinking of the investment dollars that NGOs have poured into journalism training, Allakhverdov expressed concern that the high turnover of journalists undermines the educational efforts of NGOs. "We have trained people, made them think. But then they leave: some become editors-in-chief, some take jobs at PR offices, some leave the profession. And the new arrivals seem to know nothing. There is no continuity." Eismont noted that in 2010, the Russian Independent Media Program, which

Eismont cautioned that NGOs have a limited ability to influence media: "We don't impose anything, we just try to expand the mental outlook of media people... Furthermore, every person has his or her own limits of courage."

helps independent newspapers improve their journalism and management skills, ran into difficulties recruiting new participants: "It seems that we have already involved all worthwhile media outlets."

NGOs face the challenge of an ever-shrinking grant pool. There are Russian-based NGOs that support the freedom of speech and media independence, but they are few. Veronica Dmitriyeva, regional program director of the CIS Media Development Loan Fund, noted that a replacement has not filled the void left when Internews-Russia closed in 2007. Many international organizations have cut their media grant programs in recent years. Melnikov said that Russian authorities are expanding their grant programs, but he is concerned that sometimes these grants are used to influence NGOs. Private foundations set by Russian businesses and businessmen offer little support to media NGOs.

The lack of available grants forces NGOs to curtail the scope of their work. For example, according to Boris Timoshenko, head of monitoring for the Glasnost Defense Foundation, his organization used to have at least three major grants in a year, and could afford a staff of 20. In 2010 it secured just one grant, and had to cut its staff in half.

Journalism degrees are offered in more than 100 universities and higher education institutions, which graduate about 4,000 to 5,000 students a year. Journalism students are required to do internships at media outlets, and some universities offer their students opportunities to study abroad. For example, according to Aliev, Chechen State University sends journalism students to study at a journalism school in Denmark, and off to major Moscow media outlets for internships. Yet this hardly seems to improve the skill levels of graduates.

Media outlets are dissatisfied with the quality of journalism graduates. "Our higher education institutions release semi-finished journalists," said Pavlovsky. "For two years I used to sit in the graduation exams at the Journalism Department of our university, and saw that young men and women who received journalism diplomas want, at best, jobs in television. Most of them plan to take jobs in the press offices and become state officials, where they

The coverage of 3G mobile networks is rapidly expanding. For example, according to Aliev, 3G Internet is now available all over Chechnya.

have more benefits and more stability than in media. And less responsibility.”

Ponomarev attributed the poor quality of journalism graduates to the fact that professional courses, at least in Rostov-on-Don universities, are often taught by people without any experience working in media outlets. Allakhverdov, who also teaches radio journalism at Moscow State University, expressed concern that the training program is overloaded with courses unrelated to journalism. For example, radio journalism students must take courses in music programming and radio DJ work. Panelists are also of the opinion that many young people entering schools of journalism are poorly educated, and university education does not fill the gaps in their knowledge base. As a result, many graduates cannot even write a short text without making mistakes, have a poor grasp of history, and have very a narrow mental outlook.

Komornikova, who is from Berdsk, said that teachers of a journalism program at a local university discouraged students from doing internships at independent media outlets, saying that they were trained for media outlets of municipal authorities.

NGOs do attempt to fill in the education gaps, offering short-term training opportunities to journalists. However, the economic crisis forced media outlets to cut training budgets. Pavlovsky said that now, he cannot send his staff off for training unless an organizer covers all expenses.

Media outlets have unrestricted access to sources of media equipment and printing facilities. Smaller media outlets often cannot afford to buy software licenses, which puts them at risk of prosecution. The Alliance of Independent Regional Publishers spent several years negotiating the possibility for discounted licensing for independent newspapers, and in December 2010 Microsoft announced that it would grant licenses to smaller independent newspapers until the end of 2011 for free.

Distribution of print media remains problematic. The Federal Post Service is slow and expensive, which restricts newspaper distribution by subscription. Distribution networks impose high entrance and newsstand placement fees. Pavlovsky said that one kiosk network refused to take his newspaper for a year after it criticized the kiosk network's chief. Koshman told a story that happened to *Zolotaya Gorka*, in the small city of Berezovsk in the Urals, in 2010. The new head of a local investigatory committee launched several corruption cases against the mayor's office. The mayor characterized the cases as politically charged and unfair. The editor-in-chief of *Zolotaya Gorka* devoted an editorial column to this situation. The mayor's office thought that this material was supportive to his foes, and the very next day after this publication went out, all private kiosks refused to take the newspaper. With *Zolotaya Gorka* on the verge of closing, journalists sold copies themselves. The situation continued for six months, until the head of the investigatory committee was transferred to another city. Private kiosks are located on municipal land, so authorities can easily influence them, noted Koshman.

Allakhverdov mentioned suspicious equipment failures during the broadcast of Echo of Moscow radio station in Omsk. On October 27, 2010, the anchor of the live program called officials in Omsk and asked them to comment on reports that several veterans in the Omsk region received ridiculously small government pensions. For example, one person received RUB 0.80, another got RUB 5.65 (less than \$0.20). While an anchor in the Moscow studio was trying to reach the Minister of Labor and Social Development of the Omsk region, broadcast of the Echo of Moscow in Omsk was cut off—and resumed only after the program was over.

Access to the Internet is unrestricted, and ICT infrastructure is developing rapidly. People in urban areas still have more options than people in smaller cities, but the gap is diminishing. In 2004, only two of 100 households had broadband connections, and in 2009 this number has reached 29.¹³ There are 148.8 mobile connections per 100.¹⁴ The coverage of 3G mobile networks is rapidly expanding. For example, according to Aliev, 3G Internet is now available all over Chechnya.

¹³ Ofcom International Communications Market Report 2010. http://stakeholders.ofcom.org.uk/binaries/research/cmr/753567/icmr/ICMR_2010.pdf

¹⁴ *ibid*

List of Panel Participants

Andrei Allakhverdov, chief editor, Foundation for Independent Radio Broadcasting, Moscow

Tamerlan Aliev, aid to the president of Chechnya; former chief editor, *Chechen Society*, Grozny

Galina Arapova, director and leading attorney, Center for Protection of the Rights of Media, Voronezh

Veronica Dmitriyeva, regional program director, Media Development Loan Fund, Moscow

Maria Eismont, director, Russian Independent Media Program, The New Eurasia Foundation, Moscow

Mikhail Melnikov, analyst, Center for Journalism in Extreme Situations, Moscow

Boris Timoshenko, director of monitoring, Glastnost Defense Foundation, Moscow

Anna Kachkaeva, associate professor and chair of radio and television, Journalism Department, Moscow State University; observer, Radio Liberty, Moscow

Galina Komornikova, chief editor and director, *Courier. Sreda. Berdsk*, Berdsk

Anna Koshman, executive director, Alliance of Independent Regional Publishers, Moscow

Fedor Kravchenko, managing partner, Media Lawyers Collegium, Moscow

Vladimir Pavlovsky, chief editor and director, *Krasnoyarsky Rabochiy*, Krasnoyarsk

Andrei Ponomarev, correspondent, Interfax-South News Agency, Rostov-on-Don

Elena Vartanova, dean, Journalism Department, Moscow State University, Moscow

Moderator and Author

Natalia Kosheleva, director, Inter-Regional Institute of Media Consulting, Moscow

The panel discussion was convened on November 22, 2010.

The opposition characterizes the government's activities as a bulldozer attack on democracy. However, the president's success has proven that democracy in Ukraine has been a colossus with feet of clay, and that apparent progress in 2005 to 2009 was illusory.



UKRAINE

The new Ukrainian government, headed by President Viktor Yanukovich, came to power after the presidential elections in February 2010. Influential international organizations and western governments have criticized the Yanukovich administration repeatedly for curtailing democratic freedoms and civil liberties, applying selective justice, repressing political opponents, raiding businesses, and cracking down on human rights activists and the media. Against this backdrop, fears are rising that not only is Ukraine sliding back towards authoritarianism, but the current administration may be more brutal than that of former President Kuchma. The new government denies such claims, blaming journalists for venality and irresponsibility and accusing the opposition of conspiracy.

The opposition characterizes the government's activities as a bulldozer attack on democracy. However, the president's success has proven that democracy in Ukraine has been a colossus with feet of clay, and that apparent progress in 2005 to 2009 was illusory. During that period, those in power failed to build strong political institutions and traditions and instead compromised with courts, bought journalists, and refused to launch public broadcasting.

According to Oleksiy Pogorelov, general director of the Ukrainian Association of Press Publishers (UAPP), the change of power in early 2010 brought a return to older methods and officials dedicated to controlling the release of information with careful dosing, and preventing publication of undesirable facts. As before, law enforcement bodies and other authorities fail to react to misdeeds brought to light by investigative journalism.

Manipulated, stifled television constitutes the major source of news for 70 percent of the population. In 2010, Freedom House downgraded Ukraine's status to "partially free," from to "free" in 2009. Major Ukrainian channels Inter, TRK Ukraina, and Pershyi Nacionalnyi ignored the study, which described narrowing political pluralism on these channels. Almost all other channels that did report on the study ignored the fact that Freedom House pinned much of the blame on Yanukovich.

Panelist Kostyantyn Kvurt, board chair of Internews-Ukraine, noted that Ukraine's imperfect attempt at democracy lacked the scaffolding of systematic changes, and rendered freedom of speech fragile regardless of who wins presidential elections. There were litmus tests signaling an authoritarian approach—such as several cases on the obstruction of professional activities of journalists, which were demonstratively investigated but closed. Kvurt added that the 2010 change in power was a trial of Ukrainian media's commitment to freedom and will to stand up for the public interest. The majority of media failed, but the resistance of some strong journalists, NGOs, and the international community played a positive role. Opinion polls reveal that Ukrainians are aware of the threats to the freedom of speech. Another sign of hope is that a growing number of citizens, currently estimated at 25 to 30 percent, are discovering truth and pluralism in the online press.

UKRAINE AT A GLANCE

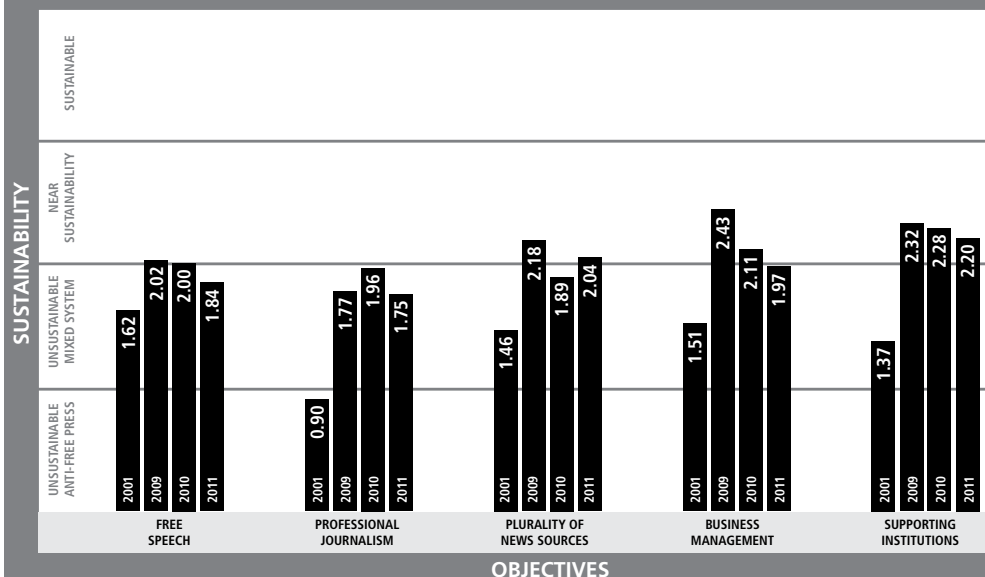
GENERAL

- > **Population:** 45,415,596 (July 2010 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 census)
- > **Religions (% of population):** Ukrainian Orthodox - Kyiv Patriarchate 50.4%, Ukrainian Orthodox - Moscow Patriarchate 26.1%, Ukrainian Greek Catholic 8%, Ukrainian Autocephalous Orthodox 7.2%, Roman Catholic 2.2%, Protestant 2.2%, Jewish 0.6%, other 3.2% (2006 est., *CIA World Factbook*)
- > **Languages (% of population):** Ukrainian (official) 67%, Russian 24%, other 9% (includes small Romanian-, Polish-, and Hungarian-speaking minorities) (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$128.92 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$6,180 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census)
- > **President or top authority:** President Viktor Yanukovich (since February 25, 2010)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** 27,969 publications (only 4,200 of which publish regularly) including 12 major daily newspapers; 524 radio stations; 647 television stations (most local) (State Committee on Television and Radio, comin.kmu.gov.ua)
- > **Newspaper circulation statistics:** The top three dailies are *Robocha gazeta* (founded by the Cabinet of Ministers), *Segodnya* (private), and *Fakty I Kommentarii* (private) (exact figures are unavailable, but panelists estimate that circulations for these publications range from 100,000 to 400,000)
- > **Broadcast ratings:** top television stations: TRK Ukraina, Studio 1+1, ICTV, STB, and Novyi Kanal (all private); top network radio stations: Hit FM, Radio Shanson, Russkoe radio (all private) (MMI)
- > **Annual advertising revenue in media sector:** television: \$335 million, print: \$276 million, radio: \$25 million, Internet: \$35 million (Ukrainian Advertising Coalition)
- > **News agencies:** Interfax (private), UNIAN (private), Ukrainski Novyny (private), Ligabiznesinform (private), DINAU-Ukrinform (state-owned)
- > **Internet usage:** 12.9 million (InMind)

MEDIA SUSTAINABILITY INDEX: UKRAINE



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 1.84

The panelists scored Objective 1 lower this year, primarily due to lower scores for indicators 3 (media market entry) and 7 (access to information). Aggravations persist with indicators 2 (licensing), 4 (attacks and crimes against journalists), and 5 (legal protections of editorial independence for state media). Along with indicator 7, these all scored more than a half-point lower than the objective score. As with last year, indicator 8 (media use of foreign and domestic news sources) and indicator 9 (free entry into the journalism profession) outscored the objective average, this time by more than a point each.

For many years, Ukraine has enjoyed rather developed media legislation, but for an equally long time, panelists have stressed that enforcement of these laws remains problematic. According to Oleg Khomenok, a media adviser of the Internews Network U-Media project, the problem of law enforcement has intensified and those in power either violate the law or turn a blind eye to violations.

In September 2010, the Ukrainian NGO Democratic Initiatives Foundation conducted a poll of 29 reputable journalists and scored the level of freedom of speech at 4.3 out of a scale of 10. The foundation's March 2004 poll resulted in a score of 2.4 for freedom of speech, and its March 2005 poll resulted in a score of 7.¹

The think tank Razumkov Center interviewed 2,000 citizens in October 2010, reporting that 56.5 percent of Ukrainians acknowledge political censorship in the country, and rating the freedom of speech overall level at 3.27 out of 5. Nearly 30 percent of respondents saw the revocation of frequencies from television stations TBI and Kanal 5 as political pressure on oppositional channels. More than a quarter acknowledged the protection of business interests of television owners close to the power, and nearly 12 percent were aware of licensing law violations.

In April 2011, a presidential decree dismissed the national commission on strengthening freedom of speech and the development of the information industry. Initially, the commission was tasked with developing proposals for Ukraine's compliance with Council of Europe, OSCE membership obligations, and potential EU membership, and it had continued functioning as an experts' association. Concerns also grew about the improper influence of

¹ Democratic Initiatives Foundation poll, in Ukrainian, with photos is available on the Democratic Initiatives Foundation website: <http://dif.org.ua/ua/events/jowrj0gi0>

the Ukrainian Security Service (SBU), headed by Valeriy Khoroshkovskiy, a media owner holding 30 percent of the television market share. He was also a member of the Highest Council of Justice, raising concerns about conflicts of interest in the appointment of judges—as emphasized in Resolutions of the Council of Europe Assembly (No. 1755 of October 4) and the European Parliament (November 25). His holding, Inter Media Group, initiated action, resulting in the controversial decision to revoke frequencies from TBI and Kanal 5.

Over the course of 2010, a number of reputable international organizations, including Reporters sans Frontières, International Press Institute, International Federation of Journalists, Association of European Journalists, Article XIX, Human Rights Watch, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, and the OSCE Representative on Media Freedom, along with the US and EU governments, addressed the Ukrainian government or published statements regarding their concern over the decline of freedoms in Ukraine. In May 2010, journalists and media activists established a public movement, Stop Censorship, in response to a report on censorship authored by journalists from major channels (1+1 and STB). Stop Censorship, with about 570 signatories, lobbies for freedom of speech, professional journalism standards, and the rights of journalists, in addition to fighting censorship. The activists conducted a number of remarkable public acts, including

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

meeting with the head of the SBU and issuing regular public statements on violations.

Nataliya Lygachova, board chair of Telekrytyka, said that society does not understand the importance of free speech and democracy as a tool to protect its economic and political rights. Media laws in Ukraine are rather progressive, she noted, but politicians have sufficient possibilities to evade them. For example, in the formation of the new National Council on Television and Radio Broadcasting, members of parliament from the ruling coalition ignored a number of legal provisions on membership eligibility.

Media lawyer Lyudmyla Pankratova emphasized that although the law contains minimal provisions to protect journalists from having to reveal sources, such attempts to force journalists to disclose their sources has increased. In at least two cases, journalists from *Rivnenska Gazeta* and *Kyiv Post* refused to disclose their sources, through the aid of lawyers. In the *Kyiv Post* case, journalist Yuriy Onyshkiv interviewed by phone the ex-Minister of Economics Bohdan Danylyshyn (who had fled from persecution and was hiding abroad) and published a story. Later Onyshkiv was interrogated by the General Prosecutors' office regarding his sources of information for the fugitive's whereabouts. A media lawyer accompanied Onyshkiv to the interrogation, and Onyshkiv signed a confidentiality agreement, so the details of the interrogation are not known. Later, Danylyshyn was detained by Czech police, but a Czech court granted him political asylum.

According to Lygachova, the system of licensing television and radio frequencies—as well as digital broadcasting—is not transparent. Although an appeals process exists, the courts are influenced by political forces and pressured by law enforcement bodies headed by powerful media owners. Kvurt noted that if previously the licensing of broadcasters more or less protected public interests, now it is absolutely politically motivated. In addition, the system is tainted by a conflict of interest, as a majority of votes in the National Council on Television and Radio Broadcasting belong to people connected with Khoroshkovskiy's Inter Media Group Ltd. channels.

The Ukrainian media covered widely a case in which the licenses to expand TBi broadcasting were withdrawn in favor of Inter Media Group Ltd. That decision drew statements from many international organizations as well, including Article XIX. In January 2010, the National Council for Broadcasting awarded two independent broadcasters, TBi and Kanal 5, extra frequencies. Three channels from Inter Media

Group appealed the decision in mid-summer 2010, on the grounds that the National Council for Broadcasting lacked the proper quorum for the vote. In response to the appeal, courts ruled not only to revoke TBi and Kanal 5's extra frequencies, but further annulled the initial frequencies given to TBi in 2009. As a result, the revocation of frequencies reduced the audience share of both companies, damaging their economic standings. Consequently, TBi broadcasts only on satellite and cable. On January 26, 2011, the Highest Administrative Court upheld the rulings of previous courts.²

On the eve of this court hearing, Article XIX expressed its concern about the failure of the Ukrainian courts to take into account the freedom of expression aspects of the case. Article XIX suggested that the interference may have been politically motivated, and aimed at downgrading the media influence of both broadcasters, noting: "There have been allegations that the head of the SBU, Valeriy Khoroshkovskiy, had orchestrated the case against TBi and Kanal 5 as it has been noted that he has corporate interests in the revocation of the frequencies. The Khoroshkovskiy family owns Inter Media Group, which was a contestant for the frequencies and who disputed their allocation. Inter Media Group is the biggest broadcasting player in Ukraine. It supports the current president and the ruling Party of Regions, according to many national and international observers. Noting that Kanal 5 and TBi are claimed by Ukrainian media watchdog Telekrytyka to be the only remaining television channels with independent and fair television news coverage, it is reasonable to suspect that authorities are restricting their operations."³

Earlier, the General Prosecutors' office opened a criminal case against several members of the National Council for Broadcasting, responsible for awarding additional frequencies to Kanal 5 and TBi in January 2010. TBi commented, "Opening this criminal case by the General Prosecutor's office in the interest of Khoroshkovskiy's channels is a direct manifestation of censorship and political persecution of the members of independent regulating body, and also betrays signs of corruption."

Viktor Danylov, director of Rivne-1 TV and head of the publishing house OGO in Rivne, also mentioned that the government made several attempts to refuse license extensions to regional broadcasters, because their national network partners are out of favor.

Kvurt said that it is nearly impossible to enter the television market without proper political partners. Politics and business interests drive the process, and the accelerating concentration

² "Ukraine: Independent Broadcasters under Threat." Article XIX, January 25, 2011.

³ Ibid, Article XIX.

of capital and resources in the hands of a few business groups does not bode well for newcomers. New frequencies will not be distributed until 2015, and licenses granted earlier will be canceled gradually. On the print media side, publications must register but the process is rather liberal—and moreover, not properly regulated, according to Danylov. The Ministry of Justice registers almost all publications, despite similar titles and trademarks—and court decisions to close these “clones” are not enforced.

Top officials have attempted to introduce registration of Internet media outlets. In mid-summer 2010, the government presented parliament with a draft law, No. 6603, regarding registration of electronic news agencies. So far, such attempts have not led to action. According to Tetyana Rikhtun, head of Sebastopol Information and Press Center, on the one hand, it could be taken as a positive sign that registration of online media is not required; but on the other hand, this means that Internet journalists cannot meet the rules of accreditation—limiting their access to information, even during official state visits. In this way, authorities can limit popular Internet media outlets from publishing and spreading negative information across Ukraine and beyond its borders.

Media outlets face the same market entry and commercial regulations as other businesses. The adoption of a new tax code, set to go into effect in 2011, did not improve the tax administration system. The VAT exemption for part of newspaper operations grants minor savings, but the separate accounting required adds to the workload. The panelists stressed that state financing of municipal and state media creates unequal market conditions, with some outlets paying taxes while their competitors are financed from taxpayer’s money. In addition to affecting editorial independence, subsidized media outlets can afford to lower advertising prices, hurting the profits of independent outlets. The government grants certain privileges to subscription publications delivered by the post office, but only high-circulation publications benefit.

Attacks on journalists grew, and did not lead to adequate investigations or prosecution, said Pankratova. Ukrainian journalists face many challenges gaining justice in the courts. Kvurt noted that society does not display outrage regarding crimes against journalists, as authorities do not properly investigate crimes against any citizens. According to Khomenok, from time to time, officials pay lip service to the protection of journalists’ rights, as in statements made by Hanna Herman, deputy head of the presidential administration. However, there is general negligence of human rights, and law enforcement bodies fail to protect human rights, laws, or the state.

Viktoriya Syumar, executive director of the Institute of Mass Information, agreed that violations of journalists’ rights increased in 2010, hindering their work, and that most attacks were connected with officials and their guards. Some of the most serious cases include Sergiy Andrushko and Sergiy Kutrakov, the disappearance of Vasyl Klymentiev, and the beating of the Kanal 5 crew. In addition to these cases, many more took place in the regions. Lygachova stressed that criminal cases under Article 171 (on “prevention of professional activities of journalists”) of the Criminal Code of Ukraine are almost never brought to court—and few of the cases that make it to the courts are brought to a fair conclusion. Usually, court decisions protect officials, law enforcement representatives, and businesses close to the government.

In April 2010, Berkut (special militia division) guards pushed Novyi Kanal journalist Sergiy Kutrakov out of a Ukrainian House exhibition, after he attempted to record a fight between exhibition organizers and representatives of the Svoboda association. Kutrakov filed a suit, but the courts rejected it. Berkut representatives then filed a suit against Kutrakov, accusing him of hooliganism. However, the Berkut claim dissolved in procedures, and did not lead to any consequences for Kutrakov. In another case, in June 2010, a presidential guard attacked STB journalist Sergiy Andrushko at the Agro-2010 exhibition. Law enforcement bodies refused to file a criminal case, and Andrushko is still fighting to prove in courts that the attack hampered his professional activities. Earlier, in April 2010, a city administration official threw Andrushko’s microphone into a trash bin.

In July 2010, Ukrainian blogger Oleg Shynkarenko was invited to SBU to discuss his blog; the authorities considered his threatening language criticizing the president’s neglect of the Ukrainian language to be a threat to a state official. The security officials released Shynkarenko after he promised in writing to refrain from threatening and criticizing the government “in a brutal way.” He also claimed that some posts disappeared from his blog. The media community took notice of this case, as it indicates that SBU or other authorities trace blogs and might interfere with the work of bloggers more in the future.

Other cases include the August 2010 disappearance of Vasyl Klymentiev, editor-in-chief of *Novyi Styl* (*New Style*) in Kharkiv. Although questions swirl over whether he could be considered a journalist following professional standards, the failure to investigate his disappearance is of concern to the media community. Also of concern, in December 2010 the well-known journalist Mustafa Nayem was detained and taken to the police department because, by official explanation, “he has an oriental face.” On the same day,

militia members asked for identification documents and searched the property of the *Korrespondent* editor-in-chief Vitaliy Sych, without providing a reason. In November 2010, the prime minister's guards refused to let Kanal 5 journalists film his meeting with protesting entrepreneurs, and damaged a camera.

Other outlets are subjected to more subtle, yet relentless, forms of pressure. Since spring of 2010, tremendous pressure has been exerted on Crimea's Chernomorskaya TV, which belongs to MP Andriy Senchenko, a member of former Prime Minister Yulia Tymoshenko's party. The channel has withstood inspections from all possible authorities: the tax police, the state department fighting economic crimes, the price control committee, prosecutors, SBU, and an anti-monopoly committee.

Following up on cases from 2009, UNIAN news agency photo reporter Vitaliy Danylchenko was beaten at a brandy factory in Kherson oblast in September 2009. The perpetrator was fined a small sum, while in 2010, Danylchenko lost his claims that the incident violated Article 171 of the Criminal Code, meant to guard against stopping journalists from conducting their professional activities. However, Danylov mentioned one successful case in Rivne, where, following public pressure and a pile of evidence, a fair sentence is expected for Anatoly Pekhotin for threatening Rivne journalist Vlad Isayev with a gun in 2009.

Finally, in December 2010, the General Prosecutor's office completed its investigation of the high-profile murder of journalist Georgiy Gongadze in September 2000. The investigation concluded that General Oleksiy Pukach (who was detained in 2009) killed Gongadze by the order of then-Minister of Interior Yuriy Kravchenko (who died under mysterious circumstances in 2005). Reporters Sans Frontières expressed its frustration over the investigation, noting, "From the outset, the entire investigation seems to have been designed to avoid implicating senior officials and politicians, and now the focus is on putting all the blame on Yuriy Kravchenko,"⁴ despite the fact that other officials were implicated as well.

By and large, state and municipal media managers are appointed on the basis of politics and loyalty. Television and radio companies are required to adopt editorial statutes and submit them to the National Council for Broadcasting, but the statutes are just a formality. In print media also, statutes are more or less common. These statutes shiningly uphold editorial independence, objectivity, and equal access of political groups during elections, but in reality they are

not upheld; 90 percent of the council members are media managers and owners. Furthermore, government funding is not distributed transparently. State media employees enjoy civil servant status, with higher pensions. Journalists with the leading state media outlets are granted other privileges as well, such as inclusion into the journalism pools for Ukraine's top officials.

Syumar noted several examples of illegal dismissal of managers of state and municipal media during the last year, revealing the intentions of local governments to control the media through loyal appointees. *Kyiv Post* journalist Vlad Lavrov stated that state and municipal media depend almost completely on funding provided by the authorities, and critical coverage of the government is practically absent. Lavrov's regional and municipal colleagues give him the impression that their mission is making a governor or a mayor look good.

Ukraine has not established public broadcasting yet, and a provision on state television supervisory board appointments has not been fulfilled. In March 2010, the Cabinet of Ministers appointed new management of the National Television Company of Ukraine (NTCU)—breaching the existing law that calls for the supervisory board to make appointments. The NTCU general director is Ehor Benkendorf, an experienced manager with profound commercial television experience, primarily from Inter. One of his deputies, Valid Arfush—a Ukrainian media manager who served as an adviser to Hanna Herman, current deputy head of the president's administration—promised to make the channel a mouthpiece of the government's achievements. At that time, Lygachova assumed that the channel might turn pro-presidential, and that it might be included informally in Inter Media Group—but in any case, it would not become truly public. With ties to the presidential administration, Khoroshkovskiy exerts influence on the channel as well. Although its position in the marketplace is growing, its news programs have been labeled the epicenter of manipulative information from the governing authorities. According to monitoring of the eight major channels, it shows the greatest signs of *zakazukha*, or censorship. In January 2011, media reports named the NTCU's Pershyi Nacionalnyi channel the first anti-public media outlet. Launch of a Ukrainian Euronews program at Pershyi Nacionalnyi is planned for 2011.

Libel has been considered a civil law issue since 2001; however, the burden of proof rests with defendants. Pankratova expressed concern over the growing number of lawsuits and current court practices. Due to the rotation of judges, many of them are inexperienced in the peculiarities of libel cases and the application of the European Court on Human Rights practices. Despite a Supreme Court resolution

⁴ "Those behind Georgiy Gongadze's murder still unpunished 10 years later." Reporters Sans Frontières, February 10, 2011. <http://en.rsf.org/ukraine-those-behind-georgiy-gongadze-s-10-02-2011,39521.html>

that public figures claims must have a higher burden of proof, courts usually fail to apply this principle, and are reluctant to reduce large sums of damage. Yevgen Rybka, editor of the news agency LigaBiznesInform, added that judges are more controlled by political interests following court reform, and the Highest Council of Justice has become a punitive body—so the media may expect to lose more lawsuits.

In a high-profile libel case in October 2010, Member of Parliament Yuriy Boot won a lawsuit against Olga Snicarchuk and Kanal 5 for calling him an “apostate.” The court awarded him UAH 20,000 (\$2,550), although he initially requested UAH 100,000 (\$12,750). Boot came under fire by his parliamentary colleagues over his lawsuit; in attempt to embarrass him, other MPs made a show of collecting money for him at the parliament, and some deputies wanted to exclude him from a justice committee. Finally, under this pressure, he withdrew his claims.

Lavrov said that journalists are threatened commonly with lawsuits, but most of them are solved pre-trial. He said that he is more concerned with the almost-weekly pressure from the richest Ukrainians and their foreign lawyers. They are turning to the London court system, which has gained a reputation for libel tourism. In 2008, Rinat Akhmetov sued the Obozrevatel website in a London court in this manner. Another Ukrainian famous for libel tourism is Dmytro Firtash, an oligarch who filed libel claims in London against *Kyiv Post* (a public media company) in mid-December 2010 for portraying him as corrupt to the British community. *Kyiv Post* was compelled to undertake the untraditional measure of blocking UK users’ access to its website. However, in February 2011, a London High Court judge dismissed the case.

In December 2010, a local court in Lviv banned the ZIK channel investigative program *Who Lives There*, based on an episode that looked at the head of local railway—but that the court never even watched. The official claimed that he did not give consent for ZIK to collect and spread information about him and his family.

However, as evidence that it is still possible to fight for justice within the current system, Danylov mentioned another case. In 2010, Danylov’s media outlet reached an amicable settlement with the regional governor, following a dispute that started back in 2009 and nearly destroyed that outlet along with some other regional media.

Pogorelov noted that in the last few years, the National Expert Commission on Issues of Protecting Social Morale, which often avoided pre-trial mediation and went straight to courts, has won plenty of lawsuits on moral issues against the media. According to a December 9, 2010 presidential decree, the commission will be liquidated soon, but another

body might take over its mission. Under a flag of fighting pornography and related issues, it is very easy to silence unpleasant media or artists, noted the panelists. Essentially, the law on protecting social morale condones censorship, which is banned in Ukraine. Another provision aiming to fight pornography, Law No. 404, entered into force in early 2010. It compels Internet providers to keep data on all clients’ identification and connections and to ban access to certain websites if they contain forbidden content.

Regarding access to official information, the panelists were unanimous that average citizens face more complications than media members. Journalists are more likely to be successful in this respect, although often they do get the runaround. Rybka commented that access to public information became noticeably more challenging in the past year. Even very basic requests, which a few years ago could be obtained by phone calls, now often require journalists to submit written requests to the press office—costing them a tremendous amount of time.

Syumar added that communication with state officials has become more limited. In particular, President Yanukovich gave only one press conference. His press office does its best to minimize opportunities for independent journalists to ask questions, from refusing accreditation to establishing limits for questions. Sometimes Internet journalists or NGO representative face difficulties also in getting accredited for certain events. Rykhtun said that officials surround themselves with professional press officers and lawyers that do their best to deflect requests from journalists, giving them non-answers that can hardly be used. She said also that access to governmental bodies has returned to pre-2004 norms in some instances, with city council sessions—by law open to citizens—requiring journalists to be accredited.

Along with the amendments to the Law on Information, the new Law on Access to Public Information was adopted on January 13, 2011. If the president signs these, they will come into force in the spring of 2011. A pool of civil society organizations developed the new law and experts from the Council of Europe evaluated the draft. The adopted version was virtually unchanged, except for eliminating a provision giving the Parliamentary Ombudsman for Human Rights oversight of access to public information.

The main achievements in the new law on access to information include an expanded list of authorities and other sources obliged to disclose public information; a reduction of the average term of reply to five days (with certain alternatives), rather than 30 days; citizen’s choice for any form of request (verbal, written, email, etc.), and; the stipulation that a cause for the request need not be given. Additionally, the new law provides that certain information

must be released immediately online, and certain data cannot be classified as confidential. Lawsuits for non-compliance with the law can be filed according to the Administrative Justice Code, under which defendants must prove their actions, while plaintiffs need only prove that the request was made and that the requested data was unavailable. The data provided under this law is not subject to approval, as a face-to-face interview would be. However, the authorities' internal correspondence and drafts of decisions are not subject to disclosure, either before or after an official decision is adopted—as is typical in European practice.

The amended law on information now provides for cancellation of foreign journalist obligatory accreditation with the Ministry of Foreign Affairs, and it unifies rights for journalists of all types of media—although confusion remains over which documents will be required to prove a journalist's status.

According to the panelists, the worst change in the information law is that it leaves open the possibility that the media could be sued for moral damages. As media lawyer Tetyana Kotuzhynska wrote in *Dzerkalo Tyzhnya*, "The positive changes in the new edition of the law of information are very few, but the threat to pay moral damages for criticizing some official or politician is 100 percent." She believes that these provisions will make officials—who account for about 60 percent of plaintiffs in lawsuits against media—more likely to file lawsuits.

According to Pankratova, the Resolution of the Cabinet of Ministers of Ukraine of 2002 called for governmental websites to present public information, reports on activities, and official decisions. Although substantial state funding was provided for this purpose, official websites are still lacking much required data.

On the other hand, the Law on Protection of Personal Data, adopted in June 2010, came into force on January 1, 2011. It allows for the collection of open source data about a person but forbids its publication without prior written consent. Although the law cites public interest in the availability of socially important information as an excuse for publishing data, and claims to not limit journalists' professional activities, its ambiguity still threatens media with the possibility of stopping any publication. According to the Ukrainian Helsinki Human Rights Union, it ties journalists' hands and is a step toward limiting freedom of speech and access to information.

Access to and use of local and international news sources is not restricted.

Entry into the journalism profession is free; a journalism degree is not required. However, accreditation procedures apply and can be limiting. Because online media outlets are

not subject to registration, in some cases Internet journalists cannot provide the proper papers to apply for accreditation or else they are required to supply extra evidence.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.75

With intensifying political and economic pressures, censorship and self-censorship have grown. Although the media sector shows no direct evidence of overt censorship, media owners deploy forms that are more subtle yet still serious. In general, journalism remains a poorly compensated, low-prestige field, with rather frequent turnover. Personnel cuts and the need to reduce costs contributed further to lowered journalism standards in the past year.

The fall in score came mostly because of lower scores for indicators 1 (objective and well sourced reporting) and 4 (coverage of key events). A rise in indicator 7 (modern equipment and facilities) offset other declines somewhat and also scored more than a point higher than the objective score. Most other indicators scored near the objective score, although indicator 3 (self-censorship) lagged by more than half a point.

The NGO Telekrytyka has been monitoring professional standards at major television channels since 2002, using six criteria (balance, promptness, reference to sources, factuality, accuracy, and fullness). Most of the channels score less than 3 out of a possible 6. As a rule, violations of standards went by a sine wave pattern, with peaks on the eve of elections and slopes in "peaceful" periods. According to Otar Dovzhenko, a Telekrytyka journalist, the sine curve went up steeply during 2010. He commented on the continued interference with professional practices. "Violations observed now are consequences of the centralized information policy as well as politically motivated self-censorship," he said. "In that sense, journalists and their managers receive directives on maintaining a certain positive attitude towards the government. This self-censorship...is extremely dangerous and ties journalists' hands." He added that another dangerous symptom is the growing repression of important information, and named Inter, ICTV, and Pershyi Nacionalnyi as the key culprits in that respect—with Kanal 5 and STB notable exceptions.

Kvurt agreed that monitoring of the leading media shows a decrease in adherence to key standards of journalism, including balance, context, consultation with experts (especially in economic and political matters), and coverage of socially important events. According to Pogorelov, the low profitability of media business in the post-economic crisis period influences media managers heavily: they have to

secure short-term profits and forget about strategies for three years or beyond. This approach, in turn, leads to a greater readiness to publish *jeansa* (paid-for positive news coverage), and it also drives media outlets to select topics and genres that are best-selling and increase ratings or audiences.

Too frequently, journalists rely on secondary sources. Lavrov noted the absence of fact checking, as well. On the one hand, outlets have cut their staffs, and the remaining employees are overworked as a result. On the other hand, society does not appear to demand balanced, quality news. Lavrov has found that in hiring journalists, about two-thirds of the CVs he reviews simultaneously trumpet journalism and advertising copywriting skills. Often, even the test articles that applicants submit contain plagiarism, and many applicants fail to interview the sources or verify the information that they receive. Khomenok stressed that many experienced journalists have left the profession, and newcomers are extremely inexperienced and unskilled. If they do not have a press release to which they can refer, they may be unaware of what it is going on at all, let alone strive to undertake deeper background research or conduct provocative interviews. Danylov agreed that generally standards are low, but he said that some quality regional media still follow the standards of balanced reporting.

Regarding professional standards in online journalism, Rikhtun said that although the Internet may be considered a source of independent news, it might be too easy to launch a website and promote a certain viewpoint. Many online outlets tend to retell news already aired or published by others.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Ukraine's ethical media standards correspond to standards accepted internationally. All major channels have very solid ethical codes that they usually publish online, and many strive to spread standards at training events. A few years ago, several Internet publications formed a convention to help promote ethical standards on the Internet. The panelists pointed to many examples of journalists working hard to follow ethical standards despite pressure from managers to compromise their ethics. However, sooner or later, they tend to be fired or decide to leave their jobs. Kvurt said that ethical standards are not supported institutionally, and the industry quickly gets rid of those determined to uphold standards at the expense of the media house's business or political interests. Yuri Lukanov, head of the Kyiv Independent Media Trade Union, said that those who openly ignore standards are working in the president's pool of journalists, while those following standards are sacked.

The panelists discussed some of the questionable practices they see. For example, almost every media outlet has separate price lists for print stories and broadcast pieces. Rikhtun mentioned that although newspaper articles might contain small markers signaling paid-for stories, such stories are harder to recognize in online media. The same is true for pieces that state officials' commission. Rybka said that the 2010 elections demonstrated that the print sector has a lot of *jeansa* publications.

Self-censorship exists and is on the rise, even in online media—considered the freest platform. Blogger Oleg Shynkarenko's interrogation proved that the SBU monitors the Internet, although the extent of its reach is not known. According to Sergeev, the political situation contributes to self-censorship, but Lavrov cited the lack of job security for journalists as a major cause as well. Most journalists are not staff members, and usually they are paid under the table. Often outlets hire them as private entrepreneurs or under agreements for an author's fee, accompanied by a disclaimer exempting publishers from liability for any damages that might be claimed for the story. After the presidential elections, the question "are we going to cover this?" was heard more often in the newsroom. Danylov agreed that sometimes media fail to cover issues that might be discussed in every marketplace of the city, just to avoid unpleasant consequences. Sergeev said, however, that if a story is newsworthy, the anticipation of making a splash will override the instinct to self-censor.

Pankratova provided the example of a professional investigative journalist in Kremenchug that has begun to weigh every word, running her work by a lawyer, when she writes about a local mayor. Khomenok added that the regions have seen several quiet or scandalous dismissals of journalists,

and these cases showed their colleagues how they should behave if they want to keep their jobs. In fall 2010, regional media covered local elections weakly, primarily in order to evade political problems. According to Rikhtun, in state and municipal media, self-censorship reaches to the level of editorial policy. She noted that a deputy editor that worked at a private regional television station for five years was fired because she signed a “Stop Censorship” petition.

Regarding the media’s reach in covering major news and events, Pankratova pointed to Telekrytyka’s monitoring of major television channels—which confirmed that major media outlets ignore or stifle many socially important topics. For these issues, only the 25 to 30 percent of Ukrainians using the Internet can find the truth through information agencies and other websites. According to Syumar, forbidden topics and personalities inconvenient for the government have emerged. Prosecution of the opposition, dramatic differences in medical care allocation for government ministers versus regular citizens, human rights activists, news on unemployment, and other social problems are some of the topics that the eight major television channels avoid unanimously. (Sometimes STB and Kanal 5 are exceptions to this rule.) Television journalists on the panel complained about the media’s failure to cover critiques on new governmental appointees and Kharkiv agreements on the Russian fleet and gas prices. One journalist was told to show positive features and not analyze them. On the business side, no Ukrainian print outlets covered the huge recall of Toyota cars in the United States, because at that time, Toyota was signing lucrative contracts for advertising in Ukraine.

During the panel discussions, Kvurt stated that media outlets not only silence many issues but deliberately manipulate the news: for example, Russian political technologist Igor Shuvalov edits stories and interviews online at three major channels (Inter, Pershyi Nacionalnyi, and ICTV). As a result, socially important topics are either not covered or covered in a distorted way. In another example, Inter channel reported that entrepreneurs protesting the tax code left Maydan voluntarily, while in fact their encampment was dismantled with the aid of law enforcement bodies. Important topics such as the new tax code were mentioned almost every day in 2010 in the news—but the media shied away from providing details about the ensuing protests by entrepreneurs and the problems that the new rules caused. Similarly, the media always covered more positively the various international statements critical of the Ukrainian government. Khomenok pointed out, however, that the development of new media offers a way to shatter the silence on some of these topics; for example, millions watched the video streaming of the entrepreneurs protesting the tax code.

The compensation level for journalists is extremely low—as low as secretarial jobs in the business sector. According to Lavrov, this explains the lack of highly qualified journalists. Generally, reporters and editors do not make lots of money, but they make more than teachers and some other professionals. As civil servants, municipal and state media employees enjoy the privilege of a lucrative pension.

However, according to Danylov, the economic crisis led to 50 to 70 percent cuts in revenues for regional broadcasters, and with advertising budgets still low, broadcasters cannot afford to increase pay for journalists. In this climate, keeping qualified personnel is a difficult challenge. Kvurt stressed that to reduce costs, management gets rid of the most expensive employees and hires cheaper, less diligent journalists who think less of mission and fulfill orders. Over the last few years, corruption in the media sector moved from the level of journalists who would take money for stories to the upper level of owners and management.

The panelists tended to agree that entertainment programming is increasing, although the media sector has separate news channels and plenty of news sources. About nine nationwide channels have regular news programs, at least six have weekly talk shows dedicated to political and social issues, and two to three channels are dedicated to news only. Although television proffers much more entertainment programming than print or online outlets do, Ukrainians still seem to have enough news sources. Khomenok and Rybkat, however, noted that a number of pseudo-investigative television programs have a more entertainment tone, to the discredit of the genre.

In terms of access to modern facilities and equipment, the panelists agreed that proper technical facilities are available and rather affordable, even for the regions. The only limiting factor is cost, but technologies are becoming cheaper.

According to the panelists, niche reporting is insufficient. Although journalists cover various topics, they usually lack sufficient expertise to cover topics properly and in depth, and they make poor use of experts. Reasons cited include the need to reduce costs, and; the growing workload that prevents journalists from spending resources, either on time-consuming investigations or deeper digging into the beat. Sometimes owners are afraid of consequences, or journalists themselves do not want to bother. Pankratova stressed that many investigative centers and journalists are supported by donor funds, and the quality of investigations increases at the regional level, as donors are more likely to influence the situation at the local level. Ukraine has several regional bureaus of investigative reporters.

According to Pogorelov, a wide variety of topical publications are available. Lavrov noted that media houses pay more attention to economic journalism than other niche areas, as many publishers believe that a high-quality economic section can attract advertisers. He mentioned, however, that the Ukraine has a total absence of consumer issues coverage, such as *Consumer Reports* provides in the United States or *Stiftung Warentest* in Germany.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 2.04

Diverse news sources are available to citizens. Uncovering the truth, however, may require digging it up from several sources, primarily Internet media. In addition, the choice is much poorer in small towns, and there is a digital gap between large cities and rural areas. Most of the population uses television as a news source, and 25 to 30 percent use the Internet to obtain news.

The rise in this objective's score is due generally to the development of new media, which provide more diverse and independent information sources. Specifically, indicators 4 (news agencies) and 5 (private media produce their own news) received higher scores, to lead the growth in score. There were some differences in where scores fell, however. Indicator 3 (state media are non-partisan) fell short of the objective score by more than a point, while indicator 6 (transparency and concentration of media ownership) lagged by more than half a point. Indicators 1 (plurality of sources and perspectives), 2 (citizen access to media), and 4 all scored more than half a point more than the objective score.

According to a December 2010 poll of 2,076 people by Research & Branding Group, 56 percent of Ukrainians trust Ukrainian media, 60 percent value stability more than freedom of speech, 51 percent believe that free speech is threatened, and 53 percent believe that Ukrainian media are free. The poll showed that television is the main source of news for 69 percent of Ukrainians, and the Internet for 15.5 percent.

According to InMind research undertaken for the Internet Association of Ukraine, Internet penetration in October 2010 reached 33 percent (i.e., one third of adults in Ukraine are Internet users). There are 12.9 million regular Internet users aged 15+ years old, and 8.3 million of them live in cities of more than 50,000 inhabitants. About 4.6 million live in smaller cities and villages. About 8.7 million Ukrainians use the Internet almost every day, and a majority of Ukrainian users access the Internet from their home computers. About 3.35 million people use broadband Internet. Ukraine shows

the fastest growth rate of internal traffic, and places fifth in Europe in this indicator.

According to Pogorelov, citizens have no technical limits to finding news. The main limitation to citizen access to diverse, in-depth, and/or specific information is the quality of media. A citizen can access information and media, but quality and depth vary, and price for them may become limiting. Kvurt agreed that generally the country has enough news sources, but he underlined a lack of proficiency in foreign languages as an added barrier for some. Also, the number of publications did not decrease, but the number of dailies published was reduced across Ukraine.

Additionally, Kvurt stressed that it is necessary to admit that Ukraine has a digital gap: in rural areas and small towns, people primarily enjoy limited television and few newspapers; in larger cities, many more opportunities are available. Khomenok mentioned that in Crimea, people might be on a waiting list for a couple of years to get broadband Internet access, due to the Ukrtelekom monopoly. The law places no restrictions on access, though there were a few examples of semi-oppositional channels having difficulties getting on cable providers.

Usage of social networks, especially among younger people, is growing rapidly. During the last three years, more than 80 percent of Ukrainian users joined the Russian social networks Odnoklassniki and VKontakte. Facebook's Ukrainian users reached 1 million in January 2011—up from 200,000 in

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) exists 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 non-partisan, 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.

January 2010. By the end of 2011, Facebook may number among the three most visited websites, along with Google and VKontakte. Ukrainians have 5.9 million VKontakte accounts and 100,000 Twitter accounts. According to Yandex, Ukraine had 700,000 blogs in 2010—100,000 of them active. It represents a 40 percent growth of the blogosphere over the previous year. Among the 10 most visited websites in 2010, only one is Ukrainian (www.ukr.net); others are international or Russian. One of the most popular independent news sources, *Ukrainska Pravda*, draws 200,000 online readers a day.

In light of these trends, many publications stopped in 2010 or plan to stop their print versions and focus on the Internet. Television also started to use new technologies. Channel TV 24 was one of the first to release an iPhone application to allow viewers to watch its programs on smartphones.

Access to foreign media is generally not limited, aside from language barriers and the costs, and low availability outside of cities. However, Rikhtun mentioned instances in which municipal utilities ordered citizens to dismantle satellite dishes. Allegedly, the municipal authorities favored local cable operators who were having difficulty increasing subscribers. Russian-language sources are the most common foreign sources available; but according to Kvurt, this is more a danger for national informational security than an advantage.

State and municipal media, with a few exceptions, serve the interests of the ruling power primarily. Danylov emphasized that with the change of power, within one day state media immediately attuned to new priorities. Media outlets funded from the state budget focus most of their efforts on covering the authorities. In terms of other news, by and large, state-sponsored news programs are dull and distant from people's needs. Kvurt stated that the country has no truly public media, and despite the diversity of various private media outlets, they cannot assume the role that a truly public media should play.

The major Ukrainian news agencies are the private UNIAN, Interfax, *Ukrainski Novyny*, *LigaBiznesInform*, RBC-Ukraine (Ukrainian agency of the Russian *RosBiznesKonsulting Group*), and state-owned *Ukrinform*. Rybka noted that apparently, two major news agencies—*Ukrainski Novyny* (belonging to Khoroshkovskiy) and *Interfax* (with a history of friendliness to the government)—are favored and receive exclusive news from the government. Their employees are included in the pools of top officials, and drink coffee in reception areas waiting for the news to be released to them. He added that the sector has problems with protection of intellectual property: published reports are taken from news agencies and not cited properly.

Danylov said that regional media cannot afford foreign news agencies and even some Ukrainian agencies. On the other hand, a local regional agency cannot find clients among local media capable of paying a modest fee. Pankratova mentioned that very often, smaller newspapers ignore the news agencies' copyrights. Panelists also mentioned that Ukrainians and Ukrainian media often use foreign publications translated by Russian services such as inosmi.ru and inopressa.ru, which might select foreign news according to their agendas.

Private media produce their own news, and local news is the foundation for regional media. According to the panelists, usually the leading private media produce superior coverage; they are more modern and better equipped to respond to audience needs. There are strong online media outlets that produce their own content, and they host many bloggers. However, blogs tend to be more about opinion and analysis rather than simply news.

Ukrainian law includes no requirements to disclose media ownership, and often the true owners are hidden under numerous foreign companies. In some cases, people can find this data from alternative sources of news in the Internet. For the average citizen, it is not obvious who owns or controls blogs or other online media. According to Syumar, transparency of ownership and the progressive monopolization of television are still problems. For example, nine television channels belong to Khoroshkovskiy, and; three major television channels belong to Viktor Pinchuk, son-in-law of ex-president Kuchma. Other major media owners include oligarchs Renat Akhmetov and Ihor Kolomoiskyi.

Thus, media ownership is concentrated in the hands of large Ukrainian businessmen close to politics, and foreign investments are almost absent. Some Russian companies have Ukrainian media interests: for instance, Russian ORT owns a 29 percent stake in the UA Inter Media Group; RBC news agency has daughter company in Ukraine, and; the newspaper *Kommersant* is in circulation. *Korrespondent* weekly is owned by a US citizen, and *Kyiv Post* is owned by transnational Istil group. In a recent report on legal limitations for investing across borders, the World Bank Group evaluated the Ukrainian media sector as low as 15 percent. The telecommunications sector is also subject to limits in direct foreign investments.

A broad spectrum of social interests are reflected and represented in the media, but according to the panelists, the media neglect some topics and coverage does not always meet expectations for quality. Ethnicity, social convention, and religion are covered fairly well, because they are important to the agenda of Ukrainian society. For instance, a sample issue of the national weekly *Ukrainiskiy Tyzhden* contained a story on a conflict between orthodox churches in

Ukraine, one on Crimea in general, and one questioning the policy toward Crimean Tatars.

Ukraine has no community media in the true sense, but local and regional media do cover a rather broad spectrum of social interests—and according to the panelists, private media usually do this better than state-owned or municipal outlets. Media do not frequently cover the topics of gender and sexual orientation, however.

Generally, media cover local, national, and international issues. Nationwide media do cover regions when important events take place, and many media outlets that are trying to attract a wider audience include special sections on certain geographic areas. At the regional level, media cover local, national, and international news, although the quality of coverage depends on the outlet. At a more local level (usually municipal media), the quality and range of coverage is very poor, due to self-censorship, low professional standards, and the lack of financing. According to Kvurt, Ukrainian media coverage of international news may appear sufficient at first glance, but upon closer inspection, it is often rather superficial.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.97

The decline in this objective resulted from lower panelist scores for indicators 4 (advertising revenue compared to other revenue sources), 5 (government distortion of the media market), and 7 (audience and circulation statistics). Indicator 5 was the only indicator to score substantially different than the objective score, lagging by more than half a point. To some, indicator 5's lower score is due to the rewording of this indicator, which was intended to focus panelists' attention on the government's impact on the media market as a whole, beyond subsidies.

While profitable, well-managed, and professional media businesses exist, many media are just mouthpieces of political and business interests. State and municipal media financing of such outlets, and the lack of transparency in spending, create unfair competition. According to Khomenok, a narrow segment of successful and well-managed media fight for survival amid unfair competition in a non-transparent and corrupt market. Kyiv-based journalist Lavrov agreed that just a handful of Ukrainian media outlets, especially in print media, are self-sufficient and operate purely as businesses. As a result, private media have to rely on subsidies from their owners. Syumar accepted that media business management is rather efficient at many outlets, but that does not guarantee

their independence. The panelists spoke of instances of economic pressure on media outlets; for instance, *Ukrainskyi Tyzhden*, a weekly that is critical of the government, was rejected from distribution on airlines, despite an agreement that it had forged.

Kvurt noted that since 2005, national television has been a highly profitable business, but with problems of corruption, a concentration of large shares of media in few hands, non-transparency, and an absence of a sense of social responsibility to fulfill media's watchdog role and cover socially important issues objectively. Most state and municipal media managers do not view their outlets as businesses, and in serving the interests of their founders and patrons, they disregard efficiency in spending taxpayers' money.

Media receive revenue from multiple sources. Print media earn primarily from advertising, hidden advertising, and subscriptions. Television stations sell advertising and programs and arrange small services such as live broadcasts. State and municipal media do not receive enough state funding, and they try also to earn money in the marketplace. According to Pogorelov, for a long time, primarily only large national and regional media have been building their business professionally. Smaller outlets were not paying enough attention to marketing, research, or the need to diversify revenue sources. Now, more and more businesses build their business on the basis of research, polls, and sales figures. However, not all of them can afford to acquire research data.

There are certain disproportions in the advertising market between television and other media, and between the urban center and the regions. Direct commercial advertising is more

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.

developed in the capital and large cities, while in the regions, classifieds and personal congratulatory notices are the most common form of advertising. Advertising agencies do not want to bother with small commissions from small accounts; therefore, they prefer working with larger media or asking for bribes. Regional television have difficulty competing with national television, as it cannot afford to buy research results or pay the fees to be included in ratings research. However, Sergeev and Danylov confirmed that the situation improved for regional television stations in 2010. Internet advertising grew as well, with advertisers drawn to the inexpensive format.

According to the All-Ukrainian Advertising Coalition, the 2010 media advertising market (television, radio, print, and Internet) totaled UAH 5.706 billion (\$727.1 million), up 28.6 percent in these segments from 2009—and estimates point to possible gains of about 20 percent in 2011. In addition to this figure, political advertising was estimated at about UAH 300 million (\$38.2 million, up one-third from the 2009 figure) with more than 50 percent in television and 30 percent in print media. In hryvnia, the advertising market has just about returned to pre-crisis 2008 figures; however, it has not in US dollars (the US dollar rate for much of 2008 was about 5 UAH, while now it is about 8 UAH).

The 2010 television advertising market reached UAH 2.68 billion (\$342 million), up 34 percent from 2009, with top television advertisers including Procter & Gamble, Henkel, Unilever, Benckiser, Colgate-Palmolive, Kraft Foods, Nestle, L'Oreal, SC Johnson, and GlaxoSmithKline. The share of regional television amounted to just UAH 115 million (\$14.7 million, 15 percent higher than 2009). In 2011, estimates predict that national television stations might add 33 percent to their advertising revenues, while regional television might gain 10 percent.

Print revenues in 2010 increased by 16.8 percent: UAH 2.21 billion (\$281.6 million) compared to the total of UAH 1.892 billion (\$241 million) in 2009. Out of this figure, only 25 percent went to regional publications. In 2011, the print media expects to see a 14 percent increase. The above figures are based on UAPP data, but the Independent Regional Press Publishers Association insisted that regional print media advertising is larger by UAH 280 million (\$35.7 million).

Overall, UAPP reported that the print media earned more than UAH 7 billion (\$892 million) in 2010, with subscriptions accounting for a major part of that sum. This is the first time that the press calculated all revenue sources: advertising, sales, and subscription. Subscriptions accounted for 23 percent of total press revenues in 2008 and 38 percent in 2009, and reached 44 percent in 2010, primarily due to price increases. To make up for the loss in advertising revenue and the

increase of newsprint costs, publishers had been increasing costs gradually since 2008.

Radio advertising reached UAH 200 million (\$25,485,800), and might gain back 14 percent in 2011. Internet advertising grew by 93 percent to UAH 280 million (\$35,680,200), with a forecast of 43 percent growth in 2010; Internet advertising is a leader in growth.

Advertising revenue as a percentage of total revenue is in line with accepted standards, and Kvurt said that he believes that the share of advertising revenue has increased. During Kuchma's time in office, there was less political advertising, because administrative pressure was used to secure desired coverage. During Yuschenko's time of pluralism, politicians had to spend more money for coverage. Now, the situation has returned to using less money to obtain favorable coverage.

The share of political money in the market remains substantial, and state subsidies for state and municipal media are not distributed transparently. The amount of funding varies greatly, depending on the relevant local authorities' decisions, and government funding definitely influences editorial policies and distorts the market. The government also allocates funds for "information coverage" of its activities, and this almost always constitutes advertorials about the government. Authorities do not distribute these funds in a transparent or competitive way. Sometimes they give funds directly to local municipal media, and sometimes they distribute to a pool of local media. There is a mandate that Ukraine's laws must be published in two governmental newspapers, *Uryadovy Kurier* and *Holos Ukrainy*, which gives them additional revenue.

Only major media in large cities can afford market research. At about \$3,000 per month, participation in GfK Ukraine market research panels is unrealistic for regional media. Danylov added that since 2008, he had to reduce his marketing department and related expenses substantially, except for certain research conducted in house or by a third party. However, he stressed that quality audience research is not affordable for regional and local media. Furthermore, local advertisers lack awareness of its applications. Sergeev mentioned that once a year, the U-Media project of Internews Network orders research and offers the results to regional media at a reduced cost. Several media in Chernivtsi bought TNS media audience research last year, but only two actually used it. Khomenok emphasized that many media outlets in Crimea do not make use of the research data that is available.

According to Syumar, the media sector has no recognized system of broadcast ratings, circulations, or Internet statistics. Panelists agreed that the GfK panel has certain discrepancies,

but generally it reflects the market. The panelists said that print media continue lying about their circulations, and the industry shows no interest in establishing honest rules.

The Internet is the only medium in Ukraine without established advertising monitoring for the whole sector. The industry players have just started to select contractors and develop their methodologies. According to panelists, tools to measure Internet audiences are neither ideal nor fully reliable. The Ukrainian Association of Internet Advertising contracted Gemius Ukraine and GfK Ukraine to conduct research of Internet users in 2008 through 2010. Gemius plans to launch new tools in 2011 to gain more relevancy. Another source of Internet statistics is Bigmir, which counts browsers that opened websites with a pre-installed Bigmir-meter. The Ukrainian Internet Association, which unites Internet providers primarily, contracted InMind for user-centric research of the Internet audience by offline sampling and further installation of monitoring software on users' PCs.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.20

This objective score remained nearly the same as last year, with the slight decrease due mostly to a lower evaluation of indicator 6 (sources of media equipment, newsprint, and printing). Most indicators scored within a half-point of the objective score, although indicator 3 (NGOs) exceeded that margin slightly, while indicator 4 (academic journalism programs) lagged behind by nearly a point.

The industry is represented by major trade associations, including the Industrial Television Committee, the Independent Broadcaster Association (IAB) and Radio Committee in broadcasting; the UAPP and the Association of Independent Regional Publishers of Ukraine (AIRPU) in print media (including their web endeavors), and; the Ukrainian Internet Association, the All-Ukrainian Advertising Coalition, and the Ukrainian Association of Internet Advertising. All of these associations are independent from the government and cooperate with international bodies—for example, both newspaper associations are part of the World Association of Newspapers. AIRPU managed to conduct the second annual All-Ukrainian Newspaper Congress in October 2010, and thanks to its efforts, the congress of the World Association of Newspapers will be held in Kyiv in 2012.

Some panelists had a positive view of the efficiency of trade associations and their contributions to industry development. According to Sergeev and Danylov (IAB and UAPP members), trade associations support members as platforms to exchange

experiences, provide legal and training support, and lobby for industry interests. They collect modest membership fees and draw support from donor funds and money from sponsors. According to Pogorelov, however, efficiency varies among trade and professional organizations, depending on the professionalism of association leaders and the demand from the professional community. Also, coordination of professional communities is rather low, and they have very few professional managers. As a result, some panelists assessed the impact of professional organizations as poor.

Among trade unions, the Kyiv and Zaporizhzhya unions are most active. Modest member fees just cover office and secretarial expenses. Grants from donors allow the unions to react to violations, and in 2010, Kyiv's media trade union won a dozen court cases. Now, the unions are planning to reform the system of member fees. According to Lukanov, however, media trade unions are more or less active in the regions, but function only formally at the national level. Lavrov considers the influence of trade unions rather limited.

According to Pankratova, there is no reputable, all-Ukrainian organization protecting journalists' rights. Self-regulating efforts have also failed, as not all journalists recognize the existing Commission of Journalism Ethics. The commission, an NGO uniting a couple thousand members around signing an ethical code, has existed for several years. But its decisions, made by a board of 15 media representatives, lack mechanics of influence; they cannot take a press card away from an unethical journalist, for example. Samar asserted that the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

level of journalists' self-organization is low, and trade unions remain ineffective and weak.

The Union of Journalists of Ukraine, a remnant of the Soviet era, remains primarily as a defender of municipal media interests; from time to time, it makes relevant statements about the industry. Its membership has increased over the last years, as it helps to obtain Shengen visas. However, the panelists questioned its financial transparency; it is funded from the state budget and also collects member fees. Panelists also said that the Honored Journalist of Ukraine award is fully discredited, as it is awarded at the president's direction—usually to the people who are the best in fulfilling instructions from above.

Major NGOs supporting the media include the Academy of Ukrainian Press; the Institute of Mass Information, a member of the International Freedom of Expression Exchange; Internews-Ukraine; the Media Law Institute; the Media Lawyers Association; the Regional Press Development Institute; Telekrytyka, and; a regional organization, the Information and the Press Center in Simferopol. They monitor violations, render legal support, provide training in various areas, develop and lobby laws, and conduct media literacy and other projects. The country has various regional press clubs and other NGOs, but the reach of most NGOs tends to be limited to larger cities—very few, if any, are found in rural areas.

According to Kvurt, Ukraine's media NGOs are values-oriented; they defend standards and principles, not the interests of certain members. They influence the situation as far as the resources available to them allow. The state neither helps such organizations nor interferes with their activities.

The legislation surrounding NGOs is, however, imperfect enough that it is a potential threat to NGOs. Furthermore, the tax legislation for NGOs contains some confusing contradictions that the new tax code failed to clear up. However, Kvurt expressed his opinion that any attempts to strengthen the legislative footing of NGOs in the current climate would only aggravate their status. According to Pankratova, there were recent reports on attempts by the SBU to check activities of some organizations working with the International Renaissance Foundation, a group in Vinnitsa focused on protecting human rights.

Panelists said that unfortunately, the School of Digital Future at Kyiv-Mohyla Academy, financed for a few years by Ukrainian billionaire Renat Akhmetov's foundation, represents the only attempt to develop innovation in journalism education. Kyiv-Mohyla Academy's master and doctoral programs in journalism are also practice-oriented. There are 71 journalism departments at universities all over

Ukraine, but the programs and teachers remain inadequate for industry needs, leading Lavrov to say that he would prefer to work with and train young journalists without a formal journalism education. Rikhtun stressed that not only do most teachers in university journalism departments lack practical exposure to journalism, but they are often former or current employees of governmental press offices.

Annually, more than 10,000 students graduate as journalists. Many Ukrainian journalism graduates do not go to work to for media outlets; some go to press offices, while others go on to get higher degrees in a humanitarian field or go another direction. Although Ukrainians have opportunities to study journalism abroad, and such travel is not restricted at all, the option is too expensive for average citizens. Most students able to take advantage of study-abroad programs receive foreign grants—and for a country the size of Ukraine, there are very few grants to study journalism overseas.

Various short-term training courses are available, but probably not for all departments and levels. Danylov stressed that individual media outlets must adopt a longer-term, more systematic approach to staff training. Sergeev mentioned the usefulness of an in-house training program that his outlet uses from time to time. Khomenok stressed that longer-term (15 days for managers and editors; 27 days for journalists) training cycles conducted from 1998 to 2003 made much more of a difference, increasing the critical mass of qualified personnel to compensate for poor academic instruction. Today, most of the programs offered are two-day to three-day workshops. According to Lavrov, NGOs run some useful training programs, but many programs exist only as tools to spend grants from foreign organizations and development programs supporting the media. Furthermore, following the economic crisis, journalists and media professionals have limited ability to pay for extra training remains, and both the opportunity and demand for courses have decreased. Usually journalists cannot afford to pay for training themselves, and employers are sometimes reluctant to invest in staff training, given the high turnover.

Printing facilities are fully de-monopolized. According to Khomenok, every second region has two to four decent printing houses, furnished primarily with second-hand foreign equipment. Service irregularities occur, but not for political reasons. Danylov registered displeasure that the state does not regulate the newsprint supply in Ukraine. The prices go up regularly, due to the non-transparent system of its customs clearance and an alleged deal between suppliers. Newsprint costs 1.5 to 2 times more than the European average, while newspapers are 5 times cheaper in Ukraine than in Europe. Sergeev suspects collusion between suppliers of television and

radio equipment as well; the country has many suppliers, but the costs are also 1.5 to 2 times higher than European norms.

Sergeev also mentioned instances of ungrounded refusals by cable operators to carry some channels. In mountainous areas, he rents tower space from the state RRT concern to mount his transmitters—but he pays as if he rents a full set of equipment. Danylov added that using RRT facilities comes with the danger of sudden price increases, reaching 10 to 15 times.

The distribution situation is fine where a city has two or three competitive distributors, but publishers owning distribution networks often prevent others from distribution. Despite last year's resolution of the Cabinet of Ministers to provide newsstands at the rate of at least one kiosk per 3000 inhabitants, Danylov had difficulty gaining permission from local officials to add a few more kiosks in his city. At the same time, 26 bakery kiosks received permission in one day. Rybka agreed that regional print media outlets have noticeable difficulty getting the land from local governments for kiosks, mainly for political reasons. According to Chernyavskiy, the 2010 profits of press distributors increased by five percent, while sales and subscription prices also increased due to a 40 percent rise in the cost of newsprint. Another restraint to subscription is the poor condition of post boxes, 25 percent of which are broken down.

It is absolutely possible to provide mobile content, but it is rather expensive. Khomenok underlined a barrier for mobile content monetization, noting that all mobile operators take 70 percent of SMS fees. ICT infrastructure is developing and many technical innovations are available in the country. However, there is a gap between large cities and rural areas in the spread of Internet access and other technologies. According to Pogorelov, the absolute and relative cost for Internet, mobile content, and cable television is higher in towns and rural areas than in large cities, and the quality of services is usually lower.

The panelists were also anxious about prospects of digital television—specifically, that regional channels may not receive space if Ukraine does not follow European recommendations about the conversion to digital format. Ukraine has committed to transferring to digital DVB-T format by June 2015. However, the process of introducing digital television in Ukraine is inefficient and slow due to low awareness; a lack of market incentives, and; governmental bodies' low effort to launch the process properly, develop a good plan of transfer, or pave the way legally.

List of Panel Participants

Viktor Danylov, director, TRC Rivne-1; publisher, OGO Publishing House, Rivne

Oleg Khomenok, media advisor, Internews' U-Media project, Kyiv

Kostyantyn Kvurt, chairman of the board, Internews-Ukraine, Kyiv

Vladyslav Lavrov, journalist, *Kyiv Post*, Kyiv

Yuriy Lukanov, journalist; head, Kyiv Independent Media Trade-Union, Kyiv

Lyudmyla Pankratova, media lawyer, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Association of Press Publishers, Kyiv

Tetyana Rikhtun, director, Sebastopol Information and Press Center, Sebastopol

Yevgen Rybka, content editor of the dossier section, *Ligabiznesinform*, Kyiv

Gennadiy Sergeyev, director, TRC Chernivtsi, Chernivtsi

The following participants filled out a questionnaire but could not attend the panel discussion.

Oksana Brovko, executive director, Association of the Independent Regional Publishers of Ukraine, Kyiv

Tetyana Lebedeva, honorary chairman of the Independent Broadcasters Association, Kyiv

Nataliya Lygachova-Chornolutska, chairman of the board, Telekritika NGO, Kyiv

Viktoria Syumar, executive director, Institute of Mass Information, Kyiv

Moderator and Author

Kateryna Laba, executive director, Regional Press Development Institute, Kyiv

The panel discussion was convened on December 6, 2010.



CENTRAL ASIA

Bloggers are more accepted and now join traditional journalists on various trips and events. They have the same rights on paper to obtain information—and run the same risks.



KAZAKHSTAN

Kazakhstan's rotation chairing the Organization for Security and Co-operation in Europe (OSCE) shaped events in 2010. In 2007, the election of Kazakhstan—described by the Committee to Protect Journalists as one of the region's worst press freedom violators—raised objections from many civil society, media, and human rights organizations. The rotation proceeded amid the hope that Kazakhstan would comply with concrete steps spelled out in Madrid in 2008, pointing Kazakhstan on a path toward greater freedom for the media and democratization.

Ultimately, the government dashed such hopes, and promises of legislative changes to support the freedom of speech faded. Not only did Kazakhstan fail to introduce legislation approaching international standards, such as decriminalizing libel and improving access to information, it introduced fresh repressive measures. For example, the new Leader of the Nation law gives President Nursultan Nazarbayev lifetime immunity from prosecution. It also restricts considerably the rights of journalists—stipulating criminal liability for journalists that make any missteps in authorities' eyes while covering the interests of the president or his family members. Thus, in her speech at the OSCE Summit, Dunja Mijatović, the OSCE representative on Freedom of the Media, said that the media in Kazakhstan have actually deteriorated and they fail to comply with international standards.

The MSI panelists expressed concern that the journalism profession is eroding in status; one blogger on the panel went so far as to say that the profession is collapsing. The public does not appear to have much appetite for news, and they do not react when authorities attack or persecute journalists. Another panelist commented that a decrease in libel lawsuits only means that self-censorship prevails; fewer journalists are taking risks to cover politically difficult stories.

The panelists called 2010 the year of Kazakh blogging, with many Kazakh-language blogs appearing. Bloggers are more accepted and now join traditional journalists on various trips and events. They have the same rights on paper to obtain information—and run the same risks. Kazakh authorities do not hesitate to block websites or blogs that criticize the government, and they maintain strict control over Internet platforms. Increasingly, though, the development of new technologies is broadening the scope of available information. Sources of information are growing more diverse, and journalists are beginning to make more use of social networking platforms in their reporting.

Despite the problems, the overall score for Kazakhstan increased modestly, from 1.44 in 2010 to 1.68 this year. This is the result of a relatively strong increase of 0.45 in Objective 3 (plurality of news) and medium increases ranging from 0.20 to 0.28 for Objective 1 (freedom of speech), Objective 2 (professional journalism), and Objective 5 (supporting institutions). Details for each objective are provided below. However, worth noting is the fact that of the 11 panelists participating in this year's discussion, six participated last year; for each objective that showed notable improvement, as a group the returnees provided a higher score than they did last year. Nonetheless, all objective scores remain firmly within the "unsustainable, mixed system" score category.

KAZAKHSTAN AT A GLANCE

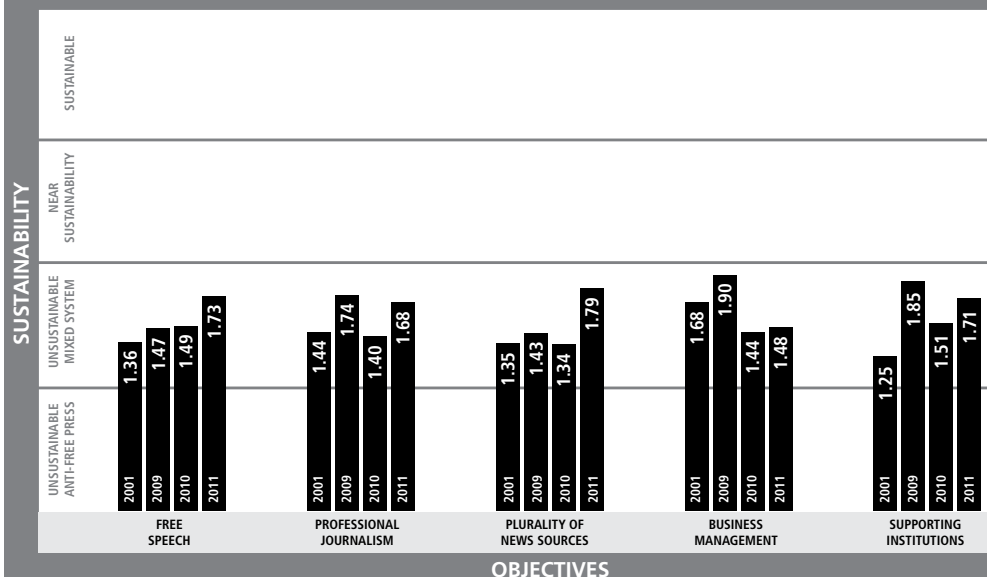
GENERAL

- > **Population:** 15,522,373 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uygur 1.4%, other 4.9% (1999 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > **Languages (% of population):** Kazakh 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > **GNI (2009-Atlas):** \$110.0 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$10,320 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Nursultan A. Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 937 total, 5 main daily papers, 6 other main weeklies; Radio Stations: 4 national stations, over 40 total; Television Stations: 3 national channels, more than 100 other terrestrial channels, 14 local cable networks
- > **Newspaper circulation statistics:** The top two newspapers are *Vremja* (private, Russian language) and *Karavan* (private, Russian language)
- > **Broadcast ratings:** Top four television stations: Khabar TV, Kasakh TV (Kazakhstan 1), KTK (Kazakh Commercial TV), El-Arna
- > **News agencies:** Kazinform (state-owned), Interfax Kazakhstan, KazTAG, Kazakhstan Today
- > **Annual advertising revenue in media sector:** \$60 million (2007, Video International Analytical Center)
- > **Internet usage:** 5.299 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.73

Panelists this year provided better scores for three indicators, which accounted for most of the increase in objective 1. These indicators are: indicator 2 (media licensing), indicator 3 (market entry and taxation), and indicator 4 (attacks on journalists). Indicator scores showed significant variation. On the high end, indicator 3 and indicator 8 (media access and use of domestic and international news sources) scored about a point higher than the objective score; indicator 9 (free entry into the journalism profession) score about two-thirds of a point higher. Indicator 6 (libel laws) and indicator 7 (access to information) both fell short by about three-quarters of a point. Other indicators scored near, but below, the objective score.

At a 2008 ministerial meeting in Madrid, prior to Kazakhstan's OSCE chairmanship, OSCE established the Madrid Commitments concerning democratization in the country. According to the document, one of the most crucial undertakings assumed by the country would be its desire to "incorporate various proposals into a consolidated bill to amend the media law, which will reflect the OSCE recommendations as well." Thus, the journalistic community and media experts expected liberalization of the media law and positive shifts in the relationships between authorities

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Zhaxybaeva continued, "The law really stipulates many things. The Soviet constitution was among the most democratic ones in the world—on paper. But reality is different. Formally, what Klebanova said is true. Censorship occurs through non-official, informal channels."

and the media. To that end, several legislative developments were underway at the beginning of 2010, including amendments to the criminal code regarding decriminalization of libel claims; changes to the Law on Access to Information; and deliberations over some new draft laws, such as a draft Law on Television and Radio Broadcasting.

Civil society representatives and media experts got involved in the development of these draft laws. According to Sholpan Zhaxybaeva, executive director of the National Association of Television and Radio Broadcasters of Kazakhstan, "In 2010, the authorities adopted a more consumerist approach to civil society. They view NGOs as a free resource to use for their purposes. They set the task, we fulfill it, impregnating it with our understanding and content. This is where our cooperation ends."

One panelist gave the example of when civil society representatives, media representatives, and the authorities worked on two draft laws on television and radio broadcasting in March. Later, to their surprise, the representatives learned that the final draft law was turned over to the Ministry of Justice without their review—and the Ministry of Communications refused their request to see the final draft. The panelists underlined the media NGO community's serious questions about which standards ended up in the final version, and expressed concern that despite this, the draft will be billed as developed in cooperation with NGOs. Another panelist commented, "While we are learning how to work with the government, the government 'has already learned' how to work with us." The government has a new strategy of appointing "agreement committees" in its work with civil society, in order to prevent the development of alternative draft laws and other documents.

Despite the efforts undertaken in order to change the media law, nearly all the amendments and new draft laws have been turned over to parliament for consideration. The only exception is the draft Law on Access to Information, which the government filed with parliamentary committees and was recalled in November. The issue of amending it was shelved until 2012. Overall, the situation with media legislation

Antonenko commented, "Media 'sterility' and loyalty are the main prerequisites, with a few exceptions among periodicals. Media licensing and registration rules are stipulated quite clearly, but the emergence of a new player in the Kazakh media market is hard to imagine. The market is stable and divided among financial powers, so changes are almost impossible."

could be considered the same as before if not for the newly adopted Leader of the Nation law.

Olga Kraus, editor-in-chief of Karaganda's *Novyi Vestnik*, commented on the limitations of the current media law. "The media law exists, but its primary goal is to restrict the rights of media. We can hardly speak of freedom of expression in the context of virtually complete control by the authorities. In Karaganda, this control is, in fact, conducted through government contracts. The government pays media for certain information services and, in exchange, gets the right to control the content of journalistic publications." She noted that her own paper is much less affected, as it does not bid on government contracts, but added, "Smaller periodicals can hardly survive without such subsidies; therefore, they have to play by the rules imposed on them."

Zhaxybaeva pointed out the differences between the legal guarantees for media freedom and the reality. He said, "The issue of censorship was raised at the Media Kurultai [the annual conference on media development] by one minister, Darya Klebanova, who dismissed the question as irrelevant. Censorship is prohibited by Kazakhstan's constitution; besides, there is no body for its enforcement, and self-censorship is the real problem." Zhaxybaeva continued, "The law really stipulates many things. The Soviet constitution was among the most democratic ones in the world—on paper. But reality is different. Formally, what Klebanova said is true. Censorship occurs through non-official, informal channels."

Kamila Zhusupova, a blogger and television host, described a related case that ended up affecting all media. "This year, several independent newspapers were arrested for publishing letters in which Mukhtar Ablyazov, the former Chairman of BTA Bank, accused Timur Kulibayev [President Nazarbayev's son-in-law] of corruption. The subsequent court rulings impacted all media regarding publication and dissemination of any information that might discredit Kulibayev's honor and dignity," he said.

A couple of court cases in 2010 tested the court's independence. A precedent was set in spring, when several journalists, bloggers, and public figures filed a claim against the Ministry of Communications and Information, blaming the government for restricting public access to information and accusing authorities of nonfeasance against other bodies that restrict access to socially important information. The court claimed that too many people participated in the action against the ministry; thus, nobody was punished. The only outcome was that the court sent the minister to meet with one of the groups and promise not to restrict access.

In another case, civil society activists tested the government's ability to communicate with citizens electronically, and the results were not promising. Journalist Eugenia Plakhina filed a lawsuit against the Ministry of Communications and Information, and an Almaty court rejected the requests and decided in favor of the defendant—citing supportive articles of the Law on Communication and the Law on Information. Another court hearing listened to Plakhina's claim against the Ministry of Communications and Information for nonfeasance, regarding a prolonged blockade of *Respublika's* Internet portal, along with its forum and several mirror portals. The court decided that it could not detect those responsible for the cut-off, and was not in a position to make any determination regarding the procedure of Internet blockades in Kazakhstan.

Limitations to freedom of speech do not arouse much protest from the public, with the exception of the "For Free Internet" social movement, which protests the blockade of Internet resources actively. The KGB "invited" these activists to interviews several times, including after a symbolic observance of the protection of children's rights in Uralsk. The authorities arrested and fined Irina Medvednikova and Janna Baitelova, two other members of this movement.

Although the panelists said that in many cases, the authorities conduct licensing and registration in compliance with legal norms, the process is not simple for socio-political media outlets—or where a founding editor has been "noticed" for political disloyalty to the government. Andrey Antonenko, a TAN TV news host, said that the authorities refuse licenses and registration for unwanted media outlets for a number of invented reasons—or without any explanation. Thus, *Respublika*, well known for its oppositional attitude to the government, had to apply to the Ministry of Justice four times within one year to upgrade to a weekly newspaper, and it is still published as a monthly. The Ministry provided "cooked-up" reasons, such as orthographic mistakes in the application, as an excuse for returning the documents after a long period of consideration in its bureaucratic echelons. The last, fourth time, the clerk who received the revised

application lost the documents. The editorial board filed a court claim for the ministry's negligence of its responsibilities, but the *Respublika (The Republic)* staff attribute their misfortune with the ministry only to political expediency.

Notably, responsibilities for registration and licensing, formerly handled by the Committee for Archives and Information of the Ministry of Culture of Kazakhstan, moved to the Ministry of Communications of Kazakhstan—switching mass media from the competence of an ideologically-bound ministry to the jurisdiction of a technical body. While this may ease the government's communication with the media, it does not imply any changes to registration and licensing procedures.

Looking ahead to the forthcoming transition to digital broadcasting, the government suspended allocation of frequency bands and issued no tenders for the whole year. At the same time, the Ministry of Communications sent tender-regulation amendments for designated frequencies to the licensing committee members for their approval. Concerned about the amendments, the National Association of Television and Radio Broadcasting Companies of Kazakhstan (NAT) sent an inquiry to the ministry and the president's administration asking about the aims of these proposed changes and the general intention to distribute frequencies in the future. NAT has received no feedback, and Zhaxybaeva said that he suspects that the ministry is preparing secretly the further distribution of the leftover frequencies.

At the same time, Balapan, the state-owned satellite television channel for children, launched in 2010, and according to hearsay, the government is designing its own economic and cultural channels. These developments may be viewed as proof that the government is creating a state-owned digital "multi-complex." The panelists expressed considerable concern about the fate of independent non-governmental and regional television channels—specifically that the digital package that the state intends to provide may not leave room for the channels. Zhaxybaeva noted that although no concept exists of transition to digital technologies, an experimental package of 20 satellite channels was set to launch in December 2010—and, as the Ministry of Information and Communications has not released any information, questions swirl regarding which channels are included and how the government chose them.

Upon assuming its new duties, the Ministry of Communications initiated public debates (including some at Media Kurultai) on satellite dishes—specifically, whether or not to limit the population's use of satellite dishes. The debates explored implementing compulsory certification and licensing of dishes, using certain technical and sanitation norms as decision-making

Gulim Amirkhanova, a blogger and columnist, speculated that the indifference is related to the decreasing prestige of journalism. "We may say our profession is collapsing. Just recently, the audience expected journalists to perform acts of bravery and publish sensational materials. Nowadays people seem not to need it, they do not trust us, and the officials could not care less about it.

criteria. The panelists noted that most rural people use satellite dishes made in China, and amid fears that some of those dishes could be harmful to health, the new regulations might have a serious impact on television consumption in rural areas. While the panelists are sure that communication officials have no illusions regarding the possibility of closing satellite television access to public, they understand that the government's goal is to limit the package and control it. As Chinese dishes have high resolution, they receive a wide range of channels—but if certification is applied, less powerful dishes will become the norm, limiting the available package of video channels. At this point, authorities have circulated no draft regulations, and whether the government will push this point forward remains to be seen.

The state has no procedure to register blogs or online newspapers, despite stirrings in the Ministry of Justice about creating a registration procedure similar to that of newspapers. As of the end the year, however, no changes had occurred. The authorities sometimes intervene in other ways, however. According to Tulegen Askarov, an economic observer at *Golos Respubliki (The Voice of the Republic)* and a journalism instructor at the Kazakh-British Educational Institution (KIMEP), "The day after registering the domain name papa.kz, one of my acquaintances received a phone call demanding him to close this domain. He was also asked why he had registered it. When he replied he wanted to create a website about parents, he was advised to change its name to otec.kz or roditel.kz. As "papa" is President Nazarbaevam's nickname, Askarov speculated that the KGB expected to find political oppositional content on a site by that title.

Entering the market or paying taxes is not problematic for media outlets—provided that they do not appear politically oriented. Antonenko commented, "Media 'sterility' and loyalty are the main prerequisites, with a few exceptions among periodicals. Media licensing and registration rules are stipulated quite clearly, but the emergence of a new player

On another positive note, governmental press officers do not question the notion of releasing information to bloggers.

in the Kazakh media market is hard to imagine. The market is stable and divided among financial powers, so changes are almost impossible.”

Purely business media projects are not subject to any censorship filters, but media outlets with a socio-political format face much greater skepticism, and sometimes tax authorities harass them. Diana Okremova-Medvednikova, director of North Kazakhstan Legal Media Center, commented, “Right before the OSCE summit, the tax authorities scoured many regional media outlets. Officially, no one linked the screenings to the summit, but the fact is that the authorities only subjected private media to such check-ups.”

Kazakhstan’s entry into the Customs Union with Russia eased problems with newsprint paper import considerably, entitling newspaper publishers to zero VAT rate. But as discussed in last year’s MSI, the Association of Newspaper Publishers and others in the media community object to this development. They expressed the belief that this move hindered relations with some related businesses, while some smaller, private media outlets fear that it does not help them as much as it benefits bigger companies—giving their primary competitors yet another advantage.

Near the end of the year, measures took effect that moved cable operator initiatives to under the law on electronic media. Now operators will have to provide equal representation of Kazakh and Russian languages in their broadcasting. The panelists fear that recognizing cable operators as mass media outlets will threaten their existence. Media experts’ arguments that cable operators are simply carriers, not content providers, fall on deaf ears.

The state has oppressed cable operators for a long time. Since last year, the government has required them to include the Khabar TV channel in their packages, and demanded payment of KZT 13,000 (just shy of \$100) to broadcast it. A group of cable operators supported by NAT Kazakhstan sent a letter to the Ministry of Communications and Information, in which the operators requested relief from administrative pressure and offered a compromise: broadcasting this channel free of charge. The response from a high-rank official was surprisingly “compassionate.” The minister explained that Khabar is a joint-stock company, and its editorial board earns its living by placing advertisements, as

the government subsidy is too small. Thus, cable operators need to “show understanding” for Khabar, against their own business interests.

Regarding violence against journalists, the attack on journalist Igor Larra proved to be one of 2010’s most serious cases. Larra worked for *Freedom of Speech* and covered an oilfield workers’ strike in Zhanaozen, and is certain that he was attacked in connection to his story, because one of his attackers said “best regards from Zhanaozen” before starting to beat him. Other victims of attacks included a TAN TV cameraman and a reporter for Channel 31, as reported by Adil Soz (the International Foundation for Protection of Freedom of Speech). None of these crimes were solved.

Overall, according to the panelists’ estimate, 2010 saw fewer gravely serious attacks on journalists—yet other “punishments,” such as refusal to provide information, proved more frequent. For the first nine months of 2010, Adil Soz recorded 193 cases of refusing to provide socially important information, according to the terms of the law; 38 cases of obstructing the legal professional activity of journalists; and 81 cases accusing media of impinging upon someone’s honor, dignity, and business reputation. A number of journalists who clashed frequently with the authorities found themselves in hot water not in their capacity as journalists, but in their roles as civil activists. The authorities detained journalists Zhanna Baytelova and Sergey Duvanov several times (often without any reason), and several human rights advocates that also write for the media were persecuted.

Furthermore, the Kazakh people do not respond with outrage to violations of journalists’ rights. Gulim Amirkhanova, a blogger and columnist, speculated that the indifference is related to the decreasing prestige of journalism.

“Unfortunately, the status of journalists is clearly getting worse from year to year and has sharply deteriorated—even in comparison to five years ago,” he said. “We may say our profession is collapsing. Just recently, the audience expected journalists to perform acts of bravery and publish sensational materials. Nowadays people seem not to need it, they do not trust us, and the officials could not care less about it. Perhaps, this is why our public does not react if a journalist gets beaten or even killed. Kazakh viewers grieve for the murdered Russian journalist Oleg Kashin, but they are not concerned about the fate of journalism in Kazakhstan because there is no one to worry about. There are no ‘heroes of the pen’ anymore.”

Despite the fact that most media outlets in Kazakhstan are independent, the great bulk of them are loyal to the government. There are various reasons for such loyalty: government authorities’ engagement of media owners, the

enticement of state funds, or attempting to avoid political repercussions and run a media business without obstacles. According to the official rhetoric, media outlets are equal whether they are state-run or private. However, in practice, state-owned and affiliated media outlets receive multiple benefits, while independent and politically oppositional media suffer hardship. For example, the government might limit access to information for some outlets while providing access to loyal outlets. Askarov noted, "...state-owned media are on the government administration mailing list, so they receive official documents from the government—including those marked 'not for public use' that are naturally beyond the reach of private media outlets." State-sponsored journalists also receive better equipment, guaranteed salaries and royalties, and bonuses and other incentives.

None of the state-owned and affiliated media outlets publish their financial information, making it impossible to estimate the scope and patterns of use of funds. Not even joint-stock media outlets publish annual financial reports, despite the law mandating it. The editorial policies of state-owned media are not constructed to help protect the independence of editorial boards or journalists.

The trend toward government-purchased material in the media market increased in 2010. This includes state-commissioned coverage of topics that the government would like to promote, such as support for the state language, and what amounts to propaganda. In contrast to previous years, when media outlets that complied with pre-set criteria won tenders, in 2010 few non-governmental media managed to receive any of these government contracts in free competition. The situation was especially difficult for non-governmental television companies bidding in regional tenders, as they accepted such funding to help improve their facilities.

Some in the media community, however, recognize that this system pollutes the standards of objectivity. The third Media Kurultai conference addressed government coverage contracts, and most experts agree that government contracts remain one of the most "cloudy" areas in the Kazakh media business. Although authorities should discuss tender bids for government contracts in the presence of NGO representatives, the composition of such supervising committees is never published, and NGO members never have voting rights. The lack of transparency in government contract allocation raises a number of questions, and opens the door for the government to control private media that believe that they cannot afford to lose government contracts. Aside from the question of whether or not the state distributes the contracts fairly, the media's failure to reveal to readers which articles are government-commissioned is troublesome.

With media advocates campaigning to liberalize criminal law in accordance with international standards, the issue of decriminalization of libel and defamation has become more relevant. The year began with high hopes due to Kazakhstan's OSCE chairmanship, as well as the public and cooperative work of teams of experts engaging to liberalize legislation. But in fact, they failed in their attempts to lobby for limiting the fines for impinging on the honor, dignity, and business reputation of individuals.

According to panelists, even an amendment to the article on defamation would not lead to a dramatic change, because the newly adopted Law on the Leader of the Nation, along with additions to laws protecting private life immunity, are very efficient tools to restrict freedom of speech. The panelists said that the new law on private life immunity is more repressive, allowing for increased fines and up to five years of imprisonment. Given the court's history of bypassing requirements that place the burden of proof on plaintiffs, media experts predict serious threats to freedom of speech. Kraus described a case in which a judge rejected the plaintiff's claims—yet still made the newspaper pay compensation to the "victim"—in this case, a security guard that attacked journalists and damaged their camera, then filed a lawsuit after the journalists published a report on the incident.

Adil Soz reported nine cases of journalists charged with libel. Although overall numbers of criminal persecution and lawsuits have decreased considerably (18 vs. 42 cases in 2009), journalists still run a high risk of being accused of libel. According to Erzhan Suleimenov, general director of Institute of Media Standards Social Fund and creative director of Media Service Agency, "The reason behind the air of stability and the decrease in lawsuits lies in the fact that journalists stopped writing risky articles. In practice, the rights of journalists and media are violated thousands of times over, but no legal claims follow."

The panelists discussed the outcome of a libel case, filed in August 2009, by a construction firm against Lukpanov, a writer with *Uralskaja Nedelja* (*Uralsk Weekly*). He was charged after he wrote about the hidden mechanisms of tenders. In 2010, at the end of a long court process, the court decision compelled the journalist and the newspaper to pay KZT 20 million (\$140,000) for libel and damaging a business reputation—sending the newspaper into bankruptcy proceedings. At the last moment, in December 2010, the plaintiff abandoned its claims and dropped the case, saving the paper. The panelists also pointed to a case decided in favor of journalists: The court threw out a libel claim against Erlan and Ongara Tazhiev that a popular politician filed because he was offended by their publication.

By law, access to information is open to all media and journalists—but challenges persist, and the past year saw both positive and negative developments on this front. According to Amirkhanova, now authorities include bloggers along with traditional journalists for various trips and accredited events. On another positive note, governmental press officers do not question the notion of releasing information to bloggers. The development of new technologies is broadening the scope of available information as well, and referencing social networks as sources of information is now accepted practice.

One hitch is that Kazakhstan’s media law does not define “socially important information,” prompting officials to claim that requested information is “not socially important” whenever they do not want to comply. Combined with conservative court practices, this ambiguity complicates journalists’ ability to get the information they need. As mentioned above, Adil Soz reported an uptick in cases of refusal to provide official information. Furthermore, independent social-political media outlets are now on the list of media that most often experience problems with information access and other rights violations. They include *Respublika*, *Golos Respubliki*, *Vremya (The Time)*, *Uralskaya Nedelja*, and others. This list reflects official government bodies’ unwillingness to cooperate with critically-spirited and oppositional media.

In June 2010, journalists from Azattyk radio and *Golos Respubliki* tried to gain access to a group of women conducting a hunger strike near an official building in Atyrau. Police arrested journalists after they attempted to interview some of the women, and moved the protesters to a court building, where they barred journalists from entering. The police even tried to seize one journalist’s Dictaphone. In another case, journalists from *Megapolis* asked the Ministry of Foreign Affairs for information about a fine paid by members of a diplomatic mission in London. A press officer rejected the request because of a minor inaccuracy in the formulation of the question. *Megapolis* finally got a limited, late answer after submitting a third request.

The authorities have long filtered or block foreign websites such as Fergana.ru, livejournal.com, the Blogpost platform (where former Kazakh presidential son-in-law Rakhat Aliev, who lives in self-imposed exile after falling out favor, posts his blog). All the blocked sites were opened before the OSCE summit, although the media is limited to reprinting and rebroadcasting only 20 percent foreign content.

Admission to the profession remains unrestricted.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.68

This objective scored better compared with last year due primarily to panelists awarding higher scores to indicator 4 (journalists cover key events), indicator 5 (pay levels for journalists), and indicator 6 (balance of news and entertainment). Most indicators scored close to the objective score, with two exceptions. Indicator 3 (self-censorship) lagged behind by half a point, while indicator 7 (modern facilities and equipment) exceeded the score by about two-thirds of a point.

According to the panelists’ assessment, professional journalism continues to decline. The practice of replacing journalism with text lifted from press releases is on the rise, along with failing to prepare for interviews. Amirkhanova commented, “As far as I can judge, professional standards of quality take up ever-decreasing room in the minds of modern Kazakh journalists. None are required for creating propaganda materials...why should one strive to meet them?”

One panelist pointed to an interview with Russian journalist Yulia Muchnik, a multiple winner of TEFI (Russian television award), to illustrate sinking standards among local journalists. When Muchnik visited Kazakhstan five years ago, *Novyi Vestnik* published an extensive interview with her, delving into freedom of speech in Russia and Kazakhstan, political forecasts, and journalism trends. In 2010, the newspaper interviewed the journalist again—this time asking her where and how she prefers to spend her vacations, what her

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

favorite food is, and other “lovely” questions—even though the journalist conducting the interview is a professional previously known for hard-hitting journalistic investigations.

Panelists attributed the decline in standards to the decreasing number of experts in various subjects, especially in Kazakhstan’s regions. For example, when the only expert on lay life and religion, Anatoly Maysyuk, left Karaganda, no one could take his place and comment on religious topics. Some spheres are particularly short of specialists capable of presenting their competent judgment, with no one available across the whole republic. For example, for several years now, only a few experts (Nurmatov, Bezmyatezhny, Tuzekbayev), whose views are well known to the public, comment on blogging and information technologies. But the panelists also expressed the belief that journalists do not seek new experts or spark new “stars” of commentary, which could significantly improve the professional quality of media materials.

On the other hand, a new trend is developing: Experts are not waiting until the media shows interest in them—they start working independently on their own blogs. For instance, “Your Vision” blog has a sub-forum called “Expert,” which is frequented by lawyers. As a result, journalists have an opportunity to enrich their materials by incorporating experts’ opinions and positions posted in social networks.

Along with falling professional practices, the panelists noticed a decline in the observance of ethical standards. Suleimenov commented, “Professionalism is closely linked to ethical norms, and the absence of ethics is a sign of media sphere degradation.” In most media outlets, editorial policies are either not spelled out or exist for cosmetic purposes, so media appear more “democratic.” Accepting gifts and other incentives for favorable coverage has become the norm. Journalists no longer weigh carefully their handouts from the government; without any deliberation, they grab whatever is given. Zhaxybaeva recalled a recent story heard in Astana about a journalist invited to an agricultural services event. He received five kg of raw meat as an “incentive” to write an article—probably in a major-key tonality. Suleimenov commented, “If journalists receive a contract for writing about someone in a biased way, they would undoubtedly accept it upon the editor’s order. Journalists of state-owned and oppositional media outlets do not live by ethical norms, but rather by the demands of their editorial boards.”

Additionally, editorial boards publish promotional materials without distinguishing them from pure journalism. Some editions fearlessly publish four or five articles in a row with hidden advertising, although the law prohibits hidden advertising and requires distinct notification that certain materials are promotional.

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Corruption on editorial boards has become the norm, and they base relationships explicitly on business concerns. As a manager of the grant committee tasked with allocating government contracts with media, one of the panelists personally encountered this approach when several television channels offered her rewards and kickbacks in exchange for her loyalty in the grant allocation process. According to the regional ZET TV Company, there are unspoken “tariffs” for such a bribe: 10 percent of the grant funds.

Due to the global economic crisis, some small editions and television companies are cutting their journalists and replacing them with copywriters, who simply rewrite material posted in social networks and other sources and pass them off as the work of a journalist. Television displays ethical lapses, as well: even the republic’s central channels such as KTK and Khabar do not consider it unethical to show the faces of people detained for commercial sex, dismembered corpses, or the faces of HIV-positive children.

Frequently, editors give journalists instructions to stigmatize and discredit the authorities and owners of other media outlets—which hurts the media’s reputation in general. In 2010, the readers of two independent newspapers, *Respublika* and *Golos Respubliki*, had to follow the exchange of mutually unflattering barbs between the editors and owners of the two papers.

Despite the fact that websites are now recognized as mass media outlets, the panelists said there is no such thing as ethics on Kazakh blogs and web forums. Often new media express democratic “courage” in the form of obscene and discriminatory texts, because no one controls blog posts—except for those blogs and platforms that the government filters and blocks. Several scandals arose in 2010 related to the nur.kz platform, which regularly posts news without reference to authors; as well as the “Your Vision” blogging platform, where discriminatory comments are not rare. Such hosts are deleted, but the blogging community itself cannot

As Amirkhanova noted, "If you are a blogger, you stand alone. You have no team, no trade union that can protect you, and you can be sued and charged for any comment you make. Therefore, you have to practice self-censorship, and sense which borders can and cannot be transgressed."

decide how to censor such comments, so discriminatory and obscene comments continue to appear.

The degree of censorship and self-censorship of journalists and editors varies from region to region and depends on the head of the region's personality. In some regions, local administrations intervene actively in media strategies and content by addressing the founders and "recommending that they avoid touching upon the interests of certain groups and individuals. In other regions, local authorities allow a certain degree of criticism and tolerate private media independence.

Olga Kaplina, project manager for Internews Network Inc. in Kazakhstan, described another force behind self-censorship. According to the survey conducted by Medianet International Center for Journalism this year, journalists from media that receive government contracts choose to write their materials on government activities in a kind, supportive, and positive way, she said.

Summarizing the results of the year 2010, the "Moy Mir" ("My World") social network and "Your Vision" network platform conducted an expert survey on breakthroughs and failures in the media. The most significant trend marked as "failure" was increasing self-censorship. This makes sense, recalling that one of the major events of the year was the large number of lawsuits accusing journalists of libel and infringing upon the honor and dignity of citizens and companies. Alongside journalists and editors of the traditional media, bloggers are succumbing to self-censorship as well. As Amirkhanova noted, "If you are a blogger, you stand alone. You have no team, no trade union that can protect you, and you can be sued and charged for any comment you make. Therefore, you have to practice self-censorship, and sense which borders can and cannot be transgressed."

Journalists of all media work around a ban on criticizing the government. Furthermore, the definition of "criticizing the government" appears to be expanding, and has become almost synonymous to negative news in general—except for some natural or other extraordinary disasters, which are

still risky to cover. The same stands for corruption scandals, the poor work of administrative offices, and even discussion of severe weather in Astana. Government officials equate mention of these topics with criticism of the government, and consider media outlets and journalists who dare to publish such material to be oppositional to the state.

The unspoken list of restricted topics includes interethnic relationships, conflicts, and national security. Those who dare to write about these topics can be sued and convicted under clauses against revealing state secrets. In January 2009, the authorities called upon this law to imprison journalist and editor Ramazan Esergepov, who wrote an article that questioned whether the president or the KGB rules the country.

The only thing upon which the media can report without any barriers is accidents that do not involve the authorities—leaving an impression that nothing important is happening in the country. However, professional journalists are getting involved more in social networks, and allowing themselves a bit more freedom on those platforms. For example, in an interview about bloggers, one of the leaders of the social movement "For Free Internet" pointed out an active online discussion of events surrounding the Uyghur community in China—and not only did citizens share their opinions, but they used the networks to arrange meetings and activities offline.

As before, salary rates for journalists and other media specialists depend on the region—with Astana and Almaty in one category and the rest of Kazakhstan in another. Officially, salaries and bonus systems have not changed, but in fact, the economic crisis has affected journalists' incomes, especially in the regions and provincial towns. In particular, print media journalists are earning much less; this is clear by the number of professionals leaving the journalism field, mostly to work in public relations.

Serious gaps in labor remuneration are due to other factors as well. The minimum salary of a beginning journalist might be about \$200 per month, whereas top personnel of central media outlets might make up to \$5,000 per month. The average salary rate for television journalists is \$600 to \$800 per month; opposition media pay more due to the multiple risks. Antonenko commented, "Television studio staff, cameramen, and technical personnel are paid such low salaries that they must look for additional income elsewhere. This might include shooting and editing wedding and holiday videos, creating corporate and commercial films, attempts to sell air time 'off the books,' etc. Media administrators are aware of these violations, but often turn a blind eye. It is profitable for them to allow making a little money on the side, not to pay properly, and thus avoid taxes."

The bulk of television channels choose to increase entertainment content over news, for several reasons. Firstly, leading television companies, including Khabar, launched new entertainment projects instead of business news. The launch was the result of a well-publicized campaign to enhance Kazakh electronic media and displace the main Russian television channel ORT-Eurasia by transferring ORT's broadcasting to cable networks only. The highest ratings winners are entertainment programs, according to a survey conducted on social networking platforms.

Another reason is that producing interesting and dynamic socio-political news programs is almost impossible, given the pervasive censorship in the country. The panelists said that KTK is the only television channel that expanded its range of news programs in 2010; however, not all of its news programs can be considered purely news. The panelists noted also that social apathy in the country does not promote demand for sharp social-political news. Finally, the lack of personnel is an acute problem as well—especially in regional media outlets. Many outlets do not have journalists capable of producing high-quality news programs. Radio news programs are shrinking, too; only rare exceptions exist, like the talk-show *Tenure*.

In general, panelists assessed the technical equipment of media outlets as satisfactory and enabling efficient collection, production, and dissemination of news. One panelist noted that state-owned television and radio channels use “just a fraction of their equipment’s technical capacity, but even this is enough for achieving any goals set for television.”

Private television channels use relatively worn-out equipment, but they have not yet had any considerable technical failures or cancellations of shootings caused by technical failures or lack of equipment. Most outlets have quite modest computers, with limited possibilities to transfer mobile data, but this has not hindered journalists’ work. In newspaper outlets, regardless of whether they are state-owned or private, each journalist has a computer, a digital camera, and a voice recorder; access to Internet traffic is also granted.

In 2009, some media outlets managed to invest in technical modernization, and unlike 2008, a trend emerged toward creation of multimedia convergent outlets. There is also a tendency to promote traditional media, especially in social networks. Many well-known journalists actively work and develop in social networks, and leading television channels, such as Khabar, have posted “add to blog and “add to Twitter” options to their websites. Khabar is also experimenting with online broadcast technology for iPhone and iPad owners, and is working actively with blogs. The Kazakh-language blogs on the Khabar portal are the most popular and fast developing kinds of new media.

Antonenko commented, “Television studio staff, cameramen, and technical personnel are paid such low salaries that they must look for additional income elsewhere.”

Due to global economics, mobile networks in Kazakhstan became widespread. Nowadays, even residents of the most remote villages have become Internet users via the messenger program M-Agent, based on Russia’s mail.ru. Possibilities available to clients are expanding; slide casts and video, access to other traditional media, and Kazakhstan citizens’ multimedia consumption is growing intensively.

Even the most state-of-the-art technology is becoming more and more available for such media companies as Khabar, Kazakhstan, and El Arna. Several electronic media companies are on the verge of introducing high-tech editorial offices, and even regional media outlets are undergoing major technological changes: for instance, Alau television in Kostanai launched satellite broadcasting—filled completely with its own content.

According to media managers and editors, the introduction of new technologies in media organizations is hindered not by financial resources, but by conservative attitudes among their personnel. Most journalists lack skills in working with social networks, and often consider the Internet a source of entertainment more than a professional tool. Experts attribute the technological and rating lag of many Kazakh-language media directly to the conservatism of old-school editors and journalists. Kaplina commented, “Unfortunately, traditional media are not prepared to use the opportunities provided by new media. Most editors, especially those in regional media outlets, think their readers and users do not have Internet access, and therefore think posting information on the web is unnecessary. As far as I can judge, this makes traditional media unable to meet competition. Traditional media do not pay attention to new possibilities provided by flip cameras and USB modems; they do not know how to use this equipment and do not understand the benefits it brings.”

However, Kazakhstan is being introduced slowly to new standards of technology. Suleimenov added, “In 2010, state-owned television channels launched a number of outsourced television series and shows, enriching our television with international standards and new technologies. This brings enormous benefits professional cameramen, sound and light operators, directors, and scriptwriters, who are

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finally in demand. Such professionals and their equipment are in short supply.”

Investigative journalism as a genre does not exist at all. No one explores political issues or conducts thorough investigations of ordinary municipal and social problems, etc., as even these topics can lead to political problems.

According to panelists, the continuing interest in economic news did not lead to the development of high-quality specialized journalism in this sphere. Journalists write specific financial and economic reviews, narrowly oriented toward certain business sectors, but outlets offer no economic reviews for the general public. There is demand for specialized magazines, but the media sector has no manpower for them. According to editors and media business managers, finding a movie critic is extremely difficult, and the sector has no journalists that specialize in literature or newly published books.

Specialized blogs, however, are being developed actively, and include cycle touring, gadgets, cooking, social issues—their scope is quite broad. The most popular topic is prospects for development of the Kazakh language. Science-oriented format is gaining ground in the blogosphere as well. And though these innovations have not yet entered the content of traditional media, the first quotations have already appeared in the traditional media.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.79

Most indicators in this objective received better scores this year, pushing the objective score up by nearly half a point compared with last year. Indicator 4 (news agencies) and indicator 5 (private media produce their own news) both scored more than half a point higher than the objective. The new indicator 8 (media report on local, national, and international news) scored above the objective, adding about 0.05 point to the objective score. The two indicators that did not improve are the perennial laggards in this objective: indicator 3 (public media are nonpartisan), which scored

more than a point lower than the objective, and indicator 6 (transparency of ownership), which was about three-quarters of a point lower.

According to data from the Ministry of Justice, Kazakhstan has more than 2,970 registered media outlets—including 200 electronic outlets. Many newspapers are in print, and more than 85 percent of periodicals are non-governmental. Several major television companies—Khabar, El Arna, and Kazakhstan—cover the whole territory of the country and compete with local television and radio channels.

About 97 percent of Kazakhstan's population has access to mobile telephone service, and mobile networks are helping to promote active development of the Internet. About 1.5 million citizens use broadband Internet. Competition between Kazakhtelecom and Goldentelecom encourages both the increase in technical possibilities (e.g. speed of traffic) and the launch of new services. For example, Kazakhtelecom has allocated three powerful video hosting servers. The development of Internet service—and the growing affordability of access—are behind the growing popularity of new media among the public. A well-known MP, Murat Abenov, quotes blogs often in his public speeches and refers to Twitter as a reliable source of information. Currently, citizens all over the country can receive news in SMS format on their mobile telephones, but this service is not yet very popular.

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) exists 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 non-partisan, 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.

In general, the type of ownership and political positions of media channel owners are of crucial significance for their efficient and unimpeded operation. According to Kraus, state-owned and independent media express different viewpoints, but often they face huge difficulties. She said, "For example, the newspaper *Respublika* exists, but it cannot find a publishing house willing to print it—and is issued 'on a staple,'" meaning that it is published (copied) with outdated Rotaprint technology, and pinned together with a paper clip.

According to some panelists, print media remain the most objective sources of information among mass media in Kazakhstan. Television is far more subject to pressure from multiple sources: owners, founders, government authorities, and advertisers. As for online journalism, one panelist expressed the opinion that no one expects to see conscientious journalism in blogs because most bloggers are amateurs interested in promoting their own opinions. However, a sharp increase in the number of blogs and bloggers has led to a new trend: bloggers' publications are losing their diary format and becoming full-fledged civil reports. Blogger Dmitry Potashov conducted a social experiment to see whether it is possible for Kazakhs to survive on the minimum subsistence income, while other bloggers tested electronic government services.

Panelist opinions diverged on the potential for common citizens to find media outlets that explore different viewpoints. Antonenko, a news host at *TAN TV Channel*, expressed the belief that television studios have more freedom than newspapers. Other panelists did not share his optimism, believing that despite the quantitative abundance of options, the spectrum of opinions and positions is not very diverse.

According to sociological surveys conducted by SANGE Research Center, most citizens of Kazakhstan receive information on current events from the traditional media—television overwhelmingly. Media consumption patterns depend partially on the habits of the audience, as well as limitations based on cost, geography, and educational levels. According to the panelists, newspaper popularity falls proportionally alongside decreases in literacy and education status.

Access to information is more diverse in the cities. Most urban dwellers can afford Internet and cable television; furthermore, each year the number of subscribers grows and the price falls. The range of traditional media—especially print—is also broader in cities than in rural areas. However, provincial media are trying to expand their reach. Thus, in addition to its traditional print newspaper in the Karaganda region, Akim has launched a blog. However, Internet access and operation in the capital and in Almaty differs from the

Noted Antonenko, "The issue of independence from the 'state and the ruling party' is out of question. State-owned media are practically press centers of the ruling party and government offices of various levels. For example, no one is ashamed of calling Almaty TV 'Akimatov's.'"

situation in provincial cities. A Kazakhtelecom representative, Aliya Dalabayeva, revealed once that not everyone can access Internet at any time, because there are not enough ports for subscribers in Almaty. Although the problem is being addressed, a solution will take time. In addition, the challenge of maintaining old networks is a major restraint to Internet use in the regions. Tekeli residents, for example, receive only a small fraction of the advertised speed.

Kazakh legislation, along with the relationship between the authorities and the media, continue to limit citizen access to information as well. In 2010, several foreign and local websites and blog platforms, as well as Internet TV K+, were inaccessible throughout Kazakhstan—until the OSCE Summit in Astana began. In addition, legislation hinders mobile news service development, as currently the service must be routed via an Internet provider to a cell phone operator. Another example is the Ministry of Communications and Information's attempt to initiate licensing of satellite dishes.

As the government's loudspeaker, state-owned media mainly reflect the position of the authorities—whereas non-governmental outlets do not dare express alternative opinions and positions. Therefore, reports on political life are quite monotonous and biased, panelists said—as illustrated by coverage of the revolution in Kyrgyzstan and the subsequent interethnic conflict. Kaplina explained, "Many readers and viewers received information on what was going on in Osh and Bishkek from the Russian media. At that time, in my opinion, the most important source was the Internews project, News Factory, which allowed 20 non-government regional television companies in Kazakhstan to receive objective information from the neighboring country." Panelists pointed out also that it is partially true that state-run television helps to fill a gap in promoting cultural and education programs.

Yet there is no doubt that the government controls the state-run media. Noted Antonenko, "The issue of independence from the 'state and the ruling party' is out of

Kraus commented, "The public rarely knows who really owns a given private media outlet. On paper, its founder is usually some unknown enterprise."

question. State-owned media are practically press centers of the ruling party and government offices of various levels. For example, no one is ashamed of calling Almaty TV 'Akimatov's.'" As state-owned enterprises, news agencies offer relatively poor, but steady news. Kraus added that state-owned media always express the same "politically correct" viewpoint.

More than 10 news agencies work in Kazakhstan. They include KazInform, Interfax-Kazakhstan, KazTAG, Gazeta.kz, Vesti.kz, and DK-news (which just received its license in 2010). The central offices of most agencies are based in Almaty, except for the state-owned KazInform and RIA-News (Kazakhstan), which are located in Astana, the country's political capital. The most popular foreign agencies are a joint Russian-Kazakh agency—RIA-News and British *Reuters*, which reduced its staff in the local office and shrank the volume of its news reports covering local events. Several aggregating agencies, such as *lenta.ru*, operate in Kazakhstan as well. The biggest state-funded agency, *KazInform*, offers its customers news reports in three languages—Kazakh, Russian, and English. Most agencies offer free information reports, although some require subscriptions. In 2010, government offices began to actively explore developing a correspondent network abroad to provide all state-owned media with consolidated materials, but the plan did not get off the ground.

Regional media in particular are embracing the trend of preparing their own news programs; they realize that they can compete with better-equipped national media only by producing news with a local bent that differs from the information package broadcast from the capital city.

Several of Kazakhstan's major media corporations are owned by financial industrial groups or prominent business owners. State-owned media outlets are incorporated into holdings also. The leading Nur Otan party owns many media outlets, including Arsan television; NS and RDV radio stations; and *Liter*, *Aikyn*, and *Turkestan* newspapers. These corporations dominate the media space and exert pressure on other media organizations. Other media holdings are not formally recognized as corporations. Kraus commented, "The public rarely knows who really owns a given private media outlet. On paper, its founder is usually some unknown enterprise."

Although some media outlets report on the political or financial ties of other outlets, the public does not have definite information on who owns what. The lack of transparency includes not only government-controlled private and state-owned media outlets but even those owned by opposition groups. Kazakh law places a limit of 20 percent on the foreign share of a media outlet's capital. However, except for occasional leaks, information on certain foreign investors and their entry into the market never specifies their shares in the properties.

Kazakhstan's media coverage of ethnic minorities is expressed by the print media of cultural diasporas and national channels that broadcast a few separate television and radio programs in the languages of ethnic minorities. Although most print media are privatized, the essence of their media content has not changed. It is taboo for ethnic minority-language media to speak about problems of minorities. These media adhere to an unspoken principle: Show the happy life of national minorities in one of the most advantageous and prosperous countries in the world, and share their pride in living in Kazakhstan and ability to preserve their own cultural traditions while feeling united with other nationalities.

This concept is guarded by the law, which broadly and foggily interprets the notion of propagating ethnic discord. As one example, in response to the Uyghur uprising in Xinjiang (China) in 2010, Kazakhstan's Uyghur-language media did not allow themselves to print a single line—not even a neutral reprint from national newspapers or news agencies, although many Uyghurs in Kazakhstan have either recently emigrated from there or have close relatives living in the autonomous region in China.

Other social minorities are just beginning to appear in the media landscape. Even though no special media are devoted to sexual minorities, an information campaign against sexual minorities was conducted in Karaganda media, including on *Asyl Arna* television and on a Muslim website. Several religious media outlets emerged, including *The New Life* television channel for Protestants.

Ethnic minority-language media are not financially successful. Financial hardship prevents them from developing technologically, or even becoming strategically competitive in their particular niche in the media community.

As mentioned, national media do not devote enough room to regional life, and they show an obvious misbalance toward focusing on emergencies and disasters in the regions. Reflection of current political life also leaves a lot to be desired. Even the OSCE forum was covered only fragmentarily in leading media outlets—and many aspects of this forum fell into an information vacuum. The media's poor coverage of

the Summit of the Group of Twenty (G20) points to problems reporting on international events as well. The panelists speculated that perhaps this explains why 65 percent of the rural population responds to the local and national media's irrelevant information picture by refusing to subscribe to them, focusing instead on programs broadcast by satellite television channels.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.48

Objective 4 is the only objective that did not experience a visible improvement in score. The very slight move upward resulted from small improvements in several indicators, but this was mostly offset by a lower score for indicator 5 (government distortion of the media market). This indicator also scored slightly more than half a point behind the objective. Indicator 3 (the advertising market) led all indicators in score, coming in slightly more than half a point ahead. The rest of the indicators scored very close to the objective score.

Most media outlets report themselves to tax authorities as money-losing ventures. And though media companies engage in some hidden bookkeeping for these reports, the real percentage of not-quite-successful media outlets is considerable. However, the majority of these unprofitable enterprises function quite efficiently as vehicles for propaganda.

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.

Radio and television media profits come mainly from advertising, but the presence of a "monster" such as ORT-Eurasia lowers the likelihood of television channels to turn a profit from advertising.

According to Amirkanova, management has always been the weakest link in Kazakhstan's mass media. Loyalty is preferred over experience every time in management hiring decisions. On the other hand, she noted, the mass media are making a significant move in jurisdiction from an ideological agency to a technical ministry. "The new minister...criticized the work of national channels and demanded that they start orienting themselves towards high ratings—and this helped to get the bulky, rusty national television machine moving," she concluded.

Mass media outlets can be profitable businesses under certain conditions, particularly when managers or shareholders are friendly with government officials. "Editorial independence is not a result of commercial success, and vice versa," said Antonenko. "The more independent the media outlet is, the more difficult it is to function and earn money." Other profitable segments of the media include specialized print media in car sales, services, and real estate—although profitability has declined sharply even in these segments due to the financial crisis. Where once a new publication could cover all its start-up costs in a year, it now takes three to five years. On the television side, the only markedly profitable company is KTK, which aims to expand its business and be more than an "ideological tool."

In tough financial situations, media businesses find it hard to maintain editorial independence. Many are willing to forego their principles for a slice of the social procurement pie, or to back certain political or business groups to gain financial support. Nonetheless, a small group of independent media outlets remains that covers the "costs" of independence through additional business in printing, photography, or advertising.

On management and editorial boards, an actual management expert serves as head only rarely. Professional journalists who are unfamiliar with media management often fill those roles. One panelist noted an interesting trend at many leading national media outlets: top managers are shuffled from one outlet to another. One manager, the so-called "media killer," has now chaired six key state-owned media outlets, managing to turn each into a propaganda-oriented machine.

The government's distribution of financial incentives to the media is fair and transparent according to the law. In practice, however, political motives and corruption win out.

Radio and television media profits come mainly from advertising, but the presence of a “monster” such as ORT-Eurasia lowers the likelihood of television channels to turn a profit from advertising. According to experts, 60 to 70 percent of the country’s advertisement market (about \$100 million a year) goes to ORT-Eurasia. Accordingly, 2010 saw serious battles on how to “neutralize” the Russian giant by relegating it only to cable outlets or by banning it from showing advertisements.

Many regional media outlets report losses stemming from the economic crisis—some closed a number of television programs or cut the number of printed pages; others had to reformat their media. With few exceptions, regional talk radio programs did not survive. The newspaper medium was another big loser in the economic crisis, due to the loss of advertising—its main source of income. For small-circulation newspapers, subscription sales had been slightly higher than advertising, but that changed during the crisis: 30 percent of print advertisers cut budgets sharply, with many switching to the Internet. Although the Internet share of the Kazakh advertising market is not at subsistence levels, trends are changing fast.

In this environment, bloggers have seized upon various strategies to turn a profit. One disturbing trend is blackmail blogs that accept money from local businesses in exchange for positive reviews—or write negative PR if they do not support the blogger. Popular bloggers receive some revenue from advertising and by placing links on their sites.

According to panelists, the advertisement market is recovering gradually. Many of the smaller advertising agencies went out of business during the economic crisis. The media market in Kazakhstan is well developed and divided among several advertising agencies. Videointernational and TV Media still exist, and after the closure of Arna Media, all the national media outlets that used to be its subordinates were turned forcibly into Arna Advertisement shareholders. The biggest advertisers consist of soap and detergent producers and distributors, banks, cell phone operators, and big retailers. Mega-companies such as Chevron do not advertise directly, although media outlets are beneficiaries of their “philanthropic” investments.

Advertisement agencies and production studios did well in 2010 due to several international events conducted in Kazakhstan, including the OSCE summit and the Asiada winter Asian games competition. The Ministry of Foreign Affairs alone spent KZT 486 million (\$3.41 million) for “services related to implementation of information and image projects in mass media in Russia and CIS countries” and KZT 140 million (\$983,000) for advocacy of foreign policy in Kazakhstan’s mass media. Meanwhile, the government required all television channels to show free of charge various promotional videos about these important political events. Experts note that the expanding market and rising production values mean the price of producing an original advertisement now exceeds \$70,000.

Advertising pricing varies wildly. State-owned national newspapers, like *Egemen*, can price themselves attractively because they receive powerful financial flows from the government in addition to their own revenue. “Advertising revenue is a major source of income for private media outlets, but is not a priority for state-owned media,” Kamila Zhusupova noted.

Usually, major advertisers check the ratings in big cities. They use mainly those based on TNS Gallup Media surveys. However, there are few people meters in small towns, and big advertisers do not advertise at the regional or local level. Some advertising reaches local media via small re-distribution agencies, which purchase ads from big network agencies.

The law restricts the amount of television and radio advertising to no more than 20 percent of the daily volume of broadcasting, while print media are able to determine their advertising levels individually. In practice, advertising accounts for 20 percent of television and radio income and 60 percent in newspapers. Losing subscribers as well as government contracts has forced the print media to increase advertising revenues, which the accounting committee and prosecutor’s office monitor strictly. The rest of the revenue comes from sales, subscriptions, and grant investments or funds for fulfilling government contracts. Kraus commented that in her region, Karaganda, the client is usually the state or a big enterprise—the real media outlet owner that subsidizes the publication. In the private media, she noted, thanks to considerable advertising revenue, the level of any one entity’s influence is much lower.

Media outlets still receive huge sums from government-commissioned media, but the overall level of that funding is hard to assess because little data exists. Grants to independent media outlets have also shrunken sharply. The government’s distribution of financial incentives to the media is fair and transparent according to the law. In practice, however, political motives and corruption win out.

Due to the constant financial flow from the state, media that serve as ideological tools are able to survive despite lagging sales revenue. The media that receive government contracts range from the state-owned newspapers *Egemen* and *Kazakhstanskaya Pravda*, Khabar TV Company, and Kazakhstan TV and Radio Company to private media outlets *Express K*, *Central Asia Monitor*, and *Vremya*. Arman Shurayev, the director general of the KTK TV channel, compared government contracts to drugs: a much-needed financial fix that can compromise editorial integrity.

Last year, the government made a big investment into the development of a Kazakh Internet zone. Kazcontent JSC was created under the auspices of the Ministry of Communications and Information, and the state has allocated it almost KZT 200 million (\$1.4 million) over the last two years.

In terms of market research, TNS-Gallup Media conducts audience surveys twice a year. The company is also planning a considerable increase in the number of people meters, to better measure media consumption and preferences. However, Kaplina said that the market research, sociological surveys, and ratings methods are the source of constant dispute. "People meters are still installed in big cities only, and the opinion of those in towns of less than 100,000 people are not considered," he said. Furthermore, the journalistic community gives little credence to government-initiated surveys, and the data have little practical impact. TNS-Gallup Media monitors ratings constantly for television and radio programs broadcast by national and big regional media outlets, but media managers and the journalistic community take these findings with a grain of salt, too. "There is almost no doubt that media ratings correlate with the fee paid to the researchers," Antonenko said. "The research market is a monopoly, and professionally analyzed comparative results are impossible. Nevertheless, ratings drive broadcasting schedules and salaries."

Newspaper circulation is monitored as well, although the Circulation Committee no longer exists; now the Association of Newspaper Publishers and Printed Press Distributors or the Chamber of Commerce and Industry support such audits. Zero.kz, Mail.ru, and Google Analytics provide Internet ratings, which advertisers and media industry representatives respect as reliable.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.71

The growth in Objective 5's score is mostly attributable to better scores for indicator 2 (professional associations) and

Advocacy of human rights and social protection, which can be considered close to journalism, are the main goal of less than 10 percent of NGOs.

indicator 6 (access to media equipment and printing). Most of the indicators scored more or less the same as the objective did, although indicator 4 (academic journalism programs) and indicator 7 (apolitical distribution channels) lagged behind by nearly three-quarters of a point each.

The Kazakh media sector has several business associations that represent the interests of owners and managers, including the Association of Newspaper Publishers and Printed Press Distributors, the Association of Kazakh Broadcasters (founded and supported by the president's daughter, Dariga Nazarbayeva), NAT, and the Association of Television and Radio Broadcasters of Kazakhstan. Olga Kraus commented that many of these organizations are independent and cooperate with international organizations, and noted that a specialized association defended the interests of the ART channel at a court hearing on its closure.

NAT is still the most active among these groups. Last year, it spoke up to defend cable operators, co-developed a draft law on television and radio broadcasting, and fought for transparency in decision-making concerning the distribution of frequencies. NAT's executive director, however, said that

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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

as soon as NAT begins lobbying for an important decision on behalf of its target groups, officials accuse it of playing political games or being linked to the opposition. Business organizations in the media sphere are considered inseparable from political factors.

The panelists noted that in 2010, a group of journalists working for one of the television companies that NAT represents asked the association to exert influence on their management and to help protect employees' rights. Despite her sentiments, Zhaxybaeva, the executive director, had to follow NAT's charter, which supports the interests of the media business enterprise rather than individual members or personnel—and accepts requests only from administrators.

In 2010, journalists of several media outlets felt sorely the lack of active and functional professional unions capable of protecting their rights. In one instance, journalists in the b-news agency complained of labor law violations. Ahead of the OSCE summit, per an agreement with b-news administrators, journalists worked overtime and without time off for several days in a row. According to the arrangement, managers were to reward journalists for overtime work with bonuses right after the summit. However, once the summit was over, the administration claimed that it did not have funds for bonuses. Instead, administrators offered each journalist the chance to write a self-addressed thank-you letter, which the manager would sign. Many employees considered quitting, but with the worsening economy, most of them decided it would be more rational to keep quiet and keep their jobs. No professional associations got involved on behalf of the employees.

Another news agency, Kazakhinform, experienced a labor conflict also. After not being paid for three months, its journalists had no choice but to go on strike. Eventually the administration gave in to the employee's demands and paid what they owed, but delays with payment persisted.

"Despite outrageous violations of the journalists' labor rights, they remain passive and indifferent to their further fate," Askarov commented. "There are no shifts toward the development of institutions that support journalists and professional organizations of journalists. The rejection of any community-based organizations is still strong among journalists because most of the organizations are founded upon directions 'from above.'"

The journalist Ludmila Ekzarkhova has been nurturing the idea of an operative trade union for several years already. This year, she tried to summon her colleagues in order to discuss the Trade Union Charter, but only two out of 50 invitees attended. The existing trade union—the Union of Journalists of Kazakhstan—is perfunctory, and has no impact

either on the employers or the journalistic community. The union focuses its activities mainly on organizing celebrations on birthdays of famous former journalists, arranging funerals, and other ceremonial duties.

Other associations work in the media field, but function more as clubs than as a source of pressure on the government. The overwhelming majority survive on grants, do not collect membership fees, and exert very little influence. The Regional Media Forum was founded in September 2010, but it has not begun work yet. Only a few journalists' associations advocate on behalf of oppositional media and are not eager to defend the interests of the journalistic community in general.

According to gazeta.kz, NGOs in Kazakhstan deal mainly with health, environment, and youth issues. Advocacy of human rights and social protection, which can be considered close to journalism, are the main goal of less than 10 percent of NGOs. The most prominent and influential NGOs include: Internews-Kazakhstan, Adil Soz, and Media Life NGO. These organizations are the engines behind all important changes. In 2010, they worked actively on the development of a whole range of draft laws regarding media regulations, conducted monitoring, and organized various media forums. However, the influence of all these organizations was not enough, even in the year of Kazakhstan's OSCE chairmanship, to set free journalist Ramazan Esergenov, a prisoner of conscience charged with making secret materials public. He submitted an unsuccessful clemency petition in September 2010 after serving a third of his sentence.

In terms of NGO outreach to rural communities, Adil Soz developed several autonomous branches in regional cities. In addition, Internews works mostly with regional television and radio companies in small cities.

Until recently, the media community complained frequently about the quality of academic journalism degree programs, as well as an overabundance of graduates and consequent unemployment in the media sphere. Last year, several universities introduced some reforms. The Kazakhstan Institute of Management (KIMEP) Faculty of Journalism launched a new academic program adapted to meet a curriculum developed under the auspices of UNESCO. Additionally, last year a number of journalism departments modernized their technical equipment and laboratories. Today, the students of journalism at Kazakh State University, KIMEP, Eurasian University, the University in Ust-Kamenogorsk, and others enjoy state-of-the-art studios and participate in master classes with practicing journalists.

The first results of these improvements in practical preparation of journalism students are visible, including a new channel, kepter.kz, launched in the ICON cable network.

The channel combines all the student-produced university television programs in Almaty and Astana. Also of note regarding the past year, a critical mass of graduates of foreign universities began working for in journalism programs.

These positive trends are not keeping up with demand, however. Despite the large number of graduates of journalism programs (each of the 17 journalism schools graduates at least 50 journalists annually), many media outlets, especially big national ones, experience personnel shortages.

The options for supplementary, short-term professional training are decreasing. The numbers of experts-in-residence workshops in editorial offices, once extremely popular, have dropped. There has been only a single series of residencies in radio, by an expert from Kyrgyzstan with organizational support from Internews. Seminars for journalists have declined. An initiative to launch the Center for Economic Journalism, in Pavlodar, fell apart after editorial boards as well as journalists refused to pay tuition.

Kraus recalled that Media Life used to fight with founders in order to train advertising professionals and media managers. Panelists described this mentality as media owners and managers being reluctant to think in investment terms. They are ready to invest in expensive equipment, but not people.

The sources of newsprint, printing equipment, and print houses are considered private and independent, and their number is sufficient. However, the government uses a traditional toolkit for blocking undesirable media and greenlighting state-owned and loyal print media. For example, for the entire year, all printing houses rejected *Golos Respubliki*. At the Media Kurultai, in presence of the OSCE representative for the freedom of speech and other high-ranking officials, *Golos Respubliki* Editor-in-Chief Tatyana Trubacheva said that President Nazarbaev's adviser on political issues, Ermuhamet Ertysbaev, leaked word that the owners of print houses are afraid of printing her newspaper. The only director of the print house who had dared print a part of its circulation received a call from the local administration and was threatened, she said.

The state owns key print media distribution channels, including the national companies Temir Zholy, KazPost, and local kiosk distribution networks.

The main lever of state control over Internet is Kazakhtelecom, a national company that dominates the national and international landline and mobile telephony. The government is capable of controlling distribution of independent newspapers and access to their Internet portals in accordance with its own interests. However, online media outlets and bloggers are free to choose from available software and platform options.

According to the official statistics, there are 3.9 million Internet users in Kazakhstan, and in 2010, telecom companies launched pilot projects to develop access to 3G, WiMaX, and LTE technologies. To attract more clients, cell phone operators are developing new services, including mobile news access. In addition, national television channels KTK, Khabar, and Kaspionet have begun broadcasting programs online. And although regional media are still not very strong in the use of these technologies, the general media market trend promises an even better convergence of the traditional and new media.

Most broadcasters own their own transmission equipment. As mentioned, Internet providers may block access to networks and other Internet subjects. Fourteen Internet sites were blocked before the OSCE summit, for example.

List of Panel Participants

Andrey Antonenko, news host, TAN TV, Almaty

Beishen Kuranbek, director, *Zhetysu TV*, Taldykorgan

Diana Okremova, director, North Kazakhstan Legal Media Center, Astana

Erzhan Suleimenov, general director, Institute of Media Standards; creative director, Media Service Agency, Almaty

Gulim Amirhanova, blogger; freelancer journalist, Almaty

Kamila Zhusupova, blogger; television host, Almaty

Olga Kaplina, project manager, Internews Network-Kazakhstan, Almaty

Olga Kraus, editor-in-chief, *Novyi Vestnik*, Karaganda

Sholpan Zhaxybaeva, executive director, National Association of Television and Radio Broadcasters of Kazakhstan, Almaty

Tulegen Askarov, economic analyst, *The Voice of Republic*; instructor, Journalism Program, Kazakh-British Educational Institution, Almaty

Yaroslava Naumenko, blogger; Central Asia correspondent, *Mergermarket*, Almaty

Moderator and Author

Gulnara Ibraeva, chair, Social Technologies Agency, Bishkek, Kyrgyzstan

The Kazakhstan study was coordinated by, and conducted in partnership with, Innovative Solutions Inc., Bishkek, Kyrgyzstan. The panel discussion was convened on December 8, 2010.

The new Constitution of Kyrgyzstan, adopted by referendum on June 27, 2010, heralded some important changes for the media, introducing an unprecedented provision: “No one may be prosecuted for spreading information, defaming, or demeaning the honor and dignity of an individual.”



KYRGYZSTAN

In early April 2010, opposition leader Roza Otunbayeva took to Twitter to call on President Kurmanbek Bakiyev to step down and to put an end to violence against protesters demonstrating against rising utility prices and government repression. On April 7, Otunbayeva tweeted: “We want a free Kyrgyzstan! Bakiyev and his cowards are no match against the will of the Kyrgyz people!”¹ Bakiyev fled to his hometown, Osh, in the south, and Otunbayeva began leading as the president during the transition period until the presidential elections, set for December 2011.

In the lead-up to this dramatic turn of events, known as the April Revolution, 2010 saw severe repression of the media. A whole parade of facts could be listed to demonstrate the lack of freedom of the press during the first few months of 2010: Internet news sites were blocked; foreign stations Azattyk (the Radio Free Europe/Radio Liberty Kyrgyz-language service) and BBC radio and television were taken off the air; issues of *Forum* were confiscated; and STAN TV television company were shut down for using unlicensed software. By March, the media system was under acute pressure. The government shut down several popular blogs at blog platform Kloop.kg; they included antibaks.kloop.kg and two other blogs whose authors had been sharply critical of the president, his family, and the activities of the National Security Council. According to the annual freedom rating by Reporters sans Frontières, Kyrgyzstan’s rating fell to its lowest ever in 2010, earning the “strict censorship” label, tumbling 25 places since 2009 and earning a ranking of 159 out of 178.

But the April Revolution changed everything. The new government loosened restrictions on the media, eliminated criminal penalties for libel, and paved the way to help journalists gain greater access to information. The new Constitution of Kyrgyzstan, adopted by referendum on June 27, 2010, heralded some important changes for the media, introducing an unprecedented provision: “No one may be prosecuted for spreading information, defaming, or demeaning the honor and dignity of an individual.” Thus, the legal framework was liberalized even more, bringing guarantees for freedom of speech and freedom of the media into line with international standards.

However, in June, when conflict erupted in Osh between ethnic Kyrgyz and ethnic Uzbeks, the level of censorship and self-censorship increased dramatically. The vast majority of journalists and media played down the negative and suppressed photos and videos for fear of provoking a new wave of violence and an escalation of the conflict.

Other notable issues holding back the development of the media in Kyrgyzstan include the failure to formulate a plan for the conversion to digital broadcasting, weak editorial policies, and the lack of solidarity within the profession. Even violent crimes against journalists have not prompted a spirit of unity, and the journalists’ associations and trade associations that do exist are poorly organized and ineffective at lobbying for change.

¹ Roza Otunbayeva’s Twitter feed, <http://twitter.com/otunbayeva>

KYRGYZSTAN AT A GLANCE

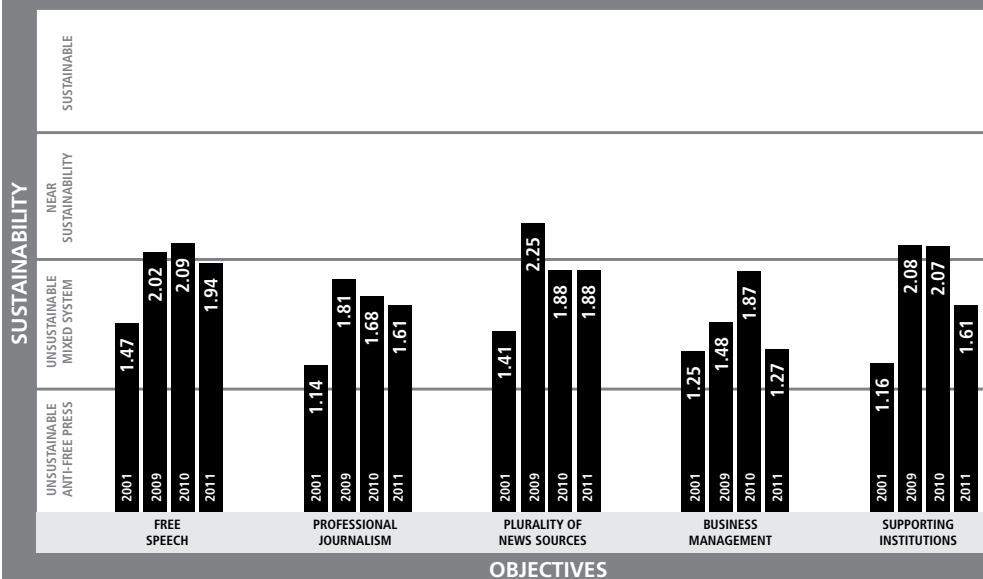
GENERAL

- > **Population:** 5,508,626 (July 2010 est., *CIA World Factbook*)
- > **Capital city:** Bishkek
- > **Ethnic groups (% of population):** Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uyghur 1%, other 5.7% (1999 census)
- > **Religions (% of population):** Muslim 75%, Russian Orthodox 20%, other 5%
- > **Languages (% of population):** Kyrgyz 64.7% (official), Uzbek 13.6%, Russian 12.5% (official), Dungan 1%, other 8.2% (1999 census)
- > **GNI (2009-Atlas):** \$ 4.600 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$2,200 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 98.7% (male 99.3%, female 98.1%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Roza Otunbaeva (since May 19, 2010)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 250 including 4 main dailies and 4 other major papers; Radio: 6 main stations, 31 others; Television Stations: 7 main stations, 3 local cable networks
- > **Newspaper circulation statistics:** Top four by circulation: *Super Info* (circulation 80,000, private, Kyrgyz language), *Vechernij Bishkek* (circulation 50,000, private, Russian language), *Pyramid* (circulation 40,000, private, Russian language), *Delo* (22,000, private, Russian language)
- > **Broadcast ratings:** Top two: National TV and Radio Broadcasting Corporation (state-owned, both languages), 5th Channel (private, Russian and Kyrgyz)
- > **News agencies:** Kabar (state-owned), AKIpress (private), and 24.kg (private)
- > **Annual advertising revenue in media sector:** Estimated \$5 million in 2008
- > **Internet usage:** 2.195 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



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

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 1.94

Kyrgyzstan's score for freedom of speech suffered due to political instability, the resulting uncertainty, and ethnic strife. On the one hand, the new government has taken steps that might yield future improvements; on the other, it is too soon to see the impact, and problems of the past continue to haunt the legal environment. The small loss in score came about from lower scores in indicators 3 (market entry and taxation), 5 (legal guarantees of editorial independence for public media), and 8 (unrestricted media use of other news sources). Most indicators scored close to the objective average, but indicator 4 (attacks on journalists) and indicator 5 lagged by more than half a point. Indicators 8 and 9 (free entry into the journalism profession) exceeded the average by a little more than half a point and more than a point, respectively.

The year 2010 was transformative for media legislation. At the beginning of the year, for example, news agencies could not easily go about their work. Often, information from an agency's website was used in trials as the evidentiary basis for finding defendants guilty. That being the case, quite often the agency itself would be made a co-defendant. For example, in 2010, AKIpress news agency was charged as a

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

FREE-SPEECH INDICATORS:

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

As KirTAG news agency Editor-in-Chief Igor Shestakov noted, "It all depends on how democratic the officials in the president's inner circle are, rather than on how democratic the laws are."

co-defendant in several libel cases—though it was spared punishment thanks to the court's even-handed attitude.

By spring, an expert group completed its work on a bill on radio and television broadcasting, and efforts were underway to introduce deeply conservative amendments to the media law. Additionally, a bill on secret information was sent to parliament for debate. The bill threatened to reduce journalists' access to information significantly by elevating any social or political information of even the most marginal interest into the category of "secret."

After the April Revolution, the country held a referendum on a reformed constitution that abolished journalists' criminal liability for defamation; the interim government issued a decree establishing public service television; and the state broadcaster created a supervisory council including media experts and NGO representatives.² Furthermore, under the decree, the supervisory council replaces the Kyrgyz president as the appointing authority for the director-general of the Public Radio and Television Corporation of the Kyrgyz Republic (PRTC). Kubat Otorbaev, the head of the Kyrgyz service of Azattyk, was appointed the first PRTC director-general. Also as part of the decree, the interim government adopted a resolution on the PRTC regulating management issues.

Even with pro-media legislation in place, the authorities still are a major determinant in de facto press freedom in the Kyrgyz Republic. As KirTAG news agency Editor-in-Chief Igor Shestakov noted, "It all depends on how democratic the officials in the president's inner circle are, rather than on how democratic the laws are." Thus, the key means of protecting freedom of speech is a legal defense under the Code of Trial Procedure, which is adversarial in nature. If the media do not come to court "all guns blazing," then they will certainly lose, whatever the circumstances, even if the truth is on their side. Evidence, motions, results of expert reports—everything must be presented by the media as the defendant. Moreover, judges show selectivity that involves not only politics, but commercial and family pressures and even their

² After the April Revolution, the National Radio and Television Corporation became the Public Radio and Television Corporation of the Kyrgyz Republic.

For example, not a single other business venture has been subjected to a sudden, all-out audit of its software usage or been closed down for using unlicensed software, but that is exactly what happened to the independent outlet STAN TV not long before April 2010.

own prejudices. As a result, sometimes arguments are heard (“He didn’t have to write it,” “Why was she hanging about at night?”) that blame or stigmatize journalists for carrying out their professional duties. Freelance television journalist Alexandr Kulinsky commented, “The meaning of legislation in the media sector is always selective: Put pressure on whoever you have to. That is why the legislation is tailored with a lot of loopholes—so that through the legislative ‘colander,’ anyone can be allowed either to pass through or to be held back, if it suits someone to do so.”

For decades, the question of broadcast licensing was closed to the public; the government did not disclose the true number of frequencies in any region or nationwide, nor the criteria for awarding frequencies. In early 2010, a government decree transferred control over means of communication from the State Communications Agency (SCA) to the State Anti-Monopoly Agency. After the April Revolution, SCA took over those functions again.

Authorities allocated frequencies very rapidly in the lead-up to elections, with most of the television stations in the capital, Bishkek, expanding their coverage areas. For example, the Echo Manasa television channel, previously limited to the capital, was enabled to broadcast across the whole country. The Chinese television channel SSTV9 won the right to broadcast nationwide as well, and NTS channel was in the process of obtaining frequencies for the whole country. Now, according to information that the journalists obtained from SCA, the capital has no frequencies left, although some remain in the regions.

Shamaral Maychiyev, chair of the Commission for the Consideration of Complaints about the Media, highlighted the military’s use of frequencies and the effect on fair allocations. “The country’s armed forces have, for many years, been given military radio equipment from various countries for humanitarian purposes and have indiscriminately taken over certain frequencies—in practical terms, whatever frequencies the equipment worked on when it was switched on were used,” he said. “That is why it is quite impossible to post lists of allocated frequencies, since at the end of the day,

70 percent of the frequencies are used by the military and 30 percent by civilians.”

In addition, Maychiyev expressed concern regarding the pending digital conversion. “Now, in light of the imminent transition to digital technology, the State Communications Agency is hopeful that all the problems with the limited nature of the frequency spectrum will be solved. But neither the legislative nor the technical changes are being worked on in advance, so the transition to digital technologies and the increase in the frequency spectrum it allows may bring additional problems.”

Since the April Revolution, the licensing situation has remained unclear, but enforcement of licensing law has continued to be discriminatory. In the case of the Uzbek-language television channel Mehson, the prosecution alleged that the station played a destructive role in inciting inter-ethnic conflict in the south of the country. When the prosecution entered a plea for its closure, SCA hastily informed the channel’s owner, Mirzakhojayev Zhavlon, that it was terminating Mehson’s license. After lawyers intervened and succeeded in having SCA review the case, the license was suspended for three months but not withdrawn entirely. SCA made the decision in light of the absence of an official court ruling or government order on the allegations, or any other compelling reason. The owner elected to remake the station into an educational television channel and rename it Bashat, but according to the law, the owner must now go through the frequency allocation procedure again.

The lack of transparency in licensing and frequency allocation procedures shows in cases in which local media were granted national frequencies after the revolution. For example, the interim government announced the nationalization of a few television channels that the ex-president’s family members snapped up previously in raids or sold illegally. In this way, Channel 5 and Pyramid were nationalized. Nobody seems to know what stage the process is in, or whether there will be re-registration followed by licensing procedures.

The former government’s plan for the transition to digital broadcasting was nearly ready in Spring 2010—but as a result of the April Revolution, it has been abandoned. Media members wonder whether the country have a social package with guaranteed nationwide availability; how villagers, who mostly still have outdated television sets from the Soviet era, will be able to upgrade their television sets; and what the state’s vision is for regional television. These questions remain undecided, but the panelists were certain that the country is not ready to make the transition to digital television. For radio, going digital has been postponed until 2018.

On the other hand, the range of other services based on new digital technologies is growing actively. Kyrgyz citizens now enjoy mobile news, Internet banking, and interactive television, for example. However, SCA is trying to gain additional censorship authority by making licensing obligatory for all new parties using digital technologies. Amendments to the licensing law are resulting in double licensing: The television channel that selects and purchases content from several production studios must be licensed, and so must the production studios. So far, the government has not actively exercised control over this issue, but the provision is enshrined in law.

Online media face no licensing problems. Buying a domain name has become simpler, and the government places neither restrictions on opening blogs nor limits on the number of websites that an individual may create. A bill on electronic communications has been brought before the new parliament to cover all the new trends affecting the media, such as Internet sites and mobile telecoms.

In terms of market entry, the media continue to be treated as any other type of business. Furthermore, the tax structure for media enterprises is comparable to that of other businesses. This includes the negative side of tax assessment, which is an extremely confusing and opaque operation. Despite the positive changes in the tax system in 2009, whereby media outlets pay VAT only once they reach an annual income of KGS 4 million (\$85,000), charges for pension insurance are strangling the media and preventing any salary increases. In April, figures for the media's tax liabilities showed that Pyramid was on the verge of bankruptcy, with accumulated debts to the pension fund alone of more than KGS 1,200,000 (\$25,300). All media outlets dream of tax breaks and reductions in pension fund contributions, but so far, the media community has not formulated a collective lobbying strategy.

The basis for the position that media deserve such breaks is their belief that media enterprises are not the same as other commercial enterprises. Although advertorial and entertainment media stand a good chance at profitability, the public service nature of news and information products puts media enterprises in a different class among commercial enterprises. Further, media experience additional pressures faced by no other type of business. For example, not a single other business venture has been subjected to a sudden, all-out audit of its software usage or been closed down for using unlicensed software, but that is exactly what happened to the independent outlet STAN TV not long before April 2010. The unpredictable and punitive use of the tax code and similar laws has the effect of promoting self-censorship.

Neither murders, nor beatings, nor threats against journalists inspire solidarity among journalists or make them stand up for their rights.

The situation regarding violence against journalists is paradoxical. On the one hand, after the events of April, the number of crimes organized by the regime against journalists and media outlets declined sharply, down to hardly any. But on the other hand, more and more journalists have fallen victim to the mass revolutionary unrest. With cuts in law enforcement, journalists became a more vulnerable group. As the panelists noted, the perpetrators of the crimes have changed: they used to be the authorities, now they are violent mobs. The targets are no longer individual journalists and editors, but entire teams. Thus, during the April Revolution, NRTC was "taken" by storm by a mob, and all journalists and other staff members who happened to be there sustained injuries. The perpetrators destroyed the station's basic technical equipment as well. Even the Uzbek-language television stations in the south of the country, such as DDD (which had practically nothing to do with politics), went off the air—as journalists and editors were afraid of being torn to pieces by bloodthirsty crowds inflamed with ethnic hatred.

The Osh office of AKIpress news agency stopped work for two weeks after the peak of the conflict in June. When the staff met up again at their building after two weeks, it turned out that all the ethnic Uzbeks and Russians had left the city. Journalists' growing sense of fear and insecurity was evident at the open trial of a group of officials of the Bakiyev regime that had been in the former president's inner circle. Journalists were given special seats in the courtroom, but very few journalists attended the sentencing hearing. Most preferred not to attend, even for this front-page news story.

During the events of June, journalists and media outlets returned overwhelmingly to censorship and self-censorship. They suppressed photos and videos deliberately, out of fear of escalating the conflict and provoking new violence—and out of fear for their personal safety. In response to an organized Internet campaign by ethnic Uzbeks to disseminate information about the atrocities bordering on genocide in Osh, the national and local media reacted by painting an unrealistic picture of reconciliation and friendship between the two groups, obscuring the true picture.

Crimes against journalists are not considered disturbing, and have no resonance among the public, not even within the professional journalism community itself. Maksuda Aйтиyeva

provided an example of the indifference. “What happened to the photojournalist Zhyldyz Bikbaeva was indicative: she was in the midst of a face-off between two gangs of criminals. Each side took her for a photographer for its opponents and the journalist got beaten up more than anyone else. Worse, the case was not classified by the court as a crime against a journalist, but was tried in the context of a general ‘package’ of cases involving gang incidents.”

Neither murders, nor beatings, nor threats against journalists inspire solidarity among journalists or make them stand up for their rights. Owners and editors are not liable for injuries or disabilities sustained during active duty. Indeed, the reverse is often true: They push journalists into taking undue risks. Editorial policy, where there is such a thing, makes no provision for journalists’ safety, and media houses provide no life or health insurance. However, during and after the events surrounding the conflict in the south, the Soros Foundation-Kyrgyzstan launched a project to support journalists in trouble, though it is limited to providing financial assistance.

Regarding the laws protecting the editorial independence of public television, the law makes no *de jure* provision for preferential treatment for either the public or the private media. However, current practices allow certain media outlets some advantages in access to information, advertising and other sources of income, discriminatory assessment of the media products produced, and direct and indirect financial and material support. However, the tradition of unequal access to public information—widespread before the April Revolution—was largely eliminated during the second half of the year.

PRTC operates in compliance with the provisional government decree regarding public radio and television companies, and its supervisory council has started working actively on the development and implementation of an editorial policy. In particular, PRTC introduced a ban on paid political advertising during newscasts. Political promotional material must be put into separate segments, with different announcers.

Most of the country’s media have no editorial policy, but neither media leaders nor journalists even realize that there is a need for one. For example, PRTC’s regional outlets serve two masters: the regional state administrations, on which their budgets depend; and the PRTC administration, which has its hand on the tiller. The White House, by agreement with regional state administration heads, appoints media chiefs—a continuing practice that leads to media depending financially and editorially on those structures.

The new Constitution of Kyrgyzstan, adopted by referendum on June 27, 2010, introduced an unprecedented provision: “No one may be prosecuted for spreading information,

defaming, or demeaning the honor and dignity of an individual.” In connection with changes in the constitutional provisions on libel and slander, the government needed to introduce corresponding changes in other legislation regulating media activities. Litigation in cases of libel and slander is complicated by the fact that there is no legal concept that a public figure should be subject to a higher standard of proof. The decriminalization of libel and slander did little to change the situation in statistical terms, as the constitutional articles have almost never been used in the courts. The panelists said that this is explained by the difficulty of proving guilt at trial—thus attempts are rare.

The panelists expressed the belief that a more sophisticated law enforcement system had started to work against journalists. In 2010, authorities had begun the practice of indicting journalists under “non-traditional” articles such as “knowingly false accusation.” For example, in response to the newspaper *Tribuna*’s smears of Omurbek Tekebaev, one of the leaders of the interim government, prosecutors revived a two-year-old lawsuit against Melis Turganbaev, the editor of *Tribuna* and a senior representative of the Ministry of Internal Affairs. The editor was convicted and put in prison after the April Revolution for “deliberate failure to comply with an order of the court.” Uzbek-language journalists and media began to be charged with “inciting ethnic hatred.” Even Internet sites, which are not recognized legally as media, may be prosecuted if courts deem them to be harmful, or damaging to someone’s reputation and dignity.

Journalists do not have special rights compared to regular citizens regarding access to information. Not one state body has complied with the requirements of the Law on Access to Information Held by State Bodies and Local Self-Government Bodies, which sets requirements for information collection, dissemination, and storage to help information flow. Earlier, Bakiyev set the very same goals, but the reform did not succeed and neither has the law. Access to information in state structures still depends on the personal will of managers to be more open and to talk to the press. Most government agency websites are not informative and do not have the capacity to respond to urgent requests or provide rapid responses. Most departmental press services are essentially incapable of providing real-time information; most press service workers themselves cannot obtain access to departmental information.

In its last months, the Bakiyev administration was remarkable for its tightening of control and censorship of the media and its attempts to limit journalists’ access to information to only the official version of events. At the beginning of the year (February 2010), bloggers on the kloop.kg platform tested mechanisms for obtaining information by requesting

information from the Central Agency for Development and Investment on the sale of Kyrgyztelecom. In response to the formal request, representatives of the State National Security Service came calling, and advised that it would be unwise to follow the example of Genadiy Pavlyuk, the journalist and editor of the online edition of *Beliy Parohod*. He was killed by being thrown from his sixth-floor apartment in Almaty, Kazakhstan on December 16, 2009.

Since the April Revolution, no lawsuits have been filed for refusal to provide information, as the heads of the state agencies have become more compliant in their responses to requests for information. In the first month after the revolution, however, journalists did experience difficulties in accessing key information from the interim government because the new press service proved that it was no less sophisticated a media filter than the previous, more autocratic, regimes. For example, a few days after the June conflict began, journalists found it impossible to acquire information about the number of victims, either from the Ministry of Internal Affairs or the Ministry of Health. Kyrgyz journalists expressed that foreign journalists had much greater freedom and access to information, particularly in the post-revolutionary period and during and after the inter-ethnic conflict; top officials gave interviews and information willingly to foreign reporters.

After that initial month, access to information improved somewhat, as most agencies began to form supervisory councils. The councils may fall short of improving transparency in department activities, but they have contributed to easier acquisition of information. Also, civil society representatives have the opportunity to participate in some of these councils. But as before, in most cases journalists fail to get the information they need because of their own lack of skills.

Journalist access to foreign sources has been possible theoretically—but retransmission and reprinting of foreign material has not. Authorities have denied requests from a number of foreign (Russian) media to access governmental agency information. Early in 2010, the government started blocking the Azattyk website, Fergana.ru, and *Beliy Parohod's* website, along with a few specialized sites. By March, Azattyk's radio and television programs were taken off the air. Authorities restricted the use of foreign media during and after the events surrounding the inter-ethnic conflict in June, but in the last quarter of the year, access to foreign information began to relax again.

Entry to the profession remained free and unrestricted in 2010.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 1.61

Objective 2 retained essentially the same score as last year, with only one indicator showing notable change. Indicator 2 (journalism ethics) received somewhat lower scores compared to last year. All indicators scored close to the objective score, with the exception of indicator 4 (coverage of key events), which scored about two-thirds of a point higher.

The Kyrgyz-Uzbek clashes exposed the bias and lack of professionalism in the Kyrgyz media. According to Iskender Bektur, "The greatest problem is that journalists do not know how to distinguish between providing information and facts and expressing their own opinions." In the panelists' opinion, the news in the Kyrgyz-language media could be visualized as an inverted sine wave: from mid-March, the leading "opposition" publications (*Forum, Alibi*) growing in anti-Uzbek sentiment and propaganda; then on the eve of the events in June, an explosion of "hate speech"; then after the conflict, deep self-censorship and an avoidance of talking about ethnic relations; then a spike in hate speech once again in the pre-election period.

The Commission for the Consideration of Complaints about the Media organized a special event in July, involving linguists, conflict specialists, and psychologists to discuss and expose bias and polarization in events coverage in the south. In a report requested by the commission, psychologist Nina Bagdasarova analyzed various publications' stories about the ethnic conflict and noted some remarkable characteristics: "In many stories, there is very reckless handling of eyewitness

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Shestakov commented, "Most journalists do not know the rules of ethics. The media frequently call people criminals before the court hands down a guilty verdict. In most media, there are no requirements to observe the rules of ethics."

accounts. There are stories in which only a single witness to the events is used as the source."

The panelists' evaluations confirmed that the Agency for Social Technologies carried out a study in support of the OSCE Center in Bishkek. The study sampled a population of 153 editions containing about 1,600 stories, and included print editions; three Internet sites; and publications in Kyrgyz, Uzbek, and Russian languages. A content analysis showed that 471 stories contained markers of divisiveness emphasizing ethnic and other differences in terms of superiority and preference.

Panelists cited minimal educational programs for journalists and a lack of editorial policies as the key reasons for the extremely low professional level in the media. The panelists said outlets have no editorial staff capable of implementing a coherent strategy for providing news, and in some cases, the editors and owners of the publications issue orders for biased coverage. Shestakov commented, "Most journalists do not know the rules of ethics. The media frequently call people criminals before the court hands down a guilty verdict. In most media, there are no requirements to observe the rules of ethics."

Against this background, the new PRTC editorial policy is very encouraging. The channel has departed from its tradition of unconditional service and is trying to comply with international standards of reporting, balancing views on the conflicted political situation during the election campaign when one candidate, Kamchibek Tashiyev, was accused of intending to bring back the president, who had fled, and restore the *ancien regime*.

During the inter-ethnic conflict in the run-up to the elections, the news flow could be characterized as an information war, and journalists and editors did not abide by any professional standards or ethical norms. The Kyrgyz-language newspapers in particular violated ethical standards and featured speculation, a preponderance of opinion rather than fact, and vulgar language. Following the April Revolution, NRTC and Channel 5 also stood out for launching an aggressive

propaganda campaign against all of those close to the Bakiyev family. Their use of this old technique to manipulate the public mood aroused great discontent among certain segments of the population.

Lacking in solidarity, the journalism community did not set itself to the task of developing and adopting ethical standards over the past year. Felix Kulov, the leader of one of the parliamentary parties, initiated a strengthening of legislative norms and introduced mechanisms to combat ethnic hatred and pornography in the media. However, the expert community predicts a future growth of censorship under the pretext of compliance with constitutional and other norms, and also with journalistic ethics.

Journalists and editors in the Kyrgyz media have always practiced self-censorship. However, 2010 was a very rough year in this sense: in January and February, the level of self-censorship among journalists and editors in the vast majority of media outlets reached a peak, under pressure from the office of the president—which actually functioned as a censorship institution. Even newspapers from the political opposition were forced to reduce their level of criticism substantially, and the number of taboo subjects increased.

After the April Revolution, self-censorship began to decline at first, then increased rapidly again. Journalists affiliated with political parties and individual political groups that came to power after the April Revolution could not cover the crisis within the government, the regional power centers' disobedience of the central authorities, the conflicts among the new political leaders, social and economic realities, and many other matters. Later, the inter-ethnic conflict in the south gave rise to a new cycle of self-censorship. The overwhelming majority of media avoided writing about the conflict, or put out cheerful pieces describing how the conflict was resolved and reconciliation reigns.

Alina Saginbayeva, director of Central Asian News Service, part of AKIpress, recalled that staff of AKIpress's Osh office in the south had sent in bloody images and screaming text as the conflict unfolded, but the management of the Internet site decided not to post those kinds of stories, to avoid provoking a new round of violence. Most other media followed the same policy. At the same time, the Uzbek diaspora outside and inside Kyrgyzstan used the Internet actively to cover developments. As a result, the flow of news was imbalanced, and some panelists expressed their opinion that many of the most popular reports were not credible, and even libelous. However, some Kyrgyz-language publications of the *Alibi* type flouted the law openly. Social and psychological experts analyzed stories in *Alibi* and *Diydor* and found explicit appeals to ethnic hatred.

Some in the Kyrgyz media community objected to the posture of foreign media as well in their coverage of the conflict. Nina Bagdasarova authored a report from a psychosocial perspective on media materials surrounding the inter-ethnic clashes, and she said that the conflict demonstrated the unwillingness even of a number of reputable foreign media to work without bias, with social responsibility, and in observance of journalist professional ethics.³

Immediately after the events of June, the country's human rights organizations were forced to appeal to the administrators of YouTube to ask them to block the most shocking video clips depicting people—including children—described in the clips as Uzbeks being tortured and killed. Requests for the video stream of inter-ethnic clashes to be censored were aimed at preventing a new cycle of escalation in the south and other regions of the country. After several months, the vast majority of experts in Kyrgyzstan began to say that the Kyrgyz media had lost the information war to Uzbek Internet sources.

Regarding coverage of key events and issues, the political field has expanded considerably for journalists since the April Revolution, and the increase in political players has naturally led to more leaks of compromising information against adversaries and rivals. Across the media sector as a whole, there remain relatively few closed topics: the regional (north-south) divide, calls for an increase in radical Islamic influence, and the economic crisis. At the same time, each media outlet has begun to have its own closed topics, depending on the interests of its owners. At critical times—revolutions, ethnic conflicts, economic crises—journalists have proven incapable of covering the most topical issues and subjects as they come up.

However, the new media, including Internet sites, SMS, and other mobile communications, have become alternatives to the traditional media channels. SMS information aired promptly over television channel NBT during the revolution, providing citizens with an information stream about the events. The first and only 24 hour-a-day service that reported what was happening on the eve of the revolution in Talas was the Diesel website (www.diesel.kg). At the same time, the site blocked the subject of Christian-Muslim interfaith conflict. In turn, the government shut down the site for a couple of days to eliminate the opportunity for openly nationalistic, extremist posts on the discussion pages.

Despite the reduction in political pressure after the April Revolution, the media did not in any way become a model

³ Extract from the manuscript of *Socio-psychological expert report on media materials in the area of descriptions of the conflict and interethnic relations* (Spring–Summer 2010, Kyrgyzstan), author N. Bagdasarova.

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of openness. However, the media eagerly talk now about the events of the recent past, when the Bakiyev family was in charge. For example, the media revealed to the population that last year, gas was supplied from Uzbekistan at half the price that the state supplies gas to its own citizens, and made public the bank balances of the people closest to the president.

At most media outlets in Kyrgyzstan, journalists' salaries do not cover their most basic needs. Adel Laisheva, program director of the Internews office in Kyrgyzstan, said that journalist incomes in Kyrgyzstan are the lowest in the Commonwealth of Independent States; only in Moldova are journalists' salaries comparable.⁴ The panelists estimated that the average pay of journalists in the print media and leading electronic media in Bishkek is at best \$300 to \$400 dollars per month, about \$200 in the news agencies, and no more than \$100 for regional journalists. At the leading publications in the capital, wages have fallen dramatically since the onset of the global economic crisis. According to Shestakov, the best journalists at *Vecherniy Bishkek* pulled in about \$700 per month formerly; now the top rate is under \$500. Among private publications, employers revived the practice of paying wages that are off the books and not taxed. The low pay and prestige of the profession, and the high degree of risk to health and life it entails, result in high turnover in the field, with a constant influx of new people into the media.

Media members have no financial incentives to create high-quality material or seek professional growth. In many outlets, remuneration is more reminiscent of Soviet days, with low-quality staff serving the interests of their superiors for little pay. As a result, journalists take orders and bill for material in order to improve their financial situation. This

⁴ Editor's note: Panelists in Tajikistan reported lower salaries, including accepting foodstuffs as payment. Moldova's panelists reported that media competition had helped to raise salaries. Comparisons are not adjusted for purchasing power parity. Although the Kyrgyzstan panelists' assertions may not be completely accurate, such perceptions and misperceptions are nonetheless worth taking note of.

Furthermore, commented Laisheva, “While complaining about their lack of capacity to produce quality content, regional and metropolitan television companies are basically not even trying to look for alternatives.”

opens the door for politicians and business organizations to interfere. Journalists in the capital that are more committed to the profession and have good journalistic ability take on multiple jobs: they write for news agencies, and foreign newspapers and organizations such as the Institute for War and Peace Reporting. Regional journalists have long been forced to combine journalism with other kinds of income-generating activities. As Aytieva noted, commonly journalists in Osh work second jobs as part-time cooks, taxi drivers, hairdressers, etc. Journalists at the state publications especially employ such strategies. Unlike those in the private media, journalists at many state outlets have no prospects to receive royalties on top of their pay.

Regarding the balance of news and entertainment, news remained the most in-demand, most- featured product of the television media. On PRTC, news programs were broadcast, as before, six times a day on weekdays. A large proportion of news programming was also dedicated to the year’s political turmoil. As Aytieva noted, “During political crises and states of permanent revolution, politics and political news become the principal source of entertainment.” For the moment, it is not possible to say whether the television media show any trend toward news programs being displaced by entertainment, because the economic crisis has simply left outlets with no money to spend on entertainment programming. The panelists did not see the share of news programming in the electronic media falling in the near future, and the PRTC supervisory council’s strategic plan anticipates significant strengthening of news programs. In quantitative terms, news editions will be brought up to eight editions a day, though the main emphasis will be on qualitative changes. To that end, the supervisory council is negotiating with the World Association of Public Television for membership in order to gain access to high-quality, free content of social significance and the right to dub it into Kyrgyz.

The situation is different for print and radio. Aytieva commented, “They put the Azattyk morning news on Radio Salam in Batken. If the DJ is slow off the mark, and does not switch in the Azattyk news segment on time or overlaps music with the news, you get angry listeners—mostly old people—

coming to the radio station right away waving their canes, demanding to listen again to what was in the drop-out.” For a long time, radio listeners have been unable to find any alternative to the state radio first channel, Kyrgyz Radiosu, for talk radio. All other companies, which combine the entertainment genre with serious social, political, economic, and other programs, have changed their profiles to become “DJ desks.”

The print media continue as before, with entertainment publications leading in circulation. The newspaper with the highest circulation, *Super-Info*, dropped back a little to between 90,000 and 100,000 copies, while *Vechniy Bishkek*, which re-registered as a news and advertising publication, has kept up a consistently high circulation. In comparison, the business and socio-political press has microscopically small circulations of 1,500 to 5,000 copies per publication.

In their discussion of journalist access to modern equipment, the panelists addressed questions surrounding digitalization. By 2012, television companies must renew their equipment completely in connection with the transition to digital broadcasting, but most of them are not prepared. The country has three HD-format cameras of an internationally acceptable quality, but not one television company has the capacity or technical specifications to output HD video signals directly without format conversion. No one in the journalism environment or among media management is even hinting about converged editorial facilities. With the exception of NTS, which has an interactive (though primitive) Internet version, none of the leading television companies have websites.

Public television’s Channel One is in the most deplorable state of all, because what little technical equipment it had was looted and smashed during the events surrounding the April Revolution. PRTC’s software and technical facilities in general are at least 20 years behind international standards, in the view of the panelists. Work efficiency is reduced significantly by operators and journalists that lack professionalism, and by systematic violations of professional standards and regulations. The result is increased wear and tear on equipment, and technical staff with a minimum of productive output. Technologically, regional media are even more behind, and PRTC has problems related to the combination of different formats used in broadcasting regional television programs around the regions. The only honorable exception to this litany is STAN TV, which works online, and its young journalists, such as Marina Kim, who work actively as professional bloggers.

On the print side, journalists are equipped poorly; no capital-based publications, let alone regional press, have enough computers. Editorial offices fail to provide their

reporters with Dictaphones or photo equipment. Many journalists can be seen still using pens and paper at news conferences. At all editorial offices in the country, material is written and laid out using unlicensed software. For news agencies, the only problem is securing access to the Internet and stable connections. In periods of political conflict, mobile networks are unreliable as a rule.

So far, only a few media outlets have procured their own equipment independently. If the media sector had once hoped for grant support in acquiring equipment, those hopes have been dashed. Donor organizations are very reluctant to fund technological retooling. Furthermore, commented Laisheva, "While complaining about their lack of capacity to produce quality content, regional and metropolitan television companies are basically not even trying to look for alternatives. For example, Internews via satellite allows local television stations to pick up video content from their daily production free of charge and record it independently. But none of the television stations in the regions or in the capital does so. Pressed about missed opportunities, they say that they would need to hire someone specially to do that, to record our programming on a full-time basis." On a similar note, Aytiyeva noted, "We provided training on the Quark 7 desktop publishing software for our regional media. The editors really liked the program's features, and saw the technological advantages. But as they cannot afford to buy licensed software, they went on using versions of PageMaker. So it turned out that we wasted our money on the trainer."

The Kyrgyz media sector has no high-quality specialized journalism. First, all editorial offices are understaffed, and to retain experts on particular topics who could work on investigative material would be a luxury; second, their low degree of professionalism and the poor conditions under which they work do not allow journalists to produce high-quality, specialized products. Some successful media companies have specialized niches in the services area, such as the Russian-language weeklies on automobiles and a handful of entertainment and lifestyle publications.

So far, no broadcaster has succeeded in producing analytical news programs because the available pool of journalistic and expert talent is insufficient. "In recent years, a few news websites have appeared— Bishkek Press Club 24.kg, AKIpress, and Vesti.kg—where much of the news product is based on comments by experts on significant events," Shestakov noted. "This way of putting out material has become widely used on television channels PRTC and Channel 5. However, on the whole, the media make little use of analytical resources— especially in the regions, where there are few experts."

Though it is still rare, the blogging platform is allowing specialization to take shape. One parliamentary blog is running, along with another blog on Kyrgyz culture.

AKIpress news agency's attempt to develop political and business analysis separate from the main news stream proved unprofitable. Saginbayeva, speaking as AKIpress's Central Asian news director, also said that the team of journalist/analysts had not yet gelled or achieved the desired level of quality. Furthermore, the number of expert sources and research institutions is quite small, and the expert analysis that is available is very poor.

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 1.88

While the score for this objective remained exactly the same as last year, indicators 1 (plurality of sources and viewpoints) and 2 (citizen access to news) showed improvement, which was offset by a lower score for indicator 7 (coverage of minority issues). Indicator 7 also fell short of the objective score by a little more than half a point. A score for the new indicator 8 (coverage of local, national, and international news) was about three-quarters of a point lower than the objective score and offset improvements elsewhere. Indicators 2 and 4 (news agencies), on the other hand, exceeded the objective score by about three-quarters of a point each.

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) exists 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 non-partisan, 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.

Even before the interethnic conflict in Osh and the unrest in Jalalabad in June 2010, the mobile telephony networks launched the Kush Kabar voice news service in Russian and Kyrgyz.

In the capital, an enormous range of media is available. The price range is also very wide: newspapers cost an average of KGS 7 to KGS 10 (\$0.15 to \$0.21), although some even cost KGS 40 (\$0.85). There are glossy magazines from KGS 35 to KGS 700 (\$0.75 to \$15). Many imported print titles are available as well, mainly Russian and Kazakh. Of course, in regional centers, the choice is much less diverse, and in remote rural areas, access to any media is very limited. "All news accumulates in Bishkek, and in practice does not get as far as the regions. The further away the district, the less presence the press will have in it," Laisheva commented. In particular, in villages only employees of local government receive—by compulsory subscription—a range of government publications, such as *Erkin Too* and *Kyrgyz Tuusu*. Furthermore, most villages do not have Internet access, while the principal domestic news sources available are PRTC and ELTR,⁵ the foreign Radio Free Europe/Radio Liberty Kyrgyz Office (Azattyk), and Russian television channels ORT and RTR. In the south, Uzbek and Tajik state and private channels are also available. Frequently, local people know much more about the local news than the media members themselves.

Shestakov observed that print media publications belonging to political parties, which are focused right now on their goals and media objectives, are likely to grow in the presidential election year of 2011. He surmised that this may have a positive effect on regional print media development.

The demand for radio in regional markets changed significantly once authorities granted Evropa media group its license to broadcast nationwide in 2010 and it entered the regional markets. For example, according to local polls in the south, listeners ranked the media leaders as follows: (1) Kyrgyzdar Obondoru; (2) Evropa; and (3) Russian radio and EIFM. Local radio station Almaz-Yug (Diamond South) brought up the rear. Among listeners who prefer talk radio, the undisputed leader was Azattyk, with a fraction listening to Kyrgyz Radiosu (PRTC radio Channel One).

Regarding new media outlets, demand and growth have been on the increase. Even before the interethnic conflict in Osh and the unrest in Jalalabad in June 2010, the mobile

telephony networks launched the Kush Kabar voice news service in Russian and Kyrgyz. The networks had already been developing swiftly over the past few years. The Uzbek-speaking population has repeatedly stated the urgent need for Uzbek-language local information. Currently, programs are being developed to support news programs in those areas through voice messages in three languages: Kyrgyz, Russian, and Uzbek.

The importance of social networks is growing as well. About 1040 Kyrgyz citizens have Twitter accounts; 36,000 (mostly English-speaking) have Facebook accounts; about 340,000 use *Moi mir*, mostly via mobile; *odnoclassniki.ru* has 200,000 users; and *v kontakte* has 170,000 to 200,000 users. According to Bektur Iskender, Facebook and Twitter are probably used most commonly to obtain news, as users of both sites tend to be very educated.

Kyrgyz law places no limits on access to information from any source, whether domestic, regional, or international. However, citizens face plenty of challenges. Factors that affect access include Kyrgyzpochtasy's monopoly on mail delivery, slow service, and favoritism of select owners. For example, thanks to his closeness to the ex-presidential family, Kylychbek Sultanov, the owner and editor of the newspaper *Super-Info*, succeeded initially in creating a favorable distribution agreement that spared it any competition. As a result, *Super-Info* achieved record circulation, with sales of 110,000 copies. However, after the April Revolution and the abolition of *Super-Info's* non-competitive mode of distribution, sales fell sharply to 89,000 copies. In the regions, Kyrgyzbasmasoz JSC has a distribution monopoly, which not only inflates the price of the products sold but also means that months pass before the money is channeled back to the press outlet. However, immediately after the revolution began, kiosks of alternative distribution companies started to reappear. Many publications in the capital and regions set up their own distribution channels.

Low purchasing power is another significant obstacle to citizens' access to diverse information. During the economic crisis, demand fell for printed products, especially imported products. Consequently, even high-quality foreign magazines and newspapers, such as *National Geographic*, that used to be imported have virtually no customers now. Even newspapers published in Kyrgyzstan are simply unaffordable for many people. At the local level, other impediments include a lack of foreign language skills among the population and unfamiliarity with the Internet.

Before the April Revolution, political life was lived under the dictates of family and clan rule, and only a handful of opposition media managed to convey alternative information. After the revolution, the spectrum of political views expanded

⁵ The abbreviation ELTR comes from the Kyrgyz word *el* (people, folk) + T(TV) + R (radio).

radically—first because censorship had been abolished, and second because political parties began reactivating before the parliamentary elections. After the revolution, the media sector did not undergo any realignment or redistribution, because the executive branch only managed to stabilize itself, and the parliament is still organizing. Following the announcement of the nationalization of leading television channels (Channel 5 and Pyramid), no further action has been taken and the fate of those companies is unknown. At the same time, NRTC owners reorganized the outlet into the PRTC quickly and decisively.

Regardless of the form of ownership, language, or region from which individual outlets come, it is difficult or even impossible for the media in Kyrgyzstan to call themselves unbiased and serving the public interest. The events surrounding the revolution, and the inter-ethnic conflict, provided vivid examples of the partiality and bias of the media of all kinds.

Kyrgyzstan has several news agencies: the state news agency, Kabar; private news agencies AKIpress, 24.kg, and Zamandash; and agencies such as Tazar and Vesti.kg that provide digests. The country has a number of foreign news agencies as well, one of which, KirTAG, opened in 2010 and is a Kazakh expansion into the Kyrgyz news market. AKIpress and 24.kg still dominate in distribution and news, and as before, their news columns continue to be in demand by practically all the media. Borrowing news without an attribution or a link is common across all media—except in cases where such action poses a risk of being taken to court, as when a story states something compromising about or by senior officials. In those cases, the media are very scrupulous about naming the source.

News agency services are free, except for archived material. To maximize prospects of commercial success, AKIpress and 24.kg emphasize producing original information, preferring to obtain and disseminate information in real time and without borrowing from foreign sources. In 2010, 24.kg encountered a lack of confidence among some media outlets because of its ties to one of Kyrgyzstan's leading politicians, Felix Kulov.

With grant support dwindling for radio news services, the number of radio stations that systematically produce news fell significantly. Currently, the news is aired on those radio stations that never depended solely on grants. But the news is a priority product only for public radio Channel One, where the major news service *Kabarlar* is centered; for the new radio station EhIFM; and for the local radio station Salam, which produces at least three editions of local news a day. Most stations assemble their news segments from news agency feeds, and do not have any correspondents on staff. For the

The importance of social networks is growing as well. About 1040 Kyrgyz citizens have Twitter accounts; 36,000 (mostly English-speaking) have Facebook accounts; about 340,000 use Moi mir, mostly via mobile; odnoclassniki.ru has 200,000 users; and v kontakte has 170,000 to 200,000 users.

past three or four months, the revamped editorial office of OshTV has been producing the news in a new format that covers the whole country and includes its own news about events in Bishkek, following the news about Osh. Although it is complex technically to produce the news in that way, by succeeding in doing so, OshTV has underscored its status as the number two station in the Republic.

In terms of media ownership, the largest bundle of media companies—four television channels and a network of regional state newspapers—is in state hands. Consumers do not know what belongs to whom, though occasionally the Kyrgyz-language media publish rumors about the media holdings of politicians.

Predicting trends even for the immediate future in the development of media conglomerates is a very difficult matter. According to some panelists, the parliamentary majority party has the best prospects of expanding the influence of their media because, as in other Commonwealth of Independent States countries, they have no obvious rivals in the form of rich business organizations. The second group of panelists expressed the belief that even though political parties are currently the only possible players in the media privatization process, essentially, foreign companies and interest groups could hide behind them.

A third group of panelists disagreed with that prediction, too: Kulinsky expressed the view that parties are now bankrupt after the election race. There is no money available in the market, and what had been brought in from outside had been squandered. Panelists said that they knew for sure only that the NBT television company is 100 percent Kazakh-owned.

Assessing the situation with minority-language media, the panelists were unanimously pessimistic. The traditional sources of “controlled news,” even if they continue to say the same information out of inertia, clearly display political and ideological bankruptcy, the panelists said. The cultural centers of the national Assembly of the People of Kyrgyzstan

The panelists pointed to another trend of note: the expanding range of news streams in Chinese. They include SSTV 4 and the special program Zhungogo Nazar, which is broadcast with translation into Kyrgyz by television channels EITR and NRTC and is under contract to TV SUAR (Xinjiang Uygur Autonomous Region Television).

publish their own newspapers or periodical bulletins; NRTC airs a program entitled *Wheel of Life*, dedicated to ethnic minorities; state newspapers in the southern regions are published in Uzbek and include *Ush Sadosi* ("Osh Echo") and *Zhalolobod Tongi* ("Jalalabad Tongi"); and there is a group of Uzbek-language private media, both broadcast and print. But the tawdry, lifeless editions and programs from those media outlets are not relevant to the lives of ethnic minorities and are not in these people's interest. Furthermore, as a hangover of old Soviet tradition, many minorities look down on news in their own minority language. At OshTV and Mehson TV, any attempt to get rid of that approach and reflect the interests of a culturally rich ethnic group was viewed as a near-criminal act.

A striking example of discriminatory treatment based on the language of the medium involved the conviction of Uzbek-language television companies OshTV and Mehson TV. Even before they began broadcasting current events in the "no comment" mode, NRTC and ITR had put out a similar thread. However, the fact that OshTV and Mehson TV featured the Uzbek leader and Uzbek protest groups was the deciding factor for the public condemnation of those media and their journalists, as well as for the prosecutor and the courts to close them down.

The panelists pointed to another trend of note: the expanding range of news streams in Chinese. They include SSTV 4 and the special program *Zhungogo Nazar*, which is broadcast with translation into Kyrgyz by television channels EITR and NRTC and is under contract to TV SUAR (Xinjiang Uygur Autonomous Region Television). Turkish-speaking television airtime is also increasing; Turkish television draws on financial resources as well as the production resources of the professional technical staff based at Kyrgyz-Turkish Manas University. There is also some evidence that migrants from South Korea are still producing their print edition. In recent months, several international organizations working in the

country began to actively develop projects of institutional support to Uzbek-language media.

None of the government agencies exercise any particular control over ethnic media. They arouse the interest of the authorities only when they stick their noses into the arena of national politics.

Ethnic minorities are not the only groups whose interests are ignored or restricted. The media neglect women, sexual minorities, members of certain occupational groups, people with disabilities, and others as well.

News programs in the capital usually focus on Bishkek itself and its immediate surroundings, although they include international news feeds actively. The choice of foreign news is interesting. Over the past year, it was particularly evident that the media emphasized news about disasters abroad: floods and other calamities, people's deviant behavior, and coups and revolutions. Perhaps they did so to persuade citizens that no matter how bad things are in Kyrgyzstan, they are even worse everywhere else in the world.

By contrast, coverage of the regions suffers, except in times of crisis. Outside of Osh and Chui television, the regional state television stations produce a very limited amount of media content, filling an hour or two of broadcasting over the NRTC frequency once a week. However, they submit several items a week for NRTC to broadcast in the news or in its special program on life in the regions. The weeklies, which lack correspondents in the regions, are even less focused on regional events. Members of the blogosphere prefer not to cover regional issues, because such stories tend to fuel discussion-board debates marked by discriminatory language.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.27

The events that shook Kyrgyzstan, along with the ongoing downturn in the world economy, kept the score for this objective in the "unsustainable, mixed system" range and pushed it lower. All the indicators, save indicator 2 (multiple sources of revenue) received lower scores this year. No indicator exceeded the objective score by more than half a point, although none scored more than half a point behind, either.

Business management is a shortcoming for many Kyrgyz media outlets. According to the panelists, nobody in Kyrgyzstan is trained to manage media businesses; traditionally, journalists with an interest in philology occupy such posts. "Management is the weakest point of

the media business in Kyrgyzstan,” Shestakov commented. “In most media outlets, there is no systematic approach to management. As a rule, media companies do not even make business plans for the current period, let alone plan ahead to the next year. Similarly, the media do not plan their advertising income. The editorial offices are basically managed by the journalists.” Kutimov also noted that it is difficult for media companies to show honest accounting, because many suppliers and partners work illegally and do not provide their media clients with proper accounting documents.

Before the April Revolution, there was a clear split among the national media—those favored by the political elite, which received preferential treatment; and the rest, which were not only subjected to political pressure, but were struggling financially. Most private media editors, with the exception of those affiliated with opposition political forces, wanted to get into the good graces of one or another of the biased elites.

Because of the collapse of the advertising market in 2010, the volume of profits in the media—especially radio and television—decreased substantially. Under pressure from more powerful national rivals, as well as a vanishing stream of donor support from international organizations, regional radio studios could barely pay their production costs and struggled to survive. In the run-up to the parliamentary elections, many electronic media were practically on the verge of bankruptcy and living hand to mouth. Nevertheless, in commercial terms, many radio and television stations in the capital and Osh remained profitable. The most commercially profitable of all radio companies was Kyrgyzstan Obondoru, a part of Evropa media group.

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.

Before the April Revolution, there was a clear split among the national media—those favored by the political elite, which received preferential treatment; and the rest, which were not only subjected to political pressure, but were struggling financially.

On the print media side, scarcely 15 to 20 percent could be considered business-oriented enterprises. Most publications combine the positions of editor-in-chief and manager, and for that person, there is no distinction between content and fundraising. There are no sales, customer relations, or similar departments in those media outlets.

In the regions, private commercial newspapers can develop easily, and state media have difficulty competing with the private sector. Ivan Kutimov noted that his company, Vest, has found success in the Kara-Balta region. “We, of course, have no big circulation volumes like some of the nationwide titles do, but we do have rather a successful media business. We have a monopoly in our territory; the state newspaper, with its forced subscriptions, does not come into the picture. As we have correctly identified our readership and have a profile that is in accordance with market demand, we have been operating for over a decade.” New competitors invariably make commercial blunders and fail, however.

Most panelists agreed that advertising constitutes the main and irreplaceable source of income for all types of media, but said that assessing the strengths and weaknesses of the Kyrgyzstan advertising market is difficult, as it has never been transparent. Newspapers together hold only 10 percent of the media advertising market, and survive mostly on sales. Newspapers, as a rule, do not rely on subscriptions; if a large part of the circulation were to go out to subscribers, publishers would have a difficult time extracting timely payment from the Kyrgyz postal distribution system.

Turat Akimov, editor-in-chief of *Dyengi i Vlast* (“*Money and Power*”), spoke of the profits eaten up by print production. “The ideal distribution for media outlets is that production costs are covered by sales, while advertising generates pure income on top. But for us, production is often not covered by sales of the production run. For example, producing a copy of *Avtogid* costs KGS 100 (\$2.13); until recently it retailed at KGS 25 (\$0.53), and a couple of months ago it went up to KGS 40 retail (\$0.85). Even with the increase in retail cost, losses are not covered, and the share of advertising has to both cover costs and generate revenue. But at most

Before the April Revolution, the advertising agency Lenta (affiliated with Bakiyev's family media business) held more 90 percent of the advertising market in the media, while NRTC held its ongoing de facto monopoly on advertising orders.

newspapers, even entertainment newspapers, the advertising share is small," he said.

Publications with large circulations and their own distribution systems report decent results. Most news agencies pull in 40 percent of their revenue from subscriptions and 60 percent from advertising. During the election campaign, the ratio changed to 1 percent and 99 percent. Based on backroom estimates for television stations, the election campaign brought in between \$150 million and \$300 million in advertising revenue for the media. The head of NRTC stated revenue of \$60 million. The only campaign advertisement fee made public was NRTC's price for the first three weeks: one minute of airtime cost KGS 110,000 (\$2,300). The last week of the campaign was particularly successful for the television media, as airtime was gobbled up. After the election, calm set in again in the advertising market.

In Kyrgyzstan, political preferences disallow advertising agencies from developing freely as business enterprises, and create unequal access to advertising revenue. Before the April Revolution, the advertising agency Lenta (affiliated with Bakiyev's family media business) held more 90 percent of the advertising market in the media, while NRTC held its ongoing de facto monopoly on advertising orders. In the panelists' estimation, the 2010 parliamentary election campaigns resulted in advertising spending of \$120 million to \$130 million. NRTC announced a profit from the advertising campaign of more than \$60 million.

After the April Revolution, one of Babyrbek Zheyenbekov's media outlets attempted to break the print media advertising monopoly, which has been held for many years by the newspaper *Vecherniy Bishkek* (*Evening Bishkek*). Zheyenbekov brought a suit alleging the systematic violation of the newspaper anti-trust law, which stipulates that no more than 20 percent of space in social and political publications may be devoted to advertising. In response, *Vecherniy Bishkek* re-registered itself quickly and was given the status of a news and advertising publication.

Lenta's tendency towards monopolization in 2009 and early 2010 came to an end after the April Revolution, as small

advertising agencies began to gather strength. The largest agencies specializing in print media are Imperiya Reklamy ("Advertising Empire") and Deko. Many media, especially electronic outlets, have their own advertising agencies. Fundamentally, such agencies consist of non-professional agents who learned on the job the rudiments of mediation between advertisers and the media. Alongside selling airtime and newspaper and magazine space, some advertising agencies offer services such as developing promotional campaigns, designing promotional materials, and creating advertisements. But most media advertising agencies are not particularly successful with their creative services—or even in terms of sales. Nevertheless, owners allow such organizations to survive.

For many media houses, creating an advertising agency under its media outlet is no more than a ploy to circumvent tax law. Once a media outlet crosses an income threshold of KGS 4 million (\$85,000) a year, it starts to pay VAT. To avoid exceeding the threshold, some media editors and owners organize the overflow funds into an advertising agency.

The range of advertising services is not broad, and neither advertisers nor media outlets know how to get the most out of the potential advertising field. The situation with the Kumtor Operating Company gold mining group is a case in point. The group constantly placed promotional and advertising material in the national media, but ignored the local media. Only after a series of serious strikes by local people—workers from local communities—did they begin to realize the importance of local advertising, and changed their strategies for working with the public.

Although the law limits the amount of space that can be devoted to advertising, no relevant standards have been set. In addition, regulations contain loopholes that circumvent the limits. In the flow of advertising in *Vecherniy Bishkek*, for example, there might be several columns of lowercase individual announcements. By law, those do not count as advertising, although they earned substantial profits for the paper.

For a long time, the state media survived with subsidies either decreasing (as with NRTC, the newspaper *Erkin Too*, and all the regional media), or drying up completely (the newspapers *Kyrgyz Tuusu* and *Slovo Kyrgyzstana* ["*Word of Kyrgyzstan*"]). However, even in the context of an economic crisis, the government found other ways to support "its" media. *Kyrgyz Tuusu* and *Slovo Kyrgyzstana* shared exclusive rights to publish official notices of company losses, bankruptcies, dissolutions, shareholder meetings, etc. Also, the state provided free premises for editorial offices, and the state media continued to exploit the material resources left over from the Soviet era—automobiles, office equipment, and technical equipment. The government increased subsidies

(at least in the case of PRTC) after the revolution, and the monopoly of *Kyrgyz Tuusu* and *Slovo Kyrgyzstana* persists.

Even though they were politicized, newspapers still find it very difficult to gain access to advertising. Akimov gave several examples of businesses that canceled signed contracts for advertising. Although he had no reliable data on the reasons for the cancellation, he did not rule out “recommendations” from the authorities to invest in the media that they favor.

With little market research available, regional consumption details remain a complete mystery to editors. Even the systematic research carried out by MedGrupp, which had begun to be viewed as a fixture of the media market, disappeared suddenly. There is no longer even one competent, reputable market research company, and the latest publicly available research on the advertising market was carried out more than five years ago. The researchers who offered their services were basically unknown, and their prices did not match the quality of research that they delivered. New Media Institute and Oxus International have begun to conduct market research recently—but whether the two groups will be accepted or have staying power remains to be seen.

Given the lack of reliable market research, most editors use homegrown methods: independent surveys of wholesalers and tracking where the bulk of their copies end up. Sometimes, the data from wholesalers does provide insights. Shestakov, speaking as a former editor of a Russian newspaper, explained that conventional wisdom is that the Russian-speaking Chui and Issyk-Kul regions would be the main distribution area for a Russian-language publication. It came as a great surprise to learn from the wholesalers that small mining towns in the Osh region provided the second-largest customer base. Subsequent surveys revealed that the overwhelming majority of the population in these towns focused on the strategy of labor migration to Russia, and thus followed the political and economic aspects in their intended destination. Akimov noted that a similar survey helped his newspaper, *Dengi i Vlast*, discover an active readership in the south.

In the Chui region, the editorial staff of the newspaper *Vest* continued attempts to research their readership needs even during 2010. Remembering that past marketing research had not been carried out satisfactorily for them, they independently organized meetings of readers and focus groups. Unfortunately, their efforts failed to yield any practical results, leaving the outlet with little confidence in its ability to optimize activities or increase profits with market research.

No independent companies verify newspaper circulation figures; as a rule, they are exaggerated. Shestakov said

no one has confidence in newspaper circulation statistics. However, companies do purchase ratings for the electronic media, and international companies offer a significant range of possibilities to measure Internet users. Kyrgyz news agencies, in particular AKIpress, combine the services of several authoritative foreign counters: Google Analytics, mail.ru, and life.internet. The market for domestic Internet counters is small; previously, top.kg performed this work, but now net.kg provides services. Being able to work both with foreign and local companies is very important for Internet media. Yet, for the time being, local companies cannot provide the same depth of analysis or real-time results as Google Analytics. Additionally, Google results are objective and cannot be falsified.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 1.61

The drop in score for this objective resulted from the panelists giving lower evaluations to several indicators. Notably, indicators 1 (trade associations), 4 (academic journalism programs), 5 (short-term training), and 7 (channels of media distribution) all fell compared with last year. Panelists also rated the new indicator 8 (the ICT infrastructure) a good deal lower than last year’s objective score, which contributed to this year’s lower score. In addition to losing ground, indicator 4 also lagged behind the objective score by more than half a point. On a positive note, indicator 3 (NGO support of the media) and indicator 6 (apolitical sources of printing 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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

media equipment) maintained their scores, and came in a bit more than half a point ahead of the objective score.

Associations proved to have a difficult year in 2010. Because of the revolution, continued political instability, and inter-ethnic clashes, the Association of Publishers and Distributors of the Periodical Press was unable to gather the supervisory council for an annual meeting, membership fees in 2010 were not paid, and the association suspended operations for six months starting in April. The Association of Regional Radio and Television Broadcasters operated not on the basis of membership dues, but with the support of donors. Fighting for its members' rights and lobbying for their interests was not its motto; over the past year, its work focused on developing policy papers for digital broadcasting. The only active association was the Association of Telecom Operators, where broadcasters looked out of place.

The high rate of turnover in the journalism community and the ever-growing practice of journalists working as freelancers stands in the way of cooperation and unity between journalists. "In general, there is no culture of solidarity in the professional field," Kulinsky said. Akimov experienced this lack of support firsthand. "When my journalist Syrgak Abdyldaev was stabbed to death in 2009, I knocked on every door, and if I had not, there would have been no response," he said. "And it was then I realized that I had no one to turn to, although everyone was sympathetic." Divided into camps affiliated with various interest groups, and faced with a new realignment of the media market, journalists did not even attempt to consolidate into a union or associations in 2010.

The public association Zhurnalisty ("Journalists") recognizes the importance of providing journalists in trouble with some support during a period of crisis. In 2010, the association set up a fund to support affected journalists with financial support from the Soros Foundation-Kyrgyzstan, the United States Embassy in Kyrgyzstan, and various other parties. The association gave financial support to a total of 15 journalists when they applied for the fund. Journalists saw the fund as a first step towards uniting journalists into a capable trade union.

In a number of regions, media support centers still operate, trying their utmost to provide support for journalists and their publications through training, consultations with lawyers, and other types of legal support. Osh Resource Center, in cooperation with Internews, organized a summer course at Issyk-Kul on the psychological rehabilitation of journalists from the southern region. For the most part, though, the journalism community has an attitude towards NGOs of still waiting for them to be of some use. According to the panelists, the value of the media NGOs declined sharply against the backdrop of the events surrounding

the crisis. As a result, media NGOs were not included in the day-to-day work of constitutional reform, nor did they have a voice in the Civil Society Advisory Group working in conjunction with state representatives and the donor community on policy for foreign aid to Kyrgyzstan. Without the support and initiative of human rights NGOs, the panelists said, the country would have seen no movement on the constitutional amendments to decriminalize libel and slander.

The panelists pointed also to the significant weakening in the media NGOs' institutional capacity. For many years, they have received no support from the government or from donor organizations—which, panelists perceived, are interested only in project work falling in with their missions. Maychiyev highlighted another problem stemming from donor assistance: "The grants system has given rise to a specific mindset among media NGOs that focuses only on getting new grants. Media NGOs today have to change their strategy and outlook. They must develop a package of services that they will implement for their members. Those services must be specifically designed to show members what benefits they get in return for membership dues."

Currently, Kyrgyzstan has 13 institutes of higher education that provide journalists and technical media personnel with professional training. But in the view of the panelists, the only institution that trains journalists and radio and television people to the requisite level of quality is the Manas Kyrgyz-Turkish University. Alumni of Manas University are very well prepared in radio and television journalism as well as documentation science, and they are able to work in three languages (Kyrgyz, Turkish, and Russian).

In terms of curriculum and the quality of instruction, almost all the other higher education institutions fail to meet the needs of contemporary media, or to provide even a solid general education. With the exception of Manas, practical work for journalism students at all those institutes is very limited. Journalism departments do not have laboratory facilities available year-round to provide a practical foundation, nor can they establish mutually beneficial partnerships with editorial offices, given the tight market conditions.

On the importance of modernizing journalism education, Iskander Bektur commented, "Institutes of higher education in Kyrgyzstan often provide outdated knowledge. Possibly out of a reluctance to change, they do not seek to modernize their educational systems. My suggestion is to let the television departments switch over completely to the Internet. If only journalism departments knew what opportunities the Internet offers in education! The Internet of today unites all the traditional media. Where they used to work and evolve in isolation from each other, individually, on the Internet, they evolve together, in interaction with each other."

In 2010, the Soros Foundation-Kyrgyzstan Media Support Program invited the journalism faculties of state universities to participate in its effort to promote new educational programs based on the curricula for undergraduate and graduate degrees developed by UNESCO for university-level journalism departments.

The Institute of War and Peace Reporting, the Bishkek Press Club, and the radio station Deutsche Welle, together with local media organizations and others, offered short-term training courses in 2010. Various media organizations, such as PRTC, and individual television talk show hosts offer unlicensed television apprenticeship courses. On several occasions, the Kloop blog platform has provided training for novice bloggers.

In the past year, the authorities did not use printing facilities to exert pressure on “objectionable” media, and no one held a monopoly on the supply of newsprint or other inputs for printing. The country still has two major printing plants, Uchkun and the Media Support Center free printing house, with sufficient production capacity to print large newspaper runs. In 2010, the *Vecherniy Bishkek* publishing house opened a print shop with color printing capability. About a dozen private printing houses operate in Bishkek, where competition among print services is growing, as well as a few in Osh and at least one in each region. However, production of regional independent publications has collapsed essentially. Many regional media outlets used to go to print on independent presses in Bishkek, but now, southern publications such as *Oshpark* and *Itogi* have been forced to accept a lower-quality format in order to reduce printing and transport costs. Given the insignificant number of press titles in the regions, printing companies do not consider it cost efficient to open independent presses outside Bishkek.

In contrast, delivery and distribution channels for the periodical press remain under monopoly for the most part and are not conducive to effective development of the newspaper business. In fact, 2010 could have become the year when alternative press distribution systems were eliminated, had it not been for the April Revolution.

Kyrgyzstan has no effective, transparent, or market-oriented system for managing radio and television frequencies, but de facto Kyrgyztelecom does receive significant preferential treatment over other active participants in the country's media space and over other telecom operators. Cable television is not very developed; it exists only in Bishkek and Osh. In practice, every television company has its own transmitters, and there is a monopoly only on transmitting the signal from the capital to the regions (held by Republican Productive Association of Radio Trunk Relays for Television and Radio Broadcasting [RPO RMTR], a subdivision of Kyrgyztelecom). However, the monopoly is beginning to break; EITR has switched to satellite broadcasting nationally.

Internet information is vulnerable from a technical standpoint, as only one company offers satellite communication services. The remaining Internet service providers depend to some degree on Kyrgyztelecom, which serves the interests of the ruling elite, and on Russian and Kazakhstani Internet traffic. Each level of dependence imposes restrictions on access to online information. Thus, right up until November 2010 (the OSCE summit in Astana), the Kazakhstan Internet stream blocked *Zhivoy* (“*Lively*”) magazine and some sites in Russia.

Internet options include WiFi, fiber optic (satellite), and cable. According to Internet World Stats data, Kyrgyzstan ranked first in Central Asia in terms of its Internet penetration, at 15.6 percent. However, the Internet network outside the capital does not meet the needs of the entire population. People in the villages have started to actively explore the Internet using cell phones. Mobile operators are rolling out 3G into the market, and 4G technology is in the offing. The Kabar news agency was the first of the traditional channels in Kyrgyzstan to begin developing multimedia technologies, offering consumers various types of information such as text, audio, photos, and even video to some extent on a rapid-response basis.

List of Panel Participants

Alexandr Kulinsky, media expert, Bishkek

Adel Laisheva, program director, Internews-Kyrgyzstan, Bishkek

Alina Saginbayeva, director, Central Asian News Service and AKIPress News Agency, Bishkek

Turat Akimov, editor-in-chief, *Dyengi i Vlast*, Bishkek

Maksuda Aytieva, executive director, ORTs Media O.O., Osh

Shamaral Maychiyev, chairman, Commission for the Consideration of Complaints about the Media, Bishkek

Igor Shestakov, editor-in-chief, KirTAG News Agency; media consultant, Soros Foundation-Kyrgyzstan, Bishkek

Iskender Bektur, chairman, Kloop Media Social Fund, Bishkek

Ivan Kutimov, founder, Vvest LLC, Kara-Balta

Moderator and Author

Gulnara Ibraeva, chair, Agency of Social Technologies, Bishkek, Kyrgyzstan

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Despite the harsh censorship stemming from the incidents in Rasht, there have been some positive signs: NGOs and media associations are uniting in their response and their efforts, and Tajikistan's Internet community became more cohesive, sharing information on how to access blocked servers.



TAJIKISTAN

On September 19, 2010, in Tajikistan's eastern Rasht region, a group of hard-line Islamic opposition militants opened fire on a military convoy. A total of 26 soldiers and officers were killed in the attack, and 14 were seriously injured. The government's growing concerns over Islamic terrorism came to a head in 2010 as a result of this incident and other disturbances, including a suicide bombing in Khujand, Tajikistan's first terrorist attack; and the escape of 25 highly dangerous criminals from a Dushanbe prison—among them mercenaries, drug traffickers, and members of the terrorist Islamic Movement of Turkestan. In response, on September 22, the government began a large-scale operation to eliminate insurgents in the region, and used the opportunity to step up censorship of some "inconvenient" independent media as well.

Since then, all communication with the region has been locked down, practically cutting off journalists from sources of information. On September 29, the authorities ordered the blocking of two local websites (avesta.tj and tojnews.tj) and three foreign websites (tjknews.com, ferghana.ru, and centrasia.ru). A few days later, the State Tax Committee, followed by government television cameras, conducted audits of all the country's private printing houses. Soon after, the houses refused to print the four independent newspapers *Farazh*, *Nigoh*, *Ozodagon*, and *Paikon*. Top brass in the Ministry of Defense appeared in television spots, accusing the private press of provocation and aiding terrorists and extremists by publishing accurate information about events in Rasht.

Despite the harsh censorship stemming from the incidents in Rasht, there have been some positive signs: NGOs and media associations are uniting in their response and their efforts, and Tajikistan's Internet community became more cohesive, sharing information on how to access blocked servers. Independent media plurality has grown, and online media are beginning to overtake traditional sources of information.

Other notable events in 2010 included the February 28 elections of the Majlisi Nomoyandagon, the lower house of Parliament. The Organization for Security and Cooperation in Europe (OSCE), which has never deemed an election in Tajikistan to be free and fair, said again that the 2010 elections failed to meet democratic standards. In addition, the media took note of signs of warming relations with Russia. For example, output from a Russian-built hydroelectric power station stepped up to full design capacity in 2010. This development is significant politically and economically, given the various tensions among members of the Commonwealth of Independent States and the rolling power cuts that affect Tajikistan in winter and shut down radio broadcasting, television broadcasting, and Internet access. Finally, after a three-year hiatus, the Committee on Television and Radio Broadcasting allowed the Russian television channel RTR-Planeta to air in Tajikistan.

TAJIKISTAN AT A GLANCE

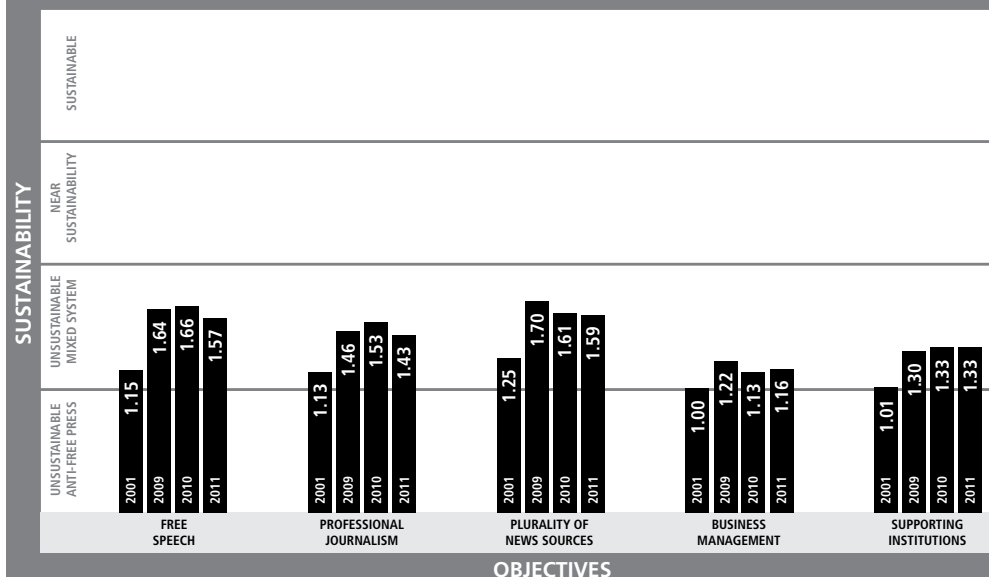
GENERAL

- > **Population:** 7,627,200 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Dushanbe
- > **Ethnic groups (% of population):** Tajik 79.9%, Uzbek 15.3%, Russian 1.1%, Kyrgyz 1.1%, other 2.6% (2000 census, *CIA World Factbook*)
- > **Religions (% of population):** Sunni Muslim 85%, Shia Muslim 5%, other 10% (2003 est., *CIA World Factbook*)
- > **Languages:** Tajik (official), Russian widely used in government and business
- > **GNI (2009-Atlas):** \$4.841 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$1,950 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.5% (male 99.7%, female 99.2%) (Millennium Development Goals Report, 2009)
- > **President or top authority:** President Emomali Rahmonov (since November 6, 2006)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 210 active newspapers, **25 television stations, and 16 radio stations**
- > **Newspaper circulation statistics:** The top three newspapers by circulation are *Oila*, *Asia Plus*, and *Charkhi Gardun*
- > **Broadcast ratings:** The top radio stations are Radio Imrüz, Radio Vatan, Asia Plus, and Orieno (Russian-language)
- > **News agencies:** Asia Plus, Avesta, Tojnews, Pressa.tj (private); Khovar (state-owned)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 700,000 (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.57

Objective 1 remained nearly the same as last year, with a slight decrease coming mostly from a lower score for indicator 3 (market entry and taxation). All the indicators scored close to the objective score, with the exception of indicator 8 (unrestricted use of foreign and domestic sources of news), which exceeded the objective score by about three-quarters of a point.

Ten laws in all govern the Tajik information sector. They include the Tajikistan constitution, the Law on the Press and Other Media, the Law on Television and Radio Broadcasting, the Law on Information, the Statute on Licensing of Broadcasting, and other chapters of the civil and penal codes. The constitution provides for freedom of the press and prohibits censorship, and special laws on the media and television guarantee the freedom of speech and access to information. However, on a practical level, they do not guarantee freedom of speech. Also, although the criminal code governs prosecutions for libel or slander, a supplement to the articles of the Penal Code addresses the defamation of public officials, and in 2007, the president signed into law a decree on criminal defamation over the Internet.

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Zinatullo Ismoilov, speaking as director of SMT independent television in Dushanbe, said that the procedure for obtaining a license is very involved and drawn out, especially if the authorities do not want to grant a particular license—for example, they might quibble over an extra comma.

The Law on the Press and Other Mass Media was adopted back in the Soviet era (December 14, 1990). Despite numerous amendments and additions made over the past 20 years, clearly it is out of date. Therefore, members of both the lower and upper houses of the Majlisi initiated a new draft media law—which many independent media experts and representatives of civil society do not find in keeping with the spirit of the times. Media advocates expressed concern that the bill does not meet democratic standards of human rights or freedom of speech, does not aim to increase the autonomy or independence of journalists' creative potential, and does not create a legal framework for the free expression of citizens' views, beliefs, or opinions. The journalism community also expressed dissatisfaction that legislators designed the changes without taking into account contemporary realities in the media. The bill, which could be adopted in March 2011, is being considered by a parliamentary committee media working group that includes representatives of civil society.

The 1990 penal code allows for punishment for anyone impeding journalists in their legal and professional activities, as well as for officials that refuse to provide information to citizens. Although not one prosecution has ever arisen from either of those articles, the de jure possibility exists of defending journalists' rights. All of the panelists reported that officials do a poor job of enforcing laws and their implementation regulations. They attribute the problem to low legal awareness among journalists, the culture of impunity for state officials that do not uphold the laws, and the failure of journalists to hold officials accountable for their obligations under the press law on the right to information.

Junayd Ibodov, a jurist and media expert, agreed that there is a dichotomy between the law and its regulatory aspect on the one side and its practical implementation on the other. He noted that Tajik laws allow officials to close newspapers and block websites in the interest of national security in emergency situations, but he questioned the application of the law in some situations. He gave the example of when authorities cut off the Rasht region from all forms of communication, blocked websites, and stopped publication

Pirnazarov said that personal contacts are necessary to get any information at all, and almost always, the sources speak only on the condition of anonymity.

of newspapers during the anti-terrorist operation. The correct procedures were not observed, he said; instead, the Deputy Minister of Communications sent out a forceful telegram to all Internet service providers (ISPs) demanding that the so-called undesirable sites be blocked. Western governments have protested to the Tajik Ministry of Foreign Affairs, and the independent media highlight such problems repeatedly.

Turko Dikayev, a correspondent for *Asia-Plus* in Kulob, said that such actions by the authorities violate human rights, and show in stark relief that Tajikistan has no civil society and that civil liberties are of secondary concern to the Tajikistan people. No one stands up for their rights, but they protest if their electricity or gas is cut off or their economic rights are threatened. Lola Khalikjanova, editor-in-chief of the Institute for War and Peace Reporting (IWPR) in Tajikistan, agreed, noting that not a single reader stood up in support of *Farazh*, one of the blocked papers, although the newspaper is a favorite among the people and always sold quite a large number of copies.

Dikayev, however, highlighted a positive: Tajikistan's Internet user community became more united as they combined expertise to get around the government's server blockades. Now, he said, almost all journalists and other users know about proxy servers and anonymizers. However, the authorities also restrict access to—or even close down—opposition websites that publish critical information about Tajikistan. Such sites have included *fergana.ru*, *centrasia.ru*, and *arianastorm.com*.

According to *Varorud's* Khujand director Negmatullo Mirsaidov, Yusuf Rahmonov, the military prosecutor in Sughd Province, told journalists at an October press conference of the Jamaat Ansarullah movement's involvement in the September terrorist attack on the building that houses the Regional Directorate for Combating Organized Crime in Khujand. Yet the Office of the Provincial Prosecutor in Sughd objected to the release of this information, and forced all the journalists who attended the press conference to sign statements that they had misunderstood what Rahmonov said. Law enforcement officials did not know how to organize a retraction, and overreached their authority in their response, Mirsaidov said.

Speaking as a jurist, Ibodov noted also that the Press Law describes how sources of confidential information should be protected: Article 29 states that journalists can only be required to disclose confidential sources by order of the court. However, Article 352 in the Penal Code contradicts the press law; it stipulates that witnesses called to testify must oblige or face heavy fines. Dikayev said that he sees an urgent need for a law on the protection of sources.

Panelists were unanimous that electronic media licensing does not adhere to the law. At least eight non-government broadcast outlets have applied for licenses, but in 2010, authorities permitted the registration of only one independent broadcaster: the Avis-Plus radio station in Istaravshan, in Sughd Province in the north of the country.

Ravshan Abdullayev, executive director of the Eurasia Foundation of Central Asia in Tajikistan, Dushanbe, said that the non-state electronic media (i.e., television and radio) depend heavily on the bodies that allocate broadcasting frequencies and licenses. That sort of leverage prevents potentially independent media from going on air, and fuels self-censorship among media editors in organizations that do broadcast.

Zinatullo Ismoilov, speaking as director of SMT independent television in Dushanbe, said that the procedure for obtaining a license is very involved and drawn out, especially if the authorities do not want to grant a particular license—for example, they might quibble over an extra comma. Not a single journalist sits on the State Licensing Commission; the members are mainly government officials. Khalikjanova said that the commission denies licenses as a way to eliminate competition for the government media, and all the panelists agreed that a public commission or other independent entity should deal with licensing issues.

The panelists shared some specific cases of licensing problems. Ismoilov's station has a broadcasting license, but another channel—the Russian ORT station relayed by the Russian military base—broadcasts on the same frequency, also with a license. Consequently, SMT lost its advertisers, and its viewers lost an alternative source of information. Rano Babjanova, director of the Department of Information Analysis in Sughd Province and a journalism professor at Khujand State University, noted the case of television station Guli Bodom in Kanibadam, Sughd Province. The station had to re-register in 2010 and was denied, Babjanova suspects, because the owner criticized the authorities. In her view, the licensing process is corrupt, but proving that the decisions are political is difficult.

The media market is possible to enter, like any other kind of business. Any interested citizen, even without an education in journalism, can start up a newspaper. Even though Tajikistan

has set up a “one-stop shop” system to register with the tax authorities, media businesses must then obtain the consent of the Ministry of Culture as well. In the current market, and especially in the past year, media businesses have had difficulty gaining financial independence, as the authorities have been focusing more intently on media businesses.

Media businesses receive no special tax incentives. Murod Sotiyev, director of Paem news agency in Qurghonteppa (Kurgan-Tyube), said that the media pay taxes not on their profits, but on their income—which is especially challenging for the generally unprofitable provincial media. The state media are better off, thanks to permanent budget funding and compulsory subscriptions.

Ibodov said that throughout society and in the journalism environment, there is a strong feeling of dread and fear for people’s safety. Although the panelists did not report any physical attacks on journalists in 2010, authorities detained or threatened a number of journalists. From the beginning of the year, practically all independent media were under some degree of government pressure for publishing critical stories. Journalists considered “undesirable” are not allowed into press conferences, authorities take away their cameras and dictation machines, and the government demands retractions. Increasingly, journalism-related organizations believe that the government is targeting journalists as a result of their professional activities and for protecting the interests of citizens, society, and state.

The National Association of Independent Media of Tajikistan’s August monitoring report marked a number of violations of journalists’ rights. As in 2009, the principal violations in 2010 include: unjustified restrictions on the provision of information of public importance, or refusal to provide such information at all; unjustified summonses from law enforcement bodies; ignoring the rights to a person’s inviolability, in the form of unwarranted searches and seizures; and public affronts to journalists for their professional activities.

The panelists noted that despite the law, journalists do not feel protected, and Tajik society does not respond to violations of their rights or persecution of journalists. Nargis Kasymova, an editor at Safina state television and producer at Vatan independent radio station in Dushanbe, said that society sides with the government, and people view clampdowns on journalists as fair responses to those who challenge the established order—as if “they got what they deserved.”

Mirsaidov gave an example of the lack of solidarity among journalists: the private, independent newspaper *SSSR* publicly insulted fellow journalists in Sughd, calling them “Uzbek

parasites” in one of its articles. Panelist Nazarali Pirnazarov, the editor of *Sobytiya*, noted that with its ethnic hate speech, *SSSR* also sows the seeds of interregional strife. Yet because *SSSR* has not signed the Tajikistan Journalists’ Code of Ethics, and does not recognize the activities of the Press Council that oversees ethics violations, journalists have no leverage over it.

All the panelists agreed that the state media operate under a system of preferential treatment. Official newsmakers invite state media to press conferences and provide other types of contact, and they are included in the presidential press pool. The government rarely invites opposition journalists to its functions, especially not those held in the regions.

The law prohibits media monopolization, but more than 90 percent of the electronic media are state media. Ibodov said that President Rahmonov’s political will is needed in order to prevent division of the media into “ours” and “theirs”—i.e., state and independent. Kurbon Alamshoyev, director of Pamir-Media independent news agency in Khorugh, expressed the view that the authorities deliberately stir up antagonism between government and independent media in order to break their unity and prevent them from defending their rights and interests. At a Qurghonteppa meeting of authorities, Saijon Sorbonkhoja, the deputy *mufti* of Tajikistan and chair of the Ulema Council of Khatlon Province, officially requested that the government stop the activities of all independent media, calling for elimination non-governmental publications or at least monitoring their activities. Sorbonkhoja blamed non-state media for people’s protests and hostility toward the government, and singled out *Farazh* and *Paikon* for their criticism of authorities.

Beginning in 2007, NGOs and media associations have raised the issue of abolishing laws on libel and slander. Despite open letters to the government and the Majlisi, the authorities continue to ignore these requests. In 2010, several lawsuits were pending against journalists. Court hearings continued for *Asia-Plus*, *Farazh*, and *Ozodagon* for publishing a statement by lawyer Solijon Jurayev that proved the corruption of two Supreme Court judges (Nur Nurov and Ulugbek Makhmadshoev) and a judge at Dushanbe City Court (Fakhridin Dodometov). The plaintiffs are suing the lawyer and the newspapers for damages of TJS 5 million (almost \$1.2 million).

In November of 2010, law enforcement agencies in Asht district, Sughd Province, detained Mahmadyusuf Ismoilov, correspondent for the independent weekly *Nuri Zindagi*, under suspicion of committing defamation, criminal insult, and extortion. Ismoilov was detained for an article published in the independent *Istiklol* about the alleged unlawful conduct of law enforcement officers and what Ismoilov called the lack of justice in Asht district. Employees of the regional

prosecutor's office in Sughd Province demanded that the editor of *Nuri Zindagi* hand over copies of all stories under Ismoilov's byline for the entire period that he wrote for the newspaper, beginning in 2008. To date, authorities have not named Ismoilov's complainant. The newspapers *Faraj*, *Ozodagon*, and *Facts and Comments* all came to his defense, while the National Association of Independent Mass-Media in Tajikistan (NANSMIT) issued a statement regarding his detention and provided him with a lawyer.

Access to important public information has deteriorated under the Law on the Right of Access to Information, adopted in 2008. State authorities are allowed up to 45 days to respond to information requests from citizens. In addition, the law includes a provision on reimbursing officials for "expenses" for providing information. The 2009 MSI reported the journalism community's deep concern over an official decree allowing ministries and departments to charge up to \$8 per page for providing information or interviews; but to date, there have been no cases in which journalists have been asked to pay the fee.

Ibodov said that under the law, officials can be held liable for failing to provide information, but in practice that has not happened—as the lawmakers "forgot" to write into law any mechanisms to implement the provision. Getting interviews and comments from government officials of any rank on important issues of the day is an uphill struggle. Each ministry keeps a list of information to be kept from the media, and bureaucratic procedures for relaying requests up the chain of command complicate journalists' efforts significantly.

The panelists cited many examples of problems accessing information on major events, such as the escape of 25 high-risk prisoners from State Committee for National Security prison in August, the September 19 firing on the military convoy in the Rasht region, and the start of the anti-terrorist operation there in September. The agencies carrying out the operation in Rasht shared information only after it lost relevancy. On the pretext of not allowing the militants to have any communication with the outside world, the authorities cut off all types of communication links from the region, including cell phones, and restricted journalists' access. Pirnazarov said that personal contacts are necessary to get any information at all, and almost always, the sources speak only on the condition of anonymity.

Farazh Deputy Editor Nurali Davlatov said that, similarly, journalists had also been unable to obtain information about the owner of the offshore company IRS, which controls the Dushanbe–Chanak toll highway connecting the center of the country with the north as far as the Uzbek border. All media requests were simply ignored, or the company released non-answers. Also, for many years, independent media had

been unable to obtain any data on the financial activities of the Tajik Aluminum Company, the country's largest exporter; all queries on the matter were simply ignored. In another example of the failure to share public information, no officials publish their income in the press, despite a verbal instruction from the president.

The panelists agreed that in any natural disaster or emergency situation, officials are afraid to give out any information without permission from the Presidential Palace. Pursuant to a personal instruction by the president, all ministries and agencies gave quarterly press conferences, sharing a limited amount of information. However, since 2005, the press has been closed out of some departments—such as the Ministry of Defense, the State Committee of National Security, and the Central Directorate of Border Control—on the grounds that departmental activities are state secrets. Only the state media receive information from the agencies, in irregular and small doses. In one case, after airing a critical story about the activities of one ministry earlier in 2010, SMT was kept off all lists for state visits, access to parliament, and access to the Office of the President.

Furthermore, the panelists were unanimous that foreign correspondents in Tajikistan continue to have privileged access to information. Davlatov noted as an example that in the course of the Rasht antiterrorist operation, the foreign media—ITAR-TASS, RIA Novosti, BBC, and Svoboda—scooped the local media. Kironshoh Sharifzoda, director of the Association of Journalists, said that officials talk to the foreign media more readily, possibly because of their higher level of professionalism, and because their stories do not always come out on the Internet.

Media outlets have open access to foreign media, particularly through the Internet. However, constant online access is rare. Satellite and cable television, which have become widespread in Tajikistan, are broader channels for foreign news.

Journalists do not need a license, or even necessarily any professional training, to practice journalism, resulting in heavy turnover. However, officials do not always recognize or accept journalists' press service certificates and Ministry of Foreign Affairs accreditation for covering specific events or cases.

The state does not interfere with the selection of journalism students or their training, although the president often talks about the importance of a good education, including a journalism education, to improve the country's image. Ismoilov said that journalism students at local universities in state-financed cohorts, i.e., studying for free, do not get to work internships or jobs in the independent media.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.43

Tajikistan's score for media professionalism slipped slightly, reflecting overall stagnation in this area. Indicators 6 (balance of news and entertainment) and 7 (modern equipment and facilities) both lost some ground, which accounts for most of the decrease in score. Further, only indicator 4 (media cover key events) stood out, outscoring the objective by three-quarters of a point.

Although some panelists stated the belief that the level of professional journalism has risen, many obstacles impede journalist professionalism in Tajikistan. The severe restrictions on access to official information constitute a serious impediment, while the risks associated with providing critical coverage of any sphere of public life make journalists resort to anonymous sources of information, or even to flagrant lies.

Also, many newspapers are run by people lacking journalistic training, so papers often fall short of international standards of journalism and look more like tabloids. A few media outlets publish openly biased or nationalistic material regularly. Many journalists fail to check their facts, and frequent changes appear in the sources of quotations and interviews in ongoing stories—especially problematic in the print media. Abdullayev said that journalists have proven to be both unprepared and untrained to conduct effective interviews. For most journalists, the interview is no more than a list of questions, without paying attention to their subjects' answers or asking follow-up or supplementary questions as an interview progresses.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

For example, plagiarism and blackmail are rampant, solidarity within the field does not exist, and hidden advertising flourishes.

Currently, professional ethics are an extremely important issue in Tajikistan. Back in 2009, OSCE, NANSMIT, and the Union of Journalists of Tajikistan organized a series of roundtables to debate the proposed Tajikistan Journalists' and Media Code of Ethics, which was adopted in October 2009. However, not all media outlets in Tajikistan recognized the code or the authority of the Press Council that governs it. The council is tasked with monitoring ethical standards, and according to Alamshoyev, the Press Council held nine meetings in 2010 and issued statements on a number of breaches of the code.

However, panelists expressed doubts about the council's effectiveness. They said that council members expressed unflattering opinions about each other, serving as proof that it had rotted from within; and after a year's work, the council had not managed to translate the code of ethics into Russian. Sharifzoda shared his opposition to the Press Council and noted that, for example, despite sharp criticism directed at SSSR for hate speech, the paper has not responded with changes to its practices because SSSR does not recognize the code.

The panelists noted that many journalists violate ethical standards. For example, plagiarism and blackmail are rampant, solidarity within the field does not exist, and hidden advertising flourishes. Sharifzoda said that, as a matter of survival, editors cheerfully place public relations and other paid-for material. Abdullayev expressed the belief that *Asia-Plus* had recently been paid handsomely for promoting the Islamic faction, in a bid to generate support for the Islamic Revival Party and Islamic religious sects. In support of his belief, he said that he knows the views of the journalists working there, and that what the journalists think and what they write are obviously two different things. Khalikjanova gave another example of a common ethics violation: After a quarterly state press conference at the Tojikmatlubot, officials distributed envelopes containing TJS 20 (about \$5) to consumer cooperative reporters. The panelists noted also that often authorities use journalists to compromise people by dishing out dirt and sleaze, which then creates problems for the editorial office from the disgruntled persons named.

Dikayev said that the independent newspapers *Varorud* and *Asia-Plus* and the government newspapers *Sadoi Mardum* and *Jumhuriyat* have their own in-house ethics codes.

Kasymova said that in her former position as a state journalist, she was obliged to conduct interviews in accordance with the strict rules of the Safina state television channel, but now as a writer for independent newspapers, she can afford to publish interviews on sensitive issues.

Journalists and editors continue to cope with the pressures of their jobs by resorting to self-censorship. Abdullayev said that the level of self-censorship among Tajik journalists is quite high, and journalists often leave out important pieces of information in their work for fear of repercussions. Often business interests, as well as political considerations, drive self-censorship. Dikayev said that there are tacit agreements not to criticize a sponsor or an advertiser, but otherwise, sponsors and owners do not interfere. However, Babajanova reported that Tajikistan's largest cell phone company, Tcell (a subsidiary of the Swedish-Finnish company TeliaSonera), bought a transmitter for Provincial State Television in Sughd Province, and now influences the channel's editorial policy. Panelists also recalled several cases in which journalists lost their jobs after writing accurate and critical articles; for example, Rajab Mirzo, a journalist who displeased the owner of the Orieno-Media holding company, was forced to resign—first from his post as editor at the Imrüz radio station and then as editor of *Imrüz* daily newspaper.

In addition, editors censor critical articles about the activities of the tax authorities, for fear of inviting an audit. Sotiyev added that the regional authorities react badly when local journalists work for media in the capital; they monitor the journalists' work, and often call them in to account for their stories. Khalikjanova said that at any time, officials might use administrative levers such as tax laws; for example, they might track the proceeds from printing, and unpaid utility bills owed by "undesirable" media; then higher-ups would make anonymous phone calls to printing press owners, with the result that those newspapers are not printed anywhere. That is exactly what had happened in 2010, when every printing house refused to print *Farazh*, *Ozodagon*, *Paikon*, and *Nigoh*.

Mirsaidov commented that journalists do report on all major themes and events, but self-censorship lies in the details. Still, the trend is toward raising ever more sensitive issues. Along those lines, Mirsaidov said, the Tajik-language newspapers *Nigoh* and *Farazh* and the Russian-language *Asia-Plus* publish

a number of hard-hitting stories, including investigative work. But Sharifzoda disagreed, concluding that self-censorship is thriving and journalism does not meet professional standards of quality, especially not in the investigative genre. Kasymova said that in her former position as a state journalist, she was obliged to conduct interviews in accordance with the strict rules of the Safina state television channel, but now as a writer for independent newspapers, she can afford to publish interviews on sensitive issues.

Panelists underlined ongoing taboos in the media, including critical articles about the president and his family, the speakers of the upper and lower houses of the Majlisi, the activities of the Tajik Aluminum Company, the State Committee for National Security, or the tax authorities. Another controversial topic was the decision by Minister of Education Abdujabbor Rahmonov to bar women from wearing the *hijab* in high schools. Kasymova mentioned that she wrote a blog piece in support of the decision, which drew a heated response from readers and her community. People insulted her, the neighbors had stopped saying hello, and a colleague warned her that something might happen to her. Fearing for herself and her child, she became very careful, and she seldom blogs anymore.

Low pay also affects negatively the development of professional journalism. The panelists said that state media journalists receive especially low pay. For regional state media journalists, salaries are no more than \$20 a month, and generally, the government provides no other remuneration. In the capital, state media journalist salaries range from \$25 to \$100. Furthermore, these salaries are practically unchanged from 2009, despite the financial crisis and the sharp rise in food and energy prices. To cope, regional journalists accept flour, rice, vegetable oil, and fruit in exchange for favorable coverage in the press. Babajanova commented that in order to survive and feed their families, almost all journalists in the regions are forced to work anonymously on the side for other media or with Internet publishers, affecting the quality of their work greatly. Ismoilov said that state television journalists supplement their incomes by taking home \$100 to \$150 for shooting a 30-second story for the news broadcast, while others earn a bit on the side at private shootings. His co-workers at SMT independent television do not take money for shoots, much to the surprise and annoyance of their colleagues from the state channels.

Journalists in the non-government media earn significantly higher monthly wages, from \$150 to \$500. The panelists noted that most of the best journalists in Tajikistan work as local correspondents for foreign electronic and print media.

Sharifzoda said that entertainment dominates radio and television, with little analysis or news programming. On state

television, news programming occupies no more than 20 percent of airtime, and 25 percent on private radio. Ismoilov commented that no one pays for news programs, and thus they are not moneymakers. Nevertheless, his television channel, the independent SMT, devotes about 40 percent of airtime to news and analysis programming. Most of the airtime on FM radio stations goes to music, greetings, and quizzes. Only Radio Imrüz, which broadcasts in Tajik, specializes in news and analytical programming.

From a technical standpoint, most of the media in Tajikistan are poorly equipped—an especially acute problem in the regions. Sotiyev reported that in Khatlon Province, journalists have no printing equipment, such as scanners; desktop printers; or Risograph-type high-speed, multi-functional digital printing systems. Few have voice recorders or cameras, except for correspondents of major newspapers. Dikayev said that the Kulob district—which includes 10 regions—does not have a printing house; all of its newspapers must be printed in Dushanbe. Also, in contrast to Tajikistan’s four independent television stations, state and regional television and radio have poor, obsolete technical equipment.

Tajikistan still has few specialized journalists, and the panelists said that high-quality specialized journalism does not exist. Sharifzoda attributes that to the low level of professional training. Some journalists write small amounts of high-quality material in one area or another, but most journalists are generalists. Davlatov noted also that quality investigations are highly risky, courting danger with the authorities and prosecutors. The panelists noted that the monetary costs of investigative reporting are high also; investigations require travel and additional material resources, and not all editorial offices have deep enough pockets.

Still, there are promising signs that investigative journalism might be turning a corner, with the advent of the Center for Investigative Journalism. The IWPR office in Tajikistan is also working intensively and fruitfully in the genre, and often local newspapers pick up and reprint IWPR political and social investigative pieces. In 2009, more than 10 investigations on social topics, economics, and the environment were published. In 2010, *Asia-Plus* published many articles in the investigative genre covering health issues, trials, religious freedoms, and politics. Hard-hitting topics brought to light include the police’s use of torture against detainees; the illegal eviction of residents from homes slated for demolition; and problems in health care, particularly maternity wards. All the panelists agreed that the most daring investigative pieces run in the Tajik-language newspapers. Khalikjanova took the view, however, that the material is very often emotive and does not always balance different points of view. Furthermore, although readers might respond well, such reporting often lands journalists in hot water.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.59

While the score for this objective is nearly identical to last year, in indicator scores made some offsetting movement. Indicator 3 (state media are nonpartisan and serve the public interest) lost ground and also scored half a point behind the objective score. Indicator 4 (news agencies) improved and scored ahead of the objective score by more than three-quarters of a point. The rest of the indicators remained static and scored within a half-point of the objective.

Although the Ministry of Culture registered 20 new newspapers and five magazines (18 private, plus seven trade publications) during the year, the panelists noted an overall decline in the amount of news sources providing objective, up-to-date news. However, new media are providing a growing number of options, and Ravshan Abdullayev commented that online sources have overtaken in importance all other sources of information. Over the past two years, journalists, politicians, and other socially active citizens have made Internet blogs and social networks an increasingly popular platform for an alternative to the state position. Tajiks participate actively in social networks. Although recently *odnoklassniki.ru* saw the greatest development, Twitter, Facebook, and *livejournal* are used widely as well. YouTube now features thousands of videos on Tajikistan. Most people are not aware of the possibilities of obtaining

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) exists 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 non-partisan, 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.

At the same time, the demand for news is enormous, and the printed press is a very popular medium.

news through SMS, although many media invite their readers to report newsworthy events that they see via SMS. Zafar Abdullayev, CEO of the Avesta news agency and *Fakty i Kommentarii* ("Facts and Comments"), developed an SMS text message system in support of his agency.

At the same time, the demand for news is enormous, and the printed press is a very popular medium. A new daily newspaper, *Imruz*, appeared; all other publications are weekly, with the exception of *Asia-Plus*, which runs twice a week. Of the new papers and magazines that the Ministry of Culture has registered, nine are to be published in Dushanbe, eight in Sughd Province, two in Gorno-Badakhshan Autonomous Region, and one in the Rasht region. As reported in the 2009 MSI, the total circulation figure for all newspapers produced in Tajikistan is less than 200,000. Dikayev reported that because of the financial crisis, the circulation of even the most popular newspapers fell about 15 to 20 percent, with the Russian-language media affected most severely.

According to the Press Department of the Ministry of Culture, 69 state newspapers are put out in the regions. Their circulations numbered no higher than 500 to 1,000 copies in 2010. Most of them come out twice a month, as a result of technical and financial constraints. As in 2009, of the regional state-owned newspapers, only *Dieri Tursunzoda* (Tursunzoda city, circulation 4,000 to 4,500) and *Haqiqat Sughd* (Sughd, circulation 4,500 to 5,500) remain profitable.

Currently, only four independent television stations broadcast in Tajikistan, two in Sughd Province and in the Khatlon region, one in Tursunzoda city, and one in Dushanbe. All FM radio stations in Tajikistan broadcast using much the same format, and can be distinguished from one another only by the times that their short news programs air. Most of the inhabitants in the largest cities have satellite dishes, and for them, obtaining news is not a problem. Satellite television is becoming more common in rural areas, too.

With the support of international organizations, civil society is trying to expand public access to a broad spectrum of information. News resource centers, offering periodical publications and Internet access, have opened in the regions. With the support of OSCE, information access centers have formed in the regions and are very popular among journalists. The Republican Press Center and the Media

Resource Center in Dushanbe offer free Internet access, journalism libraries, newspaper archives, and access to news feeds from various news agencies.

There is a large gulf between news available near the capital and the regions; for the most part, online news is available only in the capital. Sotiyev reported that because of the lack of Internet service in parts of Qurghonteppa and the surrounding area, his Paem news agency disseminates news through libraries—delivering CD-ROMs filled with news recordings. In the regions, even where Internet access is possible, traffic is very low. Especially in the more remote regions, Internet reliability depends on technical conditions, primarily with the erratic electricity supply. In the winter and spring of 2010, some regions received electricity for only four to six hours a day.

Cost is another barrier to media access. The Internet is not accessible for ordinary people, as 60 percent of the population is living below the poverty level. Monthly access rates from the various ISPs range from \$25 to \$60. According to the panelists, at most 15 percent of the population has access to the Internet, and that includes those who visit Internet cafés. Similarly, although interest in reading newspapers is growing every year, very few people can afford to buy newspapers because of the ever-rising cost. The cost of print publications is quite high, retailing on average from TJS 1.50 to TJS 2 (\$0.34 to \$0.45). Ismoilov reported that the further from the capital, the dearer newspapers are; for example, in Garm, in the eastern part of the country, newspapers cost TJS 5 (\$1.10). Russian and other foreign newspapers are generally unaffordable because of the exorbitant cost. Given that the minimum pension and wage equal about \$13.70 a month, people choose necessities over newspapers.

As described earlier, the government does not hesitate to censor when it objects to media coverage. Of the websites blocked on September 29, 2010, only Avesta and Tojnews have been unblocked so far. However, Abdullayev said that it should be noted that to date, the Tajik authorities have not tried to block blogging platforms or social networks. Also, no one has brought any criminal case against an Internet user for something said online, making the Internet the safest place to publish an alternative to the state view of events.

The state media, panelists said, do not reflect alternative points of view, but the independent media aim for balance in their coverage of events. Representatives of the opposition simply have no opportunities to appear on state media airwaves, nor do the state print media cover their views. The opposition's point of view was conspicuously absent in the run-up to the elections, and the only stories related to opposition news that appear on the Khovar government news

agency website are either critical or amount to mud-slinging. Ibodov added that the state media publish only one point of view—the government-sanctioned truth. Pirnazarov added that some private media are also forced to print dirt and sleaze, with the full knowledge of the Office of the President. In these cases, authorities send letters to editorial offices demanding that a certain story be printed. Ismoilov added that all television channels in Tajikistan, state or private, interrupt their own programming for the president’s public appearances or official visits.

According to the panelists, the state media definitely do not serve society’s interests, but rather the political interests of certain individuals. Abdullayev commented that Tajik state radio and television address socially relevant topics only from the government’s point of view, as in the voluntary-compulsory purchase of shares in the Rogun hydroelectric power station. Kasymova confirmed that a journalist has no way to work at a state channel and still report, unobstructed, in the public interest. There are also unwritten rules for covering political events.

Tajikistan has nine registered news agencies: the Khovar government news agency and the independent Asia-Plus, Avesta, InterPress-Service, *pressa.tj*, Simonews, Tojnews, Varorud and Zerafshan-Times. However, only Asia-Plus, Avesta, *pressa.tj*, and Tojnews are active currently. As a result of financial problems after grants dried up, two agencies, Pami-Media and Khatlon Press, went out of business and lost their registration. The lead news agency, Asia-Plus, is attempting to cover the news countrywide.

News agency sites are open-access, but access to much of the information is restricted to subscriber-only areas. However, access to the Avesta, Khovar, Tojnews, and *pressa.tj* sites is completely open, and only restricted partially on Asia-Plus. However, at a time when many print media are experiencing financial difficulties, not all newspapers are able to subscribe to news agency feeds. The Asia-Plus news agency feed, for example, costs from \$40 to \$90 per month, but Alamshoyev noted that it is free for regional media. In recent years, the print media have begun to make greater use of the services provided by international news agencies, including the BBC, Radio Free Europe/Radio Liberty, and websites of news agencies Reuters, AP, AFP, ITAR-TASS, RIA Novosti, and Regnum.

However, Pirnazarov noted that not all newspapers attribute their sources or provide links. Ibodov said that the laws and regulations in force place no restrictions on the use of local and foreign news, but in that process, very often local journalists violate the intellectual property rights of other sources of news.

Mirsaidov said that local media base their news programming on local news, but the regional media rarely produce local news—rather, they broadcast or reprint news from the center. The panelists noted the low level of interregional exchanges of news.

All four state television channels use agency news only from the State Khovar news agency, although they use excerpts from the news on Russian television channels and Euronews in their foreign news segments.

The electronic media produces very little of its own programming, except for short news broadcasts, entertainment programming, and talk shows. Babajanova said that in Sughd Province, the independent television stations CM-1 and Asia produce higher quality, more up-to-the-minute news segments than the state television channels.

The panelists noted that information consumers, outside of people working in the media field, are not particularly interested in knowing who owns media outlets. The most important thing for them is whether news is up to date. Sharifzoda said that some conditional confirmation exists about “chains” of newspapers surrounding their owners. The panelists commented that there is a reason behind the talk and rumors about the new newspaper *Imrúz* belonging to the oligarch Khassan Asadullozoda, the president’s brother-in-law.

To date, Tajikistan’s major commercial corporations have not become very involved in the media. Foreign capital (except for grants from international donor organizations) is not a factor, as Tajik law prohibits foreign nationals from owning media.

The media avoids covering many social issues, including the president’s family, border disputes, clergy, the religious establishment, or corruption in the higher echelons of government. State television does not show accidents, armed clashes, or natural disasters in the news.

In Tajikistan, the minority press is very small, with only about 20 print media that are mostly localized outlets. Mainly, these include publications in Russian, Uzbek and Kyrgyz, and Turkmen; news in Uzbek, Arabic, and English is available on state television as well. Uzbek ethnic groups have a wider choice of news in their language. In addition to the local media, they have *Halk Ovozi*, a national government newspaper; the non-government *Dustlik*; the popular newspaper *Tong*; and two magazines. Mirsaidov

said that people in Sughd Province, in the regions bordering Uzbekistan, watch only Uzbek television. Pirnazarov said that since 2009, *Karategin* has been coming out in Tajik, Russian, and Kyrgyz in the Rasht region. Khalikjanova shared her view that with the tendency toward strengthening the role of the state language, the Russian-language press will disappear gradually from the media market. The Kyrgyz *Sarykol*, printed in Kyrgyzstan, is available in Murghab.

Dikayev said that the national minority newspapers do not work on the most serious problems facing national minorities, but everyday topics. However, the panelists said that the national minorities in Tajikistan are free, and minority media can develop without restriction. Still, there is discrimination in the higher echelons of power, which admits no Russians, Uzbeks, or any other nationality.

Mirsaidov said that local media base their news programming on local news, but the regional media rarely produce local news—rather, they broadcast or reprint news from the center. The panelists noted the low level of interregional exchanges of news. Often, people in Dushanbe do not know what is going on in neighboring towns and villages. Neither the state nor the independent print and electronic media post correspondents abroad or in central Tajikistan, apart from the Asia-Plus bureau in Washington, DC, and the state agency Khovar in Moscow and Ankara.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.16

The score for business management showed almost no change. The nearly negligible increase resulted from a somewhat higher evaluation of indicator 7 (audience measurement and circulation figures). Otherwise, no indicators showed any movement and all indicators scored close to the overall objective score.

Most of the media in Tajikistan are still in transition toward becoming successful businesses. Abdullayev said that the failure of many media outlets to become profitable and diversify their sources of revenue stems from mismanagement and the lack of strategies to ensure financial stability. According to Ismoilov, a newspaper must have a circulation of at least 3,000 to generate income, and it can support very few employees. The sector has a handful of exceptions that operate successfully and turn decent profits. For example, one major financial group, the Orient International holding company, has its own media business—including two radio stations, a daily newspaper, a monthly business magazine, and an advertising division.

In addition, the Asia-Plus holding company has a Russian-language newspaper, an FM radio station, and, since 2008, the country's first glossy magazine, *VIP-Zona*. *Asia-Plus* newspaper is considered the most profitable publication in the country. It publishes weekly and each edition includes 12 to 14 columns of advertising—out of about 48 columns total.

Other successful companies include the Oila holding company, with two newspapers, a printing press, a news agency, and an advertising agency; and Charkhi Gardun, which has a printing press and four newspapers. Most of the regional media are unprofitable and subsist on international grants. Mirsaidov noted an exception: the owner of Tiroz, in Sughd, has made the station into a profitable enterprise. However, most of its airtime goes to advertising and announcements.

Few media outlets follow a professional business plan. Mirsaidov said that putting together such strategies is virtually impossible, given the unpredictable demand. For example, in Sughd Province, people have started to buy fewer newspapers, and according to Mirsaidov's estimates, the circulation of the popular *Varorud* has fallen from 1,500 to 500.

Davlatov commented that OSCE invited a trainer from the Netherlands to teach business strategy and printing services, but the trainer could offer only limited help to some outlets, given the particular challenges they face. For example, he had no advice for *Farazh* editorial officers regarding when every printing house refused to print the paper.

The panelists held slightly differing views on the primary sources of media revenue. Ismoilov identified grants, sales of securities, advertising, and advertorial and public relations

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.

material as the primary sources. Pirnazarov said that the Tajik media cannot be described as effective businesses, because they depend almost entirely on advertising—a shrinking resource for most outlets, as one or two groups enjoy a near-monopoly. Advertising material is a hallmark of media based in the capital and the regional centers. Of those, the greatest volume of advertising goes to three state television channels, two government newspapers, and four or five non-state newspapers.

According to some of the panelists, non-governmental media are becoming more focused on securing advertising, announcements, and public relations material. However, other panelists disagreed. Davlatov said that the independent print media survive on sales primarily, and Khalikjanova said that most private or independent media operate on grants, their owners' funds, or in some cases, lucrative printing houses as side businesses. Abdullayev commented that another source of income for local media is photo and video material, which they can sell to foreign agencies and newspapers.

The panelists did agree that many media outlets still subsist on grants. According to Sotiev, regional media tend to exist on aid appropriations from the state budget, or on limited subscriptions. For the government and state print media, as before, compulsory subscriptions for government workers constitute the main source of income. Non-government regional television stations and print media also receive small subsidies from local government budgets.

The government continues to provide substantial financial support to all state media outlets. However, in 2010 the Majlisi discussed a proposal to cut budget funding for the government press. A Majlisi Namoyandagon member, Davlatali Davlatzoda, raised the matter on October 22 during a debate on the budget legislation for 2010. In his view, many ministries, government departments, and cities and regions publish media that play almost no part in providing the country with information or news, and the state wastes a great deal of state money on these outlets. The state-run media also suffer from weak capitalization and a low level of investment.

As in 2009, the biggest advertisers in the media are mobile telephone operators, Internet service providers, pharmaceutical companies, commercial banks, international organizations, and foreign embassies. Advertisers direct most of their support to *Asia Plus* and *Digest Press*, ignoring the Tajik-language opposition media in order to avoid any difficulties with the government in the future, according to some panelists. Other panelists suggested that for the most part, advertisers are unable to identify the best media partners or target groups, and tend to deal only with those

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they know; as a result, a few media tend to monopolize the limited advertising dollars.

Ismoilov said that in early 2010, the Committee for Radio and Television raised prices for airing advertising, and advertisers gravitated towards outdoor advertising instead. Prices have now dropped back, but so far, few large advertisers have returned. The panelists noted that advertisers now prefer television as a more accessible medium than newspapers. In addition, a market is developing in SMS advertisements, announcements, and greetings.

However, the panelists found that the major businesses rarely support the media through direct advertisements, preferring to place publicity, advertising, and public relations material with them instead. Some of the panelists expressed the belief that Tajikistan is seeing complete commercialization of the media, with back-to-back advertising. The Tajik-language media is stuffed with advertorials.

Tajikistan has five advertising agencies, but they charge high commissions for their services, and generally media houses find it easier to work with advertisers directly. Most advertising is not produced in Tajikistan; usually it comes from Russian, Turkish, and Iranian television channels and is translated into Tajik. Kasymova said that all four state television channels have their own advertising departments, as do Oila and Charkhi Gardun.

Since 2003, the Law on Advertising has been in force to regulate advertising in the media. The law differentiates between the approaches taken to state and non-state media. Advertising material must not exceed 10 percent of daily airtime for state electronic media or 30 percent for non-state media. Advertising must not exceed 25 percent in state periodical publications or 40 percent in non-government periodicals. The panel noted that state bodies give advertising only to media that are loyal to them. The state press prints advertising only from Goskomimuschestvo, the State Property Committee.

As in previous years, 2010 saw little market research conducted over the course of the year. Dikayev said that Tsentr Zerkalo (Mirror Center) carried out market research on the popularity of radio, but it was flawed; for example, 98 percent of respondents in the Kulob region indicated that they listen to radio Asia-Plus—which does not broadcast there.

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Khalikjanova said that problems with marketing and matching business planning to effective management present a major challenge for all media in Tajikistan. She said that market research studies in Tajikistan do not look at what readers need and find interesting; researchers are preoccupied with circulation and sales figures determining a publication's popularity. Khalikjanova noted that OSCE and the Soros Foundation have planned a media marketing strategy training program, and they are in the process of selecting the beneficiaries. In her view, however, it is still too early to say that the newspapers are becoming self-sufficient and sustainable.

Print media continue the practice of reducing print runs of publications in order to reduce taxes. As Alamshoyev put it, the circulation figures for independent newspapers do not always correspond to reality, as commonly the owners disguise income and circulation figures. Hidden advertising and public relations material are another way to avoid paying taxes.

Although some outlets measure online statistics, Pirnazarov said that Tajikistan's Internet meters and website hit counters are not always accurate. In addition, the measurements do not include a broad enough range of metrics; they tend to focus on clicks on individual stories rather than overall traffic to a site.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.33

Objective 5's score showed no overall change this year. Indicator 3 (NGOs) did improve and was the only indicator to score more than half a point ahead of the objective score. Indicator 6 (access to printing and media equipment) decreased in score, yet remained within half a point of the objective score. Indicator 1 (trade associations) did not change and remained the lowest-scoring indicator, lagging by more than half a point.

The media arena has no active associations on the business side; one publishers' association is no longer operating. The Association of Entrepreneurs of the Republic of Tajikistan is in operation, but not one media holding or outlet is a member. In mid-December 2010, the leaders of the independent print media established the Association of Media Distributors and elected Zafar Abdullayev to lead it. How active the association will be remains to be seen.

Currently, Tajikistan has 11 journalists' associations and foundations: NANSMIT, the Media Alliance, the Society of Independent Electronic Media, the Fund for the Defense and Remembrance of Journalists, the Association of Journalists, the Association of Publicists, the Association of Sports Journalists, the Center for Investigative Journalism, the Association of Teachers of Journalism, the Association of Professional Journalists of Sughd Province, and the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Association of Television Journalists. The sector has one union: the Union of Journalists of Tajikistan. The union and NANSMIT rely solely on financial support from international donor organizations.

The panelists underscored that media support institutions made significant progress in aiding the media in 2010, particularly as government pressure on the opposition increased. In October 2010, a group of media executives, journalism associations, and individual activists set up an informal coalition called the September 29 Committee, in honor of the date when authorities launched unprecedented, high-pressure propaganda against some of the independent private media.

Sharifzoda noted another display of cooperation in 2010, when two non-governmental journalists' associations, the Media Alliance of Tajikistan and the Association of Journalists, teamed up to provide legal education for young journalists and defend the freedom of speech. Ibodov said that even though previously non-governmental journalism associations played a relatively passive role in reviewing media legislation, they have revived that area of their work in recent years.

The Union of Journalists of Tajikistan, NANSMIT, the Media Alliance of Tajikistan, and the Association of Journalists were the prime force behind a series of roundtables to discuss the draft Law on Access to Information, and supplementary amendments to the Law on the Press and Other Media. While Dikayev noted that the Union of Journalists of Tajikistan does not protect journalists' rights and focuses purely on the creative side of the media, other panelists said that NANSMIT is working purposefully to protect the rights of journalists.

In November 2010, TajFEN, a network for promoting freedom of speech in Tajikistan, was organized under the auspices of NANSMIT. The network bridged media and human rights organizations to better protect the freedom of expression in Tajikistan. Participants include the Bureau of Human Rights and Rule of Law, the Civil Internet Policy Initiative Social Fund, the Union of Journalists of Tajikistan, the Media Council of Tajikistan, NANSMIT, Khoma, the Association of Journalists, the IWPR representative in Tajikistan, and the Tajik Association of Independent Electronic Media. In general, though, the panelists said that they see little solidarity among journalists. As Sharifzoda noted, not all media members came out in defense of their colleagues when the printing houses refused to print papers and the authorities shut down websites.

To date, attempts by a number of NGOs to establish an independent trade union to protect the interests of journalists have not been successful. Mirsaidov concluded that the media associations have not yet succeeded in establishing a productive dialogue with the government to lobby for their interests, or to protect the interests of the independent

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media and advance the freedom of speech. Most of the panelists judged that there is now an acute need to establish an independent trade union of journalists in Tajikistan, to resolve disputes between media outlets and journalists, including problems within editorial offices.

Cooperation is evident between local NGOs and international organizations that defend the freedom of speech, through partnership projects, joint activities, and events. Unfortunately, though, the panelists believe that the international organizations with a presence in Tajikistan constantly distance themselves from the NGOs operating in the media area. Some of the panelists feel that international NGOs continue to cooperate with only two or three media, refusing support to any others.

Of the NGOs and international organizations that successfully support media freedom and provide legal support to journalists, the panelists highlighted the work of the Khoma Association, the NGO Bureau of Human Rights and Rule of Law, Internews, and the Sughd Bureau for Human Rights. The Khoma Association conducted trainings for journalists, and held a competition among Tajik media on covering climate change. The NGO Bureau of Human Rights and Rule of Law promotes effective, accountable and transparent governance, including guaranteeing access to information, and improving the accountability of public officials. Also, in conjunction with media associations, they have held public hearings on topics such as preventing domestic violence. The activities of the NGOs do not often extend as far the regions; Gorno-Badakhshan Autonomous Region, Rasht region, and other areas of central Tajikistan are particularly neglected in terms of media development support.

The panelists expressed concern about professional education and training for journalists. Panelists reported that the number of training opportunities has fallen sharply, and those that exist are lacking in quality. Tajikistan has one state-run faculty of journalism and five departments of journalism, where every year more than 100 people are

educated, but so far no private higher education institutions in Tajikistan train journalists. Babajanova said that at the Faculty of Journalism at Khujand State University (in Sughd Province in northern Tajikistan), where she teaches, there is a balance between teacher-practitioners and theorists. Independent journalists are also invited to teach. She noted that 30 percent of Khujand State University journalism graduates change direction after graduation, although they stayed in similar lines of work.

According to most of the panelists, however, journalism graduates receive very low quality training. They expressed concern that apparently training does not include enough basic computer skills or specific software and training for online journalism—perhaps only 36 hours in a year. Alamshoyev reported that in Khorugh, the university's journalism department has been in operation for four years but it still does not have enough teachers for specialized subjects or adequate supporting literature. Dikayev added that the Journalism Department at Kulob University (in Khatlon region, in the south of the country) opened in early 2010 with 18 students, but the only specialization it offers is radio and television journalism because the department has no teachers skilled in any other media. Sharifzoda suggested that interactive e-learning could be effective for students of journalism in higher education, but that would be problematic, as only one university, the Russian-Tajik Slavonic University, has access to the Internet. Davlatov also observed that university journalism department administrators oppose allowing students to practice year-round in the independent media.

Students have some study-abroad options in various programs in Turkey, Iran, and the United States (where Tajik students rarely study journalism, as their English is not strong enough), but they can study only on a private, individual basis. Students can study officially only in a few Commonwealth of Independent States countries: Russia, Kazakhstan, Ukraine, and Belarus. Furthermore, according to Khalikjanova, none of the journalism graduates from foreign institutions return to Tajikistan.

There is no surplus of personnel in journalism, because graduates either do not want to work in the profession or their skill levels are so low that they cannot find work. The panelists noted that media CEOs are almost always dissatisfied with graduates' level of training, because universities graduate students with little concern about their work quality or degree of professionalism.

Short seminars (lasting three to four days), work experience, and master classes are the most popular forms of training among journalists. Editors are extremely reluctant to grant study leave for any long period. All courses and master classes are given free of charge, but only staff of the Asia-Plus media

group have had training and upgrading in their workplace. Government media journalists attend seminars and training courses only rarely, as they do not acknowledge international standards. Additionally, not all media CEOs encourage their employees' desire for professional development, especially if the staff on the ground is thin. Consequently, there is a big gap between the level of training and education of state media journalists and independent media journalists, as well as a gap between Tajik and international standards.

A number of international and local organizations offer training. For example, the Khoma Association conducted a series of training programs on economic journalism, on Tajikistan's accession to the WTO, and creating a pool of journalists to cover the professional and economic problems of the country. Pirnazarov commented that currently, only the IWPR office in Tajikistan runs on-site training seminars for regional journalists on legal issues and international standards.

The panelists praised the high quality of Internews training programs; these programs spend a lot of time on advertising, management, news, multimedia journalism, and blogging. In the panelists' estimation, Internews offered the highest quality programs and was the most helpful to the country's journalists in 2010, for the second consecutive year. Furthermore, since the end of 2008, Internews Network in Tajikistan hosted the website reporter.tj, which publishes news, runs announcements about grants and training programs, hosts a live magazine, and includes a section for bloggers. Web tracking shows that the site is drawing a high number of visitors.

However, Tajik media outlets lost some international funding for training because of an incident in February 2010. Several leaders of the Tajik media criticized certain trainers from European countries, saying that the media need direct financial aid, not training with incompetent coaches. This resulted in a sharp backlash from the donor organizations, which then cut grants for training programs.

On the subject of print quality and access to equipment, the panelists observed that access to printing and typesetting facilities is subject to purely political restrictions. Although the country has private printing houses, according to the panelists, none are truly independent—as proven when they succumbed to government direction and refused to print *Farazh*, *Nigoh*, *Paikon*, and *Ozodagon*. It appears that the government warned private presses against getting involved. Dikayev expressed the belief that the government has used administrative leverage to pressure private printing houses as well, conducting tax inspections and cutting off electrical supply.

When Sharqi Ozod, a government printing press, refused to print *Farazh*, the director cited worn-out equipment and lack of capacity. Davlatov understands that this was just an excuse, given that the total print run for the two government publications *Sadoi Mardum* and *Jumhuriyat* alone totals more than 40,000 copies. The panelists commented that the appointment of the Sharqi Ozod director, a former member of the Security Council of the Republic of Tajikistan, was a very political move, and censorship has become more overt as a result.

Mirsaidov reported, however, Istaravshan has one private printing house—the only one that printed the newspaper *Varorud*. After other printing houses refused to take it, the director of the Istaravshan house said that until a court decision shut down the newspaper, he would print it.

However, the government places no restrictions on access to newsprint and equipment. Sharqi Ozod, *Asia-Plus*, Charkhi Gardun, and Oila supply newsprint currently. According to Sotiyev, it does not pay to be in the newsprint supply business in the regions without an accompanying side business. All of the panelists agreed on the need to establish printing and typesetting facilities to service the independent media in the capital, Dushanbe, and in the provincial centers—such as Khujand, Qurghonteppa, and Khorog. They pointed to Kyrgyzstan's facilities as a model.

Abdullayev noted that in 2007, the Eurasia Foundation delivered equipment for an independent printing press with a design capacity of five million copies a week. All the equipment had been transferred to Mukhtor Bokizoda, director of the Fund for the Defense and Remembrance of Journalists, but he had been unable to clear it through customs, as there was no permission from the government. It sat in storage at the U.S. Embassy until 2009, when USAID transferred it to Azerbaijan, where it now operates successfully at the Azerbaijani Farmers' Association.

Currently, each private broadcast station acquires its own transmitters independently, although a few years ago, Internews provided them. Now, private stations can generally only procure low-capacity transmitters. Although the government keeps an eye on blogging platforms, they have not blocked them to date. So far, mobile telecommunication devices are used primarily as a communication tool; there is no SMS news service. Mobile Internet connections are available, but for the time being, they do not cover the whole country—because as soon as the electricity in the regions was cut, the 3G transmitters also went out. Tajiktelecom, a Ministry of Transport and Communications body, oversees all transmission towers.

The authorities did exert influence over the distribution of independent media, as the Tajikmatbuot (Tajikprint) system is interested in selling only government publications. Opposition publications can be found for sale in Tajikmatbuot kiosks only rarely; they are sold by public distributors only—often elderly people past retirement age. The panelists expressed the hope that the recently established Association of Media Distributors would be able to establish its own effective alternative distribution network.

List of Panel Participants

Junayd Ibodov, media expert and lawyer, Dushanbe

Turko Dikayev, correspondent, *Asia-Plus*, Kulob

Lola Khalikjanova, editor-in-chief, Institute for War and Peace Reporting-Tajikistan; blogger, Dushanbe

Negmatullo Mirsaidov, director, *Varorud*, Khujand

Ravshan Abdullayev, executive director, Eurasia Foundation of Central Asia-Tajikistan; blogger, Dushanbe

Zinatullo Ismoilov, director, SMT TV, Dushanbe

Rano Babajanova, director, Department of Information Analysis, Sughd Province; professor, Department of Journalism, Khujand State University

Murod Sotiyev, director Paem News Agency, Qurghonteppa

Kurbon Alamshoyev, director, Pamir-Media News Agency, Khorugh

Akbarali Sattorov, owner, *Charkhi Gardun*; head, Tajikistan Union of Journalists; blogger, Dushanbe

Nargis Kasymova, editor, Safina TV; producer, Vatan Radio; blogger, Dushanbe

Nazarali Pirnazarov, editor, *Sobytiya*; blogger, Dushanbe

Nurali Davlatov, deputy editor, *Farazh*, Dushanbe

Kironshoh Sharifzoda, director, Association of Journalists, Dushanbe

Moderator and Author

Lidiya Isamova, correspondent, RIA News, Dushanbe

The panel discussion was convened on December 10, 2010.

The government enjoys absolute power in controlling the mass media outlets in the country, exercising strict censorship and harassment to control those journalists who persist in working independently, and to ensure that the media focus primarily on extolling the virtues of the country's leadership.



TURKMENISTAN

Energy-rich Turkmenistan has strengthened its position as a key player in Central Asia by opening up its lucrative oil and gas reserves after years of isolation under the dictatorship of its former leader Saparmurat Niyazov. Turkmenistan could hold the third-largest gas reserves in the world, trailing only Russia and Iran. As Radio Free Europe/Radio Liberty (RFE/RL) reported, this huge gas reserve would meet the EU's energy needs for about 50 years. In 2010, the former Soviet republic signed numerous international, multibillion-dollar energy projects, including a new multibillion-dollar gas pipeline project to neighboring Iran, and it negotiated to increase gas supplied to China. Turkmenistan also pledged gas commitments to Western projects, including Nabucco and the Trans-Caspian Gas Pipeline, and signed an agreement in December to build a gas pipeline to India via Pakistan and neighboring Afghanistan—known as the Trans-Afghanistan pipeline, or TAPI link.

After Niyazov's death in 2006, former health minister Gurbanguly Berdymukhammedov was elected president on February 11, 2007—in an election that observers deemed neither free nor fair. However, President Berdymukhammedov has made some improvements to the country's pension, education, and health-care systems, and ordered Turkmenistan's constitution and legal code rewritten to meet international standards. In May, the parliament approved new criminal codes that reduced the maximum term of imprisonment for violent crimes from 25 years to 15 years, and introduced a system of fines as an alternative to prison.

Turkmenistan has not had a single opposition party or a private media outlet during its nearly two decades of independence, or during the 70-some years of Soviet rule before that. But in 2010, President Berdymukhammedov suggested setting up opposition parties and private media in his country—unprecedented steps for one of the most politically restricted countries of the world.

However, many see through these efforts as attempts to burnish Turkemistan's image internationally and profit from the country's vast natural gas reserves. The government enjoys absolute power in controlling the mass media outlets in the country, exercising strict censorship and harassment to control those journalists who persist in working independently, and to ensure that the media focus primarily on extolling the virtues of the country's leadership. With Turkmen officials apparently afraid of letting dissenting opinions air, the country has no independent media outlets.

Although the government controls new media as well, restricting online access, posting soldiers at the doors of Internet cafés, and blocking content, awareness of the Internet is growing steadily among the population. More citizens are taking advantage of social networking websites to discuss issues that matter to them, and a few brave journalists are writing blogs that provide citizens and foreigners alike deeper insights about the true state of affairs—including media developments and access to media technology.

TURKMENISTAN AT A GLANCE

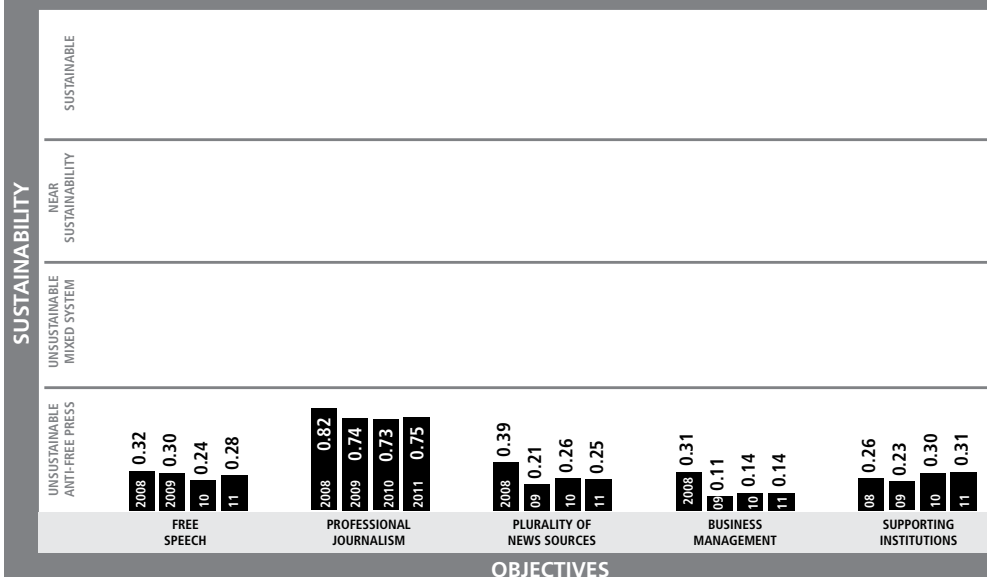
GENERAL

- > **Population:** 4,997,503 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Ashgabat
- > **Ethnic groups (% of population):** Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 89%, Eastern Orthodox 9%, unknown 2%
- > **Languages (% of population):** Turkmen (official) 72%, Russian 12%, Uzbek 9%, other 7%
- > **GNI (2009-Atlas):** \$17.50 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$6,980 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 98.8% (male 99.3%, female 98.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Gurbanguly Berdimuhamedow (since February 14, 2007)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 24 national and local newspapers, 15 magazines; Radio Stations: 5; Television Stations: 5
- > **Newspaper circulation statistics:** Top two by circulation: *Netralniy Turkmenistan* (Russian language state-owned daily), *Turkmenistan* (Turkmen language state-owned daily).
- > **Broadcast ratings:** N/A
- > **News agencies:** Turkmendovlethabarlary (state-owned)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 80,400 (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel for Turkmenistan. This chapter was produced using desk research, interviews, and the results of questionnaires filled out by several people familiar with the media situation in the country.

OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Objective Score: 0.28

Most Turkmen citizens have not heard of phrases such as “freedom of speech” or “freedom of the press.” On paper, Turkmenistan’s laws provide comprehensive protection for freedom of expression and of the press. The new constitution, adopted in 2008 by President Berdymukhammedov, reaffirmed these rights—and the government has announced plans to reform its media-related laws, too. The new constitution gives Turkmen the right to freedom of conviction and the expression and freedom of information, barring state secrets. The existing law “On the Press and Other Mass Media in Turkmenistan” protects the freedom of the mass media and also guarantees freedom of information. In addition, Article 43 of the new constitution guarantees judicial protection of citizens’ dignity and their private and political rights and freedoms.

However, in practice, such protections have not been implemented or respected. Government officials are either unaware of, or simply ignore, the laws. As one writer summed up the situation, “The only decision-maker is the President, who seeks to get rid of untrustworthy citizens and make the entire country stand in line as a frightened crowd.”¹

Freedom House, an independent international organization monitoring democracy and human rights, regularly ranks Turkmenistan as one of the “worst of the worst” repressive countries, along with Burma, North Korea, and Somalia. The organization’s director of advocacy, Paul Schriefer, said that these are “countries where individuals have almost no opportunity to enjoy the most fundamental rights; regimes whose people experience heavy penalties for independent thought or action, and where little or no opposition activity is permitted to exist.” In this climate, Turkmen journalists dare not work for or contribute to foreign media outlets.

To operate in Turkmenistan, mass media outlets are required to obtain a government license. Licensing fees differ, depending on the applicant. Government entities, for example, do not have to pay a licensing fee to launch

¹ Shabunts, Natalya. “Imitation.” *Chronicles of Turkmenistan*. Turkmen Initiative for Human Rights, January 26, 2011. <http://www.chrono-tm.org/en/?id=1591> (Available as of March 5, 2011.)

Addressing cabinet meetings, the president regularly criticizes mass media officials for the low ideological and artistic standards of Turkmen television programs and other media outlets.

a newspaper in Turkmenistan. Turkmen individuals or corporations, on other hand, must pay 100 times the size of the estimated monthly wage. The State Publishing Association, Turkmenmetbugat, issues licenses with approval of the Ministry of Internal Affairs and the Cabinet of Ministers. The ministries can reject applicants for a variety of reasons.

Turkmen authorities regularly detain, harass, and intimidate journalists and their families. In July 2010, officials refused to let husband-and-wife journalists Annamamed Myatiyev and Elena Myatiyeva travel to the Netherlands, and gave no clear reason for the ban. Myatiyev needed to undergo an operation for a detached retina, according to Reporters sans Frontières (RSF). Both Myatiyev and his wife worked for several years for the government daily *Neutralniy Turkmenistan* before being fired. Myatiyeva was fired in 2002 for attending a training seminar for journalists in Sweden,

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

RSF reported. When Myatiyev was fired in July of 2009, he was told it was because of the detached retina from which he had been suffering for the previous few months. Following an international outcry over the case, the authorities later allowed the Turkmen journalists to travel to the Netherlands.

In August 2010, Turkmen officials banned RFE/RL's Allamourad Rakhimov, a Prague-based broadcaster and native of Turkmenistan, from entering the country, although he held a valid visa. RFE/RL reported also that unidentified young men attacked its reporter Gurbansoltan Achilova's home on New Year's Eve. She found all her windows knocked out by stones. Earlier, RFE/RL's Gurbandurdy Durdykuliev was harassed in the same way.

Furthermore, the president regularly—and publicly—tells the media what they should print and broadcast. Addressing cabinet meetings, the president regularly criticizes mass media officials for the low ideological and artistic standards of Turkmen television programs and other media outlets. For that reason, and because of officials' "unsatisfactory performance [and] shortcomings in the work," the president issued warnings to media officials numerous times in 2010. For example, in January, the president gave a warning to Begench Abaev, the director of Yashlyk channel of the General Directorate of Turkmen TV, and he reprimanded Minister of Culture and Television and Radio Broadcasting Gulmurad Muradov.

Two weeks later, President Berdymukhammedov fired Annamyrat Annaev, the director of the television channel Turkmenistan, for losing control over the quality of television programs. On August 20, the president dismissed Deputy Culture and Broadcasting Minister Aymuhammet Orazmukhammedov for failing to cope with his assigned responsibilities. The president added that television programming was not conforming to the required quality and artistic level to meet the spiritual and cultural needs of society. The same day, he dismissed Mekan Komekov, the director of Turkmen Ovazy channel, for similar reasons.

In November, the president issued a final warning to Maksat Altaev, director of Altyn Asyr ("Golden Age"), the Turkmenistan television channel of the General Directorate of Turkmen TV. In a November 23 report of the semi-state news website Turkmenistan.ru, Berdymukhammedov was quoted through the press service of the president: "Altaev has got the last warning that he will be relieved of his position in case of recurrence of such shortcomings."

During a meeting of the Cabinet of Ministers on September 25, President Berdymukhammedov severely reprimanded his press secretary Kakageldi Chariyardurdiev "for shortcomings in preparation of official reports and for failing to highlight these materials in mass media on time and in high quality."

Turkmen law deems libel and invasion of privacy as criminal offenses. The libel law grants special protection to government officials, public figures, the state, and state symbols. The burden of proof is on the accused, and convictions can lead to as many as five years in prison and a fine of up to 30 months' pay. But in practice, libel and invasion of privacy are not issues because controls on media are so strict—journalists have little chance to publish or air critical content.

In terms of access to official information, government officials control the release of all information. The presidential administration or specially designated officials from the regions must approve in advance all interviews with government officials.

The Turkmen Initiative for Human Rights, an independent public organization registered in Austria, reports that Turkmen authorities do not consider independent or freelance journalists to be journalists. They only count employees of the official Turkmen media or representatives of foreign news agencies that have obtained official accreditation from the Ministry of Foreign Affairs of Turkmenistan.

The government holds exclusive oversight of press accreditation. It grants visas to journalists only to cover specific events, such as international oil and gas conferences and other summits, where authorities can monitor their activities. Reportedly, in August 2010, the president signed a decree to explicitly bar almost 40,000 individuals from leaving Turkmenistan—a move that affects journalists and academics in the country greatly, as well as foreign journalists interested in covering Turkmenistan. EurasiaNet.org reported that Najot, a human rights group in Uzbekistan, obtained a copy of the secret blacklist, which states that the individuals barred from entry are employees of various government agencies or are the subject of intelligence surveillance. The second part of the document lists foreign nationals barred from entry into Turkmenistan, including representatives of international organizations (Amnesty International, the Soros Foundation, and the Memorial Human Rights Center), political refugees, and 73 journalists.² One of Turkmenistan's only bloggers, who writes under the pen name Annasoltan, commented that with so few journalists allowed in to the country, the information available to the international media is, in her words, clichéd and reductionist.³

²Fitzpatrick, Catherine. "Blacklist Reportedly Circulated of Undesirables in Turkmenistan." Eurasianet.org, July 31, 2010. <http://www.eurasianet.org/node/61649> (Available as of March 5, 2011.)

³Annasoltan, "State of Ambivalence: Turkmenistan in the Digital Age." *Digital Icons: Studies in Russian, Eurasian and Central European New Media*, No. 3 (2010); page 2. Available at: <http://www.digitalicons.org/wp-content/uploads/2010/07/Annasoltan-3.1.pdf> as of March 5, 2011.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.75

Journalism in Turkmenistan cannot be considered fair, objective, or well sourced. Journalists working for the state media produce pro-government reports highlighting the president's accomplishments and success stories, barely quoting anyone except the president. Turkmen journalists have few, if any, opportunities to improve their professional skills, as neither government agencies nor NGOs offer many training opportunities.

Turkmen media have no formal ethical guidelines for journalists; editors do not distribute or mention to newly hired journalists any type of professional standards to follow. Working journalists are treated in a "special" way whenever they approach government officials for information or for quotes. Most of the time, journalists are given gifts for their favorable coverage.

Officials censor all of Turkmenistan's media organizations, and journalists self-censor as a matter of professional survival. Editors-in-chief are appointed and dismissed by the decrees of the president. Annasoltan reported that Turkmenistan citizens even self-censor their consumption of media content: "There seems to be an unwritten rule about 'politically correct' and 'socially accepted' behavior on the Internet, by which almost all net users abide. In Turkmenistan, people police their own actions and thoughts."⁴ "The real news is circulated in whispers," commented another writer.⁵

Journalists limit their coverage to issues that please government ears. For example, Turkmen mass media outlets picked up on the Romanian Institute of International Relations and Economic Cooperation's selection of President Berdymukhammedov as "Man of the Year." State media also highlighted extensively the curious Gallup World Poll's report on Turkmenistan, which claimed that Turkmenistan's people are among the world's top 20 happiest. The Turkmen government seized immediately upon the widely publicized survey as a propaganda mechanism, and the president claimed that it is proof that Turkmenistan enjoys a high standard of living.

"The Turkmen mass media focus exclusively on achievements, accomplishments, the 'great reforms' which are underway in the country where poor, beggars, unemployed, infectious diseases, and other problems of real life are non-existent. Health care practitioners are forbidden to diagnose and

⁴Ibid, Annasoltan, p. 9.

⁵Ibid, Shabunts.

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

record infectious diseases such as hepatitis, flu, measles, scarlet fever, and others. Before they made records referring to 'acute respiratory disease' but it turned out that it has recently been banned. Now only 'season cold' can be used in medical records," noted one commentator.⁶

Local mass media outlets are failing to cover such issues as the government's refusal to allow hundreds of students to go abroad to continue their studies, or even problems that Russian-Turkmen citizens face, such as the government's practice of blocking citizens with dual citizenship from leaving Turkmenistan. EurasiaNet.org has reported on that story, however. According to the website, in some cases officials ask that Russians apply for new Turkmen passports; in other cases, migration officials have stated that in order to leave the country, Russians must either renounce their Russian citizenship and apply for Turkmen citizenship or renounce their Turkmen citizenship and obtain an exit visa to depart permanently from Turkmenistan.

In terms of pay levels, the Institute for War and Peace Reporting (IWPR) quoted a commentator from Ashgabat: "The state is spending millions of dollars on improving the way television works. Staff are on high salaries by local standards and enjoy good working conditions—high-end equipment, and separate studios and rooms." Yet, despite all this, the programs shown on television are dull and mediocre."⁷

⁶Ibid, Shabunts.

⁷"Turkmen Viewers Skeptical of TV Reforms," IWPR. July 23, 2010. <http://iwpr.net/report-news/turkmen-viewers-sceptical-tv-reforms> (Available as of March 5, 2011.)

Since coming to power in 2007, President Berdimukhammedov has pressured the broadcast media frequently. Observers say that the administration has made real attempts to improve quality, with government funding for new television stations and technical equipment. The president even signed a decree to build a new television tower in the capital city of Ashgabat. The nearly €140 million project would include more than 100 editing rooms and 10 on-air booths. Polimeks, a Turkish construction company, is reported to be constructing the 24-floor, 211-meter television tower. The facility is slated to open in October 2011, according to the semi-state Turkmenistan.ru website.

Entertainment programming dominates among local media, and Turkmen television programs are filled with entertainment. The news program *Vatan* runs four times per day, each broadcast lasting 13 to 17 minutes—without a single segment of foreign news, unless the president travels abroad. “I never watch the Turkmen [television] channels,” as IWPR quoted one Ashgabat resident. “Local television shows only folk dancing and talking heads who repeat phrases like ‘our esteemed president’ and ‘dear president’ all the time.”⁸

If President Berdimukhammedov takes part in a festive event that ends with a concert, all other programs are cancelled and the entire concert is shown, focusing on images of the president and his entourage. Furthermore, IWPR reported that the differences between various channels are minimal, with only the presenters’ clothing setting the shows apart. The male announcers on the *Altyn Asyr* channel all wear identical suits and ties, while the *Miras* channel features women in Turkmen national costumes.

None of the state-run media outlets offer quality niche reporting or investigative reporting. However, Turkmenistan is starting to see blogs offering insights into Turkmenistan’s “restrictive policies, its urban spaces, its health infrastructure, and also new media in Turkmenistan.”⁹

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.25

The Turkmen government funds all media outlets in the country, and controls newspapers, magazines, radio, and television stations tightly. Citizens have no opportunity to

⁸Ibid, IWPR.

⁹“Between Big Brother and the Digital Utopia: e-Governance in Post-Totalitarian Space.” Digital Icons: Studies in Russian, Eurasian and Central European New Media website; <http://www.digitalicons.org/issue03/annasoltan-3-1/> (Available as of March 5, 2011.) Annasoltan’s neweurasianet Turkmenistan blog is available, as of March 5, 2011, at: <http://www.neweurasia.net/category/turkmenistan/>

check sources against each other, as all media outlets in Turkmenistan present only one point of view—that of the government. Few Turkmen are aware of the potential to receive news through handheld devices such as smartphones and/or by SMS news alerts.

People get most of their information through television and satellite television. News programs are available according to a regular schedule. Currently, Turkmenistan has five state television channels, one national radio service, 25 national and local newspapers, and 16 magazines. All newspapers are alike, as they are all stocked with information on government activities from the presidential press services or other authorized state bodies. All official information is disseminated through the state’s only news agency, Turkmen dovlet habarlary. Newspapers are printed and circulated but not read. Neither newspapers nor other media outlets struggle to win readers, as the government compels government employees—including teachers, doctors, military personnel, and others—to subscribe.

Materials broadcast on the national television and radio channels differ very little, but they all heap praise on the leadership—emphasizing in particular the success of President Berdimukhammedov’s Era of New Revival. State television channels offer in-depth reporting only on topics favorable to the government, which are really just longer-form, more detailed propaganda. Noted one analyst, “The news coverage from the sessions of the Cabinet of Ministers or the State Security Council stands out. These sessions are covered

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) exists 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 non-partisan, 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.

by gifted story writers. Exuberant in words, these articles lack informational content and are abundant in general wordings, phrases, conventional texts, boring-to-death clichés, inspired by Hitler-Stalin pompous rhetoric. They imitate the transparent performance of top echelons of power.”¹⁰

However, in 2010 Turkmenistan announced the publication of its first private newspaper, *Rysgal* (Welfare). A commercial publication about business affairs, the paper is not truly independent, as the president ordered the state-controlled Union of Entrepreneurs to establish it. The private newspaper “...may publish articles about the successes and positive experiences in the field of entrepreneurship,” the president said ahead of the first issue of the paper. The first issue of *Rysgal* appeared on September 17. Soon after, IWPR reported that local Turkmen media experts were not impressed, and that *Rysgal* is not really any more interesting than the existing newspapers. Like others, it features a large front-page portrait of President Berdymukhammedov. The only difference is that it is printed on glossier paper. A local journalist dismissed *Rysgal*, comparing it to a student newspaper—lacking original material, with no analytical articles and no views from the entrepreneurs that are the target readership, according to IWPR.¹¹

Turkmen blogs, especially within the country, are not yet common, but awareness of blogging is growing quietly. The main Turkmen blogger for www.neweurasia.net, Annasoltan, is a Turkmen-born, Western-educated journalist, working under a pseudonym to promote awareness of free media to Turkmen.¹² A report she authored on the status of the digital media in Turkmenistan underlined the government’s announcement of the availability of the 3G mobile spectrum as “holding out the promise of widespread and continuous web connectivity” and noted, “The state’s ambivalent policies notwithstanding, there is evidence of vibrant chat rooms and sustained efforts by Turkmen to utilize the full potential of the Internet.”¹³

President Berdymukhammedov won credit years ago for lifting a longstanding ban on imported foreign newspapers, allowing citizens and government institutions to subscribe to Russian newspapers, with some newspapers and magazines, mostly from Russia and Uzbekistan, sold at local markets. However, according to IWPR, the president clamped down again in August 2010, declaring his unhappiness with the

Materials broadcast on the national television and radio channels differ very little, but they all heap praise on the leadership—emphasizing in particular the success of President Berdymukhammedov’s Era of New Revival.

quality of imported newspapers and directing cultural officials to “take care of this matter.” He said that Turkmenistan produces enough newspapers, magazines, and books to keep everyone happy. IWPR confirmed that Turkmenistan is trying to stem the trickle of imported newspapers, “...probably to stop people reading too much about the ethnic clashes that shook southern Kyrgyzstan in June.”¹⁴

To access foreign television programming, citizens use satellite dishes also—a practice widespread throughout the country. Turkmen television re-transmits Russian Channel One broadcasts for about 10 minutes each day. The satellite information channel TV-4 broadcasts in several languages, including Russian, English, Farsi, French, Arabic, and Chinese. Print periodicals and television and radio broadcasting in languages of other ethnic minorities are not available in Turkmenistan.

Generally, newspapers cost next to nothing, but few people can afford to own a satellite dish or have access to cable television. During the presidential election campaign, the president promised to create the right conditions to develop the communications network, saying: “I will pay a great deal of attention to this sphere. The latest technology—for example, the Internet—should be available to every person in the country.”

He kept his promise partially, lifting some of the restrictions on the Internet, opening up several Internet cafés in the capital city and in other regions, and allowing some Turkmen citizens to express themselves in an open forum online. Yet the government controls the Internet strictly, filtering its content and blocking many sites, according to a 2010 report by RSF, which lists Turkmenistan among the worst enemies of the Internet.¹⁵ According to Annasoltan, “In February 2007, RFE/RL reported that Turkmen authorities had allowed the

¹⁰Ibid, Shabunts.

¹¹“Turkmenistan’s First Private Newspaper Disappoints.” News Briefing Central Asia, Institute for War and Peace Reporting, October 6, 2010. <http://iwpr.net/report-news/turkmenistan-s-first-private-paper-disappoints> (Available as of March 5, 2011.)

¹²Ibid, “Between Big Brother and the Digital Utopia: e-Governance in Post-Totalitarian Space.”

¹³Ibid, Annasoltan, p. 1.

¹⁴“Further Restrictions on Foreign Press in Turkmenistan.” News Briefing Central Asia, Institute for War and Peace Reporting, September 3, 2010. Available at: <http://iwpr.net/report-news/further-restrictions-foreign-press-turkmenistan> (Available as of March 5, 2011.)

¹⁵“Web 2.0 versus Control 2.0.” Reporters sans Frontières, March 18, 2010. <http://en.rsf.org/web-2-0-versus-control-2-0-18-03-2010,36697.html> (Available as of March 5, 2011.) See also RSF’s website profile Internet Enemies: Turkmenistan. <http://en.rsf.org/internet-enemie-turkmenistan,36692.html> (Available as of March 5, 2011.)

According to Annasoltan, "In February 2007, RFE/RL reported that Turkmen authorities had allowed the public to post comments on the official Altyn Asyr website. However, a mere four days later when critical comments were posted related to government policies, interactive communication with the online community was aborted and no further comments were posted..."

public to post comments on the official Altyn Asyr website. However, a mere four days later when critical comments were posted related to government policies, interactive communication with the online community was aborted and no further comments were posted... Such half-hearted and stillborn attempts at openness are common practice; the promise of digital access is frequently undermined by technical difficulties, red tape, and prohibitive costs."¹⁶

The law requires registration for Internet users, both at Internet cafés and at home. Internet users must also leave their passport information in records as part of registration. Annasoltan reported that sometimes, soldiers are even posted at café doors.¹⁷

Citizens are also using talyplar.com, the social networking website designed for students, to express criticism of the government. The Turkmen-language site was set up outside of Turkmenistan in the United States. Others like it are growing in popularity among Turkmen youth—both inside and outside the country. Some website visitors are taking advantage of the luxury of anonymity to criticize government activities and discuss other socially important matters. RFE/RL quoted one poster, "Why there is so much corruption around? If you are pregnant, you have to pay a bribe... If you want to study in a good school, you need to pay a bribe. To get any document, you have to give bribes. Bribery is in our blood now. Why? Because salaries are low, prices are high. There is only one employed person in most families. Many families survive on pensions." Another subscriber wrote, "There is no rule of law."¹⁸

¹⁶ Ibid, Annasoltan, p. 5.

¹⁷ Ibid, Annasoltan, p.8.

¹⁸ Najibullah, Farangis. "Turkmen Dipping Their Toes Into Online Forums." Radio Free Europe/Radio Liberty website, September 30, 2010. Available at: http://www.rferl.org/content/Turkmen_Dipping_Their_Toos_Into_Online_Forums/2172821.html as of March 5, 2011.

People in major cities, especially in Ashgabat, have greater access to the Internet and other media sources than people living outside of Ashgabat. Annasoltan wrote, "This state of affairs changes abruptly from bad to worse just a few kilometers outside the capital, where computers and the Internet are scarce and remain alien concepts to many Turkmen citizens. Here, beyond Ashgabat's megalopolis panorama, the ICT situation remains mostly unchanged from earlier times. In Turkmenistan, 60 to 70 percent of the population live in rural areas, and the gulf between urban and rural population is growing."¹⁹

In another example of the geographic divide, after the government announced availability of the 3G spectrum, Annasoltan noted, "Turkmens from large towns are also routinely disappointed to find that what they covet is not within their reach. In March, a resident of Abadan, a town located near Ashgabat, rushed to a Turkmen Telecom centre to obtain 3G for his mobile phone when he heard the news that 3G is now available in Turkmenistan. However, he returned disappointed, having learned that 3G availability was confined to Ashgabat alone."²⁰

Pricing limits Internet availability as well. According to RFE/RL, "Access to the net also comes at a high cost, placing the Internet beyond the reach of ordinary Turkmen citizens. An hour of surfing the net at an Internet café costs about \$2.10, while surfing at home costs \$0.42 per hour in addition to a monthly subscription fee of \$4.20. Such prices are prohibitive in a country where, despite vast energy wealth, some 30 percent of the population lives in poverty, and the average monthly salary is about \$200."²¹

Commenting on Turkmenistan Online's posted official rates, one perplexed resident said, "I do not understand who these rates are designed for and how these tariffs have been calculated. For instance, fines are calculated based on the minimum wage, which is now rated at TMT 50 (equivalent of \$17). In Turkmenistan, the cheapest fee for low-speed but unlimited Internet access is \$213! I think that Turkmenistan has the most expensive Internet rates in the world."²²

Thus, many opt for Internet cafés, demonstrated by long lines at the popular Parakhat Internet café in Ashgabat. Most cafés charge around TMT 3 per hour (slightly more than a dollar).²³ "Some Ashgabat residents use Internet in the offices of foreign and international agencies; for instance,

¹⁹ Ibid, Annasoltan, p. 7.

²⁰ Ibid, Annasoltan, p. 7.

²¹ Ibid, Najibullah, Farangis.

²² "Turkmen Style Internet." Chronicles of Turkmenistan. Turkmen Initiative for Human Rights, February 7, 2011. See <http://www.chrono-tm.org/en/?id=1602> (Available as of March 5, 2011.)

²³ Ibid, Turkmen Style Internet."

in 'American corners' or the UNDP office. For a long time, nobody visited the OSCE office, which has Internet access and three old computers that were installed for civil society activists. According to one of the public activists, the 'reason is that the control over Internet users here is more rigid than in Internet cafes.'"²⁴

Turkmen students abroad use online message boards to ask people in Turkmenistan about job opportunities and salaries at home. School graduates in Turkmenistan post questions asking about university entrance exams, education fees, and living costs abroad. The important thing, advised a user named Vladimir Torin on talyplar.com, is expressing and sharing ideas. RFE/RL quoted the user as saying, "Do not keep your ideas inside your head. If an idea comes to your head, implement. If you have no plans to implement, then share it with the world and put your signature underneath."²⁵

No cases have been reported of people running afoul of the government due to their critical comments, and there are no indications that government officials monitor the posts. Yet the government regularly blocks certain websites, including opposition sites and news sites critical of the government. From time to time, the government blocks certain social networking websites, such as Facebook, Russian Odnoclassniki ("Classmates"), and YouTube, but as of December, these websites were accessible to the public. At the time of Annasoltan's *Digital Icons* report on Turkmenistan's new media situation, Facebook was only available on mobile phones with the Russian MTS service provider.²⁶

Lucie Morillon, co-author of RSF's "Enemies of the Internet" report, wrote that autocratic regimes such as Turkmenistan's are suspicious of social networking sites "because it could be a tool for the mobilization of civil society," RFE/RL reports. "Given the state of media in Turkmenistan, the Internet is basically the only space where alternative views—however limited—can be expressed."²⁷

No laws or regulations exist to govern disclosure of media ownership. All newspapers have a quote of the president on the front page, indicating the president's stamp of approval, and television stations mention the president's support regularly. But since the government acts as a media conglomerate and owns and operates nearly every media outlet, such statements are unnecessary.

Turkmen mass media outlets do not cover social issues, such as those concerning gender, ethnicity, social conventions,

²⁴Ibid, "Turkmen Style Internet."

²⁵Ibid, Najibullah, Farangis.

²⁶Ibid, Annasoltan, p. 9.

²⁷Ibid, Najibullah, Farangis.

religion, and sexual orientation. The mass media outlets function as if such issues do not exist or are unimportant.

Nearly all media in Turkmenistan are in Turkmen language. The minority-language publications available are the national, general interest, Russian-language daily *Neytralniy Turkmenistan* and the advertising paper *Habarlar*, which is published both in Russian and Turkmen. The eight-page *Rysgal* is published in Turkmen and Russian.

Turkmenistan has regional newspapers, with one newspaper per region. They focus on local news while devoting significant space to national news, particularly the president's acts, decrees, and trips at home and abroad. The local news outlets do not include a sentence of news about foreign countries. There are no regional television channels.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.14

All domestic mass media are under strict government control and financed fully by the government of Turkmenistan through subsidies and mandatory subscriptions. Aside from a small amount of advertising, mass media outlets are not involved in commercial activities. The circulation figures that the government maintains for its print publications are inflated, given the mandatory subscriptions. The state determines the budget for each media outlet and the president appoints and dismisses editors-in-chief. The government provides no transparency guidelines to citizens

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.

for them to determine whether personnel policies are in place to allocate the right people to certain tasks.

As the state guarantees their budgets, media outlets do not feel pressure to use more advertisements to generate revenue. The Turkmenistan advertising industry is developing—albeit slowly—due to an increasing number of international oil and gas companies entering the market, but specific figures are not available. Anyone can advertise in newspapers, but citizens are limited to advertising on state-run television stations. Reportedly, some international organizations have had difficulties airing advertisements on national television stations.

Almost no private sector exists in Turkmenistan. The government provides the majority of jobs and dominates the economy, which continues to be one of the least free in the world. Turkmenistan ranks 169th in the Heritage Foundation's 2011 Index of Economic Freedom, keeping company with Iran, Eritrea, and the very lowest-scoring North Korea at 179.²⁸ "Corruption remains widespread," the report stated. "Foreign investors face a highly politicized and corrupt system... Laws are poorly developed, and judicial employees and judges are poorly trained and open to bribery," the report stated.²⁹

RFE/RL is reported to be conducting research in the country to obtain information on audience demographics and preferences. However, media experts note that such organizations have limited possibilities for market research, given government restrictions.

The broadcast media sector has no ratings system. According to U.S.-based Pyramid Research, the number of individual pay-television subscriptions in Turkmenistan at the end of 2009 was just 13,200 and the estimated total number of Internet users was about 127,000.³⁰

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.31

Turkmenistan has no trade associations or professional associations that could represent the interests of media, provide member services, or work to protect journalists' rights. The government-run Institute for Democracy and Human Rights lives on paper only, with a mission of playing an ombudsman's role in resolving petitions on human rights-related issues and supporting democratization.

²⁸ 2011 Index of Economic Freedom, the Heritage Foundation. Available at http://www.heritage.org/index/PDF/2011/Index2011_highlights.pdf (Available as of March 5, 2011.)

²⁹ Ibid, Index of Economic Freedom.

³⁰ "Internet in Turkmenistan: The Barrier Raises, but Outlook Remains Hazy." Pyramid Research, July 21, 2009. <http://www.pyr.com/points/item/090721.htm> (Available as of March 5, 2011.)

The media sector has no need for an association of media owners, since the government is virtually the only owner. Numerous international reports state that at least two unions for journalists operate in the country. Indeed, it is difficult to truly know whether they function, or what specific activities they promote. The Union of Journalists of Turkmenistan was founded in 1992 with a charter that includes "the protection of [journalists'] interests against state and public organizations, founders, and publishers of the media." The other, the Shamshirag Association of Journalists of Turkmenistan, is described as non-governmental—but essentially, it is state-controlled, and its impact is minimal. Journalists are aware of these unions, but many do not see the value of joining, as journalists work for government-owned media outlets, have reasonable salaries, and do not report on controversial or critical issues that might lead to a need for union support.

These associations would be unable to offer any kind of protection to journalists working inside the country, since Turkmenistan poses a strong challenge to working journalists—particularly representatives of RFE/RL. The Turkmen government keeps ignoring RFE/RL's requests to establish a bureau in capital city of Ashgabat, despite formal permission from the Ministry of Foreign Affairs of Turkmenistan in 1995, according to an RFE/RL statement issued in Astana, Kazakhstan in November 2010.³¹

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 (e.g., 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.

³¹ Radio Free Europe Statement to the OSCE Review Conference, Astana, November 26 2010. November 25, 2010. Available at: <http://www.osce.org/home/73779> as of March 5, 2011.

Although the constitution and law provide freedom to form associations, the government restricts this right in practice. The law requires all NGOs to register with the Ministry of Justice and all foreign assistance groups to register with the Ministry of Justice and the Ministry of Economics and Development, coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property. The government continues to deny registration to NGOs and private organizations, using subjective criteria.

Journalism education is in its infancy, and short-term training programs are scarce. The Institute of International Relations under the Foreign Ministry of Turkmenistan offers an international journalism degree. Short-term training opportunities exist, but are possible only with the support of international organizations, such as OSCE and UNDP. OSCE has offered at least one course for second-year and third-year journalism students at the Institute of International Relations. The course aims to enhance students' skills with practical, hands-on assignments.

No recent reports are available of journalists being punished for training abroad; however, cases have been reported of journalists being barred from leaving Turkmenistan for journalism conferences.

The government owns all printing production facilities, print distribution facilities, and media distribution channels. Only some kiosks are in private hands. In a prominent example of the government's attempt to hang on to control of the ICT sector, in December 2010 officials suspended the license held by Russian mobile telephone service provider MTS, which began offering Internet service to mobile phone subscribers in 2008. State-owned TurkmenTelecom began to offer Internet connectivity to citizens in 2008 as well. Although one of its subsidiaries, TM Cell or Altyn Asyr, launched 3G service in March 2010, customers have been frustrated by the low speed and inability to watch videos on their devices. Furthermore, Internet users of popular chat rooms often complain about the poor quality of service and low connection speed.³²

List of Panel Participants

Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel for Turkmenistan. This chapter was produced using desk research, interviews, and the results of questionnaires filled out by several people familiar with the media situation in the country.

³² Ibid, Annasoltan, p. 5.

In 2010 the Uzbek government held 11 journalists in prison. One of them, Jamshid Karimov, is a nephew of President Islam Karimov.



UZBEKISTAN

Mass media in Uzbekistan portray the country as democratic and its authorities as loyal to democratic principles. The legal framework of Uzbekistan guarantees a right for independent information, freedom of speech, and bans censorship. However, the on-the-ground reality is quite the opposite. Since the 2005 Andijan massacre in Uzbekistan, when government troops clashed with demonstrators and hundreds of civilians were killed, the Uzbek government has been keeping a tight control over all of the country's mass media and putting continuous pressure on foreign media and independent journalists, rights activists, and opposition parties. The year 2010 in Uzbekistan was marked as yet another year of pressure on mass media and freedom of expression in the country.

Even though censorship was officially banned in 2002, print and broadcast media in Uzbekistan still do not enjoy editorial freedom and are subject to severe censorship. In 2010 the Uzbek government held 11 journalists in prison. One of them, Jamshid Karimov, is a nephew of President Islam Karimov.

New criminal cases continued unabated in 2010. In January authorities imprisoned Khairulla Khamidov, popular journalist well known for his religious views. In February, the authorities charged journalist and photographer Umida Akhmedova with "slander and insult against the Uzbek nation." In October, journalist Vladimir Berezovski, editor-in-chief of the news website www.vesti.uz was also charged with slander and insult. In November, Voice of America correspondent Abdumalik Boboyev was taken to court and charged with defaming and insulting the Uzbek people and threatening public order. In December, two journalists, Saodat Omonova and Malohat Eshankulova, were dismissed from their jobs with public television after their public demonstration against corruption and censorship at the television station.

Since 2005 foreign media have been gradually expelled from the country. The Internet, which is intensively developing, is under tight control as well. The Uzbek government applies sophisticated technology to block all websites that have critical content about the Uzbek government. News from outside Uzbekistan that might be of interest to its citizens, such as the violence against ethnic Uzbeks that took place in Kyrgyzstan in June 2010, is notably absent from media offerings.

Due to the political environment in Uzbekistan, IREX did not conduct an in-country panel for Uzbekistan. This chapter was produced using desk research, interviews, and the results of questionnaires filled out by several people familiar with the media situation in the country.

UZBEKISTAN AT A GLANCE

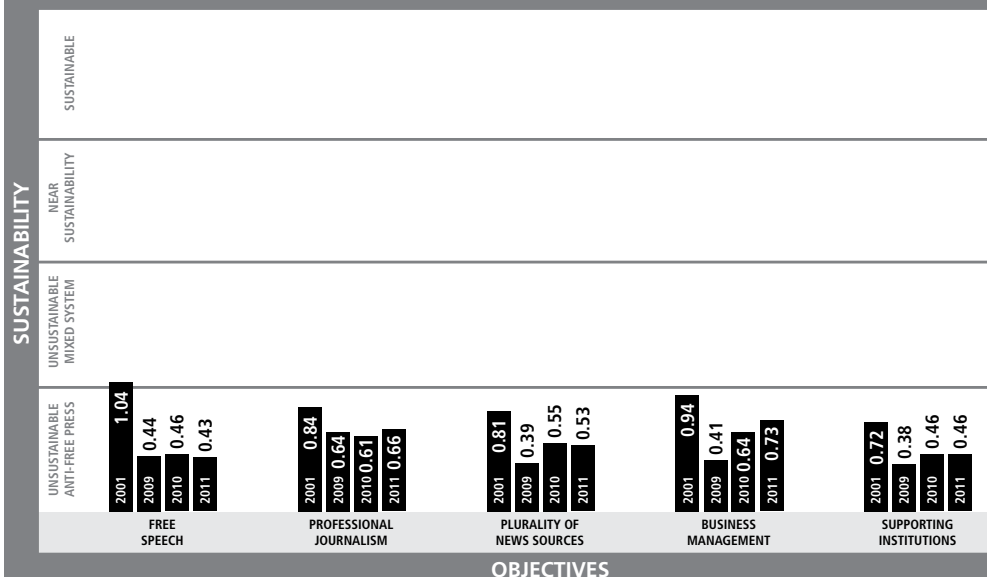
GENERAL

- > **Population:** 28,128,600 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Tashkent
- > **Ethnic groups (% of population):** Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 88% (mostly Sunnis), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)
- > **Languages (% of population):** Uzbek 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)
- > **GNI (2009-Atlas):** \$30.64 billion (World Bank Development Indicators, 2010)
- > **GNI per capita (2009-PPP):** \$2,910 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.3% (male 99.6%, female 99%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Islam Karimov (since March 24, 1990)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 663 newspapers, 195 magazines, 13 periodical bulletins; Radio Stations: 35; Television Stations: 53 (Uzbek government)
- > **Newspaper circulation statistics:** Total newspaper readership is estimated at only 50,000; top publications include *Khalq Sozi* (state-run daily), *Narodnye Slovo* (state-run, Russian language daily), *Ozbekistan Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)
- > **Broadcast ratings:** N/A
- > **News agencies:** Uzbekistan National News Agency (state-owned), Jahon, Turkiston Press
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 4.689 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



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

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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.43

Legal and social protections of free speech exist in the abstract but are rarely enforced in Uzbekistan's authoritarian political climate. Although the Uzbekistan Constitution guarantees for all citizens equal access to information and prohibits censorship, other contradictory laws impose significant restrictions on freedom of information and the authorities exert rigid control over the editorial policies of mass media, censoring any information interpreted as critical of the regime.

Similarly, while the constitution provides for a separation of powers, President Islam Karimov exercises total control over the government. Karimov has continuously ignored or revised the constitutional limits on presidential terms, and has ruled the ostensibly democratic Uzbekistan since its independence from the Soviet Union. On paper, both private and government media are editorially independent but in practice, all media in the country, especially the government media, are subject to editorial pressure and direct regulation by the administration. As a result, media outlets in Uzbekistan, and particularly public media, are viewed as government propaganda tools. Any media or independent journalists daring to speak out against the government are taken to court—usually for slander or for threatening

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 or public media.
- > Libel is a civil law issue, public officials are held to higher standards, offended party 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.

Khamidov was charged with Article 216 of the Criminal Code—organization or active participation in a banned social or religious group, in this case Jihadchilar (Jihadists). Observers report he was arrested after making a public speech at a religious ceremony that was secretly videotaped by the NSS.

the regime and public order. Over the past few years the government has used the pretense of combating Islamic extremism to crack down on any opposition and repress freedom of speech.

On paper, the procedure for licensing media is straightforward and impartial, but as is the case with many aspects of media in Uzbekistan, the reality is often more complicated and can be unfair and politicized. While legislation does not impose serious restrictions on the registration or licensing of the media, given the harsh treatment of opposition interests, in practice the licenses for broadcast and print media are given only to trusted people close to the inner circle of the government. The State Inspection of Communication, the government agency in charge of controlling mail and telecommunications systems, manages licensing of broadcast media. The Uzbekistan Agency for Press and Information is tasked with registering mass media, including advertising agencies. During sensitive political events, such as presidential elections, unofficial bans on registration of new broadcast and print media have occasionally been imposed.

The National Security Service (NSS) of Uzbekistan tightly controls the media and maintains pressure on independent journalists, who are often subject to unjustified criminal charges. For example, on January 21 2010, high profile journalist Hairulla Khamidov was arrested by the NSS. Khamidov, a well-known sports writer also hosted a popular radio show, *Kholislik sari (Voice of Impartiality)*, at the semi-privately-owned radio *Navruz*. In his show, Khamidov offered advice and social commentary based on traditional Islamic values. His program often included topics usually neglected by the official media, such as corruption, poverty, prostitution, public health problems, and other social crises.

In addition to his radio program, Khamidov also published poetry on the internet that addressed similar themes. Khamidov was charged with Article 216 of the Criminal Code—organization or active participation in a banned social or religious group, in this case *Jihadchilar* (Jihadists). Observers report he was arrested after making a public

Emails, blogs, forums and chat rooms, particularly ICQ and Mail.Ru Agent, are under surveillance.

speech at a religious ceremony that was secretly videotaped by the NSS. Human rights organizations claim that the evidence used to convict Khamidov was inadequate but he was sentenced to six years in prison.¹ According to the Committee to Protect Journalists, Uzbekistan is a leading jailer of journalists in Eurasia.²

The Criminal Code's article 139 on libel is often used by the Uzbek authorities in cases against independent journalists who report on taboo social issues or criticize the government. As reported last year, well-known photographer Umida Akhmedova was charged with libel and insult against the Uzbek people because of her controversial documentary "Burden of Virginity," which focused on a sensitive issue in Uzbek culture: the traditional ban on premarital sex. The court found Akhmedova guilty of charges that carried a prison sentence up to three years but the conviction was dismissed as arbitrarily as it was employed when a judge granted Akhmedova an amnesty in honor of the 18th anniversary of Uzbekistan's independence.

In October 2010, Vladimir Berezovski, a Russian editor-in-chief of the news website www.vesti.uz and the Central Asian correspondent of the Russian newspaper *The Parliament*, was charged under Article 139 of the Criminal Code when the Communications and Information Agency decided that Berezovski's articles reporting on Uzbekistan's destruction of Russian heritage sites such as churches, monuments, or street names was libeling and insulting against the Uzbek people. In court hearings on October 13, the court found Berezovski guilty but the presiding judge freed him under an amnesty program.³

In November 2010, yet another journalist was charged with defaming and insulting the Uzbek people and threatening public order. Abdumalik Boboyev, one of few independent journalists remaining in Uzbekistan, was taken to court for collaborating with the Uzbek service of the U.S. funded Voice of America radio. Three out of four charges against him concern his professional work. The fourth charge is

for "illegal entry into the country" and is believed to be trumped-up. With these charges, Abdumalik Boboyev, who pleaded not guilty, could face a five-year jail sentence. During the court process held on October 15 the judge found Boboyev guilty and fined the journalist \$10,000 dollars.

The U.S. embassy in Tashkent, which has been closely observing Boboyev's case, expressed its concerns about the state of media freedom in Uzbekistan, saying the use "of the criminal justice system to punish journalists for freely expressed views is contrary to Uzbekistan's constitution and international obligations, and has a chilling effect on journalists throughout the country."⁴

Government officials often arbitrarily limit freedom to information. The legal framework provides a special protection to journalists conducting investigations; however, access to information may be denied under the pretext of protecting state secrets. The Law on Protection of State Secrets does not offer a specific definition of key words, and the resolution of the Cabinet of Ministers, which contains a definition, is not available to the public. Virtually any of the government's officials routinely refuse journalists information. The law requires an oral request for information from a journalist to be answered as soon as possible, and a written request within 30 days, but this requirement is almost never fulfilled. The same law stipulates additional grounds for restricting access to information to protect the "moral values of society, spiritual, cultural and scientific potential."

As reported last year, the Uzbekistan government has continued since 2006, following the tragic Andijan events, to prevent journalists and ordinary citizens from cooperation with foreign media that the Ministry of Foreign Affairs has not accredited. Experts say that it is due to the foreign media's active role in disseminating the shocking news about the uprising and massacre to the whole world, after which the Uzbek government nearly stopped accrediting foreign media. This decree renders it impossible for the foreign media to hire Uzbek citizens as stringers to get firsthand information.

Even though the system in Uzbekistan is very harsh on journalists freely expressing their opinions, some journalists still dare to speak out publicly against censorship and corruption in the mass media of Uzbekistan. In December Saodat Omonova and Malohat Eshankulova, journalists from public television station *Yoshlar*, demonstrated against corruption and censorship at a square in the center of Tashkent. Three days later they were dismissed from work. The journalists filed a case against the management of public

¹For more information on Hairulla Khamidov's case see: "Uzbek Rights Activists to Fight for Sports Writer's Release," Institute for War & Peace Reporting, June 18, 2010. <http://iwpr.net/report-news/uzbek-rights-activists-fight-sports-writer%E2%80%99s-release>

²"Attacks on the Press 2010" Committee to Protect Journalists. <http://www.cpj.org/2011/02/attacks-on-the-press-2010-uzbekistan.php>

³For more information on Berezovski's case see Ferghana news, <http://www.ferghananews.com/article.php?id=6750>

⁴Statement of U.S. Embassy in Tashkent on Boboyev Appeal, <http://uzbekistan.usembassy.gov/pr111210.html>. November 12, 2010

television for what they believe is an unlawful dismissal. The legal processes on the case are ongoing.

In March 2010, Central Asian satellite television channel K+ was to air a show “Freedom of Unarmed Man,” about Muhammad Salih, a prominent exiled Uzbek opposition leader who now resides in Turkey. The show was to be aired on March 6 at 5:15 GMT. However, when the show started, signal of the channel first deteriorated and then completely stopped. The signal came back when the show finished. The television channel said that there had been unsanctioned external interference to the link between the studio and the satellite. On March 5 the Uzbek service of the Prague based Radio Free Europe/Radio Liberty (RFE/RL) aired information about the K+ show planned on March 6. In an interview to RFE/RL on March 7, Muhammad Salih accused the Uzbek security services in blocking the signal of K+.

The Internet is still the least controlled of the mass media, but the government is strenuously attempting to filter the Internet using sophisticated technology. Most international news agencies’ websites are blocked. The Uzbek government understands that for the Uzbek opposition, which mainly lives in exile and cannot operate in the country, the only way to reach the Uzbek audience is via the Internet. Therefore, the government applies severe filtering of information coming from opposition and exiled dissidents. OpenNet Initiative reported, “Among the Commonwealth of Independent States, Uzbekistan is the undisputed leader in applying Internet controls.”

Emails, blogs, forums and chat rooms, particularly ICQ and Mail.Ru Agent, are under surveillance. Reporters without Borders reported that in 2010 several people have been arrested in Uzbekistan for their alleged membership in extremist religious organizations after being spotted from their conversations on Mail.ru Agent.⁵

Social networking is becoming popular in Uzbekistan. According to the survey of the Uzbek service of RFE/RL, a majority of Uzbek netizens are members of Russian social networking services Odnoklassniki.ru and “Moy Mir”—840,000 and 640,000 users respectively.⁶ In September 2010 in Uzbekistan there were just 25,000 members of the biggest social networking service Facebook. In January 2011 their number reached 60,000. Facebook has occasionally been temporarily blocked, possibly in an attempt to prevent Uzbek users from reading the content of banned independent websites via the social network.

⁵ Reporter Without Borders, *Enemies of the Internet—Countries under Surveillance*, <http://en.rsf.org/internet-enemie-uzbekistan,36688.html>. May 12, 2010

⁶ Link from the Uzbek Service of RFE/RL

There is an unofficial list of topics that editors of both private and state media are made to understand by the NSS that they must avoid.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.66

In his February 2010 address to the parliament, president Islam Karimov criticized national mass media’s quality and called media outlets to be more active in news reporting—all while keeping the media under tight control of the government and preventing journalism in Uzbekistan from achieving professional standards of quality. Journalism schools in Uzbekistan offer old programs that have not changed much since the fall of the Soviet Union, and since the 2005 massacre in Andijan the media continue to be heavily scrutinized by the government, resulting in one-sided, politically-oriented coverage that serves only to propagate the viewpoints of the president’s regime.

Mass media regularly recount events in a one-sided way. This is partly due to the tight control of media and the restrictions imposed on journalists by the authorities. Even those few foreign and international mass media representatives who manage to receive accreditation from the foreign ministry to work in Uzbekistan tend to cover events in a more tepid way, occasionally echoing the official point of view, in order to avoid being asked to leave the country. Comments from

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.
- > Facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Journalists gladly accept gifts or money in exchange for coverage of an event, as many journalists are very much in need of extra revenue to supplement their low wages.

sources that are likely to provide an alternative side to the official Tashkent position, such as opposition representatives, human rights activists, or international organizations are unofficially banned from being cited by the media. Journalists have little incentive to go beyond official statements and conducting background research for additional information is almost never practiced.

Until 2002 Uzbekistan practiced official censorship, requiring all journalists to submit their articles to authorities ahead of publication for approval. In 2002—the year a second referendum extended President Islam Karimov’s term in power—the Uzbek government banned this form of official censorship. However, all that has changed since is that the burden of censorship has shifted to journalists, who face the threat of punishment for offending information once it is published. There is an unofficial list of topics that editors of both private and state media are made to understand by the NSS that they must avoid. This generally includes the country’s socio-economic problems, the activities of opposition parties, human rights violations, high-ranking officials in the government, the president and his family, and Andijan events. As a result, all mass media practice self-censorship to varying degrees.

State media, heavily controlled by authorities, practices the most rigid self-censorship. Among print media, private Russian-language weeklies *Zerkalo XXI* and *Novosti Uzbekistana* are less censored. Some media outlets are trying to raise topical issues and cover major events; however, in most cases access to information is severely restricted. For example, it was difficult for journalists in Uzbekistan to report on the situation with ethnic Uzbek refugees in Andijan fleeing the ethnic conflict in southern Kyrgyzstan in the summer of 2010.

Online media are exposed to censorship to a lesser extent. Online economic magazine *Economic Review* (www.review.uz), published with support of UNDP in Uzbekistan—one of the most popular news sites—and privately owned news website www.gazeta.uz are comparatively independent and free websites.

Media corruption is widespread throughout the country. Journalists gladly accept gifts or money in exchange for

coverage of an event, as many journalists are very much in need of extra revenue to supplement their low wages. Some associations of mass media, such as the National Association of Electronic Media, have developed their own code of conduct for journalists but lack the will or mechanisms to control its application in practice.

The audience for entertainment programming far surpasses that of news and informational programming in Uzbekistan. State television channels usually broadcast information and documentary programs and coverage of political events with marked bias, whereas private television channels mostly show entertainment programs. Private media refrain from news and political reporting for fear of reprisals and people rely on foreign media via cable channels for more reliable news coverage.

As noted in last year’s report, only state-owned media, and only those in the capital and large cities, have decent facilities and equipment for gathering, producing, and distributing news. Many media organizations are badly equipped, with a shortage of cameras, computers, and voice recorders. Computers and other equipment that is available are often technically obsolete. There is great difficulty in connecting to high speed Internet and subscribing to news feeds from major news agencies. However, while inadequate technical equipment certainly hinders efficient production and distribution of news, the lack of modern equipment is much less an impediment to quality journalism in Uzbekistan than are the numerous administrative restrictions placed on media by the government.

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.53

There are a variety of public sources of information in Uzbekistan, yet plurality of news is very poor as almost all of them express the official view. The national media are heterogeneous in ownership but the information provided is almost completely homogeneous. In Uzbekistan, it is enough to be a consumer of one media outlet to know what the other 99 percent of media cover.

An exception is the monthly magazine *Economic Review*, whose opinion may, while in a veiled form, differ from the official. Websites offering content critical of the government continue to be blocked within Uzbekistan, such as Eurasianet, Ferghana, Uznews, Centrasia, Lenta, Institute for War and Peace Reporting, and the Uzbek-language BBC. Facebook and other social networks are blocked intermittently. Web access, particularly by young people, is also restricted

through uneven surveillance of emails and cybercafés, allegedly to monitor membership in banned or radical religious organizations.⁷

Given the bias of national media and the blocking of much of the foreign media, people's access to information is notably restricted. Economic factors also restrict citizens' access to media. Prices for high-speed Internet connections are high, though slightly decreasing. Outside of the capital and in remote areas Internet penetration is very low. Moreover, most people are prevented from accessing the foreign media that is available online since it is mostly in English and Russian. Minority language media exist but it is of poor quality with low professional standards and is also subject to censorship.

Private news media rely almost entirely on information provided by the government media and press services of state agencies. In addition to Uzbekistan National News Agency (state-run) and Jahon (run by the Ministry of Foreign Affairs), there is a non-governmental news agency, Turkiston-Press, which was created by presidential decree and remains loyal to the state. Turkiston-Press specializes in economic news, and the main consumers of Turkiston-Press's information are foreign embassies, international organizations represented in Uzbekistan, and foreign businesses. Uzbek media outlets do not subscribe to the news agency's feed, partly because of high prices, and partly due to the lack of interest in such

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) exists 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 non-partisan, 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.

⁷ For more on Internet access in Uzbekistan see Reporters Without Borders "Internet Enemies" profile of Uzbekistan March 11,2011 <http://en.rsf.org/ouzbekistan-uzbekistan-11-03-2011,39765.html>

Facebook and other social networks are blocked intermittently. Web access, particularly by young people, is also restricted through uneven surveillance of emails and cybercafés, allegedly to monitor membership in banned or radical religious organizations.

information. Some non-state media such as www.gazeta.uz provide readers with their own original content, but such examples are rare.

Entertainment shows dominate the content of private television channels. Little time is spared for news programs, especially as channels do not have the financial resources and producers would just as well avoid risking a confrontation with the government by avoiding news altogether. The state channel *Ozbekiston* once had a popular primetime news show, *Ahborot (News)*, but it has become a government mouthpiece, portraying only positive aspects of life in Uzbekistan. This trend is apparent with other television channels as well. There is a popular joke among independent journalists in Uzbekistan: "If you want to see what heaven looks like, watch Uzbek TV programs, and if you want to see what hell looks like, visit Uzbekistan."

Media ownership is opaque and consumers usually do not know who owns the media or even if it is in public or private hands. There is a stereotype in Uzbekistan that all non-entertainment media is state-owned, primarily due to the identical information presented by most media outlets.

Overall, mass media in Uzbekistan have a very selective approach in covering events both of domestic and international significance. Newspapers, television, and radio, and available online media mostly cover events that show the government and the president in a favorable light. Events of regional and international significance are often neglected. For example, the unrest in Kyrgyzstan in April and June 2010 was barely covered in national media outlets.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.73

Mass media organizations in Uzbekistan are rarely self-sustainable businesses. Most media are totally dependent on subsidies from either the government or private owners. The media market of the capital city, Tashkent, is more

Jahon, and perhaps also Pravda Vostoka, are two of the few major weeklies that could be said to be self-sustainable as a result of the expensive advertising on their pages.

developed and considerably ahead of regional media in placing advertisements. Several major publishing houses grab the biggest share of the advertising market. They include *Tasvir, The World of Economy and Law, Shark Press, Jahon*, and a few others. *Jahon*, and perhaps also *Pravda Vostoka*, are two of the few major weeklies that could be said to be self-sustainable as a result of the expensive advertising on their pages. Large companies hold more than 40 percent of the country's advertisement market.

As reported last year, in Uzbekistan market research is in the early stages of development, and does not significantly shape the media products to the requirements of the market. SIAR-Uzbekistan, founded in 2007 as a branch of SIAR Research and Consulting Group, conducts media market research. In May 2007 SIAR-Uzbekistan won the tender of the Tashkent Advertising Association to undertake the first significant media research project in Uzbekistan since 1998.

In 2009, SIAR-Uzbekistan conducted a People Meter analysis of Uzbekistan's television channels. According to its findings, the most popular television channels among capital city residents are the state channel Ozbekiston and the public channel Yoshlar. The company also identified the 20 biggest

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.

television advertisers, most of which are mobile network operators and manufacturing companies. SIAR-Uzbekistan is also planning to evaluate the print media and radio in Uzbekistan, though so far there has not been significant print media and radio market research. News websites usually rely on statistics provided by modern sophisticated public Internet counters such as www.liveinternet.ru, www.rating.uz, and Google Analytics.

Despite how the advertisement market is developing, most media outlets still cannot survive without state subsidies. Regardless, the Uzbek government need not use economic means to control the media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.46

The Uzbek government continues, as it has since the Andijan events in 2006, to prevent NGOs that support freedom of expression and independent media from operating in the country, and exercises tight control on all professional unions and trade associations. The few media organizations exist not to promote and protect the rights of journalists and media organizations, but to keep them under the government's control.

National Association of Electronic Media (NAESMI) is the only professional association aimed at representing interests of private Uzbek broadcasters. NAESMI was founded in 2004,

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 (e.g., kiosks, transmitters, cable, internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

as a part of a government initiative to purportedly establish an equal market for broadcasters, encourage their active participation in building of civil society, represent common interests, and protect the rights of association members. However, media experts believe that NAESMI is used by the authorities to control the activities and content of broadcast media. Despite the stated voluntary nature of membership, membership is reportedly unofficially required for all who wish to keep their licenses.

Journalism schools offer outdated curricula and are suffering from a huge shortage of qualified teachers. Instruction is theoretically based and practical training is lacking. Media outlets are extremely reluctant to accept graduates of journalism schools to permanent positions.

There are few short-term courses and trainings that would allow journalists to improve existing and acquire new skills. The few short-term professional journalism training sessions that are available are attended only by independent journalists. International media development organizations operating in neighboring countries, especially Kazakhstan and Kyrgyzstan, invite Uzbek journalists to their journalism training sessions, but media development NGOs were forced to leave Uzbekistan in 2005.

Even though citizen journalism is becoming more popular, there is no supporting organization for bloggers. The law on mass media in Uzbekistan identifies blogs and any other form of website as mass media. However, journalists' trade unions and associations do not support bloggers. There have been no cases of trials or persecution of bloggers yet, as the Uzbek blogosphere residing in Uzbekistan is not too critical of the government.

All media distribution channels are under the rigid control of the government. Therefore, newsstands are state monopolies, with the exception of a few privately owned shops and kiosks. In some cases it is possible to distribute print media through alternative distributors.

There are both state-owned and private printing facilities in the country. As the Press and Information Agency is in charge of the country's printing and distribution infrastructure, private print houses only print materials friendly to the government, in order to avoid problems with authorities.

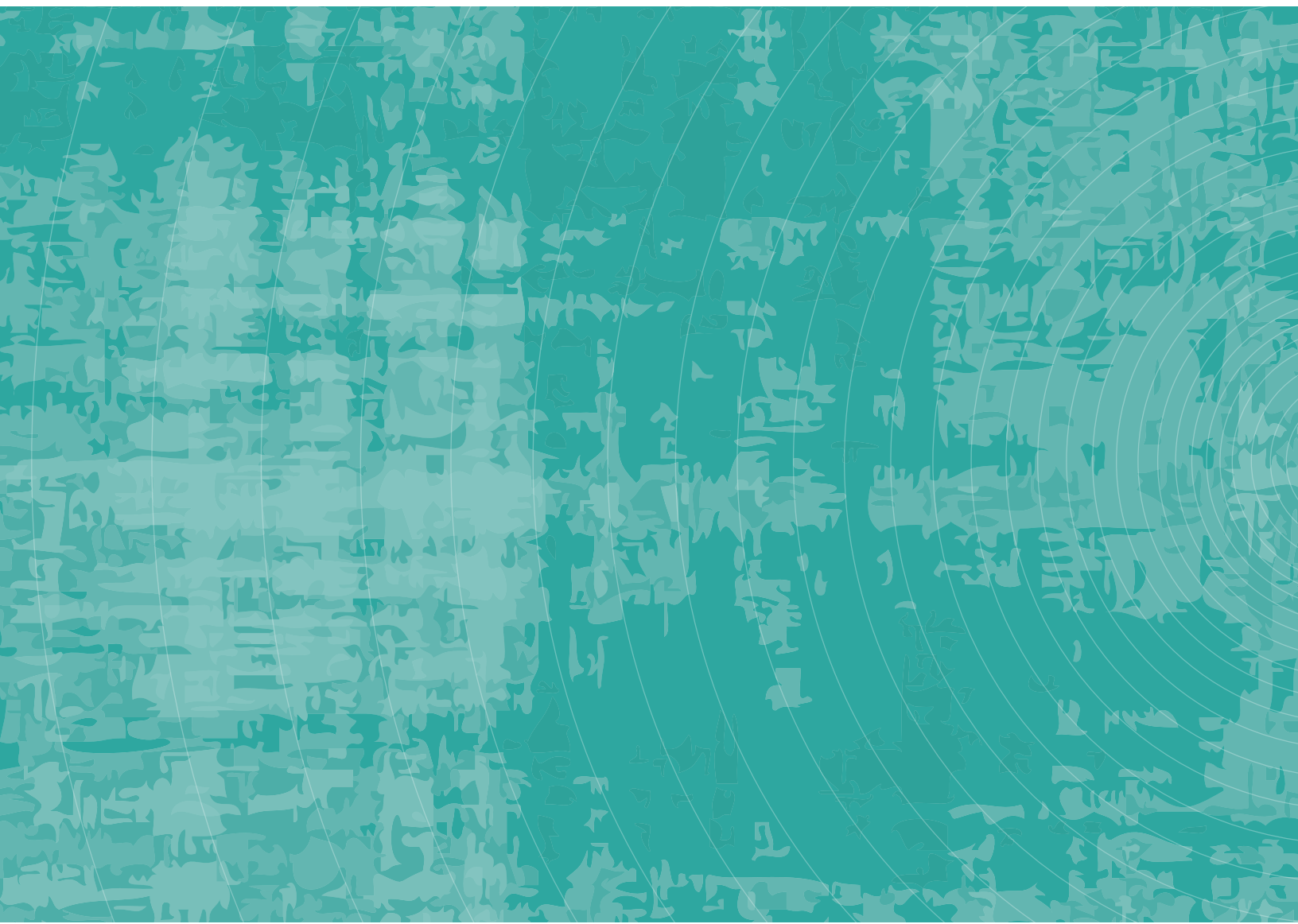
List of Panel Participants

Due to the political environment in Uzbekistan, IREX did not conduct an in-country panel for Uzbekistan. This chapter was produced using desk research, interviews, and the results of questionnaires filled out by several people familiar with the media situation in the country.

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