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MEDIA SUSTAINABILITY INDEX 2012

DEVELOPMENT
OF SUSTAINABLE
INDEPENDENT MEDIA IN
EUROPE AND EURASIA

MEDIA SUSTAINABILITY INDEX

2012

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



MEDIA SUSTAINABILITY INDEX 2012

The Development of Sustainable Independent Media in Europe and Eurasia

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USAID is the principal U.S. agency to extend assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms.

U.S. foreign assistance has always had the twofold purpose of furthering America's interests while improving lives in the developing world. The Agency carries out U.S. foreign policy by promoting broad-scale human progress at the same time it expands stable, free societies, creates markets and trade partners for the United States, and fosters good will abroad.

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- Asia;
- Latin America and the Caribbean;
- Europe and Eurasia; and
- The Middle East.

IREX

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

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

Founded in 1968, IREX has an annual portfolio of over \$60 million and a staff of over 500 professionals worldwide. IREX employs field-tested methods and innovative uses of technologies to develop practical and locally-driven solutions with our partners in more than 100 countries.

Implementing Partners

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

Women's Media Watch Azerbaijan <http://www.wmw-az.org/>

Innovative Solutions Inc. (Kyrgyzstan)

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

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

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

Media Development Center (Macedonia)

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

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

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



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& EURASIA**

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Divestment in East European media by West European conglomerates in need of cash resulted in transfer of ownership from investors interested in profit to groups interested in promoting personal political and/or business interests.



I am pleased to introduce the latest annual Media Sustainability Index (MSI) study for Europe and Eurasia. The MSI is one of the most reliable and trusted evaluations of media health globally and in the various regions and countries included. Coverage of the same 21 countries in the Europe and Eurasia region for more than a decade allows interested readers to discover emerging trends—both positive and negative—in media development in the region. In this edition, IREX looks at one emerging threat: increased political control of media outlets. Weak financial footing has caused the loss of independence at media outlets across the region, resulting in a loss of objectivity and plurality in the news. Our 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 2012 MSI. Participants, moderators, and authors for each country, listed after each chapter, provided the primary analysis for this project. At IREX, Leon Morse managed the MSI with the untiring editorial support of consultant Dayna Kerecman Myers. 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

Foreign investors are naturally wary of losing their investment through legal actions taken by an angry government. However, in countries that joined and seek to join the European Union, such action likely would be either illegal under terms of their membership or detrimental to their application.



The 2012 MSI study for Europe & Eurasia revealed a mix of positive developments, regression, and stagnation (or resilience, depending on one's point of view). Nearly half of the 21 countries included in this study showed little change either way, their overall score moving by 0.10 or less. Six countries showed improvement and five slid backward.

Below is a brief summary of notable findings:

- The former Yugoslavia accounted for all but one of the countries with lower scores this year. Montenegro improved, Croatia remained roughly unchanged, but the rest of the former Yugoslavia—Serbia, Bosnia, Kosovo, and Macedonia—suffered losses (note that Slovenia is the only country of the former Yugoslavia not studied by the MSI).
- Croatia received the highest score of the E&E MSI. However, its overall score is only 0.08 higher than in 2001, although most individual objective scores have changed positively or negatively since that time.
- Moldova continued to improve and achieved the highest score among the four countries in “Russia and Western Eurasia.” All objectives except Objective 4, Business Management, received a score in the “near sustainability” range.
- Armenia maintained its leadership amongst the three countries in the Caucasus. Its overall score remained mostly unchanged, although the score did slip slightly.
- Georgia continued to slowly regain ground lost in 2008.
- Russia's score improved; despite serious lingering challenges, panelists expressed a cautious optimism that the situation will continue to improve in the coming years.
- Kyrgyzstan returned to the top spot in Central Asia as the political situation there stabilized. However, two objectives, those covering professional journalism and business management, remain well below the “near sustainability” range.
- Divestment in East European media by West European conglomerates in need of cash resulted in transfer of ownership from investors interested in profit to groups interested in promoting personal political and/or business interests.

Scoring charts providing all scores for 2012 can be found at the end of this section. Further, the entire history of MSI scores for all regions is available on IREX's website in Microsoft® Excel spreadsheets. See: www.irex.org/msi.

Each year for the executive summary, IREX selects one or two themes that appear in multiple chapters and highlights trends and comparative developments. This year IREX has chosen to focus on the impact that increased political control of media is having on media sustainability. While by no means a new phenomenon, panelists in a number of countries are pointing to an increase in politicized media ownership and the problems this poses for their media sector.

Political Control of Media

One of the core forces behind the international consensus that supports the rights to free speech and a free press is the protection of political speech. Vibrant political debate and politically sponsored messages make up a vital part of a strong democracy. Access to the mass media by all elements of the political spectrum is one pillar of sustainable plurality in the media. Transparent partisan media content is therefore a hallmark of a strong media sector.

However, there is a line where politicization of the predominant mass media in a country becomes counterproductive. An isolated media outlet that masquerades as a provider of news but is in reality a conduit for propaganda may have a limited impact if a number of objective media exist. A media sector dominated by partisan outlets, on the other hand, will undermine the effectiveness of a media sector as the "fourth estate."

Even in an ideal situation, it is unlikely that any single news outlet will ever serve perfectly as the only news source needed by any one individual, let alone an entire society. Media outlets cover different topics, and many cover the same topic differently. Complementary information, such as a recommendation by a friend on a social network, a radio news bulletin, an in-depth investigative story in text form, and the grass-roots perspective of a citizen reporter work to best inform citizens and allow them to make decisions that best suit their own priorities and interests.

However, the ability of humans to absorb information and the time each makes available for doing so is limited. In reality the optimal situation is one where many news outlets adopt an objective approach that presents many sides of an issue and exposes citizens to new and provocative ideas. When partisanship becomes the *raison d'être* of a critical mass of media outlets, access to objective information and plurality suffer as only the most avid media consumers have access to diverse ideas and points of view. Some media consumers will

make do with only the news they wish to receive. Unchecked, such a situation may lead to extreme divisiveness within a society.

Needless to say, a worse situation arises when partisan control of media overwhelmingly or even exclusively favors one political group. Media professionals, civil society, and even governments must therefore find a way to preserve space for political speech yet maintain a media sector that serves, first and foremost, the public's news and information needs.

In the context of the MSI studies, panelists have long complained about the damage politicization of media has on a media sector and the news received by citizens. For example, political control will negatively affect scores for professional journalism as balance in reporting and ethics are both compromised and self-censorship is more commonplace. Often partisanship will infiltrate publicly owned media and reduce scores for relevant indicators. In severe cases favored media outlets receive preferential treatment in access to information and media licensing. Partisan ownership may result in a distorted media market, as cronyism and not market principles affect sources of revenue.

How MSI Panelists are Reporting on Political Control

While such issues have plagued many of the countries studied by the MSI, this year's study revealed a trend toward increased politicization in a number of countries, threatening previous progress.

Panelists in Albania confirmed the difference in ethics and objectivity displayed by political party media. They lauded the performance of the media sector compared to institutions such as courts or parliament, but were mindful of the damage that politicization brings to the profession. One asserted that quality reporting stems from not only a journalists' professionalism, but also from their independence. Panelists in Bosnia point out that the media are fractured along both political and ethnic lines, and as one panelist explained, "only a few, truly independent media have the luxury of publishing objective and uncensored information."

Moldova panelists described a divide between media outlets: "Media outlets in Moldova can be divided into two categories: those that observe journalistic ethics and those whose editorial policies are unethical. Television channels, newspapers, news agencies, news portals—all media outlets in the country can be easily placed into one of these two categories as the politics of their editorial policies are clear." In Georgia the situation was described thusly: "The lack of objectivity is a major shortcoming in terms of professional standards. The largest television stations uncritically convey the government's

ideas and projects, while opposition-leaning stations do not do enough to balance their criticism of the government.”

In these examples, the balance between pro-government and opposition outlets is relatively balanced and there are at least some independent media. In other countries in the region, thanks in part to the efforts of political forces, that balance is squarely in favor of ruling political parties.

Ukraine and Russia are examples where formerly there was higher plurality and better parity between political media and now these have either diminished or are diminishing. In its initial study in 2001, Russia scored 2.28 for plurality, which is relatively respectable. It quickly lost ground, falling to 1.26 in 2005 and gaining back ground a few years later as online media became more prevalent. The change of scores over time reflects well the way that Russia’s ruling party has engineered changes in ownership of the most important media, primarily national television channels, into the hands of party faithful or even the state itself. Independent and opposition voices dwell mostly online and in print. Panelists there noted, “A relatively small group of independent media that adhere to principles of fair, objective, and well-sourced reporting, cover all key events and issues, do not practice self-censorship, and adhere to high ethical standards.” Most citizens in Russia do not benefit directly from the work of this small group, given the importance of television; however, their work is not without its impact.

Ukraine’s slide into increased politicization of the media and decrease in plurality is more recent and threatens to be just as detrimental to democracy as Russia’s. In Ukraine, panelists lamented the prevalence of paid-for media content. The going rate for favorable mentions of politicians may be upwards of \$1,000; some media outlets have even developed informal rate cards. National television is dominated by four holding companies that belong to supporters of President Yanukovich. That study also notes that the government appears to be using the switch to digital broadcasting as a means to further silence opposition voices: local and regional television stations who have been broadcasting for years are receiving far fewer digital licenses than requested or are being shut out entirely. Instead, the state-controlled regulator is handing the licenses to brand-new entrants. Some panelists in Ukraine felt that relatively good plurality exists, and one described a situation where citizens with sufficient wealth and time can get a full picture of events in the country by referring to news from multiple sources. Another panelist, however, was more pessimistic, and believed that the average person would not go to such lengths to get news.

Opposition media in such contexts are often little or no better than those controlled by their political rivals. Panelists in Azerbaijan and Kazakhstan, where control of key media

is sadly similar to Russia and, increasingly, Ukraine note that opposition media lack balance and often simply present a polar opposite version of stories reported in pro-government media. Panelists in Kazakhstan described opposition media as “one-dimensional.” By no means was this assessment unique to Kazakhstan.

Economic Vulnerability and Multinational Divestment

Political maneuvering is only one direct way to politicize media. Examples of unfair licensing procedures abound. Governments throughout the region use subsidies and directed advertising to support their friends and undercut critics. Perhaps the most striking example from the past year was the attempt by the Kyrgyz parliament to nationalize one pesky television station.

Politicians and their friends also take advantage of economic vulnerabilities to directly control media. The combination of imperfect markets, weak economies, and tight control of information conspire to hamstring the financial health of many would-be media entrepreneurs interested in building successful, independent media outlets. Essentially, it is very difficult to attract quality personnel, have them obtain timely information and report on events and issues thoroughly, and then be rewarded by the market for it. As a result, there is little incentive for investors to become involved in media other than as a public relations platform.

One of the most threatening developments in 2011 facing relatively well-performing media sectors, such as those in Romania and Bulgaria, is the divestment of ownership in respected media outlets by West European media conglomerates that have decided to pull back and focus on their core markets.

The downside of this divestment is that foreign ownership often means a certain amount of insulation from political pressure. Foreign investors are naturally wary of losing their investment through legal actions taken by an angry government. However, in countries that joined and seek to join the European Union, such action likely would be either illegal under terms of their membership or detrimental to their application. Therefore, foreign investors in much of Southeast Europe have leeway to run their media outlets there in much the same way they do in their home markets. And even if there might be hesitation to roil a host-country government, at least overt political bias is largely mitigated. This cannot be taken for granted with local ownership.

Indeed, most of the new owners—those wealthy enough to afford to purchase media outlets among those most respected in their countries—often have made their wealth through

political connections or are otherwise politically motivated, even if not in favor of the ruling party. Panelists from several countries reported such cases occurring in 2011.

Developments in Albania were instructive. Panelists reported a number of ownership changes during the year, but one in particular troubled them. An Italian media company financed a media group that started in the early days of the transition. The holdings of the group included the influential News 24 television, the prestigious daily newspaper *Gazeta Shqiptare*, and the successful RASH radio station. An investment group that panelists characterized as close to the government bought these outlets. For proof of that claim they noted how within months of the deal, the editorial bias changed from one favoring the opposition to one favoring the ruling party.

Panelists asserted that the wealth fueling these investors came from dealings with the government, such as procurement and privatization. One panelist warned, "These businessmen, who during the period of the socialist government were construction contractors, have become in some cases bank owners and are aggressively entering the media market with a bias that in the near future will create problems for media freedom." Likewise, panelists noted that broadcast licensing decisions have created more media favoring the government; in their estimation the media balance in the country has shifted in favor of the government.

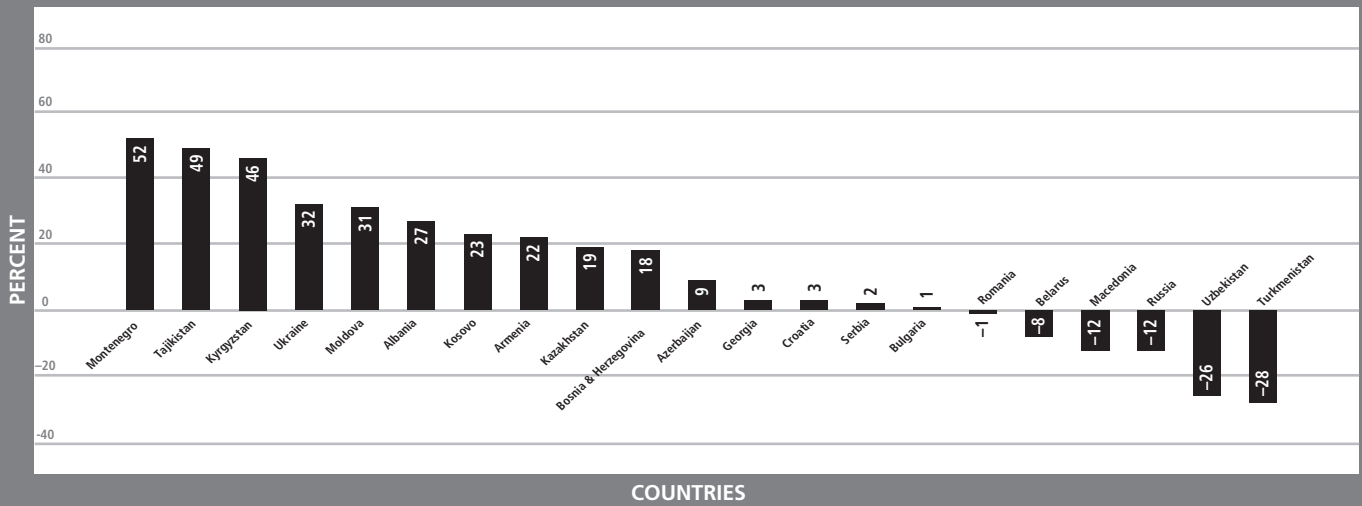
Bulgarian newspapers *24 Chasa (24 Hours)* and *Trud (Labor)*, owned by German media conglomerate Westdeutsche Allgemeine Zeitung (WAZ) for many years, were sold to an Austria-based investment company, BG Privateinvest GmbH in December 2010. The investment company was established expressly for this purchase, and is divided almost evenly between three investors, one Austrian, one German, and one Bulgarian. Despite initial reassurances that little would change, the new owners moved the longtime editors at each paper into less direct oversight roles and instituted editorial changes. The new owners are now locked in a disagreement; many staff that were unhappy with the editorial changes have left and plan to form a new daily in 2012.

In Macedonia, at the end of 2011 WAZ sold its subsidiary, Media Print Macedonia (MPM), encompassing three daily newspapers, a printing plant, and the leading print media distribution company. The buyer was a holding company owned by controversial local businessman Jordan "Orce" Kamcev. Panelists allege that Kamcev has close ties with the government. Repercussions from this sale come up throughout the Macedonia study. Panelists believe that the dominant position of MPM serves as a barrier to market entry. One panelist who is a newspaper owner said, "I would say that MPM is clearly a monopoly. Whether we want to do business with them or not, we do not have a choice," referring to print media distribution. Finally, given the government's closure of MPM's largest rival, the pro-opposition A1 group, plurality in Macedonia has suffered to the benefit of the ruling party.

Evenimentul Zilei, the one-time quality leader among Romanian newspapers, was sold in 2008 by its Swiss owner, Ringier. Ownership of the paper has bounced around for a few years, but at the end of 2011 it was in the hands of Dan Andronic. According to the author of this year's study, Andronic is a specialist in "negative public relations and blackmailing, close to the former government of Adrian Năstase but currently working for the current government of Năstase's adversaries." What is clear is that *Evenimentul Zilei* has been transformed from an example of quality journalism into an unabashedly pro-government outlet replete with personal attacks against opposition leaders.

The positive and negative implications of foreign ownership for editorial independence are by no means definitively proved with the above examples. Indeed, this topic would make for a worthy content analysis research project. Further, within the E&E region, it is only the countries of Southeast Europe, some of whom have joined the European Union and several who actively seek to, where there has been noteworthy Western European investment in the media. Beyond the protection of the European Union, foreign investment in regions farther afield might be managed in a different way.

PERCENT CHANGE IN MSI 2001–2011: EUROPE AND EURASIA



* Data for Turkmenistan is since 2008

MEDIA SUSTAINABILITY INDEX 2012: OVERALL AVERAGE SCORES

▲ Azerbaijan (1.89)	▢ Albania (2.23)		
▼ Bosnia & Herzegovina (1.97)	▢ Armenia (2.01)		
▢ Georgia (1.88)	▢ Bulgaria (2.23)		
▢ Kazakhstan (1.68)	▼ Kosovo (2.34)		
▲ Kyrgyzstan (1.89)	▲ Moldova (2.26)		
▼ Macedonia (1.52)	▲ Montenegro (2.40)		
▲ Russia (1.75)	▲ Romania (2.35)		
▼ Serbia (1.90)	▢ Croatia (2.52)		
▲ Tajikistan (1.65)			
▢ Turkmenistan (0.30)	▢ Belarus (1.08)		
▢ Uzbekistan (0.64)	▼ Ukraine (1.81)		
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 2011

▲ (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_msiscscores.xls

MEDIA SUSTAINABILITY INDEX 2012: FREE SPEECH

<ul style="list-style-type: none"> ▣ Belarus (0.71) ▣ Turkmenistan (0.24) ▲ Uzbekistan (0.58) 	<ul style="list-style-type: none"> ▲ Azerbaijan (1.92) ▼ Kazakhstan (1.57) ▲ Russia (1.77) ▼ Serbia (2.00) ▲ Tajikistan (1.69) ▣ Ukraine (1.79) 	<ul style="list-style-type: none"> ▣ Albania (2.32) ▣ Armenia (2.23) ▣ Bosnia & Herzegovina (2.45) ▣ Bulgaria (2.46) ▣ Georgia (2.11) ▼ Kosovo (2.46) ▣ Kyrgyzstan (2.02) ▲ Moldova (2.37) ▲ Croatia (2.68) ▲ Montenegro (2.65) ▲ Romania (2.75) 					
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 2012: PROFESSIONAL JOURNALISM

<ul style="list-style-type: none"> ▼ Turkmenistan (0.56) ▣ Uzbekistan (0.68) 	<ul style="list-style-type: none"> ▲ Armenia (1.81) ▲ Azerbaijan (1.94) ▼ Bosnia & Herzegovina (1.68) ▣ Bulgaria (1.94) ▣ Georgia (1.76) ▣ Kazakhstan (1.64) ▲ Kyrgyzstan (1.77) ▲ Russia (1.56) ▣ Serbia (1.72) ▲ Tajikistan (1.73) ▼ Ukraine (1.63) ▲ Belarus (1.26) ▼ Macedonia (1.47) 	<ul style="list-style-type: none"> ▲ Albania (2.35) ▣ Croatia (2.15) ▼ Kosovo (2.20) ▲ Moldova (2.32) ▲ Montenegro (2.26) ▣ Romania (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	

CHANGE SINCE 2011

▲ (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 2012: PLURALITY OF NEWS SOURCES

<ul style="list-style-type: none"> ▣ Turkmenistan (0.20) ▲ Uzbekistan (0.70) 	<ul style="list-style-type: none"> ▲ Belarus (1.32) ▼ Ukraine (1.86) 	<ul style="list-style-type: none"> ▣ Kazakhstan (1.76) ▼ Macedonia (1.52) ▣ Russia (1.78) ▼ Serbia (1.93) ▲ Tajikistan (1.99) 	<ul style="list-style-type: none"> ▼ Albania (2.40) ▼ Armenia (2.08) ▲ Azerbaijan (2.15) ▼ Bosnia & Herzegovina (2.16) ▼ Bulgaria (2.50) ▲ Georgia (2.05) ▲ Kyrgyzstan (2.19) ▣ Moldova (2.43) 	<ul style="list-style-type: none"> ▣ Croatia (2.90) ▼ Kosovo (2.51) ▣ Montenegro (2.68) ▣ Romania (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	

MEDIA SUSTAINABILITY INDEX 2012: BUSINESS MANAGEMENT

<ul style="list-style-type: none"> ▣ Belarus (0.88) ▣ Turkmenistan (0.19) ▣ Uzbekistan (0.71) 	<ul style="list-style-type: none"> ▲ Kyrgyzstan (1.43) ▼ Macedonia (1.20) ▣ Tajikistan (1.17) 	<ul style="list-style-type: none"> ▼ Albania (1.61) ▼ Armenia (1.73) ▲ Azerbaijan (1.51) ▼ Bosnia & Herzegovina (1.61) ▼ Bulgaria (2.00) ▣ Kazakhstan (1.56) ▼ Kosovo (1.88) ▲ Moldova (1.81) ▲ Russia (1.64) ▣ Serbia (1.71) ▼ Ukraine (1.71) 	<ul style="list-style-type: none"> ▣ Croatia (2.17) ▣ Montenegro (2.06) ▲ Romania (2.03) 				
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 2012: SUPPORTING INSTITUTIONS

<ul style="list-style-type: none"> ▣ Turkmenistan (0.32) ▣ Uzbekistan (0.53) 	<ul style="list-style-type: none"> ▣ Belarus (1.22) ▲ Tajikistan (1.69) 	<ul style="list-style-type: none"> ▣ Azerbaijan (1.93) ▼ Bosnia & Herzegovina (1.95) ▣ Georgia (2.00) ▲ Kazakhstan (1.87) ▲ Macedonia (1.93) ▲ Russia (1.99) ▲ Tajikistan (1.69) 	<ul style="list-style-type: none"> ▣ Albania (2.48) ▲ Armenia (2.22) ▣ Bulgaria (2.26) ▲ Kyrgyzstan (2.03) ▣ Moldova (2.35) ▲ Montenegro (2.35) ▼ Romania (2.30) ▼ Serbia (2.17) ▼ Ukraine (2.09) 	<ul style="list-style-type: none"> ▲ Croatia (2.72) ▲ Kosovo (2.63) 			
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 2011

▲ (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_msiscscores.xls

When partisanship becomes the raison d'être of a critical mass of media outlets, access to objective information and plurality suffer as only the most avid media consumers have access to diverse ideas and points of view.



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

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

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

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

Scoring: A Local Perspective

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

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

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

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

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

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

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

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

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

II. Scoring System

A. Indicator Scoring

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

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

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

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

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

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

B. Objective and Overall Scoring

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

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

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

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

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



**SOUTHEAST
EUROPE**

A growing number of media outlets have succumbed to dependence on political parties, mainly the ruling party. Now independent media and journalists are a rare species, near extinction.



ALBANIA

Albania's MSI scores improved in every objective last year, but three out of the five objectives slipped in 2012. This trend, reflecting the erosion of prospects for media sustainability in Albania, did not escape the notice of foreign observers and international institutions. In spite of warnings on the importance of preserving and strengthening media independence to further democratic processes, the opposite is happening. A growing number of media outlets have succumbed to dependence on political parties, mainly the ruling party. Now independent media and journalists are a rare species, near extinction.

The political and economic crisis that started in 2010 deepened in 2011, and this climate has not favored media freedom. Three events marked the peaks of political crisis last year. On January 21, soldiers of the Republican Guard killed four citizens who were peacefully protesting against corruption in the government headed by Prime Minister Sali Berisha. The tragic event, which the opposition considers a massacre, caused political battles to heat up after local elections in May.

Second, the rather dubious victory of the ruling party's Lulzim Basha in the capital city's mayoral contest intensified the crisis even further. The opposition charged that the election was stolen, while the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights cast doubts on the procedures followed by the Central Electoral Commission and declared that local elections fail to meet all international standards.

As a final blow, Albania failed to receive candidate status for European Union membership. In its annual progress report on Albania, issued last fall, the European Commission (EC) detailed the causes behind the decision. The report stated that political conflict blocked the development of reforms, while the independence of the judiciary and the politicization of the public administration remain a problem. With only very limited progress in the struggle against corruption, the culture of impunity surrounding visibly corrupt high government officials prevails.

The EC report did not neglect to point out how the growing political pressure threatens media independence. The bitter political struggle between the ruling majority and the opposition, the galloping pace of corruption, and a declining economy created a rather difficult social context that influences the sustainability of independent media. While political struggle drives political camps to try to capture as many stations and newspapers that favor their propaganda as possible, the economic crisis, the impoverishment of the advertising market, and sinking newspaper sales tempt some media owners to enroll in the services of political camps in exchange for compensation. Naturally, the government, possessing not only public funds, but also the ability to offer media owners corruptive privileges, enjoys the upper hand in this "competition." It is not at all a coincidence that most media, some of which used to be independent or neutral (such as *Panorama*, *Gazeta Shqiptare*, and News 24), now align with the media that serve the government. According to a European Parliament delegation that visited Albania in December last year, only two independent media outlets remain in the country.

ALBANIA AT A GLANCE

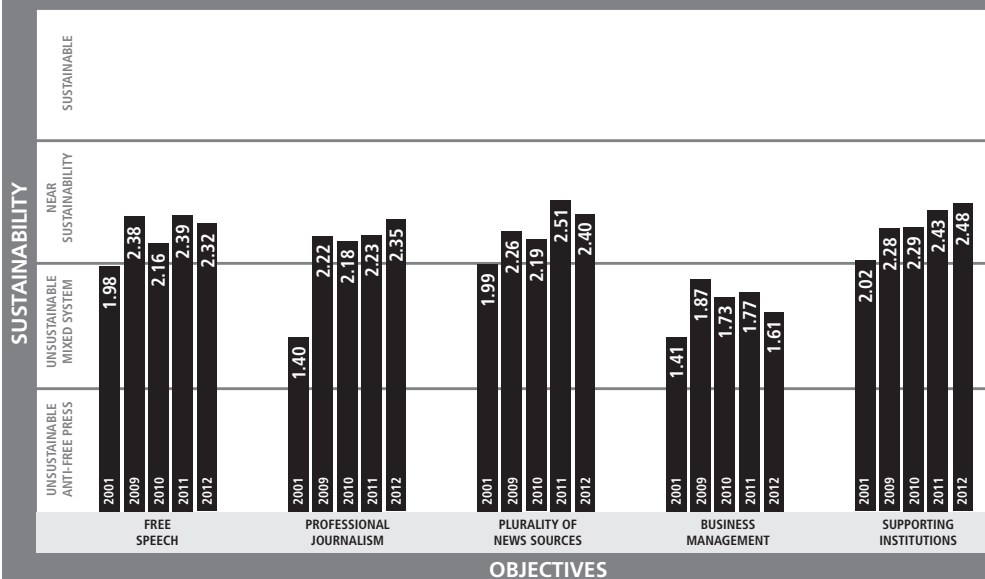
GENERAL

- > **Population:** 3,002,859 (July 2011 est. *CIA World Factbook*)
- > **Capital city:** Tirana
- > **Ethnic groups (% of population):** Albanian 95%, Greek 3%, other 2% (Vlach, Roma, Serb, Macedonian, Bulgarian) (*CIA World Factbook*)
- > **Religions (% of population):** Muslim 70%, Albanian Orthodox 20%, Roman Catholic 10% (*CIA World Factbook*)
- > **Languages:** Albanian, Greek, Vlach, Romani, Slavic dialects
- > **GNI (2010-Atlas):** \$12.7 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$8,840 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 98.7% (male 99.2%, female 98.3%) (2001 census, *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:** 160 print outlets; 58 radio stations, (56 local, 2 national); and 77 television stations (71 local, 3 national, 2 satellite) and 83 cable TV stations (Albanian Media Institute and National Radio-Television Council)
- > **Newspaper circulation statistics:** Approximately 30 million (Albanian Media Institute)
- > **Broadcast ratings:** N/A
- > **Annual advertising revenue in media sector:** €55 million (R&T advertising company estimate)
- > **News agencies:** Albanian News Agency (state), and ALNA (private)
- > **Internet usage:** 1.3 million (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ALBANIA



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

Albania Objective Score: 2.32

Social and legal norms, particularly the failure to implement them, do not sufficiently protect or promote freedom of expression and access to public information. According to the panelists, the law on the media is stagnating, while more journalists are being sent to court.

At this moment, Albanian press law consists of just one article in the constitution, stating that the press is free. Demand for a more complete law on the press began percolating in 1998, when the socialist government abolished the former law on press immediately upon gaining to power. Yet Genti Ibrahimi, a lawyer with the Institute for Legal Studies, said that attempts to revise the law on the press, aiming to clarify the right of reply and the media's responsibilities to avoid violating personal privacy, etc., did not find political support. For several years now, Albanian politicians have shown little interest in breaking the impasse. Civil-society organizations, with help from the international community, composed a draft law, but there is no political will to approve it in the parliament.

Regarding the law on access to information, the panelists emphasized that there is a large deficit in its implementation.

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

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

Leskaj said one needs only to see how the NCRT is composed in order to understand that it is not independent, and that factor is the cause of the favoritism that appears in the process of licensing.

According to the panelists, this shortfall results partially from incomplete formulation in the law on one hand, and from political and cultural resistance to openness and transparency reflected in the bureaucratic administration on the other hand. According to Ibrahimi, the deficiencies in the law were addressed very well in a project that proposed amendments to the current law, but like the press law, it did not find any political support.

Other laws that have a considerable effect on free speech include the penal and civil codes (the part related to defamation) and the law on protection of personal data. But Valentina Leskaj, chair of the Media Commission of the Albanian Parliament, noted that the most critical point is not just the legal framework and its quality, but rather the functional quality of the judiciary power. "You can have good laws, but when the judiciary is not independent, salvation can hardly come from better laws," Leskaj remarked. Meanwhile, said Ilir Yzeiri, a journalism professor at the University of Elbasan, "Even though at first sight we have good laws, which do not restrict freedom of speech, in practice we are in a situation similar to a legal vacuum, and journalists are not protected."

However, the panelists pointed to positive developments with the implementation of the law on the protection of personal data, with parliament's appointment of a commissioner. However, the new institution is still in the stage of signing memoranda with public institutions that administer personal data; it has not yet raised any individual cases.

Regarding the process of licensing commercial broadcasters, political pressure, combined with pressure from private operators, often succeeds in influencing decision-making of the National Council of Radio and Television (NCRT). The latest NCRT appointments have had a strong political nature. To freelance journalist Fatos Baxhaku, the licenses continue to be used as a tool "to buy" the media. "If a license is given by NCRT, which is dominated by government appointees, it is automatically expected that the media that benefit should favor the government in their broadcasting. This is now a historical trend, and I do not believe that has changed at all this year," said Baxhaku.

Çipa explained that for more than one month Shqip reporters failed to receive the project details and plan for the university campus of Student City from the head of urban planning at the Municipality of Tirana, even though their requests followed all legal terms and deadlines.

Other panelists agreed. According to Leskaj, it is difficult to say today that the licensing authority, which is not independent and apolitical, bases its decisions on public interest. Leskaj said one needs only to see how the NCRT is composed in order to understand that it is not independent, and that factor is the cause of the favoritism that appears in the process of licensing. Even though 2011 did not see significant licensing activity, the panelists said favoritism is also present in the way the NCRT reacts to the administration of licenses. According to the panelists, when a media outlet close to the ruling party violates its licensing terms, the NCRT generally looks away, but when a media outlet linked to the opposition violates licensing terms, the NCRT tends to slap it with heavy fines.

Regarding market-entry barriers and the level of taxes for media, the panel said that in general no discrimination is visible. In fact, according to Thanas Goga, a marketing analyst with A&R Advertising, matters are even more simplified than necessary, especially regarding local media, which sometimes receive licenses without verification that they match the technical capacities mandated by the license requirements. Other financial benefits for the media include the value-added-tax (VAT) exemption for newspapers.

The panelists observed that crimes against journalists are not frequent, though journalists face sporadic obstacles in the course of their work. However, in cases when the perpetrators are state employees, the sanction often remains just administrative (such as the dismissal of the state employee from work), and the legal penal sanction is not always applied.

Regarding the Albanian public's reaction to cases when the government undermines the freedom of expression, it can be said that even though the public now values the freedom of expression, more frequently than not it is difficult for the public to grasp the truth (and react accordingly), due to competing noise in the media. However, Aleksandër Çipa, journalist and president of the Union of Albanian Journalists, believes that citizens are showing more clear signs of outrage

when journalists are harmed. They react using a diverse array of methods, ranging from letters to the newsroom to civic reactions in blogs or human rights organizations. "There was a case in the city of Gjirokastra where a journalist was taken to the police, and the reaction from the whole network of government organizations was immediate. The cities of Durrës or Kukës also displayed a strong sense of civic solidarity with journalists," Çipa noted.

Meanwhile, Yzeiri raised the issue of journalist Fatos Mahmutal of ABC News, who was wounded by a bullet during protests on January 21. According to Yzeiri, this journalist did not find support in Albania and was forced to seek political asylum in Belgium. Yzeiri said a similar thing is happening to investigative journalist Artan Hoxha. Hoxha's broadcasts are credited with showing the public that the four protesters killed on January 21 were unarmed and were not, in fact, attempting to enter the building of the government, as Berisha claimed. Precisely "to escape the vengeance of the government for exposing the truth, and without support from anyone, Hoxha was forced to hide in the mountains for about a month," said Yzeiri.

The International Federation of Journalists reported other attacks on journalists on the day of the protests; Ened Janina, a reporter for *Dhekulli*, was beaten by a policeman. Police officers also seriously wounded two other journalists: photojournalist Feliks Bilani and reporter Elton Dono; they are still working for their respective media outlets.¹

Leskaj agreed that public support for the protection of journalists is still weak; she emphasized that a distinction must be made between the reaction of institutions, such as the People's Advocate or the UAJ, and solitary and spontaneous citizens' reactions. The panelists observed that even from an institutional viewpoint, only associations of journalists react to protect journalists, while other nongovernmental organizations do not display the same sense of solidarity. Lutfi Dervishi, a media specialist for Transparency International Albania, feels it is clear that public reaction to the protection of journalists remains apathetic at best.

The only public media in Albania are the Public Radio and Television (RTSH) and the Albanian Telegraphic Agency (ATA.) The law on radio and television creates a favorable position for the RTSH, as it grants a second frequency for national broadcasting at a time when some commercial operators are seeking desperately to expand their broadcasting areas. Public media are significantly skewed in favor of the government. The process of appointment of the Steering

¹ "IFJ condemns press freedom abuses against journalists." IFJ/IFEX, February 2, 2011. Available at: http://www.ifex.org/albania/2011/02/02/journalists_attacked/ (Accessed February 27, 2012.)

Council of the RTSH remains political, contrary to the terms stipulated in the law. The election of the general director of RTSH to the Council only deepened the politicization. "The law for the protection of editorial independence of public media exists, but this law is not implemented," said Iris Luarasi, professor of journalism at the University of Tirana.

Regarding implementation of libel and defamation laws, the panel expressed the view that the courts continue to implement the law on defamation (both in the penal and in the civil form) in a distorted way, overemphasizing the complementary rights, such as the right to intact reputation and the right to privacy, at the expense of freedom of expression. On this basis, grave decisions against media and journalists have been made, giving more fuel to individuals and companies contemplating filing lawsuits against journalists for insulting them or damaging their reputation. For example, in one 2010 case, a minister sued a major national television station for taping and broadcasting a conversation of a sexual nature involving a former minister and a job applicant in the minister's directorate. The court ruled in favor of the plaintiff, ordering the defendant to pay €400,000 (an absolute record for Albanian law in this area) for damage of dignity and invasion of private sphere. Even though the decision was rejected and is being examined in the Court of Appeals, the chilling effects of such decisions on freedom of expression are emerging, as seen in the increasing number of journalists being taken to court.

Yzeiri discussed his experience as a journalist embroiled for some years now in a trial. A religious foundation brought charges against him after he broadcast an investigative story on potential corruption involving the funds of a hospital. "I have learned how a journalist can end up in court based on the law on Public Radio and Television, which contains an article that states that the journalist is responsible, along with the editor in charge," said Yzeiri. According to him, this article, along with the fact that it is totally unclear in the civil code what constitutes defamation and libel when you are a journalist, has left considerable room for speculation. Therefore, he feels that even though the constitution states that the press is free, the civil code, with its articles on defamation and libel, allows anyone with ill intentions against the media to turn journalists into their victims.

In this context, for many years now defamation and libel have been a part of the penal and civil codes. The panelists explained that while penal sanctions for defamation and libel bear a heavy political cost due to public echo, the same cannot be said about sanctions imposed under the civil code. Therefore, politicians prefer to punish journalists by fines, which, although heavy, do not ignite the same spirited public protest as arresting or imprisoning journalists. Still, these

fines play a considerable role in encouraging self-censorship among journalists. Therefore, for some time media advocates have proposed a law on the press that not only decriminalizes defamation and libel for journalists, but also proposes lower fines under the civil code—punishing journalists not with fines amounting to 20 years worth of their salaries, but five months. Why has this law not been passed? Leskaj provided this explanation: "The process has stuck in the Parliamentary Commission on Laws, because they think that if journalists are exempted from penal sanctions for defamation, every citizen in the republic should be exempt as well, as the law cannot differentiate" between journalists and citizens.²

In general, the panelists said this situation must be corrected as soon as possible, partly because of some developments related to the realm of Internet. According to Remzi Lani, director of the Albanian Media Institute, "While we criticize newspapers and stations, which are not perfect but in general do observe ethical standards, we must not forget what is happening in blogs and in online forums, which are a true horror."

According to Çipa, in 2011 alone there have been 22 trials against journalists and media in court, whereas several years ago there were no such lawsuits. Even though lawsuits of politicians against journalists are very rare, there is a suspicion that some other lawsuits against journalists filed by businesses or companies mask the involvement of politicians tied to the businesses.

Meanwhile, according to Lani, it is the amount of fines against journalists that is alarming, rather than the number of lawsuits in the court. Comparing the situation to neighboring Macedonia, Lani stressed that many more journalists are taken to court there, but the level of fines is much lower. "Macedonia has currently 267 trials, but what is worrisome is that in Macedonia the heaviest punishment consists of €15,000, while the punishment here starts at €150,000. Hence, the increase in the number of cases is not concerning, but the disproportionality of fines is," said Lani. Çipa expressed support for this observation as well, noting that the court issues sanctions against journalists that are higher than two years of salary for a journalist.

As indicated above, implementation of the law on access to information remains weak and problematic. The reasons remain unchanged: a lack of internal administrative interest in supporting the implementation of the right to information in practical terms, and a lack of political will. A directive from

²As this edition of the MSI went to press, the Albanian parliament passed amendments to both the civil and criminal code in relation to libel laws that are intended to limit damages and reduce criminal penalties. See [http://www.freemedia.at/index.php?id=288&tx_ttnews\[tt_news\]=6077&cHash=e685bb7573](http://www.freemedia.at/index.php?id=288&tx_ttnews[tt_news]=6077&cHash=e685bb7573).

Albania's state ombudsman, the People's Advocate, aimed to guarantee a uniform understanding and implementation of the right to information from all public institutions, but it has been completely forgotten. The Law on Information gives Albania's Office of the Ombudsman the right to supervise the implementation of this law.

Meanwhile, the panel stressed that journalists themselves should also learn how to obtain public information from the administration. According to panelist Andi Tela, editor-in-chief of the daily *Panorama*, it is not that the information journalists seek is not available. However, Çipa, editor-in-chief of another daily, *Shqip*, as well as UAJ president, expressed a different perception. Çipa explained that for more than one month *Shqip* reporters failed to receive the project details and plan for the university campus of Student City from the head of urban planning at the Municipality of Tirana, even though their requests followed all legal terms and deadlines. Collecting information from websites of public institutions is not much easier; according to Luarasi, information on ministry websites is frequently unavailable.

The panelists largely agreed that favoritism skews implementation of the law on access to information. Some press outlets are granted access to information, while others are denied access to the same material. "I want to say that the issue of information is a very serious problem for media and journalists, and, even we, who are members of the parliament of the opposition, send written requests for information and do not receive any information," said Leskaj. Other panelists also expressed their dissatisfaction on obstacles that journalists face to receive information from public administration offices. Valbona Kurti, a journalist with Vizion + television station, explained her low scores for this indicator, saying, "If you send an official a fax, or even go and knock on the doors of the institutions to receive information related to a certain project or tender proceedings, nobody answers."

Meanwhile, Dervishi insisted on the argument that in spite of the lack of transparency that is evident in the offices of public administration, the journalists themselves do not take advantage properly of the rights they are entitled to under the law on access to information. Dervishi asked, "Are the journalists familiar with the procedure for obtaining official documents, and, if so, why have no media or newspapers filed administrative complaints for denial of access to documents or information, or any lawsuit, for that matter?" In response, Çipa, offering his experience as president of UAJ, admitted that denial of access to information or official documents was never followed up by any newsroom and sent to court. However, Çipa, offering his experience as

editor-in-chief of *Shqip*, admitted, "From the newspaper's newsroom, only in the last semester we have sent more than 20 requests for public documents, and we have succeeded only in one case. In the other cases, we have received the routine reply, "We are considering your requests."

Other panel participants stated that receiving information and public documents according to the law on access to information is even more difficult for journalists who work in cities other than the capital, where connections and patriarchal and political relations of the people are stronger.

All panelists shared the conclusion that in Albania, there are no restrictions on receiving and using domestic and international news, and that no laws limit these sources. Additionally, the panelists said again this year that there are no obstacles to enter the journalism profession, from the political, gender, ethnic, religious, or demographic viewpoints.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.35

The panelists' opinion of the professionalism of media and journalists improved over last year's MSI. The public-opinion polls for 2011, conducted by the Albanian Institute for International Studies and the Institute Development Research and Alternatives, support this view, revealing that the public considers the media to be among the most trusted sectors. The panelists also feel, for the most part, that the media are one of the most successful sectors of society, with a significantly distinct contribution to furthering and protecting

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

human rights, compared with other sectors. According to Lani, “The most important thing we have in this country is that journalism continues to be better than courts, the parliament, hospitals, or schools of this country.”

Even for Kurti, the media appear to perform better than most other sectors. Kurti brought up the example of the tragic events of January 21, when the Republican Guard killed four protesters. The incident might have had more severe political effects if media had not intervened, she said, as the government and Berisha publicly accused the opposition in relation to the killings of protesters—claiming they were killed from inside the crowd, using guns masked as umbrellas. The media’s accurate, live reporting of the murders refuted such claims, eliminating any possible opening for the political circles in power to manipulate public opinion in order to strike the opposition. The public clearly saw from media broadcasting that bullets fired by the Republican Guard killed protesters.

The panelists observed that the ethical standards of corroborating information and obtaining more than one source are taking root among Albanian journalists. Luftim Vani, owner of the local television station in Mati, said, “Journalists try to avoid subjectivity and bring all sides into reporting, including their comments.” Vani added that journalists do not hesitate to consult specialists of the relevant fields when covering economy, health, or education, rendering their reporting increasingly professional and reliable. The panel said that even though there are still doubts on the hidden commercial content of some news, in general media coverage preserves a satisfactory balance between news and commercial content.

However, the panel stated that in media dominated by political parties, the above-mentioned standards are frequently neglected. According to Leskaj, the quality of reporting is related not only to the journalists’ professionalism, but also to their independence. Leskaj said that journalists are often still forced to report news that their owners pass on to them, which affects the accuracy and quality of reporting. She noted also that journalists risk losing their jobs if the business interests behind their media are affected, but also in cases of political interference, and added, “There is censorship, and there is also self-censorship, due to the fear of losing a job.” Some other panelists supported these observations. As far as Goga is concerned, “With the exception of a small group of journalists and newsrooms, there is still a lot to do regarding the honesty and objectivity of reporting.” Tela agreed, adding that only about a quarter of all newspapers, and an eighth of all television stations, follow the criteria of accurate and objective reporting. According to Dervishi, only a few media present honest,

Luftim Vani, owner of the local television station in Mati, said, “Journalists try to avoid subjectivity and bring all sides into reporting, including their comments.”

objective, and well-informed reporting. Dervishi said that the newsrooms of the largest newspapers lack a sufficient number of reporters to ensure higher-quality work. Hence, while there might be coverage reporting what various actors say, well-informed, in-depth reporting is a lot harder to find.

In terms of ethical standards, the idea is that the media should regulate themselves. Yet the panelists credit competition in the media market, more than any attempts at self-regulation, with encouraging compliance with ethical standards. The Code of Ethics, approved in 2007 by the associations of journalists and the Press Council, has not worked. As the body in charge of overseeing media ethics and solving conflicts of an ethical nature between the media and the public, the Press Council is supposed to take some measures when journalists violate the Code of Ethics. But the Press Council does not respond to cases of hate speech, slander, and defamation that exist in the media. However, to Vani, this deficiency is compensated by the fact that media outlets generally have their own ethical codes and efficiently implement them—although he feels that journalists should be more careful in implementing the conventions on copyright.

The panelists noted that self-censorship is media’s constant companion. According to Baxhaku, a journalist with 20 years of media experience, in the Albanian context, where reporters are poorly paid and ill supported, the tendency toward self-censorship is stronger than in other countries in the region. The other panelists supported this statement. Lani commented, “Journalists censor themselves due to the general social and political atmosphere, their owners, the government, and the tradition.” For the panelists, one of the causes of self-censorship lies in the fact that most journalists continue to lack work contracts, and as a result they are totally unprotected from pressure of their owners on the editorial policy or their reports.

The panelists debated whether media and journalists succeed in covering key issues and topics. Luarasi insisted on a lower score for this indicator, since investigative journalism is very vague and underdeveloped. The panelists acknowledged that the cost of covering key issues related to abuse or corruption of political power is considerable—as seen in the case of investigative journalist Artan Hoxha. (After broadcasting the murders during the January 21 protest, he was forced to hide for almost a month as a result of the threats he received from

“The trend of journalists abandoning their profession when they see an opportunity for a more profitable job is growing stronger,” said Dervishi.

the circles in power.) Another illustration of this pressure is the case of the director of the investigative program *Fisk Fare*, the journalist Filip Cakuli. The prime minister, angry over critical reports in *Fisk Fare* publicly labeled Cakuli a Jackal.

The topic of journalists' salaries generated more debate. The current financial crisis has led many media to increasingly shrink the number of journalists on staff. Also the panelists say that thanks to the dynamics of gradual price increases through the years, journalists' salaries are no longer superior to those in other professions, as they were just a few years ago. According to Dervishi, the take-home wages of many journalists are no longer considered satisfactory compensation. It is no longer enough to inspire loyalty to their profession. “The trend of journalists abandoning their profession when they see an opportunity for a more profitable job is growing stronger,” said Dervishi. Çipa underscored the financial difficulties that media outlets are experiencing and how it is affecting journalists. According to him, 17 out of 23 daily newspapers have not respected the timely payment of salaries in the second semester of 2011. In the same period, according to UAJ data, about 47 out of 86 radio and television stations delayed journalists' salaries for a period of two to five months.

The system of salaries in the Albanian media still remains a rather informal relation. According to UAJ information, there are levels of salaries. The minimum wage for a reporter working in the districts outside the capital is about €200 per month. The other level is that of the editors-in-chief and columnists, which can range from €800 to €2,500 per month. To Lani, this is an unacceptable difference. “The market means for us to have some rules and not to have a media ‘proletariat’ on one hand and a media ‘bourgeoisie’ on the other hand; hence, it is not normal that some journalists are underpaid, while others are better paid than journalists in Denmark,” he said.

Leskaj also stressed that while the market regulates salary levels, another alarming problem in the media is informality. He declared that according to media monitoring, there are also newspapers whose payrolls had only one journalist.

According to Çipa, there are two different versions of media payrolls. One is valid for the fiscal administration and, due to

tax evasion, does not present the real level of payment. Only the other payroll, secret and valid for internal administration of media finances, mirrors the real level of salaries.

Taking a broader look at the problem, the panelists pointed out that in Tirana, the capital, the salaries in the media are comparable to those of other sectors, such as, for example, health and education. However, the situation is completely different for media in the districts. According to Luarasi, “In the districts, the salaries are miserable, and journalists cannot live and maintain their families with the salaries they receive in the local stations.” Luarasi noted that the not-so-satisfactory salaries are prompting journalism students to shift their studies toward programs such as economics or law that promise to be more lucrative.

As in previous years, the panelists observed that in general, all television stations have news programs in well-established schedules (four to five editions per day,) as well as shows once or twice per week. In Albania, television stations provide relatively good-quality news for free, while you have to pay for good movies or other serious entertainment content. According to Lani, “The problem in the Albanian media is not a lack of information or democratic debate on television, but the fact that entertainment or cultural programs in general are banal or marginalized.” Luarasi confirmed the perception that news and political debates eclipse entertainment programs in Albania. “There is so much information, debate, and politics that people are fed up with this,” she said. Dervishi agreed, saying, “We have reached a point when news entertains us.”

The panelists stressed that in the rural areas, where, due to technical as well as financial reasons, subscribing to a digital platform is even more improbable, news overshadows entertainment.

The panelists agreed that the premises and equipment for collecting, producing, and distributing news tend to be modern and are efficiently used by a small group of media organs, based in Tirana, while the situation in the provinces needs major improvement. Another problem is also RTSH, the public television station, which for years has not had a budget that would support the renovation of technology.

As noted above by Luarasi, investigative journalism is still not very well developed in Albania. Journalists do cover cases involving corruption, but often only if a member of the opposition goes on record denouncing it first. However, other panelists presented facts that support the opposite view. Yzeiri reminded the panelists that *Tema* first discovered corruption related to hydropower plants; the opposition then took up the cause and included it in the political battle agenda.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.40

The objective measuring the plurality of news and viewpoints decreased slightly. The panelists' discussions clearly revealed that electronic media coverage, in general, tends to be regional rather than national, guaranteeing coverage of just the largest part of the population (about 80 percent) living mainly in the Western Plain of the country. National media have failed to cover the whole country's territory. The small towns, which are not covered by national or regional television stations, receive service from cable operators, who rebroadcast and often pirate programs of large national and regional broadcasters, or those of foreign broadcasters.

Average income is another obstacle hindering the public's access to pay-per-view media, for terrestrial and satellite digital platforms, or even cable broadcasters' services. Rural populations face greater difficulties, as incomes are even lower, and the lack of infrastructure poses another challenge. For example, there are a relatively large number of daily newspapers in the country, but none reach the rural areas yet. The same can be said of the Internet; penetration in the national range remains rather low, not higher than 13 percent. The less-covered areas are, of course, the rural ones. The unstable electrical supply also poses significant problems for rural areas, although urban areas are not immune to this problem, either.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Leskaj brought to the panel figures from an NCRT monitoring carried out during October 2011; these figures document the editorial bias of TVSH in favor of the government.

Aside from problems of cost or Internet penetration, there are no legal restrictions related to public access to international media. Some panelists suggested, though, that the NCRT has approached broadcast licensing as an indirect way to restrict public access to domestic media that oppose the government. Cable television is limited, but it seems to be growing. Recently, the NCRT approved the expansion of the coverage area for a large number of cable broadcasters after they suffered a series of sanctions imposed by the NCRT last year for piracy.

Meanwhile, the public broadcaster (RTSH) remains rather closed to opposition viewpoints on the political spectrum. The interpretation of government activities as something unrelated to political sides remains problematic. Goga feels that public television continues to be deeply politicized, betraying favoritism of the government in its news programs, but he added that there are some programs, such as sports programs, that are better in quality than those of private stations. Furthermore, in terms of serving the public interest, the panelists concluded that public media are not able to compensate for the vacuum created by commercial broadcasters.

Leskaj brought to the panel figures from an NCRT monitoring carried out during October 2011; these figures document the editorial bias of TVSH in favor of the government. The results showed that during this one-month period, the government and the ruling majority appeared in a total of 467 minutes of TVSH's news programming, while the opposition appeared in only 63 minutes. Regarding the two major parties (DP, the ruling party, and SP, the opposition party), 421 minutes were devoted to DP, while only 30 minutes went to SP. Other panelists also expressed strong criticism on the work of public television. Lani said that TVSH behaves like a ministry of propaganda. However, according to Lani, the biggest problem is not the influence the government has on this television, as that phenomenon is evident in states far more advanced than Albania. Lani is most troubled by the fact that public television often assumes anti-opposition attitudes, which is unfair in a country where all voters—left or right, in opposition or in power—pay a tax that finances the activity of TVSH.

“I think the media have created two countries, and the second Albania is outside the capital and it appears on the news only when there are car accidents, floods, or feuds,” said Baxhaku.

Yzeiri, a former member of the Steering Council of RTSH, was also very critical. According to him, a sole person commands public radio and television: Berisha. Yzeiri also criticized the opposition’s passivity, as it has not demanded firmly that public television become depoliticized in order to become a truly public media and not a government one. “By capturing public television, the prime minister has destroyed and captured many institutions and seeks to manipulate a significant part of the public opinion in the rural parts of the country, which remain unreached by television and private media,” said Yzeiri.

Regarding the news agencies, the panelists said that in Albania there are no independent agencies that produce and sell news, just the Albanian News Agency (ATA), a legacy of communist times. This agency, similarly to public television, remains rather politicized in favor of the government, and none of the newspapers, not even the pro-government ones, buy its news bulletins. According to Tela, newspapers get their news mostly from certain agencies (such as NOA or DEA) that distribute their news for free. Baxhaku said, though, that these are not genuine news agencies, but rather news portals. At any rate, most media prefer well-known international agencies and media as information sources. Meanwhile, ATA continues to serve as a source of information and sells news to media abroad.

All panelists agreed that independent media, local and national, produce their own news programs—and that is directly related to the fact that there are no independent and genuine news agencies. It was also noted that news produced in the private media for the same event differs from news produced by the public media, to the degree that they seem to be produced in two different countries.

The link to politics and business is still visible in some media. Media ownership is formally more transparent after the establishment of the National Center of Registration of businesses, but problems linger. The truth is that in Albania, the person who owns a media outlet is no longer a mystery. The mystery, which needs to be revealed, lies in the roots of media ownership: who pays the media owners. “From issues of ownership, the need for transparency has been

transformed to issues of financing,” said Lani. Another panelist raised the problem that in Albania, newspapers are not yet required to publish their financial balances each year, which would better illustrate their sources of financing.

The law imposes terms on ownership of electronic media. Recently electronic media owners have taken steps to sidestep legal restrictions by using “puppets” who may legally own new media; however, these “puppets” are suspected to be under the control of existing media owners who are forbidden by law from owning other media outlets. There is strong suspicion that this is true in the cases of Ora, Telenorba, and ABC televisions.

According to Luarasi, the media situation regarding minorities has worsened, as some minority newspapers and radios have closed down. “Radio Prespa, broadcasting in Macedonian, has shut down; so have some newspapers in Greek, published in Gjirokastër and Sarandë, due to lack of funds from the Greek government,” said Luarasi. Other panelists agreed that the situation of minority media has become worrisome; Lani noted that Albania now lags behind neighboring countries in that respect, adding that “in Macedonia, the public television broadcasts in 10 languages, while the second channel of our television does not broadcast in any minority language, which is unacceptable for a democratic country.” According to Yzeiri, there is a kind of undue nationalism in this aspect, which ruins the country’s image. For the other panelists, the weakening of the situation of minority media is more a consequence of fewer financial sources, also due to the crisis. Some panelists expressed the opinion that government should find a way to support minority media financially and keep it alive.

Some panelists criticized the media’s tendency to focus their news production on events based in the capital—parliament, elections, and political charges—neglecting a wide array of social problems that, even though they are present in a large part of Albania, do not appear in the media. “I think the media have created two countries, and the second Albania is outside the capital and it appears on the news only when there are car accidents, floods, or feuds,” said Baxhaku. Even to Dervishi, over 99 percent of the cases are not about the people or problems that affect them, but about political leaders and institutions, be it at the local or central level. “The leaders of the country and the institutions are the center of the news, a psychology that is typical for news that originates from reporters in the districts. The reports are on acts by the mayor or some institution or association. Hence, the philosophy of information does not revolve around the people and their problems, but around the leader and institutions,” Dervishi concluded.

However, other panelists challenged this view. According to Kurti, television stations and newspapers post a significant number of correspondents in the districts. "Our news editions cover daily news from the districts," said Kurti. Even to Tela, the problem of what appears to be discrimination in coverage of some social problems in the districts is not a consequence of the neglect from capital media but is related to the absence of local newspapers or television stations that can address such issues of their district in detail—issues that might not be as interesting to broader audiences outside the district or region. "Meanwhile, there is news coverage from Tirana newsrooms for most Albanian cities and provinces, as on every television station we have daily reports on news editions from newsrooms in the districts. Every newspaper also has pages devoted to what happens in different districts in the country," said Tela. Vani said that in some cases, even though reporters of the area send news to Tirana, only the sensational stories are broadcast. "If a correspondent sends two news stories to a Tirana newsroom—one on crime or an accident and the other on social issues of great relevance to the area—in general the news on crime or an accident is broadcast," said Vani. Shkëlqim Bylykbashi, the owner of a television station in the city of Lushnja, confirmed that this phenomenon exists. "National media, mainly newspapers, have a lot of space for local events, while visual media usually have access to 'scoop' events, such as crimes and accidents, and usually do not address issues of social character reported by the districts," said Bylykbashi.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 1.61

Objective 4 scores also decreased from last year's MSI. The panelists feel that these results cannot possibly just mirror the weakening of the financial situation of the media due to circumstances of the crisis, which are increasingly visible in Albania, too. As in previous years, media bodies remain far from acting as efficient businesses and continue to tolerate long-term losses, which are compensated by companies that function as genuine businesses and support the media. Perhaps only some of the largest media, based in Tirana, have managed to cover their expenses with the revenue they generate, but even then without significant profit.

Goga feels that the media bodies are far from efficient, professional, and profitable businesses. According to him, most media are supported by other businesses of the media's main shareholders, which display a strong tendency to use these media as a tool to promote and protect their interests. Even to Goga, only a small group of mainstream media

"If there is any criticism on Albtelekom or mobile companies in any media, this is only because the media are aiming to obtain some financing," said one of the panelists.

outlets, mainly in the capital, have managed to transform into profitable companies.

The panelists also cite the informality of the advertising sector as one of the reasons why most media remain inefficient businesses. The prices at this level are still not regulated on the basis of television audience sizes, at a time when the experience of other countries in the Balkans has shown that once audience size was clarified, television income increased by 40 percent.

The media's supportive businesses, such as advertising agencies and press distribution, have not managed to consolidate and establish a unique market. For the most part, media organizations take care of their own advertising—and their own distribution, in the case of newspapers.

The panelists feel that commercial newspapers and television stations have two main sources of revenues: the publisher or television owner, as well as revenue from advertising, subscription, and sales. Sources of financing for the media are not sufficiently diversified, and the great commercial sponsors, such as mobile-phone companies AMC, Vodaphone, Eagle Mobile, etc., continue to be very significant for

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.

“Some media owners have entered the media market, and in the public’s opinion they have been perceived as government supporters,” said Yzeiri.

the survival of the media. Consequently, they are able to affect the media’s editorial policies; for example, having been the main source of advertising for the media in the country, they are not criticized in the media for charging very high mobile-telephone fees. “If there is any criticism on Albtelekom or mobile companies in any media, this is only because the media are aiming to obtain some financing,” said one of the panelists.

Excluding the television stations that run by subscription, which generates revenue, other television stations and newspapers depend on the classical sources of financing. According to Tela, out of about 24,000 copies his newspaper sells each day, only 400 are subscriptions. Now that the crisis has caused the advertising business to dwindle, the main financial resource for the media remains finances by the owner. Aiming to stress the great political influence in this sphere, Leskaj said, “Subscription of newspapers in the parliament changes each time the director of the parliament’s relations with different media change.”

All media organizations currently have business plans and finance offices that plan expenses and revenue for every program or publication. However, financing from media owners remains vital to the survival of television stations and newspapers because they have not succeeded in financing themselves through revenues from advertising, sales, or subscriptions. This is a financial dependency that is impossible to avoid in editorial policies. Also, according to panelist Vani, “Apart from advertising, there are few other sources of revenue that support media—and even advertising revenue does not match widely accepted standards.”

Meanwhile, to Yzeiri, the emergence in the past several years of new media owners in the market with a pro-government tendency has increased the risk that the government might capture independent media, using precisely these private owners as Trojan horses. “Some media owners have entered the media market, and in the public’s opinion they have been perceived as government supporters,” said Yzeiri. In fact, some dramatic changes took place in the ownership of some media last year. The most distinct case is that of a media group founded in the early years of transition and financed by an Italian media company. The group in question owned News 24 television, which is rather influential in

Tirana and Central Albania; a daily, *Gazeta Shqiptare*, one of the most prestigious in the country; and radio “RASH,” also very successful.

During this year, these media were bought from a financial group very close to the government. Only a few months after this transaction was carried out, the whole editorial posture of the television, newspaper, and media arena completely changed from favoring the opposition and criticizing the government to the opposite. The panelists presented this as proof that political preferences of the owners continue to be decisive, almost a veto, on the editorial policies of the media. In fact, licensing in the past few years by the NCRT of some stations, such as Ora News or ABC, have resulted in their favoring the government. Combined with the emergence of some pro-government newspapers, these changes have significantly shifted media balance in favor of the government.

The panelists noted that owners of these media have become rich, mainly through privileges obtained by the government in processes of tenders and privatizations of different public assets. This collection of riches leaves these media owners in debt to the government and thus willing to leave their media at the government’s disposal. “These businessmen, who during the period of the socialist government were construction contractors, have become in some cases bank owners and are aggressively entering the media market with a bias that in the near future will create problems for media freedom,” Yzeiri warned.

The panel noted that in the electronic media, advertising tends to exceed time limits imposed by the law. There are often forbidden forms of advertising, as in the case of the program *Zonë e Lirë* on Vizion Plus, where the host advertises products that are not included in the announced publicity slots. Çipa reported another abnormality in the advertising market. According to him, advertising agencies absorb the greatest part of advertising funds that companies and businesses plan. These agencies, being closer to those in power, then approach the media in a more selective way based on the political attitude, favoring media that are closer to those in power. “This phenomenon discriminates in a scandalous way against the opposition media,” said Çipa. Goga agreed with this observation and noted that almost 60 to 70 percent of the advertising market is managed by two or three advertising agencies, which have shares in the so-called distribution agencies. Goga also criticized the absence of transparency in this regard: “In western countries there are continuous reports regarding the clients and funds on advertising, while in Albania there is no publication or informative edition that specializes in the advertising industry,” said Goga.

There have been cases of subsidies for print media from the government and cases of government advertising placed in electronic media. In general, the policies on subsidies (the most typical of which is the subsidy for the price of paper) have been long-term and complete in their expansion, affecting all media of the same category. Meanwhile, there is a tendency for the government to grant its advertising to the media that support and carry out propaganda for government policies. According to Tela, the three newspapers closest to the government benefit from almost all government notifications for the press, while on television, a Ministry of Defense ad can be broadcast about 40 times on TV Klan and only once on Top Channel.

Market research is used only sporadically and is generally contested by “the losers.” The panelists admitted that all mainstream media continue to carry out market research on consumer behavior and audience preferences, but adopting a system that is accepted by all remains a problem. Hence, there is no common measure for media audiences. Vani admitted, “Market research is used very little for formulating strategic plans, improving advertising revenue, and adapting the media product to the audience’s requests and preferences.” However, Kurti gave a slightly different perspective on this matter. According to her, “There is a serious effort from the media to carry out market research and adapt their products to consumers’ taste; however, this market research is numerous, not specialized, and not accepted by all media.”

Media rankings remain sporadic as well. Every newspaper publishes its own circulation, and each television station reports its own audience. The panelists expressed the view that newspapers’ publication of daily circulation should be regulated by law, while services measuring electronic media audiences must be developed, as they are still in an experimental phase in Albania.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.48

Objective 5 scored nearly the same as last year; panelists did not notice any visible change in this regard. Albanian media owners do not yet have a more professional and representative organization that lobbies on the interests of private media owners. Panelists could think of only one case when the ad hoc union of some large broadcasters provided an impetus for the war against piracy in electronic media. Hence, Albanian media owners continue to lack unity, even though there are no legal restrictions against establishing such associations.

The main obstacle to consolidating a representative media institution seems to be a lack of solidarity in the media community, mainly traced to the severe political climate of conflict and the media’s affiliation with one camp or the other.

The main obstacle to consolidating a representative media institution seems to be a lack of solidarity in the media community, mainly traced to the severe political climate of conflict and the media’s affiliation with one camp or the other. The panelists agree that the lack of trade associations is a hindrance to media sustainability, and Goga said that one of the services that such institutions must guarantee for their members must be the council of supervision and the standards of assessing media audiences by self-regulation. He said, “Such an organization would guarantee continuous audience measurement, securing objectivity, reliability, professionalism, and accuracy of these data. This would also enable the sustainable development of the media market, putting an end to the informality of advertising fees and the strengthening market positions of the most advanced actors.”

Regarding the professional associations of journalists, the panelists expressed the opinion that they are not representative and hence inefficient. It seems 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 (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.

Meanwhile, to Luarasi, “The fact that there are continuous training sessions and that there is desire to participate in these courses shows that training sessions are efficient.”

Union of Albanian Journalists (UAJ) continues to make the difference here. According to Lani, “UAJ has constructed an agenda and has raised problems related to the freedom of the media and the protection of journalists’ rights against the different forms of pressure that have emerged.”

As noted last year, the Albanian Helsinki Committee continues to be among the most active of the NGOs that support media freedom. It reacts with public statements every time journalists are harmed. Meanwhile, for Ibrahim, it is certain NGOs, rather than the media themselves, that are seriously committed to drafting basic laws for the press and for defamation, contributing to the gradual establishment of conditions that will allow Albania’s media to function smoothly. There are also some NGOs that sporadically monitor media ethics violations, but this is sporadic, upon donors’ requests. For example, the Albanian Media Institute and UAJ have monitored and covered media violations. UAJ also approved a memorandum to honor the ethical standards of media, signed by all newspaper editors-in-chief.

As previous MSIs have noted, although journalism departments at Albanian universities have steadily increased, the quality of training at these institutions is relatively low, and the lack of practical training students receive is especially problematic. The panelists again praised the efforts of the Albanian Media Institute (AMI) in this respect, as it offers specialized training with the support of international donors and has helped journalists to develop new practical and technical skills. AMI programs are weekly or, at most, monthly programs, dealing with reporting techniques, digital editing, CAR, Internet journalism, investigative journalism, etc. Thanks to AMI, the panelists agreed that high-quality programs to train journalists now exist.

According to Lani, AMI has focused over the past year on providing practical knowledge to journalists. “Last year, we focused on what is called online journalism and on new technologies,” said Lani. Other panelists expressed the thought that AMI represents one of the best practices. “There is continuity, and a standard has been established in Albania, familiar to all—to media and to journalism students—who are at the Media Institute each time there is a training,” said Yzeiri. Meanwhile, to Luarasi, “The fact that there are continuous training sessions and that there is desire to participate in these courses shows that training sessions are efficient.”

Regarding the sources of media equipment, printing houses, and their premises, the panelists agreed that they are not politicized and that their activity is guided by their business interests and not by any political trend or interest. They generally feel the same about the channels of media distribution, broadcasters, cable, or Internet service providers. In spite of political affiliations that the owners of the companies that provide these services might have, there has been no tendency so far to (negatively or positively) discriminate against media clients as a consequence of politicization.

The panelists held opposing views, though, regarding the press distribution network. In general, the panelists recognized the classical absence of newspapers in the rural areas. Meanwhile, some panelists thought the network of kiosks for selling the newspapers is monopolized, and some others thought the opposite. However, they all agreed that in spite of this, there are still no phenomena of delaying or obstructing distribution of a newspaper for political reasons.

For all participants, the infrastructure of information technology has developed in the past year, and even though it is not at maximum levels, it meets the media’s needs sufficiently. However, it was also emphasized that there is a huge difference in this regard between urban areas and rural ones, which continue to lag behind significantly.

List of Panel Participants

Lutfi Dervishi, media 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

Fatos Baxhaku, freelance journalist, Tirana

Genti Ibrahim, lawyer, Institute for Legal Studies, Tirana

Shkelqim Bylykbashi, owner, TV Lushnja, Lushnja

Aleksandër Çipa, president, Union of Albanian Journalists;
editor-in-chief, *Shqip*, Tirana

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

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

Valbona Kurti, journalist, Vizion+ TV, Tirana

Remzi Lani, director, Albanian Media Institute, Tirana

Valentina Leskaj, chair, Media Commission of the Albanian
Parliament, Tirana

Artan Mullaj, journalist, daily newspaper *Shqip*, Tirana

Moderator and Author

Andrea Stefani, media consultant, Tirana

Assistant

Sokol Lilo, media consultant, Tirana

The panel discussion was convened on November 22, 2011.

Although open pressure on the media eased temporarily after the 2010 general elections, political parallelism escalated in the media sector. Additionally, the consequences of the economic crisis further endanger media sustainability, with dire effects on the credibility and quality of news reports.



BOSNIA & HERZEGOVINA

More than a year after the 2010 general elections, officials in Bosnia & Herzegovina (B&H) reached an agreement on forming the national government on December 29, 2011. The elections brought some changes in the distribution of power, with the Social Democratic Party (SDP) taking the lead among the Bosniak electorate in B&H. The SDP, perceived as a civic-oriented, multi-ethnic party, campaigned mainly on economic progress and abandoning nationalistic politics. Still, political disputes and polarization persisted in 2011, delaying the consensus on appointing the Council of Ministers until the very end of the year.

Amid this backdrop, the country's ability to function deteriorated further, and progress has been negligible. At the time this report was prepared, no state budget for 2011 had been adopted, and foreign direct investments had fallen off significantly. The European Court of Human Rights has ruled against discriminatory Bosnian provisions that let only constituent minorities (Bosniaks, Croats, and Serbs) run for the House of Peoples and the presidency—but the ruling has yet to be implemented.

Bosnia and Herzegovina is composed of two entities—Republika Srpska (RS) and the Federation of Bosnia and Herzegovina—as well as Brčko District, a separate administrative unit. Political representatives in Republika Srpska continue to challenge state institutions by expressing secessionist ideas and questioning B&H statehood. They also challenge the authority of the Office of the High Representative (OHR)—the *ad hoc* international institution responsible for overseeing the implementation of the civilian aspects of the Dayton Accords, the multi-national peace agreement for B&H. Nationalistic statements from officials continue to seep into political rhetoric. On the level of the Federation of Bosnia and Herzegovina, a coalition government was formed on March 17, 2011. However, as the leading parties representing the Croat people were left out of the coalition, some question the government's legitimacy. Thus, conditions for the closure of OHR have not been met, and the political crisis remains unsolved. The European Commission Progress Report concluded that political representatives lack a shared vision on the country's direction.

Although open pressure on the media eased temporarily after the 2010 general elections, political parallelism escalated in the media sector. Additionally, the consequences of the economic crisis further endanger media sustainability, with dire effects on the credibility and quality of news reports. With advertising revenues shrinking in the already overburdened market, and media depending on fewer sources of revenue (public budgets being an essential one), outlets are more likely to serve the interests of their political and economic affiliates than the public.

The overall MSI score fell from 2.22 to 1.97, with a worrying proximity to the 2001 and 2002 score of 1.66. All objectives faltered somewhat compared to last year, with Objective 3 (plurality of news) suffering the biggest loss, approaching half a point. Objectives 2 and 5 dropped significantly as well, indicating that as media and supporting institutions continue to reduce capacity to cope with the grim political and economic context, their quality and credibility are declining steadily.

BOSNIA & HERZEGOVINA AT A GLANCE

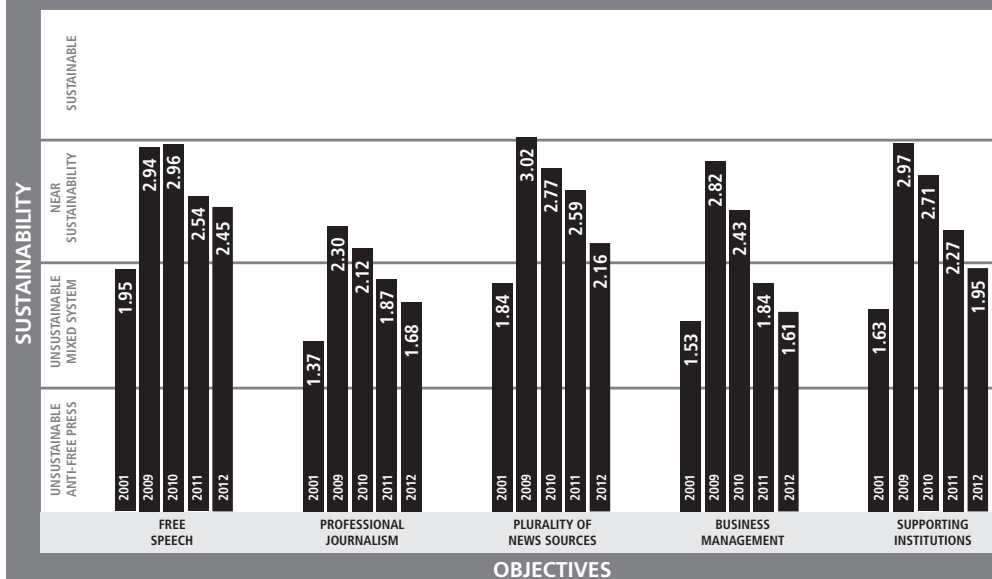
GENERAL

- > **Population:** 4,622,292 (July 2011 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 (official), Croatian (official), Serbian
- > **GNI (2010-Atlas):** \$18.02 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$8,970 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 96.7% (male 99%, female 94.4%) (*CIA World Factbook*)
- > **President or top authority:** Presidents Željko Komšić, Nebojša Radmanović, Bakir Izetbegović (presidents rotate every eight months)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** 9 daily newspapers, 101 periodicals (weekly and monthly newspapers, periodical magazines); 147 radio stations; 48 television stations (BH Press Council and Communications Regulatory Agency)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** The top three television stations are Federal TV (14.5%), Program Plus (13.3%), Pink BiH (11.1%) (Mareco Index Bosnia, 2011)
- > **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_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

Bosnia & Herzegovina Objective Score: 2.45

Objective 1 scored close to last year's MSI, with four indicators dropping slightly and a few increasing somewhat. Indicator 9 (free entry in the journalism profession) saw the biggest fall but still scored a full point higher than the objective. Indicator 6 (libel proceedings) improved and scored close to the objective score. Indicators 5 (guarantees of independence for public media) and 7 (access to information) were the only indicators to score more than half a point lower than the objective score, the former by more than a point and the latter by about two-thirds of a point. Joining indicator 9 at the top was indicator 8 (media access and use of news sources), which outscored the objective by about two-thirds of a point.

As in previous years, panelists stressed that the legal and regulatory framework is well established, but implementation falters due to underdeveloped social and institutional mechanisms protecting the freedom of speech. The panelists took this year's progress in some indicators not as a sign of inherent improvement in this objective, but more likely the result of a temporary dip in politicians' interest in enlisting the media to promote public images. Their distraction

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

FREE-SPEECH INDICATORS:

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

In this context, Boro Kontić, director of Mediacentar Sarajevo, suggested that media members should anticipate further drawbacks. "Perhaps the only explanation is that this is a year in which local politicians are focusing on their own miseries and themselves...therefore they did not stand very much in the way of the media," he said.

alleviated the direct pressures on journalists, and the need for legal protection.

The legal and regulatory context integrates general guarantees of freedom of speech.¹ Supporting regulations and legislation further address freedom of expression within the media sector. The Communications Regulatory Agency (CRA) regulates the broadcasting sector and has executive powers to enforce existing rules and regulations, including the Law on Communications, which supports the freedom of expression and upholds the development of a broadcasting sector free of political control and manipulation. No progress has been made on the issue of appointing the director of CRA; a stalemate continues among the B&H Council of Ministers over CRA's initial nominee. The panelists said that they consider the failure to appoint the director, as well as members of the CRA Council, a form of political pressure on CRA. The current director has been operating under a technical mandate for five years now. However, CRA's financial autonomy and independent decision making are largely guaranteed under the Law on Communication. Although the panelists did not raise any doubts about the impartiality of CRA, a few criticized its limited capacity to promote media freedom and professional norms.

The print media sector relies on a self-regulatory mechanism. The Press Council in Bosnia-Herzegovina (or VZS) is a non-governmental agency with a mandate to promote journalistic norms—but it lacks executive powers. Thus, compliance with professional guidelines and decisions of the council depends on voluntary acceptance by print media outlets. As with CRA, the panelists expressed no concerns about major pressures on the council or its impartiality, but they raised significant doubts regarding the efficiency of

¹ *State and entity constitutions:* Article II/3h of the Constitution of B&H, Article II/A2 of the Constitution FB&H, and Articles 32 and 34 of the Constitution of RS; *International covenants:* International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms.

self-regulation. Their concern is that professional norms are likely to be a secondary consideration, slipping behind the political and economic interests of the centers of power on which media depend heavily.

Still, panelists stressed that significant progress has been made by introducing the self-regulatory system in the online media sector, which previously had been vastly unregulated. (Presently, online media are only held accountable for libel.)² Several representatives of online media are members of VZS, which has initiated the procedure to amend the press code, in order to additionally address the specificities of online media.

Overall, the panelists agreed that the legal and regulatory framework for the protection of freedom of media is well developed, but obstructions of freedom of speech occur commonly, while the mechanisms to process such cases are flawed. A serious hindrance is that free speech violations happen with relative impunity, due to limited capacity and poor performance of the police and judiciary. Radmila Žigić, editor-in-chief of PAN Radio Bijeljina, underscored the lack of accountability for violations of freedom of speech. "... has anyone ever answered for denying information or impeding freedom of speech, since it is impeded everywhere in some way through direct or indirect pressure?" Žigić said. Moreover, the reactions of government and civic institutions are muted, mostly limited to statements, and do not lead to major consequences for the perpetrators or significant advocacy missions. As Kenan Ćerimagić, editor-in-chief of Hayat TV Sarajevo, said: "The ombudsmen told us we were right, but it ended at that."

Although indicator 1 (legal and social protections of free speech exist and are enforced) increased this year, overturning negative trends in 2010, participants suggested that this stems from the lessened attention given to media in the post-election period. In this context, Boro Kontić, director of Mediacentar Sarajevo, suggested that media members should anticipate further drawbacks. "Perhaps the only explanation is that this is a year in which local politicians are focusing on their own miseries and themselves...therefore they did not stand very much in the way of the media," he said. He speculated that politicians' actions will change completely next year, as 2012 is an election year.

² Presently, online media are held accountable only for libel. An additional protocol to the International Convention on Cyber Crime was ratified in 2006, but threats and insults motivated by racism and xenophobia and addressed through computer systems were never stipulated as a criminal offence under national law. Web content is especially difficult to regulate since servers are mostly based abroad, often in the USA, where freedom of speech is taken as a guiding principle to tolerate speech that European legislation would categorize as hate speech and penalize. Source: Cvjetičanin, T, Sali-Terzić, S & Dekić, S. *Exclusion Strategies: Hate Speech in BH Public*. Mediacentar Sarajevo 2010, pp. 14 and 48. Also, the first case of cyber crime was revealed in B&H, pertaining to incitement of hatred.

Licensing procedures in the broadcasting sector are generally seen as impartial and apolitical. Regardless of the high number of media in B&H, panelists pointed out that the information needs of the public are not suitably met, especially regarding specific social groups and local communities. Azra Maslo, a CRA representative, suggested that the huge number of local electronic media is an indicator that licensing procedures are aimed at increasing the role of media in serving local communities. "Perhaps we even have too many local media outlets, which we believe... fulfill all needs of the local community," he said. However, serious concerns over the performance of local media have been raised, as many of these media are directly financed by local authorities or are susceptible to the interests of major advertisers and/or political centers. Additionally, many of these media focus primarily on entertainment content.

CRA recently introduced licensing procedures for community radio. These media could potentially address the needs of different minority and marginalized groups, but so far, CRA has licensed only one community station, and is processing two more (a humanitarian project and a children's radio station in Tuzla). However, the law continues to deny community media access to funding from advertisements, preventing substantial development of this media sector.³

Furthermore, as in previous years, the panelists expressed skepticism over broadcasters' adherence to program schedules. Programming criteria are relevant in licensing procedures, and broadcasters are obligated to report changes in the program schedule that exceed 20 percent as well as obtain written consent from CRA for them.⁴ However, CRA does not monitor adherence. It is not mandated to monitor this aspect of broadcasting, and lacks the capacity for regular monitoring; it monitors content only when third parties file complaints. Nataša Krsman, editor-in-chief of Nezavisne Novine's Sarajevo bureau, stated that even the programming of public broadcasters, which have special program obligations, is questionable. "In the field of public broadcasters especially...these cantonal televisions... do not fulfill the most important program objectives of public broadcasters," she said. Therefore, CRA should promote fulfillment of interests of the public (including its different constituent groups and local communities) through sophisticated licensing procedures as well as enforcement of the program requirements defined by the licenses.

Panelists expressed concern with licensing of print media, and even more concerns about online media, since open market entry is not accompanied by adequate regulations to

³ See rule 58/2011 on providing media services. Available at: www.rak.ba.

⁴ Rule 55/2011 on providing audio-visual media services. Available at: www.rak.ba.

uphold credibility and respect for professional norms. Senad Zaimović, director of the advertising agency Fabrika, said that although more regulations are needed, pluralism could be considered healthy in B&H. "The fact is that today you can set up a portal in one hour, or create your print edition without any problem...therefore [our country] could deserve the maximum MSI score." Participants said that they support further promotion of the self-regulatory system for print and online media, but are not optimistic about its reach in the current environment.

The media industry is treated the same as other industries in terms of market entry, since the government gives no tax breaks to media, nor does it differentiate value-added tax (VAT) for different industries. A major concern that some panelists expressed is that the overall fiscal policy toward media is pushing them to financial breakdown. They suggested that, especially in an economic downturn, any kind of tax breaks or financial incentives for media are needed and welcomed. "When this global crisis hit, many normal countries pumped a lot of money into broadcasters, but that did not happen here," said Reuf Herić, director of Radio Q in Visoko. "My objection is not regarding the percentage of VAT, but the overall fiscal policy, which is disastrous toward all media—especially broadcasters."

Some of the panelists, however, said that print media are in the least favorable position, and in need of a more engaged state policy. Commenting on the issue of lifting the tax on paper and reproduction material, Zaimović said, "...a well-intentioned country would have to help the print media some way to exist." Faruk Borić, editor-in-chief of *Dani*, pointed out that VAT has especially brought economic hardship for print media as well, leading to job losses within outlets. Consequently, the quality of media has been jeopardized and journalists are more susceptible to corruption.

Some of the panelists asserted that local public media, financed primarily through municipal and cantonal budgets, enjoy a privileged market position compared to private media. They enjoy the safety of having guaranteed revenues, and therefore are in a position to reduce the prices of advertisements, in turn causing private media to lose their only source of funding. Herić gave an example: "In the city in which I broadcast, there is a local radio and television station. The municipal budget is, among other sources, filled with money that I pay through taxes. Their budget allotment is increased every year, while for me every year is harder... If I start a business year at zero, provided I did not generate losses the previous year, and they start it with 500,000 marks, I don't think that's an equal battle."

Similarly, Angelina Albijanić-Duraković, editor-in-chief of depo.ba Sarajevo, stressed that some online media are not

"When this global crisis hit, many normal countries pumped a lot of money into broadcasters, but that did not happen here," said Reuf Herić, director of Radio Q in Visoko.

registered as companies, and as such are exempt from taxes, which puts them in a privileged position in the online media market: "Media which someone registered as an additional activity are not subject to any obligations... there is no company, they don't pay taxes, but they equally sell their... ad space."

The score for indicator 4 (crimes against media professionals) improved slightly this year, with no major assaults on media professionals in 2011. As Borić said: "Such crimes are rare... it's not that they happen every day. I really don't know of any cases of a journalist being beaten up or attacked in the past year." However, the score is still relatively low, resulting mostly from the panelists' belief that more subtle attacks and pressure are everyday practice. By December 1, 2011, Free Media Helpline⁵ processed 46 cases related to infringement of media freedom, including one death threat, four physical attacks, and 14 incidents involving pressure or threats. In one recent case, a journalist and a camera operator covering a story about a mosque in the town of Živinice were physically attacked by several people, who were led by a religious official.

Participants consider inefficient the authorities mandated to protect journalists and process attacks on media and journalists. As Leila Bičakčić said, based on her experience as the director of the Center for Investigative Reporting (CIN), "They absolutely do not react... we reported quite serious threats that we received, but the police more or less ignored them." Zaimović agreed, saying, "All of us together feel... that the reactions of those who are responsible as institutions, not to mention the public, were minimal or non-existent."

Since journalists generally feel unprotected, in many cases they are unwilling to tackle the more sensitive issues that would put them in danger, hindering reporting on issues of public relevance as a result. Žigić said: "Deep down, I am aware that even if I worked on something that would put my life in danger, no one would protect me." She gave an example: "In the city, we had just one media outlet that reported that the head of the Public Security Center

⁵ A service providing protection for journalists, operating within the Independent Union of Journalists of B&H. Journalists can report all kinds of violations of media freedom and FMHL provides legal advice, as well as public support to journalists.

was mobbing employees; no one spread that story further, although that should be done in any normal country. This shows that no one wants to become involved in conflicts.”

Free Media Help reported that 2011 had eight cases of infringement of labor rights—mostly unjustified dismissals,⁶ as well as four cases of mobbing.

The Law on the Public RTV system of B&H guarantees the editorial independence and institutional autonomy of the Public Broadcasting Service (PBS, which unites BHRT, FTV, and RTRS) by allowing PBS to collect RTV fees as its source of financing.⁷ However, as in previous years, panelists expressed concern that political or partisan affiliation is a major criterion in the selection of PBS managers and supervisory board members. Žigić remarked, “The leading parties appoint the managerial and editorial structures and directly influence their performance.”

Kontić said that politics have penetrated deep into the media sphere, to the extent that politically motivated appointments have become a standard practice. “I think the situation (in our country) is now very obvious... all members of the Federal Television Supervisory Board were elected based on partisan agreement ... how is it possible that the supervisory board of a public television is elected by political parties?” he said. Tatjana Duronjić, professor of the University of Banja Luka, noted that it is especially distressing that this is perceived as a norm, since there are no notable reactions to such practices. The Free Media Help Line also expressed considerable concern over a recent change of the BHRT statute that enables the supervisory board to directly interfere in the management of the public broadcaster and appointment of editors.⁸

Moreover, panelists protested the existence of broadcasters directly financed by the municipality or cantonal authorities,⁹ noting that financial dependence on local authorities affects editorial independence dramatically. Herić stressed his view that municipal television or radio should not be state-owned,

and said that they are essentially vehicles to promote the municipality head and chronicle his daily activities. Maslo said that CRA received complaints during the election period from the local media themselves, who said that political actors were prodding them to publish favorable content. She said that this kind of pressure is hard to resist when such actors are also the main financiers, and therefore there are only a handful of media outlets “that actually devote attention to their editorial independence.” CRA does not have authority over the issue of privatization of public media, but some panelists said that denying cantonal and municipal media the right to offer advertising services could help level the playing field for private media.

In addition, the financial and editorial independence of local public media are not supported by any regulations, except for Rule 42/09 on public radio and television stations, which stipulates that the editor-in-chief and/or director of a public station cannot be public officials or perform duties in a political party.

Considerable influence on the editorial policy of media, especially public media, is to be expected in an economic crisis, Zaimović said. With the absence of other sources, and after the withdrawal of other (especially international) funding, dependence on public funding is more prominent. As Kontić explained, “Why do media choose to have relations with the state? For the simple reason that it has now become the only place where they can get additional resources.”

Civil law has regulated libel since 2003. However, the law’s wording and implementation have drawn sharp criticism. Although the score for this indicator rose compared with last year’s score, the panelists mostly identified the same deficiencies. The significant improvement of the score is not attributed to any structural improvements, but rather to fewer bad experiences in 2011.

Panelists said that one failure is that in practice, the burden of providing evidence falls on the journalists, even though the law stipulates that the plaintiff should prove published information false. Žigić remarked that not do various actors misuse libel lawsuits to pressure media, but the impartiality of the courts hearing these lawsuits is highly questionable—rendering the media reluctant to cover stories that could lead to such proceedings. “To be honest, if I were to look back now, I don’t know if I would do something that I might end up in court for ... especially if on the other side are people who are very rich, who can pay for lawyers. When you have doubts about the impartiality of the judiciary, then you might think that those judges can be paid off, too,” Žigić said.

Additionally, participants said that the law is imprecise in some respects, and therefore presiding judges have undue

⁶ For example, the journalist Mirsad Behram was dismissed from a television station and FMHL asserted there was no justifiable reason for termination of his labor contract. Furthermore, the employer failed to provide regular salaries and social contributions (with several unpaid salaries). Source: Ibid.

⁷ Additional revenues are based partly on advertising and sponsorship. The Law stipulates that the government cannot finance regular programming, but financial aid can be allocated for programs of special interest: programs of national significance, satellite broadcasting, archive preservation, etc. See, Jusić, T. “Bosnia and Herzegovina”, in: “Television across Europe: Regulation, Policy and Independence,” EUMAP, 2005, pp. 261–263.

⁸ Media Help Line: Registered cases of violation of media freedoms and the rights of journalists in Bosnia and Herzegovina, in 2011.

⁹ There are around 80 broadcasters funded by cantonal and municipal authorities. In 2006, most public radio stations received more than half or almost the entire amount of revenues from local public budgets (see more in: AGCOM & CRA, *Overview of the Communications Sector in Bosnia and Herzegovina*, 2008, p. 143

influence on cases—which some of the participants said they find particularly disturbing, giving that they consider many of these judges incompetent for dealing with libel cases. For example, Duronjić said that the libel law is rather vague regarding the use of anonymous sources. Another unclear point in the law is the lack of deadlines for filings or precise criteria to determine “emotional distress” when that is claimed. Libel law stipulates that the court consider different circumstances about a case, including “whether it pertains to issues from the private life of the affected person or to issues of political and public relevance” (Libel Law of FB&H, Article 7; Libel Law of RS, Article 6). To what extent courts interpret this as public officials bearing a higher burden of proof is unclear. As Duronjić suggested, this distinction should be elaborated upon more clearly in the law, not only to protect media, but to allow “ordinary people... to prove that they have suffered great harm by irresponsible journalists.” This would promote media freedom as well as media credibility.

The Freedom of Access to Information Act (FOIA) guarantees the right of access to information. Ćerimagić, however, said that the law stipulates long procedures for providing requested information, so journalists rarely tap the full potential of the law. Panelists listed a few examples of authorities providing limited scope of information upon request, and some cases of complete denial of access to information. Bičakčić, director of CIN (which focuses on investigative stories, and therefore relies more on FOIA), gave an example: a foreign organization that worked on implementing electronic access to land registers in Sarajevo canton restricted access to the land register database by limiting search options to land plots. In this case, CIN was investigating the land plots owned by politicians, but they were hindered, since the database could not be searched by the identification number of the owner. Bičakčić mentioned a similar instance in which CIN was turned away: “We were (unofficially) notified by the Geodesic Office of the Republika Srpska that we will never get the information we are looking for.”

Participants suggested that FOIA has improved access to information, but as Žigić said, the act is not implemented consistently and many institutions have not developed the practical capacity (no PR service, lack of staff, weak sense of accountability among officials, etc.) to comply with the act. Duronjić gave an example: “The Access to Information Act does exist, but when you try to reach the director, you get silence ... on the other side, they do not possess the awareness that being a director not only means being a director, just having privileges—it means giving information.”

Under the pretext of protection of privacy, some information is exempted from FOIA obligations. A few panelists, including Žigić and Bičakčić, suggested that the right to protection of

According to Borić, a member of the VZS Complaints Commission, “Even those who are not members of the Press Council, which includes many online portals, react and communicate with the Press Council; they publish Press Council decisions. This is, so to speak, a process that is taking root...”

privacy is extended untenably to information on tax payments for legal subjects, on politician asset reports,¹⁰ information on public tender contracts, and more.

Additionally, institutions and officials do not treat all media outlets equally. Albijanić-Duraković said that “there are media outlets that get information much more easily,” implying political connections or favoritism. The panelists said that they consider flawed the legal remedies for cases of denial of access to information, since FOIA defines sanctions only at federal levels, not at entity (Federation of B&H and RS) levels. No court has established a practice of sanctioning officials and institutions, at either the federal or entity level, that fail to provide requested information. Bičakčić recounted some of his recent experiences at CIN. “We have quite a few lawsuits in court—meaning that we followed the procedure, but we did not get the information... for instance, we are now in court with three state institutions, requesting information on employees. We have a lawsuit against the Federation Railways from 2007, which has not even come to a preliminary hearing.”

Access to news sources is open and unrestricted by law. The government has made no progress in terms of protection of intellectual property rights, however. Despite the existence of the Law on Authorship and Related Rights, instances of violation of intellectual property are frequent, especially in online media. Albijanić-Duraković indicated that B&H law contains no precise regulations on how to use secondary sources, nor adequate mechanisms to ensure respect for such professional and legal norms.

Participants stressed that the practice of open and unrestricted entry into the journalism profession is developed to the point that people with no competencies or skills are hired as journalists, utterly threatening the quality of journalism in B&H. The panelists said that this issue is why they were reluctant to give this indicator a maximum score.

¹⁰ The State Agency for Protection of Personal Data recently ordered the Central Election Commission to remove assets cards of politicians from its website. See more at: <http://www.azlp.gov.ba/images/SaopstenjaBOS/CIK%20Imovinski%20kartoni.doc>.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 1.68

The Objective 2 score fell from 1.87 in 2010 to 1.68 this year, with almost all indicators scoring at least marginally lower. Most indicators scored close to the objective score. However, indicator 5 (pay levels for journalists) lagged behind by slightly more than half a point. Indicator 4 (media cover key events) scored about two-thirds of appoint higher.

Panelists noted a markedly negative trend surrounding professional standards of quality. They cited multiple, intertwined, systematic factors behind the declining standards. The factors include the dire socio-economic position of media and their dependence on centers of power, which undermine their editorial independence; understaffed media outlets and the lack of quality journalists; and media outlets and the broader professional community failing to promote professional standards. Accordingly, the scores indicate that journalism quality is a worse problem than protection of media freedom.

Panelists agreed that fairness, balance, and usage of relevant sources in media reporting are declining steadily. The panelists expressed the belief that understaffed media outlets, and the excessive commercialization of media content in times of economic crisis, are two of the most detrimental factors to media quality. Borić blamed poor training and low salaries as well. "The journalism profession has fallen very low... some journalists are paid BAM 500 to BAM 600 (a month) and I think that is a disgrace," he said.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The panelists pointed also to heavy political partisanship in the media in 2011. In their coverage of disputes surrounding the establishment of government, the media's politicization displayed clearly, through biased reports. Other prominent problems include the lack of expertise on certain issues, and poor background research. Political issues are over-covered, yet reports are repetitive and superficial. A cross-ethnic perspective, or journalism that fosters political dialogue, are seen only rarely.

Professional standards are defined for the broadcasting sector (Communication Law, as well as the 2011 Broadcast Code of Audiovisual Media Services and Media Services of Radio) and the print media sector (press code). In cases of violation of programming standards, CRA has executive powers over electronic media.¹¹

VZS lacks regulatory teeth, as noted earlier. It is mandated only to suggest that a print outlet violating professional standards publish an apology or a correction. Given that the self-regulatory system is entirely voluntary, corrections and apologies have not yet become regular in print media. Still, VZS plays an important role in promoting journalistic values. The online media sector's increasing acceptance of VZS decisions gives the panelists cause for hope for the future of self-regulation. According to Borić, a member of the VZS Complaints Commission, "Even those who are not members of the Press Council, which includes many online portals, react and communicate with the Press Council; they publish Press Council decisions. This is, so to speak, a process that is taking root... Three online media outlets have already joined the Press Council: 24 sata, Sarajevo-x and Dnevnik.ba, thus agreeing to be under self-regulation." Borić gave an example of how the Complaints Commission is gaining acceptance. The commission heard a complaint against Sarajevo-x, and the editor provided an explanation as to why he believed he was not in violation, but he said he would respect any decision.¹²

The panelists most commonly mentioned biased reporting and plagiarism as ethical violations. As in the previous year, panelists pointed out that the media community is fragmented along political and ethnic lines, so media outlets and journalists are likely to report with bias on certain political topics. Two

¹¹ A report on violations of rules relevant to the broadcasting sector is still not available for 2010, but the 2009 report cited 55 violations. Sentences included: Nine fines, 28 written warnings, five verbal warnings, three revocations of licenses, and 10 suspensions. Source: Report on Cases of Violations of Rules and Regulations in the Year 2009. CRA. 2010. Available at: <http://www.rak.ba/eng/index.php?uid=1273696230>.

¹² The only complaint against the sarajevo-x in 2011 was due to publishing of brutal images of murdered Muammar Gaddafi, asserting this was violation of privacy. VZS dismissed the complaint. Information available at: http://www.vzs.ba/index.php?option=com_content&view=article&id=726:g-ivan-bajdak-portal-sarajevo-xcom-20102011&catid=128:express&Itemid=30.

panelists indicated that the distinction between news reporting and advertising is not always clear. Previous MSI reports also pointed to disrespecting minors' privacy, drawing unjustified conclusions, and failing to distinguish between assumptions and facts. Maslo, however, highlighted a trend toward developing in-house ethical codes that is evolving at some media companies—showing some effort to professionalize the media sector. Additionally, Maslo noted that ethical violations are declining in the broadcasting sector, with the only prominent violations in the past two years revolving around reports on minors' criminal acts, and inadequate broadcasting times for certain types of media content.

Albijić-Duraković emphasized that only a few, truly independent media have the luxury of publishing objective and uncensored information. As Maslo suggested, the poor economy makes media and journalists especially vulnerable to practicing self-censorship. Journalists also self-censor out of fear that critical coverage will expose them to different types of pressures and attacks from criminal and political circles.

The score for indicator 4 (media coverage of key events and issues) received the highest score for this objective. Still, panelists agreed individual outlets do not cover key events and issues sufficiently, due primarily to their limited financial capacity, especially in the context of economic hardship. Coverage of international events is particularly lacking. Although citizens can access key information through a multitude of sources, they are likely unable to access all the sources they would need to be sufficiently informed on all major issues. Panelists also suggested that B&H media lag behind regional trends. As Kontić said, “[B&H media] simply couldn't dispatch people during major events, such the turmoil in the Arab world. Look at any other media in the region—they have people every time, in Greece, here, there... [domestic media] simply cannot keep up with that, although that is the essence of media.”

Blogs and forums represent an alternative source of information, but their popularity as sources of information—and by extension, their social impact—has been limited so far. Consumers tend to use the Internet for communication purposes rather than as news sources. However, Duronjić maintained that more citizens are shifting to online sources, including blogs. The potential of the blogosphere is fairly significant, given that bloggers are still relatively free from political pressure, and are able to offer alternative views on issues of public importance while incurring less risk than members of the traditional media.

The panelists said that they consider pay levels for journalists to be relatively low on average. There are huge variations in salaries among different outlets, with some more successful media businesses providing monthly salaries of around BAM

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1,000 (\$664) for journalists and BAM 1,500 (\$994) for editorial staff. Such incomes are in the range of, for example, state service officials, whose average salary is BAM 1176 (\$786), or the employees of educational institutions in Bosnia and Herzegovina. However, at less successful media and outlets with smaller reach, salaries are lower and can go down to BAM 400 (\$266) a month. Panelists said that the steady stream of journalists departing into other lines of work, such as public relations, is a marker of the grim socio-economic position of journalists.

A couple of panelists noted that high contributions to health insurance burden media members additionally, reducing journalists' salaries and prompting employers to pay under the table and officially report lower salaries. Borić said, “In order for my journalists to have 1,000 marks—which is a decent salary to pay for everything and to have a life, although I think even that is low; my company gives the state 700 marks.” Some panelists said that low salaries make media workers more vulnerable to corruption, but others asserted that high salaries alone would not reduce significantly the danger of buyoffs. To promote media credibility, changes of media sector policies, as well as significant societal change, need to take place.

Panelists discussing the balance of news and entertainment content indicated that informative shows are losing momentum and quality as a result of cost-cutting strategies. As Čerimagić said, “We are reducing information programming. It costs a lot and it is much cheaper to buy a series or allow a half-naked singer to sing. You will have higher ratings and higher ratings will attract [advertisers]. So, we go around in circles. News costs; news is a bottomless hole.”

Technical resources for production and distribution of news also drew lower scores compared to last year. Media outlets vary greatly in technical broadcasting production capacity. The larger private broadcasters use advanced, digital technology for media production, while most of the smaller media have not upgraded their production tools for years. Meanwhile, digital distribution and development of the digital transmitter network is stalling.

PBS, supposedly the leader of the media's digitalization progress, lags behind regional and global trends. Although

“You can’t expand because there is no foundation of experts who want to talk,” Ćerimagić said. “The state and the state institutions are ubiquitous sources... which means that you actually have virtually the same viewpoint.”

the Council of Ministers adopted a digitalization strategy developed by the DTT Forum (an *ad hoc* body under the auspices of the CRA) in June 2009, there has been little progress since. The three public broadcasters constituting PBS continue to disagree on the establishment of a corporation, which is a prerequisite for the switchover to digital signal.

However, Maslo pointed out that an expert commission of the DTT forum formed in September 2011. The commission is composed of members of the Parliamentary Assembly of B&H, Ministry of Communication, CRA, and members of the public and private media sectors. While the results of their work have not yet been seen, panelists said that they view the future process of digitalization pessimistically. Ćerimagić predicted that the public broadcasting system could fail to ensure the switchover to digital signal even in the next ten years.

Regarding niche reporting, the score for the related indicator lost ground this year, and the panelists said that the economic decline is the major reason. Media outlets cannot afford to offer their journalists professional development training, nor can they invest in training for journalists in specializations. Reporting on issues that require considerable expertise, such as law and the economy, is especially jeopardized as a result. Investigative reporting is virtually non-existent, the panelists said. The panelists pointed to the questions swirling around the judiciary, in particularly the fairness of the B&H Court and the B&H Prosecutors Office, as an example. Media coverage of the issue lacks in-depth analysis and coverage of different opinions; coverage is obviously biased along entity and ethnic lines. Political corruption and the political pressures on the judiciary bodies are under-investigated,¹³ and the reporting on war crimes trials and reconciliation is vastly political. The focus has shifted from the victims to the interests of the current political elites. Deepening of hostility between certain media houses in B&H is another under-explored issue.

¹³ For example, investigations on the current president of Republika Srpska and several other officials (by the Special Prosecutors Office of Republika Srpska) under suspicion of abuse of power were dropped. For an example of unbalanced reporting on the latter, see article: *Tužilaštvo BiH strancima služi kao batina za izabrane funkcionere*, *Nezavisne novine*, 31.12.2011, p. 12.

The Center for Investigative Reporting (CIN) is the only media organization oriented toward investigative journalism. CIN takes up issues generally neglected by B&H media—the exploitation of natural resources in the country, for example. Additionally, a few B&H-based media owned by foreign actors, such as Radio Free Europe, contribute to more balanced reporting, filling in with elements of investigative journalism.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia & Herzegovina Objective Score: 2.16

The Objective 3 score dropped significantly, from 2.59 last year to 2.16 this year. Several of the indicators suffered a substantial fall, with only indicators 4 (independent news agencies), 5 (private media produce their own news content), and 6 (transparent and non-monopolistic ownership) more or less holding ground. Indicator 7 (the media covers a broad spectrum of social interests) showed the greatest decline and finished more than half a point behind the objective score. Indicator 3 (state or public media reflect the views of the political spectrum, are non-partisan and serve public interest) also received a lower score, placing it nearly a full point behind the objective score. Panelists explained the drop by underlining the lack of multiple viewpoints, the biased editorial policies, the shortage of news-oriented programming, and the failure to cover minority and social

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

issues adequately. Indicator 2 (citizen access to media) scored about three-quarters of a point higher than the objective.

There are many media sources on the market, in all branches (print, broadcast, online media), and with different types of ownership (public, private, and now community media). Only one community radio station, Radio Marija, is licensed so far; it primarily offers religious programming. Further development of the community media sector is hindered by the fact that they are barred from generating advertising revenues. A few radio stations also perform, to some extent, a public service role for specific communities.

And yet, panelists emphasized that the media do not present a plurality of opinions. Borić said, "Media hypertrophy and the appearance of new media create opportunity for pluralism, but that is rarely achieved due to incompetence, politicization, and self-censorship." Individual media outlets often do not represent multiple views, due to biased editorial policies and/or lack of capacities. Although different viewpoints can be found in available media, panelists said that average citizens are normally not exposed to different perspectives; instead, they often access just a limited number of media outlets. Additionally, almost all domestic media rely on almost the same sources. Duronjić pointed out that alternative sources of information, such as independent experts, are rarely used, or the same expert appears over and over. "You can't expand because there is no foundation of experts who want to talk," Ćerimagić said. "The state and the state institutions are ubiquitous sources...which means that you actually have virtually the same viewpoint."

With the rapid growth of Internet usage, the role of online platforms is becoming more prominent, including not only web portals of mainstream media and online media outlets,¹⁴ but also more than 200,000 blogs (according to blogger.ba, the first blog service in B&H), forums, and social networking tools. Duronjić said that she sees a lot of potential in new media for future audiences, commenting, "The infrastructure is very good, and I think the future lies in online media. I am sure that blogging, as well as social media tools such as Facebook, Twitter, YouTube, and so on, will also be of interest to media of the future." The panelists, however, questioned the informational value of online media content. Ćerimagić said that most citizens do not turn to online media for information; for example, most of the users of Hayat TV's Facebook page are interested in trivialities, he said. However, the role of online media as a source of information and a platform for expression of alternative views is likely to grow in the future, with the expansion of Internet penetration and growth of

¹⁴ For example, Adnan Hasić, director of four online media, including the 24 sata info portal, said that according to Google analytics data, there are around half a million users of these websites.

citizen journalism and activism. On the other hand, online content is currently loaded with discriminatory messages and hate speech, and regulatory mechanisms need to be developed to deal with this problem. In the meantime, mainstream media, primarily television, are still the major sources of news.

The law does not restrict access to domestic or foreign media, but economic factors limit citizens' ability to buy different sources of information. The average salary in B&H is BAM 789 (\$524) a month, so media is quite expensive relatively—a monthly Internet subscription costs around \$20, dailies cost around \$0.70, and magazines around \$2. Foreign press is far more expensive. In addition, circulation of print media is geographically differentiated based on the ethnicity of readers. Television is still the major source of information, with several public and private broadcasters aired nationwide, and many that cover smaller geographic areas. Panelists pointed out that PBS in Bosnia and Herzegovina, with three radio and three television broadcasters, is too costly considering the program quality.

Internet penetration, especially broadband Internet, is constantly growing. The percentage of users among the population older than 15 years has grown from four percent in 2002 to 52 percent in 2010.¹⁵ The number of registered Internet subscribers grew by 123,000 from 2009 to 2010.

Geographical barriers hinder access to media as well. Cities offer a multitude of news sources, but some rural areas must contend with infrastructural limitations.

Panelists agreed that in the aftermath of the October 2010 elections, it became even more obvious that in election periods, public broadcasters favor certain political options. Additionally, public broadcasters' dedication to serving the public interest is questionable, to the point that they do not provide the audience with content required by the law.

Rule 41/2009 on public radio and television stations stipulates that public broadcasters, unlike private broadcasters, are required to produce content for children and special societal categories, such as displaced persons, national minorities, and vulnerable groups.¹⁶ Since no monitoring of public broadcasters' compliance with this obligation is conducted, it is uncertain if such requirements are fulfilled. But some

¹⁵ Communications Regulatory Agency, Annual Survey of CRA License Holders for Provision of Internet Services in Bosnia and Herzegovina in 2010. Report available at: <http://www.rak.ba/bih/index.php?uid=1272548201>.

¹⁶ At least 40 percent of the overall content of information and education programming. At least 10 percent of information and education programming a week should address issues relevant to displaced persons, national minorities and vulnerable groups; 6 percent of television programming and 4 percent of radio programming must be produced for children (Rule 41/2009 on Public Broadcasting Stations, Article 3. Document available at: <http://www.rak.ba/bih/index.php?uid=1269867979>).

Žigić, for her part, said that there are positive examples of reporting on issues of public significance: “[RTRS] is trying to cover civil initiatives, citizen groups...and to give room to civil society organizations, citizens’ problems, and social issues.”

panelists said that public broadcasters do not fulfill their obligations, especially when it comes to programs intended for children, which are scarce and/or poorly conceptualized.

Čerimagić had the opinion that, since PBS receives RTV fees from citizens, as well as a considerable share of advertising revenues, the accountability of public broadcasters should be promoted. Additional panelists called for compelling public broadcasters to make editorial changes when program ratings fall under the prescribed levels. Čerimagić suggested that the CRA play a more active role in monitoring the performance of public media and in promoting their public service role, and that CRA could promote accountability through public debates and campaigns that express the importance of quality and diversified programming.

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There are six news agencies in B&H: two public, and four private. Media regularly use the services of at least one of these agencies. Panelists are not convinced of the agencies’ impartiality, due to possible influence of the authorities and political options with which the agencies are affiliated. Borić, for example, said that the news agency SRNA distributes quality news, but that there is also some news that is biased. International news agencies distribute news only to the minority of media that can afford their services. Online media sources are used regularly for timely information about national affairs, but even more about international affairs—an area in which news agencies lose their importance to some extent.

The vast majority of print media and radio and television stations, including private outlets, produce their own news. Maslo indicated that most television stations broadcast a central news program, as well as several short news programs during the day. There are a number of online news portals that produce their own news. However, the panelists said that they find other online platforms lacking in informational value, or

they simply collect information from other sources, putting out little original content. Therefore, although news programs are produced by a multitude of media, panelists suggested that quality is rather questionable. Čerimagić said that CRA lacks capacity for adequately regulating national level broadcasters, let alone local broadcasters, on in-house production and adherence to other program requirements. Furthermore, he complained that even when cases are processed, sanctions for non-adherence to program requirements are minimal: “I don’t even know how many letters I sent [reporting that certain television stations] do not adhere to CRA decisions, according to which they must have 75 minutes of content produced in-house in prime time. OBN was fined BAM 1,000 [\$671].”

As noted last year, since the Rule on Media Concentration and Cross-Ownership of Broadcast and Print Media expired, no progress has been made in regulating those issues. The CRA’s stand is that there is a need for joint action of several bodies—including CRA, Council of Competition of B&H,¹⁷ and VZS—to pass a law on concentration, pertaining to the broadcasting sector and other media sectors as well. Maslo said that so far the Council of Competition has not demonstrated interest in becoming involved in this issue, but CRA plans to advocate for action in the future.

Currently, broadcast media are only required to submit documents on media registration and ownership structure to CRA. The system leaves doubts as to whether the actual ownership structure corresponds to the officially reported data (Kontić).¹⁸ Although last year, panelists expressed concern about a possible increase in concentration of ownership, in 2011 no major concentration of ownership took place.¹⁹

According to the panelists, citizens feel that corruption, as well as social issues, everyday life, education, and economics are the thematic areas that media should cover more.²⁰ With regard to programs intended for specific groups, the spectrum of social interests represented in the media is limited, with only individual examples of programming

¹⁷ The Council of Competition (with competence to decide on the presence of prohibited competition activities in the market of Bosnia and Herzegovina) reacts to complaints it receives. See official web presentation: <http://www.bihkonk.gov.ba/en>. However, so far the Council has not been involved in developing regulation on prohibition of media concentration or regulation on competition in the advertising market.

¹⁸ 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. Source: Kavazović K, *Global*, No. 82, p. 12-13, 20 August 2010.

¹⁹ Certain media owners do hold a significant market share – Glas Srpske and Nezavisne Novine are practically owned by the same subject (Nezavisne Novine, 26 January 2008, p. 2).

²⁰ Source: *BH Novinari i Fondacija Friedrich Ebert: Ispitivanje javnog mnijenja o medijskim slobodama u BiH* (Exploring Public Opinion on media freedom in B&H). http://www.bhnovinari.ba/index.php?option=com_content&view=article&id=396%3Aprism-research-zafes-i-bh-novinare-2011&catid=66%3Aistraivanja&Itemid=234&lang=bs.

intended for marginalized groups. Indicator 7, pertaining to these issues, suffered a setback in score, largely attributable to the lack of funding. Given such circumstances, Borić said, journalists are stretched thin, and simply do not have time, and also feel that their salaries are too low, to compel them to dig deeper than press releases. Kantić also said that there is no discussion or advocacy for production of certain programming, such as content for minorities. According to inputs from CRA, individual broadcasters have some programs intended for minorities, but they mostly concern folklore and national holidays, Maslo said. There is no regular reporting on minority identities, cultures, interests and needs; instead, media mostly react to events and incidents.

Community radio licenses are intended to meet the needs of specific social groups, but only one license has been issued so far, and there has been a slight increase in interest in such category of licenses over the past year. Public broadcasters are required to produce programs for national minorities, displaced persons and vulnerable groups, but the panelists expressed doubts about the extent and quality of such production. Mira Lolić Močević, editor of RTRS documentary programs, said that this public broadcaster has “a topic devoted to national minorities in the program *In Focus* every Wednesday,” although specialized programs for these groups are no longer produced.²¹ Online platforms provide more opportunity for visibility of minority and marginalized groups, but their social impact is still limited.

One of the major controversies since the decision of the European Court for Human Rights in 2009 is related to discriminatory constitutional stipulations that prevent ethnic minorities and groups other than the “constituent peoples” from exercising their right of active political participation. With regard to this issue, media discourse is mostly focused on the obligations of the state in the context of EU accession and possible sanctions if the ruling is not implemented, while the essence of the ruling and the principles of equality in exercising political rights of citizens remain underrepresented.

In sum, although Duronjić pointed to some improvements in media visibility of marginalized groups, most panelists expressed that these groups’ interests and needs are not met. Bičakčić said: “They are absolutely not represented. They do not have programs, nor do they have an opportunity to express themselves, especially not in their own languages... unless this is raised with regard to some other event... For example, the LGBT population was beaten up²² and the media lauded that for days and then we forgot about it.” Often, media

reports present transgender identities through prejudices, stereotypes, and even hate speech. Since then, there have been no major incidents related to minority groups.

Panelists underscored that media reports on minorities are incidental and related to events, instead of being constant and engaged. For example, although Roma as a minority group is relatively present in media content, the media often perpetuate stereotypes, such as referring to the nationality in cases where the perpetrators of criminal acts are members of the Roma community. A more engaged approach to problems of the Roma population in B&H is rare. Also, women are often presented in a stereotypical way, and as Žigić pointed out, they are consulted disproportionately as sources.

Although media cover information on local, national, and international affairs, panelists suggested that the scope of reporting on all these issues has narrowed, due to financial hardships of media outlets. Some panelists suggested that certain local communities, as well as international issues, are underrepresented. Some local communities lack a media outlet based within the area that is oriented toward local issues, and the public service role of existing media is questionable, because of financial dependence on local centers of power and/or because of the focus on entertainment content. Žigić commented, “Many areas do not have local media, and therefore a huge number of citizens in B&H still do not have the opportunity to influence development of policies through media or to be informed about happenings in their local communities.” Maslo, however, said that the huge number of broadcasters, whose information programs are primarily focused on local communities, satisfies the information needs of most local communities.

The public broadcasters FTV and RTRS broadcast shows (*Federation Today* on FTV and *Srpska Today* on RTRS) about local communities. Bičakčić pointed to unjustified focus of the public broadcaster FTV, asserting: “...Federal Television devotes half of its news program to what [President of Republika Srpska Milorad] Dodik said, which is absolutely irrelevant for Federal Television... at the same time giving absolutely no attention to problems concerning the Federation. This shows failure to recognize what should enter the program schedule and what should be on the margins of interest.” Substantial civic journalism and use of online platforms for information purposes concerning issues of different scope is yet to be promoted.²³

²¹ A program in the languages of national minorities was produced on Radio Republika Srpska. Marko, 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.

²² This refers to the Queer Sarajevo Festival events in 2008; eight people were injured.

²³ See more in 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, p. 97.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 1.61

The Objective 4 score dropped from 1.84 in 2011 to 1.61 this year, maintaining the worst position among the five MSI objectives. Nearly every indicator lost some ground, and all scored similarly poorly as the objective. The major complaints that the panelists expressed were related to dire financial circumstances in the media market and flawed fiscal policy, which keep the majority of media on the edge of existence.

Because of limited sources of revenue in a market overburdened with a huge number of media, media outlets have difficulty in attaining self-sustainability. Besides economic hardships, Bičakčić pointed to additional drawbacks as well, including a lack of managerial competence and under-developed business strategies. Adnan Hasić, director, 24sata.info, said that running a successful media business in such an economic environment for means production of cheap and light content. In his words: "If you want to be independent... you must have high viewership figures; if you want to have good viewership, you must keep up with what people want to read, and unfortunately, most of them just want to read the yellow press, crime sections, scandals, etc."

An enormous number of media compete for dwindling sources of revenue. According to an unofficial estimation, in the previous few years, advertising revenue fell by at least 30 percent. Today, the total advertising revenue in the market is around 98 million KM (\$65.3 million), with television holding

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 biggest share, around 65 percent.²⁴ In the struggle to survive, media outlets often resort to cost-cutting strategies, such as reducing the number of employees, giving them low salaries, and using cheap secondary sources—resulting in little original content of good quality.

In addition to advertising revenue, other potential sources are donations. Since international media projects have been largely terminated, government bodies at different administrative levels have become rare additional sources of revenue for media. For example, the Republika Srpska government has been financing a very large number of media for years. Similarly, local (municipal and cantonal) authorities provide financial incentives for media in their territories.

In the context of the economic crisis, the number of different types of sources of revenue is vastly reduced. Major advertisers are largely associated with various political circles—endangering editorial independence, as influence and self-censorship in relation to the interests of advertisers and their political affiliates are to be expected. As Borić said, "Survival basically depends on a good contract with BH Telecom or the [power distribution company] Elektroprivreda; that is how things stand. In that situation, try publishing a story on BH Telecom, which gave you BAM 100,000. I think it's an illusion to expect something like that to happen; and even that money ... [comes] from the party that controls BH Telecom." Bičakčić said that it is worrying that government institutions are a major source of funding for media, and that the editorial policies of public media are directly influenced by the government.

Political interests largely control major advertisers as well. Žigić gave an example of how advertising arrangements can be conditional upon favorable treatment in the editorial pages. She referred to a story a colleague had written that criticized a certain company, but that the outlet quashed. "The next day, a company came in with a substantial amount of money for an advertisement. This is a decent media outlet, but...it has to provide salaries for the staff, it has to cover costs."

The Public Broadcasting System (RTRS, FTV, and BHRT) is funded primarily through RTV fees. Their financial efficiency is endangered, since fewer than the required 85 percent of fees have been collected.²⁵ Currently, 50 percent of the fees go to the state broadcaster BHRT, and 25 percent each goes

²⁴ Unofficial estimations of the advertising agency Fabrika; according to the same estimate, other media sectors hold the following shares: print—18%; outdoor—10%, radio—5%, Internet—2% (e-mail correspondence, Dec. 2011).

²⁵ Currently, fees are collected as part of telephone bills. In 2006 only 63% RTV fees were collected. Jusić and 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.

to the other two broadcasters. RTRS has called for a different way of splitting the RTV fees, based on the argument that the level of collection is much higher in the RS than in the B&H federation. Such developments may further endanger the overall self-sustainability of the PBS system and future establishment of a joint corporation, as required for the digitalization process.

Advertising agencies cooperate with media, especially television, but also with other types of media (print, radio, and Internet). The major advertisers are domestic telecom operators, as well as foreign brands such as Procter & Gamble and Henkel. Advertising agencies are seen as a mediator between media and advertisers, which do not have the power to support the market in a significant way. Panelists have aired concern over the years that major advertisers, companies that perform market research, and advertising agencies treat some media preferentially due to different (mostly political) affiliations. As Zaimović said, although domestic advertisers possibly include political affiliation as a criterion for contracts with media, international advertisers are interested only in reliable market research data.

Radio stations are especially losing their attractiveness for advertisers, with grim consequences for their sustainability, according to Zaimović. "The advertising market for radio has certainly fallen to 50 percent, at least in my company, thus reducing revenue for commercial radio stations multiple times and jeopardizing their competitiveness in the market because some municipal or cantonal radio stations have budget money by default," he said. "This is a terrible problem, and it will certainly result in the shutting down of a large number of media outlets ... International [companies] advertise very little or not at all on radio stations ... and domestic production is non-existent." Smaller, local media in general depend almost exclusively on local companies for advertisements.

However, research results²⁶ are used for allocation of advertising revenue. The permitted ratio of advertisements is six minutes per hour for public radio, four minutes per hour for public television broadcasters, 12 minutes per hour for private television stations, and 20 percent of daily broadcasting time for private radio stations. The PBS stations are limited to six minutes of advertisements per hour, in both television and radio programming, with the possibility of two minutes of rebroadcasting in prime time. As in previous years, panelists raised doubts that public broadcasters adhere to the advertisement limits, and lamented that the outlets dump advertising prices at the same time.

²⁶ According to Senad Zaimović, the diary method is applied four times a year for radio, telemetric is used for television, and readership data are gathered by Mareco twice a year—on a sample of 5,000 people.

Bičakčić said that it is worrying that government institutions are a major source of funding for media, and that the editorial policies of public media are directly influenced by the government.

Advertising revenue has been reduced in the past few years. According to unofficial estimations, it has dropped by more than 35 percent, with total advertising revenue of around \$65.3 million in 2011. The majority of the total advertising revenue is reserved for television outlets (65 percent). RTV fees and public funding make up the remaining revenue. In 2006, overall public funding amounted to KM 4,557,904 (\$3,206,890). The majority of the overall market revenue is reserved for the PBS system (65 percent in 2006), and a few big private television stations.²⁷

In pursuit of revenue, media often increase the ratio of commercials, while decreasing advertising prices. Public media compete for the same advertising revenue as private media, but are in a financially more secure position because they are also funded from public budgets. As a result, public media use the strategy of dumping advertising prices, which creates unfair competition and further worsens the market position of private media. A large number of local media (more than 65 radio stations and 13 television stations operating at municipal and canton levels) are public media funded primarily by local governments. In addition, government bodies at different administrative levels provide extra funding for private media. As Žigić said, public funding is allocated to some media for the purpose of informing citizens on the performance of local governments, which in practice "boils down to covering one local parliament session and talking with the municipality head a couple of times... The problem with these arrangements is that citizens get very little."

Although funding of media outlets by government bodies might be welcome as a type of incentive for quality journalism on issues of public significance, there have been many doubts about the transparency, criteria, and impartiality of tenders. The Republika Srpska government's criteria for allocating 2010 funds (around \$3.3 million) were vague, as Žigić said, and the result was that "the ones who got them were those who were practically...already on the side of the ruling structures and those who were potentially important."

²⁷ In 2006 these were NTV Hayat, Pink BH, and OBN—20 percent.

The Republika Srpska government's criteria for allocating 2010 funds (around \$3.3 million) were vague, as Žigić said, and the result was that "the ones who got them were those who were practically...already on the side of the ruling structures and those who were potentially important."

The RS government provided somewhat less funding for several media in 2011 as well.²⁸

Local governments are important sources of revenue for local media, either as direct financiers, as financiers of specific projects of public significance, or as financiers on the pretext of general support to sustainability of local media. Panelists said that in all these cases, procedures for providing such incentives lack transparency, with political affiliations of media likely to be major factors. Therefore, public interests are rarely met through such spending of public budgets. "I think that tenders are ideal for corruption and crime. The fact that someone is announcing a tender certainly doesn't mean that it is a fair competition," Zaimović commented. "You hope, you invest funds in the tender, and you fail." The projected goals of government subsidies are often not even defined as promotion of public interest and since there is no monitoring or evaluation of the effects of these subsidies, it is highly questionable whether local communities benefit from such arrangements.

In addition, as reported last year the election period in 2010 was especially marked by advertising campaigns of government bodies. The campaigns were regarded as unwarranted promotion of political parties in the background of approaching elections.

Panelists suggested that managers of media outlets are aware of the importance of research and use of its results in business planning. Hayat TV, one of the bigger private television stations, uses these results for decisions related to programming as well as for advertisement shares. However, only a minority of media can afford such research. Panelists also pointed out that public broadcasters should be producing programs for different audiences, but also to satisfy

²⁸ 700,000 KM (\$466,421) was provided for five print media in the RS (Reporter, Fokus, Press, Nezavisne Novine, Ekstra Magazin) (source: Dani, no. 740, p. 15, published 19 August 2011; article available at: <http://www.idoconline.info/digitalarchive/public/index.cfm?fuseaction=serve&Elementid=813995>).

viewership quotas for certain programs. Additionally, research became the subject of increased controversy in 2010.

GfK BH occasionally conducts ratings research for the country's television, radio, and newspapers. Another agency, Mareco Index Bosnia, has spent several years conducting research on broadcast media ratings as a subcontractor of the Association of the Media Industry of B&H (known by its Bosnian acronym UMI). However, Mareco's research was highly debated in 2010, and in the end, the members of the association could not reach an agreement about its accuracy and the association finally fell apart in April 2011.

A minority of media and advertising agencies has remained loyal to Mareco, and Zaimović stressed that the current situation is detrimental to the media industry. If the media and agency support proves to be unsustainable in the future, withdrawal of international clients from the advertising market is to be expected. As Mareco had previously been by far the only financially acceptable option, and even then faced considerable difficulties in collecting fees, panelists said that they are doubtful about the possibility of hiring another agency for market research or conducting a revision of Mareco's research.

Additionally, Zaimović said that other recent trends generally indicate withdrawal of international advertising from marginal markets, such as the B&H market. Distributors of international companies operating in B&H are not interested in investing in advertising. Čerimagić also said that he fears that international advertisers will, in the future, address the audience in B&H more through media from neighboring countries. He stressed that a policy and mechanisms for protection of the domestic media market need to be developed and implemented.

There is still a lack of information on print media circulation, and that prevents allocation of advertising revenue based on the real market position, due to unwillingness of owners to pay for research and enhance their business transparency. Zaimović gave examples: "We asked the press to allow circulation audit. Five media outlets in Bosnia and Herzegovina allowed the audit; among them are *Ljepota i zdravlje*, and from the federation, only *Sport Centar*."²⁹ Additionally, Mareco conducts research on newspaper readerships twice a year. Unofficial estimates for 2009 suggest that the total daily circulation of the six leading newspapers does not exceed 90,000 copies.³⁰

²⁹ ABC audit research. See more on ABC at: <http://www.abc.org.uk/>. Other media that pay for research are: Press, Blic, and Šik. Source: Senad Zaimović, Director of Fabrika, telephone interview, 28 February 2010.

³⁰ Estimates made by Freedom House in 2009. Source: <http://freedomhouse.org/template.cfm?page=251&year=2010>.

As for the Internet media market, data on ratings and browsing behavior provided by Alexa and Google analytics are used as a basis for development of editorial policies. Additionally, around 34 websites are also subscribed to gemiusAudience research. Zaimović stressed that gemiusAudience research provides demographic data on users, and therefore enables more straightforward cooperation with advertisers. Although the share of the Internet in overall advertising revenue is rising, there is still room to promote online advertising possibilities among domestic advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 1.95

Objective 5 scored about a third of a point lower than last year. Almost all individual indicators declined moderately. Indicator 8 (ICT infrastructure) was the only one to remain more or less unchanged. Indicator 6 (sources of media equipment, newsprint, and printing facilities) earned the highest scores within the objective, about three-quarters of a point more than the objective.

Trade associations played a significant role in the process of establishing the media regulation system. Several broadcasting associations that exist today (Association of Electronic Media, Association of Private Broadcast Media, and Association of Local Broadcasters of the Republika Srpska)

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

are not as active, but still work to improve the financial sustainability of media, and they cooperate with the CRA on developing media policies.

Three journalists' trade unions and six journalists' associations currently exist in B&H, plus the Association of Reporters from the Court of B&H, operating within the Balkan Investigative Reporting Network. However, the fact that indicator 2 scored among the lowest within the objective and dropped more than half a point implies that the image of these associations in the professional community continues to deteriorate.

While the BH Journalists Association does provide support to journalists and is active in promoting public awareness on media-related issues,³¹ other associations are less active and visible. Panelists pointed out that some of the associations do react to infringement on media freedoms, and announce their stances on different issues pertaining to media and journalists. However, Duronjić had the belief that the effects of their work are limited, particularly since they do not work on developing a policy framework that would enable promotion of journalism.

Bičakčić said that a lack of interest among journalists in the work of professional associations is an indicator of their underperformance. Žigić and Borić also stress that fragmentation of the journalism community, based on ethnic and party affiliations, further impedes and diminishes the potential strength of joint actions within the professional community. As Žigić said, "Our professional associations have not succeeded, and journalists have not succeeded in rising above different interests, and we have not recognized the dignity of our profession as a value. Because we have six or seven associations, each engaged in small acts divided along different lines, we don't have the strength that we would have if we achieved minimum unity."

With regard to NGO support for free speech and independent media, the general perception is that some organizations,³² almost exclusively based in big cities, react to certain extreme violations of media freedoms, but constant advocacy and steps toward structural changes in the media sector are lacking. But currently, Mediacentar Sarajevo and the Association of BH Journalists, supported by USAID and Internews, are implementing a three-year project aimed at improving the journalism profession in B&H. A few organizations, including Mediacentar Sarajevo, BH Journalists

³¹ 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.

³² Such NGOs include: Helsinki Committee for Human Rights in B&H; Helsinki Citizens' Assembly, Banja Luka; Helsinki Committee for Human Rights in the Republika Srpska; Info House, Sarajevo; CURE; Human Rights Office Tuzla, etc.

As Žigić said, “Our professional associations have not succeeded, and journalists have not succeeded in rising above different interests, and we have not recognized the dignity of our profession as a value. Because we have six or seven associations, each engaged in small acts divided along different lines, we don’t have the strength that we would have if we achieved minimum unity.”

or VZS, organize public events and debates on issues related to media freedom and the rights of journalists in cities across B&H. However, the reach of these activities is limited, and there are many problems that still need to be addressed. For example, the panelists underscored the needs for advocacy to support a stronger fiscal policy on media, education programs for journalists, better guarantees of editorial independence in public media, development of mechanisms to guarantee the adherence of broadcasters to program requirements, and ensuring that public funding is transparent and used to produce quality programs of public interest.

There are four public faculties and one private faculty providing formal education for journalists. However, panelists said that they mostly continue to believe that education programs do not meet high enough standards of quality, especially regarding practical knowledge on media production. The panelists suggested that one of the reasons is a lack of quality lecturers well versed in the practical aspects of media production. Secondly, university admission criteria are considered inadequate. In addition, panelists said, there are too many students enrolled per year, which hinders the education process, and does not correspond with the needs of the market.

However, the panelists did point to some improvements in the journalism program at the University of Banja Luka. According to Duronjić, a professor at the university, in the last three years, admission criteria have become more rigorous, including different requirements related to high school grades, and the school is taking better advantage of the Internet. “In the bachelor program... we were the first in the region to introduce online media, and we had an expert staff,” she said. “We carry out student training with our online media, and 45 students all attend online

student training, learning, if nothing else, how to upload and download online content.” Žigić also confirmed that she had positive experiences with some young journalists: “I know several young people who came out of Banja Luka University and I was very positively surprised.” Panelists emphasized that cooperation between the academic community and media outlets needs to improve, not only to provide opportunities for practical experience during studies, but also to recommend graduates for future employment.

Two organizations that have organized education programs for journalists are Mediacentar and Mediaplan. Mediacentar Sarajevo classes currently focus on issues related to new media, mostly targeting young journalists and journalism students. Another program, under an Internews project, provided practical training for students working on local web portals, and many participants continued cooperating with the local news portals after the training ended.

Additionally, with support from the Thomson Reuters Foundation, Mediacentar supported a general training for trainers program, within the context of an anti-corruption program. Finally, an ongoing educational and informational program on discrimination supported by FOD included three activities in 2011: education of journalists/editors of local radio stations, support for the production of radio shows, and production of a guide for the media reporting on discrimination.

The short-term training programs still offered are highly useful, but there are fewer and fewer each year, as funding dries up. Herić observed an inverse relationship between professional standards and training opportunities. “I think that the lack of such training is one of the reasons that journalism has fallen so low, along with other economic, political and other pressures.”

Although Indicator 6 (sources of media equipment, newsprint, and printing facilities) scored significantly lower this year, panelists did not report significant restrictions on the import and/or purchase of material such as newsprint, software, video equipment, or transmission equipment. Zaimović said that equipment is generally available, but newsprint does not meet quality standards. Additionally, there are possibly some limitations with access to printing houses, based on business and political divides, but there are no monopolies and the divide ultimately has no significant effect on printing.

Entity governments own the television transmitters, and the state owns two major telecommunications companies.

Channels of media distribution in the print media sector, as well as printing houses, are privately owned. The previous MSI pointed to monopolistic behavior of dominant telecommunications and cable companies. Although there are regulations stipulating free access to telecommunications, their implementation mechanisms are flawed.³³ The panelists could not point to any improvement in this regard in 2011. Herić confirmed the monopolistic behavior of owners of relays/transmitters, and that as a result, "...not just anyone can put up their transmitter on a Telecom pylon at a given price; for some, there is always room for [more], and for some, the price is negotiable."

Panelists said that cable distributors have adopted a monopolistic approach as well. Last year, panelists argued that cable distributors based their channel distribution decisions on political interests and relations with owners of television channels. Ćerimagić pointed to other downfalls with cable operators: "They lack professional equipment... they take money from subscribers, they don't invest anything in equipment, they keep net profits for themselves, and they report a lower number of users to the CRA."

Internet and mobile service providers, however, offer their services on a non-discriminatory basis. Choice of software and platform options for bloggers and online media outlets is unrestricted.

Panelists in the 2010 MSI stressed that Internet connections remained slow, and suggested that the speed of transfer of video images could be improved. They especially called for enabling higher-quality bandwidth in small cities. The 2011 panelists pointed out improvements in this respect but said that infrastructure still is unsatisfactory overall. According to Duronjić, there is a large availability gap between urban and rural communities, and mass communication is still not supported by the current level of information input capacity.

Last year, panelists also stressed that higher-quality bandwidth is not affordable to the online media that would most benefit. Additionally, domestic servers are assessed as overly expensive and slow, which is why the media use foreign servers. As for the broadcasting sector, the delayed switchover to digital transmission is a hindrance as well.

³³ Namely, as stated in 2010 by Asja Rokša Zubčević (CRA), the private cable operator Logosoft filed numerous complaints to the court due to Telecom's constant avoidance to enable free access to telecommunications. The court has proven to be slow in completing these proceedings.

List of Panel Participants

Azra Maslo, chief of the Department for Complaints and Cases, Communications Regulatory Agency, Sarajevo

Senad Zaimović, general manager, Marketing Agency Fabrika, Sarajevo

Leila Bičakčić, director, Center for Investigative Reporting, Sarajevo

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

Mira Lolić-Močević, editor of special programs, Radiotelevision Republika Srpska, Banja Luka

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

Nataša Krsman, editor-in-chief of the Sarajevo Bureau, *Nezavisne Novine*, Banja Luka

Tatjana Duronjić, professor, University of Banja Luka, Banja Luka

Angelina Albijanić-Duraković, editor-in-chief, depo.ba, Sarajevo

Adnan Hasić, director, 24sata.info, Mostar

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

Faruk Borić, editor-in-chief, *Dani*, Sarajevo

Kenan Ćerimagić, news director, NTV Hayat, Sarajevo

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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 national and local governments' distribution of public funds under different disguises to select media outlets in return for favorable press constitutes another grave problem.



BULGARIA

The MSI panelists concluded that in 2011, the content crisis in the Bulgarian media, which started with the financial crisis in 2008–2009, reached new depths and is already affecting Bulgarian citizens' access to quality media coverage of political, social, and economic developments in the country. Unfortunately, signs of political and corporate pressure, editorial bias, sale of news content, and a general decline in the quality and intelligence level of media content now mar journalism in Bulgaria.

Bulgaria's media are falling below sustainable levels in an increasing number of areas, and the problems in each of the areas with low scores are deepening. Most alarmingly, serious violent attacks on journalists, once isolated incidents, seem to be a trend now. While investigations into the crimes are underway, none of the attackers have been identified and prosecuted. There is little public sympathy for the journalists, largely because the perceived integrity of the journalism profession is slipping. Self-censorship has become the norm in most media outlets, and editors actively and willingly impose content restrictions over their media and permit the sale of news content to politicians and corporate sponsors.

The national and local governments' distribution of public funds under different disguises to select media outlets in return for favorable press constitutes another grave problem. The economic crisis in the country has tempted many media outlets into weakening their standards and accepting the funding, which represent a growing part of their budgets and limits greatly their independence.

Another worrying trend is the decline in quality journalism, traced largely to the reasons listed above, but also because of low pay levels and the insufficient availability and resources for professional training. This decline is especially visible in the further shrinking of quality niche reporting—particularly business and culture—and investigative journalism.

At the same time, areas of progress include the professional development of online media, and the unlimited access to traditional and new media that Bulgarian citizens enjoy; such access appears unthreatened.

That very plurality is one of the main strengths of Bulgaria's media, along with the well developed information and communication technology framework and equipment in use by the media.

Overall Bulgaria's overall score changed little, although the change was negative once again, continuing an overall trend that has persisted since 2006/2007, when Bulgaria hit its peak of 2.98.

BULGARIA AT A GLANCE

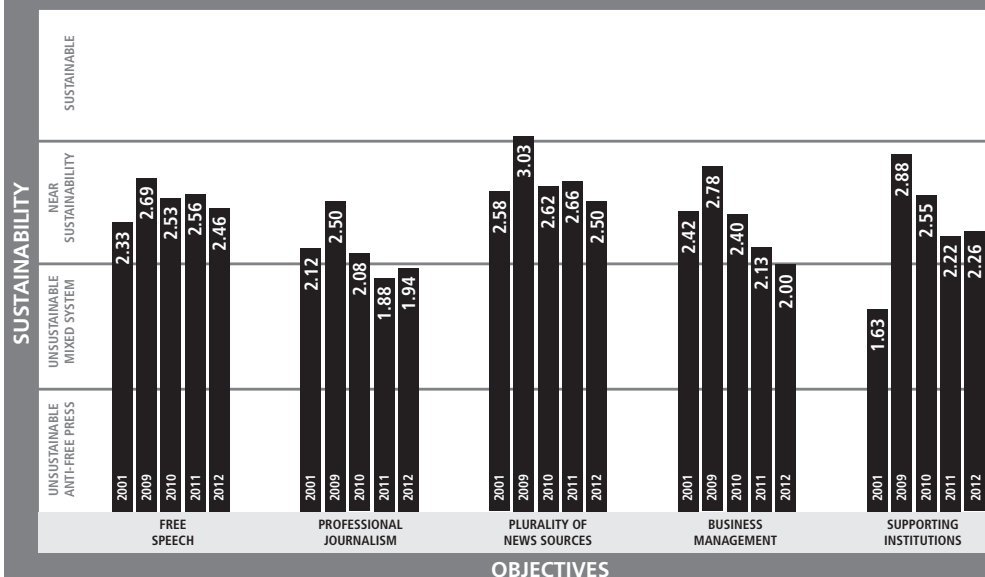
GENERAL

- > **Population:** 7,037,935 (July 2011 est., *CIA World Factbook*)
- > **Capital City:** Sofia
- > **Ethnic Groups (% of population):** Bulgarian 83.9%, Turk 9.4%, Roma 4.7%, other 2% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Bulgarian Orthodox 82.6%, Muslim 12.2%, other Christian 1.2%, other 4% (2001 census, *CIA World Factbook*)
- > **Languages (% of population):** Bulgarian 84.5%, Turkish 9.6%, Roma 4.1%, other and unspecified 1.8% (2001 census, *CIA World Factbook*)
- > **GNI (2010-Atlas):** \$47.16 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$13,210 (World Bank Development Indicators, 2011)
- > **Literacy Rate:** 98.2% (male: 98.7%, female: 97.7%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Rosen Plevneliev (since January 22, 2012)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 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:** 3.395 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_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

Bulgaria Objective Score: 2.46

Objective 1 scores dipped slightly from last year. Most of the panelists agreed that the problem is not negative changes in the regulatory framework, but rather fair and transparent implementation of the media laws.

The relatively few changes in legislation in the past year related to the increased protection of minors against damaging content on radio and television, improved copyright legislation, and the adoption of a long delayed law regulating the status and funding of the Bulgarian News Agency.

As for a long-discussed new radio and television law, no tangible progress is evident. Working groups of experts submitted a draft to the government, but there are no signs of its imminent introduction for public debate or parliamentary approval. In one of its many controversial ideas, the proposed new legislation suggests merging public television (BNT) with public radio (BNR), an idea justified with financial motives, but drawing sharp criticism from most of the country's media experts. The legislation also envisions merging the two regulatory bodies, the Council for Electronic Media (CEM) and the Communications Regulation

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

FREE-SPEECH INDICATORS:

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

Commission—another proposal opposed by most of the media community. None of these suggestions have been formally introduced for public and expert discussion by the government, and the panelists posited that their circulation in the media might be more about testing the ground, rather than an expression of genuine regulatory intention. According to CEM expert Dilyana Kirkovska, the proposed legislation might also reflect the government's interest to reach into new territory and regulate other electronic communication as well, most notably the Internet. However, since this is an extremely controversial issue, it seems that the idea has been abandoned, at least for the time being.

At the same time, the MSI panelists shared a concern that the regular public attacks by political figures against CEM, the independent radio television regulatory authority, jeopardize its existence and independence and may result in increased regulatory pressure over media outlets themselves.

As Yassen Boyadjiev, editor of MediaPool.bg, commented, "The general trend here is negative, which is due not that much to changes in the legal and regulatory framework, but to the ease with which this framework can be bypassed. The low level of public sensitivity towards freedom of the media aggravates the problem."

Svetla Petrova, a freelance journalist, traces the reasons for the negative trend to "the pronounced tendency of the current government to disregard the existing norms, and the inability of the professional community of journalists to protect these norms."

One of the negative tendencies seen in 2011, related to the presidential and local elections held in Bulgaria this past year, was the excessively restrictive regulation of election coverage by the public media, adopted with the new elections code passed by Parliament earlier in the year. The elections brought other problems to the surface as well, including hidden political advertising in the commercial media, high prices demanded by the media to cover political events of the candidates, and unfair advantages extended to government candidates against their opponents in the news coverage of all major television channels.

The panelists also mentioned the current state of the judiciary, which is expected to protect the freedom of speech and act against attempts to limit it. As Vassil Dimitrov, director of bTV Radio Group, said, "The independence of the judiciary is still lacking. Corrupt practices create fear among the journalists, especially in regard to serious investigations."

The scores for the indicator measuring the fairness, competitiveness and apolitical character of the licensing process are usually low in Bulgaria. The objections typically focus on political and corporate pressure on CEM, which

results in a licensing procedure that favors big corporate media and political control over public media.

“Politics in Bulgaria is a business,” Petrova claims. “The way the CEM members are appointed makes them politically dependent, and they act under political control and make politically motivated decisions. So if there is a political or a business motivation behind a certain decision it does not make a big difference; in both cases the principle of fairness in licensing is violated.”

Among the many concerns raised by the experts was the failure of the licensing regulator to protect the public interest of the local audiences and the existing domination of large media networks at the expense of local broadcasters. At the same time, in 2011 CEM has continued issuing licenses for regional analog media and has started a process of licensing over the air digital broadcasting.

Digitalization in Bulgaria has continued at a very slow pace. In 2011, only the national commercial Darik Radio, which has also registered a national television digital frequency, and one regional broadcaster in North Eastern Bulgaria secured digital licenses. In all, a total of 25 digital licenses have been issued so far, but actual broadcasting is limited. Full digitalization is now not expected before 2014–2015. With the rapid growth of online media distribution in mind, both broadcasters and representatives of the regulator are questioning the need for digitalization at all.

An important positive development noted by the panelists was the launch of BNT 2, the second national channel of the Bulgarian public television. BNT 2 is designed as a network of five regional stations with a large percentage of regional production focusing on the regional audiences and compensating the lack of significant news and current affairs production outside the capital city Sofia. At the same time, commercial broadcasters have complained that BNT and BNR are receiving frequencies without a tender procedure, which gives them unfair advantage over independent broadcasters.

Representatives of private broadcasters have noted that the licensing process is not used as a tool to limit the number of media outlets in order to protect the market from oversaturation. The policy of licensing in Bulgaria has always been to license as many as possible operators and then does let the market forces decide who survives.

The lowest score under this objective, and the second worst in the whole MSI, proved to be indicator 4, documenting crimes against journalists and media, their prosecution and the lack of public support for stronger sanctions against those who violate freedom of speech. On several separate occasions journalists and media outlets suffered attacks. In the most serious cases, journalists’ cars were blown up or torched, and

a bomb exploded at the door of an editorial office. All cases remain unsolved by the authorities.

One of the panelists, Petya Cholakova, the editor of a small regional environmental magazine, *Srednogorski Bagri* in Zlatitza, was a victim of such crimes herself. On the night of the elections, her car was set on fire, in apparent retaliation for publications prior to the elections. As she puts it, “The low score I’m giving with regard to the freedom of speech is based on my personal experience—assaults, intimidation, threats, and corporate pressure, especially on the smaller regional or local media. There is a huge surge of corporate pressure over media, citizens and local authorities on the local level. Over the seven-year period in which I have published the magazine, I have encountered a number of serious violations of the environmental protection requirements...the companies involved, which fully control the local economy, started with informal threats, illegal surveillance, economic pressure, and finally set my car on fire.”

Vesselin Vassilev, owner of Radio Sevlievo, reacted to the developments with the judgment: “But this is like going 20 years back in time!” referring to the early 1990s, when the first attempts to create independent media in Bulgaria faced serious obstacles from the political and business environment.

A serious problem is also the lack of results in prosecution of crimes committed against journalists. Investigations of the bomb blast outside the headquarters of *Galeria* newspaper and the bomb, which shattered the car of journalist Sasho Dikov have not produced any results yet and the panelist were skeptical that the perpetrators of these crimes will be found and punished. In the first incident a small bomb exploded at the front door of the offices of the newspaper known for its anti-government stance and for its contacts with people investigated for participation in organized crime. Prior to the explosion the newspaper had published a series of secretly recorded phone conversations between members of the cabinet suggesting corruption. In the second incident almost nine months later a powerful bomb destroyed the car of the prominent critic of the government and champion of free speech Sasho Dikov. The cable television Channel he runs, Channel 3, has been nicknamed “The Bulgarian Al Jazeera” by Prime Minister Borisov and is known for its extensive coverage of current affairs, bold confrontations with people in power and for its critical approach towards the government.

“It’s very dangerous that there is no public reaction against these crimes against the media,” Petrova said. “Our society has seen so much that it does not react anymore and does not protest. Partially this might be the fault of journalists themselves.”

The panelists pointed to another example as well: the unprecedented public pressure against one of the leading reporters of the largest Bulgarian commercial television stations, bTV, for her coverage of the anti-Roma protests in the country and the direct attacks against the broadcaster, whose newscasts are the most popular in the country. Instead of showing sympathy with the attacked reporter, many people joined the protesters in accusing her of bias and political prejudice.

While there have been no legal changes concerning the editorial independence of state or public media, panel participants have noted that in 2011 these media have managed to protect professional journalism principles better than the technically independent commercial media. “The corporate pressure over commercial media turns out to be far more effective than the direct political pressure over state owned media,” Petrova marked. This trend is further strengthened by the economic crisis.

Bojadjiev noted that in many cases, commercial media owners do not see themselves as victims of political or corporate pressure, but rather yield to it driven by their own business or political interests. “Their independence has been sacrificed in advance, because these are not media per se, these are media outlets constructed to support other businesses or political initiatives.”

According to journalist Ivan Michalev, of *The Capital Weekly*, economic hardship also influenced the freedom of the media negatively. According to him, the publishers and the established media groups in Bulgaria are losing their economic independence, influencing the independence of their editorial decisions. Another factor behind the negative trend is the domination of one single political party and the lack of effective opposition. “We are entering uncharted territory here, with a government of an authoritarian type, almost non-existent opposition and the lack of media counterbalances.” Few media dare criticize the government; those who do are personally reprimanded by the prime minister. According to Michalev the government realizes that the media are economically weak and uses that fact to decrease their role as a corrective, which is against the interests of the public.

Scores for the indicator analyzing libel and defamation legislation were lower than average, as well. In 2011, the International Court of Human Rights in Strasbourg twice found Bulgaria in violation for sentences against journalists. The most striking cases against journalists are led by highly visible public figures, including the leaders of two small pro-governmental parties in Parliament. According to media lawyer Alexander Kashamov, with the Access to Information Program, the number of cases against journalists—especially

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on the local level—is increasing, but at the same time new types of legal prosecutions against media representatives are emerging.

Aside from the traditional occurrence of libel and defamation cases by public figures against journalists, there are a growing number of administrative cases for disclosure of personal data against journalists, where the Commission for Personal Data Protection imposes heavy fines on media outlets and individual journalists. Such fines vary between BGN 10,000 and BGN 100,000 (\$6,700–\$67,000) and may be a very serious financial blow, especially for a small local media outlet. A recent alarming trend is also the increased number of requests by the Ministry of the Interior for disclosure of IP addresses of participants in the forums of Internet-based media. Such requests have been successfully appealed in court, but according to the lawyer the trend is extremely dangerous. At the same time, Kashamov notes that the Bulgarian courts are supporting decisions backed by international courts providing IP addresses with the same level of protection as other personal data. As he pointed out, in the case with media this is extremely important, as it concerns the level of trust between the online media and its readers.

Regarding journalists’ access to information, Bulgaria has a sound legal and regulatory framework, but cases of unacceptable denials spring up. The panelists noted examples, such as the denial to disclose information about state subsidies to political parties and the practice of some courts to request the plaintiffs to cover the legal expenses of government institutions for their court representation in cases about access to information. Courts have significant positive practice in overruling cases of denial and according to media lawyer Kashamov there can’t be any significant regress in that area. Journalists are increasingly using the Freedom of information legislation. There is a steady increase in the number and scope of government information available on-line.

The highest scores in this objective are traditionally reserved for indicator 8 (media outlets’ access to and use of local and

international news and news sources, and Indicator 9 (free entry into the journalism profession). If anything, the panelist are questioning if that access might be too free—with many ill-prepared young journalists taking over positions in leading news media. These are also the highest scores for individual indicators in the whole MSI in 2011 in Bulgaria.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 1.94

The score for Objective 2 remained static, still within the upper reaches of the “unsustainable, mixed system” scoring category after having scored well within the range of “near sustainability” for several years until 2010, when the score nose-dived. Professional standards in journalism drew the lowest scores from all objectives in 2011.

The rapid expansion of one large media group, which already owns dozens of newspapers, including some with large circulations, at least two television stations, several radio stations, news portals, the largest printing house in the country and a vast distribution network influenced events in this area in the past year. The heavy investments in media come from undisclosed sources, and have distorted Bulgaria’s media market significantly. A common feature of the content of all media outlets controlled by the “New Bulgarian Media Group” is positive coverage of the government, combined with severe criticism of all its opponents. As noted by the panelists, this is becoming the media group’s traditional posture, as it openly supports a second consecutive government and switches sides as soon as a new government is elected.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Former ABBRO Chairman and independent media producer Konstantine Markov noted that there has been significant decline in the quality of the media in the last several years. The media are becoming more and more instruments for the promotion of corporate interests. “As a result of this the quality of journalism and the programs is in rapid decline,” he noted. Whole segments of specialized reporting disappeared—including informed analysis of culture and cultural events. According to Vassilev, the whole journalism profession is in a decline. BTC ProMedia director Petko Georgiev resorted to urban warfare language to describe the worsening situation with professional journalism: “There are individual pockets of resistance, but they are being taken out systematically one by one.”

According to media lecturer Nicoletta Dasklova, with the Media Democracy Foundation, the only exception to this trend are some representatives of citizen journalism, especially bloggers, who look for more alternative sources of information and look of content of higher quality.

“There are many media battles, but few clashes of opinion,” journalist and media owner Ivan Atanasov claimed. “Even the elections lacked serious debate, which decreases the power of journalism.” The panelists characterized the media elections coverage, usually the central media event in an election year, as too brief, failing to provide sufficient information about the candidates, lacking opportunities for debate and marred by hidden political advertising of the pro-government candidates.

Elections coverage in general drew heavy criticism from most of the participants in the discussion. With the visible exception of the public broadcasters, there were numerous cases of hidden political advertising, promoting candidates in the main news programs and disregarding the campaigns of other, non-paying candidates. Georgiev described cases when politicians are promoted in mainstream broadcast media and print editions without any indication that the content is paid as “political product positioning.”

In addition, a major shortcoming of the elections coverage was the fact that the media largely disregarded coverage of the local elections and focused completely on the coverage of the presidential race (both elections took place simultaneously), even though Bulgaria is highly decentralized and many aspects of daily life depend on the local government, rather than on the president of Bulgaria, who has relatively limited powers. Especially on the level of local elections, the media generally failed to give Bulgarian voters the knowledge needed for an informed choice.

Dasklova noted that elections coverage peaked just in the last week before the vote, and suggested that the short

attention span shows more an interest in the contest than in the actual political issues of the campaign. At the same time, she noted a very strong negative campaign against the main candidates carried out through the tabloid press.

Another area of concern for the panelists was the fact that many journalists cut and paste content from other sources, without any regard for copyright or without checking the sources. Events of little significance find extensive coverage, while important events remain uncovered. The journalism Code of Ethics is not implemented—even by those who signed the document. To many of the participants, the Code remains only a wish on a piece of paper.

Some of the panelists also note the negative overall impact of social media. Unprofessional reporting and biased coverage of stories dominates the new media, and the final result is that the news environment is distorted.

For Dimitrov, the quality of journalism directly depends on the availability of resources in the media to hire well-trained journalists. This is becoming more and more difficult in connection with the commercialization of private media and the prolonged crisis of the advertising market, which leads to further tightening of the media budgets.

The problem is especially dramatic on local level, where media cannot afford professional journalists. According to Cholakova, this leads to a dual problem: “On the one side, there are few local professional journalists and there’s no objectivity. On the other, when reporters from national media come to cover local events, they don’t bother learning more about the region and come up with superficial and confused stories. Good journalism on the local level is becoming the voluntary hard work and free civic initiative of a few citizen activists and not the product of professional local media outlets.”

For some of the professional journalists in the panel the regress in professional journalism is especially painful. According to Petrova, “The decline is so serious and the trend is so alarming, that there is already the question if we have independent journalism in Bulgaria at all. The best illustration is the recent elections campaign, which did not offer the Bulgarian citizens an informed choice between the candidates and was more of a parody. The current status requires rapid large scale mobilization of the remains of the journalism community, because the very survival of journalism as a profession is at stake.”

A serious problem for the local media is their direct and voluntary subordination to the local authorities or the local corporate leaders. As Liponovski said, “all too often... information in the local and regional media is dominated by direct quotes from official press releases, with no alternative sources and no verification of information.”

Many of the panelists agree that while an ethical code exists, and there are print and broadcast media commissions, which review cases addressed to them, their effect is relatively limited. Media coverage of such cases is also more and more limited and, most importantly, there is a large group of new media outlets, which have not signed up to the Code and do not observe its requirements.

Furthermore, a media war between the two largest newspaper groups has resulted in total disregard for the professional code of ethics. Facts are not checked, the parties are not given a fair opportunity to present their cases, and the right to reply is rarely observed.

“To me, self-regulation has not started working,” Petrova claims, even though as a commission member she quotes a number of cases reviewed for compliance with the Code. “Adopting the Code and creating the commissions is a good step, but from here on out very serious work is needed to improve implementation. Recent events at the Union of Bulgarian Publishers are also affecting negatively the work of the commissions; they share the same office with the Union and are partially funded by it, which is problematic.”

Kashamov, also a member of the commission for ethics in the broadcast media, feels that the bigger problem is the fact that too many media outlets have not signed the Code. “Not that we can force anyone to join the Code; it is absolutely voluntary, but these are the facts,” he adds.

The indicator measuring pay levels for journalists, and whether low pay leads to corruption among journalists, ranked among the lowest scores under this objective. For the second consecutive year, salaries in some of the leading national media outlets have been decreasing, alongside downsizing of newsrooms and technical personnel. The insufficient pay is very visible on the local level. The difference in pay of a reporter in a local media and in one of the big national publications may be up to 100 percent for the same work and same level of qualifications. All too often, local reporters work for the minimum pay, which affects negatively their motivation to work and the editorial independence of the media.

Also, because of the economic crisis, many editions have limited their production expenses, including travel and correspondent networks. “This reinforces ‘parrot journalism,’ based on agencies and press releases,” said Michalev.

Petrova is the former anchor of the most popular current affairs television talk show *Seismograph*, discontinued at the end of the season before the elections. She is convinced that closing down the program is indicative of the fact that entertainment is eclipsing news and information programming, both for commercially-corporate and for political reasons. Petrova decided to end the program after

she was offered by the media management to move her show from a popular weekend prime time slot to an earlier and less attractive programming location. *Seismograph* at the time had the best audience share in the whole segment of current affairs programs aired on any of the three television channels with national coverage.

“The strange and unsubstantiated programming decision helped speed up my decision to leave bTV, where over the last years I had to work under almost impossible conditions, with human, financial and administrative resources below the absolute minimum...this could have lasted many more years if it wasn’t for the direct and non-negotiable political pressure to take off the air or marginalize any zones of critical discussion, especially in the most influential media. And so, after 10 seasons and exactly when it was needed most, *Seismograph* was discontinued, to be replaced by programs like *Sea of Love*, *High Heels*, and *In the Jazz* [all light entertainment],” Petrova commented.

At the same time, it would be difficult to argue that the amount of news and current affairs programming is decreasing across the board. Two new national television channels—TV 7 and Bulgaria On-Air—were re-launched in 2011 with news-oriented formats. bTV and Bulgaria On-Air have launched Radio programs simulcasting a lot of their news content. The volume of news and current affairs programming on BNT, the public broadcaster is increasing. Panel discussion members were concerned that the commercial television news programs have been launched with obvious pre-election intentions and that their content will continue to be politically biased. At the same time, as a positive trend the participants in the discussion noted that the launch of BNT 2, the network of regional public television stations is providing new opportunities for local news and current affairs production, which has been very limited in the previous periods.

The highest score in the objective went to the quality of the facilities and equipment for gathering, producing, and distributing news. Most of the panelists agree that they are modern and efficient in the national media, but note that in some local media outlets the equipment is outdated and very limited in quantity.

However, again due to the economic crisis and the commercialization of the main media, quality niche reporting and programming has been cut back severely. A special concern for the participants in the discussion was the lack of serious, informed reporting about the media, and especially about culture. Again, as positive exceptions to this rule, BNT and BNR were pointed out for their new and high quality programs about culture and arts.

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.50

Objective 3 scores fell slightly below last year’s level, sinking into the range where it was in the initial years of the MSI in Bulgaria. This comes after having broken into the “sustainable” range, with scores in the low 3s, between 2006/2007 and 2009. The low score is due mainly to the worsening situation with transparency of media ownership, pluralism of opinion, and the tightening of the spectrum of social interests reflected and represented in the media.

The rapidly expanding “New Bulgarian Media Group” has further strengthened its market position through the acquisition of new media outlets and has positioned its editorial policy as the mouthpiece of the government. Serious investments were made in yet another television station with national coverage and a lot of news content. Competing media groups have invested heavily in the launch of new television stations, and existing television stations have launched simulcast radio stations to strengthen their market positions.

However, the media is failing to present a broad spectrum of interests. The most problematic here is again the state of the media on the local level. According to Dimitrov, “There is a feeling of a completely centralized process of news and information management. All leading television and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

radio stations have the same running order of news in their newscasts. The news is repetitive and uniform." All media outlets follow the morning talk shows of the three national television stations, and set their daily agendas accordingly. In addition, the fact that all smaller media and all independent radio stations use the same free news portals, like Focus News, results in similarity or even uniformity of the newscasts.

Cholakova believes that pluralism of news on the local level is almost impossible. "All is either 'all well and good,' if the mayor has a contract with the media, or it's all scandal and corruption, if he doesn't. There is no objectivity, no analysis. Corporations and local governments control the content... There's very little chance of getting objective information. In the best case scenario we would re-print an article from the national press, connected to the region, but we don't have the time and resources to check the sources... I am really sorry that I can't give a positive example from my region," she continues. "In reality, we don't have local media." According to her, the main reason why several strong local corporations invest heavily in controlling the media is to quell any citizen resistance against the environmental damage they are doing. Accidents with air and soil pollution are not reported, or are made to look insignificant. "People are kept in the dark," she concluded. "Corporate interest overshadows political interest in our case."

The situation varies greatly from place to place, according to the local government, corporations, and the strength of local media. According to Vassilev, in his region of Sevlievo and Gabrovo, the independent local media are managing to provide good news services to the audience, in good partnership with the local community. His radio station features a program about the local civil initiatives, which is one of the few examples of cooperation between civil society and the media. "Unlike other places," Vassilev said, "we have significant American investments in our region. They don't fund the media, but thanks to them the whole local economy is strong and the local businesses buy advertising, helping to sustain a good local media market."

Ivan Atanasov's experience from Harmanli, where he runs a network of local news portals, also differs. He concentrates more on covering local private business, and pays less attention to the local government news and big corporate events. In his area, citizen journalism is also growing, with people uploading their news on the news portals prompting others to follow, with the journalists only serving as moderators of the news flow.

According to Michalev, who recently completed academic research in the area of new media in Bulgaria, one of the negative effects of social media is that the audience loses its loyalty to the media outlets, and rather "consumes information

randomly, from a variety of sources." This strengthens the role of social media as the "selector" of news for the reader. People receive news shared by their friends and often do not realize or think to question the real source of the information. The over-saturation in the news field leads to decreased audience attention, and undermines the role of professional media in the selection and interpretation of news. Another trend is the relative decline in interest in blogs at the expense of Facebook micro-blogging, further reducing the volume and quality of content available to readers.

Georgiev expressed his concern that social media could break society down into small, unrelated groups and create an environment that stimulates expression of radical ideas, and limits the opportunity to debate these ideas with people who think differently. The traditional media, which played an important mediator role, are no longer able to facilitate public debate and help form public consensus on key policy issues, especially for the younger and more active audience. This was especially visible at the time of the anti-Roma protests in Bulgaria, when young racist Bulgarians organized over Facebook, Twitter and mobile phones and carried out extremist attacks against Roma neighborhoods. At the same time, Michalev noted that the authorities interfered successfully in one such case, when a youngster posted racially inflammatory comments in his Facebook profile and was detained and sentenced by the Varna court for incitement of racial hatred.

Daskalova underscored the lack of community media. "An interesting structural deficit of the Bulgarian media system is the lack of community media—both in terms of legislation (such media are not even defined in the Radio and Television Act), and in terms of initiative by the civil sector or specific communities. There is a lack of legislative and civic awareness about the need of such media.

One interesting exception emerged during the discussion. In the region of Zlatitza and Srednogorie, there is a Roma minority radio station. Radio "Aurea" is allegedly owned by a Roma baron, Roma party leader and ex-member of Parliament (one of the few new Bulgarian politicians to serve time for criminal offenses). According to Cholakova, the radio station airs no news, but has powerful transmitters that overshadow all other radio stations. "Come to my place and you'll see—the only station that I can hear, no matter what the frequency, is Aurea."

Another important media event in 2011 was the change of ownership of the two largest daily newspapers in the country, *24 Hours* and *Trud*. Owned and developed by the German media conglomerate WAZ for many years, they were sold to an Austrian-based investment company specially set up for the deal. Contrary to the initially stated intentions, the

new owners rapidly fired the long-standing editors of the two newspapers, and started introducing visible changes in the editorial policies. Before long, the owners entered into an internal struggle over control of the company, had the company's accounts frozen for a while, and will resolve their differences in court in 2012. The changed editorial policies of the newspapers prompted a number of journalists to resign and form the core staff of a new daily, which will be launched in 2012.

The panelists also noted the emergence of two competing new tabloids: *Everyday* and *Bulgaria Today*, controlled by the two competing major press media groups. According to Lipovanski, "This example illustrates the negative direction of media development. These are new media, but they do not contribute to the diversity of topics offered for public dialogue, and further contribute to the decline in editorial standards in the country."

Still, in what has become a tradition in the Bulgarian MSI, the highest score under this objective, high above the objective average and Bulgaria MSI average (indicating likely sustainability), goes to the indicator measuring the freedom of access to domestic and international media.

Another positive development in recent years, according to most of the panelists, has been that the state-owned public media, and especially the Bulgarian public television station, BNT, are making significant progress toward better coverage of a wide scope of views from the whole political spectrum and are starting to better serve the public interest, especially in contrast with the decline observed in corporate media. BNT went through further restructuring and downsizing, but also managed to launch a new network of regional channels, BNT 2, and to regain some status as a leading provider of news and current affairs programming; BNT 2, with a special focus on regional and local news, has performed much better in covering hot political issues, including the elections, than most of its commercial rivals. BNT's program, as marked by the panelists, includes more and more current affairs programs of higher quality and is providing much needed space for public debate about politics, the economy, culture etc. The same progress has been observed by some of the panelists in BNR's programs, BNR, and especially in its relatively less popular *Hristo Botev* program, which focuses more on culture and public debate. Thanks to their national over-the-air coverage, the public broadcasters fill a gap not served by commercial broadcasters across all of Bulgaria, by providing more public affairs programs, more unbiased in-depth reporting, and by promoting education and culture through their programming.

Another representative of the local media on the panel, Dimitar Lipovanski, a journalist and producer with Arena Media Russe, touched on the state of news agencies in

Bulgaria, which many media, especially in the regions, cannot afford: "The use of independent news agencies is primarily a question of financial resources, which are strained for regional and local media. Plagiarism and the use of information without attribution is common practice."

All of the panelists were especially critical of the lack of transparency in media ownership, and the results of this on the objectivity and reliability of the information provided to the public. The overall score for this indicator is the lowest in the whole objective.

Bojadjev said, "There is much diversity of media, but there is no progress in the reliability and objectivity of the information they distribute. The situation with the transparency of ownership is worsening, and it is the biggest problem in this objective. There is an ongoing process of concentration of ownership in the hands of a few big business structures whose origin of capital remains unclear, and they are interfering directly with the editorial policy of the media."

Panelists expressed especial concern about the concentration of ownership in one media conglomerate, The New Bulgarian Media Group, which unequivocally supports the government. As Mihalev described it, "There is a diversity of information sources, but last year continued the trend of concentration of newspapers and other media in a media group, which blindly supports the ruling party. The same group receives generous support from the government in the form of deposits from state-owned enterprises." The group in question includes a bank, which holds the accounts of a great number of public institutions and companies.

"The prime minister avoids questions from the other media about this de facto hidden state intervention in the market, but regularly gives interviews to the television station of this media group," Michalev continued. "The result is a vicious circle—the state is "buying" media comfort for the government with taxpayers' money."

This phenomenon is repeated on a smaller scale by the local media. As Cholakova explained, "The information in small cities is usually trained on the activities of the municipality or the economic entity, which owns the media."

Generally, all participants see a growing problem with the pluralism of news on the local level. According to Ivan Atanasov, the local media cover local events, but only as news items, without in-depth analysis. Lipovanski added, "The over-centralized life in Bulgaria is reflected in the geographical scope of the news coverage of the media. The national media rarely have the time and resources to present in-depth issues on regional or local level. When local events are covered, they are often related to visiting dignitaries or members of the government." Feature stories and longer reports tend to

be less problematic, because many local media are financially associated with the municipal government. All participants agree that such media outlets are supported financially mainly to provide positive coverage to the activities of the local authorities and their sponsors, and do not fill the need for a variety of local news and opinion. Moreover, events are being covered and analyzed based on whether the local government, corporate entity or other local organization has signed an “information services” contract with the media outlet. The contracts require positive and extensive coverage of events organized by the contracting party, virtually prevent any negative coverage and often form a significant part of the media’s budget. This “specialty” of local media in Bulgaria is now moving to the national level as well, and is becoming even more dangerous with the economic crisis, since funds from such “service contracts” represent an ever more important part of the media budget. As Georgiev puts it, “The single biggest problem of Bulgarian media, big and small alike is that they sell content. News, current affairs, morning shows, talk shows, series, comedy, even cooking shows these days are used for ‘political product positioning’—unmarked and unaccounted sale of air time to politicians and sponsors within the main body of programming, under the guise of regular media production.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 2.00

Objective 4 scores decreased slightly this year, but the decrease pushed the objective into an all-time low for the Bulgarian MSI. The economic crisis and the shrinking advertising market, as well as shifting audience preferences, have led to a significant increase of the online media audience at the expense of traditional media. Well-established newspapers have stopped their print editions and now publish online editions only. The panelists also pointed to the growing dependence of commercial and public media on direct or indirect funding from the government, both on the national and the local level. As Georgiev said, “Faced with the choice between economic survival and upholding editorial independence, many owners and editors are making a very visible choice in favor of the former.”

Still, there are strengths. Most of the panelists believe that the vast majority of media outlets operating as efficient and well-managed enterprises, both in the private and in the public sector. Significant differences here remain between the large national publications, radio and television stations and networks on the one hand, and the few remaining local media outlets, where management practices are still outdated.

Overall, though, most panelists agreed that media outlets and the media industry in general (advertising agencies, independent producers, etc.) follow business plans, use professional management tools in decisions on expenditures and personnel, and plan capital expenditures. Both at the request of the international owners and in compliance with the Bulgarian legislation, most media outlets have accounting and finance practices in line with international standards. Small local media, which cannot afford financial services of their own, use the practice of outsourcing these to professional accounting and consulting companies.

Markov noted that international investment in the Bulgarian media has played a very important positive role in elevating standards in media management, especially in major national broadcast media. At the same time, there is a marked difference between the management practices and tools used by the foreign-owned commercial media, and the small locally owned publications. As Dimitrov pointed out, a general score for the whole media sector would be misleading. The media outlets with professional management serve the vast majority of the audience, while the numerous less professional media are much smaller in terms of audience impact.

In terms of the diversity of revenue streams for the media, Daskalova commented, “The crisis worsened the market revenues of the media. In this context, in 2011 the most important revenue source for many media outlets proved to be advertising by state authorities and party campaign funds for the elections. Even those, as many noted, were markedly lower than in previous election years.”

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.

With the deepening economic crisis and shrinking advertising budgets, many media outlets have become more and more dependent on just a few clients, allowing or even inviting outside influence on their editorial policy. Even though there has been some positive movement in terms of increased share of advertising for online media, that does not benefit the independent online publications, but rather the web incomes of the large media outlets, which can afford to produce the content the readers are looking for.

Not surprisingly, the advertising infrastructure in Bulgaria does not get a very high score. The main problems are not with the lack of professionalism of the advertising agencies, but are seen in the non-market methods of distribution of advertising financial flows to selected media outlets. While the vicious circle of inter-related advertising companies, media outlets and audience research agencies described as one of the hallmarks of the Bulgarian market persists, there are some newcomers in the game—the competing media group of newspapers, radio and television station, printing houses and a bank is using similar methods to regulate advertising flows. In addition, there is a growing concern that big advertisers, both nationally and locally, are forced to place their ad budgets with certain media through political influence.

The indicator measuring the government's role in the market scored particularly low, and it overlaps with questions about revenue streams. According to Boyadjiev, this is really the most problematic area for the whole objective. Participants noted problems in almost all of the questions related to that one indicator. The government uses direct and indirect subsidies to exert pressure on critical media and to reward loyal media, both on the national and on the local level. As noted earlier in the discussion, the influence of local governments on smaller local media is overwhelming, and many outlets have become mouthpieces of the authorities. A similar model is being applied on the national level towards bigger national media, where the government is using its role in the distribution of Bulgarian public and European structural funds to reward loyalist media by awarding contracts for communication campaigns to large media and creating a financial dependence on public funds as a tool of content control. Another "innovative" approach is depositing large amounts of public resources with the bank connected to one of the large media groups in the country, which openly supports and promotes the government.

According to Atanasov, "The revenues from municipalities have become the most reliable source of funding for local media. Advertising revenues from the local media market are irregular and the revenues from online advertising are limited."

A serious problem noted by him, and many of the other media panelists, is the fact that the government advertising placements are not distributed fairly and favor those outlets

that provide positive coverage to the local authorities. As a general rule, the smaller advertisers have no influence on the content, but the few bigger companies on the local market are in a strong position to influence the market.

As Dimitrov said, "The process of consolidation of media ownership in Bulgaria, which is a fact, increases the potential for political influence over the audience, but at the same time makes the several big players relatively more independent in financial terms." According to him, small private broadcasters cannot survive on the limited resources of local markets, and fall easily victim to local business and political interests.

According to Lipovanski, most advertisers ignore the local media when it comes to advertising, because they consider that the audience of their national media is sufficient to do the job. "National advertising agencies encourage their clients to work with the national media; it is easier and less time consuming," he said. At the same time, in the country no independent audience studies of local electronic media have been carried out for years, making it difficult for advertisers to measure the degree of effectiveness of their advertising activities on the local market. Local radio owner Vasilev agreed: "Outside the capital, big advertisers avoid the local media. It's getting worse by the year. Earlier, the local branches of banks and insurance companies had some budget for local advertising. Now everything is centralized, coming from Sofia and going to the national media. Even public advertising goes only to the national media."

In addition, the panelists pointed out that no national or local funds for support of public media exist, even though there are legal provisions for their establishment. At the same time, the law limits the amount of advertising on public media. As a result, many media, which are public in terms of their programming, are forced to register with the authorities as commercial broadcasters, hoping that this will help them increase their commercial revenues.

According to many of the panelists, problems persist with the transparency of allocation of state subsidies to the public media. These subsidies are not product-oriented, and do not include requirements for a specific number or time of public-type programs, but rather cover the overall subsistence of the public media.

Boyadjiev underscored the worsening state regarding the allocation of public funds for commercial media this year. "If a ministry doesn't pay for a particular media outlet to be covered, it is as if [that ministry] does not exist. No mention of it, ever, until it starts paying. But once it does...they don't need a press center or a PR agency anymore." Some media outlets, especially newspapers and news portals, use their coverage of specific government agencies to extort money

from them—coverage of their activity is minimal and only negative if they don't have an "information services" contract with the media. Once they sign such contracts, the coverage becomes abundant and all positive.

The advertising market in Bulgaria has been strongly influenced by the local and global financial crisis, and one result is that less research is being done for the purposes of media planning. Market studies are conducted mainly at the national level and do not reflect the situation in smaller cities and regions. Vasilev said, "Market research in cities under 50,000 citizens is not being conducted. Market agencies require sums of money for such research that no local media can afford."

The indicator measuring the availability and independence of broadcast ratings, circulation figures, and Internet statistics also received critical reviews from the panelists. Traditionally for Bulgaria, few experts have trust in the People Meters used to measure television audiences, yet with the lack of an objective alternative, they remain the data that defines the market and directs controlled flows of advertising money to selected media outlets and independent producers. In 2011, the bigger and better established People Meter agency bought the smaller one, but according to the panelists, neither the existence of two independent agencies nor their merger has significantly influenced the objectivity of the measurement and serious concerns about manipulation of the data continue.

There is no reliable data for radio ratings, and these do not get often measured outside the few bigger cities. Even though an Audit Bureau of Circulation exists, its services are not being used by the majority of the print media and the circulation figures of newspapers and magazines are deemed highly speculative and misleading. Thanks to the available technology, only the Internet readership data are seen as more reliable.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 2.26

While there is no significant change in the score for Objective 5, there are some visible trends that reveal areas of both progress and decline.

As far as industry associations are concerned, Bulgaria continues to be one of the good examples for the development of a sustainable and professional Association of Broadcasters, ABBRO, able to provide much needed and adequate member services and to represent the industry before the government and regulatory bodies.

Vassilev praised the assistance he has received from ABBRO during the year. His station was visited by the authorities, who tried to impose an unfavorable contract with the monopolistic copyright protection agency on him at a time when ABBRO was leading industry-wide negotiations on the terms of the contract. ABBRO and other media organizations like BTC ProMedia interfered and managed to put the pressure on the local stations on hold until a nation-wide solution is found. "Ever since the creation of ABBRO and the other support organizations, these have been of great help to us, smaller, local media."

Kirkovska also noted that the Bulgarian Association of Cable Television Operators has a strong record of promoting and defending the interests of its members, especially in relations with the regulatory bodies.

Recent personnel changes have shaken the Union of Bulgarian Publishers, but its main challenge remains that too many print media outlets are not members and the organization is not seen as universally representative for the print media.

Vasilev praised the level of development of the broadcasters' association; he said, "It is a professional organization representing the interests of the media and very adequate in protecting their rights."

According to Dimitrov, the professional organizations are in a different state: "The Association of Broadcasters is a strong organization with concrete and visible achievements in lobbying

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

for better media legislation and successfully defended its members. At the same time journalism organizations are weak; the trade unions remain invisible in respect of protection of journalistic rights or professional standards.”

A problematic area is the indicator measuring the existence and strength of the professional associations working to protect journalists’ rights and promote quality journalism. The traditional Union of Bulgarian Journalists is not seen as an organization able to provide efficient support to the journalist community in the country; on the other hand, it remains the only functioning journalist association. All alternative journalism unions founded after the fall of communism and the freedom of speech organizations active in the 1990s and early 2000s have either ceased to exist, or are not active at the moment. As a result, very little support for journalists is available in terms of training, legal protection and lobbying. The Union itself is losing members and overall public, professional or lobbying influence.

According to Boyadjiev, the reason for the decline in the activities of the journalism associations is related to the issues discussed under the earlier objectives: “the breakdown of journalism values, independence, and professional standards.” In his words, it is difficult to be associated with journalists who do not share the same values.

According to Daskalova, “The most serious problem with respect to this factor is the lack of journalistic solidarity.” She notes that even in cases when politicians behave rudely with journalists, the other media does not react to protect the offended colleague only because he/she comes from a “competing” media outlet.

Kirkovska said, “While you cannot hear much about the Union or other organizations when they are most needed, once an opportunity is provided, they all have an opinion. Last year, eight of them suddenly appeared at the election of the General Director of BNT, and all wanted to be heard.”

The only positive examples noted were the lawyers of the Access to Information Program and the Bulgarian Helsinki Committee, who provide legal support to journalists in need, both on libel and defamation and on access to information issues.

As Kashumov put it, “Recently, there is a crisis in the Union of Publishers, and the professional associations of journalists do not effectively protect their rights. On the other hand, several NGOs are strong in supporting journalists in specialized areas, like libel and defamation and freedom of speech.” In 2011, the European Court of Human Rights awarded damages against Bulgaria in the cases of journalists Katya Kassabova and Bozhidar Bozhkov for breach of Article 10 of the European Convention on Human Rights—unjust conviction

for libel. Kashumov and his colleague from the Bulgarian Helsinki Committee Yonko Grozev successfully presented the journalists before the court.

The withdrawal of international donors has taken the toll on almost every aspect of NGO work in the country, including media related NGOs. Daskalova said that her foundation is finding it ever more difficult to work on media projects because of the lack of funding, and many of its experts work on a volunteer basis.

At the same time, Georgiev praised the support of the Open Society Institute for the media in crisis in 2011. Under an innovative support scheme OSI provided dozens of journalists, including bloggers, Internet and local media journalists with funding to produce programming, which their media outlets would not fund because of the economic crisis. While such support is by default limited in time, it provided vital help in times when the media tries to limit its production expenses to the max. He also mentioned the important support of the America for Bulgaria Foundation for independent media and Bulgarian culture.

Despite some progress made in the area of journalism education over the last several years, the panelists agree that there is still a lot to be desired. According to Daskalova and based on professional research by her foundation, there is a need to reform the journalist education curricula, so that they would correspond to a greater degree to the needs of the media environment in terms of technology platforms, convergence and civic journalism. Her concern was shared by the representatives of the media industry in the panel, who point out that the professional quality of young journalists emerging from universities is insufficient - poor knowledge of foreign languages, lack of motivation and aspiration for quality journalism and unwillingness to work in regional media. “There is little contact between the media industry and the journalism education. The media is not happy with the students, the students are not happy with the media, even the universities are not happy with the students—there’s a lot of unhappiness around,” she concluded.

Markov, who teaches production at the Sofia University, also shared his disappointment with the entry level and motivation of the students: “Unfortunately, I see people who are extremely ill prepared by the basic school system, bordering on illiteracy. And these are the people who will talk to the audience tomorrow.” Another problem is the ready availability of journalism education at an ever-growing number of universities, which have limited experience in the field and depend heavily on traveling professors and local media representatives. A number of post-graduate programs also exist, even though some of them raised the

concerns of the panelists as to their focus: such as an “M.A. in lifestyle journalism.”

The availability of short-term training is another area of obvious decline. The reason for the decline lies partially with the economic crisis, prompting media to cut down spending on professional training, and partially to the withdrawal of international donors, who had actively supported such programs in the past.

Owners of the new television stations launched in 2011 have organized in-house training, but generally the training programs for the majority of the media have been suspended or downsized. Much-needed training in new media is not available due to the lack of resources. Some international training, including with funding from the US government, exists, but is not systematic and does not meet the needs of the developing media industry.

As Georgiev said, “We’ve carried out two training courses this year. This is a 200 percent increase compared to the year before, but it is nothing compared to the early 2000s... If we had to depend for revenue on training alone, we’d be long gone.”

The indicators within this objective that drew the highest scores from the panelists are traditionally those concerning technology and access to media equipment and distribution. The development and penetration of information and communication technology is seen as rapid and sufficient to meet needs of the media and the citizens alike.

While there are some concerns about the newspaper distribution networks, there are no restrictions on media equipment and consumables. The main problem is seen with the channels of media distribution.

Mihalev pointed out, “The distribution market is monopolized, and this distorts the circulation of individual newspapers, which violates the plurality of views. Practically the entire newspaper market is dominated by the two large groups, the New Bulgarian Media group and the former WAZ media group, who compete over which will provide more positive coverage to the government ... Few truly independent media remain.”

According to Lipovanski, “...the main problem is the monopoly of big companies and distribution networks, which local media can hardly overcome. The law does not guarantee access to local programs to the audience of cable operators [the must-carry clause]. There is also a serious monopoly in the distribution networks of print media locally.”

List of Panel Participants

Yassen Boyadzhiev, editor, MediaPool.bg, Sofia

Petko Georgiev, journalist and producer, BTC ProMedia, Sofia

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

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

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

Svetla Petrova, freelance journalist, Sofia

Vesselin Vassilev, owner, Radio Sevlievo, Sevlievo

Petya Cholakova, editor and owner, *Srednogorski Bagri* magazine, Zlatitza

Vassil Dimitrov, director, bTV Radio Group, Sofia

Ivan Atanasov, editor and owner, Sakarnews.info, *The News*, Harmanli

Alexander Kashamov, lawyer, Access to Information Program, Sofia

Dimitar Lipovanski, journalist and producer, Arena Media, Russe

Nicoletta Dasklova, media expert and lecturer, Media Democracy Foundation

Moderator

Dessislava Velkova, EU and media law expert, Sofia

Authors

Dessislava Velkova, EU and media law expert, Sofia

Petko Georgiev, journalist and producer, BTC ProMedia, Sofia

The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on November 14, 2011.

“New government? Signing of the EU treaty? What change could this bring to the media industry now that it is not controlled by politics, as in the 1990s, or by local media tycoons as in the 2000s, but by the largest international banks?” one panelist asked rhetorically.



CROATIA

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Several events of significance for the Croatian media sector coincided with the MSI panel discussion. Just before the MSI panel discussion took place, the Croatian Media Council, which gathers together journalists and publishers, was established. With the formation of the Croatian Audit Bureau of Circulation (ABC) earlier in 2011, one might consider that the 20-year efforts of the Croatian Journalists' Association to build a self-regulation framework are finally complete.

On the morning of the panel discussion, Drago Hedl, one of the most distinguished journalists in Croatia and a regular MSI panelist, was awarded one of the highest civilian medals by the President of the Republic for his courage and professional perseverance investigating and exposing war crimes committed by Croatian military and paramilitary units in his home town of Osijek. Mostly thanks to his reporting, a powerful local warlord is currently serving a multiyear prison sentence for war crimes. Hedl risked his life while reporting many times without compromising his professional standards, regardless of the circumstances. Since the most challenging times in the 1990s, his work has set the standard for dignity. In a way, this award symbolically closed the "war/post-war chapter" in the history of Croatian journalism: Hedl has gone from the chief editor of an influential local daily paper, who had been ousted literally at gunpoint by paramilitaries—with likely approval of the state—to a journalist honored by the president of the same, although transformed, state.

The MSI panel took place only three days after the parliamentary elections and only two days before the EU–Croatia accession treaty was signed. An outsider might rightfully expect that these milestone events would have had a proportional effect on the MSI panel. Not so. The outcome of the parliamentary elections was probably the most predictable in the two-decade history of independent Croatia. The election campaign was uninspired, almost boring. The omnipresent evidence of the structural crisis, which goes far beyond pure mirroring of the global (or for that matter, Eurozone) crisis, has narrowed the level of expectations down to "let's hope these guys can do at least a bit better than the previous ones."

As a whole, Croatian journalists and media professionals have matured and are now experienced enough to understand that politics alone, whether local or "Brussels calling," is no longer the sole driving force shaping the media environment. "New government? Signing of the EU treaty? What change could this bring to the media industry now that it is not controlled by politics, as in the 1990s, or by local media tycoons as in the 2000s, but by the largest international banks?" one panelist asked rhetorically.

CROATIA AT A GLANCE

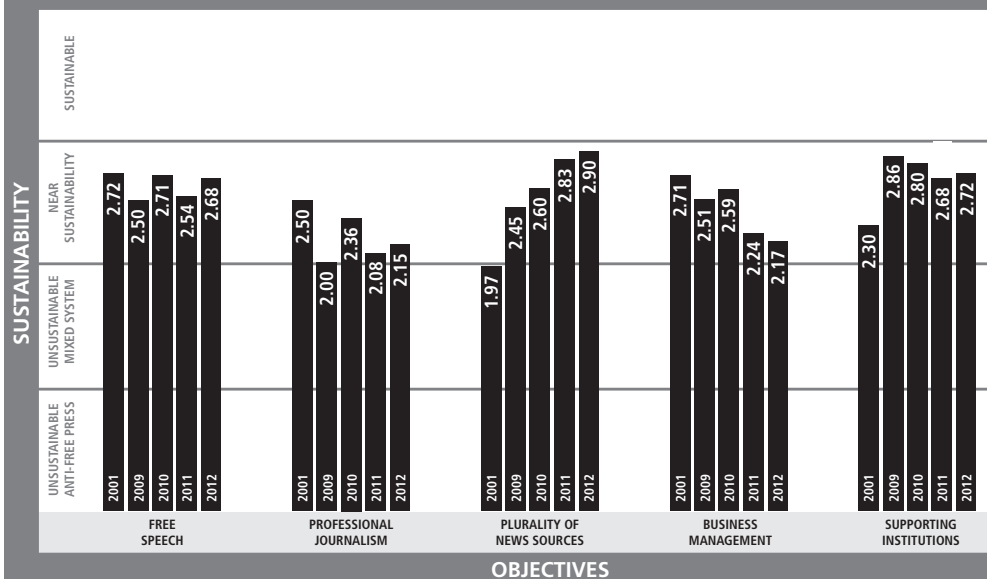
GENERAL

- > **Population:** 4,480,043 (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) (2001 Census, *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% (2001 Census, *CIA World Factbook*)
- > **Languages:** Croatian 96.1%, Serbian 1%, other and undesignated 2.9% (including Italian, Hungarian, Czech, Slovak, and German) (2001 Census, *CIA World Factbook*)
- > **GNI (2010-Atlas):** \$60.97 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$18,710 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 98.1% (male 99.3%, female 97.1%) (2001 Census, *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+ total publications; 17 daily newspapers, 40 weekly newspapers; Radio Stations: 148, 6 of which are national; Television Stations: 28 terrestrial, 7 of which are national; 3 IPTV
- > **Newspaper circulation statistics (total circulation and largest paper):** The total circulation of daily papers is estimated at 400,000 copies a day, the top 3 being tabloid *24 Sata* (circulation 120,000), *Vecernji List* (circulation 70,000), and *Jutarnji List* (circulation 55,000); the highest circulated political weekly is *Globus* (20,000 copies), followed by *Nacional* (12,000)
- > **Broadcast ratings:** Top 3 television stations: HRT 1 (public), Nova TV (private), and RTL Croatia (private)
- > **Annual advertising revenue in the media sector:** Approximately \$550,000,000
- > **News agencies:** HINA (public), IKA (Croatian Catholic News Agency), radio networks
- > **Internet usage:** 2.234 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: 2.68

One would expect that a country that has just completed its record-breaking six-year-long EU accession process would not have any significant problems with Objective 1, especially not with Indicator 1. After all, freedom of speech and its legal protection, as part of a larger domain that includes, among the others, human rights and an independent judiciary, is one of the cornerstones of the EU *Acquis Communautaire*, the most often mentioned concept in the accession negotiations. True, a glance at Italy and its Berlusconiized television sector or, similarly, the new Hungarian Media Act, would indicate some worrisome lapses in free speech protection within the EU family of nations, but, as always, the bar has been set a bit higher for aspirant countries.

Croatia MSI panelists have never raised any particular concerns when it comes to the legal framework protecting freedom of speech (which should not be confused with its implementation). The media and media related legislation (the Constitution, the Media Act, the Electronic Media Act, the Public Radio and Television Act, Freedom of Access to Information Act) provide a stable and well-defined legal framework for enabling and safeguarding freedom of speech. In fact, the MSI panel discussion took place almost exactly a

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

FREE-SPEECH INDICATORS:

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

"The state acts like it has an exclusive right to determine what truth is. I already have one legal action against me, based on 'public exposure of harmful facts.' This is ridiculous. How can I work as a journalist without exposing facts that are 'harmful' to someone?" panelist Denis Kuljiš, a journalist with Europapress Holdings asked rhetorically.

year after the EU negotiation chapter that deals with media freedoms has been "closed." In Brussels' terms, that means that Croatia meets all the requested criteria on protection of free speech. Indeed, Croatia's legal provisions that regulate free speech and access to public information are harmonized with EU standards.

With or without Brussels monitoring, Croatia has no history of any "state of emergency" that suspended media freedoms. Even during the war in the 1990s, independent media were not silenced or "disciplined." Nowadays, it would be impossible for politics to interfere directly in the editorial policy of the leading nationwide media (although, the same is not true for local media, where local politicians still have the means, primarily financial ones, to control them). Every such attempt on the national level would provoke an instant reaction of the watchdog organizations and the general public.

Still, worrisome developments occur, and one that took place in early 2011 provoked strong reactions from the panelists. The government in power earlier in the year legislated a new criminal offense, named "vilification," defined as "deliberately publicizing false, offensive, harmful, or fabricated information." "This is for sure a regression in terms of freedom of speech," said panelist Emil Havkić, a lawyer and the media legislation expert. "The state acts like it has an exclusive right to determine what truth is. I already have one legal action against me, based on 'public exposure of harmful facts.' This is ridiculous. How can I work as a journalist without exposing facts that are 'harmful' to someone?" panelist Denis Kuljiš, a journalist with Europapress Holdings asked rhetorically.

"The introduction of 'vilification' opens too wide a space for different manipulations and pressures on journalists, discouraging investigative and any other serious form of journalism," panelist Drago Hedl, an investigative reporter from Osijek, added.

"I haven't been attacked, I haven't even received any serious threat in 2011," panelist Gordan Malić, investigative reporter with Europapress Holdings, said. "Three or four well-known figures from the underworld have started a legal action against me. It looks that even they don't beat journalists anymore."

Lawmakers have explained that the "Vilification Act" was borrowed from the Swiss criminal code without changes to counter the worst abuses of journalism and deliberate smear campaigns. But it should be noted that, while introducing this law, the then deputy speaker of the parliament mentioned that this new act should "discipline journalists." "This is an awkward and worrisome vocabulary," Hedl said. "What the lawmakers do not understand is that transposition of legal definitions from a country with a different political culture and legal praxis, such as Switzerland is to Croatia, just too often has the same effect as adding a new exotic fish to an aquarium populated by local fishes. Instead of supporting the diversity, this more often results in damage done to the fragile equilibrium of the local environment, in this case, the legal one," lawyer Havkić explained. Legal action to annul this act has been initiated.

An independent regulator, the Council for Electronic Media, licenses broadcast media. Most of the panelists think that the main problem with the Council is not political affiliation of members, as it was in the 1990s when most of the frequencies were allocated, but rather the lack of transparency and inappropriateness of licensing criteria. This applies both to frequency allocation and to use of funds dedicated to promoting high quality radio and television productions on commercial stations.

"Contracts on allocation of the radio and TV licenses are still not publicly available. Therefore, the public has no means to check whether a license holder fulfils the basic programming requirements and terms under which the license to use the frequency, as a limited public good, has been granted. This is an outrage to common sense and public interests," one panelist said. "It's been over five years since the signing of the license contract between the Council and two major national commercial TV stations. We still can't get access to it. The Council keeps explaining that it is a 'business secret,' which is not acceptable, since it is about the concession for using a public good," panelist Jelena Berković, a media specialist with GONG, said.

Havkić shared his belief that the process of license renewal should be stricter, rather than being automatically renewed. "The concession for using a public good should be under special scrutiny. Automatic renewal erases the very substance of the license, which is using a public good for the public benefit," he said. However, panelist Miljenko Vinković, the deputy president of the Association of Local Television Stations, had a different opinion. "Try to walk in our shoes," Vinković said. "The capitalization period in radio is five to seven years, for a TV business seven to ten years, at least. Who would invest in it knowing that there's a license reviewing procedure after five or seven years? Which bank would give a loan to an investor under these terms?"

Another panelist mentioned that in the late 1990s Croatia failed to ask for more frequencies from the International Telecommunication Union. Slovakia did so and as a result, the city of Bratislava, which is half the size of the Croatian capital, has almost three times more radio stations than Zagreb, or six times more stations per capita. The Zagreb market would probably not sustain all of them, but it would be up to the free market to regulate that. "The lack of frequencies has only prevented open market competition and has helped in consolidation of the existing media monopolies," Kuljiš said. "In addition, it creates an uncompetitive environment. Two national TV stations have recently been allocated a national frequency for their specialized channels. They haven't generated a single new job, but have been running rerun after rerun. I'd call it market suffocation, rather than market competition," panelist Dražen Klarić, editor for Politikaplus.hr, said.

There is no licensing requirement to launch media that do not use a limited public good such as the frequency spectrum. Media using new communication platforms must only formally register themselves in the Council's register, and pay a modest registration fee. The same procedure applies to the print media, which must formally be entered into the register of the Chamber of Commerce. But this is not without controversy. "The Council for Electronic Media considers web portals as part of their portfolio. As such, they asked us to pay 0.5 percent of our annual income, as radio and TV stations are paying to the Council. Considering the size of our budget, this is not a lot of money, but we should get some services in return for this 0.5 percent, which is not the case now," panelist Toni Gabrić, editor at H-Alter.org, said.

There are no special capital requirements and no undue restrictions, taxes, or procedures in starting a print media organization; the process is the same as for any other type of business. Starting a new print media, assuming it is in line with the antimonopoly provisions, depends only on the investor's budget and market demands. "The print media are

actually in a better position than other industries, including broadcasters as well. They are paying only half of the standard VAT rate. Unfortunately, there have been no public benefits from it. Readers didn't get any additional content for the public interest as a result of the tax break, and the cover prices of all the daily papers have increased instead of reflecting the VAT reduction by lowering the price," panelist Božo Skoko, founding partner of Millenium Promocija, said.

When it comes to the broadcast media, panelists (including the representative of the sector) have agreed that the annual license fees are, regardless of the type of the concession (local, regional, national), more than fair. "I'd rather call them priced under the market, than just fair," Klarić said, criticizing indirectly the Council for what he called "intentional or unintentional neglect of one important source of revenue" and "underselling a public good."

Crimes committed against journalists are rare and in evident decline. The most brutal attacks (such as the beating of investigative reporter Dušan Miljuš in early 2008 and the assassination of editor and journalist Ivo Pukanić in autumn 2008) have not had any sequel. "I haven't been attacked, I haven't even received any serious threat in 2011," panelist Gordan Malić, investigative reporter with Europapress Holdings, said. "Three or four well-known figures from the underworld have started a legal action against me. It looks that even they don't beat journalists anymore." It is encouraging to hear this from an investigative reporter who has been under round-the-clock police protection many times in the past ten years.

More often pressure on journalists takes the form of lower-profile types of harassment. Still, the problem is more evident in local media. "Working in local media means that a journalist in most cases knows personally the actors of his or her stories, and vice versa. This opens a much wider space for different types of harassment. Most often, it is about a low-intensity harassment, probably not 'evident' enough to report it to the police, but it still exists," panelist Vinković, also the director of local television station SRCE-TV, said.

"The Police are more efficient than in previous years. A strong message of zero-tolerance regarding attacks on journalists has been sent to organized crime, with tangible results. But, this is a specific type of crime. It is easier to find perpetrators than to identify who stands behind them and direct motives for the attack," Havkić said. "I am only happy to repeat what I said last year," Kuljiš added. "After so many troubled years, in the past two years, I feel safer than those who featured in my investigative stories," he said.

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Discussion of Indicator 5 (The law protects editorial independence of state or public media) provoked a brisk exchange of opinions. "Legal norms can make only a basic framework for editorial independence. Any further legal stipulation that would go into details would not support editorial independence. On the contrary, it would mean a government intervention into editorial independence," Havkić said.

"Public TV is chaotic, but politically independent. One can see the most important and the most trivial content mixed together in the prime time. But, one thing is sure: programming is not politically controlled. It depends much more on different lobbies and pressure groups. The same goes for the managers and board members. They represent the public domain, NGOs, the civil society. This is not a problem; the problem is their sense of responsibility," Malić said. Most of the panelists agreed that there is no such a thing as "the best model" when it comes to legal definitions and by-laws to protect editorial independence, and "the best model" to ensure independence of the management board from political influence. It depends mostly, they agreed, on the capacity, maturity, tradition of dialogue, and appetite for democracy of each society much more than on the legal norms.

Berković, a member of the experts team that monitored elections, pointed out an exception, although not of such an overwhelming importance as to eclipse the final conclusion. "Politics interfered directly with public TV programming regarding the issue of the election coverage," she said. "It was politics that demanded equal time for public presentation of each election runner. Editors and journalists didn't have a word in this process."

There are no laws that would favor public media journalists over those from private media. Access to information is equally open—or closed, depending on the situation—for both.

Despite the regressive development elaborated earlier ("vilification" as part of the criminal code), libel and defamation remain a civil law issue. The burden of proof is on the plaintiff. As evidenced by the anticorruption campaigns and the fact that 2011 was an election year, public figures are

“Professional standards have deteriorated, indeed. Still, there is a large pool of quality journalists in our media. But, the trend is clearly negative, and this should be a matter of real concern for all of us,” Gavranović said.

held to higher standards. Regarding judges, panelists do not think there is a problem with corruption rather they question their capacity (and competence) to preside over media cases, especially libel, defamation, and now “vilification” cases. “In addition, judges tend to raise the fines for ‘damaging reputation,’ which has become, by purpose, prohibitively high,” panelist Zdenko Duka, president of the Croatian Journalists Association, said.

“I have never had any problems with access to information,” Kuljiš said, opening the discussion on Indicator 7. “It is part of our job description to get information, even when the source is not willing to give it to us. Laws do not prevent or prohibit access to information, but we know it’s part of the politicians’ instincts to hide at least some information from the public. We shouldn’t expect them to be completely transparent. We should find our own ways to get information,” he said. Panelist Gabrijela Galić, former president of the Croatian Journalists’ Trade Union, agreed but said that we should not forget that the situation in local media is much different: “Sometimes it is more demanding to get information from a local politician than from a top one.”

There are no regulations precluding any media outlet from accessing public information. Still, some of them seem “more equal” than the others. Malić pointed out the fact known to all media professionals (and passionate media consumers) in Croatia: “A selection has been made as to which media would get classified information on investigations and court procedures against the former Prime Minister. It is, shall we say, a strictly controlled leaking of information from the state attorney’s office and from the defense team of the former PM, channeled only to their ‘friendly’ media. This is a criminal offense, but I don’t see the state prosecutor taking any actions in this respect.” “I am benefiting from it, because I’m on the list,” he added, “but what about those who are not on ‘the list’? How would they get information?”

Access to local and international news, including the Internet and social networks, is open and absolutely unrestricted, both for journalists and the general public. Higher Internet penetration, more affordable rates of on-line services, and the relatively high percentage of households using

broadband or cable Internet, have decisively contributed to the massive and efficient flow of local and international news. However, a problem remains regarding the fair use of intellectual property. “We have a whole new generation of the copy and paste journalists,” panelist Anja Picelj Kosak, media specialist at the U.S. Embassy, said. “Sometimes I think this is the only way they work.”

Entering the journalism profession is free, with no licensing or other restrictions imposed by the government. Accreditation is needed for covering special events, but it depends on publishers and editors. There have been almost no cases in which accreditations have been denied or withdrawn by the government or other public institutions. Enrolling in journalism schools and placement in entry-level positions are in no way influenced by the government or political interests.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 2.15

“Journalists are forced into self-censorship, no doubt about it.” This is how Kuljiš opened the discussion on Objective 2, skipping past indicators 1 and 2. “I don’t see any differences between censorship and self-censorship. It is only about who is enforcing it, editors and owners, or journalists,” he added. His colleague from the same newsroom, Gordan Malić, disagreed, saying that self-censorship is more devastating because it is internal and therefore less transparent. “Censorship is more characteristic of an authoritarian environment, whilst self-censorship indicates a situation in which a journalist knows in advance how far she or he

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

is allowed to go, and adhere to it. Censorship is usually associated with a certain resistance, self-censorship with conformism," said Malić.

In Croatia, political censorship is a thing of the past. "One can report on the Prime Minister or politicians absolutely freely, without any fears of offending them or fears of any type of direct retaliation or "cold" revenge. It's different with owners who are paying our checks and with advertisers and bankers who are paying our owner's checks," Klarić said. "In 2011, it has become more obvious that owner's interests are predominant in the editorial policy of media. Interests of the media owners and their other businesses are continuously devastating the quality of journalism. Media do not report on issues that can expose their owners and their business partners. One can find information on these issues only in competing media," Gabrić said.

As mentioned above, banks have the strongest position in the media market that they have ever had. Two of the three biggest publishers are directly dependent on the bank loans ("life-supporting financial injections," as defined by one panelist) and their good will to postpone activating of financial and other legal instruments to secure payments. This is not a desirable situation for a media outlet.

"This is probably the worst time for journalism since the fall of socialism. In the 90s, there was a solid group of truly independent, respectable, and responsible media. Nowadays, it is hard to say if there are any relevant media outside the omnipresent network of financial lobbies and pressure groups. Those who remain independent are on the margins, with limited influence on public opinion," panelist Boris Rašeta, a journalist with *Novosti*, said.

Panelist Ante Gavranović, a senior professional with over half a century of journalistic and media management experience, and the former president of the Croatian Association of Publishers, added a bit more colors to the conversation. "Professional standards have deteriorated, indeed. Still, there is a large pool of quality journalists in our media. But, the trend is clearly negative, and this should be a matter of real concern for all of us," Gavranović said.

In the transition to Indicator 1, panelist Đurđica Klancir, deputy editor-in-chief at Tportal.hr, said: "There is negative selection in Croatian media. The owners and editors are promoting journalists not on the basis of their merit and professional achievements, but rather those whom they can influence or manipulate. There are an ever-growing number of journalists who have no problems conforming to the role of promoters of a media owner's interests. Some of them owe their whole career to it," she said.

"Most of the readers even don't see a difference between PR and articles. But, this has a devastating impact on the credibility of the mainstream media with the more demanding readership," Skoko added.

Putting aside some slightly cynical remarks from panelists that the state attorney's office is "one of the busiest news agencies in Croatia," and obvious problems when it comes to general legitimacy of media independence as such, panelists agreed that investigative journalism is a strong factor in the Croatian media, and beyond. After all, they said, media played a starring role in exposing corruption, which has resulted in investigation and prosecution of the former prime minister, deputy prime minister, and dozens of their associates. This should be honored, regardless of the possible strings attached.

In a parallel universe, there exists in Croatia aggressive tabloid journalism. "One can identify tabloid when one sees it. Whoever wants to buy it, let them buy and read it. The problem is when mainstream papers, that should be 'serious,' accept a tabloid approach in a slightly disguised form in order to keep their market position. This is a true killer of professional journalism," one panelist said. Papers in Croatia are almost exclusively sold at newsstands (accounting for over 95 percent of circulation). As a consequence, editors want to be ahead of the competition with "exclusive" stories and headlines for the front page; they want to have their paper stand out on the newsstand. They have less tolerance for allowing more time for verification and checking of facts, for background research, and for consulting a multitude of sources.

But Havkić felt that this is still within reasonable limits: "Experts are consulted on every relevant story, as far I can see. I don't read tabloids, but in the mainstream media, I can find information I need. I am certain there are examples of 'burying' stories in mainstream media, but, if you read more than one, you would find the facts and the background of them," he said. "There are good dentists and bad dentists. There are good lawyers and bad lawyers. There are good journalists, and less good journalists. I do see a decline of professional journalism and editorial standards, as the combined result of mingling of media with business and other lobbies, and of the influx of inexperienced and ill-prepared young journalists. But journalism in Croatia is still ahead of any other country in the region, some EU member countries included," Kuljiš concluded.

The same could be said for ethical standards in the Croatian media. The Croatian Journalists' Association (CJA), as an umbrella organization with a membership comprising more than 90 percent of all active journalists in Croatia, is well known and internationally recognized for its well-elaborated ethical code and respectable Council of Honor. The Council of Honor discusses any individual case upon complaints from individuals, institutions, or companies. The CJA's statute, ethical code, and other documents are fully harmonized with international standards, and are regularly used by the journalists' associations in the region, and further afield. "Our members usually observe the Code of Ethical Standards," said Duka, the president of CJA. "But we have no influence over non-members, a minority of journalists who are almost in constant breach of basic ethical standards. It really makes no sense to appeal to them. They don't do this because they don't know, or because their lack of experience. They have chosen this path by themselves. Unfortunately, the public often perceives the whole profession based on their excesses," Duka said.

One of the most worrisome problems emerging is the mingling of journalism, advertising, and public relations. "Nowadays one can buy not only advertising, or a PR piece, but literally every form of journalism. It is not about hidden advertising any more. It is about pure full-blooded advertising pieces, written in the form of an article, even signed by the author. As the direct consequence of the market crisis, everything is on sale," public relations expert Skoko said. "Most of the readers even don't see a difference between PR and articles. But, this has a devastating impact on the credibility of the mainstream media with the more demanding readership," Skoko added.

As mentioned, media cover all key events. There are no "forbidden issues," including matters of national security. Media consumers may have rightful objections about editorial policy or burying some delicate issue in their preferred media outlet, but that does not mean the subject has been swept under the rug. "Journalists are covering all issues. The problem is whether the editor would have green lighted it. But, even if not, the other media will pick up the subject," Hedl said. "With one exception," panelist Malić added, insisting on his "banks-are-untouchable" theory. "I haven't seen any information on lucrative bonuses paid to the top bank managers in 2011, except in one local paper, and just in the morning edition."

"Some important issues in certain media are not covered as they should be. But this is not the result of any kind of pressure, or direct orders. Most often, it is about shallow and selective coverage that particular media exercise. Trivialization has taken a toll, and has become an active media component," panelist Kuljiš said.

Berković pointed out that as part of the accession procedure, Croatia will hold a referendum on EU membership (later held on January 22, 2012). Although EU supporters have a comfortable majority of votes, Eurosceptics simply did not get an appropriate public voice. "It is not enough just to say: 'Well, we know that the majority of Croats support EU accession,' although every relevant statistic would prove it. It is about giving a voice to those who oppose it. They represent at least a third, if not more, of the population. We can't simply ignore that. By this, the discussion on EU accession, especially on public TV, has become merely pro-accession propaganda than a serious debate on the pros and cons of EU accession," she said.

Neglecting international events has already become a bad habit of Croatian media. Year after year, coverage of international grows less prominent. Croatian media are reducing the number of their international correspondents and foreign affairs desks, focusing mostly on two or three main areas, such as EU accession, events in the former Yugoslavia, relations with the U.S. An in-depth analysis of the global economy, China or Brazil for example, is hard to find. One can always find stories, including quality ones, on the Internet, but this should not be an excuse for the lack of quality coverage of international events. Just two months before the referendum on EU accession, the chief editor of public television, HTV, decided to cancel production of a quality weekly magazine on EU issues on the grounds of "low audience ratings." "Well, for sure, soap operas have higher ratings, but should the ratings be the only element that matters for public TV? What about quality of production, the lack of such content in general or a specific need for it?" asked panelist Tena Perišin, an editor with HTV.

Croatia's MSI panelists have established a kind of tradition to object to Indicator 5 ("Pay levels for journalists and other media professionals are sufficiently high to discourage corruption and retain qualified personnel within the media profession"), especially to the first part of it that connects pay levels and corruption. "In this part of the world, the highest paid officials are usually most corrupted. I don't think that journalists are special compared to other professions. It is about the moral standard of an individual, not about the profession or about the money. When it comes to salaries in journalism...well, all industries are suffering from crises, including the media industry. We are no exception to it," said Kuljiš. In the past three or four years, top salaries in journalism, which used to reach as high as \$150,000 to \$200,000 a year, have dropped significantly. A gross annual salary of \$20,000 is more or less industry standard. In general terms, this is comparable to other professions with similarly demanding job descriptions. However, journalists' salaries in smaller, local media can be as low as \$10,000 a year.

"I would go for a higher score for this indicator, if it weren't for a problem with contracts for part-time workers," Havkić said. Due to very high taxes on salaries, many employers (not only in the media industry) bypass the law by keeping their staff on part-time contracts and therefore paying lower taxes. The downside is that part-timers receive no social and health insurance, no contributions to pension funds and other benefits, and almost no legal protection at all. Contracts are usually for six or twelve months, with no guarantees of renewal.

"It is hard to do your job, knowing that there are two or three journalists waiting in line for your position, and ready to work for half of what you are making," said Galić. "It's getting worse," Perišin said. "There are so many young graduates in journalism and young journalists ready to work under any condition. They are fertile ground for different types of manipulation. Unfortunately, they are lowering professional standards in journalism, although not intentionally," Perišin continued. "Many journalists are contacting my agency, asking for jobs in the PR industry. This is legitimate, of course, although it indicates the status of journalism as a profession. But, it is much more worrisome to see many young journalists who are openly offering us 'services,' meaning inserting PR elements in their articles. I am sure they are doing this primarily because they can't live on what they are making with their part-time contracts," Skoko said.

It is not easy to give a single and unambiguous answer regarding indicator 6, the balance of news and entertainment. Generally speaking, as discussed above, trivialization has taken a serious toll on the Croatian media. New "specialized" television channels, with the exception of the national business channel, offer little apart from cheap entertainment and endless reruns of soap operas and talent shows. Besides, as panelist Klarić rightly objected, they have not generated a single new job. "Infotainment" found its place in the Croatian media dictionary (and vocabulary) a decade ago, and is already deeply rooted both in the broadcast and print media. HTV has lost a lot of its credibility (and audience), although it is still by far the most watched public service broadcaster in the region. A hybrid of the lowest-demanding productions and high quality news continues to be the trademark of national commercial television channels. TV Nova, for example, overflows with reruns of soap operas and reality shows, but still runs the best central news production that competes strongly with HTV news in the same time slot. "It has taken a while for foreign investors to realize that news production is attracting audience in Croatia. True, they are obliged to have news production under their license agreements, but one can see some additional efforts in this respect," Klarić said. The

same hybrid exists side by side with the most notorious tabloid in Croatia, *24 sata*. They are running a specialized television news channel and making extra efforts to run it professionally.

One can find the same hybrids when it comes to the niche and specialized reporting. "There are over 1,000 registered print media in Croatia, which makes almost one title per thousand inhabitants," Gavranović said. "There are hundreds of titles on sports, fashion, health and medicine, car magazines, leisure time, etc. There are two national business dailies, as well. But, when it comes to the mainstream media, one can see the revival of an 'all around' type of journalism. There is ever less space for specialized journalism in the mainstream. Specialized and niche journalism has been pushed to lower-circulation specialized magazines. It wouldn't be right to say that specialized reporting doesn't exist, but it has lost significantly when it comes to a wider audience. This is a global trend," Gavranović concluded.

Generally speaking, the facilities for gathering, producing, and distributing news are in line with higher professional and technical standards. This is true for most of the nationwide media (both print and broadcast), although some small, local newsrooms are sometimes underequipped. "Nowadays, a local radio station can be equipped for just a fraction of what the same investment would have been five or ten years ago. Standard hardware and software are ever more affordable," Klarić said.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.90

Indicator 1 of Objective 3 brings up a common issue for Croatian MSI panelists. "If you want to be informed, you have to buy more papers. Someone will report on any issue, this is for sure, but the question is how many of the media consumers can afford to buy more than one paper," panelist Picelj-Kosak said. To be more precise, statistics report that the 30-day consumption of a single daily paper, combined with the mandatory fee paid to public broadcaster HRT, reaches almost 7 percent of the average salary paid in Croatia, or some 12 percent of the average pension. Who can afford to increase the amount to buy another daily paper just to stay informed? "This is a significant improvement compared to socialism. Then, we had to read between the lines to find out what's going on. Now, we have to buy more papers for the same result," Malić commented.

"Indicator 1 questions the existence of plurality of news sources, not necessarily quality of it," panelist Klarić clarified.

“Ten years ago, there were no doubts about who controlled public TV. It was politics and politicians. Nowadays, politics has no influence on public media. Now, it is about different business and interest lobbies. This category [of influence] is much harder to be identified and to put your finger on. It is much more elusive and therefore probably even more influential,” Klarić said.

“And when it comes to plurality, it would be safe to say that plurality of sources exists,” Klarić said. Indeed, above it was mentioned that one print title exists per 1,000 inhabitants in Croatia. There are seven national television channels, 21 local or regional commercial television stations, 148 radio stations, and many cable television and Internet providers. Croatia is at the very top in Europe when it comes to IPTV penetration. New communication platforms are indispensable for the younger generation, but recently they have been successfully introduced even in some retreats for pensioners and elderly people. With 1.44 mobile phones per capita, 60 percent of households with the Internet access (plus 97 percent of enterprises), more than 10 percent regularly using mobile Internet access, plurality of news sources is secured.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

The fastest growing sector is IPTV service, since early 2010 available as a satellite service (important for rural areas and remote islands), which will additionally enhance plurality of news sources.

Even in the late 1960s access to foreign news was not restricted. As a tourist country, visited by millions of foreign tourists, Croatia had international print media available in many newsstands, even in the off-peak season. Croatians regularly watched Austrian and, especially, Italian television channels with no efforts by the government to jam the signals. Hundreds of thousands of Croats working and living abroad (mostly in Germany, Austria, and Sweden) regularly visited their families back home over the holidays, additionally contributing to the news and information flow. The panel discussion moderator, Davor Glavaš remembers a discussion with a retired senior BBC World Service manager in 2005, who said that the former leader of Communist Yugoslavia, Josip Broz Tito, formally gave his word during a 1953 visit to Great Britain that his government would not jam the BBC Yugoslav service signal. He kept his promise and more. All international broadcasters (BBC, Voice of America, Deutsche Welle, Radio France International, etc.) operated freely for decades, and closed their Croatian language services only as a result of their own downsizing.

The government does not block, limit, or restrict access to local or international media in any way. Registration is not needed for using any kind of a technical platform for receiving news. A high literacy rate (98.2 percent) additionally contributes to efficient news dissemination.

The only limitation, mentioned above, is the high cover price of the domestic, and, especially, the foreign press. Internet access (89.8 percent of Internet users use broadband or cable Internet) has become more affordable, especially given the fact that this service is often bundled with IPTV and a fixed phone line. A decade ago, Internet access cost \$150 per month; nowadays, unlimited use is available for a flat fee of \$25 per month, or even cheaper if combined with other communication services. Satellite IPTV has significantly improved access to the Internet in rural and remote areas, although the access to media there is still more restricted than in urban areas.

Public media in Croatia have been basically reduced to radio and television broadcaster HRT plus a low-circulating and almost irrelevant daily newspaper. “Ten years ago, there were no doubts about who controlled public TV. It was politics and politicians. Nowadays, politics has no influence on public media. Now, it is about different business and interest lobbies. This category [of influence] is much harder to be identified and to put your finger on. It is much more elusive and therefore probably even more influential,” Klarić said.

Indeed, HTV offers a variety of programming on its two national channels. But, taking into consideration the budget at its disposal, one might question how well the money has been spent. "Public TV airs programming that is not available on commercial channels," said Perišin. "You can find excellent, even the best, international documentaries. You can find excellent educational pieces and kid's shows, for example. Last month, HRT aired a package of contemporary French movies. It was fantastic, but I really can't understand why those movies were pushed to the midnight time-slot. Who can watch them then? It's such a waste of money," Perišin said.

"Well, you are absolutely right. After watching a real freak-show in the presentation of all party and independent candidates during the election campaign, one can only conclude that public TV covers really everything," Kuljiš added, just slightly ironically. "The whole political spectrum is covered by the public broadcaster, indeed, but I can hardly find any systematic effort to present it in a way to serve the public interest. It's so incoherent, chaotic, as colleague Malić said. There's always a question mark in the background about whose private or particular interest does it serve," said Skoko, formerly a HRT journalist. "It is hard to say that public TV is biased. It is not. I would rather say that some news editors have their own political preferences, and this is evident in news they anchor. But, it is not about any directive given to them. It is about their own adherence," Klarić said.

Officially, there are two national news agencies, but there are many other local news providers who have almost saturated the market. News agencies provide news to all media, with two types of services: free access to news headlines and subscription-based use for different news services (print, audio, video, online, photo service). Since 2008 and 2009, subscription-based news services have become more affordable for local media, although many nonetheless complain that the service is "too expensive." The subscription fee is based on the actual coverage of the client. Bigger national media use international agencies (most often Reuters followed by AFP and AP) as well, with no restrictions. Local broadcasters rely on news provided by radio networks (five of them), which are usually part of barter deals with the content providers: news in exchange for advertising time. The biggest national news agency, HINA, also offers "a subscription for personal use" to professional journalists, for as little as \$35 per month. Regardless of relative affordability of the news services, media outlets (with exception of the national media) do not always cite them as the source. This is particularly, although not exclusively, the case with the web portals.

Private broadcasters produce their own news; they are obliged by the Croatian Electronic Media Act to devote at

"The concept of dividing the ownership and the editorial component is still unknown territory for the Croatian businessman," one panelist commented.

least 10 percent of their programming to news and public information. Most local commercial broadcasters run national and international news provided by radio news networks in exchange for their advertising time so that their news staff can focus on production of local news. To a certain extent, this goes for the print media as well, who are also ever more depending on "hub" suppliers of national and international news while focusing more on their prime local content.

Bloggers have become ever more important, primarily thanks one of last year's MSI panelists, Marko Rakar. It is ever more often the case that even big national media take news from bloggers and elaborate it further. Unfortunately, quite often media do not attribute the source of information, which hurts the ability of bloggers to directly reach the public. For example, a colossal effort made by Rakar and his assistants in gathering together information on public procurement was presented by other media outlets as the result of their "investigative teams."

All print and commercial broadcast media are obliged to disclose data on their owners by the end of January each calendar year. This information is publicly available in the print and web edition of the governmental *Official Gazette*. In general terms, it would be safe to say that most of the Croatian media, or at least the most important and influential ones, have known owners, although not all of them. "Transparency of media ownership is not a Croatia-specific problem," Kuljiš said. "I remember that in the 1990s WAZ [West Allgemeine Zeitung, one of the biggest German publishers] was using one law firm as a cover to buy media in the former East German territory, in order to bypass the media monopoly provisions. Then, in the 2000s, I saw the same law firm operating in South East Europe. Probably doing the same job for the same client," Kuljiš said.

Panelists discussed whether it is possible to achieve a state of true transparency in ownership of media. "Transparency of the ownership is traceable only down to the formally registered owners. But, the formal owner might have lodged a contract on transferring the ownership to any other legal or physical person, and there are no legal means to find anything about it, if the actors don't want to disclose it. The ownership can be impermeable, without being in breach of the legal procedure," Havkić explained. "I think the issue of media ownership is a bit overrated. It is much more important

who sits in the management and supervisory boards, for example. Judging their professional profiles can tell you more about the specific media, than the list of owners," Malić said.

A special state agency enforces relatively strict antimonopoly provisions. A publisher is not allowed to control more than 40 percent of the market of daily newspapers, or of weeklies. The antimonopoly provisions are even stricter in broadcast media, where a license holder is not allowed to hold a license in any other neighboring area of coverage. The cross-sector monopoly provisions do not allow print media owners to enter the broadcast sector, and vice versa. Some panelists objected that the antimonopoly provisions for broadcast media are actually obsolete (e.g., what does a "local" license really mean knowing that the same "local" radio and television station can instantly become "national" on the IPTV platform?), and in many ways detrimental to entrepreneurial development of the broadcast market.

Business conglomerates have only recently entered the print media sector, although the first indications are not exactly encouraging. A local businessman recently bought one of the finest Croatian local daily papers, *Glas Istre* in Pula only to fire an investigative journalist who dared to go (in his own time, and as a private person) to a solidarity meeting with an environmental movement that opposes a mega-development plan for Pula. "The concept of dividing the ownership and the editorial component is still unknown territory for the Croatian businessman," one panelist commented.

When it comes to foreign owners, there were mixed feelings on whether to consider that as a "benefit, detriment, or some combination," as indicator 6 instructs. The fact is that most of the media professionals expected more in the early stages of foreign investments, especially in the television sector. "But that was almost naive," Kuljiš commented. "Why should anyone expect RTL, for example, to change its original format in the Croatian market? Quite the opposite, they come here to sell us exactly this format. But, looking back, we can say that foreign investors have brought to Croatia, if not the highest content standards, then for sure the modern technology, know how, certain stability of the market, primarily in terms of more immunity from political pressures and influences," he continued. It is also a fact that foreign investors in print media, aside from bringing to the market one tabloid and a myriad of fashion, etc., magazines, have not changed the format of the most successful print media they have invested in.

The diversity of media outlets does not necessarily mean that they professionally report on issues concerning gender, ethnicity, social conventions, religion, and sexual and other minority orientations. "It is definitely not about any kind of a taboo," said Gabrić. "The mainstream media are simply

not interested in some relevant subjects, such as gender equality, religion, sexual orientation, or protection of natural or urban environment against 'developers,' for example, because they think it is not 'sexy' enough to cover it for the merit of the subject. They do it only when it becomes a hot topic, merchandise, or commodity they can sell. Sexual orientation, for example, is discussed, correctly, I have to say, mostly before and after gay pride parades, or in the case of violence against LGBT persons, but not on a regular basis," he continued. Web portals and new media in general are much more aware of these issues and devote much more space to them. But, considering a relatively limited outreach, they cannot compensate for the lack of coverage of these issues in the mainstream media.

The weekly paper *Novosti* has become a kind of a phenomenon. Many media professionals would consider it as the most relevant, open, daring weekly paper available on the Croatian media market, and rightfully so. *Novosti* is the weekly paper published by the Serbian minority union in Croatia. It features the Croatian and Serbian language, issues concerning the Serbs in Croatia, but, much more than this, issues concerning every citizen in Croatia regardless of ethnicity. So far, most of the minority language media were limited (if not deliberately ghettoized) strictly to their own ethnicity, even in the case of the daily paper *La Voce del Popolo*, printed in Italian for the Italian minority in Croatia with a respectable circulation of 8,000 to 9,000 copies. "*Novosti* has kind of trespassed from ethnic to the ground of common social and political problems. But, it would be even more important to see the mainstream media making their own trespasses from social and political problems to minority issues," one panelist said.

Considering the number of available media outlets across all types of media platforms, citizens are provided with a variety of information on local, national, and international issues. National media cover all important local issues, whilst other local information, not necessarily relevant for a national audience, is covered by local media. Most of the national media have regional and local editions (permuting pages for each edition), contributing additionally to the variety of information available to local audiences.

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.17

"Two out of three major publishers in Croatia are still operating only thanks to financial support from the banks and one single biggest advertiser," said Malić, repeating the opinion he shared in Objective 1, in a slightly modified form.

"This is a true indication of how well-managed our main national media are." In addition, "One can hardly see any financial logic behind it. It is more about bank investments given in order to get a grip over the media," Malić clarified.

Considering the hard facts, this is true. But, it must be said that media companies have not fallen into financial troubles due to the crisis in the media and advertising market alone, although a drop in circulation and shrinking of the advertising market have seriously affected the media. If it were possible to analyze media-specific financial data of the largest publishers in Croatia separately, these would be positive, although modest compared to the "fat years" at the end of the 1990s through 2007. But, what has pushed these companies into the red is speculation on the non-media market, or using media assets as collateral for other business operations. "For example, the daily *Novi List* would still be in the plus, but the former owner used it as collateral for bank loans for his failing petrochemical business," Gavranović said. The famous Radio 101, one of the most influential independent media in the authoritarian 1990s, is on the brink of liquidation, due to a \$ 3.5 million tax debt incurred by the former management. Some of the managers escaped in time. The others are subjects of a criminal investigation for fraud. Owners of the newspaper *Glas Istre*, for decades the eponym for a quality local daily paper in Croatia, suffered a net \$ 20 million loss speculating on the volatile real estate market. Now, it is on the paper to offset the debt, primarily with cuts in staff, salaries, and other benefits. The same goes for the biggest publisher in Croatia (and the biggest in the South East Europe region), which had made investments in the real estate and tourist market just before the Zagreb

"For example, the daily Novi List would still be in the plus, but the former owner used it as collateral for bank loans for his failing petrochemical business," Gavranović said.

Stock Exchange imploded. In all the cases mentioned above, the non-media investments have had a harsh, if not even terminal, consequences for the "media" component.

"Media might have excellent management per se, but they are no miracle workers. They can't repair the damage done in other sectors by company owners," Kuljiš said. This is a sad development: Croatia has been known for its excellent media management skills for years. The largest publisher in South East Europe, Europa Press Holding (EPH) was built from a scratch by a group of journalists, then in their early thirties, and grew to its pinnacle in the late 1990s and early 2000s without foreign investment. Likewise, the television market had a variety of capable and open-minded professionals who pioneered commercial television, such as Z3, in the late 1980s and brought their stations to the top of ratings.

"We've got older and less enthusiastic. Some of us are disillusioned, the others are disillusioned as well, but with pockets full of money. At the same time, our former colleagues turned-media-owners at a moment got the wrong perception that they were bigger than life, and expanded their business out of the field they knew. And here we are, trying to save media from their owner," said Kuljiš sadly, himself one of the founders of Z3, Globus, EPH, and Nacional.

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

This situation overshadows all other factors measured by Indicator 1. The mainstream media are following business plans; indeed, nowadays these focus on cutting expenses and staff and stretching budgets and human resources to the breaking point. Accounting and finance practices are in line with the international standards, regularly monitored by first-class international auditors.

In the transition to Indicator 2, it must be mentioned that most local media survive only thanks to in-kind (renting of newsroom/studio space for a symbolic fee) or direct financial support from the local government (often in the form of contracts for "covering the municipal issues"). Both models, usually combine together in a single "package," have a direct impact on the quality of reporting and/or editorial independence. However, it was the same local media outlets that were the strongest opponents of the CJA's initiative to regulate local authorities' relations with media (including selling off shares and reviewing their financial contracts with

“I have absolutely no problem to report on any important issue or person in this country, provided it is not about my own company,” one panelist said.

the local media). Local media preferred to accept the “limited sovereignty” in terms of editorial independence, than to risk losing what until now has been a stable source of financing.

This issue featured in EU negotiations, as EU regulations govern how public funds are used in private sector activities. Public television broadcasters may use income from public sources only for productions that are defined as a public service, such as news, educational, minority, and cultural programming or documentaries, quality movies, and rights for important sporting events. Advertising income may be used for acquiring any commercial productions. The rationale is to allow fair competition between public and commercial television stations. It is too early to judge its real impact on the Croatian market, since HTV management keeps finding excuses to postpone the implementation of the dual accounting system.

“It is about a simple operation: installing new software that would separate the income generated by subscription fees from the advertising income. A good software expert would do it in, okay, let’s be generous, about a week. But we all know that it’s not about the software problem. It’s about the transparency in spending the public funds, and the lobbies at the public TV don’t like transparency when it comes to finances. They don’t like it at all,” panelist Gordana Simonović, a journalist and editor with *Novinar*, said.

Another outcome of EU negotiations is an obligation for more transparent usage of advertising spending by the government and public companies. The new law stipulates that at least 15 percent of their advertising budgets must be spent on the local media. Statistics show that the government is not the largest advertiser on the market, and not as important as in neighboring countries. Estimates say that, for example, the government in Serbia generates almost 60 percent of the total advertising market. Similar figures in Croatia are not exact, but the percentage is definitely lower than in Serbia. Still, some ministries have quite generous advertising budgets. The Ministry of Tourism, for example, spends millions every year promoting Croatian tourist destinations in Croatian papers. The Ministry of Environment has intensive awareness campaigns on environmental protection and energy efficiency. The Ministry of the Interior focuses on safety in traffic, especially before the high tourist season and before school starts. It would be a bit too harsh

to say that these budgets have been used exclusively in an arbitrary way so far, although the appearance of complaints that pro-government media are favored are common, but more transparency in spending is definitely needed. This could be an important new revenue line for local media, although the law still waits for its full implementation.

On the surface, it appears that commercial media enjoy a multitude of sources of revenue. At one point, major national print media had advertising revenue percentages close to those in more developed media markets (70 to 75 percent of total revenue). This percentage has dropped recently as a result of the shrinking advertising market. Still, with 60 to 65 percent of total revenue, the share of advertising income is a decent one. As mentioned above, subscriptions to print media in Croatia have always been low.

There are no direct government subsidies to private media, for good or bad. Commercial broadcast media make their income on the market, with one important exception. Namely, local commercial radio and television stations may apply for financial support from the Fund for Pluralization of Media. Funded by three percent of the television subscription fee, the Fund supports non-commercial or minority language programming of public interest on local radio and television stations. The Fund disburses about \$5.5 million, which is not inconsequential considering there are some 150 commercial broadcasters. “This is a very good idea, but here we are facing problems with transparency and the lack of criteria again. The financial support is too often going to the ‘usual suspects’ year after year, almost automatically,” Simonović said.

New media such as web portals also have two sources of income. One is advertising, which, when it comes to the web, has not yet lived up to expectations. The other source, especially for non-profit web portals, is the National Foundation for Civil Society. The Foundation has different sources of finance, although the most important ones are the National Lottery and the state budget. The Foundation is very active in supporting NGOs in Croatia and non-profit media projects as well.

While a multitude of income sources does exist, there are still problems with editorial independence and advertising. In short, the problem relates to a coalition between the major media, the biggest advertisers, and, recently, the biggest banks “that are providing oxygen to the major media in Croatia,” as panelist Malić put it. Banks and advertisers provide a relatively stable cash flow; in return, media offer “protection” to advertisers and banks. “I have absolutely no problem to report on any important issue or person in this country, provided it is not about my own company,” one panelist said. “Let’s take the recent example

of Kamensko. Who are the protagonists? It is the most notorious Croatian tycoon from the 1990s, the most powerful Croatian businessman, who is also the biggest advertiser; one of the biggest banks, and; the biggest media owner in the region, in a joint, probably criminal, enterprise. This is almost by definition a top story. Have we found a single relevant article about it in the mainstream media? No. This is about censorship, but not politically motivated censorship. Politics has nothing to do with it. It is about money, about the business lobbies, and about advertisers," Malić said. Independent web portals are investigating and reporting this story, but their reach is limited.

The advertising sector has influenced media much more than just as a complementary industry. "In early 2000, advertising was among the fastest growing industries in Croatia," Skoko said. "But, in times of continuous crisis and serious reduction of the advertising market, at least some of the advertising agencies are a 'surplus.' In addition, big advertisers increasingly make deals directly with media, bypassing the agencies. As a result, media are offering discounts on an individual basis, which additionally distorts the market," Skoko said.

"As a direct consequence of the crisis, nowadays advertisers can buy in media not only advertising space for a bargain, but they can 'buy' literally all journalistic forms, including PR articles disguised in the form of standard journalistic articles and reporting," Skoko added. Panelists Klancir and Rašeta agreed. "Advertisers are making direct deals with media, mixing advertising, PR and journalism as never before," Klancir said. Rašeta was even more direct: "Bigger advertisers, making cartels of interest with media owners and banks, have escaped market—or for that matter any other—control," he said.

The Public Television Act, adopted in December 2010, limits advertising time on public television to nine minutes per hour, and four minutes in prime time (6 pm to 10 pm). "The public TV cannot attract enough advertisers at their regular advertising rates. In order to fill its advertising minutes, the public TV offers discounts that go up to 70 percent of the standard rates. With this, they are directly competing with the local commercial TV stations, dramatically distorting even the local advertising market," said Vinković. Indeed, one can see commercials for local car washes, pizzerias, or beauty salons more often on HTV programming. "The giant has entered our territory. We can't compete with the public TV when it comes to local advertisers," Vinković said.

"Unprecedented discounts have created an almost absurd situation," Skoko said. "The volume of the advertising market has dropped by almost 50 percent compared to 2007, but there are ever more advertising minutes on TV and ads in

papers. Meaning the advertising prices have dropped to their historic low."

On the positive side, surveys and market research follow high industry standards, using all the recognizable tools and sophisticated methods. Although there are still examples of "research" made on the basis of ad hoc phone calls or interviews, the leading international players in the field of surveys, audience ratings, and market research have set clear professional standards to all. "Surveys are done professionally, but that doesn't necessarily mean that media are using them for strategic planning in the full extent. In many cases, major media managers consider them as 'interesting material,' but then make decisions still based more on their vision or 'hunch,' than on the hard facts. In addition, local media in general can't buy quality surveys, which are pretty expensive," Skoko said.

"There is no consistency in using the survey data. Media usually take one part of them, which suits their interests, and then presents it to the public. Last year, our faculty made a complex survey on media consumer habits and preferences. One national TV appears to be the most watched in a certain, very specific age group. To my surprise, only days after that, this TV station launched a national advertising campaign in print, promoting itself with a slogan 'The Faculty of Political Science in Zagreb has proved that we are the most watched TV channel in Croatia.' It is not about ignorance. It is about misusing the facts and misleading the audience," Perišin said.

But, unlike media managers, advertising companies, apart from the market distortions described above, take surveys seriously. "On the increasingly restricted market, you would think twice before selecting the media for your advertising client," Skoko said.

As of recently, the same applies to circulation figures. For years, circulation figures have been arbitrarily reported, unreliable, and, in many cases, hugely inflated. This forced major advertising agencies to make their own circulation estimates. Understanding that, in the long run, unreliable figures only damage their reputation and market position, the leading Croatian publishers have finally adopted an Audit Bureau of Circulation (ABC). "The Audit Bureau of Circulation has started operating, which was almost unimaginable two, three years ago. This is now a serious and respectable operation, backed up by the leading publishers. I expect others to join the initiative in the course of 2012," said Gavranović, one of the ABC Croatia's founders.

Since Internet figures are easy to verify, there are absolutely no disputes regarding that. "Although, these figures are still not properly reflected in our advertising income," Gabrić said. However, this is more a consequence of broader market trends in Internet advertising.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.72

As mentioned in the Introduction, the establishment of the Media Council in December 2011 represents a formal completion of the media self-regulation process. Indeed, there is no sector and no interest in the media industry left without a voice. The Croatian Journalists' Association (CJA), as the umbrella organization, gathers over 90 percent of journalists in the country, organized in different sub-associations (investigative journalists, free lancers, journalists covering the economy, health and medicine, ecology, the IT sector, bloggers, automotive reporters, sport reporters, photographers, etc.) that comprise basically the entirety of specialized fields in the profession. Local media (primarily radio stations, but print media as well) are organized in the Association of Local Radio and Print (HURIN), local commercial TV stations in the National Association of Local Television Stations. National commercial television stations have their own association, print publishers as well. Recently, representatives of the Internet sector have also organized themselves. "It seems that only media consumers do not have their own association," Berković said.

All these associations are involved in active lobbying for the member's interests, with varying results. The Association of Publishers, for example, managed to lobby the government for reduction of VAT on daily papers four years ago, helping newspaper owners rake in an additional \$70 to \$80 million

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

so far. "Well, this is member service, indeed," Simonović said. Other associations probably have not been so successful in enhancing their members' profit, but have surely actively supported their members' interest when it comes to media legislation, by-laws, and regulations, legal advice, financial terms and tax issues, individual support to members, etc. All of these associations are independent of the government, although not necessarily completely immune to political interests. Associations cover their operational expenses by themselves. There are absolutely no legal restrictions imposed by the government when it comes to registration and function of these organizations.

In Croatia, for decades, the backbone of professional journalism has been a single organization, the Croatian Journalists' Association (CJA). Unlike many other professional associations in the region, CJA was not formed in the aftermath of the break-up of Yugoslavia. CJA was founded in 1910 and has been the only and the sole representative of the profession in Croatia for the past century. Thanks largely to the existence of such a strong institution, regardless of their political affiliations and professional sectors, Croatian journalists have managed to preserve a single strong voice when it comes to defending and promoting free speech and professional standards, even in the most challenging times.

Indeed, in the 1990s, CJA was much more than just an association representing an industry. In that authoritarian environment (or, during the troubled transition to democracy, as some panelists would prefer it), CJA was the strongest voice in defending not only free speech and media freedom, but human rights in general as well. CJA is an example of a successful organization that managed to keep its membership focused on a professional agenda rather than waste its energy and credibility on politically motivated drifts or on interests of particular groups.

Still, CJA has had quite a problematic evolution from emissary of media freedoms and human rights, as it used to be in the 1990s through the mid-2000s, to an organization offering concrete support to its members facing new demands shaped by professional and business crises in journalism. There are no more tangible lines that divide free speech and authoritarian restrictions. There are no more "missions" transcending journalism; there are only persistent activities aimed at preserving higher industry standards in an increasingly tougher professional and market environment. "For the first time ever, CJA membership is in decline. This is not a reflection of many layoffs in the industry. This is much more the result of dissatisfaction of members with the services and protection offered by the CJA," said Gavranović, who served as president of CJA in the 1990s.

"In the past two years, almost 400 journalists have been fired. Hundreds of others are working as part-timers, literally at the mercy of their editors and media owners. What have we done to reverse the current? I am afraid that public announcements and silent protests are not enough anymore," said Simonović, a member of the CJA Board. "Young journalists are not interested in the journalists union until they themselves are targeted by their employers. They consider trade unionism as something that is obsolete in their world of Facebook and social media until they face a 19th century-type of layoff," Galić said. "But by then, it's already too late. For them, it is CJA and the Trade Union then to be blamed. For me, these two organizations can only be as efficient as their membership is active," he added.

All professional associations have established close relations with international professional and trade associations. CJA, for example, has been highlighted by the International Federation of Journalists as a role model of a journalists' association in transitional countries and "emerging democracies" for years. The same could also be said for the Trade Union.

There are more than 30,000 NGOs in Croatia, with new ones registered on a daily basis. But, when it comes to a real social impact and active social advocacy, the number could be reduced down to 150 to 200 NGOs. "There is no clear line dividing the media sector and NGOs," Havkić said. "We shouldn't forget that CJA is also an NGO, as well as all other media sector associations," he said. That said, the panelists did not neglect the fact that there are strong NGO's that categorize themselves in the fields of human rights, election monitoring, transparency monitoring, etc. For example, GONG has earned an international reputation in election monitoring and advocating free access to information. Transparency International exposes corruption and advocates for more transparency. Although these NGOs and their activities are well covered by media, the prevalent feeling is that much more could be done. "Some of these NGOs have a more important role in shaping the EU Progress Report and the media chapter than, for example, CJA," Berković rightfully pointed out.

In general, apart from the lack of synergy between the media sector and human rights NGOs, the panelists concluded that NGO's are active in media advocacy activities, support free speech and access to information issues, or observe and critique the media and media-related legislation. The leading Croatian NGOs have very elaborate international networks of contacts and cooperation. There are no legal restrictions in registering NGOs: five persons sign a founding document and a symbolic sum for administrative registration accomplishes this.

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"Four elements are indispensable for journalism: ethics, responsibility, professionalism, credibility. All these elements must include a life-long education," said Gavranović, a media expert with over half a century of professional experience (and almost a book per year analyzing the media and media trends), opening discussion on Indicator 4. Statistics would say that the journalism sector in Croatia is saturated with educational programs. There are eight full-size graduate studies of journalism in Croatia, with new ones waiting to be opened.

There are no doubts that at least some of the journalism degree programs are capable of delivering high standards. The Studies of Journalism at the Faculty of Political Science in Zagreb are among them. The program has a quality television studio at its disposal and a student radio station that has gained a cult following among younger listeners. The program offers undergraduates not only practical knowledge, but also a chance to get journalism degrees abroad.

"It is not a problem in quality of journalism degree programs," Perišin said. "The problem is that graduates can't find jobs. The other problem is that mid-career journalists are ever less interested in short-term training. Or, better to say, even when they are interested, their editors are not willing to allow them to participate on these trainings," she added. "When we are organizing trainings and workshops longer than a day, many participants are complaining that they had to use their free days for it, because their editors do not support staff efforts," Picelj-Kosak said.

But, the absorption capacity of the Croatian media is an even bigger problem. "There are a large number of unemployed or laid off journalists. The Studies of Journalism are enrolling increasing numbers of students of journalism. The newsrooms are under the constant pressure by young, freshly graduated students. We can't offer them jobs. We even can't offer them any practice or internships anymore," said Klancir. "It's a structural problem, common in some other professions, too. Why do so many want to go into professions where there is an obvious surplus of workforce? Who in Croatia would need

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dozens of movie directors and hundreds of journalists every year?” Kuljiš asked rhetorically.

There are no restrictions imposed by the government regarding purchasing of equipment, software, video, or transmission equipment, or the acquisition of any other product or service needed for journalists to gather information and produce their work. Supplies of newsprint and printing facilities are completely deregulated, private, and market-driven, offering a multitude of options to publishers. There is absolutely no discrimination against clients due to political interest or any other non-market criteria. Printing resources have substantially surpassed the market demand, creating an important price break for publishers. Further, there are modern and efficient printing presses in neighboring countries (Slovenia, Bosnia Herzegovina, Serbia), just a two or three hours drive from the main publishers in Croatia, which can always serve as a back-up option or an even cheaper alternative in the case of—however unrealistic this scenario is—any cartel-type agreement between the Croatian printing presses on raising printing prices or blocking access for political reasons.

There are no undue restrictions in media distribution (Internet, mobile phones, cable networks, transmitters, etc.) either. Providers of these services are privately owned; most of them are local branches of the largest international IT and communication conglomerates. They offer professional, efficient, and unrestricted access to all parties under standard market conditions. The largest mobile phone and Internet provider in Croatia has been, considering the size of the market, the most profitable part of one of the largest international communications companies for years. As mentioned, Croatia is among the leading European countries when it comes to sophisticated services such as IPTV. A very-well elaborated fiber-optic network keeps the IT infrastructure up to the highest demands. There have not

been any suspicious equipment failures, network outages, or selectively low Internet bandwidth hindering broadcast, mobile, or Internet media, or any other single incident of using of the transmission and/or communication facilities to achieve any politically or business-motivated goals against private companies or individuals. In this respect, the panelists agreed, Croatia is a candidate for the highest score.

However, print distribution spoils this picture. A single company, Tisak, dominates this market segment. Tisak is a subsidiary of the largest privately owned company in Croatia and the biggest advertiser on the market. Tisak’s distribution covers the whole national territory. Although it operates as an efficient, market- and profit-oriented company, and although so far there have been no elaborate objections to its operation (or objections to any market restrictions, apart from the relatively affordable “entry fee” which Tisak demands from any new entry print media), Tisak, and print distribution itself, deserves monitoring. “This could be an interesting issue to be opened at Croatia’s formal EU accession. I’m sure that the whole business environment in which Tisak operates, namely, the fact that the distribution network is owned by a company with such a big and media-related portfolio, could represent conflict of interest at some level, or even a violation of the EU antimonopoly provisions,” one panelist said.

Finally, with 1.44 mobile phones per capita; 60 percent of households with the Internet access (plus 97 percent of enterprises), and a vast majority on them on the broadband; with over 10 percent of the population regularly using mobile Internet access, and; a very well elaborated network of transmitters, satellite, and fiber-optic cables, Croatia can meet higher industry standards. Digital broadcasting, Internet streaming of audio or video content, podcasting content via mobile phone networks (SMS and/or audiovisual MMS) are regular market services. The fastest growing sector is IPTV service (since 2010 available as a satellite service), which will additionally enhance the ICT capacities for rural areas and remote islands.

At the time this chapter was written, the Croatian Government announced a six-percent tax on mobile phone services, prompted both by dire situation facing the state budget and the extraordinarily high profits that mobile phone operators have been making, even in times of crisis. One of them, for example, reported an estimated net profit of nearly \$900 million for 2011, which would, taking into account the size of the market, would be equivalent to \$70 billion in the United States.

“Well, now we’ll see who runs the show. The prime minister or international mobile phone operators,” one panelist commented to the author after the MSI panel was held.

List of Panel Participants

Emil Havkić, media lawyer, Zagreb

Dražen Klarić, editor, Politikaplus.hr; lecturer, High School of Journalism, Zagreb

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

Denis Kuljiš, journalist, Europapress Holding, Zagreb

Božo Skoko, founding partner, Millenium Promocija, Zagreb

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

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

Gordan Malić, investigative reporter, Europapress Holdings, Zagreb

Gabrijela Galić, former president, Croatian Journalists' Trade Union, Zagreb

Gordana Simonović, journalist and editor, *Novinar*, Zagreb

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

Jelena Berković, media specialist, GONG, Zagreb

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

Boris Rašeta, journalist, *Novosti*, Zagreb

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

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

Zdenko Duka, president, Croatian Journalists Association, Zagreb

Drago Hedl, investigative and war crimes reporter, Osijek

Moderator and Author

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

The panel discussion was convened on December 7, 2011.

A Kosovo police officer was killed when Serbs responded violently by burning the customs point and setting up blockades. The panelists underscored the media's crucial role in reporting the events and preventing further escalation of the conflict. In their view, media reporting was very fair.



KOSOVO

Three different people occupied Kosovo's presidency in 2011. In January the speaker of parliament, Jakup Krasniqi, served as acting president after the resignation of Fatmir Sejdiu in September 2010. In February Behxhet Pacolli was elected, but almost half of the members of parliament contested his candidacy. A strong media reaction followed, with particularly scathing criticism from the print media. One month later, the Constitutional Court ruled the election unconstitutional because not enough members of the opposition were present in parliament the day of the vote. Pacolli offered his resignation. In April the coalition parties and an opposition party found consensus to appoint a nonpolitical figure president, and Atifete Jahjaga, formerly the deputy director of the Kosovo police, became Kosovo's first female president.

The Prishtina-Belgrade technical dialogue—the first negotiations between the two countries since Kosovo declared independence in 2008—soon replaced the political saga involving presidents and stole most of the media headlines in 2011. The European Commission pressed for the dialogue, considered desperately necessary for Serbia's EU candidacy, but Kosovo's opposition criticized the process heavily. Eventually, EU officials mediated a set of meetings in Brussels, and a number of agreements were signed between the two parties. But as 2011 came to a close, no concrete results were evident.

In August the government made the difficult decision to send special police troops to the northern part of Kosovo, which is inhabited mainly by Kosovo Serbs, to get two customs points in the North under control and to enforce the rule of law in the territory. Serbian parallel institutions have existed for many years in North Kosovo, where the authority of Kosovo institutions has been rejected, and there has been no judicial or police presence. A Kosovo police officer was killed when Serbs responded violently by burning the customs point and setting up blockades. The panelists underscored the media's crucial role in reporting the events and preventing further escalation of the conflict. In their view, media reporting was very fair.

Two important laws related to the media unexpectedly did not pass in 2011: the Law on the Independent Media Commission (Kosovo's broadcast regulatory agency) and the Law on Public Broadcasting. The public broadcasting bill failed to properly regulate some pressing issues, such as public-television financing. International institutions and civil-society organizations, including the Association of the Independent Electronic Media, opposed the content of these bills, and eventually the bills were withdrawn for further revisions.

The panelists concurred that the media sector did not improve significantly from last year. In fact, Kosovo's overall MSI score declined moderately from 2.54 last year to 2.34 this year. Although there are legal and social protections of free speech, more than 30 cases of assaults, threats, and intimidation against journalists were reported. Professional standards of journalism also slipped this year, and business management continues to be a particularly weak area, drawing its second-lowest score since 2001. The only improvement from last year is the strengthening of media-support institutions.

KOSOVO AT A GLANCE

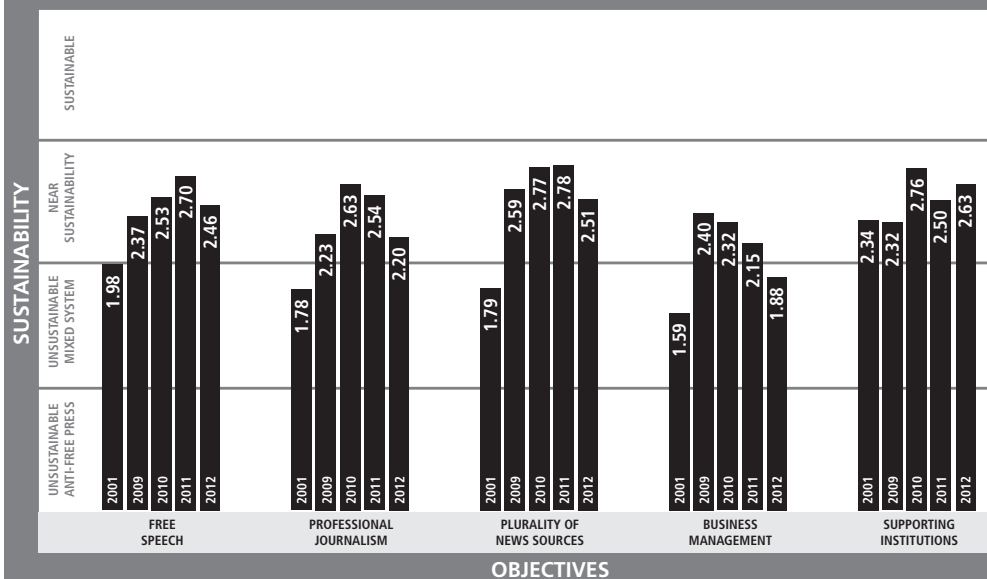
GENERAL

- > **Population:** 1,836,529 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Prishtina
- > **Ethnic groups (% of population):** Albanians 92%, other (Serb, Bosniak, Gorani, Roma, Turk, Ashkali, Egyptian) 5% (*CIA World Factbook*)
- > **Religion:** Muslim, Serbian Orthodox, Roman Catholic (*CIA World Factbook*)
- > **Languages:** Albanian (official), Serbian (official), Bosnian, Turkish, Roma (*CIA World Factbook*)
- > **GNI (2010-Atlas):** 5.981 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-Atlas):** \$3,300 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 91.9% (male 96.6%, female 87.5%) (2007 Census, *CIA World Factbook*)
- > **President or top authority:** President Atifete Jahjaga (since April 7, 2011)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** Print: 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%, KTV 28%, RTV21 49%; Radio Dukagjini 8%, Radio Kosova 5%, Radio 21 2% (Index Kosova, 2009)
- > **Annual advertising revenue in the media sector:** N/A
- > **News agencies:** Kosova Live, Kosova Press
- > **Internet usage:** 53% 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: 2.46

Freedom-of-speech scores slipped from 2.70 last year to 2.46—the lowest score for objective 1 since 2009. With the exception of indicator 6 (libel), which received a slightly higher score compared with last year, the rest of the indicators fell. Indicator 8 (media access to domestic and international news sources) and indicator 9 (free entry into the journalism profession) both received the highest scores in objective 1, each scoring roughly a point higher than the objective score. Indicator 5 (legal guarantees of editorial independence for public media) scores declined as well, and the indicator finished slightly more than half a point behind the objective score. All other indicators scored close to the objective score.

Both the constitution of Kosovo and additional media legislation are harmonized with standards for international human rights and freedom of expression. The panelists agreed that in general, the legal environment is satisfactory, with guaranteed free speech and a set of media laws that regulate and promote the freedom of speech. The implementation of the law, however, leaves room for improvement, especially with regard to the confidentiality of sources. Ardita Zejnullahu, the executive director of the

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

FREE-SPEECH INDICATORS:

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

“One of my journalists received death threats a few times from a businessman, who was eventually found guilty and was fined only €300. With such light punishments we cannot prevent crimes against journalists,” said Ispahiu.

Association of the Independent Electronic Media of Kosovo, said that although the law respects the confidentiality of sources, in practice journalists must automatically reveal the source when a prosecutor demands it.

The Independent Media Commission (IMC) is the body tasked with licensing electronic media. Under the law, civil society nominates IMC officials, and the parliament endorses the candidates. For some years now, there have been no available terrestrial frequencies for new television or radio stations, and digitalization of electronic media is not yet under way in Kosovo. In recent years, the IMC has been providing licenses for cable operators. The panelists say the IMC has failed to regulate the cable market, by issuing licenses without any serious criteria, which led to a significant growth of content providers—mostly foreign.

Zejnullahu said the IMC has never conducted research to determine the exact population of a particular region, how many electronic media should exist in that region, and if there is fair competition among the media. “The IMC’s job is to provide licenses for electronic media and to monitor them, but it has not functioned properly for more than a year,” said Goran Avramovic, from Radio Kim. Currently, there are only three television stations in Kosovo that have nationwide frequencies: Radio Television of Kosovo (RTK), KTV, and TV21. Rrahman Pacarizi, chair of the board of directors at RTK, points to the IMC’s renewal of the operating licenses of these three stations for another 10 years as further evidence that it is failing to develop competitive policies. “In this way, the IMC has monopolized the market, and no new television station can enter the market,” said Pacarizi. The panelists also noted that for more than a year, the IMC has essentially been without a functioning Council—its decision-making body—after the mandate of some of its members expired.

Apart from the licensing and registration process, there are no requirements for media organizations to register as a business. Indeed, no national or local radio/television station has been licensed since 2005 due to the lack of frequencies. The only exception has been the registration of a few cable operators and print media, for which the law does not require a media organization to post capital to a greater

During 2011 two ministers publicly declared that they will not give any comments to Zeri for at least a year, as revenge for allegedly incorrect reporting.

degree than other businesses. Similarly, media outlets are obliged to pay the same taxes as other private businesses. Electronic media, believing that media organizations should have lower taxes than private businesses, have repeatedly asked for tax breaks, and the panelists wish that the government would consider their request.

Far more journalists were assaulted in the past year. Although there were no fatal crimes against journalists, a number of journalists and photographers were threatened, physically confronted, and beaten. A journalist working for Albanian TV Klan was beaten, and his camera broken, by a Serb mob in the northern part of Kosovo. Another journalist and his cameraman were badly beaten by firefighters as they were filming a fire in a cemetery in Vushtria. Another photographer, from *Zeri*, was dragged by her hair out of the Kosovo Assembly by the information officer of the Assembly, preventing her from taking close-ups during the inauguration of Kosovo's new president. The information officer later tried to justify his brutal intervention by saying that the reporter had moved from the journalists' area within the parliament.

The panelists fear that apart from public statements denouncing attacks on journalists that come from media associations, crimes against journalists do not cause much public outcry. They expressed concern that attacks against journalists in Kosovo are becoming normal to the public. Threats against investigative reporters, mostly coming from business representatives, are frequent. The panelists say that such crimes are prosecuted, but the fines are too symbolic. Faik Ispahiu, from Balkan Investigative Reporting Network (BIRN), explained how the maltreatment of journalists is becoming normal in Kosovo. "One of my journalists received death threats a few times from a businessman, who was eventually found guilty and was fined only €300. With such light punishments we cannot prevent crimes against journalists," said Ispahiu.

Financing of the Radio Television of Kosovo (RTK) is still problematic; no adequate solution has been found. This year the government attempted to pass a new law on the public broadcaster, which aimed to regulate the financing of the public television and to create a second public television channel in the Serbian language. The bill generated enormous debate and was highly criticized by civil-society organizations, like GAP Institute and BIRN, which suggested

that a citizen's subscription fee should replace direct state funding as soon as possible. The bill says that public television will be funded directly from the state budget for the next three years until a new form of subscription is found. Kosovo has one public broadcaster, composed of one television channel and two radio channels. Pacarizi admits that there is political pressure from all political parties with regard to the appointment of the managerial staff of the public media, but not to the level that citizens assume. Although the law protects editorial independence, the fact that RTK has been primarily financed from the state budget in the past two years and that there is an initiative from the government to continue state funding for the next three years will jeopardize the editorial independence of RTK, the panelists fear. There is no media law that explicitly favors public media over private media; on the contrary, public television allows other private media to borrow certain important programs.

A very disturbing prospect for the media is the government's newly introduced draft of the penal code. The panelists feel that if the bill is passed next year, it will seriously threaten the freedom of the press—particularly articles 37 and 38. Article 37 speaks about the responsibility of editors-in-chief, publishers, and printing firms, maintaining that "the author of the information will be penalized if a penal act is committed based on the information published in newspapers or aired on television..." According to article 38, the court may ask a journalist to give up the confidentiality of sources. This article aims to threaten both the journalist and the information source—often someone from inside public institutions. On the other hand, one progressive aspect of the new penal code is that it does not include libel for journalists.

The panelists said that contrary to the repressive features of the penal code, it should protect the journalism profession. Arbana Xharra, the editor of *Zeri*, said that some media professionals are planning a campaign to modify the penal code, which they believe should also cover attacks on journalists. "Today if something happens to a journalist, even while on duty, he/she is not treated as a journalist but as a lay citizen. There are no specific departments at police stations or in courts that deal specifically with assaults on journalists," Xharra said. This is why it is very hard to determine the exact number of journalists assaulted or threatened during a year, because no department tracks this information. The panelists agreed that this year, there have been a lot of crimes committed against journalists, but the extent of unreported cases is unknown.

Access to public information, in many cases, turns to be a difficult task for journalists in Kosovo. Although a new Law on Access to Public Documents came into force last year, shortening the waiting period for a response from 15

working days to seven calendar days, there are cases when public institutions try to avoid access to public information by referring to the old law (and sometimes to the new). In many cases, journalists have to count on an inside source to obtain a public document or get some important information. During 2011 two ministers publicly declared that they will not give any comments to *Zeri* for at least a year, as revenge for allegedly incorrect reporting. The Association of Professional Journalists of Kosovo called this “an irresponsible act from a government official that damages media freedom.”

There is no restriction whatsoever placed on the media by government when it comes to accessing and using any news and news sources. There is no restriction to Internet access, either; it is widely used as a news source by both journalists and editors.

Despite the challenges journalists face on the job, entry into the journalism profession is free, and the government imposes no licensing or other restrictions on journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.20

The overall score for professional journalism slightly declined compared with last year, reaching almost the same level of the 2004 score. This indicates that journalism in Kosovo lacks professional commitment. Indicator 7 (modern facilities and equipment) received the highest score, remaining more or less unchanged compared with last year, and exceeded the objective score by nearly a full point. Most other indicators

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“I haven’t heard of a case when a local media outlet has investigated or reported on a scandal,” said Ispahiu. Xharra said also that local media are under more pressure, and are more discouraged, since they operate in a smaller territory.

lost ground. Indicator 3 (practice of self-censorship) lagged behind the objective score by the widest margin, slightly more than half a point.

As in the previous MSI studies, for panelists the weakest part of the overall media sector in Kosovo is the lack of professional journalists. With regard to the consultation of a variety of sources, or conducting necessary background research, the overall situation is not very good. There are good professional journalists, but professional standards are generally very low and not improving. Technical experts are usually consulted on stories, but the problem is that some journalists establish good contacts with experts and offer them space to comment on various issues, even beyond their field of expertise. For Goven Avramovic, editor-in-chief of a Serbian outlet, the quality of journalism in a country is reflected by its quality of living standards.

Ethical violations, such as accepting payments and gifts by media professionals in exchange for certain types of coverage, are not uncommon in Kosovo. Xharra said there are a number of journalists who are very close to some political parties. These journalists have a fairly high standard of living, despite receiving very modest salaries, she remarked. The panelists acknowledge a number of cases when journalists have accepted jobs in the very public institutions that they have been covering and criticizing for a long time, thus shifting from critics to spokespersons. The reason for doing this could be a lack of determination for the journalism profession and a desire for higher salaries.

The two journalists’ associations that exist, the Association of Professional Journalists of Kosovo and the Union of Kosovo Journalists, are not known for developing and imposing ethical standards. The observation of ethical standards varies according to the editorial policies and the financial security of media outlets.

Another ethical problem the panelists raised is the failure of web news portals to respect conventions on plagiarism. Blogging and citizen reporting are not very common in Kosovo, but web news portals are increasing and becoming more attractive, as the number of Internet users has rapidly increased in recent years. Some news portals are run by just

a couple of people, who copy and paste online news from other sources, violating citation standards severely, noted Pacarizi. The panelists propose that online news portals should be regarded as electronic media and fall under the supervision of the IMC.

The lack of strong editorial policies is responsible, in most cases, for the increase in self-censorship. Pacarizi said that when pressure comes from public and private companies, some media choose to stifle unflattering news in exchange for their ads and commercials. Self-censorship is very common in local electronic media. "I haven't heard of a case when a local media outlet has investigated or reported on a scandal," said Ispahiu. Xharra said also that local media are under more pressure, and are more discouraged, since they operate in a smaller territory. Mifal Bytyqi, the director of a local television station, added that journalists in local media are concerned about their personal safety and must think twice about whether it is worth the risk involved in covering certain stories. Overall, self-censorship is pervasive in Kosovo, because of the media's unstable financial situation, the malfunctioning of the judicial system, and the tendency of political and business entities to have control over the media.

Still, the presence of local, national, and international media in Kosovo makes reporting on all key events possible. Covering the riots in the northern part of Kosovo was one very challenging assignment for Kosovo media. Still, the panelists praised Kosovo media's reporting on the barricades, the burning of a customs point, and street protests carried out by Kosovo Serbs in the north; they feel that the reporting was fair and objective despite the dangers to many reporters. Avramovic explained that even Radio Kim, a Serbian-language radio, had to be very careful when reporting from the north. "The mob broke our camera, and many Kosovo-Albanian journalists risked their lives reporting from there," said Avramovic.

There is a disparity in salary levels of public and private media; media professionals working for the public media receive higher salaries than their counterparts in private media. But, there is not much difference between entry-level salaries and those of experienced journalists. Bytyqi said that salaries for journalists in local media are very low, though, and differ extremely from salaries working in the public media. Television reporters receive €150 per month at local television stations, said Bytyqi. Overall, pay levels for journalists are not sufficiently high to discourage corruption, the panelists feel, but in general journalists are paid more or less equally to other professionals, such as teachers and civil servants, whose average salary is €350–€400.

In general, news and entertainment content is balanced at national television stations, but local television stations

generally air more entertainment programs, like music and movies, than news and information programming. Media in Kosovo generally use modern and efficient facilities and equipment for gathering, producing, and distributing news.

Quality niche reporting exists but is limited mainly to certain topics. For example, there are qualified journalists specializing in economics, education, and culture. Health issues are covered as well, such as the technical problems that the main hospital in Prishtina faces, the lack of basic medicine in public hospitals, the operation of private clinics, etc. Still, there are almost no journalists specializing in this field or other uncommon fields, like technology and science.

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.51

Relatively high scores for objective 3 show that Kosovo citizens continue to have access to multiple news sources, and they enjoy free access to domestic and international media. Most of the indicators scored within half a point of the objective score. However, the panelists gave their lowest scores to indicator 3 (public media serve the public interest), but it stayed almost at the same level as last year: about a point lower than the objective score. This low score reflects panelists' concern over two consecutive years that the independence of the public media is not observed accordingly.

Overall, there is a plurality of news sources, allowing people to check and compare the objectivity of news. The variety of private news sources—in print, broadcast, and Internet news portals—gives citizens a choice.

While at first blogging appeared to be an attractive activity, it has declined slightly. Nowadays, citizens tend to prefer to give their comments in online news portals and through Facebook, rather than prepare journalistic articles for blogs. Audiences of social networks, such as YouTube and Facebook, are rising rapidly. Gentian Lluka, the owner and editor of Telegrafi, an online news portal, said that more than 60,000 visitors tune in to his website every day, and more than 30 percent of visitors flow from Facebook. Online media is becoming a very attractive news source, especially among youth.

SMS alerts have not been introduced as a channel to disseminate news yet, while citizen journalism consists mostly of sending pictures and reporting to the national media.

In terms of television, the number of cable operators is increasing, due to a good variety of channels in the package

and the somewhat affordable price. Cable networks cover nearly 65 percent of the territory.

That point raised another critique of the IMC's handling of cable licensing and controlling. A serious defect of the IMC is that it failed to make it mandatory for cable operators to carry all three national television stations, particularly public television, and all local television stations in their respective area, free of charge, Zejnullahu said. Even when a cable subscription ends, the signal for the public television station should stay, she said. All cable packages carry foreign channels, thus making the foreign media available to the public.

There is no restriction whatsoever from the government to any Internet feature of social networking, except that such services are not available in government offices.

Again this year, the panelists raised questions about the editorial independence of public television. Although there is no direct influence or direct government control, the fact that the public media are funded directly from the state budget generates a lot of doubts and concerns. Pacarizi said that RTK tends to offer a balanced amount of time toward covering the government and the opposition. "In terms of quantity, the situation is not bad, but in terms of reporting quality, there is still room for improvement," said Pacarizi. Other panelists agreed that the coverage of political parties in public television is generally fair; what should

"In terms of quantity, the situation is not bad, but in terms of reporting quality, there is still room for improvement," said Pacarizi. Other panelists agreed that the coverage of political parties in public television is generally fair; what should improve, however, is RTK's efforts to provide educational and cultural programming.

improve, however, is RTK's efforts to provide educational and cultural programming.

There are two news agencies that provide reports to other media outlets, Kosovalive and Kosovapress, which tend to be editorially independent and nondiscriminatory in terms of news distributions.

Private local radio and television stations produce their own news and information programming, but they also rely heavily on news agencies. Previously, an international organization covered local media subscription fees. Now that support has ended, and these stations pay a monthly subscription fee of around €150 to access news agencies—but local media consider the fee affordable. At any rate, Pacarizi said the widening access to the Internet is changing the role of news agencies, as they prefer to communicate directly with the public by serving the news in real time.

Transparency of media ownership depends on the type of media outlet. The panelists said that the ownership of print and electronic media is quite transparent, allowing the people to know who owns them. The problem is with the online news portals, whose ownership remains largely unknown. This is a consequence of the lack of regulation for online media, Lluka explained. Online media are also prone to plagiarism and spreading fabricated stories, the panelists said. It is difficult to take legal measures against them precisely because of the lack of information on ownership. The public does not have such basic information as who owns the portal, where it is based, and the identity of its journalists. This year, for example, one online news portal published a news story alleging that the prime minister was shot and critically wounded. Other portals rushed to cite the news, which turned to be false. Eventually, no legal measures were taken against that medium, which claimed that the news had been posted by a hacker.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

“In theory, advertising for the public television is restricted, but in practice it is not,” noted Zejnullahu.

Minority-language media exist. There are community radio channels, as well as daily programs shown on public television. These are short television programs that provide brief news and music in minority languages. There are Serbian local television stations, but there is still no Serbian television or radio channel with a national frequency. There is no daily newspaper in Serbian, either. Minorities are guaranteed space on RTK, while the new law on the public broadcaster envisions the opening of a new television channel entirely in the Serbian language, as Serbs make up the largest minority group.

There are issues, such as religion, sexual orientation, and ethnicity, which bring out a certain degree of resistance in the media. Such resistance comes mainly from editorial managers. Ispahiu said that whenever such issues are debated on his show, there has been a strong reaction, sometimes uncontrolled, from the audience. Besides, it is hard to find people to debate on such topics, and some who have the courage to speak ask for identity protection, said Ispahiu.

Overall, there is sufficient news and information in the media about local, national, and international issues. Local television stations move along the formula of having 80 percent local news, 15 percent national news, and 5 percent international news during the news edition, said Bytyqi. National media provide almost the same composition of news coverage.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 1.88

The panelists gave objective 4 the lowest score of all objectives. Indeed, objective 4 received the lowest score since the initial MSI study in 2001, indicating that media are not well-managed enterprises. All indicators scored within half a point of the objective score.

To a certain extent, some media outlets operate as efficient enterprises. Most of the larger outlets follow business plans that help them secure financing. Except for the most established media outlets, the rest have serious problems with regard to creating and following business plans, especially local television stations and newspapers with low circulation. Local television stations suffer from a lack of efficient business

planning, due to low incomes and heavy competition. Online media are still in an early stage of development.

Trained professionals to manage accounting, marketing, and human resources are usually found at the public media, as well as those with a high viewership and circulation, but not the vast majority of private outlets, especially local broadcast media.

A significant problem raised by the panelists is that most media outlets do not receive substantial revenue from multiple sources, which would prevent any influence over editorial policy. They mentioned the case of RTK, which does not have a guaranteed source of revenue. In 2010 and 2011, nearly 85 percent of their income came directly from the state budget. “The unsustainable financial situation has directly affected the quality of reporting, the dignity of the journalists, and the overall development of RTK,” said Ispahiu. Furthermore, as the transition deadline from analog to digital format approaches swiftly, RTK seems far from ready. The panelists do not see any serious commitment from the government in finding a sustainable financing method for the public television station. If the new bill is passed without modification, RTK will be financed from the state budget for the next three years, receiving 0.9 percent of Kosovo’s budget annually.

Private media mostly rely on advertising, but other substantial sources include subscription fees. Minority and multi-ethnic media this year did not benefit from the guaranteed fund of 5 percent of RTK’s subscription fund, because RTK has not collected subscription fees since December 2009. Most

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.

probably, minority media will not get anything from this fund in the next three years if the bill on RTK is passed unmodified.

Print media rely heavily on advertisements. Considering that the government is the biggest advertiser, along with some of the main public enterprises, like Kosovo Post and Telecom (PTK), some newspapers openly support the government's agenda in order to receive its ads. Starting next year, the government will cease to advertise in newspapers; its print ads will be published in a special website designed only for governmental ads. The panelists consider this a sound practice that should end the misbalanced distribution of ads.

Apart from the government, some of the biggest advertisers are banks, insurance companies, real estate companies, shopping malls, and private universities. Although there are a number of advertising companies, market research remains a huge problem. Most media outlets do not rely on the available market research, lacking faith in its objectivity.

There is a regulation that restricts advertising for public television to just six minutes per hour, as opposed to 12 minutes per hour for commercial televisions. "In theory, advertising for the public television is restricted, but in practice it is not," noted Zejnullahu. For two years, the public television has been violating this regulation, which they attempt to justify, while the IMC, tasked with enforcing this regulation, has its own justification for allowing RTK to break the rules, said Zejnullahu.

The panelists expressed their concern over the way that government subsidies and advertising is distributed. Loyal media, especially print media, are rewarded, panelists agree. They mentioned *Infopress* again as an example of a "royal" media outlet that receives most of the government ads.

Government ads, in fact, increased the circulation of this newspaper because most people would buy it to view the ads, said the panelists. Major public enterprises, like PTK, tend to provide ads only to those who avoid criticizing its management. PTK has often withdrawn its ads from media outlets that published investigative reports about its activities. The government said that starting in 2012, all ads will be advertised on a particular website; hence, many media outlets, especially print media, will suffer dramatically, and some may even be forced to shut down.

Isphiu said that in the past three years, no reliable research has been conducted to measure newspaper circulation, broadcast ratings, and Internet statistics. Research agencies, like Index Kosovo, provide ratings, but poll results are generally not accepted unanimously by all media outlets, and they often rely on research polls that put them in a more favorable place.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.63

Objective 5 received the highest score of all objectives, and it is the only objective that showed improvement from last year. Indicator 6 (sources of media equipment, newsprint, and printing facilities are not restricted) scored the highest, nearly two-thirds of a point higher than the objective score, showing that media outlets face no political restriction in terms of importing and purchasing materials that media and journalists need. Indicator 4 (academic journalism programs), scored slightly more than half a point lower than the objective, but still great than 2.00.

Most media outlets have created trade associations. The Association of Independent Electronic Media of Kosovo (AMPEK) represents private electronic media, while the Association of Kosovo Publishers represents Kosovo's publishing houses. There is still no online media association. AMPEK is one of the most active associations, and it has been engaged in different lobbying activities, especially with regard to the public discussion of two laws—the law regarding RTK and the law on the IMC.

Kosovo's journalists are represented by the Union of Professional Journalists (UGP) and the Association of Kosovo Professional Journalists (AGPK). AGPK tends to be quick to issue public statements condemning violent acts against journalists, or any acts that violate the freedom of speech.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Avramovic mentioned the case of the Association of Kosovo Serb NGOs, which successfully lobbied Kosovo Serb MPs to reject the way the RTK bill sought to define the opening of the TV Serbian channel. "If the civil society is active, they can have more influence over the decision makers," Avramovic said.

Their approach tends to be more reactive than proactive, however. In 2011 alone, this association had to publicly condemn 27 cases of violation of journalists' rights, including nine cases of physical attacks on journalists. However, this number is lower than last year, when AGPK reacted in 32 cases. A problem with AGPK is that it does not keep good records and statistics. For instance, it is unable to tell you how many threats and crimes against journalists have been committed since 2002, Xharra noted. Even its website seems rather thin on information. One noteworthy AGPK activity was a one-week seminar that it organized in early December 2011, entitled "Journalists' Week," where journalists discussed all relevant issues pertaining to their profession.

The panelists agree that in general, media associations have shown progress toward fulfilling their roles, despite the fact that their operation largely depends on international grants rather than membership fees. Membership is constantly growing, and cooperation with international professional associations seems strong. For example, some of the media outlets belong to the Vienna-based South East Europe Media Organization (SEEMO), which is a regional nonprofit network of editors, media owners, and prominent journalists. SEEMO has been a very vocal defender of press freedom in Kosovo.

There are a number of local NGOs that tend to be more active than others in cooperating with the media to support freedom of speech and media independence. In general, though, say the panelists, there are many more inactive NGOs. If you take, for example, the discussion of the bill on RTK, Zejnullahu noted, there were only three or four NGOs present in the public hearing at the Assembly. The rest were totally uninterested in participating in such a hearing where the future of the public media was decided, she said. Avramovic mentioned the case of the Association of Kosovo Serb NGOs, which successfully lobbied Kosovo Serb MPs to reject the way the RTK bill sought to define the opening of the TV Serbian channel. "If the civil society is active, they can have more influence over the decision makers," Avramovic said.

There are available journalism degree programs at private and public institutions. The oldest program, and the most popular, is the Department of Journalism at the University of Prishtina. The quality of programs, especially with regard to practice-oriented training, needs significant improvement, especially in the public institutions. Media outlets are in great need of qualified journalism graduates, but the quality is very poor, and that could be a result of the overall poor education system. As for the Kosovo Serbs, new generations choose to study journalism either in Mitrovica or in Serbia, while the elder generation tends to learn the profession on the job or through scattered training, said Avramovic. Among new journalists, there are also those who studied abroad and returned. Many journalists also benefit from short-term trainings, where modern techniques are taught. Such trainings are organized by the Institute for Media, as well as by media associations. The Balkan Investigative Reporting Network (BIRN), said Ispahiu, also organizes such training. "You would be mesmerized by the energy and enthusiasm of journalism students, but at the same time you would feel very bad for the lack of practical knowledge they have," adds Ispahiu. BIRN is turning into a good destination for internships for young journalists.

Apart from the high cost, media outlets in Kosovo face no political restrictions for importing and purchasing media equipment. There is no customs reduction fee or tax exemption for media.

Printing firms, although private, are able to provide services to the media critical to the government without government interference. Although the distribution of print media is monopolized, no print media have ever complained about a bad service. There have been efforts to find alternative ways to distribute the print media, but they have not succeeded so far.

Local television stations are free to join a cable network, but there are limited slots in a cable and it is very costly. Bytyqi said the monthly fee for a local television station in IPKO or Kujtesa, the two biggest cable networks, is €1,200. The panelists criticized this approach and demanded that local television stations should gain free access to the cable networks in their operating geographical area. "It should be the other way around; cable should pay local television stations to use their content," said Zejnullahu. Today, cable operators offer only one package of programs. Cable providers should be divided into a basic package, extended and pay per view, said Zejnullahu. The panelists added that cable providers have not been fair toward all content providers; some have been excluded from the cable package, and some have seen their channel number changed. The panelists again blame the IMC for failing to regulate the

numerical order of television channels and for failing to create a specific regulation for cable operators.

Other than this, the existing information and communication technology (ICT) infrastructure is good. Internet connectivity has quickened significantly, the free wireless zones are increasing, and the mobile-phone networks are rarely overloaded. Cable operators are expanding their network in rural areas as well, and mobile networks now cover over 90 percent of the territory.

List of Panel Participants

Arbana Xharra, editor, *Zeri*, Prishtina

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

Faik Ispahiu, executive director, Jeta në Kosovë, Prishtina

Gentian Lluka, editor, Telegrafi news portal, Prishtina

Goran Avramovic, editor-in-chief, Radio Kim, Caglavica

Mifail Bytyqi, executive director, TV Prizreni, Prizren

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

Moderators

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

Antigona Berisha, researcher, Institute for Advanced Studies GAP, Prishtina

Author

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

Observer

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The Kosovo study was coordinated by, and conducted in partnership with, Institute for Advanced Studies GAP, Prishtina. The panel discussion was convened on December 8, 2011.

In one of its first steps after the election, VMRO-DPMNE introduced changes in the law on broadcast that enabled governmental control over the broadcasting regulatory body.



MACEDONIA

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Media events featured prominently in Macedonia's rocky political discourse in 2011. In an unprecedented show of force, the government shut down a major television station and three daily newspapers, owned by the A1 media group, allegedly for tax evasion. The reason did not sit well with press-freedom advocates, considering that the media targeted had dared to criticize the government's policies. The act left the bitter impression that the tax-evasion claims were rather an excuse to silence the most popular television station and its satellite newspapers, although the owner is a highly controversial businessman. As a prelude to the shutdown, a major opposition party, the Social Democratic Union (SDSM), left the parliament, citing threats to media freedom as a core reason. SDSM's departure forced early parliamentary elections in June, a year ahead of schedule. At first they set several preconditions for the elections, including that the government stop the harassment of the media from the A1 group. In the end, the opposition lost the election by a relatively small margin to the ruling party, VMRO-DPMNE. In one of its first steps after the election, VMRO-DPMNE introduced changes in the law on broadcast that enabled governmental control over the broadcasting regulatory body. In the meantime, the Agency of Telecommunications revoked A1 TV's frequency license, effectively shuttering the most popular and the biggest television station in Macedonia's history.

Moreover, intimidation and harassment of journalists did not end with the A1 case. Over the course of 2011, more than 170 defamation cases against journalists flooded the courts. One newspaper editor was ordered to pay to the former Minister of Foreign Affairs damages of €18,000 (enough to cover the monthly salaries of about 36 journalists in Macedonia). The economy also dealt blows to the media. The German-owned West Algemeine Zeitung (WAZ) newspapers announced the company's plans to downsize operations in Southeast Europe, and some journalists in the group claimed that only those who dared to criticize the government lost their jobs. The cable news television station 24 Vesti laid off most of its news crew. These measures, combined with the shutdown of A1 and related newspapers and other layoffs, left around 300 journalists in the country out of work.

With the media landscape shifting in favor of the pro-governmental media, the plurality of viewpoints took a noticeable hit. The only plurality remaining is in the sheer number of media outlets. At the end of the year, WAZ's newspaper holdings—the only foreign investment in the media, operating as a subsidiary named Media Print Macedonia (MPM)—were sold to a local businessman, allegedly close to the government. MPM controls three major dailies, a huge distribution network, and the biggest printing plant in the country.

All of this political and economic upheaval drove the panelists to deliver the lowest overall MSI score for Macedonia to date; the score of 1.52 is more than a point lower than the highpoint reached in 2005, when Macedonia scored 2.58 overall.

MACEDONIA AT A GLANCE

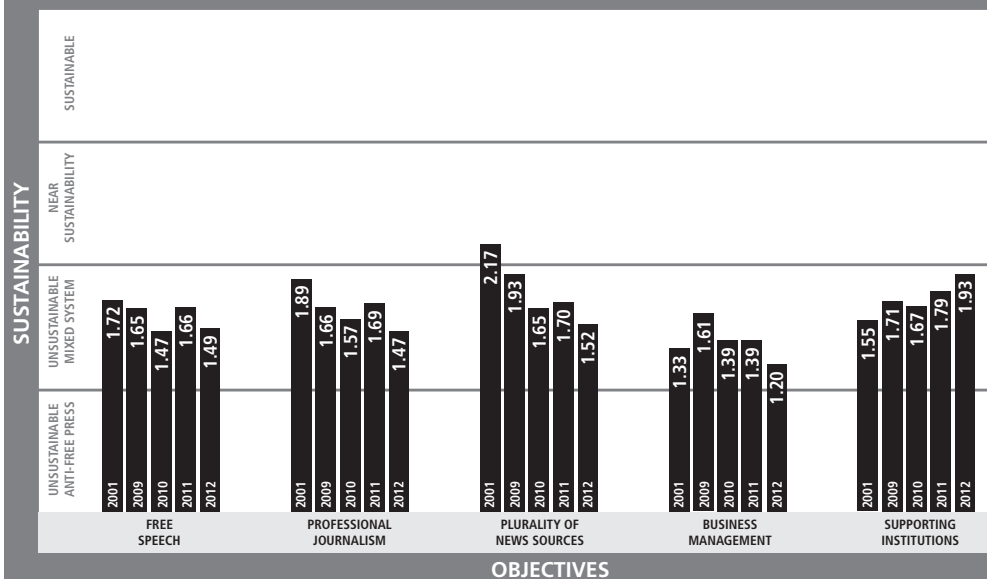
GENERAL

- > **Population:** 2,082,370 (July 2011 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 (2010-Atlas):** \$9.319 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$10,830 (World Bank Development Indicators, 2011)
- > **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; 10 television and 17 radio stations provide regional coverage; 49 television and 60 radio stations provide local coverage; 12 channels broadcast via satellite. (Broadcasting Council, 2011)
- > **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 (24.66%), TV Sitel (17.87%), and TV MTV1 (8.21%); Radio stations: Antena 5 (14.57%), Radio Ros Metropolis (7%), and Channel 77 (3%) (Broadcasting Council, 2009)
- > **Annual advertising revenue in the media sector:** €574 million (Broadcasting Council, 2011)
- > **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_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

Macedonia Objective Score: 1.49

Guarantees for the freedom of expression in Macedonia's constitution and media legislation seem insufficient and fall shy of achieving international standards and ensuring the freedom of the press. This is largely due to poor implementation of the laws, selective application against media that criticize the government, and an inefficient and highly problematic judiciary system.

Furthermore, political domination over the regulatory bodies and implementing agencies makes the situation worse. Macedonian courts are overwhelmed with defamation cases, and even though there is a lengthy court procedure, the damages imposed on journalists are extremely high and produce a chilling effect, reflected in growing self-censorship. Macedonia is party to the European Convention of the Human Rights, and both the convention and the jurisprudence of the European Court of Human Rights may be applied in Macedonian courtrooms; however, that is not the practice. "Our judges always favor the oligarchs, politicians, and other power centers at the expense of journalists," said Ida Protuger, a journalist with Alfa TV.

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

FREE-SPEECH INDICATORS:

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

Common citizens are encouraged to sue journalists rather than defend the freedom of the press. The shutdown of A1 TV demonstrated clearly that media cases are processed according to the penal and tax codes, rather than media laws, and the implementing agencies and judiciaries are choosing the harshest sanctions available. Instead of protecting democratic values, they treat the media like criminal organizations. Even the pre-trial detention of the owners and managers of A1 TV station lasted for more than a year, and the panelists feel confident that other human rights were violated in detention. The panelists also noted that the broadcast regulatory body never revoked A1 TV's broadcast license officially; rather, the Agency for Telecommunications revoked A1's permit to use the frequencies, effectively taking it off the air. When SDSM used the A1 case to demand early elections and accused the government of suppressing media freedom as it left parliament, it also succeeded in mobilizing a large chunk of society under the banner of defending media freedom. Yet after SDSM lost the election, they simply left that narrative. Some panelists felt that this showed that social mobilization to defend the freedom of expression is possible only within the context of partisan political maneuvering, and is not an indigenous value of the society.

Licensing procedures exist only for broadcast media. The Broadcasting Council acts as the regulator responsible for granting and revoking licenses. Up until this year, criticism directed at the body usually centered on its liberal licensing policy, faulted with overcrowding the market, as well as the lack of transparency in the decision-making process and the council's failure to implement ownership and anti-concentration clauses of the law. This year, the tone and substance of criticism shifted dramatically. Biljana Petkovska, executive director of the Macedonian Media Institute (MIM), explained, "In the past year, we saw the most flagrant show of political force to influence on the regulator ... through a rash, nontransparent legislative change that added six more members to the Broadcasting Council. Yes, the regulator is politicized, yes the appointment of the council members is politicized, and yes it always lacked a sense of public responsibility and transparency." Roberto Belicanec, program director of the Media Development Center, added, "In nutshell, the law up to this moment reflected the concept that nominators should come from the civil sphere, and adding six new members—who are strictly coming from the political sphere, from the executive branch even—it is clear that any talk on the independence of the regulator is meaningless."

Although on paper access to the media market is free and laws do not impose restrictive measures on media as businesses, challenges to the implementation of those laws have proved highly problematic for the media. First, the

regulator tasked with securing competitiveness ignores the active MPM monopoly over the newspaper distribution network. After the closure of the A1 sister newspapers and their distribution network, MPM now dominates the market. When that company was sold in December 2011 to a local businessman close to the party in power, the only new initiative in the newspaper field, *Daily Fokus*, chose to develop its own distribution network. But the threshold for entering the business had increased, and sustainability of the new projects is questionable. "I would say that MPM is clearly a monopoly. Whether we want to do business with them or not, we do not have a choice," said Arben Ratkoceri, owner of *Koha*. The regulatory climate makes the situation even worse. "The problem is that the media are treated exactly like ordinary trade companies by the financial and labor inspectors. They do not care about the nature of media businesses. For instance, according to the tax authorities, the set in the studio is not considered an expense, and you cannot file for a refund of the VAT [value-added tax]," said Ljubica Mangovska, owner of TV Tera.

In terms of crimes against journalists, public threats and organized incitements to violence against journalists on the grounds of their "lack of patriotism" are most common. Public threats and hate speech directed at journalists are also common, along with occasional anonymous death threats. Hate mongers have targeted the journalism profession among the other social groups that are targets of continuous hate speech. Biljana Sekulovska, formerly a journalist with A1 TV, noted, "There were organized campaigns to portray us as criminals." The police and judiciary generally neglect to pursue perpetrators of this kind of behavior. In Macedonia's history, no one has stood trial for physically or verbally assaulting a journalist. Meanwhile, tax fraud and failure to pay social benefits is endemic across the country, and yet the state tackles this selectively, seeming to disproportionately target the media and journalists.

Despite the guarantees in the law that insist on editorial independence, the public-service broadcaster is considered highly pro-governmental. Provisions in the supporting regulations render editorial independence impossible. For example, the Law on Public Servants lists the employees of the public service among the public servants, granting public journalists the same status as other public servants—and the accompanying obligations that are completely out of line with the traditions and international professional standards that bind journalists. "I think that my colleagues still do not understand in full what the status of the civil servant means; they have accepted it without any objections. I think that we will face a very awkward position when we are placed in a situation that requires us, as journalists, to object to or question the head of all civil servants," said one journalist

from a public service, Erdem Amet of Macedonian Radio and Television (MRTV) Turkish programming, who is also a managerial board member of the Association of Journalists of Macedonia.

Defamation falls under the penal code and is used heavily against journalists. The burden of proof is on the defendant. Jail sentences are usually given only if defamation resulted in heavy consequences, such as serious injuries or death. Up to this point, there are no journalists in jails, but there is also no cap on the damages—giving the courts broad power to impose unreasonable sums.

An access-to-information law exists and does not differentiate between requests from common citizens and journalists. Yet government representatives have mastered a system of avoiding engaging in debates with unfriendly journalists and typically handpick the journalists whom they brief.

The government had previously included the journalists among the categories of people who should undergo the lustration process, aimed at purging informers to the former secret police. They were obliged to submit claims that they did not cooperate with the former secret police by January 1, 2012. However, the day before the deadline, the constitutional court halted the process for the journalists and NGO activists, claiming it was unconstitutional. However, the prime minister warned that the government will find a way to continue with the process in the future.

As noted in last year's MSI, 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.

Even though there is currently no definition of the profession of journalism, the government has announced that the new media law that should be enacted in 2012 will define the term "journalist."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.47

The elections brought out shortcomings in professional standards, panelists noted. One media-monitoring report focused on the electoral process: "Media Mirror," conducted by NGO Infocentre,¹ pointed to the "total division of the media along party lines, selective reporting, and huge

¹NGO Infocentre. "Media Mirror 2011: Parliamentary Elections 2011 Final Report (May 11-June 8, 2011)." Skopje: July 2011. Available at: <http://www.nvoinfocentar.org.mk/event.asp?site=mm&menu=&lang=eng&id=1466> (Accessed February 9, 2012.)

numbers of articles that were not signed by the authors, and biased articles based on a single source.”

The political parties’ policy of avoiding letting their officials and representatives appear in “hostile” media deepened media polarization. This practice further narrowed the chances of producing programs that meet the basic journalistic standards of balance and stimulate relevant debate in the society. It significantly affected reporting, which turned unilateral and exclusive—essentially transforming journalism into propaganda. From that point of view, the behavior of political parties represents an actual boycott of the democratic atmosphere, and, together with the media, they bear responsibility for the distortions of the democratic processes in the society and its fierce polarization. The tactic of avoiding “hostile” media is a continuation of the media strategy of the ruling VMRO-DPMNE party over the past four to five years. Ahead of the elections, it forced the opposition into a similar stance, refusing to become a “punching bag” for the pro-government media. Sekulovska, formerly of A1 TV, described her attempts to organize debates and interviews. People in powerful positions constantly refused to be guests, in an effort to make A1 TV look unprofessional and biased. This tactic contributed greatly to the poor quality of the media products, even though most of the journalists are trying to comply with professional standards.

To monitor ethics, the media have a self-regulatory system in place, consisting of a general code of ethics and an ethical commission housed within the Association of Journalists of Macedonia. Ethical guidelines and codes of conduct exist in MRTV and MPM. MPM, up to the moment of its sellout in late December, also had an internal press ombudsman, appointed

by WAZ. There are no public signs, however, that anyone ever called on the ombudsman to mediate any cases. Notably, MPM did not share with its readers that such an institution existed within the company. They announced it only once, and it remained unclear to readers how to reach him. In general, the panel agreed that the level of adherence to journalistic ethics is rather low.

The panelists noted that self-censorship is pervasive, given the current, troubled media climate. “Defamation cases, business influences within the newsrooms, the unaccountable government, the lack of access to information—all of these factors contribute to self-censorship,” Petkovska said. The panelists also feel that the current ownership model of the media is a main contributor to this situation. Strong links between media owners and political parties create pressure on journalists to be biased and to refrain from publishing stories that might hurt the political party their owner is affiliated with. “People are strongly aware who is running the media where they work, and they constrain themselves accordingly,” Amet remarked.

Regarding the media’s success in covering key topics and issues, the panelists pointed to an attempt by all major media to cover up the murder of a young boy by police on a main city square in Skopje. Belicanec said, “Unlike in previous years, when we usually claimed that media at least try to cover the most important topics in the society, for the last year it is obvious that that is not the case. If A1 was shut down earlier, and if the news portal “Net press” did not publish the story, the police officer would have gotten away with murder covered up by his colleagues. More important, when the story reached the public, the media actively participated in the cover-up, through their reports that insisted on the official versions disseminated by the police: that the boy got sick and died of natural causes.” The panelists also agreed that some major topics are absent from regular reporting. Amet elaborated, “Unemployment, social issues, corruption—except when the opposition is in question—education, and even crime are missing or are covered very little.”

Journalists’ salaries are low. They are on the level of other industries in the country, but that is not enough to prevent corruption. Furthermore, social security and job security is minimal; as noted earlier, around 300 journalists lost their jobs in 2011.

The latest audience measurement by AGB shows that entertainment programming is slowly becoming dominant, bumping news and current-affairs programs from prime-time to late-night slots.

The level of investment in the news-gathering program is also low, except in the public broadcaster, which is currently

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

upgrading all of its technical equipment to keep up with the digitalization process.

Specialized journalism, which has never been strong in Macedonia, became even harder to find. In previous years, newsrooms paid special attention to the economy, for example; today only a shadow of that once successful niche in reporting is visible. Only entertainment and sports show strong, specialized coverage. Audiences' need for specialized programs has been neglected, and media consumers turn to the Internet or to foreign television channels for leisure, living, and other nonpolitical topics.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.52

Macedonian media pluralism was destroyed last year. There is pluralism of the media outlets in terms of sheer numbers, but there is no pluralism in the viewpoints. The shutdown of the A1 media group and the cleansing of critical opinion makers and journalists from other media helped ensure that pro-governmental media dominate the airwaves.

Even though there are Internet initiatives to create news websites, which are growing along with their audiences, the most trusted sources of information remain traditional media. Traditional media still set the agenda, despite drooping circulation and listenership. Use of social networks and the

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Internet, in contrast, is booming; Macedonia now has 800,000 active Internet accounts. This is changing news consumption, but even on the Internet, the majority of content flows from the traditional media, and pro-governmental viewpoints dominate the Internet as well. Another major problem for new media is poor sustainability and lack of a viable business model.

The level of user-generated content is relatively low, and it is evident that audiences prefer to remain passive. The multiplatform approach and use of new technologies to launch other types of media is also fairly low. MPM, for example, tried to launch an IPTV portal, but the visibility of the project remained low and MPM failed to attract much of an audience. MPM also experimented with launching electronic newspapers, and after the initial curiosity died down, users did not adopt it en masse. The problems seem to lie in the lack of marketing skills to launch these types of services, as well as an inability to shift from a newspaper to electronic mindset. Overall, the trends are obvious, but they are still in their infancy and a lack of experience contributes to their low impact so far.

There are no legal limitations on the access of foreign channels and newspapers, but access to them, as well as to domestic media, depends heavily on two major factors: accessibility to distribution networks and purchasing power. Both factors are hurdles, especially in rural areas. The panelists also noted that despite a huge number of Facebook accounts and rising usage of other social networks, the lack of media literacy contributes to the spread of hate speech, breaches of privacy, and digital harassment.

The public broadcaster does emphasize promotion of governmental viewpoints, not only in news but also through other programs. Belicanec commented, "I was astonished when I watched the documentary on 20 years of independence. The events from our recent history were interpreted through the ideological matrix of the present government, and the periods where today's opposition held power were contextualized as conspiracies against Macedonia." The public broadcaster also contributes to the division of society along ethnic and political lines, instead of promoting a cohesive approach. "It is important to note in the report that MRTV does not have a unified editorial policy along the ethnic lines," Amet said.

Mainstream media use the state news agency, MIA, and foreign news agency services, such as Reuters, AFP, and AP. There are no private independent agencies in the country at this time.

Major media are producing their own news, but, as mentioned before, their content does not diverge from

public media's news. They are mostly pro-governmental, and the same is true at the local level. Mangovksa, of Tera TV, commented, "Some of the local television stations figured out that the best way to do business is to use the news to establish links with local power figures. Very few of them remain that actually believe that their duty is to make a difference in the local context."

There is no foreign investment in media, now that the German-held WAZ media group was sold to a local businessman. WAZ left the country in what it described as a strategic decision to leave the whole region of Southeast Europe.

The panelists flagged media ownership as a highly problematic issue, especially in the broadcast sector. Despite the Law on Broadcast's ban on broadcast media ownership for public officials and their families, sons of MPs aligned with the ruling coalition own the two major television stations. The same situation is repeated on the local level with smaller media. Requirements for media-ownership transparency prescribed by the law for other types of media do not exist in broadcasting. Across the sector, it is common practice for owners to set the editorial policy and to intervene on a daily basis.

The social and ethnic minorities, except for the Albanian community, are almost invisible. Belicanec commented, "What I have noticed is that sexual minorities, women, and other deprived social groups are absent from the narrative. If they are present at all, it is usually as a target for the hate speech. The absence of these groups frees up the mainstream to deal with the buildup of the nationalistic discourse, which is devastating the fabric of the society."

Local-level news is largely absent from the mainstream media, except for crime coverage. Macedonia previously had a system of local, privately owned television and radio stations that in theory should pay attention to local issues. Most of them are trying to cover municipal issues, but their quality is very poor. They are also almost unsustainable due to the fragmentation of the media space and troubled local economies. One should bear in mind that the second-biggest town has some 110,000 inhabitants, and most of the towns have around 35,000 to 60,000 residents. Regionalization had been foreseen in the Law on Broadcast to create larger markets for local stations; however, efforts to support this practice never materialized. There are a couple of local television stations that run professionally, such as Tera TV in Bitola, but they are the exceptions, not the rule, when it comes to local broadcasting.

A wave of local news sites that try to compensate for the lack of local context in the mainstream media had been noted in

the past two years, but they also are facing problems with sustainability.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.20

The panelists generally agree that business management of media is substandard. Mangovska commented, "Media in Macedonia are not a true industry; if they were we would see investments in both production capacities and human resources." The panelists agree that the weak managerial capacities of owners are a major reason for this poor business structure. The only exception is MPM, which used a management system set up by the German WAZ, even though the local political context influenced human-resources policies heavily—especially in filling the editorial and managerial positions within the company.

Media in general strive to diversify the income, but the poor economy and poor purchasing power of citizens dampens their efforts heavily. The internal debts in the society, stemming from governmental spending, affect cash flow in the economy and make startup initiatives very vulnerable. Business models in the media tend to be highly conservative. Private television and Internet initiatives are totally dependent on advertising, with almost no sales of other types of support, while newspaper prices at the newsstand are very low—leading to greater dependency on advertising than found in healthier economies.

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.

Advertising agencies control most of the budgets of the biggest advertisers, and local stations regularly complain that agencies fail to take into consideration their position in the market when advertising budgets are distributed. Furthermore, the advertising agencies begin to operate as program suppliers—mostly of entertainment programming or special series—and they pressure even large television stations to change their program schedules in order to fill their program with advertisements in prime time. That is one of the reasons why current-affairs programming has been pushed from prime-time into later time slots. The panelists also complained about corrupt behavior from advertising agencies that abuse their position. Mangovska said, for example, that an advertising agency might say, “I will pay you for 2,000 seconds; you’ll broadcast 1,000 seconds, and you’ll pay us back the difference in the price as a consulting fee for production services. This is how agencies treat several television stations in the country.”

State-sponsored advertising is still a problem as well. The government remains among the top five advertisers, and no legal regulations govern this practice. That allows the government to arbitrarily disperse advertising funds to favorable media, or to openly bribe them to support their viewpoints. However, in a departure from previous years, in the past year there were open calls from the public to regulate state advertising, and this became one of the topics of official dialogue with the government.

AGB Nielsen operates an audience measurement system (People Meters), and the advertising agencies use this data to plan advertising budgets for television. Some media also are trying to use it to guide the program scheduling process, but they need more experience to reach full potential. An additional problem is that some media charge that the measurements are inaccurate, and thus irrelevant.

Newspaper rankings are mostly compiled internally by advertising agencies and newspapers, which are generally unwilling to disclose their circulation figures to the public. The Internet is measured by Alexa rankings and through Google analytics. Advertising agencies are well informed on the terminology and methodology of the measurement systems, and they also have their own advertising monitoring system in place.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 1.93

In the past, Macedonia media owners could lean on organizations such as APEMM and the Association of Print Media for support. But they have collapsed, due to a lack of

support from donors and a low level of awareness of media owners to support these organizations financially. There is no active initiative under way to create replacements. An association of small, private local stations was created in the past year, but it lacks visibility and holds no actual power to represent industry interests.

The newly formed journalists’ union faced baptism by fire in 2011, with all of the tumult in the economic, political, and media spheres. On behalf of the 300 journalists who lost their jobs, the trade union, still in its infancy, managed to step up to the public scene. It is notable that they managed to provide some legal help to some of their members, and they also negotiated on several occasions with media managers and media owners. While the results were not extremely strong, the energy that the union invested in the process gave them hope that, as their organizational capacities and experience grow, they will be able to better protect the social security of journalists. Panelists also noted that the non-existence of trade associations representing the interests of media owners made the job of the trade union all the more difficult.

After a period of internal stabilization, which included efforts to build up its administrative capacity, the Association of Journalists of Macedonia (AJM) managed to open a formal dialogue with the government on the rights of journalists in the country. The process has been controversial, because it began on the eve of expected criticism from the European Community on the freedom of expression. AJM faced open criticism from the journalism community because it essentially

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

handed the government an alibi to stem the flow of criticism coming from the international community. Despite that general critique, AJM did present a package of problems on the table for dialogue that are acceptable for the journalistic community. As yet, however, there has been almost no progress in that dialogue.

Other NGOs that support the freedom of expression were a bit more proactive last year; MIM, with financial help from the Dutch embassy in Skopje, organized a process that identified the problems within the media community and formulated an action plan. MDC adopted the role of lobbying and addressed international freedom-of-expression organizations about the decline of the media freedoms. The lobbying effort culminated in an international mission in Skopje, led by Article 19, with participation from prominent freedom-of-expression organizations around the world, including Freedom House, Index on Censorship, IPI, and others. The mission is in the process of preparing the report on its findings, but portions of the preliminary report have already been integrated in the Freedom House country report. However, all efforts remain in vain, faced with the government's firm will to push its own media agenda. An additional problem is that more active participation of the civil sector is almost impossible, due to the limited financial resources after major donors such as USAID, Norwegian People's Aid, the Swedish Helsinki Committee, Press Now, and others either reduced their funding or left the country altogether.

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 major problem in the education field is that media are not willing to cover the costs for short-term training, nor to invest in the education process through scholarships. That makes the schools dependent on donor financing, or students must cover the whole expense of the studies.

The shutdown of the A1 media group included its printing press and newspaper distribution network, and A1's departure effectively handed MPM a monopoly in the newspaper distribution business. While printing presses and distribution systems are not controlled by the government, neither by law nor in practice, the government does control broadcasting frequencies. According to the law, the frequencies in the broadcast are blended with the license. However, as noted earlier, in the case of A1 TV, the telecommunication operator revoked the frequency license even though the broadcast license was still active. The decision took advantage of a loophole in the Law on

Broadcasting that states that if bankruptcy occurs, the law automatically terminates the license.

ICT infrastructure is excellent in the towns, and the panelists agreed that there has been a concerted effort to improve the infrastructure in rural areas. Cable television and IPTV penetration extends to around 65 percent of the total number of households. Digital broadcasting exists, but only as Pay TV. There has been no free-to-air broadcasting, except the public-service program. The use of smart phones is also rising, although the services that use this infrastructure are limited. Social networks have become very popular, especially Facebook and YouTube. The problem, however, is the low production quality on this new media, which is peppered with a tremendous amount of hate speech.

List of Panel Participants

Biljana Petkovska, executive director, Macedonia Institute for Media, Skopje

Roberto Belicanec, program director, Media Development Center, Skopje

Goran Momirovski, journalist, Kanal 5 TV, Skopje

Erdem Amet, journalist, MRTV Turkish-language program; managerial board member, Association of Journalists of Macedonia, Skopje

Biljana Sekulovska, journalist, formerly of A1 TV, Skopje

Arben Ratkoceri, journalist, *Koha*, Skopje

Ida Protuger, journalist, Alfa TV, Skopje

Nebojsa Karapejovski, general manager, TV Menada, Tetovo

Ljubica Mangovska, manager, TV Tera, Bitola

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 1, 2011.

The accession process is being aided by policy reforms, including media reforms such as the decriminalization of libel. In the first half of 2011, Montenegro joined just a handful of European countries that decriminalized libel.



MONTENEGRO

Following the voluntary withdrawal of Prime Minister Milo Đukanović, Montenegro got a new government in 2011, led by new Prime Minister Igor Lukšić. The former finance minister was voted into office by parliament, where the ruling DPS/SDP coalition has held the majority since the 2009 national elections. At the beginning of 2011, Lukšić tried to bridge the gap that Đukanović had created with Montenegrin civil society, including the media. While such cooperative policy is a huge step ahead, it remains to be seen whether this personnel change at the top of Montenegrin government will result in greater democracy and whether it will meet the country's needs for a more liberal, constructive, and pluralistic system.

In addition to the change of the head of state, the pace of Montenegrin accession to the European Union (EU) and NATO dominated the political agenda. Montenegro has become a candidate country for EU accession, a process expected to advance in early 2012. Although most citizens do not back NATO accession, they overwhelmingly support EU membership—around 65 percent are in favor. The accession process is being aided by policy reforms, including media reforms such as the decriminalization of libel. In the first half of 2011, Montenegro joined just a handful of European countries that decriminalized libel.

Montenegrin media welcome this move, and its elimination of possible prison sentences in particular, although concerns linger over heavy fines. However, most Montenegrin media outlets are suffering financially; just a few turned a profit and managed to pay decent salaries. The establishment of a fourth daily newspaper in 2011 led MSI panelists to question whether Montenegro's market is strong enough to sustain that many dailies.

Other problems that continue to hold back the media include the inherited lack of investigative journalism and low level of professionalism. Ongoing clashes between pro-government media (*Pobjeda*, RTCG-Montenegrin TV) and influential private, anti-government media (dailies *Vijesti* and *Dan*, TV *Vijesti*, and the magazine *Monitor*) continue to damage the media's image. These long-running conflicts and misunderstandings have prevented the establishment of a journalist self-regulatory body, which in turn hinders the development of professional journalism. Also in 2011, Montenegro experienced a prolonged crisis over institutionalizing professional responsibility of the media through an ethics code.

Although MSI panelists expressed the belief that most journalists strive for a higher level of professional accountability, they said that prospects for sustainability remain fragile—as indicated by comments in the wider public that Montenegrin media still are not up to the level of a well-functioning democratic country.

MONTENEGRO AT A GLANCE

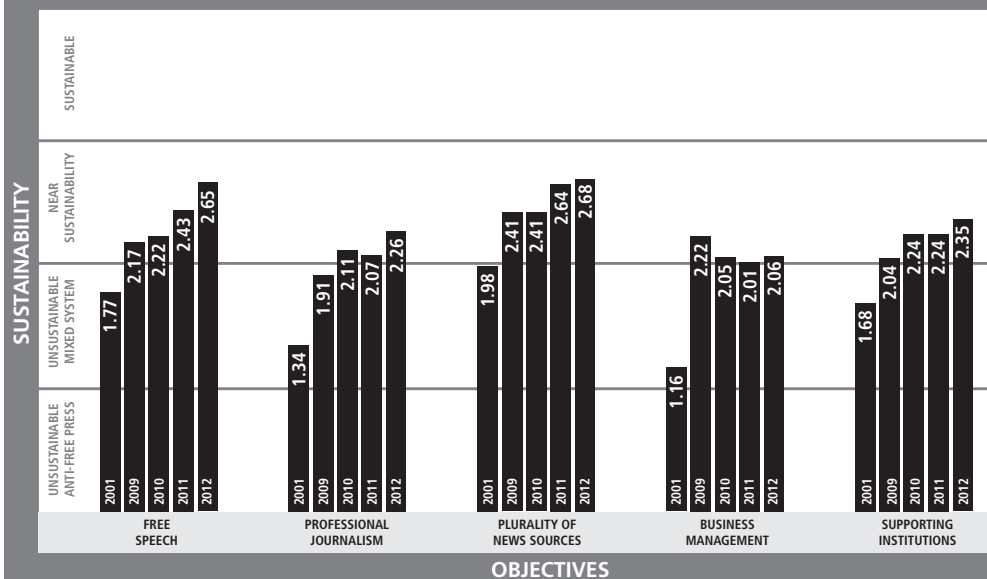
GENERAL

- > **Population:** 657,394 (July 2011 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 (2010-Atlas):** \$4.183 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$12,710 (World Bank Development Indicators, 2011)
- > **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: 4 dailies, 3 weeklies, 30 monthlies; Radio Stations: 53 (2011, UNEM); Television Stations: 23 (2011, UNEM)
- > **Newspaper circulation statistics:** Top three by circulation *Vijesti* (circulation 20,000, private), *Dan*, (circulation 22,000, private), *Pobjeda*, (circulation 7,000, state-owned) (2011 est., MEDIA Ltd.)
- > **Broadcast ratings:** N/A
- > **News agencies:** Mina News Agency (private)
- > **Annual advertising revenue in media sector:** €6–€7 million (2011 est., MEDIA Ltd.)
- > **Internet usage:** 280,000 (2009 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: 2.65

Montenegro adopted modernized media regulations nine years ago, and frequent amendments continue to improve the alignment of the regulations with EU rules. The new Law on Electronic Media (adopted in 2010 and amended twice in 2011) and the Law on Digitalization of Broadcast Media (adopted in 2011) help complete Montenegro's body of progressive media regulations.

Generally, the media community feels that the laws are solid, and the normative framework does not pose any obstacles for free and professional media practice. This year's panelists agreed with previous participants that what is in question is the quality of media legislation enforcement. Slavko Mandić, editor-in-chief of Radio Skala, commented that there are shortcomings to the Law on Electronic Media, which he said was drafted in a hurry. Mandić objected to the preservation of numerous local electronic public media (14 radio stations and 2 televisions) that further the politicization of media and represent unfair competition to private sector.

Weighing in on the importance of the digitalization law, Ranko Vujović, president of the Agency for Electronic Media of Montenegro, questioned the viability of forcing electronic media to go digital by the end of 2013. Dragan Klarić,

Radojica Bulatović, director of the Media Institute of Montenegro, agreed: "Registration of media is quite liberal, and this has resulted in market saturation, as we have too many media companies."

editor-in-chief of Radio Budva, had the same position, noting, "The implementation of the planned digitalization program amidst economic hardship is not realistic, so we will be faced with compliance issues in the near future." Sonja Drobac, a journalist for Atlas TV, added that media community members will require additional education and capacity to implement the law.

TV Teuta Editor-in Chief Dino Ramović suggested that public media look to outside sources for support in making the transition. "Digitalization is the most difficult and complex legal requirement of all. Not a single local public media is economically viable, so digitalization is just an additional financial burden for them. For example, Radio Ulcinj journalists have not received salaries for 15 months now. Therefore, we should be thinking about public-private partnership in the media sector, especially bearing in mind the political influence on local public media," he said.

While nobody disputes the high level of legal protection for free speech, in reality the media face numerous problems with the government's implementation of legal norms. "Formal promotions of free speech are quite frequent, but we don't see their impact in practice," said Dragana Unković, a journalist with TV Vijesti. Jadranka Rabrenović, a journalist for *Dan*, agreed that media freedom is well protected and regulated, but said that "both public and private media have a tendency to poorly process—or simply neglect to cover—some sensitive issues, which is a big problem, especially bearing in mind the fact that often journalists are deprived of information by public institutions."

Predrag Zečević, a journalist for the online Portal Analitika, noted that constitutional provisions guaranteeing freedom of speech and laws adhere to international standards, but said that the problems with implementation of the law are worsened through penal policy as well, as judges have shown poor knowledge of media legislation. Danka Novović, a journalist with Radio Antena M, added, "We expect more from the new government in terms of creating a democratic and reformed environment, and journalists should be obliged to promote and respect the right to free speech."

This year's panelists reported no problems regarding licensing and registration of media. "The licensing process

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

FREE-SPEECH INDICATORS:

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

Rabrenović commented, “In line with current criminal practice, both journalists and media were paying huge fines—from several thousand euros, up to €40,000—so I just hope that in civil proceedings, media will not be exposed to such high fines.”

is transparent, and an appeals mechanism is in place,” Mandić said.

The only new broadcast outlet to appear this year was cable TV 777, a strictly entertainment station owned by national lottery. However, Montenegrin media law opens the sector widely to newcomers. Zečević commented, “The media law is very liberal and does not restrict the establishment of new media. In reality, there is no agency restricting granting of licenses to print and online media.” However, he underscored the downside of this environment: “That is why we are seeing hyper-production of media in Montenegro. On top of that, numerous blogs and comments on social networks and web portals are full of hate speech and are not subjected to any kind of registration requirements.” Radojica Bulatović, director of the Media Institute of Montenegro, agreed: “Registration of media is quite liberal, and this has resulted in market saturation, as we have too many media companies.”

Mandić pointed to a separate regulatory problem. “In Montenegro, we have two regulatory agencies imposing certain burdens on the media—the Agency for Electronic Media and the Agency for Electronic Communications,” he said. “They should be merged into a single regulatory agency.”

The panelists agreed generally that media houses have free access to the market, noting little difference between business regulation for media companies and other industries. In terms of taxes, media companies have the same status as all other types of companies, although print media enjoy a lower value-added tax (VAT) rate than their electronic counterparts. Marina Vuković, editor-in-chief of RTCG, remarked, “We have one of the most competitive taxation policies in Europe. Taxes are in the single digits, and the VAT rate is the lowest in the region.” Rabrenović also commented on the favorable tax conditions. “There is no discrimination when it comes to establishing media companies. We have tax reductions for print media, for equipment, and paper. Tax-wise, media companies are treated just as any other companies,” she said. Bulatović offered a twist on the subject: “Media are threatened not by taxation policy, but by the very small market for such a big number of media—especially electronic media.”

Regarding crimes against journalists, the general public perspective is that freedom of the press is protected insufficiently in Montenegro. For example, four vehicles owned by *Vijesti* were set on fire, and so far the authorities have failed to identify or apprehend a single perpetrator. Also recently, a *Vijesti* reporter received a threatening SMS message after she wrote about illegal activities in a private tobacco factory. The case was reported widely in the media, but no other action was taken. Despite advances such as the decriminalization of libel, clearly journalists are still subject to other pressures. Ramović concluded, “Criminal prosecution of journalists is not a problem anymore, but we are all witnesses to illegal pressures on investigative journalists. In this regard, the solidarity of the media community is rather weak.”

The law enables editorial independence of state-owned media, but the panelists agreed that in practice, editors are clearly manipulated by political power circles, at the national and local levels. Mandić commented, “It is widely known that public media are under all sorts of pressures, primarily political, because editors and top managers are often members of certain political parties. There is a huge difference between public and private media when it comes to political influences.” Nedeljko Rudović, a *Vijesti* journalist, said that Montenegrin authorities skirt formal restrictions to directly influence the editorial and recruitment policies of national radio and television (RTCG) and *Pobjeda*, as well as some private media. Unković commented that the situation at RTCG has been problematic for years, citing as an example the political underpinnings of the recent appointment of a new chief executive officer at RTV Montenegro.

The media community unanimously welcomed the decriminalization of libel, as it eliminates the risk for journalists to be sentenced to prison. Future cases against journalists will be processed in line with civil litigation guidelines, with fines as the only possible sanction. However, the panelists remained concerned that civil penalties might still be exorbitant; in previous years, many journalists dragged into criminal court faced heavy fines, although nobody was sent to prison. Rabrenović commented, “In line with current criminal practice, both journalists and media were paying huge fines—from several thousand euros, up to €40,000—so I just hope that in civil proceedings, media will not be exposed to such high fines.”

The panelists also expressed the hope that the new libel laws will prevent events such as the disputed case of TV *Vijesti* journalist Petar Komnenić, who was sentenced to prison in 2011 for failing to pay damages in a libel case. (Whether the ruling will be actually implemented remains unclear.) According to Radio Free Europe/Radio Free Liberty (RFE/RL), the case stemmed from Komnenić’s 2007 investigative report on the secret surveillance of judges—work he has defended.

RFE/RL put the move in the context of Montenegro's bid for EU accession, noting that while praise for the decriminalization of libel helped clear the way for accession talks, apparently Komnenić's case has not yet benefited from the new legislation. RFE/RL concluded, "The Komnenić case should be seen as a major test for Montenegro. The country's authorities must show a genuine commitment to freedom of the press and demonstrate that they had not merely flattered to deceive, despite apparently impressing Brussels."¹

Rudović also expressed skepticism over the new libel laws. "Decriminalization of libel is a positive step in the right direction, but we should be aware that there is abuse of this provision," he commented. Pointing to columns in the state-owned *Pobjeda* that maliciously cursed *Vijesti*, Rudović shared his opinion that the authorities have abused *Pobjeda* by using it as a vehicle to punish *Vijesti* for criticizing the government.

In the realm of civil law, it remains to be seen how the courts will do their job in practice under the new libel legislation. In the past, courts did not develop a standard approach or take into account the practices of the European Court of Human Rights. The panelists noted that in this regard, the Montenegro Supreme Court failed to uphold its responsibility to provide guidelines in the form of legal opinions and singling out best practices. Panelists said that they expect that in future, Montenegrin courts will implement a more moderate policy regarding media and journalists, except in cases of obvious irresponsibility and evident professional abuse.

Enforcement of the Freedom of Information Act has some challenges, according to the panelists; occasionally, government bodies do not release requested information. However, Bulatović shared her impression that the media sector as well as the NGO sector are stepping up pressure on the government and local administration bodies to be more transparent.

Rabrenović remarked also on improvements in access. "Recently, it has become easier for journalists to get official documents," she said. "Increasingly, administrative bodies post material on their own websites, allowing journalists to access variety of important data and decisions." Vuković agreed, saying, "Public information is generally accessible, and very few administration bodies or institutions are closed to the public. The Freedom of Information Act is of great help to journalists, as it has significantly accelerated the process of providing the information by different administration bodies."

¹Knezevic, Gordana. "Komnenić case a major test for Montenegro's judiciary." October 16, 2011. Available at http://www.rferl.org/content/petar_komnenic_montenegro_press_freedom_libel/24361108.html - accessed January 6, 2012.

For quite some time, no Montenegrin law has inhibited access to international news sources. Information technology companies are very much present and operating in the country, and the Internet is widespread and accessible, with approximately 250,000 users. The Montenegrin market is extremely liberalized, so citizens have no problems accessing local or international news sources. Ramović said that the media sector has quality methods to distribute news. All Montenegrin media tap foreign news agencies, and enjoy numerous ways of accessing a variety of news, without any legal limitations.

Journalists are not required to obtain a license, so the profession has no internal or external legal limitations regarding entry. Vuković commented, "Access to the journalism profession is extremely liberal, especially in the private media. However, we have problems regarding the unselective recruitment of journalists—which sometimes fails to take into account qualifications or professional experience of newly recruited journalists."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 2.26

As with previous panels, this year's panelists shared the view that the level of professionalism in Montenegrin journalism is unsatisfactory, with the understanding that building a good journalistic practice is a slow process. They lamented that the media community has been unable—over the course of more than two years now—to reform a journalist self-regulatory body. Panelists stressed that the failure is a clear indicator

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Rabrenović added, "Most journalists are doing their job in a professional manner. However, sometimes a journalist learns something from several sources, but fails to check with parties involved, and the whole matter ends up with denials or court proceedings."

of the crisis in professionalism and the lack of collective accountability, and is a result of long-standing poor relations among media community members. No significant effort or will to revive the body are evident.

Panelists gave other examples of poor professionalism, including biased editorial policy, hate speech, weak protection of personal identifying information, and discriminatory discourse. "Professionalism in Montenegrin media is very questionable," Unković said. "Very often, information is one-sided, and the other side is able to respond only in tomorrow's issue or next show—never achieving the same impact as the original information." Rabrenović added, "Most journalists are doing their job in a professional manner. However, sometimes a journalist learns something from several sources, but fails to check with parties involved, and the whole matter ends up with denials or court proceedings." According to Rudović, "Although we have a handful of professional media, the vast majority are quite unprofessional and very often used for political attacks." The panelists said that the situation is the worst in the print media.

The panelists had the opinion that significant progress has to be made in Montenegrin journalism in order to promote professionalism, quality, and impartiality of journalists, as well as to protect adopted professional standards. They noted that Montenegro's weak trade unions fail to provide adequate protection for employees in the media sector, and the sector's only marginally successful media associations hold back the development of professional standards.

Almost a decade ago, Montenegrin journalists adopted an ethics code, drafted in the spirit of international professional standards and best journalistic practices. However, the general impression of the panelists was that many problems persist in the practical implementation of the code, especially without a self-regulatory body to monitor violations. Mandić elaborated, "The code is not accepted and implemented in practice. Furthermore, the notion of forming a self-regulatory body collapsed. In reality, media companies have their own codes—to the detriment of professional standards." Vuković

added, "We have a code of ethics, and prescribed norms are compatible with international standards, but in practice, there is no observance of professional ethical norms."

The most common ethical violations include collecting information just from one side, publication of protected personal data, and publication of questionable sources. Klarić commented that journalists have to fight themselves for the quality and reputation of their profession. Vujović agreed, saying, "Political interference in the media sector is too strong. Self-regulation does not exist, and there are practically no cases where infringements of the code were recorded."

Panelists agreed also that self-censorship is still very much present in Montenegrin journalism. Economic hardship, political and other pressures, and the low level of professionalism are the main factors driving journalists to self-censor, the panelists said. Novović underscored the importance of a journalist's personal sense of professionalism in resisting self-censorship, along with the environment of a given media outlet. Mandić added, "Unfortunately, self-censorship is the legacy of the previous political system. Self-censorship represents a genuine problem for journalists, and it flows from all sorts of fears. The most common self-censorship stems from servility toward political and business powers, as well as editors." Bulatović agreed, and said, "Self-censorship is a relic from the past, and obviously our journalists are slow in conquering the realm of professional freedom and impartiality."

According to the panelists, generally the media cover important national and international events. Just as in 2010, this year Montenegrin media focused primarily on political, social, economic, and identity issues, but also often covered the topics of judicial reform and challenges related to organized crime and corruption. Journalists also cover bloggers and social networks; in this regard, writers face no censorship or barriers in reporting on security issues. Vuković noted, "All crucial social events are covered by media, and there are no editorial obstacles. The Montenegrin media scene is extremely pluralistic, which makes it impossible to hide or ignore some important event."

Local media have made great strides in reporting on all relevant national and international political, economic, and social news. However, gaps persist in terms of investigative journalism. For example, the media missed opportunities to report on the suspicious privatization of heavy industrial complexes, including the Still Mill in Niksic and the aluminum plant in Podgoricam. The media failed to explore the aluminum plant story because of the lack of information related to a Russian investor and his credibility. Media outlets also have foregone investigating the government's

investments in projects such as telecommunications towers. Mandić pointed out that "...there are certain events which are not covered sufficiently by [traditional] media, but rather by blogs or online forums."

With regard to journalist salaries, the panelists reported no changes since last year. Journalism is still a poorly paid profession in Montenegro, although salaries are higher in the private sector. Overall, some 3,500 employees work in media industry, and most of them (especially staff in logistic departments) receive low salaries. Very few journalists make more than €1,000 a month, and the average salary is around €500 a month. Many journalists receive less than that.

Several panelists elaborated on the causes and effects of low pay rates. Zečević explained, "A journalist's salary depends on the size of the media company he/she is working in. Journalists in print media receive higher salaries compared to their colleagues in online media. Generally speaking, the majority of journalists earn small salaries, just enough to make ends meet." Bulatović agreed, saying, "Salaries in journalism are below the importance of the profession. Even within media companies, there are significant differences in salaries among managers, editors, and journalists. An additional problem is that some private media are not paying social insurance for their journalists, thus putting them in a particularly difficult financial position." Vuković added, "Journalists' salaries are not equivalent to the job they are doing and responsibility it brings with it. Salaries are a very non-transparent issue, because very few media companies publicly admit how much they pay their journalists. Generally speaking, journalists are poorly paid and often forced to work for several media companies at the same time."

However, it is important to note that the average salary in Montenegro is €470, the inflation rate hovers around 2.5 percent, and the unemployment rate is 12 percent—with almost half of those formally registered as employed working in the public sector.

A recent trend is showing that low salaries are driving journalists to shift to other professions, taking jobs in public relations, at NGOs, or with the state.

The panelists said that electronic media broadcast mostly commercial entertainment programs. The media sphere is quite saturated with these kinds of programs, although television companies still insist on airing soap operas and similar shows, which are slowly reducing the time allocated to news and educational offerings.

In this regard, Mandić said, "We have too many entertainment programs. The company I work for insists on airing news programs during the daytime, while allowing entertainment programming to dominate the late evening

Mandić added, "Unfortunately, self-censorship is the legacy of the previous political system. Self-censorship represents a genuine problem for journalists, and it flows from all sorts of fears. The most common self-censorship stems from servility toward political and business powers, as well as editors."

hours." Zečević had a different opinion. "I think that in the biggest media companies, news and entertainment programs are well balanced, and this is typical for media companies established by Montenegrin citizens. Foreign owners of Montenegrin media are more insistent on entertainment programs," he said. Bulatović was more sharply critical. "Trash, entertainment, tabloidization, and banality are all features of the Montenegrin media sector," he said. "Viewers often prefer entertainment programs and scandals to news and cultural journalism, and this has a huge impact on editorial policies of media companies."

All the relevant national private electronic media (TV Vijesti, TV IN, TV Pink, Pro-TV) have gone digital in recent years, and use modern technical equipment. Threatening the digitalization timeline, the national public service RTCG does not have adequate modern equipment—especially digital technology. Ramović commented, "Technical capacities and equipment differ from one media [outlet] to another. Modernization of the media in Montenegro is still not completed, mainly because of the economic downturn and consequent financial problems of media companies."

Regarding Internet accessibility, the media face no technological obstacles. All media companies have undisturbed Internet access, allowing editorial teams and journalists to access all information they need online.

As noted above and in previous MSI studies, investigative journalism is lacking, as are niche journalists, the panelists concluded. The media offer little coverage of the legal system, education, urban planning, financial management, and the banking sector. Drobac was particularly skeptical in this regard: "Investigative journalism is complex work, and in my opinion, true investigative journalism in Montenegro is just an illusion for the time being." Rabrenović agreed, saying, "We have to admit that investigative journalism—where journalists investigate a certain issue for several months—simply does not exist here. True investigative journalism is expensive; requires a lot of time; and that is precisely the reason why we do not have it."

Rabrenović described several complications regarding media ownership. “The owners of media companies are well known, but there are no regulations forcing them to submit financial statements. When it comes to blogs, it is difficult to establish official ownership, but still we know who is behind them.”

Mandić elaborated on the absence of niche reporters. “Journalists are usually not specialized to cover certain issues of interest to citizens. There is no continuity in treating some important issues. What is now being done does not display standardized investigative journalism quality, thanks to low salaries and low skills. Again, media companies do not have money to finance investigative projects and simply pay the journalists who are experts in given areas,” he said.

The panelists concluded that investigative journalism correlates closely with the development of specialized journalism, because without it, media are unable to deal competently with important and challenging social issues.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.68

At the local and national levels, Montenegro has approximately 75 broadcast, print, and Internet media, with more than 90 percent owned privately. The total is even higher when web portals, blogs, and online forums are counted. The country has 65 broadcast media outlets, 40 of which are owned privately. These numbers confirm Montenegro’s media pluralism, and explain why some lament that the country has an excess of media outlets. Bulatović commented, “Radio Antena M, TV Vijesti, and some of the local media companies are significant in terms of informing the citizens. Regarding print media, the most influential are the dailies *Vijesti* and *Dan*.”

The crucial novelty for 2011 was the establishment of the new private *Dnevne Novine* (*Daily Newspaper*). With this addition, the Montenegrin print media market has expanded to four dailies (*Vijesti*, *Pobjeda*, *Dan*, *Dnevne Novine*) amid dire economic and social circumstances—for a population of just 620,000. Only time will tell whether all four are economically viable, and whether Montenegro has enough of a market to sustain four dailies.

The growing influence of social networks (Facebook, YouTube, Twitter) is evident, although the quality and news outreach of these networks is relatively small, and some alternative media are not well developed yet. For example, the panelists are not aware of any news companies distributing news via SMS. However, Unković commented, “Bearing in mind [the] tiny population, I think we have too many media companies in Montenegro. On the other hand, one might say that different points of views are always presented and that citizens have ample freedom of choice.” Rabrenović agreed that the variety of news sources allows representation of different political viewpoints, and added that the country’s numerous media companies “are also presented online. We also have blogs and constant exchange of opinions on web portals.”

However, panelists were unanimous that professional standards have not grown in stride with plurality, thus Montenegrin journalism is not better off because of the growth.

Montenegro is considered a rather liberal country with regard to access to local and foreign media. The government imposes no legal limitations, and the country’s technological infrastructure gives many citizens unfettered access to different media. Satellite links and national radio and television frequencies cover rural areas, and the Internet now reaches almost the entire territory. The official rate of Internet penetration is 45.9 percent of all Montenegrins, with older citizens tending to be less computer literate than younger citizens.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Any restrictions in access stem from citizens' individual preferences and relative buying power. In that regard, Rabrenović commented, "The authorities are not trying to block access to online news in any way, although citizens are limited in terms of PC literacy and foreign language skills." Unković agreed and emphasized that the extent of computer illiteracy has a negative impact on access to information.

The dominant public opinion is that local public media and national state-owned media are under the control of the ruling parties, and as a result, whatever good regulations exist among media community members are marginalized and twisted. It can also be said that state/public media spend a predominant amount of time reporting on the government or its leaders. However, as RTCG editor Vuković explained, "The public service model is still in the making. The regulations are good, but it takes time for the whole system to develop. We have inherited some problems from the past—including excessive staff, unbalanced journalism, and shortage of funds—which prevent us from moving faster."

Rabrenović also had a somewhat sympathetic view of state media: "Public media are not independent; they represent the interests of the ruling coalition, although they cover opposition activities as well. I believe that the majority of journalists and editors within RTCG and *Pobjeda* see themselves as neutral advocates of public interests," she said. Other panelists were less forgiving; according to Unković, "Public service is in no way neutral, and its partiality has been a problem for years now."

The panelists concluded that political interests reflect negatively on national and local state-owned media, contrary to the Law on Public Service and the need for pluralism of social interests to be represented equally in public media services. However, public media outlets help fill a gap by promoting educational and cultural topics that private media sometimes ignore or neglect.

Montenegro has just one news agency, the independent Montenegrin News Agency (MINA). MINA sells news (currently just print and online content) to local media companies in line with their commercial interests. Reputable foreign agency services are available also. "News agencies are commercial media, and they provide services to all those who can afford it," Unković said. "Electronic media also use the services of foreign news agencies." According to Ramović, "Access to all local or foreign news agencies is unrestricted, and it is simply a matter of affordability." Generally, when outlets use content from news agencies, they credit the source.

As for original programming, Mandić said, "Everything depends on the media company. Very few of them produce their own news programs. News programs of private media differ from state-owned companies. Private media react faster

Minority-language programming is a priority for public media, according to Vuković. "The national public service has a special program for minorities. We are producing and broadcasting both in Albanian and Roma languages, and this is a very important mission of the national service," she said.

and present information that is not politically colored. Media companies with national coverage are producing their own news programs, unlike the majority of local media."

Other panelists said that while private electronic media companies produce some of their own content, including news programs, there is a huge difference in quality between national and local private media companies. Online journalism and other new media formats are lagging behind traditional media, and at the moment do not represent a relevant source of information for the public.

Public registries contain data on the official owners of Montenegrin media. Sporadically, though, doubts arise in the general public regarding the real owners of certain outlets, leading to publication of controversial information. The law requires all companies operating in Montenegro to register with the government's company registry, which is public and accessible (even online).

Rabrenović described several complications regarding media ownership. "The owners of media companies are well known, but there are no regulations forcing them to submit financial statements. When it comes to blogs, it is difficult to establish official ownership, but still we know who is behind them. The majority of media owners do not want to reveal the origin of their money. There is no monopoly in the media sector, but we do have media concentration," she said.

Mandić had another viewpoint, claiming that "transparency of assets in the media sector is questionable. Citizens very often do not have a clue about who the real owners of certain media companies are. Some formal owners are just a front for the real, 'hidden' owners."

Foreign investment in the media sector has been low for many years. Panelists reported only one significant investment/take-over in 2011: Greek media investors bought the national radio and television station Pro TV.

Media members write about Montenegro's social issues often. However, at times they choose not to cover entirely or scrutinize some topics, including discrimination, violation of

collective and individual rights, certain criminal cases, lesbian/gay/bisexual/transgender issues, and domestic violence.

Minority-language programming is a priority for public media, according to Vuković. "The national public service has a special program for minorities. We are producing and broadcasting both in Albanian and Roma languages, and this is a very important mission of the national service," she said.

Ramović indicated that some private media are attempting to provide minority coverage, but "broadcasting in minority languages is problematic in Montenegro," he said. "Those media that do broadcast in minority languages exist, but the government is not supporting them sufficiently. Most of these media are not economically viable and they need greater support by the government."

Most panelists agreed that the media report on major events occurring domestically and abroad, and keep citizens informed on key social issues. Novović said, "Media are covering important events at local, national, and international levels, and I do not see any problem in this respect." Rabrenović agreed, adding, "Media are covering the entire territory of the country, and they report on all important events in the region. Local media usually deal with local issues. Some of them are better than others. Every significant international event is covered by our media, so there is no need for citizens to resort to other sources of information."

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 2.06

The panelists characterized media businesses in Montenegro as unprofitable and hardly viable, noting that this has long been the case. They expressed little optimism regarding the financial sustainability of media enterprises, while Montenegro is still feeling strong effects from the recessions in South Europe's economies, and while corruption still plagues the country. Montenegro's socioeconomic fabric is unraveling as well, as exhibited by the numerous strikes held in 2011 by dissatisfied segments of the society.

Although the country recorded a small tick in growth with respect to last year (expected 2011 GDP growth around 2 percent), and the banking sector has managed to stabilize itself, the media sector is still suffering. Bulatović noted, "Media companies are hardly viable in this very limited market environment. Circulation is insufficient, and advertising revenues are not enough to fill the holes in company budgets." According to Mandić, almost all media companies in Montenegro are in a dire situation financially,

and are operating with bare-bones staff. Generally, community and local media do not operate as efficient or sustainable organizations. That said, accounting and finance standards are generally in line with international practice. Trained professionals are hired separately from editors and journalists to manage accounting, marketing, and human resource functions.

The panelists said that private media company budgets depend on circulation, advertising, and non-commercial support coming from their owners, international donors, and certain businesspeople. Advertising revenue is simply not enough to allow private media companies to operate profitably. The public media are competitors in the advertising market and take away a big share from the private dailies and broadcasters. Mandić commented, "Private media companies have several sources of revenue, but all of them are relatively small. State-owned media companies enjoy steady budget revenue plus revenue coming from advertising."

Noting that print media in particular survive exclusively on circulation and the sale of advertising space, Rabrenović commented that private media that "...fail to position themselves on the market must collapse. Private media are much more rational moneywise, and unlike public media, they do not spend taxpayers' money." Panelists agreed that private media are using all legal means at their disposal in order to survive in the relatively small Montenegrin market.

Although some private media companies are turning a profit (for example, the dailies *Vijesti* and *Dan*), most are on the brink of collapse, and public services are totally dependent on

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.

funds from the national budget. Private media face distinct challenges in a business sense: because many public media enjoy state financial support, private media are forced into unfair competition in the advertising market. The economic downturn's reduction of advertising income represents an additional burden for private media.

Many private media owners prop up their outlets financially, but this support sometimes comes at a price editorially. As Rabrenović said, "A majority of media companies are making money in different ways, and I don't exclude the possibility that one or more financiers influence editorial policy—for both private and state-owned media. There are just a few private media companies able to survive just on market-generated revenues." Ramović noted, "Media companies have several sources of income, but local media companies are in a far worse situation compared to their national or regional counterparts. This, in turn, has a great impact on the program quality broadcasted by the local media."

The advertising market in Montenegro does not exceed €8 to €9 million per year. The panelists were unanimous that the Montenegrin advertising market is small, and Drobac also noted, "Seventy percent of the advertising market is controlled by companies headquartered outside of Montenegro, and only 30 percent comes directly from Montenegrin companies." Most of the major marketing agencies are from Serbia, and the main advertisers are telecommunications companies, breweries, and tourism agencies. Zečević said that furthermore, "The advertising market is monopolized because just one advertising agency covers some 70 percent of the television market. On the other hand, Montenegrin advertisers usually have rather weak awareness of the importance of advertising, and therefore invest modest amounts in proper promotion."

Advertisers concentrate mostly on private national media companies and RTCG, while advertising revenues at the local level are small and marginalized. In the last several years, the advertising market has shrunken 30 percent (as estimated by the panelists, based on incomes in their media outlets and compared with last year).

These figures led Mandić to say, "Media cannot earn much revenue from subscriptions, as this form of media financing does not exist in Montenegro. In my view, we should ban public services from selling advertising space, thus helping the private ones to survive." However, according to Vuković, "The share of advertising in the total revenue of the national public service is some 10 to 15 percent (more than €1 million). For the sake of comparison to other countries in the region, advertising revenue for public services reaches up to 30 percent of their annual budgets." In contrast, advertising

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represents an estimated 80 percent of the budgets of private media.

Ramović noted that the government shows its favoritism of some media outlets by advertising with them. In agreement, Rabrenović added, "Government bodies are not crucial players in the advertising market, but in recent years, they are advertising in almost all media companies. The authorities do have some preferred media companies, which are of extreme importance for them. Still, it is important that they started advertising even in other media companies. Although everybody agrees that advertising by government bodies is important for private media companies, it is visible that both national and local authorities prefer to advertise—and thus provide financial injection—with pro-government media, which are under their control."

State aid is given rarely, although panelists said that the economic crisis has led the government to financially support all media outlets by forgiving part of their government debts—totaling about €1.5 million. The panelists expressed confidence that the debt relief is a unique situation.

The panelists agreed that market research is insufficient in Montenegro. Media companies are either barely profitable or unprofitable, and therefore lacking the funds to hire specialized, competent research agencies.

Montenegro has no media rating research companies. The dire financial situation of many media companies does not allow them to commission market surveys in line with their professional and business needs. In most cases, media companies depend on surveys published by NGOs or other independent institutions. Bulatović remarked, "Thanks to the work of one NGO (CEDEM),² we have periodical public opinion surveys, which tell us about citizens' confidence levels with certain media companies." Unković added, "There are surveys accessible to all media companies [done by NGOs], but also those done for the internal needs of financially strong media companies."

²The Centre for Democracy and Human Rights

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.35

The panelists expressed the general feeling that professional media associations are poorly developed and weak, with limited capacity to make a difference. Regarding media trade associations, Rabrenović said, "We do have the Association of Electronic Media and the Association of Local Public Services, but I don't know if and how they are functioning. On the other hand, the self-regulatory body tasked with pointing to unprofessional behavior in media was recently closed."

Other panelists questioned the value of professional media institutions. "We do have media associations, but I am not sure that their activities are contributing to better positioning of media companies or their professionalism," Unković said. According to Mandić, "There are various associations, but most of them are quite passive. Sometimes they speak in public, but they don't have the capacity to act as strong players. Finally, I can say that media community benefits little from the existing media associations."

The electronic media have several professional organizations (Association of Local Broadcasters, Association of Independent Electronic Media, and Commercial Media Association of Montenegro) established to protect their members' interests, but, according to panelists, their work is sporadic and without any noticeable impact. The panelists agreed 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 (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 community in Montenegro has failed to provide valid protection of business interests for its members.

As for journalist associations, Mandić said in a definite tone: "Professional associations are doing nothing here." In agreement, Vuković said, "We are disunited as professionals. There are associations fighting for partial interests, but journalists' solidarity is all but gone. The collapse of the self-regulatory body and the unwillingness of media community to rebuild it and make it credible is the best argument for my statement."

Montenegro has several journalist associations (including the Association of Professional Reporters of Montenegro, the Association of Reporters of Montenegro, and the Society of Reporters of Montenegro). Panelists agreed that the associations are inactive essentially. The absence of a strong journalist association serves as confirmation of the destructive environment within the profession.

The panelists concluded that the country has numerous NGOs engaged in the area of free speech, providing support to independent media, and advocating for professional editorial policies. For example, the Media Institute of Montenegro provides training, Action for Human Rights actively supported the decriminalization of libel, and the Monitoring Center-CEMI and CEDEM provide support for media legislation.

The panelists noted strong and productive relationships between the media sector and NGOs. Bulatović said, "Civil society is positioning itself very well on the social arena, and thanks to close cooperation with the media, it is very visible in public." Vuković agreed regarding the benefits of this cooperation and said, "Civil society is growing and gaining influence, in recognition that partnership with the media is necessary for them. The public service is also making appropriate steps in this direction, establishing cooperation with numerous NGOs." Novović added, "We have numerous NGOs that cooperate well with the media, and often they represent a relevant source of information for the media."

As in previous years, in 2011 journalism students had various options for formal and other informal specialized programs (e.g. the public School of Political Sciences, the Media Institute of Montenegro Journalists' School). The institutions teach appropriate theoretical knowledge and practical skills. Rabrenović commented, "There are both university and extracurricular education programs for journalists. I think there are few, if any, students' publications. The trainings are supported by modern technologies, as all the media companies have this equipment. However, these programs are not designed to produce specialized journalists."

The current educational situation in Montenegro is much better than before, as reflected in higher-skilled journalist graduates. How many of these journalists will be hired given the current financial crisis remains to be seen, however.

Opportunities are limited for employed journalists seeking to continue their education. Bulatović commented, "We don't have training in the area of investigative journalism, on covering topics such as crime, corruption, and the economy. Furthermore, editors hesitate to send journalists to training because they need them every day to do their regular job." Vuković noted, "Employees in public service have better possibilities to take vocational studies. I am not sure that private media companies are actually allocating funds for the training of their journalists, or that they even support them if they express a desire to take a course."

Many panelists agreed that the Media Institute of Montenegro is the most solid provider of extracurricular, practical training for journalists. Ramović commented that the school is working very well, but overall, media companies are still unaware of the importance of training through informal supplemental courses. And although these programs teach modern techniques, such as the use of the Internet and multi-media applications, more advanced courses are needed, panelists said.

Existing print shops, where leading dailies are printed, belong to profitable private companies (e.g., *Vijesti* and *Dan*)—except the state-owned press, which belongs to the government daily *Pobjeda*. Unlike its counterparts in the private sector, the state-owned press is not profitable but is subsidized by the government. According to Mandić, media outlets face no special limitations in terms of buying necessary raw materials or equipment; everything depends on the financial capacity of a given company.

Distribution companies are owned privately, but operate with certain financial difficulties. The distribution market for print media is favorable to the establishment of a monopoly, although this is not the result of any political preferences or pressures, Unković said. Broadcasters own their own equipment, but rent space at pillars owned by the Agency for Telecommunications. With regard to equal access to mobile networks, the media are not yet making use of mobile technology (e.g. SMS alerts or MMS content).

The bulk of the Montenegrin broadcast media sector still faces the project of digitalization. Just a few of the most powerful media companies have already gone digital; for smaller media (radio stations, local public services), digitalization is problematic because of their poor financial

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situation. They can only digitalize with the help of government or potential donors. However, the Montenegrin telecommunications network is one of the more modern within the region, so citizens have very few problems accessing cable media, mobile telephony, or Internet. The government is not controlling online media, nor does it impose any administrative limitations that might block the development of online journalism.

List of Panel Participants

Radojica Bulatovic, director, Media Institute of Montenegro, Podgorica

Danka Novović, journalist, Radio Antena M, Podgorica

Dragana Unković, journalist, TV Vijesti, Podgorica

Marina Vuković, editor-in-chief, Montenegrin TV, Podgorica

Predrag Zečević, journalist, Portal Analitika, Podgorica

Neđeljko Rudović, journalist, *Vijesti*, Podgorica

Jadranka Rabrenović, journalist, *Dan*, Podgorica

Ranko Vujović, president, Agency for Electronic Media of Montenegro, Podgorica

Dino Ramović, editor-in-chief, TV Teuta, Ulcinj

Sonja Drobac, journalist, Atlas TV, Podgorica

Dragan Klarić, editor-in-chief, Radio Budva, Budva

Slavko Mandić, editor-in-chief, Radio Skala, Kotor

Moderator and Author

Rade Bojovic, executive director, Media Ltd., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd., Podgorica. The panel discussion was convened on November 18, 2011.

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ROMANIA

R

Romania has endured several years of political and financial troubles. The impeachment of President Traian Băsescu in 2007 was followed by Parliamentary elections in 2008, presidential elections in 2009, and an economic crisis that was aggravated by the political infighting.

In 2010 the Romanian government made some of the most severe public spending cuts in all of Europe, which created social unrest. The popularity of President Băsescu and his party went down but the coalition in parliament remained stable. Despite their popularity in opinion polls, the united opposition (the Social Democrats and the Liberals) failed to bring down the government in 2011 through parliamentary procedure. After the severe conflicts between the president and former Prime Minister Tăriceanu from 2006 to 2008, having a prime minister from his own party allowed President Băsescu to dictate his policies over the government. Overall, 2011 was calmer than previous years. Romania had a stable government and no new cuts in public spending, which allowed top officials to recover some of the popularity losses from the previous year. Nevertheless this could be a short interlude before future issues arise.

2012 will be a full electoral year with local and parliamentary elections. The populist pressure on the government from its own political networks will increase, as will opposition pressure after the president unwisely announced he will refuse to appoint one of the opposition leaders as prime minister if they win elections. To retaliate, the opposition announced a new procedure to impeach the president. With Byzantine constitutional provisions this is purely power politics between the two sides but it costs the country the predictability necessary to weather troubled economic times.

The economic decline of the mass media continued in 2011 as two of the largest media conglomerates (Realitatea and Adevarul) imploded this year. The salary cuts that began in 2010 happened again in 2011 and around 6,000 journalists have been laid off since the beginning of the crisis. Advertising totals decreased by 68 percent, and old problems that were considered solved in previous MSI reports came back to haunt the industry. The Romanian state is once again one of the biggest players in advertising and its practices remain abusive and unrestricted. Once solid media outlets like *Evenimentul Zilei* were sold by international investors and the transparency of the new ownership is questionable. The anti-Băsescu bias of large media conglomerates started to be balanced by new outlets, but rumors persist that the governing party is investing in these new outlets in order to create a favorable media. As it stands, Romania now has more pluralism in media but less objectivity.

MSI scores remained generally stable with a modest increase in Objective 1, a minor increase in Objective 4, and a slight decrease in Objective 5. The Objective 5 decrease can be attributed to the collapse of some significant media organizations (Romanian Press Club, Association of Local Owners and Editors), which forced laid-off journalists to flock to the still weak trade unions.

ROMANIA AT A GLANCE

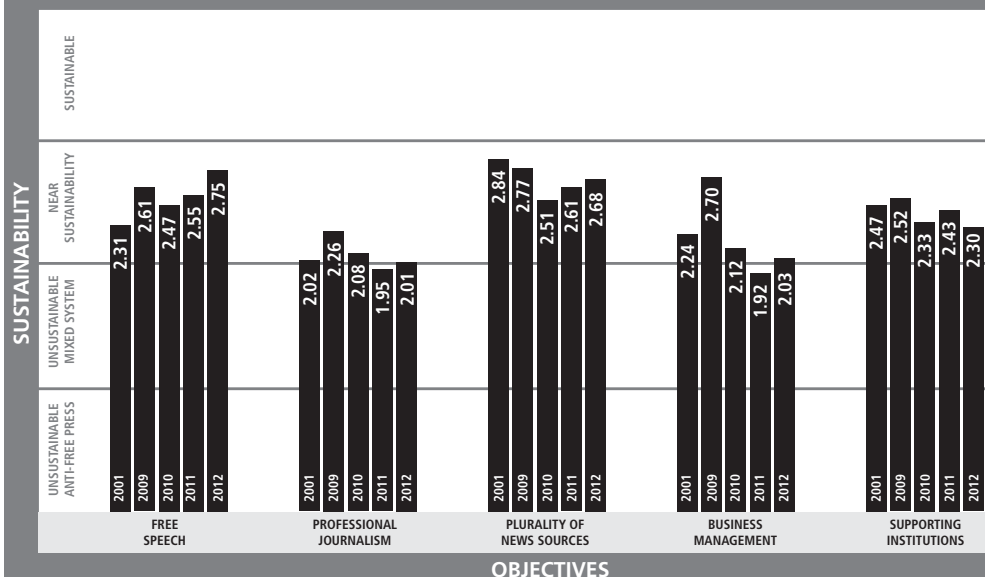
GENERAL

- > **Population:** 21,848,504 (July 2011 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 Reformed 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 (2010-Atlas):** \$ 168.2 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$ 14,060 (World Bank Development Indicators, 2011)
- > **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: 433 publications (according to BRAT); Radio Stations: 642 (609 terrestrial broadcasting, 33 satellite broadcasting (CNA Annual Report 2010); Television Stations: 8 general stations, 3 sports-oriented, 5 news stations (366 licenses granted by CNA, CNA Annual Report 2010)
- > **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%) (paginademedi.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. (paginademedi.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_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

Romania Objective Score: 2.75

Due to the accession process to the EU and the amendments to laws following the decisions of the European Court of Human Rights (the legal harmonization process), Romanian legislation is largely in accordance with the European standards. However, this year's panelists identified two worrying issues. Firstly, a new Civil Code entered into force, completely replacing the old Civil Code, after a complex drafting process and being postponed for several years. And second is the proposed draft of a new national security strategy.

The drafting process for the new Civil Code was secretive, with commissions of lawyers and law professors working on the initial drafts, which were later debated in public. The government used an emergency procedure, reducing the possibility of the parliament to change the text, to get the new Civil Code adopted. The new law raised awareness of privacy and public figures' rights to defend their image against others' freedom of expression. As a representative of the Romanian Journalists' Association, panelist Cezar Ion participated in debates with the authors of the initial draft. According to him, some of the authors had personal issues that caused an anti-media attitude: "I attended meetings with university professors who designed the new Civil Code.

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

FREE-SPEECH INDICATORS:

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

The project targeted the interaction between privacy and the media and freedom of expression, not just for the press, but as a general principle. As long as this topic was related to other fields of activity and other institutions, everything was alright. When it referred to the press, the situation wasn't all roses anymore. Those professors had personal issues with the abuses of the press, with the tabloids. In the end, the only way in which we managed to balance the situation was by modifying an article that made reference to the European practice and European decisions that take precedence over the internal ones. It was a long debate about the meaning of public interest. It's difficult to define it."

The general impression of the panel was that the new code reverses the previous situation in which the freedom of expression prevailed over privacy protection. The participants were especially anxious because they did not trust the Romanian judges to enforce the new law wisely and in the public's interest. Cătălin Moraru, editor-in-chief of *Monitorul de Botoșani*, one of the biggest local newspapers, said, "It is hard to predict how the judiciary will interpret the new Code. There has been no training with the judges on these issues. The courts used to interpret the old laws in an unfavorable manner for the press. They new ones will be subject to interpretation even more. We were once sued by a businessman and the judge asked us 'Who allowed you to write such a thing?' Our answer was 'The constitution.' However, we won after the appeal when a better judge asked him some questions about the content of the article. The businessman realized he didn't stand a chance and withdrew. The president of the court stated in an interview that there is no expertise on the new Codes."

Not all panelists were against the new legal approach. Iulian Comănescu, a well known media analyst, even expressed his hope that media will be held accountable by the new Code: "The new legislation brings up front the idea of privacy. I wish the tabloids had lost and paid the damage compensations to the Bănică family." His reference is to a scandal in Romania involving the famous singer Ștefan Bănică and his wife, a famous television host herself, who were harassed by paparazzi. The Bănicăs started the first cases against the tabloid newspapers under the new Civil Code, asking for huge financial damages. The abusive style of the newspapers and the campaign to harass the two VIPs generated public support for them against the journalists. Comănescu is far from being alone in his adversity towards tabloid media. He added "The press seems to be wilder and wilder. It's good that it's kept within boundaries. Tiberiu Lovin, for instance, went through the personal emails of the public radio's manager and published private information from them. People outside the press, decent people, were

telling me that something needs to be done with the press as it has lost its grip.”

Other panelists, although recognizing the media abuses, were afraid that the new code opened the door for other abuses against the media. Răzvan Martin from the NGO Media Monitoring Agency pointed out that, “The problem is that the same article of this law that is used against tabloids could also be used against serious journalists who investigate corruption.” What is happening now, more panelists concluded, is that all media outlets are forced to pay for the abuses of the tabloids and the bad image they created. Moraru said that, “Talking from the perspective of an honest journalist, this is what is happening to me. People are throwing all of us in the same category. When the self-regulation element is missing, everyone goes to court.”

Self-regulation never functioned in Romanian media. A coalition of 30 media NGOs, the Media Organizations’ Convention attempted to create regulation, and even proposed an Ethics Code but it lacked enforcement mechanisms. The Romanian Press Club, which gathers big media owners and powerful editors, was for years reluctant to open the debate and when it adopted its own Ethics Code, its members showed little interest in enforcement.

No one expects self regulation mechanisms to function when faced with media abuses. The only solution is to go to court, but the expectancies are low with regards to justice itself. “Everything is decided in an incredibly unstable judiciary system,” Ion said.

A second issue that came up spontaneously in the group discussion was the proposed draft of a new national security strategy, also covered in last year’s MSI. The draft strategy is still pending in the parliament. Media NGOs, trade unions, and media outlets protested because media was mentioned as one of the security risks. The European Parliament was involved in this internal dispute and last year three leaders of different political groups, Martin Schultz (Socialists and Democrats), Guy Verhofstadt (Liberals) and Daniel Cohn-Bendit (Greens) sent an open letter to their Romanian counterparts asking them to reject the proposal.

An open petition is pending in the specialized committee of the European Parliament and a delegation of European Parliament members paid a highly publicized visit to Romania at the end of 2011 to further investigate the issue. Panelist Adrian Moise, vice president of MediaSind, the trade union of the media industry, was involved in bringing this subject to the European Parliament’s attention. The opinion was split among the group. Ion mentioned that, “The strategy makes a reference to press campaigns aiming to influence state institutions; there is no

reference to the press being a threat to national security as such.” On the other hand Martin sided with Moise, saying, “It’s easy to interpret it abusively and this document may well serve the interests of the secret services in this area.” Moise also added that the secret services would gain a dangerous upper hand over the media: “It gives them the right to wiretap without a mandate just to verify the accuracy of the information (e.g. if a media outlet is targeting some officials).”

Given the fact that the draft strategy is still pending in Parliament two years after being proposed, it is a sign that public protest has had the effect of making Romanian officials reluctant to go on with it. But both the new Civil Code and the attempt to deploy the secret services to bring order to the media industry are just symptoms of a deeper frustration. According to the panelists, the public image of the media is rapidly worsening and the prestige of the profession reached catastrophic low points. Ion believes that, “The greater issue is that the public opinion supports these attempts. People are tired of the press, even journalism students are telling me this; the press is becoming too aggressive.” Moraru was afraid that an idea of a comprehensive media law that could over-regulate the profession was gaining ground: “There is a common understanding that a law of the press is needed; it’s on everyone’s lips. The purpose and essence of this endeavor are simple: shut your mouths.”

The National Council of Broadcasting (CNA) is an autonomous body that controls broadcast licensing. It is nominally subordinated to the parliament in that its 11 members are appointed by the president, the cabinet, and the parliament. The members of the CNA often see themselves as representatives of the parties that negotiated their nominations. Formally, members of the Council have the power to elect the president of the Council, but in fact, the position is negotiated by the parties in the parliament. This is possible because the members’ vote has to be validated by the parliament. So in practice, the CNA members vote the candidate already agreed upon by the majority in the parliament. The current president of CNA got his position after the Liberal Party, which nominated him, traded this office with the Social Democrat Party, which took the directorship of SRTV, Romania’s public television broadcaster. It was a bad deal for the Social Democrats when, after the 2009 parliamentary elections, the new majority removed their representative from his directorship, while the president of CNA remained in office. The difference was made by a detail in the CNA law: the parliament has to approve the yearly activity report of CNA. A negative vote has no consequences. In the case of SRTV this is different; a negative vote in the parliament means an automatic dismissal of the board and of the director.

This year, as in previous years, panelists expressed doubts about the license granting process. The criteria are vague and political connections seem to count more than the professionalism or promises about the content (each license is formally granted after the broadcaster presents a detailed content plan). Regardless, the cases in which CNA is refusing to grant a license are exceptional and usually connected with public morals or the protection of children. In 2011 it refused to grant license to a Romanian adult channel. In a 2011 opinion poll¹ paid by CNA, 55 percent of citizens considered that CNA is a necessary institution to monitor broadcast media.

The gatekeeper role of CNA is less important than its function to police the broadcast media. All the panelists agreed that the institution fails to do so. CNA is supposed to monitor the implementation of editorial plans and to sanction the broadcasters that fail to obey the law. The institution is understaffed to thoroughly fulfill this function: only 13 employees monitor the content of all Bucharest based television and radio stations. Ion underlined that, "CNA is by all means understaffed compared to its mission." The structure was created at the beginning of 2000 when the media market was completely different, with far fewer media outlets and stations overall, but nobody is willing to change the law or grant CNA more resources. As a consequence CNA does not perform comprehensive monitoring but rather only reacts when complaints arise.

In some cases CNA is openly ignored by media owners and broadcasters. In 2011 a spectacular conflict occurred between the manager and the owner of Realitatea TV, the first all-news television station in Romania and the most influential for years. It was owned by Sorin Ovidiu Vântu, a highly controversial businessman. In 2010-2011 Vântu was tried for criminal activities not connected with his media business and was jailed for a while. Legal problems brought about financial difficulties, and Vântu could no longer subsidize his television station. In 2010 he signed a management contract with another businessman, Sebastian Ghita. According to the contract, Ghita received full control of Realitatea TV for five years in exchange for subsidizing the station and covering its costs. But the two had a falling out in 2011 and entered a game of mafia style threats over the control of the station. Vântu was even arrested for death threats. Ghita seemed to win the first round, fully controlling the station that was formally still owned by Vântu. In the middle of 2012, however, Vântu announced that he sold Realitatea TV to a third businessman, Elan Schwarzenberg, who then replaced Vântu in the manager-owner conflict.

¹ IRES, "Attitudes and consume habits—Perceptions about CNA" [Atitudini și obiceiuri de consum media—Percepții privind CNA], 2011.

On October 23, 2011, while Realitatea TV was broadcasting from their offices controlled by Ghita, another Realitatea TV with the same name and brand started to broadcast from other offices controlled by Schwarzenberg. It was a spectacular *coup de télévision* happening live. The two stations continued to broadcast in parallel, to the confusion of the public. CNA was supposed to manage the dispute but it was ignored by both of the businessmen, each breaking the law in different manners. Only weeks after the scandal the two were called to testify in front of the CAN's members and the CNA decided to fine both and let them continue their operations. Currently, one is Realitatea TV, the other one Romania TV, although both use the acronym RTV. In this instance, the market that was supposed to be highly regulated was operating in anarchy, with the state weak and late in responding to the power contest.

In 2010 CNA tried to launch a debate on changing the must-carry rule. According to the current rule, cable providers are compelled to retransmit all public television channels, the French TV5, and private television stations in the order of ratings (up to a limit of 25 percent of the total number of channels on offer). This strict regulation makes the system predictable. On the other hand, it encourages the race to the bottom in terms of quality. CNA was forced to order the cable companies to retransmit OTV, a tabloid style station that CNA fined many times for breaching the rules. A group of CNA members noticed this paradox and proposed to change the rule. But the rest of the stakeholders (television stations and cable companies) preferred the status quo rather than open the door for other problems, such as possible abuses from the authorities who grant permits to cable companies.

Panelists rejected the idea of changing the must-carry rule as they believed the audience-based system is preferable to a more interventionist one because they do not trust the state or CNA to be an honest referee. Moraru summarized this feeling: "For all the unorthodox things OTV is doing, the result should be its sanctioning, not the amendment of the law and changing the rules."

Romania is supposed to make the digital switch by 2015, in line with all other EU members. Although it was the first EU country to transpose the EU directive back in 2008, changing its broadcast law in order to incorporate the provisions of the directive, in practice the process was delayed to the ultimate European deadline. The incentives to invest in digitalization are low, as 90 percent of the population subscribes to cable. Comănescu suspected a lobbying effort by the big television stations to postpone the switch over: "Digitalization is due in 2015. We tossed and turned and took a rain check. Yet this procrastination is meant to maintain the status-quo. Nobody

is willing to invest in digitalization. From the point of view of media pluralism it is not good, the market is closed.”

CNA was more involved in 2011 in the internal conflicts between television owners and some journalists as a group of CNA members (former journalists) tried to reshape CNA's role into a defender of journalists against their owners. They lacked a majority within CNA, however, to really sanction the broadcasters and for the time being they just organized public hearings, calling both journalists and representatives of the owners to testify.

Although most of them work as journalists, MSI panelists tended to distrust the idea to have a more active CNA to intervene between journalists and their owners. Ion mentioned that it could turn out be a dangerous precedent: “If we open this gate, CNA can dictate what is being aired in the news. CNA should not intervene even if journalists are going to the institution themselves. If journalists have problems, they should take them to court, not CNA.” Moraru thought that having CNA holding debates still helps journalists by bringing these cases to the public's attention: “It's good if CNA holds debates, it helps.”

As noted in last year's MSI, in 2010 the government abolished a practice known by Romanians as “intellectual rights contracts.” This form of payment for individuals who draw irregular incomes from creative activities, including journalists, exempted them from paying social taxes. The media industry abused the practice, and it became the norm to pay journalists through such contracts as a way to avoid regular taxation. The government closed this loophole, abolishing this form of payment. The panelists criticized not the decision itself but rather the abrupt change of the rules and the bad timing. Comănescu said: “It wasn't OK to pay people in this form. But it started in 1999 with big media companies such as ProTV and Ringier and the rest followed them. The state tolerated this practice for ten years and afterwards it should have asked people to make new contracts, legal under the new law, not settle the issue forcefully.” Moraru said that changing the law forced him to decrease salaries for his reporters by 10 percent, and that intellectual rights contracts should be allowed for journalists: “If journalists don't have the possibility to work on copyright, then who does?” Other panelists welcomed the change because it forced the owners to pay journalists through regular, more stable working contracts: “In Western Europe journalists are hired on contract; I think it's a good thing that journalists have a contract,” said Ion.

Another change in the law that affected journalists, although in this case only highly paid ones, was the introduction of VAT for copyright contracts exceeding €35,000 per year. This was actually an older law created in 2007 but it was

ignored until this year when fiscal authorities asked people to pay retroactively for the last four years. This created some scandals and most of those who were supposed to pay went to court and won. This measure created a widespread impression that the fiscal authority is targeting journalists, as Comănescu said: “In the end I find it to be a dubious attitude towards the press. We have an obedient fiscal authority that controls companies following political criteria. I don't want subventions; I want flexibility and low taxes.” Moraru underlined the especially bad timing of the new measures: “Whole newspapers disappeared lately. The decision makers should think that the mass media is important for democracy and should help it. There should be some subventions and support for the press as well; it is done all over the world. Instead they take all these measures to suffocate us.”

There are no life-threatening abuses against Romanian 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 reporting. For example, according to the Active Watch Freeex Report, journalist Alina Băbeanu and cameraman Sorin Mateiciuc, correspondents of the television network Realitatea TV in Suceava, were brutalized by the spokesperson of the Municipal Hospital of Rădăuți, cardiologist Doru Ilie. Even though the journalists had entered the hospital with the consent of the manager in order to speak to two teenage girls who had been hit by a car, the spokesperson, who had been called from home by the guard at the entrance in order to greet the journalists, lost his temper. “He punched the camera several times, pushed my colleague into a locker, pulled us both by our clothes, cut off our way with help from the guard and pushed us forcibly into the elevator, after which he escorted us all the way to the main gate of the hospital.”²

Moraru considered such harassment a sign that the public's mood is turning against the media: “The public is tolerant when it comes to attacks against journalist. There is no public outcry. The general view is that journalists are meddling where it's none of their business so they deserve it. It's true that on the other side, the press is exaggerating as well.” Martin considered that, “Whatever the press does, it is no justification for abuses.”

Public media in Romania include SRTV, 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.

² “Freeex Report: Press Freedom in Romania, 2010. “Active Watch and Reporters without Borders: 2011. p.27. Available at: <http://www.activewatch.ro/uploads/FreeEx%20Publicatii%20Press%20Freedom%20in%20Romania%20Report%20May%202011.pdf> (Accessed March 15, 2012).

There were endless debates and promises in the last year about changing this old law in order to create a more accountable mechanism to govern the public media, yet nothing changed in practice. Martin represented a media NGO (Active Watch-Media Monitoring Agency) in public debates about one of the draft laws and even helped MP Raluca Turcan to draft a proposal. But he expressed his disappointment that all these efforts were in vain: "Nothing is changed in the law after so many years of discussions. Everyone blocked that proposal. Turcan was left twisting in the wind by her own party." Moise cited the lack of political will to solve the problem: "Turcan was not supported. There is no support in this coalition for change and losing the leverage over the national television and the radio." Everybody in the group of panelists agreed that politicians maintained the status-quo in order to have leverage over the public media.

The board of SRTV and its director are usually changed after each parliamentary election. The new majority in parliament usually rejects the activity report of SRTV, which legally means forcing the board to end its term. Both panelists working as journalists for public media were convinced this is a deliberate tactic to control their institutions. Moise, who works for public radio and represents employees to the board said, "The activity reports are kept in the parliament to be used as a threat." Ion, an editor with the SRTV said, "Having this activity report pending in parliament is like a sword hanging above SRTV's head. The Turcan law proposal [would have] changed all this and rejecting the activity report [would not] mean the dismissal of the board anymore." Ion explained Turcan's failure to obtain support from her own party as resulting from the inclusion of this provision in the draft. This apparently minor detail makes a huge difference in practice, as CNA has enjoyed stability while the board of SRTV has been dismissed after each parliamentary election since 1996 with new majorities in parliament.

Besides the political control, the situation of SRTV is aggravated by a deficient corporate structure. "There are no criteria for nominating the members of the board," said Ion in his complaint about the quality of the people sent to oversee SRTV. Most of them see their role only as the representative of the party that nominated them.

Both Ion in the case of SRTV and Moise in the case of SRR complained that in recent years the political parties renounced the silent agreement to appoint people with solid professional backgrounds. "Regarding the last board, politicizing became obvious, transparent. We are not even pulling the shades anymore," Moise said.

There is no clear delineation between the role of the board members and the executive management, Ion further complained. In some cases the board took collective decisions,

micromanaging financial aspects for which board members are not accountable. For instance it was the board decision for SRTV to buy the UEFA Championship at huge costs that led the institution to accumulate debts when the UEFA competition drew less of an audience than expected.

Other structural constraints limit the freedom of action of public media outlets. According to the law, the transmission of both public television and radio should be paid by the government. In practice the government pays SRTV and SRR and they pay the state owned communication companies. Although they act as intermediaries between the government and the government controlled companies, the two outlets are further exposed to possible pressures and blackmailing from the government: "We keep our hands stretched out to the government to give us money to pay for transmissions," noted Moise.

In the case of SRTV the parliamentary control can extend to micromanagement. According to the law, neither SRTV management nor the board can decide to close a channel without the parliament's agreement. For instance the idea to close TVR 3—a failed attempt to develop a channel dedicated to original content—was blocked by this detail in the law.

The situation is even worse in the case of the public news agency, Agerpres. Formally speaking, Agerpres is subordinated to the government and is a part of the public administration. Its director is appointed by the prime minister and its employees are, legally speaking, public servants. Moise, as a media trade unionist, helped some of the Agerpres journalists in a court case involving management abuse. The attempt to create a union branch within Agerpres was prevented by the civil service status of the journalists working there. Moise said, "The people there are public employees. They are journalists in fact, but cannot benefit from the legal provisions for them. The director of Agerpres is named by the prime minister. The current director had his mandate expired in 2009 and he is still the provisional director there. He was put in power by the former government. But he was taken over and kept, because he is useful."

The discussion group concluded this year that the issue of criminal sanctions for journalists was solved in Romania, although there remain difficulties. As mentioned in previous MSI reports, Romania was asked by the European Court of Human Rights to eliminate calumny from the Penal Code. This was done in 2005 by former Justice Minister Monica Macovei, but the Constitutional Court later rejected the change by saying that civil penalties alone are not enough to protect privacy and personal image. After the Court's decision, parliament was supposed to vote on another law to reintroduce calumny into the Penal Code. Fortunately parliament did not bother to pay attention to this issue. An

ambiguous legal situation lasted for several years, each judge having to decide individually if a criminal lawsuit against a journalist was acceptable or not. Finally in 2010 a decision was made by the Supreme Court. The Supreme Court applied its mandate to unify judicial practice by deciding that calumny should not be treated under criminal law. The Constitutional Court did not react to this and the issue seems to be settled in favor of the media.

In 2001 Romania adopted a Freedom of Information Act (FOIA), inspired by the American model. It was lauded at the time, since a large coalition of NGOs worked together with the government and opposition to draft the law. While this has been a step forward, problems still persist in obtaining information and the authorities are usually reluctant to offer information that could reveal corruption or other sensitive issues. Because of this, most journalists tend not to use FOIA as an instrument, relying more on informal sources within the institutions. Moraru told an interesting story to the group of panelists: "I asked for information about salaries at the public water company in my city. They decreased their salaries for one month to give us lower numbers and only afterwards did they send the info to us."

The panelists expressed their disappointment that journalists rarely use FOIA to get information. Besides the legal aspects, the media manifests a low appetite for investigative journalism. The media landscape is increasingly dominated by tabloid and Internet outlets that seem to be targeting an audience with limited attention spans. To wit, Comănescu said, "The problem is that there are no more investigations done so nobody is looking for information anymore."

International magazines are widely available, but the high prices discourage readership. As well, 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. A draft law was proposed in 2011 by Liberal MP Ion Ghise to limit the profession of journalism only to persons that were registered with special journalism chambers. A special license was supposed to be granted to these chambers (Ghise, a lawyer himself, wanted to replicate for journalists the model of the bar associations for lawyers). To add insult to injury Ghise also proposed compulsory annual psychiatric controls for each journalist, but his law was rejected by parliament.

Comănescu considered Ghise's initiatives (he is the same MP who proposed compulsory 50 percent positive news on television a few years ago) as only opportunistic attempts to take advantage of the anti-media views of the population. Moraru agreed: "This proves that in Romania there is a distorted, unbalanced perception of journalists."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 2.01

As in previous years, the MSI panelists criticized the quality of Romanian journalism. The economic crisis hit journalists and outlets attempting to produce serious, high-quality news especially hard, and all newspapers are facing financial troubles. This created further pressure for the quality of the content: "The written press became unreadable in Romania. Objectivity is almost nonexistent in the sphere of reporting about politics," said Comănescu, summarizing professional journalism in 2011.

The general situation with Romanian media could be described as having plurality without balance. The consensus of this year's panel was that the attempt to have an independent and objective media seems to have failed with no hope for the future. Martin expressed this bleak mood: "There are many cases of partisanship, especially when the main television news channels are concerned. The information market in itself is well balanced which means that if one is looking to form an opinion, one can take bits and pieces from here and there. However, taken separately, each press outlet in itself is biased." The bias against President Băsescu that was obvious at a main television station in the last years was counterbalanced by new media outlets that were closer to Băsescu's party, both ideologically and financially. The political bias is so manifest that the endless talk shows of the five television news stations are watched only by the hardcore members of each camp. As for the new media, Moraru said, "There are no rules. The new media is even worse than the old."

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Romania has a long history of talking about ethics codes but no media outlets actually implement such a code. There are several such documents formally adopted by various organizations, such as the Romanian Press Club, the Union of the Professional Journalists, or the Association of Local Editors, but none of them proved able or willing to fully apply them. Behaving ethically in Romanian media remains a purely personal choice. There is no organizational pressure, nor incentive to encourage compliance.

Ion said the ethics committee of SRTV is an exception. Members of this committee are directly elected by the employees. Its biggest value is that it exists; thus SRTV has an accountability mechanism, unlike the private outlets. On the negative side the committee functions more as a defender of the employees rather as an enforcer of the rules. It is also true, Ion admitted, that the pressure on SRTV employees is weaker than in the private companies.

A timid attempt to find some order was made by CNA which asked the television stations to publish their ethics codes. CNA's request came after highly visible conflicts between some journalists and their owners, and CNA needed some standards against which to judge the cases. However, this request did not make a real difference. The Association of Broadcasters (ARCA) rushed to propose an ethics code and the television stations adopted it formally. Martin considered that, "CNA asked televisions to publish their ethics codes. Some adopted the ARCA code, which is a joke." The group agreed that ARCA's document is a compilation of general rules with no practical effect other than formally fulfilling CNA's request. Moreover, it is giving the broadcasters an advantage over the journalists by essentially saying that the broadcasters have the right to intervene in an editorial capacity whenever they deem it necessary, especially when the designated editorial authority has not produced the expected effects.

It is also true that CNA did not follow up on its own policy. During the scandal between Sebastian Ghita and Elan Schwartzberg (described above) a member of the CNA asked both of them during a public hearing³ which one was on the right side of the ethics code that was published on Realitatea TV's website (the ARCA-promoted code). The question was absurd in that CNA was asking about an ethics code adopted by another organization and only published following their own request, while the two sides were caught in a gangster-like conflict replete with bodyguards and illegal property sequestration. There was no surprise when both sides solemnly promised to obey the ethics code and CNA was left to fine each €2500.

³ "Ghita si Schwartzberg la CNA. Amenda de 20.000 de lei pentru RTV si de 10.000 pentru Realitatea TV pentru toate neregulile din ultimele zile"; Hotnews.ro, 25 October 2011.

The panelists considered self-censorship by journalists a widespread reality. The pressure comes both from owners as well as from advertisers. "In the outlets owned by the big media moguls there is a lot of self-censoring. There are two categories of people working there: those having alternatives [who are not dependent solely upon their journalism wages], and those having to self-censor," Comănescu said. One-third of Romanian journalists interviewed in a survey⁴ admitted their reporting is influenced by advertisers, but this seems to be an understatement. The MSI panelists seemed convinced that pressure from advertisers is a rule rather than an exception.

For instance, in the case of Rosia Montana Gold Corporation (RMGC), which is pursuing an aggressive media campaign, the issue is the opening of a highly controversial gold mining project. For this purpose, large sums have been invested by the company in an attempt to convince the public that the project will benefit the Romanian job market and economy. Environmental NGOs, as well as some politicians, oppose the project, but the company continues to try to throw a veil on the severe criticism surrounding it. The reporting of the case changed dramatically in the last few years as the initial criticism of the environmental risks of the project faded. Martin believes that the explanation for the shift lies in the significant advertising money RMGC invests in the media: "Rosia Montana Gold Corporation is becoming a taboo topic in the press. We have accounts from media outlets that journalists are requested to not write on this topic. They are told that RMGC's money pays for their salaries." This seems to be supported by numbers that the Media Monitoring Agency gathered regarding the content on this topic from January to June 2011.⁵ *Adevarul*, which is the only Bucharest-based newspaper that refused to accept money from RMGC, published 39 articles in that period concerning the mining project, with 20 critical and 17 neutral. On the other hand all the other major newspapers, which receive advertisement from RMGC, are much more positive: *Romania Libera* (19 articles, 18 positive), *Evenimentul Zilei* (26 articles, 23 positive), *Jurnalul National* (18 articles, 13 positive). Martin added that online media, being less concentrated and therefore harder to control, are more critical of RMGC. Moraru quoted his own example to illustrate RMGC tactics: "We had an RMGC advertisement on our website because it was contracted through an agency specializing in online ads; in our print edition we published a critical piece about the project. The agency called us and asked us to change

⁴ Tsetsura K, "Media Transparency in Romania: Final Professional Report," Gaylord College of Journalism and Mass Communication, University of Oklahoma, USA, 2010. Study conducted on a sample of 127 journalists and 66 experts in public relations.

⁵ Unpublished data provided for this report by Razvan Martin, project manager with Media Monitoring Agency.

the tone, we refused and they withdrew the ads from the website.”

In addition to the constraints over media outlets, individual journalists rarely protest against their editors: “The editors don’t have to exert too much pressure. Journalists self-censor at a rapid pace in order to gain more [job security],” said Moraru.

Panelists did not complain about Romanian media facing taboo issues. On the contrary they criticized the lack of selection and relevance: “Everything goes by the journalists. What the parties want, what the PR companies want; the press is like a gramophone needle, everything goes through it,” said Comănescu. Comănescu also criticized the transformation of journalism as a profession from news and story producers to middlemen between agenda setters and the public: “There is this pattern in which the journalist is not the one who produces the news anymore, but the news comes to him. There is no more legwork being done.” The written media lost its main role as an influential agenda setter and was replaced by all-news television stations. Most of the journalists working for newspapers are watching the endless talk-shows on television screens and try to produce articles following the same stories. It is a cheap way to produce content, but a lame one. The public consuming written media is supposed to be satisfied reading tomorrow the stories they already heard on television today. “Value-added content 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,” said Martin.

The tendency to publish everything, without a filter, is aggravated in online media, which does not have the space constraints of classic media. “Since news websites are on the market, there is more news present, but all relevance is lost,” said Martin. Moraru described the situation in Botoșani: “A city of 100,000 inhabitants has 15 local news websites. Each website is supported by one jack-of-all-trades who is at the same time a journalist, a PR man, and everything else.”

According to media trade union estimates, around 6,000 journalists were fired after the economic crisis hit Romania: “Many of those who took bank loans during the past years are now on the brink of despair,” said Ion.

Three or four years ago MSI panelists were complaining that the big investments of the so-called media moguls raised journalists’ pay to unsustainable levels, and the reality exceeded their worst fears. With almost one-third of journalists laid off and virtually all of them (with the exception of public outlets) having their salaries cut in half, there has indeed been an implosion of the media investment

bubble. Pressure on journalists now does not come from unsustainably high salaries, but from the fear of not getting paid at all. The situation made the profession even less attractive than it was: “The new journalists don’t take up this profession for their salaries. Journalism is seen as a passing gate towards a different profession: spokesperson, working in the cabinet of a local politician,” said Moraru. Nevertheless the panelists tended to agree that there was no direct connection between corruption and salary levels.

The prevalence of entertainment programs over the news was considered so overwhelming by the panelists that Martin, when asked if entertainment programs are in any way intruding on news programs, joked that it is the other way around: “news programs are not in any way intruding on the entertainment programs!” The panelist also pointed out that what should be news is in fact packaged to sound like entertainment. The paradox is that Romania has five all-news television stations and two others received licenses and are expected to start in 2012, but this expansion means that each station wields less influence. Thus it is a race for the bottom in terms of quality. Typically, an endless cycle of talk shows, all featuring the same talking heads, are asked to share their opinions on both serious and trivial issues. Comănescu connected this issue to the upcoming elections (local, county, and for the national parliament): “We have elections coming up next year and two new news televisions are announced to come out on the market. Therefore, I would daresay that news is coming back, only it is not really news.”

The panelists did not consider the technical capacity of media outlets to be a problem for content production.

Panelists did complain about the lack of appetite for serious investigation: “Three or four years ago there were more journalistic investigations going on,” said Moise. Nowadays, serious investigations in corruption cases, the deals in energy and mineral resources controlled by state (e.g., gold, gas, timber), or military procurement are as good as gone.

There were three business-focused dailies in Bucharest before the economic crisis; one closed in 2010, another one in 2011. The economic crisis reduced the market to a more rational size, banishing the reckless expansion that happened before the crisis.

Romania lacks publications oriented on social issues, such as education or health. Issues such as the coherence between the scholastic curriculum and the needs of the labor market or the alarming teenage pregnancy rates are only superficially mentioned in the media. Most foreign investors were driven out of the mainstream market but they remain powerful in the glossy magazines sector with dedicated publications for IT, vehicles, women, fashion, etc.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.68

The market for Bucharest-based dailies was overcrowded several years ago with more than 16 newspapers. Some of them disappeared, others survived only online but all of them are facing harsh financial troubles. The entire advertising market shrunk after 2008 but the fall was most dramatic in the case of print media. The television market, however, remains overcrowded and is still expanding, driven mostly by owners desiring to buy political influence among the 83 percent of Romanians who watch television each day.⁶

There are five active all-news television stations and another two upcoming to cover the electoral year 2012. One could say that such a flourishing industry would ensure pluralism but this is not necessarily the case. Most of the media outlets remain concentrated in the hands of a limited number of powerful owners, called media moguls by the Romanian public.

Manuela Preoteasa, editor-in-chief with EurActiv.ro, wrote a Ph.D. thesis in 2011 about the media ownership concentration in Romania. Her main conclusion was: "There is a clear concentration of media propriety and it goes beyond the profit concentration. We rather have a concentration of political affiliation." The position of media owners towards

⁶ IRES, "Attitudes and consume habits—Perceptions about CNA" [Atitudini și obiceiuri de consum media—Percepții privind CNA], 2011.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

different political sides is clearly translated into the position of their media outlets. Sorin Ovidiu Vântu, a former mogul whose implication in criminal activities led to the fall of his media empire, put it bluntly in 2009 in conversations with his journalists: "Yes, my dear, this is what I need: a very efficient organization, [that] answers the economic orders to which it is subject. Nothing more."⁷

This attitude was not an exception, but rather a rule. The only positive development is the above described pluralism—though, as noted, it comes without objectivity. Unlike previous years when a clear coalition against President Băsescu was visible among the most powerful moguls, many have changed sides and new owners have appeared with more pro-Băsescu stances (the fact that Băsescu's party controls the government and distributes public resources surely encouraged this evolution). The situation was best summarized by Comănescu: "There is a multitude of information sources, but they reflect only two points of view: pro- and anti-Băsescu."

The extreme partisanship of most media outlets goes hand-in-hand with ignoring serious issues in favor of trivial ones. This happens not only in tabloid media but also in the self-proclaimed quality news broadcasting. "We have a multitude of information about [celebrity] Monica Columbeanu and less about the financial crisis in Greece," said Martin. Columbeanu's case to which Martin is referring concerns a beauty queen who married an older businessman but later divorced. The details about their personal life dominated television news in 2010 and 2011. Aside from the problem of one-dimensional, partisan news, citizens generally have unrestricted access to foreign and domestic media, except for the very remote areas where the Internet is not available.

The political control and poor corporate culture and management of SRTV are reflected in its content. Information leaked at the end of 2011⁸ reveals that the total debt of SRTV reached €100 million. In a press release⁹ following the leak, the current management blames the decisions made by the former board to buy expensive programs. One may think this was the price that SRTV paid for maintaining quality content and refusing to compete with private stations for entertainment, but this is false. In fact, SRTV incurred this huge debt by entering the race to the bottom with private stations. The largest part of this debt comes from the disastrous contract (decided by the board, not by the

⁷ Ganea L, Popa M, Ursulean V, "FreexReport—Press Freedom in Romania. 2011," Media Monitoring Agency, 2011, p. 22.

⁸ "Datorii de 100 de milioane de euro la TVR, poprire pe conturi, 52 de milioane lei vechi un salariu de debutant. STENOGRAMĂ din CA," *Adevarul*, December 18, 2011.

⁹ "Precizările conducerii TVR vizavi de atacurile media și politice din ultimele zile," TVR Press release, December 20, 2011.

management) to broadcast the UEFA Champions League. Last year's report quoted internal SRTV sources estimating the losses from this contract at around €12 million.

The current management of SRTV was part of an open conflict with the leaders of the political opposition. The Social Democrat leader Victor Ponta and the Liberal leader Crin Antonescu accused the head of the news department Rodica Culcer of being too servile towards President Băsescu and of selecting the guests of SRTV talk-shows to the advantage of the government. They refused to accept interview and appearance invitations from SRTV for the second part of 2011. In its defense SRTV said in a press release¹⁰ that the opposition parties received constant invitations and lower rank figures were present in its programs and that the balance between the government and the opposition is kept. This point of view was supported in the MSI panel discussion by Ion, who provided internal monitoring information to prove this point. Nevertheless SRTV internal statistics differ from those calculated by the CNA. In October 2011 CNA gave¹¹ SRTV its lightest sanction (a public warning) for not ensuring a balanced presence of both opposition members and government representatives during the debates that took place between the March 1 and August 31, 2011.

The most controversial figure is the above-mentioned head of the news department, Rodica Culcer. She is past the retiring age and remained at SRTV with a non-permanent contract and arguably against the law. Opposition leader Victor Ponta made some harsh statements against her.¹² Martin considered that, "The declarations that Ponta made are an institutional attack against SRTV." But Culcer is not an innocent victim in this story. She publicly manifested her sympathies for government policies. In the spring of 2011 she participated in a public debate organized by a think tank tied to the government's party, and supported the government's social policy using unexpectedly harsh language. Some media organizations, among them the Media Monitoring Agency, publicly criticized Culcer for taking such an open stance, and filed a formal complaint against her in SRTV's Ethics Committee. Culcer defended herself in front of the committee saying she had the right to freedom of expression as a journalist and participating in public debates helps her in her official position. The committee decided in favor of Culcer.

Another criticism of the opposition is that the newly created news channel of SRTV had employed 300 people—more than the two biggest private news stations staff together.

¹⁰ "Precizări la declarațiile care conțin atacuri la adresa TVR," TVR Press Release, 8 December 2011.

¹¹ CNA decision no. 588 from 11 October 2011.

¹² "Ponta: Culcer are 115 milioane de lei lunar, plus pensie, pentru ca în emisiuni să apară doar Băsescu," Romania libera, 31 October 2011.

Ion answered this criticism by pointing out that the figure of employees covered all people working in SRTV's news department (including drivers and technical staff) and they provide content not only for SRTV but for news programs on all six SRTV channels.

Martin (who works for the NGO that complained about Culcer) still appreciated the content of the SRTV: "SRTV gains extra points for filling the void left behind by private televisions. It does well on news; however, when it comes to talk-shows it is obviously pro-government, and you see that by the guests they invite. Nevertheless, if one watches SRTV one can form a fair opinion about what is going on in the country."

The news agency market is dominated by Mediafax, a private agency created in the early 1990s that shadowed the state owned Agerpres. Mediafax's dominance was challenged when NewsIn, an agency created by Sorin Ovidiu Vântu's media conglomerate, entered the market in 2006. NewsIn forced Mediafax to be more flexible in negotiating contracts and reducing its prices. NewsIn went bankrupt in 2011 when Vântu's company faced financial troubles. Mediafax once more enjoys a quasi-monopoly. But it is a fact that with technological changes, namely the advance of new media, "The news agencies lost their importance. News televisions dictate the agenda and the newspapers are taking their information from there. Technology changed significantly and agencies are simply not efficient anymore," said Comănescu. Moraru, as editor-in-chief of a local newspaper, still pays for a subscription to Mediafax, but his newspaper remains one of the few clients: "We still go ahead with Mediafax. But they have very few clients. There are probably fewer than 10 local newspapers still paying Mediafax." At the same time, the state owned Agerpres is subordinated to the government and poorly managed. It is looked upon by journalists as an old, unreliable outlet.

The online media has developed to encompass news portals, online television, and radio, but the structural weaknesses remain: online advertisements cannot cover the costs. Thus, the content is hardly original, and most websites just copy the news from traditional outlets. "On the Internet all content is taken from YouTube, there is no original information," said Comănescu.

The transparency of media ownership decreased after the economic crisis began. Big media companies from Western Europe sold some of their outlets to local businessmen. The most striking example is *Evenimentul Zilei*, once the flagship of print media and the newspaper that modernized the sector in the middle of the 1990s. It was bought by Swiss company Ringier, but the decline in advertising money after 2008 forced Ringier to sell it and it has changed hands several times since then. Its circulation numbers went down and

down and in late 2011 the controversial spin doctor Dan Andronic announced his involvement in the newspaper's management. Andronic is a controversial figure specializing in negative public relations and blackmailing, close to the former government of Adrian Năstase but currently working for the current government of Năstase's adversaries. It is not clear where he gets the money to subsidize the newspaper, but the pro government stance of *Evenimentul Zilei*, together with personal attacks against opposition leaders, makes it unreadable. This is one case among many in which the economic crisis rolled back the good practices that once seemed solid in the Romanian media. Previous MSI reports mentioned ownership transparency as one of the positive aspects, but this year's panel considered this to no longer be the case.

The panelists also considered that the share of black or grey money in the media industry increased while advertising money decreased: "Many people in the press are living on parallel contributions from consultancies, so-called special events and advertisements paid by state institutions and companies," said Comănescu.

Unlike the written media, for broadcasting outlets there is a legal obligation for ownership transparency. Still, there are some cases when formal ownership belongs to off-shore companies with no clear shareholders.

The panelists considered that media made some progress concerning anti-Roma racism. While "it is still endemic on the Internet," according to Comănescu, openly racist articles published in traditional media outlets are becoming rarer. Nevertheless, reader comments below all articles connected to the Roma are often racist, and the newspapers do not consider this a reason to moderate these comments. At the same time some politicians are openly hostile towards the Roma. As the executive director of the Center for Independent Journalism, Ioana Avadani, put it in the MSI discussion, "The racist discourse moved upwards to the politicians and downwards to readers' comments, but it decreased in the press itself."

The local media is in evident decline according to the panelists. Moraru said that most local television stations are owned by local politicians: "Local television stations are politically controlled. In my town one station is owned by the mayor, the other by a member of the parliament." However, according to a survey¹³ ordered by the CNA, 71 percent of the population does not watch local television.

¹³ IRES, "Attitudes and consume habits – Perceptions about CNA" [Atitudini și obiceiuri de consum media – Percepții privind CNA], 2011.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.03

Advertising, the main revenue source for Romanian media, suffered a severe decrease after the economic crisis. Total advertising money dropped by 32 percent in 2010, compared with 2008. But the same statistic for print media shows a decline of 68 percent. Estimates for print media advertisements are expected to decrease between 7 percent and 13 percent in 2011, compared with 2010.¹⁴

Print media was disproportionately hit by the crisis, compared to other media sectors. In order to stay competitive, the television stations dropped their prices, becoming affordable even for small and medium advertisers that were previously relying on print. Beyond dropping the price, many television stations also played dirty and exceeded¹⁵ the legal quota of advertising; according to the Broadcasting Law the amount of advertising per hour may not exceed 12 minutes for private stations and 8 minutes for public television. However, the CNA is weak and the fines are minimal, making breaking the law profitable. In December 2011, however, the Broadcasting Council fined all major private television stations (Pro TV, Antena 1, Prima TV, and Kanal D) €25,000 each for exceeding the legal advertising limit.¹⁶

¹⁴ "Publicitatea în presă, în picaj," Forbes Romania, 7 November 2011.

¹⁵ Ganea L, Popa M, Ursulean V, "FreexReport – Press Freedom in Romania. 2011," Media Monitoring Agency, 2011.

¹⁶ Source: <http://www.paginademedia.ro/2011/12/din-prea-multa-publicitate-marile-posturi-cate-100-000-de-lei-amenda/>

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 television market in Romania suffers from structural deficiencies. Preoteasa explained that, "In fact, there are no national television stations in Romania. If you look at the licenses they have, the biggest players are in fact networks of local televisions. Each of them had to add on endless local licenses to cover the national territory. That is the reason why big Western European television networks did not enter the Romanian market in the 1990s; it was too costly for them to get licenses that way and the Romanian state refused to grant any licenses with national reach. As a result the market was closed for large foreign investors and the state offered all the advantages of first-come, first-served to politically privileged insiders such as Voiculescu and Sirbu," the owners of the biggest private television stations in Romania. This deficient market, Preoteasa continued, makes "the television stations prostitutes for incredibly low prices, which in its turn keeps all advertisement prices low."

According to estimations¹⁷ by the Association of Local Publishers, more than 60 local publications closed in the last three years, many of them limiting their activities to online. Most Bucharest-based newspapers faced financial troubles¹⁸ and some prestigious newspapers such as *Cotidianul* ceased printing and remained as online brands waiting for better times. Others such as *Gandul* also renounced printing but are now trying an aggressive strategy to function as up-to-date online operations (i.e. for iPad and mobile users).

Besides being a sort of dinosaur in a changing environment the big newspapers are paying the price for their own recklessness in expanding before the crisis. The media bubble was fed by money of local business people interested in buying influence, thus it was more important to gain market share than to make profit. The most interesting example is the case of Adevarul Holding. *Adevarul* was once the most influential newspaper in Romania. It was later bought by the richest Romanian, Dinu Patriciu, an oil tycoon. Patriciu created a holding around *Adevarul* aiming to become the leader of the media market. He quickly succeeded in making *Adevarul* a quality newspaper with the highest circulation and the newly created *Click* the best selling tabloid. This expansion was based on the so called "inserts," cheap collections of books, movies, and music CDs that were sold together with the newspaper. *Adevarul* circulation exploded and the other newspapers were forced to follow its lead, but the growth was artificial and was not sustainable. In 2011 Patriciu refused to subsidize the newspapers (some rumors suggest he is personally bankrupt). Without the inserts the circulation of

Adevarul went down by more than 50 percent,¹⁹ which shows that it was never as influential as Patriciu thought because people were buying it for the inserts, not the content. The holding company laid off around one-third of its employees and delays in paying salaries became the norm.

Asked about the professionalization of Romanian media business our panelists ironically agreed that, "As long as there were funds for books and inserts, the press as a business was very professional," quipped Martin. The media bubble indirectly affected honest competition. Moraru mentioned how Adevarul Holding's strategies affected his newspaper. *Adevarul* launched 30 local free editions, putting an unbearable pressure on competition such as Moraru's outlet. His was one of the survivors but other local newspapers had to close down, unable to compete with *Adevarul's* local network. But this network was never profitable (local media is more reliable in selling copies than the national media and the free editions of *Adevarul* ignored this fact). In 2011 Adevarul Holding decided to change the free local dailies into paid weeklies but the new strategy never took off. As Moraru concluded in the panel discussion, "The local free editions of *Adevarul* finished off local newspapers and then were out of the picture."

Before the crisis it was considered a good business model in Romanian media to have advertising be a bigger share of revenue than selling copies. Big Bucharest based newspapers had only 20 to 30 percent of revenues from direct selling, the rest coming from advertisement. For the glossy magazines (covering fashion, women, cars, etc.) the advertising share was even bigger. As a consequence, the outlets entered the race to the bottom, having to decrease prices. This business model, over-dependant on advertisement, backfired when advertising budgets were slashed.

Ironically, the local newspapers, Cinderellas of the market before the crisis, were at an advantage because of their more balanced revenues sources and they proved to be more stable than the Bucharest based publications.

There were some expectations for the newspapers to capitalize on their websites but so far none of them have succeeded. Some newspapers that were born online, such as Hotnews.ro and Ziare.com, are faring slightly better, but still barely striking even. Panelists were unanimously skeptical that the Internet could be a salvation: "The written press is freefalling; however, I don't think granting access online via paid subscriptions is a solution," said Preoteasa.

As a result of financial troubles with advertising money the market is pushed towards the grey areas. "This year there is

¹⁷ Ganea L, Popa M, Ursulean V, "FreexReport—Press Freedom in Romania. 2011," Media Monitoring Agency, 2011.

¹⁸ "Cum-ar-arata-o-lume-fara-ziare-pai-uite-o," comanescu.ro, 2 May 2011.

¹⁹ "Căderea printului în 2010. Studiu de caz: Adevarul Holding," Paginademedia.ro, February 18, 2011.

an increase in money from unsafe sources,” said Comănescu. The Romanian advertising agency sector is dominated by the local chapters of big international players such as McCann, Ericsson, Saatchi & Saatchi, and BBDO. The former manager of Ogilvy in Romania, Mihaela Nicola, started a local holding called The Group, which became number one on the market, offering a complex package of services. Some of the panelists echoed last years’ complaints about the grey practices in the market, including blackmailing media outlets into providing higher rebates to the agencies in exchange for sending advertising business: “The problem of the rebate as an unofficial bribe became even more serious,” said Comănescu.

There are no direct subsidies for media outlets in Romania. However, an indirect and disruptive form of subsidy consists of the advertising money paid by state institutions and state owned companies. Adrian Năstase’s government abused these contracts in 2000–2004, when the state became a major player in this market. A special law was passed in 2005, with the assistance of the Center for Independent Journalism (CIJ), creating a transparent system to announce state advertisement contracts and some criteria to distribute the money to media outlets. The new law, welcomed by media NGOs and the European Commission, inhibited for a while the abusive practices of the administration but it was a short success story. The downfall of private advertising increased the pressure over the public money. The above-mentioned law was included in a comprehensive public procurement law but the new version watered down the positive provisions established in 2005.

Unlike 2003–2005 when CIJ had a special monitoring project on public advertising, there is no current independent supervision of this activity. The general feeling in the group of panelists was that the problem is at least as severe as it was before 2004. “There are no more investigations on this topic. The issue is more severe than in 2004, but we don’t have any more numbers. Yet we watch the news and see many positive pieces about ministers who manage advertising money,” said Comănescu. A good practice that was introduced in the 2005 law—to include clear competitive criteria in the public procurement announcements for advertisements—was later dropped. Moraru, whose newspaper publishes advertisements from local authorities, said that, “We must pressure them to include audience criteria when they organize auctions.” The economic crisis is forcing him to accept public money, whatever the conditions. Moraru admitted, “One cannot afford to say no. The mayor does not tell you what to do anymore, you understand it by yourself. Since I started as a journalist state money has never played as important a role as it does now. And many local newspapers cannot afford to live without state advertisements.”

Since 2004, Romania’s television audiences have been measured by a unique system recognized by all television stations and advertisers, accounted for by the Romanian Association for Measuring Audiences (ARMA). The company that is measuring the audiences is openly selected by public auction by a commission where ARMA, the television stations, and CNA are equally represented. At the beginning of 2011, ARMA announced that starting in January 2012 the winner of the auction was Kantar Media Company. During the past years, 2011 included, the audience measurement system was implemented by GFK. The management of GFK publicly protested that ARMA did not consult GFK regarding the evaluation of the current system prior to the auction. ARMA replied that it was an open competition in which GFK participated and lost.²⁰ Starting from January 2012, the new measuring system, implemented by Kantar, should take into consideration technological advancements: it will measure what television stations are broadcasting online²¹ as well.

The current system implemented by GFK was accused by SRTV of being biased against it and favoring the main private channel, ProTV. Rural audiences are not included in the measuring reports used by advertisers, which leaves aside a good part of public television’s audience; 40 percent of Romanians still live in villages.

Concerning the print media, the media industry and the big advertisers formed an organization called the Romanian Audit Bureau of Circulation (BRAT). It was founded in 1998 as an independent, not-for-profit body to bring together the media outlets, advertising agencies, and advertisers. 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 demographic data.

As in previous years, some panelists raised doubts about the number of readers reported by SNA. “Despite the protests, SNA is still the same. They calculate unreliable numbers. If you compare the numbers of readers that SNA is reporting with the circulation figures that BRAT is reporting you see for instance that a copy is read on average by 12 people, which is impossible,” Moraru said. Although his newspaper is helped by this methodology, he continued, “We do not use SNA anymore; we use only circulation numbers from BRAT.”

²⁰ “Sefa ARMA, Lucia Antal: Din 2012, in masurarea audientelor se schimba metoda de recunoastere a canalelor TV si alegerea esantionului. Vor fi raportate 1200 de gospodarii, ca in prezent,” HotNews.ro, January 21, 2011.

²¹ “Pe scurt: Noutati in masurarea audientelor TV. Emisiuni mai lungi cu Dana Grecu, Radu Tudor si Razvan Dumitrescu la Antena 3. Stelian Tanase revine la Realitatea TV,” Hotnews.ro, October 28, 2011.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.30

Before the economic crisis Romanian journalists showed little appetite for joining trade unions or any other form of collective action. Thus the massive layoffs and significant salary cuts were not opposed in an organized manner. Moise, vice president of media trade union MediaSind, said, "Journalists woke up and came towards our union when they started being fired from Realitatea or Adevarul. Lawsuits against the owners last on average about three, four years." Unattractive in normal times, the union became a sort of last refuge for many of the journalists. However, all that the union could do was provide legal assistance for the journalists to sue the media outlets. As these lawsuits take years to conclude, they are not a solution for most of the people looking for jobs. Anyway, some of the cases started in 2009–2010 ended in 2011. Journalist Cătălin Cocos won a case against Adevarul Holding and received retroactive salary. Similar cases were won against *Evenimentul Zilei* and *Romania Libera*.

The percentage of people drawn to trade unions is relevant just in the case of public television and radio. Moise mentioned that most of the members in his trade union come from SRR (1,000 employees) and SRTV (1,700). He added that, "In the written private press some people tried to form trade unions, but they were afraid and backed off." The trade union is facing financial troubles since. "We cannot support

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

ourselves financially from the members' contributions," Moise said.

The government changed the Labor Code during 2011 in an attempt to make the labor market more flexible. This move was welcomed by big multinational companies that lobbied for it, but opposed by trade unions and the political opposition. Organizing a trade union became more difficult. Moise complained that, "According to the new Labor Code there are new organizing restrictions and syndicates cannot exist unless there are 50 percent plus 1 employees. The right to choose between syndicates doesn't exist anymore."

Once the most powerful media organization, the Romanian Press Club became marginal in the last couple of years and is largely ignored. The attempt to split the Club into two separate organizations, one for journalists and one for media owners (described in last year's MSI report), went nowhere. The Journalists' Association was created but failed to be active. Ion, who was elected president of this association, explained the failure by a generally low appetite for ethics. Ion also added that all that is left from the Romanian Press Club are some "...individual initiatives. After its former president's [a respected journalist] decision to withdraw, the Club has gone down the drain."

Another organization that once seemed solid collapsed in 2010–2011. The Association of Local Editors and Owners (APEL) used to be active in promoting members' interests (it was created as a sort of counterpart for local media to the Romanian Press Club which gathered Bucharest based outlets). APEL succeeded in connecting local newspapers in an informal network able to negotiate and sign contracts with big advertisers, which were previously ignoring local media, but the economic crisis took its toll on APEL's functioning. One of the most active members of the organization, Moraru, said that APEL remained dormant during 2011 and it has no permanent staff. "APEL was dissolved because its members stopped paying their dues," he said.

The most important NGOs dealing with media freedom are CIJ and the Media Monitoring Agency. They act as media freedom watchdogs and advocacy groups and are particularly active in promoting ethics rules and self regulation. Martin works for the Media Monitoring Agency and mentioned that, "NGOs benefit from continuity, sustainability, and advocacy capability. However, they have a low impact rate on society. It is hard to find funding for advocacy activities. We do other things to survive and we are compelled to change our field of activity." Martin mentioned a broader problem faced by pro-democracy NGOs in Romania. After the country joined the EU in 2007, most of the traditional democratization donors considered their mission done in Romania and closed their operations here.

The Center for Independent Journalism is the main provider of short-term training programs for journalists, training more than 5,000 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 set of articulated courses in human rights, covering public authorities, budget reading, public procurement, and journalism ethics). In 2010-2011, CIJ offered, for the first time, a program aimed exclusively at online journalists, to teach them how to create and use multimedia products to enhance their storytelling. Newsrooms rarely pay to train their journalists, but 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 slate of activities, based on grants from various donors, some of its fee-based courses went unused, although there was a clear interest for them on the part of individuals.

With regards to positive developments, panelists mentioned some pilot courses on media literacy at the high school level and some television stations' attempts to open short term trainings. SRTV will launch in 2012 a Television Academy funded by EU money in a consortium with two universities. Less formalized television academies already exist around two private stations. They attract students with promises of being a shortcut for a career in the television industry, but Ion believed they are "selling an illusion; they cannot offer a recognized diploma and there are no recognized standards."

Some of the panelists were critical towards the quality of university degrees in journalism. Moraru said that, "My two least prepared journalists are journalism school graduates." On the other hand Preoteasa who is teaching courses at the Faculty of Journalism said that the profession is not attractive for the smartest students. "We are trying to form our students as classic journalists, but journalism is not practiced this way anymore. Students are smart, they go by, and they refuse to be journalists. They would rather study PR or something else," she said.

From his experience in public television, Ion confirmed that the majority of newcomers graduated journalism school, unlike the previous generations. "At SRTV, everyone above 36 years old didn't graduate from journalism school; between 25 and 30 years old, half to 60 percent graduated Journalism."

Since Romania is part of the common European market, there are no restrictions for trading media equipment or printing facilities. 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; also, there are no monopolies on public or private distribution.

List of Panel Participants

Cătălin Moraru, editor-in-chief, *Monitorul de Botoșani*, Botoșani

Iulian Comănescu, blogger, *Comanescu.ro*, Bucharest

Răzvan Martin, FREEEX program coordinator, Media Monitoring Agency, Bucharest

Cezar Ion, president, Association of Romanian Journalists, Bucharest

Adrian Moise, vice president, MEDIASIND trade union; editor, Public Radio, Bucharest

Manuela Preoteasa, journalist and director, *EurActiv.ro*, Bucharest

Adrian Voinea, manager, *Gazeta de Sud*, Craiova

Mihail Vartosu, president, Romanian Association of Audience Measurement Operators, Bucharest

Liviu Avram, investigative journalist, *Adevarul*, 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 November 22, 2011.

Legislatively, talks for a new media strategy stopped short, while the National Assembly of Serbia passed several regulations that contradict laws supporting media freedoms.



SERBIA

Serbian citizens endured another politically turbulent and economically strained year in 2011, despite several positive developments. For example, in March, the Serbian government reconstructed itself, trimming the number of ministries. In May, Hague fugitive Ratko Mladić, the ex-Bosnian Serb commander, was arrested after 16 years of hiding—which made international headlines. Two months later, officials arrested Goran Hadžić, the last Hague fugitive from Serbia; he had spent seven years on the run. In other welcome developments, a professional army replaced the 170-year-old tradition of obligatory army service, and the government passed a new law on restitution that was 11 years in the making.

This progress aside, long-simmering unease over the status of Kosovo escalated, with barricades and clashes rising between Serbs living in North Kosovo and international forces in Kosovo. During the year, Serbs and Kosovo Albanians held eight rounds of talks addressing freedom of movement, parish registers, and other technical problems. The government's refusal to approve a pride parade in September set off more political turbulence, with some interpreting the refusal as government capitulation to the threats of extremists. These events culminated in European Union (EU) leaders denying Serbia candidate status until it normalizes relations with Kosovo.

As in previous years, excessive budget spending and the stagnation of economic development proved to be Serbia's main economic problems in 2011. Serbia reached an arrangement with the International Monetary Fund (IMF) to increase the budget deficit from 4.1 to 4.5 percent of GDP. But the low growth rates produced lower tax collection, leaving the budget on shaky ground for eight years running. The year ended with IMF's decision to postpone implementing the arrangement, from December 2011 to January 2012. Unemployment exacerbated Serbia's deepening debt.

The continuing economic woes seemingly reinforced the government's will to maintain its traditional control over the media, leaving outlets in Serbia very vulnerable to pressures by the state and political and business interest groups. Legislatively, talks for a new media strategy stopped short, while the National Assembly of Serbia passed several regulations that contradict laws supporting media freedoms. The media also saw little progress technologically, and its economy deteriorated further during the year. Pressures, threats, and attacks on journalists and outlets remain common. The court system's treatment of media and journalists continues to be ambiguous, and no murders of journalists were solved this year.

Taking into account all of these issues, the 2012 MSI participants assessed the media situation in the country rather pessimistically: 1.90 compared to last year's 2.06. Scores showed moderate declines in two of the five objectives: Objective 3 dipped most dramatically—more than a third of a point, from 2.27 to 1.93—while Objective 5 decreased by about a quarter point.

SERBIA AT A GLANCE

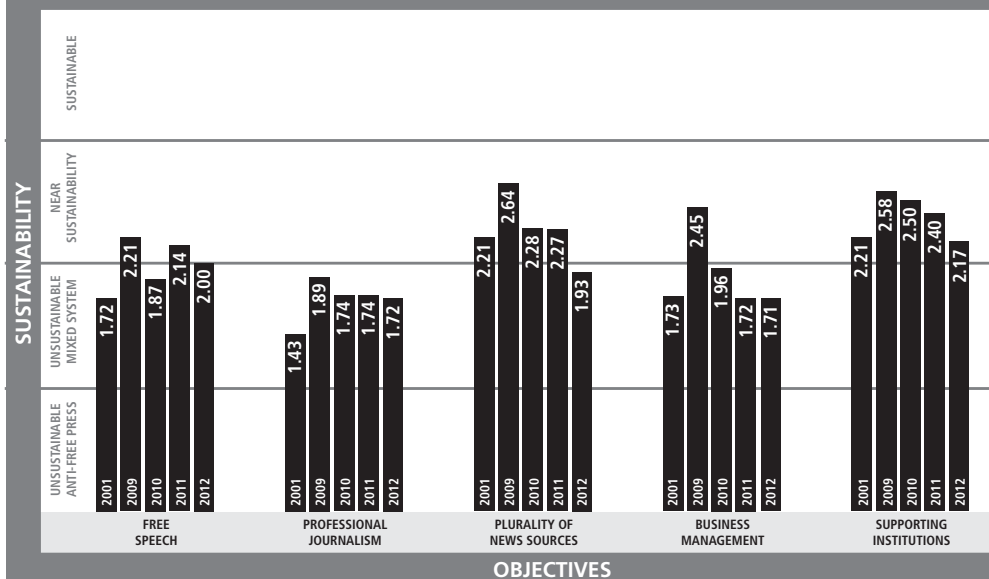
GENERAL

- > **Population:** 7,276,604 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 82.9%, Hungarian 3.9%, Romany 1.4%, Yugoslavs 1.1%, Bosniaks 1.8%, Montenegrin 0.9%, other 8% (2002 census, *CIA World Factbook*)
- > **Religions (% of population):** Serbian Orthodox 85%, Catholic 5.5%, Protestant 1.1%, Muslim 3.2%, unspecified 2.6%, other, unknown or atheist 2.6% (2002 census, *CIA World Factbook*)
- > **Languages (% of population):** Serbian 88.3% (official), Hungarian 3.8%, Bosniak 1.8%, Romany 1.1%, other 4.1%, unknown 0.9% (2002 census, *CIA World Factbook*)
- > **GNI (2010-Atlas):** \$42.39 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$11,230 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 96.4% (male 98.9%, female 94.1%) (2002 census, *CIA World Factbook*)
- > **President or top authority:** Boris Tadić (since July 11, 2004)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 517 print outlets including 20 dailies, 83 weeklies, 6 bi-weeklies, and 72 monthlies; Radio Stations: approximately 186 radio stations (2 public service, 47 regional, 137 local); Television Stations: 173 (2 public service, 5 with national coverage, 25 regional, and 102 local; 39 cable stations); Internet: 172 news and information sites (sources: Republic Broadcasting Agency, Business Register Agency)
- > **Newspaper circulation statistics:** The three newspapers with largest circulation are *Blic* (private, 121,480), *Alo!* (113,840), *Vecernje Novosti* (state-owned, 109,740) (ABC Serbia quoted in *Blic*)
- > **Broadcast ratings:** The top three ranked television stations are RTS1 (public), TV Pink (private) and Prva Srpska Televizija (private). The three radio stations with top listenership are Radio S (private), B92 (private), and Radio Beograd I (state-owned) (Ipsos)
- > **News agencies:** BETA (private), FONET (private), TANJUG (state-owned)
- > **Annual advertising revenue in the media sector:** Approximately €175 million: €98 million television, €41 million print, €8 million radio, €6.5 million Internet (2011 est., AGB Nielsen)
- > **Internet Usage:** 4.107 million internet users (2009, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: SERBIA



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

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

Unsustainable Mixed System (1-2):

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

Near Sustainability (2-3):

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

Sustainable (3-4):

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

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 2.00

The year 2011 marked final discussions for the media strategy that the Ministry of Culture developed as the basis for new laws regulating Serbia's media system. However, attempts to advance the talks stagnated, amid the worsening judicial and political treatment of journalists and media outlets. Combined with the economic crisis, this created more challenges for the legal enabling framework for media in Serbia. As a result, the objective score suffered a small setback. As with last year, indicators 8 (media access to and use of other media as sources) and 9 (licensing of journalists) scored more than half a point higher than the objective score, while indicators 4 (crimes against journalists) and 5 (legal guarantees of independence for state media) lagged behind by more than half a point. All other indicators scored close to the objective score.

Although constitutional provisions and several supporting laws protect free speech in Serbia, several longstanding problems escalated in 2011. The national assembly adopted more laws with provisions that contradict laws protecting free speech, authorities continue to unsatisfactorily enforce existing laws to protect the media, and public reaction to threats to free speech remains muted.

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

FREE-SPEECH INDICATORS:

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

UNS president Ljiljana Smajlović added, "Without any investigation, journalists are accused of helping the person responsible for the leak—while that person faces no accusations. Therefore, it is in the first place an attack on free speech, and an attack on the citizens' right to know."

The panelists pointed to four legal provisions that endanger free speech. One is the Law on Electronic Communications, which gives the state the right to control personal communications and identifying details of any citizen. The panelists were unanimous that essentially this regulation derogates the principle of protecting journalists' sources. Also disappointing, the Journalists Association of Serbia (UNS) asked the Constitutional Court of Serbia to assess the constitutionality of the law's provisions, but after a year and the half, the court has shown no sign that it intends to respond.

Another law that panelists said threatens the freedom of speech is the Law on National Minority Councils (adopted by the national assembly in September 2009). "The freedom of speech of minorities is clearly endangered, as minority councils (dominated by minority political parties) are authorized to control their minority media directly," said Slobodan Kremenjak, a media lawyer with Živković & Samardžić. "During the year, the councils replaced a few directors and editors-in-chief for purely political reasons."

The other two controversial laws mentioned are the Law on Local Self-Government and the Law on the Capital City, adopted by the assembly in December 2007. These laws give broad authority to the government of the capital city, Belgrade, and municipalities to establish broadcast stations and print media—which is contrary to provisions of the Law on Public Information that explicitly forbid local authorities from being media founders. According to the panelists, media associations warned the authorities that these unreasonable provisions lead to legal confusion and serious consequences for free speech protection, but no positive reaction followed.

The panelists described several instances in 2011 in which media laws were not enforced. As stated in a law adopted in 2003, the deadline for state media privatization was April 2006 for print and December 2007 for electronic media. But the law was never fully implemented, and the state has still not withdrawn from media ownership. In 2011, a number of local and regional media (including major dailies *Politika* and *Vecernje Novosti*, along with Belgrade's Studio B

However, 2011 saw an exception to this rule: In one case, the High Court of Serbia increased the penalty for two perpetrators that attacked a journalist on a Belgrade bus.

Television) remain partially or fully owned and controlled by the state. Not only has the state failed to implement the law for years, it also fosters a double standard, panelists said. As an example, they pointed to the state news agency, Tanjug, whose government support makes it much more competitive in the market than Serbia's two private agencies, Fonet and Beta.

The panelists described the case of Jelena Spasić as an especially striking illustration of the inadequacy of law enforcement and the state acting against its own laws and internationally accepted standards. Spasić, a journalist for the daily *Nacionalni Građanski* in Novi Sad, was prosecuted along with her editor, Milorad Bojović, for publishing the piece, "Unprepared for War." Although the panelists said that obviously it was published in the public interest, essentially the story was exposing a secret military document that revealed serious problems in Serbia's defense system.

The state accused Spasić and Bojović of failing to disclose the source of the leaked document, but panelists pointed out that if anyone committed a crime, it was the source of the leak and not the journalist—it is not a journalist's job to keep military secrets, they said. Thus, the state's reaction was unlawful in three ways: journalists did not leak a secret, they were within their legal rights to protect the source of information, and they revealed the secret as an act in the public interest. Kremenjak concluded, "As a journalist, you are legally not obliged to reveal your source of information, but when you refuse to reveal it, the state will act against you." UNS president Ljiljana Smajlović added, "Without any investigation, journalists are accused of helping the person responsible for the leak—while that person faces no accusations. Therefore, it is in the first place an attack on free speech, and an attack on the citizens' right to know."

Smajlović also lamented that none of Serbia's political parties protested these acts of oppression against the media, and said she wondered whether the Spasić case is an extreme example or can be read as an announcement of the government's intent to follow a new prosecutorial direction.

In another example of poor law enforcement, the state authorities and the Republic Broadcasting Agency (RBA) proved unable to stop the pirating of electronic media, which

endangers the work of legal broadcasters. According to the Republic Agency for Electronic Communications (RATEL), on July 1, 2011, 47 radio and nine active television stations were operating without a legal license in Serbia.

Panelists agreed that Serbian society reacts inadequately to freedom of speech violations. Typically, political removal of editors and directors, threats to the freedom of speech, prohibitions to individual journalists to enter to public press conferences, attacks on journalists, and trumped-up court cases against journalists are greeted with mild—if any—public reaction. Most criminal acts against journalists are not prosecuted, and those that are prosecuted move at a glacial pace. Criminal cases against journalists generate public protest only rarely, aside from responses from journalist associations, and they are reported in media minimally. State officials verbally attacking and threatening journalists is a serious problem—especially for local journalists, as attacks draw much less public or official attention in regions than in the capital city.

In terms of the fairness of broadcast licensing, during 2011 RBA announced several "corrective" tenders (to replace media that ceased airing) and completed them in a correct and transparent manner and on the basis of projects proposed by the candidates. By December, the first bid for cable networks licenses was in progress. RBA's Gordana Susa said, "The cable sector was not regulated for years, but this year the process started, and it could be assessed as a positive move, as cable channels will be licensed finally."

According to the panelists, the main concern with licensing is that Serbia has too many registered media, as a consequence of very lenient conditions for acquiring a license and the regulation directing RBA to assign all available licenses. By December 2011, RBA had registered 134 television stations, plus 39 cable television and 377 radio stations. By the end of 2010, 517 print media were registered. In total, Serbia has more than 1,000 media outlets for 7.1 million people (or 1 per 6,700 population)—rendering most outlets unsustainable.

On the other hand, some media outlets that have been awarded licenses encounter technical problems in covering their designated areas. The problem of pirate stations, inherited from previous periods, clearly persists. In some cases, pirate media operations even use state-owned transmitters. Although their numbers diminished in 2007 and 2008, when around 60 of them closed, 56 pirate broadcast stations were still on the air in 2011. According to Siniša Isakov, director of RTV Vojvodina, "The state did not show enough energy to solve the problem of media working without licenses."

Isakov also expressed concern regarding the lack of progress with the mandated digital conversion for Serbian media.

Comparing it to the issue of piracy, he said, "The situation with digitalization, which is obviously lagging behind deadlines, is even worse. In 2011, a new company for digitalization was established, but nothing else was done," he said.

Predrag Blagojević, owner of a local Internet daily, *Juzne vesti* in Niš, complained that no regulation of Internet portals exists, while other panelists questioned the feasibility of regulating Internet media. Kremenjak explained that the government has no plans to introduce special rules for Internet media—all media will be subject to the same rules. "For private Internet broadcasters, controversies will be treated depending on the specifics of individual cases ... the important obstacle is that media is defined poorly; i.e. there is no obligation to have editing activity to be registered as a media. During the year, we witnessed a large number of accusations and trials against one well-known Internet media portal, *e-novine*, in spite of the fact that the Internet is unregulated," he said.

Luković, editor-in-chief of *e-novine*, spent a good part of the year in court, facing two cases that reveal stark abuse of the principles of *res iudicata* and the statute of limitations. In 2007, while working as a journalist, Luković wrote a piece on an Orthodox church high official known as a conservative patriot. When the piece was reprinted in the Belgrade magazine *AS*, the priest brought charges against the magazine and its editor-in-chief. The court dropped both charges. But in 2011, the same priest reintroduced charges against Luković over the same piece, and the court is now hearing the case.

The other case against Luković was brought by the famous film director Emir Kusturica, along with others that some panelists described as well-known ultra-conservatives. They are demanding compensation of RSD 2 million (\$24,500) for the article "New Year's Fairy Tale for Murderers." Kusturica claimed that the article, which was taken from the Peščanik website, damaged his reputation and honor. The lawsuit named Luković; the original authors of the article; and B92, which owns the web domain.¹ One famous Serbian writer, Svetislav Basara, wrote in his column in *Danas*, "I do not know what you think, but for me, these private processes against Luković seem somewhat contrived. It seems that the gossip center in Belgrade reached a consensus that Luković has to be shut or at least covered up."

¹See the "Media News Bulletin" of the Media Center Belgrade (founded by the Independent Association of Journalists of Serbia), citing material from Tanjug, Dnevnik, and Blic, June 9, 2011. Available at: <http://www.mc.rs/media-environment.2479.html> (Accessed February 6, 2012).

Blagojević remarked, "Often, police officials from Niš refuse to inform journalists on current events. The police PR officer is at the disposal of a select few journalists. Almost all official authorities insist on written requests, then procrastinate."

In principle, market entry and the tax structure for media are fair and comparable to other industries, but some exceptions exist. For example, the Public Information Law prohibits changing the ownership structure of public media—an obstacle that businesses in other industries do not face. Another discriminatory practice against media continued in 2011: the high, unsustainable taxes that media pay to "their" state institutions, RBA and RATEL. For years, both of these institutions have charged excessive amounts for licenses and their services, collecting from struggling media outlets. The panelists had the opinion that the charges exceed the services that RBA and RATEL provide. Furthermore, both institutions end each year with surpluses, but the excess money is paid into the state budget and spent in ways unconnected to the media. In 2010, RBA's surplus ran \$0.8 million, and at the time that the MSI panel convened in 2011, the projected surplus for the year was \$1.1 million. According to RATEL officials, in one previous year, its overall surplus tax collection was \$16.5 million, and it could reach \$6.4 million in 2011.

Regarding crimes against journalists, attackers of journalists generally get away with mild—if any—punishment. Some verdicts do not meet the minimum terms proscribed by law for the crimes. Another serious problem is that verdicts for attacks on journalists focus on the people who committed the violent acts—never the parties that ordered the attacks. Svetlana Lukić, a journalist with Peščanik, said that the approach of the courts and the political elite virtually invites more attacks on journalists. Kremenjak added, "Courts often hand down verdicts with unprofessional, unsupported explanations, reached under political pressure." However, 2011 saw an exception to this rule: In one case, the High Court of Serbia increased the penalty for two perpetrators that attacked a journalist on a Belgrade bus.

Crimes against media include physical attacks and threats, made sometimes by officials and sometimes by the targets of journalist investigations. For example, as NUNS reported on

its Media Center Belgrade website, Nedzat Beljliji, owner of local broadcasting station Spektri, was physically attacked in Bujanovac. NUNS reported that Agim Zeka Isljami, the chief of the office of the Party for Democratic Action (PDD) and a coordinator of the local Human Rights Committee, was responsible for the crime. UNS and NUNS both denounced the attack and demanded that the perpetrators be punished. The police opened an investigation, but at the time that the MSI panel convened, it was not clear whether the authorities had made any serious progress.² In another instance from May 2011, on the same day that *Vranjske Novine* won an investigative journalism award from NUNS and the Embassy of the United States, the weekly's editorial office was broken into for the fourth time. Seven laptop computers and two cameras were stolen.³

Advocacy groups, such as NUNS and UNS, speak out when crimes against journalists occur. For example, UNS denounced sharply a physical attack on Gojko Vukadin, editor-in-chief of RTV Kovacica, and Danijel Hajko, the station's camera operator. Zoran Savanov, an official of the Serbian Progressive Party, carried out the attack and subjected them to nationalistic insults as well. In response to the attacks, NUNS and the Independent Journalists' Association of Vojvodina (NDNV) called for an immediate police investigation and proclaimed to the Ministry of Internal Affairs and all state bodies that attacks against journalists have become commonplace, after the government sent the message to the public that it is acceptable to beat or insult journalists with impunity or with minimal penalties.⁴

Journalists outside Belgrade are especially vulnerable to threats by political, institutional, criminal, and militant groups. Both Mileva Malešić, editor of a local NGO television station in Prokuplje, and Ivica Smit, owner of the local radio station in Srbobran, agreed that at the local level, other media show negligible solidarity. That is contrary to common practice in Belgrade, where most major media outlets respond to attacks on colleagues from other outlets. Smit shared that, "In Srbobran, we have an example of local blog that is permanently publishing serious threats against a local newspaper, but nobody reacts."

Again this year, panelists criticized the privileged treatment of state-owned media, but also pointed out that public

services are expected to function under an impossible system. According to several panelists, the system to finance public activities is inadequate and not compatible with independence. Independent Association of Journalists of Serbia (NUNS) President Vukašin Obradović said, "It is simply unbelievable that the state does not provide funds to ensure public service activities and their independence. It is probable that the existing 'system' of uncertainty is maintained to keep state domination over public services."

During 2011, only 37 percent of television owners in the country paid subscription fees. The shortfall has a direct effect on programming, as Susa pointed out. "The financial obligations of public services to maintain its large surplus of employees are so huge that minimum amounts are left to produce programs," she said. Under this system, educational and children's programs are very rare, scientific programs are nonexistent, and the percentage of independent production is well under the obligatory 10 percent minimum, Susa added. Isakov emphasized that RTV's situation is even worse, as it is the only public service in Europe without its own building. It receives only a small percentage of subscription fees that RTS collects. In that way, contact with viewers is lost, and it is almost impossible for RTV to plan financially. Like RTS, RTV spends almost all of its funds on salaries, leaving only scant funds for programming.

Although the existing system of public services financing is far from satisfactory, the state announced the founding of six additional regional public services in the media strategy adopted this year. Meanwhile, to cope with their strained finances, public services are asking for more state assistance, damaging the media market further. In 2011, RTS asked the state to write off its debts, but journalist associations protested vigorously.

Public services have three sources of income: subscriptions, state budget funds, and commercial advertising. Their revenue streams leave private television and radio services, which are dependent solely on commercial activity, at a competitive disadvantage. Kremenjak said clearly, "State subsidies should be given to public media services on a project basis, for program production, and not to finance surplus employees." Isakov noted that the association of South East Europe public services presents a number of different systems to finance public services, and shared his view that in Serbia, the state should strengthen the subscription system instead of giving subsidies. Panelists were unanimous that public media are overflowing with employees, that production teams are old-fashioned and too expensive, and any layoffs in the future should be followed up with efforts to modernize and educate remaining staff.

²"Media News Bulletin," Media Center Belgrade. Citing material from NUNS, UNS, and Pravda, May 16, 2011. Available at: <http://www.mc.rs/media-environment.2479.html> (Accessed February 6, 2012).

³"Media News Bulletin," Media Center Belgrade. Citing material from B92, NDNV, Politika, and UNS, May 5-6, 2011. Available at: <http://www.mc.rs/media-environment.2479.html> (Accessed February 6, 2012).

⁴"Journalists were attacked at the public event 'Gulasijada.'" ANEM website, May 23, 2011. Available at: <http://www.anem.rs/en/medijskaScena/uFokusu/story/12151/Journalist+were+attacked+at+the+public+event+%22Gulasijada%22+.html> (Accessed February 6, 2012.)

Vojislav Žanetić, CEO of Mosaic marketing company, had a more sympathetic view of media workers. “The economic crisis and shortage of advertising funds has had a strong impact on all media, including the public services.” When all of the media’s economic, social, and political conditions are taken into account, he said, the editors of Serbian media are heroes of independent editorial policy. Isakov, however, criticized the explicit editorial influence of minority councils, which are able to directly propose editor appointments under the Law on Minority Councils—contradicting the principle of media freedom.

The panelists reported no changes in the treatment of libel. As in previous years, nobody was jailed for libel in 2011—journalists again faced much bigger problems with civil, rather than criminal, libel litigation. Panelists said that 90 percent of the year’s cases were civil litigations for indemnity, and only 10 percent were registered as criminal litigations. In one 2011 libel case in the First Primary Court in Belgrade, *Danas* correspondent Aleksandar Ivanišević was convicted of libel and ordered to either pay RSD 60,000 (\$735) or spend two months in prison for publishing a news about a citizen of Novi Sad wounded in a shoot-out between drug dealers.⁵ During the year, the number of civil litigation cases escalated, as in the case of Internet portal e-novine—which some panelists said is known as a center of uncompromising social and political criticism.

The indicator measuring access to public information deteriorated compared to previous years. After the reconstruction of the government, ministers were barred from giving media statements without prior approval from the government. At the same time, some ministries limited journalists’ access to unfavorable information, leaning on the government ban to justify their actions. Often, the government refused to release politically important information.

Information from state institutions is not always available to all media equally. The panelists underscored several cases of discrimination by municipal authorities against journalists. On the other hand, again this year the Commissioner for Information of Public Importance and Personal Data Protection, highly praised for devotedly helping journalists to acquire hidden information, provided a spot of brightness. He was elected to a new seven-year mandate, thanks to strong public support by media, individual journalists, civil society, and some judicial associations.

⁵ “Media News Bulletin.” Media Center Belgrade, citing material from *Danas* and NUNS, November 2, 2011. Available at: <http://www.mc.rs/media-environment.2778.html> (Accessed February 6, 2012.)

The commissioner received more requests during November than in the previous 10 months combined, as institutions tend to close up when an election approaches. Hiding information thwarts investigative journalism, and as in many other instances, local media suffer disproportionately. Blagojević remarked, “Often, police officials from Niš refuse to inform journalists on current events. The police PR officer is at the disposal of a select few journalists. Almost all official authorities insist on written requests, then procrastinate.” Smit described similar experiences in his municipality. The officials in Srbobran do not even give answers to the commissioner, and the municipality president pays penalties regularly for failing to comply with the commissioner’s orders to disclose requested information, he said. Malešić said that in his area, bureaucratic procedures are an impediment. “None of the officials will give the information before it is approved at a higher level. The police drafted an announcement about a criminal case in my town, Prijepolje, which had to travel to Belgrade for approval before it was forwarded to media. That is how media in Belgrade had the information on the seizure of drugs on the Prijepolje border crossing before the media in Prijepolje.”

As for journalists’ access to foreign and domestic news sources, the panelists reported that they experience no restrictions in access to or use of any news sources, including those on the Internet. However, NUNS did report that the rightist organization NSP “Nasi” demanded that Radio Free Europe (RFE) remove from its web page the “incorrect map of Serbia shown without Kosovo and Metohija” and called on its supporters and citizens to ask the radio station to remove the map, although the map in fact denotes the area of coverage of RFE. Responding to the organization’s statement, NUNS said that NSP’s “...public move was aimed not only against RFE, but against the freedom of the media as well.”⁶

Entry into the journalist profession is not subject to limitations, panelists said.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.72

According to the panelists, professional standards in Serbian journalism suffered from the same challenges during the year as in past years. The complex influence of the economic crisis and its chaotic impact on the media market, low salaries,

⁶ “Media News Bulletin,” Media Center Belgrade. Citing material from *Blic*, NUNS, NDNV on October 28, 2011; and from *Beta*, *Pravda*, *Danas*, and *Dnevnik* on October 10, 2011.) Available at: <http://www.mc.rs/media-environment.2778.html> (Accessed February 6, 2012.)

Smit provided other examples. "Self-censorship in Vojvodina increased, in reaction to the Hungarian National Council policy that ended in the replacement of several editors and directors for purely political reasons. Such attitudes promote self-censorship, especially with older editors and journalists."

worsening ethical standards, and heightened self-censorship stifled any chance for improvement in score. By far, indicator 4 presented the most serious drop—reflecting the panelists' disappointment with the missing media coverage of the country's serious political, economic, and social problems. All indicators scored close to the objective score: none deviated by more than a third of a point.

Regarding professional standards in journalism, Lukić commented, "Journalists often base a story on a single source, miss chances to conduct background research, and produce confusing content." Furthermore, in broadcast interviews, the apparent lack of knowledge and preparation by journalists conducting interviews sometimes reduces guests to sessions rife with verbal conflict and exhibitionism. As Lukić described, "...journalists are not aware of the normal standards in democratic societies, and accept attitudes that collide directly with elementary democratic norms. The so-called popular and

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

sensational approach to serious themes, like family violence, discrimination, criminal liability...is not so rare."

As an example of the lingering unprofessional practices in some media, panelists pointed to the discussions on rights for the lesbian/gay/bisexual/transgender population. At one outlet, for instance, journalists brought into the studio and presented as legitimate interviewees people who publicly threatened or openly questioned elementary human rights. Panelists did find, however, that reporting on gay pride this year was more politically moderate than the year before.

Despite the media's lingering difficulties with professionalism, Susa commented that one important battle has been won: it is becoming harder for information to be covered up or suppressed by the media. There are also some outlets that conduct unbiased interviews, and Serbia has a fair number of high-quality journalists, she noted.

Smajlović and Obradović also pointed out the start of the Press Council of Serbia, a self-regulatory body established to receive public complaints about the media. They praised this as an important, strong development and a significant improvement compared to last year. According to the NUNS website, at the time that the MSI panel convened, the Complaints Committee of the press council had adopted its first two decisions. The committee decided that the article entitled "Doctor Tortures Wife and Her Lover," published in *Press* on September 9, 2011, violated the provisions of the Journalistic Code of Conduct of Serbia related to protection of privacy of citizens. The committee ordered the newspaper to publish the decision. However, the committee rejected a complaint submitted by the former minister of health, Tomica Milosavljević, in relation to the article "Government Protects Former Minister" published by *NIN*. The decisions and their explanations are available on the website www.savetzastampu.rs.

There are other checks in place to monitor media. On its website, NUNS introduced the so-called "black box," which registers ethical code violations in Serbian media. Currently, the most common offense is invasion of privacy, especially among tabloids. Often journalists violate the code unintentionally, out of ignorance. Susa pointed out that RBA monitors and evaluates program content as well as regulations on advertising time limits. The media sector has individual cases of stations that do not stick to their program obligations. Most famously, radio Fokus completely adapted its schedule to suit the interests of one political party, in a manner prohibited by law.

A UNS poll showed that 40 percent of its members think that journalists practice self-censorship. Panelists agreed that journalists and editors are becoming much more

inclined toward self-censorship for a variety of reasons. The approaching elections, the deterioration of situation in North Kosovo, and the unclear EU perspective on Serbia's candidacy all contribute to self-censorship. Journalists also fear losing their jobs and fear for the survival of their media outlets. As Smajlović described, "Sharp and piercing journalism has become the exception to the rule. The best example is the case of TV Prva editor Branka Nevistić, who was recently expelled from TV Prva for publicly resisting censorship and pressure."

Smit provided other examples. "Self-censorship in Vojvodina increased, in reaction to the Hungarian National Council policy that ended in the replacement of several editors and directors for purely political reasons. Such attitudes promote self-censorship, especially with older editors and journalists. The case of my radio clearly shows the council's position. We are the only radio station that increased programming in Hungarian language, but we did not receive a penny from the Hungarian Council because we did not want to feel obligated to give them a privileged position in news reports. The Hungarian National Council believes that the law gives it the right to behave in such a manner." He concluded that the New Hungarian Council media strategy will only strengthen self-censorship.

Several panelists agreed that to avoid self-censorship, journalists in Serbia need to have heroic qualities, given all the pressure they must withstand from economic, political, and business powers. Obradović added, "The economic situation is an important factor in self-censorship. Journalists are aware that if they lose their job, they'll have to find a new one at a time when all media are in crisis. In 2011, only Nevistić left her television station and publicly accused owners and editors for political pressure." Panelists expressed the belief that after Nevjstić aired a professional and incisive interview with the communication ministry, she was under surveillance for a long time.

In comparison to the repressive Milosevic era, nearly all events are covered in the media, although the quality of interpretation, editorial approach, and presentation are still questionable. Panelists referred to a number of disappointing cases related to coverage of key events in 2011. According to Lukić, "The key problem in media editing is the impossibility of distinguishing substantial from irrelevant material. Most journalists follow whatever thread politicians and newsmakers spin, while a number of serious themes of social importance fall off their radars. For example, autism is a huge problem that the media neglect. Very often, family violence is reported with a tone of yellow journalism, even in serious media. Formally, there are no forbidden themes, but most media focus on the trivial. Thus, we are confronted with false

media freedom. The incompetence of journalists just feeds the problem." As an example, Isakov pointed to a case of family violence in Ledinci, in which a police officer and his family died. Over the next several days, media reports focused on the interior minister and the officer, without a word about the family.

Most of the panelists assigned the lowest possible scores to the indicator measuring the adequacy of journalist salaries, and the link between salaries and media corruption. "Journalists wages are scandalously low, including in state-owned media, with the exception of a few editors and journalists," Susa said. "Therefore, journalists who leave the media and find a job in other industry rarely return."

Regarding the balance of entertainment and news, most panelists had the opinion that the majority of Serbian media outlets air more than enough news. At RTS, 70 percent of programs are informative. The phenomenon of mixing unimportant stories in daily news, however, is present, and very often stereotypes seep into information programs. According to Žanetić, "In this country, informational programming is in fact entertainment programming."

Isakov detailed the severity of the problems surrounding the technical state of equipment and facilities. "Digitalization is well behind schedule, distribution is weak, and the potential of the cable system has not been exploited enough. IPTV penetration is slow. For almost two years, practically no media bought production equipment, except small cameras and microphones for reality shows. This fact will negatively impact media content in the next few years. Today, only every tenth household is digitalized. Only 51 percent of households have access to multi-channel programs, while 49 percent still use antenna sets and can only access up to 7 to 8 programs."

Qualitative niche reporting and investigative journalism are on retreat in Serbia. The sector has a serious lack of educated journalists to cover subjects requiring qualified knowledge (such as economics, justice, or ecology). Under such circumstances, the minimal conditions for investigative journalism do not exist. The shortfall also explains why most media ignored the Anti-Corruption Council Report on Pressure and Control over the Media, which described cases of political connections between certain media and political and financial oligarchs.

Panelists said that overall, the lack of adequate education, combined with the dearth of funds and editorial vision, restricts development of high professional journalism. Positive exceptions that panelists singled out over 2011 include TV B92 and the independent team-edited program "Insider."

OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 1.93

Scores for Objective 3 dropped sharply to 1.93, from last year's 2.27. To explain the drop, panelists pointed to the key obstacles that prevent accessing multiple news sources: the economic strain on citizens that inhibits their media purchasing power, and the escalating trend of political institutions denying information to the media. The news is often similar or identical across different media outlets, while original news production is declining—which contributed also to the panelists' gloomy outlook on this objective. Obviously fatigued by their struggles to obtain accurate and varied news sources, panelists gave lower grades to nearly all of the Objective 3 indicators. Indicator 2, however, managed to score more than half a point higher than the objective score; all others scored very close to it.

As noted earlier, Serbia has an unsustainable excess of media plurality for its population, yet a diversity of viewpoints does not accompany this plurality. Smajlović commented, "I cannot say that different political opinions are presented in media. On the pressing problem of Kosovo, the same three experts always appear on all national television programs. The state news agency disburses comments instead of news. From the media, we can only find out what the ruling elite wants us to think." Žanetić commented, "While political power becomes more concentrated, news plurality is thinning. Though the

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

number of political parties is increasing, their political profiles are often very similar or the same. The difference between quality and puff news is narrowing."

Additionally, news programs across the media formats are similar, due to a lack of funds and the related shortage of skilled personnel and technical capacities. Most media are forced to rely on a small number of news sources—typically from local news agencies.

As in previous years, panelists concluded that news sources are generally affordable and citizen access to media is satisfactory, without state restrictions. The usage of blogs and social networks as sources of information spread during the year. Journalists' use of private blogs is rising clearly, as well. Recently, more and more media consult information on Twitter and Facebook as hints for fresh news sources.

Regarding the independence of public media, Blagojević underscored the dominance of politicians in the media, and how that has damaged media plurality and independence. "Due to the crisis, national media rely on local news agencies, and do not engage their own correspondents anymore. They also use Infobiro's gratis service, financed by the government, and characterized by a public relations tone. For example, when a new factory opened, out of two minutes of a spot produced by Infobiro, the politician Dinkić appeared in all but six seconds of footage. Nothing about the factory, new jobs created, or the economic importance of the factory. Such material is dangled free of charge to poor media outlets, and ends up compromising media plurality. The improvements offered by Internet media are insufficient." Furthermore, the panelists said that the case of Infobiro is not unique. A number of other media outlets have contracts with ministries to distribute paid news that promotes ministers or politicians.

The state-owned media's failure to act in the public interest was revealed best during the North Kosovo crisis in 2011, when it was not possible to conclude what was actually happening there from the news on state-owned television and radio. Obviously, panelists said, state-owned media refuse to organize serious programs on the most pressing problems of the country. Similarly, critical local problems rarely make the agendas of state/municipality owned media. Lukić said, "It is impossible to offer more qualitative journalism, as it is extremely difficult to get elementary data about the financing or functioning of state institutions and state-owned companies. In practice, that means that journalists are prevented from investigating the biggest and most delicate themes."

The state investment in Tanjug agency and the expansion of the agency's activities on the market revealed the double standard that endangers Serbia's private agencies, Beta and

Fonet. Their only source of income is the market, where the dip in buying power diminished their competitive position. More and more media cannot pay for agency services anymore. Obradović expressed the belief that Tanjug offers services using dampened prices offset by state budget funding, misusing its privileged position on the market. Cases of media units canceling subscriptions to Beta and Fonet services and buying cheaper Tanjug service were registered in Kragujevac and Niš.

As for broadcast media's ability to produce original programming, Obradović commented, "In a time of economic crisis, it is unsurprising that media are reducing their own production and taking over cheap content." However, the structure of each media program is defined by its RBA license, as Susa explained. "Licenses are given on the basis of intended programming submitted to RBA. In the year 2011, RBA started with programmatic control of six national coverage television stations. For example, TV Avala is registered as a business television channel, but in practice it is obviously violating the regulation," she said. Malešić pointed out that her NGO television station in Prijepolje produces a program that covers local news every day, while another local television station, TV Enigma, is on the air without a single journalist or even a camera.

Blagojević summarized the situation for local broadcasters: "Due to the economic crisis, the number of journalists in local media is declining, and their ability to produce their own programs is diminishing, while national level news and news stolen from the Internet fills the void. Local media dependent on local budget financing often fail to inform public on sensitive local issues."

Media ownership is fairly transparent in Serbia, but there are cases of hidden owners. A number of important outlets operate with no known ownership structure (such as the daily *Vecernje Novosti*, *Daily Press*, and few influential television and radio stations). In addition, the state still owns and controls several influential Serbian media.

In the country's saturated market, no monopolies exist in the form of media ownership concentration, but according to the panelists, nobody talks about other forms of market monopolies. Hidden ownership is a consequence of poorly defined legal provisions, which prohibit foreigners from owning more than 49 percent of a single media outlet, panelists said.

Citing their strong concerns surrounding the trending of minority media, panelists gave lower ratings to the related indicator this year. "The quality of most information

Blagojević summarized the situation for local broadcasters: "Due to the economic crisis, the number of journalists in local media is declining, and their ability to produce their own programs is diminishing, while national level news and news stolen from the Internet fills the void. Local media dependent on local budget financing often fail to inform public on sensitive local issues."

programs in minority media is poor," Smit said. "Furthermore, even such poor-quality content is never broadcast because of program censorship. My fear is that everything that had been achieved in minority stations and newspapers will collapse."

Some panelists said that national minority media have become instruments of the National Minority councils that dominate minority political parties. One council explained the demise of *Magyar So* editor-in-chief Chaba Pressburger with the following platitude: "*Magyar So* did not write enough about the activity of the political party Alliance of Vojvodina Hungarians and its president." Isakov further explained the issues with the media outlets of Serbia's Hungarian population. "The Hungarian minority media proposed a new strategy, consisting of a network and coordinators for Hungarian media with one central radio and one television and a joint information center. This will mean that a central unit will produce programs that the television and radio will broadcast. The practice of the National Council of Vojvodina Hungarians clearly shows that things are not moving in the right direction, and that such practice could lead to the ghettoization of Hungarian minority. Minority media plurality, present over the last 20 years, seems to be coming to an end due to badly formulated laws. It is highly possible that other minority politicians will follow the Hungarian example."

All six national coverage television stations originate from Belgrade, and most television stations with regional licenses are effectively only local stations. Belgrade media only provide local news when natural disasters or similar events occur. As a result, ignorance of affairs between the capital city and the rest of Serbia is spreading.

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.71

The media's economic situation preoccupied the panelists during the MSI session, with panelists noting its impact on almost every indicator. Participants are keenly aware that the media—even those reliant on the state budget—face several key tests to its survival. Therefore, Objective 4 did not make up any ground already lost last year, when the economic crisis was already being felt sharply. All the indicators in this objective remained static, and as with last year only indicator 7 (audience ratings and circulation figures) exceeded the objective score by more than half a point. All other indicators scored close to the objective.

Several media houses in Serbia function as well-organized companies, but the vast majority cannot be described as well managed. Due to totally unpredictable economic circumstances, few media are using business plans as a managerial remedy. This year, the very bad situation deteriorated further, Žanetić said. "We witnessed a revolutionary change on the market, shifting our approach to survival mode. The amount of advertising shrank, and budgets are diminishing. Clearly the crisis is escalating." Panelists noticed that fewer and fewer media can be described as sustainable. The competition is so strong, however, that media outlets are tightening their belts to maximize efficiency.

Panelists concluded that media are not in a position to operate as independent, efficient, and self-sustaining

enterprises. Isakov complained that there is seemingly no viable system that can keep public service self-reliant. "RTV financing is complicated and ineffective, and no real and sufficient sources for sustainable financing can be traced or expected. The state should provide funds at least to ensure basic public service functioning."

Contracts between individual ministries and media to promote certain activities is a huge problem, as in practice it generates puff pieces highlighting the activities of certain ministers. A good example is the contract between the Ministry for Ecology and *Blic*. Essentially, it has turned into a personal and party campaign site of the minister, panelists said.

Theoretically, any media company in Serbia can earn money from multiple resources, but in 2011 all sources shrank drastically, producing serious consequences for media sustainability and for the independence of editorial policy. The worst effect is inequality in the advertising market, the panelists said. Until recently, Serbia's advertising market showed impressive growth. But the economic crisis dampened the trend, and 2011 is expected to be worst year in almost a decade. Darko Bročić from AGB Nielsen pointed out that the Serbian advertising market in 2010 was €175 million—unchanged from 2007's figures. Classical mass media advertising will certainly diminish, according to the panelists.

Agencies place advertisements only in the most successful media, mainly those with national coverage, largely leaving local media behind. As noted earlier, the public service in Serbia has a right to compete equally on the market for advertisements, in spite of its two other funding sources (state subsidies and subscription fees) that are not available to other media. Furthermore, the ruling party controls the largest advertising agencies, and panelists expressed the belief that advertising is used as a political tool. "The specific Serbian problem of media market functioning is the fact that the biggest advertising agencies are under direct or indirect control of ruling political parties, i.e. high positioned politicians. That was clearly shown by the 2011 Anti-Corruption Council presentation of the Report on Pressure and Control over the Media," Lukić said.

As noted last year, advertising revenue is in line with standards percentage-wise, but panelists said that the prices are too low. The striking case is RTS, which in 2011 pulled revenue equally from subscription and advertising, though normally the advertising-to-subscription ratio would be 1 to 4. This is a consequence of the fact that only 30 percent of households pay subscription fees and the state is either unwilling or unable to ensure payment collection.

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.

Regarding government subsidies, Susa said, “State subsidies are becoming a source of corruption and pressure on media, as shown by the Anti-Corruption Council’s Report on Pressure and Control over the Media.” Nevertheless, 2011 saw positive changes to the subsidy system. Public awareness of state subsidies to the media increased, and thanks to the pressure of journalists’ associations during long discussions on the new media strategy, the approach to subsidies shifted. Ultimately, the government agreed that starting in the beginning of 2012, state subsidies for the media would be disbursed on a project basis. Although that principle was included in the text of the new media strategy, the state had already given it up before the end of 2011, when the proposal for the new state budget in 2012 included traditional subsidies for state-owned media, completely omitting the agreement.

Market research is a traditional industry standard in Serbia. This year it even improved, as two strong companies (ABC gemiusAudience™ and Nielsen Serbia) started to measure Internet audiences. The advertising market in Serbia is well developed, with foreign and domestic agencies using data on media viewership/listenership/readership published by professional research agencies. Some panelists, however, gave lower marks to this indicator, saying that research results are furnished.

Serious measurement of Internet media use just launched with two newcomers, and advertising agencies consider broadcast ratings reliable. Panelists noted that ABC Serbia, a company measuring press circulation, has joined other well-established research companies in the Serbian market.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.17

The role of several media associations in the struggle for a new media strategy proved to be the major development under Objective 5 in 2011. Five media institutions (NUNS, UNS, NDVD, Lokal Press, and the Association of Independent Electronic Media [ANEM]) labored to secure a decent new media strategy. Though negotiators achieved consensus on the text of media strategy, and the government announced its intent to fast-track implementation of the strategy, it soon became apparent the government’s intentions were not sincere. Objective 5 dipped this year, from 2.40 to 2.17. All indicators scored within a half-point of the objective score.

Serbia has three trade associations of media owners: ASMEI, ANEM, and Lokal Press, but their memberships are limited, covering only a small percentage of the huge number of media owners. All three associations provide services to their

However, the panelists noted that broadcast transmitters are now owned by the new state company, Transmutations Technics, which some panelists said behaves like a monopoly.

members and successfully represent their interests. Serious communication between journalism unions and media owners in Serbia is not on the agenda yet.

Five professional media associations teamed up in 2011 to contribute to a better media strategy. Also, in several instances, these five associations reacted jointly on problems affecting the media. In general, they enjoyed greater cooperation than in previous years, and all five associations collaborate successfully with international media and journalist associations. Individually, their activities concentrate on defending media and journalist rights and on the defense of the freedom of expression. According to several panelists, membership in these associations is growing. They also act as a substitute for a journalists’ union in essence, while journalism syndicates in Serbia have not yet gained popularity.

In principle, most NGOs support press freedom and independent media, but in some cases they try to influence editorial policy. Malešić, speaking as the CEO of an NGO-supported local television station, said, “We are

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

CSO media, and we are actively promoting and recording NGO activities. But some NGOs are not satisfied with our professional reporting, and think that we should report favorably on their work instead of offering true and balanced reporting." Despite cases like this, scores for this indicator went up because most media NGOs, along with civil society institutions, offered very strong support to re-elect the Commissioner for Information. In the Serbian government, the commissioner is sometimes considered the last defense for freedoms and is revered highly by pro-democracy advocates.

During 2011, 14 academic institutions provided some level of education for journalists. However, in spite of journalism education improving in recent years, many journalists in Serbia still have not had any schooling or taken specialized courses.

Panelists noted that the technical equipment in faculty and media schools has improved, but still, young journalists coming from journalism courses need further practical training. Despite the clear need, the number of short-term training courses shrinks every year. As many foreign media donors have withdrawn from Serbia, a number of short-term educational courses have dropped out of sight, with negative consequences for the profession. The specialist courses most needed deal with themes such as the environment, the economy, health, finance, the EU association process, and energy. High on the agenda are courses on new media.

Sources of newsprint and printing facilities are private, apolitical, and unrestricted, and no legal limitations exist.

As for distribution, though, the situation has deteriorated further, as some cable operators have started to charge media outlets for inclusion in cable lineups. They also introduced the practice of expelling any media outlet that fails to pay. Žanetić traced this problem to limited cable capacity, which prompts cable operators to instead embrace foreign media that are willing and able to pay, at the expense of domestic enterprises that either enjoyed free access previously or could not pay their bills.

Online media outlets and bloggers are free to choose software and platform options. However, the panelists noted that broadcast transmitters are now owned by the new state company, Transmutations Technics, which some panelists said behaves like a monopoly. As Isakov explained, "Communication infrastructure is a precondition for a qualitative media system. Finally, the government put media and communications under one ministry, so the investment development could be harmonized with media development. Unfortunately, the money surplus collected from media by RATEL this year will be directed to the state budget instead of toward digitalization of the media sector, or to strengthen distribution channels."

List of Panel Participants

Ljiljana Smajlović, president, Journalist Association of Serbia, Belgrade

Vukašin Obradović, president, Independent Association of Journalists of Serbia, Belgrade

Vojislav Žanetić, CEO, Mosaic marketing company, Belgrade

Darko Bročić, CEO, AGB Nielsen, Belgrade

Slobodan Kremenjak, lawyer, Živković Samardžić Law Office, Belgrade

Siniša Isakov, director, RTV Vojvodina, Novi Sad

Predrag Blagojević, CEO, owner, Južne vesti, Niš

Gordana Susa, board member, Republic Broadcasting Agency, Belgrade

Ivica Smit, director, Radio Srbobran, Srbobran

Mileva Malešić, director, TV Forum, Prijepolje

Svetlana Lukić, journalist, *Peščanik*, Požarevac

Moderator

Dragan Kremer, program manager, medienhilfe-West Balkans, Belgrade

Author

Goran Cetinic, independent media consultant, Belgrade

The MSI panel convened on December 6, 2011.



CAUCASUS

The MSI panelists agree that the law represents an important first step. However, the next step should be educating judges in better assessing real damages, as well as determining guilt in better accordance with the spirit of the law and international standards.



ARMENIA

Armenia's decriminalization of libel in 2010 drew praise from the media and international communities, and appeared to point to progress in the treatment of Armenia's journalists. However, 2011 exposed real concerns over the implementation of the new law, as civil lawsuits against media outlets mounted.

The MSI panelists agree that the law represents an important first step. However, the next step should be educating judges in better assessing real damages, as well as determining guilt in better accordance with the spirit of the law and international standards. In time, if this effort succeeds, the courts will be able to better balance protection of individuals and companies from attacks, while at the same time allowing for free flow of truthful newsworthy information.

Still, Samvel Martirosyan, a blogger, noted that the decriminalization of defamation improved the situation in terms of crimes against journalists, which have almost faded out. On the other hand, since the courts unprepared for such changes, and some cases were vastly politicized, the previously physical oppressions of individual reporters and editors transformed into financial oppressions of media outlets.

"In reality, I consider it a good law, they just need to bring down the penalty threshold," said Edik Baghdasaryan, the editor-in-chief of online periodical Hetq.am and the president of the Armenian Association of Investigative Journalists. A November 15 ruling of the constitutional court might bring about positive changes. The court ruling emphasized that financial compensation should not be the primary and main measure, and instead, issuance of an apology or refutation should suffice—and any financial compensation should be commensurate with the outlet's financial resources.

The panelists highlighted the ever-increasing number of online media as a very positive development contributing to the pluralism and diversity of news sources. Online media also tend to cover more important events than traditional media, as well. However, it also brings some ethical concerns due to flourishing plagiarism. Ever-developing citizen journalism, social networks and blogs are further expanding the plurality of viewpoints in Armenia.

ARMENIA AT A GLANCE

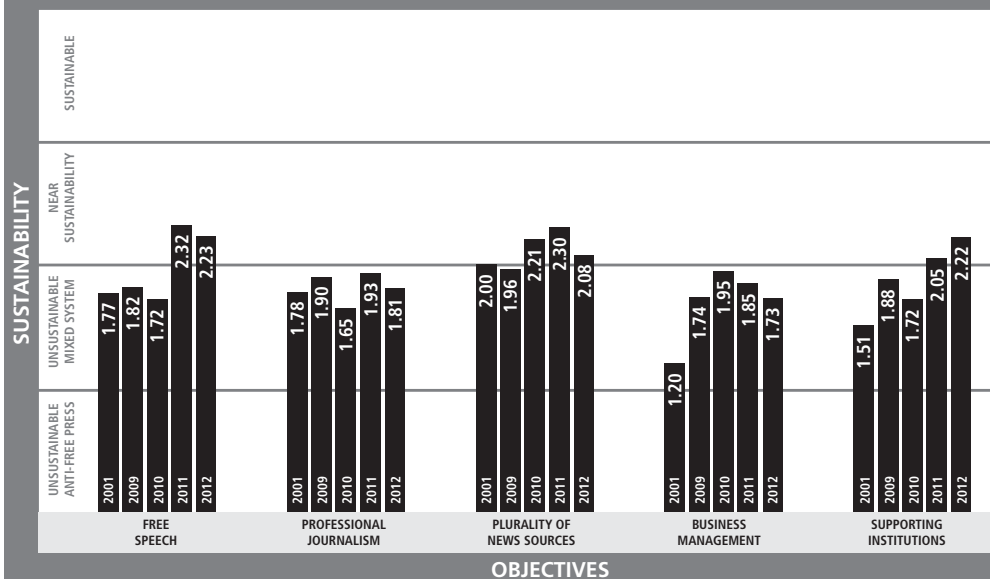
GENERAL

- > **Population:** 2,970,495 (July 2011 est. *CIA World Factbook*)
- > **Capital city:** Yerevan
- > **Ethnic groups (% of population):** Armenian 97.9%, Yezidi (Kurd) 1.3%, Russian 0.5%, other 0.3% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Armenian Apostolic 94.7%, other Christian 4%, Yezidi 1.3% (*CIA World Factbook*)
- > **Languages:** Armenian (official) 97.7%, Yezidi 1%, Russian 0.9%, other 0.4% (*CIA World Factbook*)
- > **GNI (2010-Atlas):** \$9.556 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$5,450 (World Bank Development Indicators, 2011)
- > **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: 14 local stations in Yerevan (4 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, Photolure News
- > **Annual advertising revenue in media sector:** \$80 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_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

Armenia Objective Score: 2.23

Overall, the score for Objective 1 remained more or less the same compared with last year. Scores for most indicators likewise remained unchanged. Indicator 4 (crimes against journalists), improved significantly offset by a loss of score for indicator 5 (legal guarantees of independence for public media). Indicator 5 and indicator 2 (media licensing) both lagged behind the objective score, by half a point and a full point, respectively. Indicators 8 (restrictions on media use of news sources) and 9 (free entry into the journalism profession) both scored more than half a point higher.

The Armenian constitution guarantees the freedom of expression. The Law on TV and Radio prohibits censorship and government interference, under articles 4 and 17. In reality, though, neither of those articles is enforced. Edik Baghdasaryan put it this way: “We don’t have any problems with the laws, but since the judiciary is not independent in Armenia, it renders it impossible to restore justice through courts.”

“We are protected by the law, but I don’t really observe any social protections; we don’t protect ourselves as a public society,” said Artyom Yerkanyan, journalist and political

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

FREE-SPEECH INDICATORS:

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

analyst at Shant TV. “The activity of public advocacy groups that should be on top of this has little impact on our protection,” he said.

The law respects the confidentiality of sources, and the panelists could not name any cases of journalists facing prison time for not revealing sources recently.

Licensing is limited to private broadcast and cable media, but it is not transparent, and it is considered a far from apolitical process. The public television and all other media do not need a license to operate. Broadcasting licenses are issued by the National Commission on Television and Radio (NCTR), which, according to article 35 of the Law on TV and Radio, is an independent regulatory body aimed at ensuring broadcasting outlets’ freedom, independence, and diversity. The commission’s state governing principles include legitimacy, democracy, equality, impartiality and publicity. The commission has eight members. Half are elected by the National Assembly, and the other half are appointed by the Armenian president. All serve for a period of six years. The members elect the head of the commission and his or her deputy.

According to Edgar Vardanyan, an analyst with the Armenian Center for National and International Studies (ACNIS), there is an obvious tendency to grant licenses to those broadcasters that toe the government line.

“I have devoted a lot of time to exploring the proposals, as I served on the reviewing committee. In reality, no tenders are conducted for broadcasting licenses in Armenia per se; they are only a formality. Before the competition, the committee already knows which companies are going to win and which are going to lose; therefore it is not important how professional or unprofessional the proposals are. In fact, they are all very poor; applicants do not bother preparing for the competition, as they know that they are going to win,” said Edik Baghdasaryan. However, he and Martirosyan both noted that licensing is no longer an efficient tool for stifling an [unwanted] media outlet, with the growth of Internet media. As proof, they cited the example of A1+, with its live streaming, and a few other online media with on-demand webcasts (azatutyun.am, slaq.am, 1in.am, etc.).

Aside from the restrictions imposed by licensing, the market entry and tax structure for media have been comparable to other industries for many years. “Entry today is easier than if you wanted to enter the market as a doughnut baking LLC,” Yerkanyan said. Also, print media enjoy VAT exemption on distribution expenses.

All panelists agreed that the year has been quiet in terms of crimes against media professionals. However, Melik Baghdasaryan, owner of the Photolur photo news agency, said “We don’t feel secure during either pro-government

Margarita Minasyan, director and co-owner of Tsayg TV remarked, "I think no state appointment, even a janitor in a state enterprise, is by any means apolitical, let alone such important appointments as those of state/public media managers."

or opposition events; we feel the tension that something might happen from either side. But, I believe that's the way it should be. We're doing our job, and no one's going to stop what they're doing and invite you to complete your shots."

There was one case, involving Nikol Pashinian, who was beaten and moved into solitary confinement in late 2010 after publishing editorials from prison criticizing prison conditions. According to Pashinyan's statement, in late 2010 unidentified masked people beat him in prison. The warden refused to bring a criminal action on the complaint. Hraparak daily, Hetq.am, A1plus, Gala TV, Committee to Protect Freedom of Expression NGO and others gathered in downtown Yerevan demanding secure conditions for Pashinyan's confinement. In early January, Pashinyan was transferred to Artik prison, to a solitary cell (for security reasons, according to official data). Later in March of 2011, the prosecutor-general overruled the decision of the warden and filed a criminal case on Pashinyan's beating. In May 27 he was released.

On paper, the law protects the editorial independence of state/public media. Specifically, article 26 of the Law on TV and Radio states clearly in the 4th clause, "...the public television and radio company is governed by the principles of objectivity, democracy, impartiality, diversity, pluralism," and it also ensures the freedom of speech, conscience and creativity. Every year, however, MSI panelists criticize the government sharply over this indicator. According to them, public media are not apolitical; they are just fully controlled tools in the hands of the government and the adjoining circles.

The Council on Public Television and Radio regulates the public broadcast media. The council is steered by five members (including at least one female) appointed by the state president for a period of six years. The members elect the head and the deputy. Margarita Minasyan, director and co-owner of Tsayg TV remarked, "I think no state appointment, even a janitor in a state enterprise, is by any means apolitical, let alone such important appointments as those of state/public media managers."

As noted above, libel was decriminalized last year, drawing positive response from the panelists as well as the international community. It also resulted in a better ranking in the annual Press Freedom Index 2010, published by Reporters without Borders, gaining 10 points over last year's rank.¹ The OSCE Representative on Freedom of the Media, Dunja Mijatović, welcomed decriminalization of defamation in Armenia as a significant step toward ensuring a media-friendly environment.²

However, an eruption of civil lawsuit against media outlets critical of the government eroded the goodwill from the once long-awaited decriminalization. In a November 10, 2011 letter to Armenia's foreign minister, Edward Nalbandyan, Mijatović noted that regretfully, since the decriminalization of the defamation and libel law, almost 30 civil defamation lawsuits have been brought against newspapers, including 11 this year. Mijatović said, "In most cases, the compensation sought is out of proportion to the damage allegedly inflicted."³ In all, 34 lawsuits had been filed as of December 2011.

One of the recent lawsuits was filed by a lawyer against "hraparak.am," which published an article about a group of people complaining about the lawyer's practice. The comments section contained an anonymous comment using insulting language. The lawyer is demanding AMD 18 (\$46,280) in damages.

It should be noted though, that the first high profile libel lawsuit with a penalty of AMD 3.62 million (around \$10,000 at the time), was in 2009, even before the new law (the criminal code allowed for either a penalty or imprisonment for libel and defamation through the corresponding articles of 135 and 136). The court of appeals later brought this down to AMD 3 million (\$7,700).

A November 15 ruling of the constitutional court stressed that financial compensation should not be the primary and main punishment; instead, an apology or refutation should suffice. Furthermore, if applied, financial compensation should be commensurate with the outlet's financial resources. Some of the panelists were nonetheless concerned that the ruling might just remain as a recommendation, and bear little influence on actual cases. The panelists noted that the Constitutional Court disseminated a press release on

¹ "Press Freedom Index 2010: Europe Falls from its Pedestal; No Respite in the Dictators." Reporters without Borders: March 24, 2011. Available at: <http://en.rsf.org/press-freedom-index-2010,1034.html> (accessed March 15, 2012).

² "OSCE media freedom representative expresses concern over growing number of libel lawsuits in Armenia." OSCE press release: November 10, 2011. Available at: <http://www.osce.org/fom/84878> (accessed March 15, 2012.)

³ Ibid, Reporters without Borders.

December 1, 2011, in particular dispelling fears that it might fail to affect the cases already in courts.

Edik Baghdasaryan noted that Armenia's access to information law is one of the best in the world, but it is sometimes impossible to apply in practice. Whenever the requests for information deal with abuse, corruption, or conflicts of interest, or when they expose unflattering information, journalists face a difficult struggle in trying to get their answers.

Edik Baghdasaryan brought the example of "Asparez" Journalists' Club, which filed a Freedom of Information claim requesting information from the State Revenue Committee, regarding officers who were rewarded with expensive watches on New Year's Eve—allegedly bought from the store of the Committee head's son. The Journalists' Club could not get the information, not even through the court. According to Edik Baghdasaryan, this example alone is enough to understand how useless the law can be.

Most of the panelists ranked the last two indicators, indicator 8 (media outlets' access to local and international news) and indicator 9 (entry into the journalism profession), positively. They agreed that over the years, there have not been serious problems with these two indicators, which meet many of the MSI's criteria for sustainability.

Unfortunately, however, there are no consistent, clearly defined and widely accepted standards for fair use that protect intellectual property. The ethical and professional outlets and/or bloggers properly attribute sources, for the most part, but others just copy the content, sometimes even rewriting it slightly to make it unique for search engines (and foster indexing), however this rewrite sometimes distorts the facts and on some occasions also generates false facts.

Last year's MSI noted that online media requesting accreditation to cover parliament must prove they receive 800 visitors each day through an official rating service. The new order for accreditation (as required by the 6th article of the Law on Mass media, issued by the ex-National Assembly Speaker Hovik Abrahamyan on Aug 21, 2009) does not specifically define the acceptable methods for proving the claimed visits, nor the type of the visits themselves (i.e. total pageviews vs. unique visitors or hosts; it just stipulates 800 daily visits), and does not specify a certain rating service to use. In fact, this can hardly be a serious impediment at the moment, since all of the active online media either actually meet the required 800 visits a day on average, or can "force" this result easily using different methods (ranging from legitimate to unethical; some of these are described in detail in Objective 4).

In terms of accreditation, the Armenian immigration authorities did refuse to issue visas to international reporters from the Finnish public broadcaster YLE and the Lithuanian television station Komanda, which sought entry for a documentary about Nagorno-Karabakh. Some Armenian outlets wrote that the documentary's producer, Andrius Brokas, was a spy working for Azerbaijan, and a senior Armenian foreign ministry official told the media that it was obvious that their aim was to damage Armenia's reputation. In response to a query from Reporters Without Borders, foreign ministry adviser Tigran Mkrchyan said in a March letter that the crew was turned back "for security reasons."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 1.81

Objective 2 experienced a slight drop in score resulting from a lower rating of indicator 6 (balance of entertainment and news) by panelists. All indicators scored within half a point of the objective score, with the exception of indicator 7 (facilities and equipment), which scored about two-thirds of a point higher.

The panelists agreed that of course there are certain outlets and media professionals that adhere to professional standards, but they are too few and do not change the overall sad picture of the media field. In general, reporters seldom verify and fact-check the information they present. They are often overtly subjective, even in news reporting. They seldom conduct background research to a story or prepare adequately before interviews or press conferences,

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Conventions on plagiarism are seldom respected. Edik Baghdasaryan said that such cases are widespread; stories are copy-pasted or sometimes even rewritten without any reference to the source—a problem his outlet, hetq.am, faces often.

and quite often they do not even know who is giving the press conference.

Yerkanyan underscored the importance of differentiating between unintentional failures to verify information—oversights on the part of reporters—and deliberate efforts to stifle or fail to verify information. “If it is an oppositional media, with an agenda to discredit the government, or a pro-government media set on discrediting the opposition, then there is little inclination to verify [the information]: to the contrary, there is an agenda to find discrediting information and disseminate it,” he said.

In the few instances when both sides of a conflict are presented, they generally reveal a bias to one side, either through selective questions, editing and similar manipulative techniques that only a few sophisticated readers pick up on.

Additionally, the media spread high volumes of unprocessed information, originating from an unreasonably high volume of press releases and press conferences. In many cases, the sources of press releases are not even verified, which results in disinformation penetrating into the media field. For example, Martirosyan mentioned a press release from a concocted Armenian Masonic Lodge that was widely distributed throughout the media.

According to Martirosyan, the overall low quality of journalism can be traced to deficiencies in educational institutions, where journalism teaching standards lag behind modern standards.

Fierce competition, aside from generating huge volumes of unverified information, fosters the press’s descent into yellow journalism. The outlets that position themselves as news and/or sociopolitical outlets have started to disseminate overtly entertainment programming and scandalous content. The involvement of social networks in promoting and advertising the traditional press further contributed to the development of this phenomenon. This is seen in both traditional and online print media; the situation is somewhat better in broadcast media than online and print media.

Different media organizations and individual media outlets have developed ethical standards, but as all panelists have agreed over years, these standards are not always used in-house, let alone used to encourage media-wide policies. Media do not make clear distinctions between news reporting and advertorial content, and only sophisticated readers/viewers are able to identify likely cases of paid reporting.

There have been many attempts throughout the years to establish a monitoring body to hear ethics complaints, but they emerged as a donor-funded initiative and did not survive past the grant period. The panelists pointed to the Yerevan Press Club’s efforts in conjunction with the “Promoting Freedom, Professionalism and Pluralism of the Media in the South Caucasus and Moldova” program, co-funded by the European Union and the Council of Europe. Essentially, the program involves a television show on Yerkir Media TV that discusses ethically of professionally controversial complaints, inviting both sides of the conflict, later making recommendations to both parties.

Conventions on plagiarism are seldom respected. Edik Baghdasaryan said that such cases are widespread; stories are copy-pasted or sometimes even rewritten without any reference to the source—a problem his outlet, hetq.am, faces often. Once, a popular online periodical went so far as to reprint a hetq.am story, backdating the date stamp of the article on their webpage. Hetq.am reporters often receive offers of payments or gifts in exchange for certain types of coverage, and Edik Baghdasaryan speculates that while they refuse those requests at his outlet, it does not necessarily mean that many others, offered the same, resist the temptation.

Self-censorship is more evident in broadcast and pro-government print media. It is multilayered, starting from the reporters, who run the information through the first filter all the way up to the owners of the outlets. Sometimes the degree of self-censorship by reporters goes further than the intentions of the editor or the owner. Self-censorship is less evident with online media. With the oppositional media, it is sometimes even non-existent in content dealing with the government and the adjoining circles—although any negative content concerning the opposition is suppressed.

“I don’t self-censor myself at all, I just try to adhere to ethical standards,” said Vardanyan. “If they are oligarchs, should I not write ‘oligarchs’? If they falsify, should I not write ‘falsify’? I just won’t write insults, I don’t want to devalue my copy and bring it down to the level of yellow journalism,” he said. “I don’t know whether I would write the same articles if I were in North Korea, I think I wouldn’t. But to my mind, in Armenia a political analyst has considerable freedom to

write fearlessly the analysis that he truly believes in," added Vardanyan.

Online media, at least, cover all key events. It is somewhat different in broadcast, although more and more topics eventually seep into broadcast as well.

"The prevailing majority of television programs present a picture, which, in my opinion, has nothing to do with reality," said Vardanyan. "You watch the channels [and gain the impression] that Armenia is a paradise; you surf the Internet, and it is hell," he said. Tigran Paskevitchyan, a freelance journalist, agreed, adding, "I was in Beirut for a week and four Armenian channels were accessible in the hotel. You see a completely different picture when you're not in the country. Then, you enter the Internet and everything comes back to reality."

Traditional media are expanding their coverage, too, although they have not caught up to online media. Key events are covered better in national than regional media, and often poorly in minority media. Even if traditional media neglect a topic at first, these events do penetrate into conventional media eventually, including broadcast and even the public television. The approach, however, differs naturally from Internet to broadcast; while coverage is not censored in terms of space or content online, they do get trimmed and tidied up more in broadcast.

Pay levels for journalists are not high enough to discourage corruption and retain qualified personnel within the media profession. The situation is a little better in broadcast and in a select number of print outlets.

Yerkanyan commented, "No matter how low a salary, it would have been absolutely impossible to do a "left" story and get paid for that at the broadcast or print outlets that I have worked at, even if the reporters really wanted to."

Entry-level journalists' salaries are considerably below those of their senior colleagues. In fact, they are often just symbolic, sometimes taking the form of prolonged unpaid internships. However, these entry-level journalists are not more vulnerable to corruption, because they do not have much latitude in choosing their stories and/or making decisions.

Entertainment programming eclipses not only news but also sociopolitical, cultural and educational programming. Most major stations have three to four top-of-the-hour newscasts. Almost all of the primetime content is rife with low quality soap operas. Panelists agreed that the inclusion of more news-related programs would push audiences to switch to other formats, and the current situation with primetime directly reflects that belief.

"I don't self-censor myself at all, I just try to adhere to ethical standards," said Vardanyan. "If they are oligarchs, should I not write 'oligarchs'? If they falsify, should I not write 'falsify'? I just won't write insults, I don't want to devalue my copy and bring it down to the level of yellow journalism," he said.

"As a [profitable] business, television kills the news outlet in itself," said Yerkanyan, meaning that to chase higher profits, television minimizes news and analytical programs, and maximizes entertainment programs—soap operas in particular. Vardanyan, however, noted that during pre-election periods new information and sociopolitical programs emerge.

Speaking of the facilities and equipment for gathering, producing and distributing news, Paskevitchyan said: "One thing can be said [for sure]: it is not the [poor] facilities that are hindering the media from improving their quality ... today, you can shoot HD videos with a mobile phone."

There are journalists that specialize in investigative reporting, mostly among print media. Edik Baghdasaryan, speaking as an investigative journalist, said, "We are often denied permission to conduct interviews in certain places. For example, prison is closed for us. We receive letters from prisoners asking for interviews, but we are denied access on the pretense that the prisons are busy with improvement projects for months—then sometimes we learn that other reporters managed to visit during that period." He continued, "We have tried to do joint investigations with one of the television stations, but these are very costly, and the process comes to a deadlock whenever we approach the funding agreement," he added.

There was no truly groundbreaking investigative reporting in business, health and education in the past year, but there were some groundbreaking efforts in environmental reporting. For example, the government planned to construct a hydropower plant at the point of the tallest (25.5 meters), most abundant waterfall in the country. A myriad of articles about saving the Trchkan waterfall appeared in many outlets of almost all types of media, and there were many protests. The awareness fueled by the media attention eventually resulted in the country executive's decision to grant Trchkan special status, rendering it immune to all sorts of industrial exploitation.

OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.08

The score for this objective suffered a modest setback as panelists returned lower scores for four of the indicators: indicator 4 (news agencies), indicator 5 (private media produce their own news), indicator 6 (media ownership is transparent and not monopolized), and indicator 7 (representation of minority affairs in the media). Indicator 3 (public media are non-partisan) remained unchanged, and lagged behind the objective score by more than three-quarters of a point. Likewise, indicator 6 trailed by about two-thirds of a point. Indicators 1 (plurality of news sources) and 2 (citizen access to media) led the pack, each scoring more than two-thirds of a point higher than the objective.

Online media appear sustainable, having survived a couple of years already, and some even show progress on this front. This, however, is only because they have a sponsor of some sort (pro-government, opposition sources, international grants, etc.), and not because they excel in

The prevailing majority of traditional and now online print media are either pro-government or pro-oppositional. To have a more-or-less complete, objective picture, one must read content from both poles. The broadcast media, as has long been the case, remains under government control.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

The numbers of news sources continues to grow by the month due to online media. The growth in Internet users and their expanding interest in the Armenian websites have made a considerable contribution. According to the national rating service, circle.am, there are now more than two hundred news portals. The question remains, however, as to who owns or funds them.

Overall, the diverse political opinions coming from the portals allow for diverse viewpoints, a breadth that is non-existent in broadcast media. Of course, broadcast media offer an "alternative" diversity, the so-called controlled dissent.

Aside from the online outlets, ever-developing citizen journalism, social networks and blogs contribute to the plurality and diversity of news sources and dissenting viewpoints.

"I know many people that say they don't visit news sites, but use their Facebook accounts to get the information they want," said Vardanyan.

Martirosyan said, though, "Here we have to clarify that they think they get it from Facebook, but in reality they follow to the news portals through the numerous links that are posted by the users." Martirosyan continued, "Many people say that they are elite and that they do not watch the local channels, but in reality they watch those same channels on YouTube from links in Facebook," he said. For now, Twitter is underutilized in Armenia; only the most sophisticated journalists, bloggers, and citizen journalists have Twitter accounts and/or actually tweet regularly.

All panelists agreed that citizens' access to domestic or international media is not restricted by law or in fact. Foreign media are freely available through satellite and cable television, CNN, and the Internet. Three Russian channels are also available through free terrestrial broadcast. The only impediment is the relatively high price of cable/satellite and the Internet, which despite improvements is still expensive for most and quality and speed are an issue, especially in the more distant regions.

At present, there are no signs that the government wants to control the Internet legislatively. The only way to control it would be to shut down the servers/domains/offices under threat of "emergency," or denial-of-service attacks on such sites as happened March of 2008.

Panelists consistently score the question of the state or public media's reflection of the views of the political spectrum low. In this light, when the public television invited the opposition ANC (Armenian National Congress) coordinator for

an interview, it was thought to be unprecedented. Yet still, Vardanyan noted that the public media, and public television in particular, serve the interests of the government and business elite at the expense of public interest.

“Quite often these media attempt to discredit individuals, organizations, initiatives who raise various issues of public importance. As a rule, they are partisan, and especially during pre-election periods they become a public platform for the ruling parties,” said Vardanyan.

Panelists agreed that the public media, and public television in particular, do not sufficiently fill the gap in coverage left by commercial broadcasters. The rare occasion of educational and cultural programming exists to check off the compliance box. Such programming ends up in off-off primetime, often late at night, while the primetime is swamped with folksy soap operas.

Panelists agreed that the classic news agencies are becoming extinct. ARKA and MediaMax still operate, but publish mostly free-of-charge through the web, or survive through sales of exclusive interviews, stories, etc. As for Armenpress, it is a state agency, exempting it from funding woes. The Internet provides numerous sources of free information, often, by these same agencies. The exceptions are exclusive interviews, photo content from local outlets and video content from international agencies (Reuters, DW, etc.)

Private media produce their own news, but most panelists agreed, it differs little from those produced by public media or the private broadcast outlets themselves. “You sit in front of television with the remote control, flip the channels, and you have the impression that you’re watching the very same channel, [and by the way] quite a bad one,” said Paskevitchyan.

As for the online media, their content differs state/public media, but the bulk is copy-and-pasted from other online media—often without giving credit, let alone cross links to the original source.

Media ownership is far from transparent. Even if you dig up information on the official owners/directors, most are mere figureheads, and not the true owners. There are anecdotal references to members of the National Assembly, political figures or state officials, but they ensure that on paper there is distance between them and the media outlet.

When an outlet is an offshore company, it is virtually impossible to track or prove ownership. It is not obvious who

Martirosyan continued, “Many people say that they are elite and that they do not watch the local channels, but in reality they watch those same channels on YouTube from links in Facebook,” he said.

exactly controls blogs or other online media either, with the exception that the overall political orientation of the outlet is clear from the content.

Minority language media exist legally. Russian, Ukrainian and Kurdish minorities have their newspapers, and Public Radio has programming in minority languages, including but not limited to Georgian, Russian and Kurdish. “I don’t think there’s a problem of underrepresenting minorities, including sexual minorities. They have their own platforms and they write what they want,” said Edik Baghdasaryan.

The citizens, overall, are able to get news and information about their hometown, other regions, national issues and international developments. Media with a nationwide reach generally report significant news from regions beyond the capital, though panelists agreed that the volume of news from regions is lacking and the capital remains the primary focus of news outlets.

Broadcast outlets usually buy or exchange news with regional outlets rather than maintain correspondents in the regions or dispatch reporters when regional news occurs. Emerging online media that specialize in regional news could fill this gap. Martirosyan provided one example: <http://www.armregions.am>. Generally, local media produce local news.

While media in Armenia cover key international issues, citizens who seek fresher, more up-to-date and more accurate first hand news must turn to international sources. The language barrier results in coverage of international issues in Russian.

Martirosyan noted, “Not until it was published in *Russkiy Reporter* (Russian Reporter, rusrep.ru) did the Wikileaks “leak” into Armenian media on a mass scale. This showed clearly that our journalists do not know English well enough.”

Vardanyan disagreed, “If lack of English was the only reason for this, then we would also see reflections from Ekho Moskvy (Echo of Moscow, a Russian language radio station based in Moscow described as ‘the last bastion of free media in Russia’), but we don’t.”

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 1.73

The overall objective score dropped just slightly this year. All indicators scored close to the objective score.

As for the business side of the media outlets, panelists agreed that there should be a differentiation between broadcast media and print (both online and traditional), as well as between regional media vs. media in the capital. Major broadcast outlets in the capital are self-sustaining profitable businesses, while the regional media struggle, though there are examples of regional outlets that operate at a profit.

Minasyan, a television director, commented that she views her media as a business: "Whenever I am asked, 'What is a media outlet for you?' I've always answered 'a business.' I invested money with an expectation of profit in time and to leave the business to my children. I'm a businessperson," she said.

Paskevitchyan noted, "Aside from television, all other media outlets are money-losing entities. Television is a business—but it is not as a journalistic outlet."

Broadcast outlets are required to have business plans as a prerequisite of applying for a broadcast license. Nevertheless, few outlets prepare business plans with any intention of adhering to them in their subsequent operations and management once the license is granted. Few outlets employ marketing professionals, and fewer still have human resources

professionals, although most have a practical accountant on board.

Many broadcast outlets have multiple advertisers, but fees from cable are either non-existent or insignificant. The owners set the editorial policy the outlet.

In contrast, the vast majority of online and print media lack diverse revenue strategies. Rather, most have a single source, a donor really, who accordingly stipulates the content and the editorial approach. Bloggers in Armenia cannot make enough money yet to support their work and are forced to maintain their blogs while holding down other jobs.

Public/state media enjoy an adequate and guaranteed source of revenue. In addition to public funds, these revenue streams include guaranteed advertising, which claims a big share of the overall revenue pie from commercial outlets. According to Vardanyan, this however in no way supports its political independence, as it has a tendency of "brainwashing" and serving narrow clan interests.

Furthermore, the public media, Vardanyan said, do not use taxpayer funds responsibly. "A considerable volume of the content they produce has nothing to do with issues of public interest, doesn't improve the individual audience member, doesn't assist social life, and follows superficial desires of certain strata of society," he said.

The biggest advertisers across media sectors are telecommunication providers, banks, insurance companies, and the dairy industry, etc. Radio stations enjoy advertising from casinos, a sector that migrated to radios from television.

"As far as I know, after complaints that public television aired a lot of casino ads, the entire television sector came to a gentlemen's agreement to not broadcast it at all, but I don't know whether it was 'voluntary'-compulsory or truly voluntary," said Ashot Harutyunyan, the deputy director of Yerevan FM.

Today, many advertisers place ads based on market strategies and research, however, cases exist of advertising influenced by political obligations. One of the bank directors told Edik Baghdasaryan he had found out upon starting his job at the bank that the bank had a multi-year contract with one of the newspapers for an annual advertising commitment of around \$25,000.

Public/state media advertising is not restricted, in order to protect the commercial media. On the contrary, in addition to substantial state funding the public media also compete with commercial outlets, taking large shares of advertising revenue.

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.

Aside from commercial advertising, channels used to sell text crawls and infomercials until a June 2011 amendment to the advertising law essentially swept that type of advertising from the channels. Crawls and infomercials had not been considered commercial advertising until the amendment and the introduction of a 14-minute-per-hour restriction on ads. According to Minasyan, theoretically this can result in having 14 minutes at the tail of one hour, and 14 minutes at the head of the next, for a total of 28 minutes of advertising.

The new amendment also banned the insertion of local advertising into a relay channel's programming, a major concern for commercial outlets that invest considerable financial resources in producing ads, while meanwhile, these relay stations dropped their ad prices because they paid nothing to produce the ads.

Government subsidies support private print media, but these subsidies are insignificant and do not distort the market. "Fortunately the government doesn't use its subsidy to exert pressure and our editorial or management policies are not influenced in any way," said Arevhat Amiryman, editor-in-chief of the Vototan newspaper, *Sisian*.

Market research is rare, but, when it exists, is performed by the outlets themselves than through third-party research companies due to the prohibitive costs.

Armenian commercial research companies conduct market research that upholds internationally accepted standards, more or less. These companies have emerged only in the last several years. International research companies virtually ignore Armenia's small market. AGB Nielsen, for instance, only does television ratings.

There are no solid circulation figures for print. The panelists feel that Internet statistics are not sophisticated enough and cannot provide the depth necessary to make the numbers transparent.

"The technology today makes it difficult to identify fake traffic," said Martirosyan. "Technology allows for generating enormous quantities of fake visits and most advertisers aren't sophisticated, so they just buy whatever tops the ratings," he said.

Broadcast ratings are limited to television in the capital only. AGB Nielsen and JFK measure the television audience, but only for Yerevan and nationally, not for separate cities/towns individually. The data are available only to paying subscribers.

At launch of these services, the outlets, and the advertisers especially, trusted the date, but the trust eroded gradually. "People starting saying that those who had People Meters in

their homes are paid to watch this or that channel. After that, trust in the ratings suffered," said Karakhanyan.

"It's been said that there are households with two People Meters, each from a different company," said Minasyan.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 2.22

Objective 5 showed modest improvement overall, mostly due to improvements in scores for indicator 3 (supporting NGOs) and indicator 7 (free access to means of distribution). Indicator 1 (trade associations) remained the lowest scoring indicator this year, trailing the objective by more than a point. Indicator 6 (unrestricted access to media equipment and supplies) outscored the objective by more than two-thirds of a point. All other indicators scored close to the objective.

Once again, panelists noted that there are no trade associations representing the interests of media owners and managers in Armenia.

There are professional associations that work to protect journalists' rights and promote quality journalism. For example, they spoke in support of Nikol Pashinyan, senior leader of the political opposition, and condemned his confinement, demanding his release. But as Martirosyan

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Panelists agree that educational programs at private and public institutions are not of high quality, and there has been little progress lately. These programs, while numerous, do not include sufficient practice-oriented training and are based on dated theory.

noted, "They provide training, legal advice and sometimes lobbying. But that's a different question than whether they are successful or not."

These organizations cannot support themselves through dues, and are mainly dependent on grants from international donors. For example, there is the Investigative Journalists NGO, Yerevan Press Club, and Gyumri Aspires Journalists' Club. The government does not impose restrictions on their work, or attempt to prevent the registration or functioning of these professional associations.

NGOs work in cooperation with the media to support freedom of speech and media independence, mostly based on international donor funding/grants. They try to serve as watchdogs and react to violations of media freedoms, but Paskevitchyan said, "They are more of an episodic than systematic nature." The most active media-related NGOs at the moment are Internews Media Support NGO and Eurasia Partnership Foundation-Armenia, which are implemented jointly by the Alternative Resources in Media (ARMedia) project funded by USAID.

Edik Baghdasaryan added that there are also NGOs reviewing legislative changes on media. "And, as a result, the legislative picture grows worse and worse," said Paskevitchyan.

Panelists agree that educational programs at private and public institutions are not of high quality, and there has been little progress lately. These programs, while numerous, do not include sufficient practice-oriented training and are based on dated theory. Among the most popular are the journalism schools at Yerevan State University, Yerevan State Linguistic University and Russian-Armenian (Slavonic) University.

Student-run media exist, but they are not well established enough to provide valuable practical experience. The content is controlled by the school administration, and the media outlets cannot absorb journalism graduates because graduates simply are not ready for the industry.

Short-term training and programs allow journalists to upgrade and acquire new skills. These are mostly set up

by international organizations. The hot topic these days is of course new media. Funded by the USAID (United States Agency for International Development) Alternative Resources in Media (ARMedia), the Eurasia Partnership Foundation-Armenia, Internews Network (USA), Internews Media Support NGO and Yerevan Press Club have been implementing the project since 2010, providing a variety of short-term training opportunities.

Study abroad options are limited because very few students can afford the programs. Of the few that can, very few (if any) would choose journalism as their field. Thus, the only options are fellowships and scholarships, which can either be obtained through regular programs (not journalism-specific) administered by foreign governments and NGOs, such as the U.S. State Department's Global Undergraduate Exchange Program in Eurasia and Central Asia and Edmund Muskie Graduate Fellowship Program, the Open Society Institute (Central European University at Budapest) or they have to independently seek scholarships/financial aid from universities in the US, UK, Sweden, Germany, etc. And the truth is, very few of these students return to practice the skills obtained abroad (with the exception of US government-funded programs that require two-year residency in the native country following the program).

Another obstacle to short-term training programs is that media outlets are often reluctant to release their staff for training, especially leading reporters, because training lasts anywhere from three days to two weeks. "If the reporter is covering events on an ongoing basis, he/she is unlikely to be able to attend such trainings," said Martirosyan. "There are other cases, too, in times of high turnover the editor/owner cannot afford to build the reporter's capacity or contribute to his professional development," he added.

Sources of media equipment, newsprint, and printing facilities are not monopolized, nor restricted. There are many printing houses and they are free of pressure from the government.

Channels of media distribution are not restricted, but there are some adjoining issues with press distribution and retail sales. According to Edik Baghdasaryan, the distributing agencies are delinquent in conveying paid circulation and do not organize distribution effectively.

Also, news kiosks are like mini-stores selling tobacco, alcohol, chewing gum, calling cards, etc. "One of my relatives used to work in one of those kiosks, and he was receiving AMD 30,000 (\$77) in salary and commissions. The only product that he did not get commissions from were newspapers," said Paskevitchyan.

The existing ICT infrastructure lags the needs of today's media industry. The new media are technically ready to supply

higher volumes of audio/video content, but the continued poor quality and high cost of the Internet are obstacles to a dramatic increase in the number of Internet users.

There are three major ISPs in Armenia, but they provide mediocre quality and speed compared to world trends. The situation has changed somewhat with the advent of a new player that provides the so-called triple play (Internet, IP television and telephony) to consumers via fiber optic cable, but it is only available in select (though expanding) zones of the capital and remains expensive to the average user. The Internet is available through mobile phones, but limited to social networks mostly.

Computer prices, whether laptop or desktop, include expensive transportation and customs markups that are an impediment for the mass user. Although most stores now offer computers on credit, it is a partial solution, and Internet growth remains slow in Armenia.

List of Panel Participants

Tigran Paskevichyan, freelance journalist, Yerevan

Samvel Martirosyan, blogger (kornelij.livejournal.com), IT security expert, Yerevan

Zara Karakhanyan, commercial director, AutoRadio, Yerevan

Arevhat Amiryan, editor-in-chief, *Vorotan*, Sisian

Artyom Yerpanyan, journalist, political analyst, Shant TV, Yerevan

Edik Baghdasaryan, president, Armenian Association of Investigative Journalists; chief-editor, hetq.am, Yerevan

Edgar Vardanyan, expert, Armenian Center for National and International Studies, Yerevan

Ashot Harutyunyan, deputy director, Yerevan FM, Yerevan

Margarita Minasyan, director, Tsayg TV, Gyumri

Anahit Nahapetyan, owner and editor-in-chief, *Tufashkharhi Arorya*, Artik

Melik Baghdasaryan, owner, Photolur photo news agency, Yerevan

Moderator and Author

Artashes Parsadanyan, independent media consultant, Yerevan

The panel discussion was convened on December 3, 2011.

After a couple of years of what appeared to be a moratorium, government officials resumed the practice of suing opposition media outlets. Eight of these lawsuits demanded the imprisonment of journalists involved.



AZERBAIJAN

Trouble continued to follow outspoken Azeri journalists in 2011. Well-known writer and publicist Rafiq Tağı was stabbed in a car park on his way home and later died from his injuries. In an interview shortly before he died, Tağı speculated that he had may have been targeted for writings that criticized Iranian president Mahmoud Ahmadinejad. Avaz Zeynalli, the editor-in-chief of *Khural* newspaper was imprisoned while awaiting trial for blackmail charges; Zeynalli had also been on the losing side of a defamation case brought by two government officials. Zeynalli's refusal to pay court-imposed fines may, in the opinion of some observers, been the reason for the latest charges and related arrest.

In 2011 the government targeted youth activists who called for an Arab Spring style uprising. Blogger Bakhtiyar Hajiyev, former parliamentary candidate and blogger, was imprisoned on the Azerbaijan-Georgian border. Following a six-month investigation, Hajiyev was sentenced to two years of imprisonment for evading military service. Independent observers said the charges were politically fabricated. Another youth activist, Jabbar Savalan, was also sentenced to two years imprisonment for illegal possession of narcotic drugs. President Aliyev pardoned Savalan at the end of the year.

Libel remains a criminal offense in Azerbaijan and in 2011 32 lawsuits were filed against journalists, most of them against pro-opposition newspapers with the dailies *Yeni Məsavat* and *Azadlıq* the chief targets. After a couple of years of what appeared to be a moratorium, government officials resumed the practice of suing opposition media outlets. Eight of these lawsuits demanded the imprisonment of journalists involved.

In 2011 the monopoly over Internet service provision ended as a new company, Azertelekom, was registered. But Delta Telecom, the major primary Internet service provider, continues to hold an 88 percent share of the Internet market.

Despite these ongoing problems, panelists this year awarded moderately better scores for four of the five objectives (Objective 5, Supporting Institutions, remained unchanged) with the result that the overall score showed similar improvement. However, only Objective 3, Plurality of News, broke through to the "near sustainability" category by exceeding a score of 2.00.

AZERBAIJAN AT A GLANCE

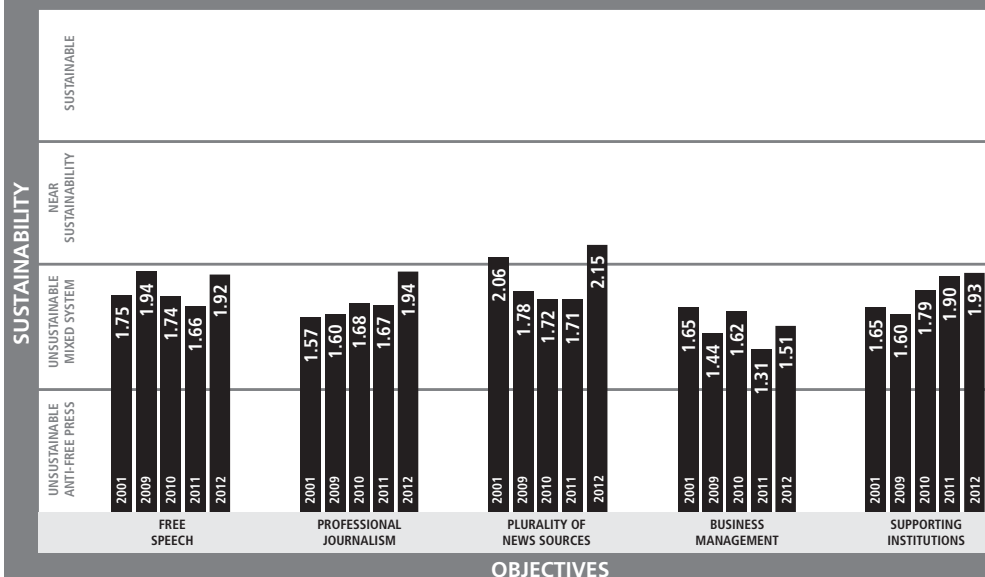
GENERAL

- > **Population:** 9,493,600 (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, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% (1995 est., *CIA World Factbook*)
- > **Languages (% of population):** Azerbaijani (Azeri) 90.3%, Lezgi 2.2%, Russian 1.8%, Armenian 1.5%, other 3.3%, unspecified 1% (1999 census, *CIA World Factbook*)
- > **GNI (2010-Atlas):** \$45.983 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$9,220 (World Bank Development Indicators, 2011)
- > **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: 1.92

Scores for Objective 1 varied widely. Some of the indicators score close to the objective score of 1.92, but more did not. Indicators 3 (legal barriers to starting a media business), 8 (media access and use of foreign and domestic news sources), and 9 (legal barriers to entering the journalism profession) all scored more than half a point higher than the objective score. On the other hand, indicator 4 (crimes against journalists) and indicator 6 (libel laws) both scored more than two-thirds of a point lower.

While on paper Azerbaijan's constitution guarantees freedom of speech, thought, and media, in reality those who test those boundaries continued to be sent to prison for expressing their views. Former parliamentary candidate and blogger Bakhtiyar Hajiyev was arrested for what observers believed was his call for an Azeri Arab Springs over social media on the eve of May protest demonstrations. He was later charged for evading military service and sentenced to two years imprisonment. Independent observers countered that the government fabricated the charges. Another blogger and youth leader, Jabbar Savalan, was imprisoned in February on charges of illegal possession of narcotics. His two years prison sentence was also seen as politically motivated, since he has been a

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

FREE-SPEECH INDICATORS:

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

Crimes against journalists are poorly investigated. The General Prosecutor's office has claimed that over 96 percent of all crimes have been resolved. However no crimes committed against journalists in 2011 were successfully resolved and no perpetrators were punished.

vocal critic of the government. While the president pardoned Savalan, Hajiyev remains in custody.

Public expectations of improvements to freedom of speech and media remained high, however only a few media outlets, mainly opposition-affiliated newspapers whose circulation does not exceed 10,000 to 15,000, were able to question openly the status quo. Electronic media, the major source of public information, remain under control of the government. For instance, when writer Rafiq Tağı was stabbed and then died four days later in the hospital, all television stations except one completely buried the story. Only ANS carried the interview with Tağı at his hospital bedside, which proved to be his last. In this interview the writer said he believed that he was targeted by Iran's regime for his writings.

In 2011, amendments to the constitution came into effect, including one banning journalists from filming, recording, and photographing without permission. The provision fell short of identifying an exception for public officials. According to Khalid Aghaliyev from Media Rights Institute, in approximately thirty instances journalists were denied permission to film and take pictures during public protests. "This is a very serious blow to freedom of media that emanates from the constitution itself," said Aghaliyev.

Confidentiality and protection of sources of information is another issue of concern. Media activists submitted a new draft bill to protect journalists' sources, but it was not included in the parliament's agenda. Courts enjoyed wide prerogative to force journalists to disclose their sources. Absence of such a formal legal protection has made investigative reporting even more difficult.

Azerbaijan in 2011 also further tightened regulations against illegal spread of religious literature. An order by the president increased the fine for importing, selling, and distributing religious literature from AZN 2,000 (\$2,550) to between AZN 5,000 and AZN 7,000 (\$6,350–\$8,900). If committed as part of a group, its members can now face a fine up to AZN 9,000 (\$11,450) or imprisonment up to five

Public information is easily released for media that favored the government. Opposition press find it difficult to get responses to their requests. 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 to participate in press briefings and events.

years. Religious rights activists questioned the consistency of these regulations with freedom of expression.

Licensing of broadcast media remained unfair and strictly political. The National Television and Radio Council (NTRC) is responsible for issuing and renewing television and radio licenses. A new law on broadcast media mandates closure of a television station for three regulatory infringements in two years. Experts believed the toughness of this regulation is intended to keep broadcasters dependent on the government.

Over the past year the NTRC issued only one radio license. The three contenders included Turan news agency, an alliance of organizations that included the Institute for Freedom and Safety of Reporters, and the little-known Golden Prince. Golden Prince was received the license, and it is not clear what made this possible given the experience offered by the other two contenders.

Panelists viewed registration of print media as fairer, however 2011 saw some regression in this area too. After the closure of *Khural* newspaper, its editorial staff experienced difficulties registering a new newspaper called *ASI*. It is believed that refusal of *ASI*'s registration was politically motivated, as the government did not want to deal with yet another newspaper from the same editor. Following its troublesome registration, *ASI* managed to put together a new newspaper, but had to give up after its very first issue as printing companies, under pressure from the government, refused to print it.

Except in a few instances such as these, registration of new print media with the Justice Ministry is seen as much more routine and liberal. A newspaper or magazine may launch five business days after its application. However the new outlet must present evidence that its chief editor holds a higher education diploma and is an Azerbaijani national. Panelists did not see these requirements in conflict with freedom of media, saying that proof of a diploma is necessary

to ensure high standards. The panelists also considered other market entry conditions for print media, and namely tax regulations, to be fair and even more favorable than in other industries. For example, newspapers are exempt from 18 the percent tax for purchase of imported newsprint.

Crimes against journalists are poorly investigated. The General Prosecutor's office has claimed that over 96 percent of all crimes have been resolved. However no crimes committed against journalists in 2011 were successfully resolved and no perpetrators were punished. The Media Rights Institute sent approximately 150 requests to various courts requesting action on cases of media freedom violations but received no answers. According to Aghaliyev, after a couple of months wait they were told that there was not enough evidence to file a suit despite a number of eyewitness accounts.

State media continue to receive legal advantages and in 2011 AzTV further monopolized the television sector. Its two new official channels Medeniyyet (Culture) and Idman (Sports) were given exclusive rights to cover cultural and sporting events. Experts said that the very licenses of the two channels, acquired in 2009 and 2010 represented an apparent violation of anti-monopoly provisions of 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 the license for AzTV, which puts it in a position with which no independent television channel can compete. Journalists have already started feeling the consequences of the monopoly, such as when only Idman exclusively covers sports events. No other media are able to conduct their own coverage of major sporting events taking place in the country. Thus when a boxing corruption scandal erupted in November, only state media were in attendance at the boxing championship. Independent media willing to investigate the story could not even enter the facilities.

Libel remains a criminal offense in Azerbaijan despite campaigns by media rights activists to decriminalize it. In 2011 32 suits were filed against journalists. Seven of these lawsuits were filed against Avaz Zeynalli, the editor-in-chief of *Khural* newspaper. Head of the presidential administration Ramiz Mehdiyev launched one of these suits. Zeynalli was later imprisoned on October 28 but as a result of another lawsuit launched by pro-government parliamentarian Guler Ahmedova. The latter claimed that Zeynalli blackmailed her, but observers believed it was an orchestrated case. The Office to Fight Against Corruption arrested Zeynalli, who pleaded not guilty. The case proved the trend that the government is using legal tools aside from libel to arrest and silence journalists. Similar tactics were used against another editor,

Eynulla Fatullayev, who in 2009 who was arrested on charges of instigating terrorism.

Alasgar Mammadli recalled that Azerbaijan campaigned against the French Senate's decision to criminalize denial of 1915 events in Ottoman Turkey as "genocide." But Azerbaijan's own legislation that sends journalists to jail for the content of their writing is no better. "How come we criticize France and cannot see that our own legislation contains such provisions that are harmful for democracy and freedom of expression?" he questioned. "Our neighbors Armenia, Georgia, Russia, Ukraine—all made progress in this regard, but Azerbaijan still keeps criminal offences against journalists," he concluded.

Official media continued to enjoy better access to public information than those not affiliated with the government. Public information is easily released for media that favored the government. Opposition press find it difficult to get responses to their requests. 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 to participate in press briefings and events. High-level official 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 outlets' often-biased coverage. No other media are allowed to enter facilities where official events are conducted. Even journalists accredited with the president's office are chosen selectively as to which events they can cover.

Interviews with government ministers were scarce in 2011. Ministers used short occasional media appearances to take a couple of questions from the press instead. This did not allow journalists do in-depth interviews to explore substantive issues.

There was some progress in the area of access to information in 2011, however. The most important contributor to the state budget, the State Oil Fund, made public its financial reports and they were posted on the Fund's website. Parliament began making public the draft government budget on the day it was included in the parliamentary session's agenda. Experts noted that posting it in such a timely manner would give more time for public discussion.

Panelists agreed that access to and use of international information sources is nearly without problems and restrictions. Over the past year no foreign news outlet was blocked, filtered, or otherwise restricted. Journalists were able to freely use all media sources, inside and outside of Azerbaijan.

Entry into the journalism profession is free and does not require special licensing. The Media Council issues press cards to practicing journalists, but it is for the purpose of attending various press events. Some panelists said some kind of mechanisms should be introduced to filter entry into the journalism profession. Some favored the idea of resuming the Soviet-era practice that forced journalism students to present their published writings before enrolling in journalism and mass media programs. The downside to such selectivity is that individuals who wish to practice journalism may be shut out: as it is in Azerbaijan, bloggers are not regarded as journalists and are not invited to press events.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.94

Objective 2 scored higher this year, rising from 1.67 to 1.94 as panelists awarded higher scores to four indicators: indicator 4 (media cover key events), indicator 5 (pay levels for journalists), indicator 7 (modern equipment), and indicator 8 (niche and investigative reporting). However, indicator 1 (fair and objective reporting) received a lower score compared with last year and so held back what could have been an even stronger improvement. Most indicators scored close to the objective score. Indicator 7, however, scored about three-quarters of a point higher, while indicator 6 (balance of news and entertainment) scored more than half a point lower.

Fair and objective reporting remains a major challenge of the Azeri media. Government-controlled media are used to promote the ruling elite and occasionally "expose" their

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Further, protests held in April and May in Baku, corruption scandals, and reforms in the armed forces, are examples of stories of public interest that received little coverage.

political opponents. Opposition-affiliated media also fall short of independent reporting, covering stories from the prism of their political interests. In both cases political affiliation make media outlets compromise independent editorial principles. Only a few independent outlets pursue a policy of airing views of all sides to a story. Editorial teams are known to have blacklists of people they are not supposed to interview. This further complicated journalists' ability to conduct objective reporting, as the lists include think tanks and political and economic experts. For example, all television stations are known to have blacklisted opposition leaders Isa Gambar and Ali Karimli at the request of the government.

Panelists also note that stories in much of the media lack depth. In the example of publishing the state budget discussed above to illustrate improvements in access to information, the media did not capitalize on this opportunity. There were no detailed discussions of the state budget conducted in the media before or after it was adopted; the discussions that did take place were of a general character and lacked detailed and comprehensive analysis of the multi-billion dollar budget.

Pro-government and pro-opposition media are often used to conduct smear campaigns. For instance, in 2011 smear campaign targeted the newly formed Forum of Intelligentsia consisting of well-known scientists, artists, former parliamentarians, and cultural icons—all critical of the government. Government-affiliated media ran stories dishonoring respected Forum members such as Oscar-winning scriptwriter Rustam Ibrahimbayov, historian Jamil Hassanli, physicist Rafiq Aliyev, lawyer Aslan Ismayilov, and others. The government-run *Azerbaijan* newspaper published a letter signed by dozens of Baku Slavic University staff and faculty, who condemned the Forum. Some of the signatories came forward to say they had never signed such a letter.

Panelists said professionalism of journalists is not strictly the issue; the problem originates from the leadership of media outlets: stories are editorialized and receive spin from editors who are often under pressure from their owners. It is an endless cycle: government accuses the media of being irresponsible and running untrue stories; the media retort that poor access to information is to blame because in the

absence of verifiable information they have to rely on rumors and speculation.

All media outlets in Azerbaijan share a basic journalism code of ethics. Women's Media Watch campaigns to urge all media outlets to develop their own guidebooks for journalists. The campaign gained momentum under the auspices of the OSCE and the Press Council. Nonetheless, many media leaders remain unconvinced of the need for individual guidebooks for their journalists.

However, in 2011 the public vigorously debated journalists' ethics and what can and cannot be reported. When a story of a father raping his own two daughters in a remote Khachmaz village broke, ANS TV went to cover the story. ANS reporter Aytekin Alkhasli recalls that in order to protect the victims, she deliberately left out the identity of the girls and their mother, who reported the case to police. The region and the village in which the crime took place were also not mentioned, as well as the fact that the arrested father is a member of an ethnic minority. However this did not solve the situation. The reaction of the audience was mixed. Television expert Zeynal Mammadli attacked ANS for "unprofessional reporting" and "damaging national values." Alasgar Mammadli told the panel that identity could be established by recognizing the father. The incident also showcased public intolerance towards issues that might be seen as undermining national values.

Self-censorship is widely practiced. Although official censorship was abolished in 1998, journalists admit to self-censorship to protect themselves against attacks, lawsuits, and arrests.

Considering whether journalists cover key events and issues, panelists felt the media neglect to pick up some important events. Panelists pointed to the Nagorno-Karabakh peace talks with neighboring Armenia that continue to enjoy confidential status. Journalists are not able to follow the course of the talks. Further, protests held in April and May in Baku, corruption scandals, and reforms in the armed forces, are examples of stories of public interest that received little coverage.

The example of the April and May protests highlights friction between traditional and new media, which further deepened in 2011. The protests, consequent arrests, and court proceedings against dozens of demonstrators were extensively discussed in online media but largely bypassed by government-influenced media. The opposition regarded eighteen arrested demonstrators, including opposition leader Arif Hajili, as prisoners of conscience. The government denied there were any prisoners of conscience in Azerbaijan. Opposition activists used new media extensively, including social networks Facebook and Twitter, to share news and

videos from numerous trials of demonstrators. Thus new media was increasingly seen as a venue for alternative news and ideas.

Pay levels for journalists differ depending on the individual media outlet. 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 continued to debate the growing number of entertainment programs on television. Much-criticized shows that included live marriages started losing ground from the past when they enjoyed record ratings. ATV's *Onun Yarisi (His/Her Soulmate)* and ANS TV's *Toy Olsun (Let There Be a Wedding)* used to enjoy the highest television ratings, hitting 30 to 35 percent shares. These live shows, which found spouses for singles and married them during live broadcast, were seen as contrary to national traditions and ethics and were criticized harshly. In 2011 ANS TV introduced a political special, “Open Talk,” a televised debate between political parties. Opponents debated issues of fair governance, financing of political parties, draft legislation, and other serious issues. Political leaders labeled as “radical opposition” and blacklisted for over a decade, including Sardar Jalaloglu, Mirmahmud Fattayev, Panah Huseynov, Iqbal Agazade, and others, appeared in the debate. The debate was taped and broadcast next day. Tahir Mammadov told the panel that “Open Talk” represented progress in media freedom in the television sector. However the moderator of the debate, Sevinj Osmangizi, admitted in an interview with *lent.az* that the network experienced difficulty arranging debates with the ruling YAP party, as it was reluctant to have its members appear in face-to-face debates with its political rivals.

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, thereby improving cost efficiencies. Several official newspapers, including *Azerbaijan*, *Khalg Gazeti*, and *Kaspiy* print in color and reported that the switch from black-and-white contributed to a rise in advertising. But the majority of independent newspapers, including *Zerkalo*, *Yeni Musavat*, and *Azadlig* dailies continued in black-and-white, arguing those who read them do it because of the content and not the color.

Among television channels, the panelists said that ANS, Public Television, and, to some extent, Khazar TV are seen as offering quality niche reporting. Among radio

options, U.S.-government sponsored RFE/RL offers quality investigative reports, especially on issues like corruption and mismanagement. 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 broad coverage of economic issues. *Ekho* stands out for its foreign affairs editorials.

Investigative reporting remained problematic in Azerbaijan. Although media restrictions make it a risky business, financial difficulties also contribute to the problem. Many reporters are expected to file one to two reports daily, and therefore are not able to engage in such in-depth investigation.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 2.15

The score for objective 3 increased this year as a result of higher scores for most indicators from the panelists. Most indicators scored higher than, but within half a point, of the objective score. Indicator 2 (citizen access to media) scored nearly two-thirds of a point higher. However, indicators 3 (state media are non-partisan) and 6 (transparent and non-monopolized ownership) scored quite poorly in comparison and kept the overall score from being much higher; indicator 3 scored more than a point lower than the objective while indicator 6 scored more than three-quarters of a point lower.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

In 2011 Facebook was the most popular social media. Due to poor Internet access in some of the regions, youngsters travel long distances to get to Internet cafés.

With 4,230 registered. Azerbaijan does not lack for media outlets. All types of media: print, electronic, and online have created multiple sources of information. Television remains the major source of news, but according to Nigar Kocharli, the number of people getting their information from multiple sources has increased. Alasgar Mammadli, however, pointed out that more than 5,000 villages have no access to the Internet, and distribution of newspapers in the regions is poor; the fact remains that more than 90 percent of the population still rely on television. Since the government tightly controls television with nationwide coverage, this hurts severely plurality of opinion in the country's most important medium.

In the case of most newspapers and magazines, plurality within each is limited. These are typically used for political purposes. Many parliamentarians have their own newspapers. They run lengthy interviews with their influential owners and care little about editorial standards and principles of journalism. For instance, *Markaz* newspaper belongs to Member of Parliament Guler Ahmadove, *Khalg Jabhasi* is Member of Parliament Gudrat Hasanguliyev's, etc.

In 2011 Facebook was the most popular social media. Due to poor Internet access in some of the regions, youngsters travel long distances to get to Internet cafés. Kocharli, owner of the Ali and Nino bookstore chain, said the number of fans of their official Facebook page reached 25,000 within a year and most of their publicity was now done through Facebook, from arranging book signings to holiday events.

In general, blog writing is not developed; poor development of online business models is one of the challenges preventing bloggers from supporting themselves. Only a few serious blogs functioned in 2011 and politicians ran most of them. Opposition party leaders Isa Gambar, Ali Karimli, Ilgar Mammadov, and others had their blogs publicized in opposition party newspapers. The government has also joined the trend, but at a very slow pace. There was a blog under President Ilham Aliyev's name, as well as Twitter and Facebook accounts, but they are used to post official statements and interviews only. Similarly, several government ministries, including the Ministry of Foreign Affairs, launched YouTube pages to post official speeches and events. But it is impossible to leave comments on these pages.

Citizen journalism is also developing. ANS television launched the first-in-the-country television citizen reporter program called *Khebermen*. The program airs videos and photos uploaded by citizen journalists.

In 2011, there were a couple of Internet television outlets working in Azerbaijan. Newly-launched and government-backed Yurd TV offered high-definition quality, but it is not clear how the Azeri audience is benefiting from the project, since more than 90 percent of Azerbaijan's Internet users still rely on dial-up connections, according to Osman Gunduz, president of Internet Forum. It is believed that Yurd TV is intended to counter the U.S.-financed Objective TV Internet project.

There is no restriction on citizens' ability to listen or watch foreign media. Russian and Turkish television channels are widely watched in households mostly for entertainment programs. Western channels are popular among English-speaking audiences. Since the NTRC withdrew licenses for foreign broadcasters VOA, BBC, and RFE/RL in 2009, they have not been able to broadcast on national frequencies and their audiences have dwindled. In 2011, BBC discontinued its radio broadcasts in Azeri and bid farewell to most of its journalists. The remaining three-person staff continued BBC Azeri's website, but with little success. Unlike BBC and VOA, RFE/RL maintained its popularity among audiences. Its radio broadcasts were made available on its website, and its team continued to enjoy popularity for its investigative reporting. The U.S. and Azerbaijan governments are still negotiating a return of VOA and RFE/RL.

State news outlets remain largely under the control of the government and cannot offer objective information. The official *Azerbaijan* newspaper prints articles that strictly reflect the views and interests of the government and ruling elite. The official Azertac news agency also is used to advance the political interests of the government: its daily news bulletins, offered in several languages, chronicle only official events and the speeches of the President and other officials. This is the case with state-financed AzTV television as well, which is used as the government's propaganda tool, exclusively reflecting views of the political elite. It sees its mission as airing programs that showcase effective management of the country—lengthy coverage of officials' visits to the regions, openings of new ventures, residents praising the leaders—anything that strengthens the impression that the country is in good hands. Political opposition leaders may 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.

In 2011 a couple of newly registered news agencies entered the market and quickly became successes. Blogger Natig Jaffarli said the secret of success of QafqazINFO, Newsinfo, modern.az and other new wire services is that in the atmosphere of “political konyektura,” when every outlet has its own established political affiliation, audiences are eager for “fresh blood.” Indeed, within a year QafqazINFO left behind veteran competitors for readership and interactive ratings. These agencies are seen as offering a fresh look at events; they post videos, YouTube links to celebrity scandals, etc. They manage to grasp younger audiences due to their soft news and informal style.

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, competing only with Khazar TV’s 8:30 news. ANS’s weekly analytical program *Hesabat (Report)* is also popular. *Ich Kheber (Inner News)* offers reports based on complaints from viewers. However, some viewers feel that ANS compromised its independence after its last 18-day closure by the government five years ago. Among government circles, ANS is still perceived as an opposition channel, and is accordingly wary. The latest manifestation of apparent pressure on ANS was a surprise, large-scale, company-wide tax inspection, launched in a matter of days after the November 8, 2010 parliamentary elections and it continued through spring 2011.

Government-backed Khazar Television continues to enjoy its popularity due to its Turkish-style presentation of news, accompanied by music and graphics, which seems to appeal to viewers. Another pro-government station, Lider TV, has significantly decreased its news production, dropping its 9 p.m. news program altogether.

In 2011 public television station ITV boosted its reputation following the victory of Azerbaijani pop duet Ell and Nikki at the Eurovision Song Contest in Düsseldorf, Germany. ITV was the official partner of the contest and had the exclusive right of broadcast of the tournament.

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.” According to panelists, everyone seemed to know to whom each television station belongs, but this was based on assumptions only. The television companies feel no obligation to make public information about their ownership.

In terms of reporting on local and regional issues, there are internal barriers to doing so effectively. The Nakhchevan Autonomous Republic remains a hostile environment for

Citizen journalism is also developing. ANS television launched the first-in-the-country television citizen reporter program called Khebermen. The program airs videos and photos uploaded by citizen journalists.

free reporting. From the moment of arrival until departure, journalists are accompanied everywhere they go. No independent media are able to open a correspondent bureau in Nakhchevan. Aytekin Alkhasli said nothing has changed since she was deported from Nakhchevan for her reporting a couple of years ago. While in her residence there, security officers forcibly took her to a plane and sent her back to her media outlet’s main office in Baku.

Elsewhere in the regions the situation with freedom of media is better, but problems with access to information remain. For example, in the central regions of Sabirabad and Imishli journalists were offered bribes not to report on post-flooding problems facing local residents.

For foreign coverage media rely mostly on foreign agencies such as AP, Reuters, AFP, and others. Only a few outlets have bureaus overseas. Among television stations, only official AzTV has a reporter in Washington, DC. In 2011 ANS TV opened bureaus in neighboring Georgia and UK. Maintaining little or no staff overseas is due to financial considerations and the fact that local issues dominate news coverage. Except in a few instances, foreign-produced pieces are used to cover international stories. One exception came when the earthquake and tsunami struck Japan in March. ANS TV interrupted its routine broadcast and produced special hours-long coverage of the developments in Japan using foreign partners and its own contributors.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 1.51

The modest improvement in this objective came as a result of better scores in a few indicators, notably indicator 1 (media are well managed) and indicator 6 (market research). No indicator stood out as scoring much better or worse than the objective; all scored within a third of a point and most scored within a tenth of a point.

Only a few media organizations are run as businesses; most newspapers were set up for political or personal interests. They

Among newspapers, Zerkalo is seen as a successful model, enjoying advertisements and yet maintaining objective and fair reporting. However Zerkalo founder and editor Elchin Shikhlinksy admitted that he knows his boundaries and does not “cross red lines.”

have small circulations, do not follow journalism principles and standards, and receive advertising using personal and business ties. As media expert Elnur Baimov put it, these newspapers are there “to please the ego” of their owners.

In television, ANS TV and to some extent Public TV are the only television stations that practice legitimate accounting, registering their profits from advertising. According to advertisers, at other television stations there is not much paperwork 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.

Media outlets run as businesses are the most responsible. They view their reputation and readership ratings as the basis for advertising. Among newspapers, *Zerkalo* is seen as a successful model, enjoying advertisements and yet maintaining objective and fair reporting. However *Zerkalo*

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.

founder and editor Elchin Shikhlinksy admitted that he knows his boundaries and does not “cross red lines.”

There are no set boundaries between advertisers and media outlet owners. Even though duties and obligations are laid out in signed agreements, private companies often abuse their status as advertisers and intervene with the editorial policy of the media organizations. They threaten to not renew or even withdraw their advertising if a media outlet runs a story criticizing them. For instance, when an employee of the Bank of Baku struck and killed a person while driving, the bank requested that media outlets not report the incident. Food giant Azersun attempted to hinder broadcasts of a report about an artificial price rise of its edible oil products. Its letter to heads of television companies said that the company was upset to learn that an organization it placed advertising with was going to run such a “defamatory” report.

Selective advertising placement remains a major reason for poor business performance of media outlets. Advertising by and large bypasses independent and pro-opposition media. There is no way for independent outlets to survive on their own as advertising distribution is strictly political. No opposition-affiliated outlet receives advertisements, indicating that there is control over placement of advertising. Advertisements are placed based on political considerations and business and family ties, rather than market principles. The only exception to the ban are when big advertisers, such as the telecommunication giant Azercell, occasionally places its holiday greetings in *Yeni Musavat* or *Azadlig* newspapers; it is seen as a gesture rather than continuous advertising.

Revenue sources vary by outlet. Officials use administrative resources to get advertisements for media outlets under their influence. For instance, 1news agency is affiliated with the president’s office and receives a variety of advertisements from banks to construction companies. *Azerbaijan gadini (Azerbaijani Woman)* magazine belongs to the head of the Humanitarian Policies Department of the president’s administration, Fatma Abdullazade. The magazine is full of advertisements from prestigious jewelers to expensive designer outlets.

There are outlets that do not get a single advertisement throughout the year. Editor-in-chief of *Yeni Musavat* Rauf Arifoglu admitted that he had at times “adjusted” headlines in order to benefit from sales of the paper. Even government-sponsored distribution companies have to sell *Yeni Musavat* fearing that readers will turn to another distributor. According to distribution companies, *Yeni Musavat* is one of very few outlets that is able to sustain itself on sales of copies only.

According to the law on mass media, advertising in television may 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; it is seen as prestigious to place holiday greetings in the newspaper as its subscription is mandatory for all government agencies. Editor-in-chief of *Azerbaijan* newspaper Bakhtiyar Sadikhov justified the mandatory subscription by saying that all government employees should read government news.

In the absence of any advertising, the government continued to offer outlets grants through its newly set up State Council to Support Media. Officials argued that the mechanism worked well and the editorial independence of media organizations receiving grants from the state did not suffer. However journalists themselves admitted that the worst-case scenario is being realized: newspapers, struggling to survive, are reluctant to lose the newly found source of income. Thus, panelists said pro-opposition *Bizim Yol* newspaper changed its critical tone of government. "We forgot when *Bizim Yol* wrote anything critical," said Alagar Mammadli.

In 2011 the number of newspapers and news agencies receiving grants and awards from the State Council to Support Media grew. In 2011 the State Council gave out grants totaling AZN 1,306,000 (\$1.6 million) on occasions like New Years, spring holiday of Novruz, and National Press Day. The Council also held joint competitions with ministries like Ecology, Communication, and regional executive branches. Only a few independent media refrained from applying for awards and gifts. Over 100 editors-in-chief and senior reporters received awards, medals, cash, and gifts from the State Council.

In 2011 the president signed a decree allocating AZN 5 million (\$6.3 million) for six national television stations. According to the decree, the money is intended to help television stations produce local films and documentaries that boost patriotism and national values.

Critics of government money believe that with a policy of selective advertising in place, the State Council is making outlets grow more dependent on the government and undermining their financial sustainability.

Media outlets tailor their products based on basic knowledge of the interests of their audiences. Detailed audience research and surveys are seen as expensive and are sporadic. Outlets have ideas about their readership based on perception rather

Unlike AzTV, all other stations routinely follow and make use of ratings produced by AGB/Nielson to attract more advertising.

than research. Asked about their audience, President of Space TV Vagif Mustafayev said they were targeting what he called "elite groups." Public TV repeatedly ran an announcement on the occupation of 20 percent of Azerbaijan's territory in Azeri, followed by Russian, English and Arabic. While the motives of the move were well understood—to publicize Azerbaijan's cause in its dispute with Armenia—it was not clear what audience it was targeting by running it in foreign languages on Azerbaijan's national frequencies.

All television networks except official AzTV vigorously follow viewership ratings; AzTV shows no interest in having its programs rated. It receives its generous budget from the state and advertising regardless of its ratings. Thus in 2011 AzTV received a budget allocation of AZN 35 million (\$44.5 million) and provided no reporting on how the public money was spent according to media lawyer Alasgar Mammadli. This giant budget on top of its vast advertising revenues has put AzTV in a position when no commercial television station could compete with it.

Unlike AzTV, all other stations routinely follow and make use of ratings produced by AGB/Nielson to attract more advertising. However, television managers 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. Panelists felt the race for television ratings produces a drop in quality, a reduction in education programs, and a rise in entertainment shows.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.93

Objective 5 was the only objective that showed no change compared with last year. A few indicators scored within half a point of the objective score, but most did not. Indicators 3 (supporting NGOs), 4 (academic journalism programs), and 5 (training for practicing journalists) all scored more than half a point higher than the objective score. Indicators 6 (access to media equipment and supplies) and 7 (control of media distribution) both scored more than half a point lower.

Media loyal to the authorities by and large ignore organizations working in the area of freedom of speech and rights of journalists. Opposition politicians who use the poor record of journalists' rights to criticize the government typically attend media freedom events.

While nominally a few professional associations are registered, in reality there is no association that represents and supports the interests of media employees. Just as in many other sectors of the economy, journalists can be fired for poorly supported reasons. Many organizations register their journalists as freelance entrepreneurs for tax purposes and to evade medical and other insurance. These journalists are required to pay a 2 percent tax on their own. Media organizations can annul their contracts with employees and not bear responsibility for unemployment insurance, pension, and other social benefits. With no trade union representatives at workplaces, there are no mechanisms to negotiate pay raises, pensions, medical insurance, and other benefits for journalists. Some organizations force their journalists to work six days, including Saturdays. There are no legal restrictions against starting trade unions at workplaces, but the absence of such experience is believed to be the major factor why one

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

does not exist. Further, agitating to organize labor can result in dismissal.

Several NGOs are vocal regarding issues of security and safety for journalists. But their affiliation with the political opposition makes them unpopular with nearly half of the journalists in the country who work for outlets under the government's influence. Media loyal to the authorities by and large ignore organizations working in the area of freedom of speech and rights of journalists. Opposition politicians who use the poor record of journalists' rights to criticize the government typically attend media freedom events.

Similarly, the Media Council continued to lose its support among independent and pro-opposition print media due to its pro-government stance. Rumors that its chairman, Aflatun Amashev, received a free apartment from the government have further fuelled these speculations. Several newspaper heads spoke in favor of creating an alternative press council.

Panelists agreed that NGOs' activities make it difficult for crimes against journalists to go unnoticed. They are fast to organize press briefings and send out news releases every time a journalist is attacked. Panelists said better coordination between the NGOs would contribute to an improvement in NGO effectiveness.

Considering the quality of education available to journalism students, the panelists said that universities favor theoretical over practical knowledge. Baku State University and Baku Slavic University do have in-house television and radio studios, however. ANS TV offers the U.S.-Azerbaijan Journalism Academy jointly with the U.S. Embassy. This program provides three-month courses to broadcast journalists. AzTV also has its own program, the Television and Radio Academy, for its entry-level journalists. The Dutch School of Journalism offers several training courses yearly, mostly for print journalists. A couple of Azeri students also took journalism classes at the Caucasus School of Journalism in Tbilisi, Georgia. But the multi-million dollar State Education Program sponsoring study of Azeri students abroad does not offer journalism. While Education Ministry officials said only "skills of urgent need" were supported, critics argued that the absence of journalism, politics, and religious studies is not incidental; western-educated journalists are not something that the government wants to deal with, they believe.

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. In December this printer discontinued printing of the new ASI newspaper, saying it was not able to print it due to "technical incapacity." ASI Editor Anar Mahmudoglu argued that the

printer was told to not print their paper in order to squeeze them out of circulation.

Media distribution remains restricted and politically influenced, and there is no reliable delivery of newspapers to the regions. The pro-government Azermetbuatyayim Company delivers government newspapers only. Even in Baku, the capital city, there is selective distribution of independent and opposition newspapers. For instance, the chief of the Baku subway system, Taghi Ahmadov, admitted that he personally banned sales of opposition newspapers in stations. Asked for the reasons for the ban, he said he did it following *Yeni Musavat* articles that criticized him in 1999 and then again in 2005. The government has likewise interfered directly with distribution of newspapers 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.

In 2011 monopoly over Internet sector of Azerbaijan ended and competition started with registration of a new company called Azertelekom. The new company consists of several small enterprises, including DataCELL, Bakcell, Ultel, Azerfon, Baktelekom, and Azerbaijan Telecommunication ISP. Delta Telecom, the major primary Internet provider, continues to dominate the market, but by the end of the year 12 percent of ISPs were connected to Azertelekom.

In 2011 following critical media reports and public debates, the Ministry of Communications and Information Technologies lowered Internet tariffs, helping more people afford Internet access. President of National Internet Forum, the umbrella organization that unites dozens of IT NGOs, Osman Gunduz said they were working on a unified contract to be signed between Internet users and secondary providers. As a result of the Communication Ministry's efforts, Internet tariffs decreased for 35 percent; however Internet users said it was at the cost of Internet quality.

There are no restrictions against importing mobile and other IT devices. According to the Ministry of Communication and Information Technologies, there are 110 cell phones in use for every 100 people. The number of broadband users reached 30 percent in 2011, according to official information, while the remaining Internet users continue to use poor quality dial-up connections.

List of Panel Participants

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

Alasgar Mammadli, media lawyer, IREX, Baku

Tahir Mammadov, head, Public Relations Department, Public TV and Radio, Baku

Matanat Mammadli, reporter, STV, Sheki

Nigar Kocharli, owner, Ali and Nino bookstore chain, Baku

Khalid Aghaliyev, deputy chair, Media Rights Institute, Baku

Moderator and Author

Sevinj Osmanqizi, chairwoman, Women's Media Watch Azerbaijan, Baku

The Azerbaijan study was coordinated by, and conducted in partnership with, Women's Media Watch Azerbaijan, Baku.

The authorities also came under fire from the media for arresting several prominent photographers on espionage charges. The arrests roiled Georgian media and civil society. Calling the allegations spurious, many media professionals launched a campaign to free the photo reporters.



GEORGIA

The year 2011 ended on a strange note for Georgian media with the hijacking of an entire television station. In the wee hours of November 30, a man with several associates in tow climbed over the fence of Maestro, a small Tbilisi-based television company and locked the station from the inside. Detecting the intrusion, Maestro's journalists locked themselves in the control room. The police arrived, and a long standoff ensued.

The standoff was particularly dramatic, if farcical, given that the intruder was Erosi Kitsmarishvili, a man hired to run Maestro and fully within his rights to walk through the station's front door. Maestro's owners had outsourced the station's management to Kitsmarishvili's firm, but he claimed the station's owners had slighted him, as they reportedly were considering a takeover proposal from Georgian billionaire Bidzina Ivanishvili. Ivanishvili is interested in the station because he announced that he is entering politics and challenging the ruling party in upcoming parliamentary elections. Looking for an outlet for publicity, he made offers to Maestro and Kavkasia TV; Maestro is considering the offer and Kavkasia turned him down.

Maestro's co-owner accused Kitsmarishvili of attempting to silence a channel known for its criticism of the government. An avid government critic himself, Kitsmarishvili rejected the allegations. The channel's journalists eventually left the station and began broadcasting from a different location. Kitsmarishvili stayed behind, and the dispute has since migrated to a courthouse.

Maestro was the only channel that carried live a May 26 clash between riot police and an opposition rally, an event that shook Georgian media. Several journalists covering the event were physically abused in the crackdown. Riot police damaged and expropriated reporting gear. Police eventually redressed the damages to the reporters and the news companies, but many in the media community found the compensation unsatisfactory. The authorities also came under fire from the media for arresting several prominent photographers on espionage charges. The arrests roiled Georgian media and civil society. Calling the allegations spurious, many media professionals launched a campaign to free the photo reporters. On July 18, 2011, some print and online publications published their front pages without pictures in solidarity with the arrestees. The photographers' release did little to assuage public concerns.

Many of the previous year's challenges persisted in 2011. Partisanship and poor ethical practices pervade mainstream media, while quality news is mainly accessible only to the educated, media-savvy, and urban audiences. A study by Transparency International Georgia put into perspective the market concentration and nepotism that distorts competition in media business. On the positive side, a new law is expected to demystify ownership of large media conglomerates, and international development efforts continue to focus on journalism. Georgia's overall score remained unchanged, reflecting the opinion of Ia Antadze, director of the Civic Development Institute, and the majority of panelists' view that the media environment neither improved nor deteriorated since last year.

GEORGIA AT A GLANCE

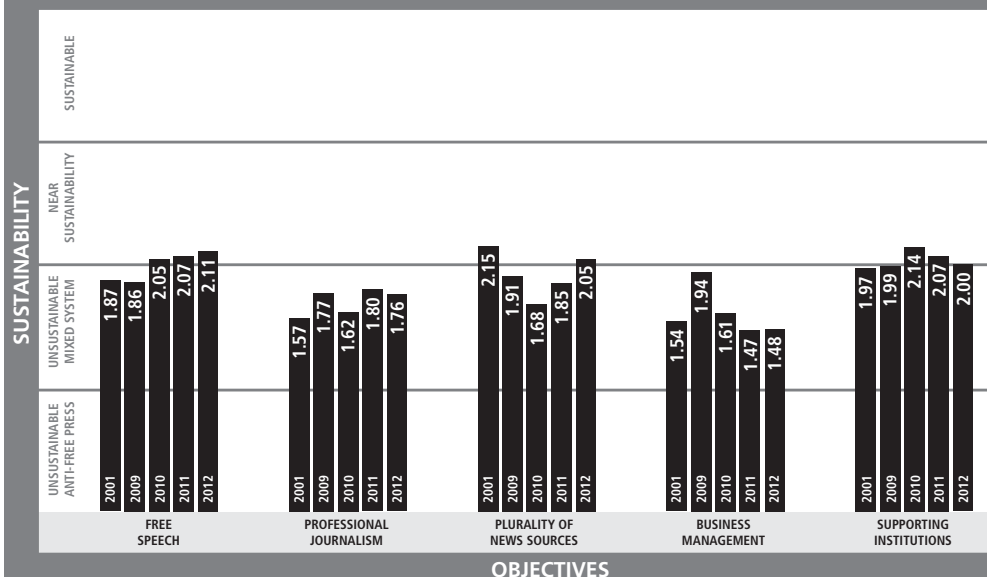
GENERAL

- > **Population:** 4,585,874 (July 2011 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 (2010-Atlas):** \$11.98 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$4,980 (World Bank Development Indicators, 2011)
- > **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: 70 newspapers, 95 magazines (yellowpages.ge); Broadcast: 79 broadcasting licenses (51 television broadcasting licenses, 12 satellite broadcasting licenses and 12 cable broadcasting licenses), 36 radio broadcasting licenses (Georgian National Communications Commission, December 2011 report)
- > **Newspaper circulation statistics (total circulation and largest paper):** *Rezonansi* (4,000–5,000 daily), *24 Saati* (5,500 daily), *Kviris Palitra* (average 45,000–50,000 weekly) (individual newspaper claims)
- > **Broadcast ratings:** Highest rated television outlets in Tbilisi are Rustavi2, 4.59%; Imedi, 4.75%; Channel 1, 0.78% (TV MR GE, Licensee of AGB Nielsen Media Research)
- > **Annual advertising revenue in the media sector:** For television, approximately \$28 million; unknown for print and radio (Media Sales House 'General Media', 2010)
- > **News agencies:** Black Sea Press, NovostiGruzia, Sarke, Interpressnews, Iprinda, ItarTass, Kavkazpress, Media News, Prime News, Prime News, Business, Pirveli, Georgian Business Consulting News, Georgian HotNews, GeoNews, Expressnews (www.yellowpages.ge)
- > **Internet usage:** 1.3 million (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: GEORGIA



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

Georgia Objective Score: 2.11

The overall score for this remained nearly identical to last year's score. Panelists' evaluation of indicator 4 (attacks on journalists) deteriorated, most probably as a result of the problems described above. As far as legal environment is concerned, media professionals continue to say that the main problem is not the laws, but the practice. Freedom of speech is constitutionally protected and is subject to regulations and restrictions generally comparable to western norms. The panelists had few complaints about the Freedom of Information legislation per se, but named bureaucratic obstacles to accessing public information as the single biggest problem in this aspect of journalism in Georgia.

"There are no laws designed specifically to hinder journalists' work," said Zviad Koridze, journalism teacher and chairperson of Georgian Charter of Journalism Ethics, a media watchdog group. "The real problem is that these laws often do not work." He said that the executive branch tends to enforce the laws selectively, and the nation's docile judiciary does little to ensure indiscriminate enforcement of laws. Other panelists argued that such faulty practices are indicative of the defective nature of the law.

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

FREE-SPEECH INDICATORS:

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

The Georgians' assessment of the freedom of the press situation in the country is bleak. According to an opinion poll by the Caucasus Resource and Research Centers (CRR) for the National Democratic Institute's office in Georgia, 45 percent of Georgians think there is no freedom of speech in Georgian media.¹ Georgians generally embrace freedom of speech as an important value, but it is not the utmost concern for everyone, surveys suggest. Another poll conducted by the CRR showed that freedom of speech sits far lower on the list of national concerns than main issues such as unemployment, territorial integrity or affordable healthcare.² Media independence is even less of a concern.

Several panel members complained that audiences sometimes judge news outlets not on the level of independence or quality of reporting, but instead by whether or not an outlet's political leanings match their own views. This became particularly obvious after billionaire Ivanishvili launched an opposition movement against Saakashvili's administration. The news media came under pressure to take sides in the confrontation, Jangirashvili said.

Regarding licensing concerns, the panelists noted that the industry regulatory system took more flak from the panel than the laws. They highlighted many questions about the government's regulation of broadcast news, especially television, the country's single most popular source of news.³

As in previous years, the regulatory authority, the Georgian National Communications Commission (GNCC), faces accusations of discriminatory licensing policy. The GNCC grants broadcast licenses based on spectrum availability and audience priorities. Georgia is running low on radio spectrum availability, and the competition is getting tougher. Two important radio outlets—one Tbilisi-based, another in the Kakheti Region—battled hard for access to the FM band, even taking their struggle to court. Eventually, local radio Hereti failed to expand broadcasting to the capital city, as the license it sought went to Radio Tskheli Shokoladi, an offshoot of a Tbilisi-based magazine with the same name. The court turned down Hereti's appeal of the GNCC's choice.

Nino Jangirashvili, director of Kavkasia television, noted that the Commission implements the same licensing rules in cable broadcasting as in the frequency allocation for traditional over-the-air television. Spectrum management rules, such as providing content-based and demand-based

¹ Eurasia Partnership Foundation. *The Georgian Media: Popular Assessments and Development Perspectives*. January 2012. Available at: http://www.epfound.ge/files/media_report_final_eng_print.pdf

² *Public Attitudes in Georgia*. National Democratic Institute: 2011. Available at: <http://www.civil.ge/files/files/2011/NDIpollMarch2011.pdf>

³ *Ibid*, *The Georgian Media: Popular Assessments and Development Perspectives*.

licenses, are irrelevant in cable programming, as this sector does not utilize a limited public resource such as broadcasting frequency spectrum, Tamar Kordzaia, a media lawyer with the Georgian Young Lawyers Association, stressed.

GNCC's credibility is farther undermined by a conflict of interest associated with its chair, Irakli Chikovani. Although no longer an owner of a large media sales house, Chikovani still earns income from the very industry that he is tasked to regulate, as found a report by Transparency International.⁴

Despite the doubts over the regulator's independence from the politics, the GNCC does permit government-criticizing news on the air. Maestro television, an ardent government critic, holds a license to broadcast via satellite and cable networks. A similar license was granted to a television channel planned by Ivanishvili.

The year 2011 brought some bad news for community media. According to an opinion poll conducted by the GNCC, community programming is low on the broadcast media audience's priority list. The Commission, which allocates frequencies based on the market demand, refused to give broadcasting licenses to community radio stations that had long requested permits. "Even if 500 people sign a request to provide community news, [the Commissioners] say that they would still turn it down," said Kordzaia. "We find this approach discriminatory."

For other sectors, print and online news are essentially free of regulations, and in terms of the ease of market entry the tax system does not discriminate against any type of media.

While public support for journalists tends to be a low priority, a smaller, an active circle of media professionals, civil sector representatives and intellectuals stand guard to protect freedom of speech and react to attacks on journalists. This was the case during scandalous arrests of prominent photojournalists in July, 2011. Saakashvili's personal photographer, Irakli Gedenidze, the Foreign Ministry's photographer Giorgi Abdaladze, and European Pressphoto Agency's Zurab Kurtsikidze were accused of photographing secret government documents, including Saakashvili's itinerary, and selling them to foreign intelligence services. The photographers freelanced both for the government and the newswires.

The accusations were taken with a large grain of salt by a significant part of the media community, but some journalists mounted a series of protests demanding that the Interior Ministry either provide evidence or release

the photographers. Individual journalists and members of Coalition for Media Advocacy demonstrated in front of key government offices, sporting T-shirts with crossed-out cameras. In addition, various rights groups both within the country and outside expressed concern over the arrests.

Interior Minister Vano Merabishvili, the muscle of the Saakashvili administration, met with a delegation of media professionals that protested against the arrests, but he failed to allay their concerns. After 15 days in police custody, the photographers pled guilty and were released from the courthouse. They have been silenced by a court instruction not to divulge state secrets, and a large part of Georgia's media community remains doubtful about the true reasons of the arrests. Many link the arrests to images taken by journalists during the May 26 dispersal of the anti-government demonstration.

The May 26 crackdown on supporters of ex-parliamentary speaker-turned-opposition leader Nino Burjanadze proved a major challenge to Georgia's independent media in 2011. Journalists became collateral victims in the clash, which occurred after the protesters refused to make space for the Independence Day parade. Riot police beat and detained several journalists covering the demonstration. Police also destroyed and confiscated some reporting equipment.

The Interior Ministry later dismissed four policemen, and applied disciplinary punishment against nine other policemen who roughed up journalists on that night. The Ombudsman's office hailed the ministry's move, but went a step further and said that certain abuses warranted not only disciplinary measures but also a criminal investigation. In December, the Tbilisi City Court ordered the Interior Ministry to reimburse some of the reporters and media organizations for the damage to health and property.⁵ The May 26 clash would eventually cost Georgia its position as the least media-hostile country in the Caucasus in Reporters without Borders' press freedom report.

The panelists noted that instances of official restraint and acknowledgement of abuse of authority is often linked to the Georgian government's consciousness of its need to guard its international reputation. Reiterating the common criticism that the legislative and judiciary branches are obsequious to the executive, Jangirashvili said that the main deterrent against violations of freedom of speech is not a homegrown opposition, but international reactions. Rather than, or in parallel to, taking a legal course of action, media companies tend to take their complaints to the international diplomatic missions in the country.

⁴ *The Georgian Advertising Market*. Transparency International Georgia: December 2011. Available at: http://transparency.ge/sites/default/files/post_attachments/TI%20Georgia%20-%20The%20Georgian%20Advertising%20Market_0.pdf

⁵ Court Rules into Journalists vs. Interior Ministry Case. *In Civil.ge*, December 26, 2011. Retrieved from <http://civil.ge/eng/article.php?id=24307>

In terms of the editorial independence of the public media, panelists noted that appointments to the Georgian Public Broadcasting's (GPB) board of trustees are made on the basis of a political compromise among parties represented in the parliament, but the ruling party has the final say on appointments to the board. At least two of the three politically neutral, respected representatives of the media circles, who joined the board in 2009, have since left. Some of the remaining board members complained that the GPB's news executives and managers do not heed their advice on programming priorities, Koridze said. David Paitchadze, journalism professor and show host on public television and radio, countered that while complaints abound about the existing model of appointing the trustee board, nobody has offered a workable alternative. Past complaints consist mainly of accusations that Channel 1 does not allocate airtime equally among political forces and devotes little time to anti-government activities. Another complaint often leveled against GPB is that it does not address minority issues.

Libel is a civil law issue, and the burden of proof rests with the plaintiff. As far as the panelists were aware, there were no libel cases in the past year; in general libel cases are extremely rare. Paitchadze said that the fact that the law makes it hard for anyone to sue media outlets for libel sometimes reflects negatively on the quality of news. "By its mere existence, *Asaval-Dasavali* [a tabloid not held in high regard by the panelists] proves that libel laws favor the media," he said. Jangirashvili, however, said that most people would not care to sue the paper notorious for its untoward ways.

Regarding journalists' access to public information, the editor-in-chief of regional newspaper *Batumelebi Nestan Tsetskhladze* said that ambiguous wording creates loopholes in the rules that regulate release of public information and thus leave too much wiggle room for the officials and agencies to deny or delay release of public information. However, Kordzaia disagreed; she feels that the law is pretty clear, just poorly enforced. Disciplinary actions that uncooperative government officials face are too liberal, added Gela Mtivlishvili, head of Kakheti Information Center; they commonly just receive a verbal or written notice, not likely to compel civil servants to comply in the future.

The media community complains persistently about official gatekeeping of public information. Tsetskhladze said that the number of unmet public information requests filed by her newspaper stacked up to some 300 cases. Some panelists said that reporters are often not fully informed of their rights, while some officials are either unaware or neglectful of their obligations. In some cases, state agencies lack a proper archiving system and manpower devoted to public information sharing.

With funding from the Open Society Georgia Foundation, the Institute for Development of Freedom of Information created an online dataset of public information, www.opendata.ge. Details of public finance, including official salaries and state-funded projects, are posted on the website, along with FOI requests statistics. The website's data for 2011 and early 2012 reveals that out of 6,221 requests, 3.54 percent have been denied and 22.7 percent have been ignored, while 57.42 percent have been addressed fully and on time.⁶

Panelists and other journalists described the Opendata.ge project as a useful tool for reporting on government spending. But some complain that government offices are reluctant to disclose select spending details such as salary raises and that, more broadly, the reporters and government officials' concepts of public information do not always match. Kordzaia argued that the law is perfectly clear in defining public information. Mtivlishvili added that it all boils down to political will, as the law cannot define everything that constitutes public information.

Regarding the final two Objective 1 indicators, a traditional strength of the Georgia MSI, media have no legal or *de facto* restrictions to access international news sources. As for entry into the profession, it is open to anyone, and the state sets no rules and limitations in this regard.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 1.76

Political fealties tend to override professional ethics, and most journalists at best pay lip service to the standards of objectivity and balance, the panelists said. Media is alive with debate, but also with scandal and sensationalism, and this applies across media, the panel said.

Many reporters do not bother to do a proper background check, and even if all relevant parties are included in a story it is often a perfunctory and pro forma exercise. But there is poor journalism in every media, the panelists said, not willing to point to any specific medium as doing worse or better than others. Some panelists think the television is the worst, while others say it is newspapers.

The lack of objectivity is a major shortcoming in terms of professional standards. The largest television stations uncritically convey the government's ideas and projects, while opposition-leaning stations do not do enough to balance their criticism of the government.

⁶ http://www.opendata.ge/en#!lang/en/cat/monitoring_2011_charts/

Jangirashvili, defending her channel and the fellow government critic Maestro TV, said that government officials often refuse invitations to respond to criticism on air. Unlike Maestro and Kavkasia, newscasts of big three channels Rustavi2, Imedi and GPB's Channel 1 are often indistinguishable, bland, excessively long and repetitive. "This obviously causes suspicion that all three follow the same editorial instructions," Antadze said.

Some panelists blamed editorial policies for the poor quality of mainstream media, but Gersamia believes that poor professional skills also play a role. "Whatever other constraints may be, I think many journalists themselves don't know how to do the job properly (ask the right questions, and seek facts and different views) especially when reporting on tight deadlines," she said.

Nonetheless, overall, the panel believes there are enclaves of quality journalism in every medium, not just online or new media. As the Dean of the Caucasus School of Media Nino Zhizhilashvili said, the assessment of the overall media scene would have been lower if not for these examples of professionalism in print, broadcast and online alike.

For example, panelists pointed to a handful of print publications that offer a welcome change from sensationalism and ad hominem attacks rampant in the wider print news. *Liberali*, which includes both hard news and socially liberal commentary, enjoys the reputation of the country's best publication. The magazine is often placed in the same league with *Tabula*, the conservative, government-friendly counterpart. The regional newspaper *Batumelebi* also reflects a commendable standard of journalism.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Online news service Netgazeti, *Batumelebi's* sister publication, provides well-rounded, in-depth and highly professional reporting. Other quality online news services available in the Georgian language are Civil.ge and the Georgian service of Radio Free Europe/Radio Liberty.

Still, most print publications are either geared toward entertainment or publish content that is both apocryphal and excessively opinionated. "Take any cover page of *Alia* or *Asaval-Dasavali* [daily newspapers] and you will find proof galore," Davit Paitchadze said. These outlets often stoop to foul language.

Zhizhilashvili said that the largest television companies have the resources to improve their reporters' professional skills, but such improvement is compromised by political agendas. "Deviations from ethical standards become obvious whenever the political situation heats up," she said.

Koridze and Mtivlishvili said that media's coverage of minors is often particularly poor from an ethical standpoint. Regional television outlets tend to show faces and reveal identities of underage offenders, they said.

There have been no reported cases of graft by journalists, but some panel members believe that political and corporate financing subverts editorial independence and distorts the news. Some discussants are convinced that the government has indirect ways to financially support outlets loyal to it. Earlier studies have revealed a suspicious mismatch in government-leaning broadcasters' advertisement revenue and spending.

The deepest-pocketed opposition leader, Ivanishvili, funneled hefty sums for political ads to anti-government television, including Maestro and Kavkasia, causing some media observers to question editorial independence at these outlets.

Furthermore, the ethical boundary between news programming and advertisement has eroded. Print outlets often run advertorials without disclaimers, but even when promotional content is labeled as such readers often perceive it as editorial content, a recent study found. Interestingly, this study, commissioned by IREX with USAID funding, also found that middle-aged Georgians in general do not necessarily view advertisement as different from the news.⁷

Product-placement practices are rampant on television as stations have few qualms about presenting sponsored infomercials as news. It is an open secret that major television stations have price lists for commercial content packaged as news.

⁷ *Report on the Media and Advertising Research in Georgia*. IREX: October 11, 2011. Available at: <http://irex.ge/wp-content/uploads/Executive-Summary-Georgian-Media-industry-research-INNOVA.pdf>

Television outlets are bound by ethical standards developed by the Georgian National Communications Commission. Generally comparable to western equivalents, the code of ethics provides proper guidelines on a full range of topics from covering minors or handling confidential sources, but it does little to improve fairness, balance and quality of televised news, some panelists said.

Koridze and Antadze think that one weak area of the Code of Ethics is that only parties directly affected by a news story can file complaint against a broadcaster. Jangirashvili opposes changing this rule saying that if anyone gets the right to complain to the GNCC on ethics violations, the broadcasters would be swamped in complaints.

There is not really an established counterpart to these standards for print or online media. The Ethics Charter deals with some print and online media, but there is no working model of self-regulation for these media.

A grassroots effort to promote ethical journalism has had a limited impact. Set up in 2010, the Georgian Charter of Media Ethics now unites 210 journalists and reviews complaints associated with its signatories. This watchdog, however, does not cover the entire media scene.

Most panelists agree that self-censorship is rampant. Safety or personal wellbeing are not the main concerns. Although there have been a few reported attempts to intimidate or harm journalists, the driving force behind self-censorship is fear of losing a job. "Journalists know that their careers depend on their managers and 'obedience,' so they play by the rules," Zhizhilashvili said.

Natia Kuprashvili, executive director of the Georgian Regional Broadcaster's Association, says she often comes across self-censorship by reporters in her association. "Many times we had situations when journalists refuse to cover certain issues, although we know for sure that they are not facing any pressure both from their superiors and regional authorities," she said.

Though pay for journalists is generally regarded as very low (higher than teachers, but lower than civil servants), the panelists did not think of it as the cause of corruption or a mass outflow of journalists from the profession. Nobody makes money from blogging, unless the bloggers provide content for larger news outlets. Panelists blamed poor journalism and corruption on the owners, rather than journalists.

The panel diverged on whether or not infotainment eclipses hard news on Georgian television. Telenovelas, and the Georgian equivalents of American Idol, Saturday Night Live, Oprah Winfrey and The Apprentice take the top billing

on the largest television channels, with Channel 1 being the exception.

Debates on public issues are a staple of smaller television channels and several quality print and online publications. "It really depends on the audience type. Those who get news online do not sense a deficit of hard news, unlike those who only have access to Rustavi2 or Imedi" Jangirashvili said.

The big two outlets, Rustavi2 and Imedi, both offer talk shows that are big on melodrama and sensationalism, yet small on substance. The panelist especially criticized Imedi, which has a growing appetite for entertainment and celebrity gossip.

Mariam Gersamia, a journalism professor at Tbilisi State University, singled out a new prime time show on Imedi, "100 Degrees Celsius." The first installment of the show, ostensibly meant to educate the public on the problems caused by the lack of prenuptial agreements in the country, offered little more than petty entertainment centered on the in-studio squabbles between ex-spouses and in-laws.

In this regard, the smaller, hawkish Real TV is in a class by itself. Described by some panelists as "bizarre," Real TV is known for flamboyance and vitriolic attacks on government critics. From the moment eccentric oligarch Ivanishvili had the temerity to challenge President Saakashvili, Real TV did little more than a hack job against him. Toward this end, the channel even resorted to a rather unusual method of character assassination: magic. Real TV ran interviews with fortune-tellers, who predicted the ultimate failure of the billionaire's political ambitions.

A 2011 audience survey commissioned by the GNCC found that Georgian viewers want to see more entertainment and less hard news on television. The GNCC said that broadcasters do not have to adjust their existing programming according to the survey findings, but the poll results will affect the Commission's future licensing policy.

Some media observers and rights groups questioned the study's credibility. The result of the poll differed starkly from a similar 2009 survey, carried out by CRRC, which suggested that Georgians have a significant appetite for hard news.

The largest media outlets neither produce nor carry investigative stories. Investigative pieces sponsored by the Open Society Georgian Foundation and European Union money are not broadcast via national channels, but get picked up by smaller outlets like Maestro.

One investigative journalism outlet, Monitor, produces short, thorough investigative films. Among other important topics, Monitor covered the dispute between a bankrupt

real estate giant, Center Point, a corporation with close ties to government and whose co-owner is a vice parliamentary speaker, and more than 6,000 prospective homeowners, who bought unfinished apartments from the company.

Niche journalism (business, health) exists both in broadcast and in print.

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 2.05

The panel's majority opinion on pluralism in the news is best summarized by radio MtsvaneTalgha (Green Wave) journalist Medea Imerlishvili, who said that "to get both sides of a story, you have to flip from one television channel to another."

To get the full picture of events, the panelists say, Georgian citizen must become critical media consumers and news junkies, collecting and juxtaposing news from a variety of sources. "You need to watch the channels, read the papers, check what the word is online, and then you get close to what's actually going on," Zhizhilashvili said.

Not everyone can or wants to do this, the panelists said. Eighty percent of Georgians receive current affairs news from the national television channels, according to a survey conducted by the CRRC for a media overview produced by Eurasia Partnership Foundation.⁸ Georgia's mainstream news outlets remain aligned along political lines, and those that manage to rise above partisan struggles are few and far between. On one side of the divide stands pro-government media that offer daily gushing praise of the government's achievements, and the largest television stations uncritically convey the government's ideas and projects. In the other corner, opposition-minded media see nothing but governmental failures.

Both camps have a penchant for exaggeration and any attempts to include opposing views, while present, are too lackadaisical to end the perception of political bias.

A significant part of the Georgian television audience seems to share the panel majority's views. According to the CRRC survey, 53 and 43 percent, respectively, think that Rustavi 2 and Imedi are pro-governmental, while 56 and 43 percent think that Kavkasia and Maestro serve the opposition' interest.⁹

⁸ Ibid, *The Georgian Media: Popular Assessments and Development Perspectives*.

⁹ Ibid, *The Georgian Media: Popular Assessments and Development Perspectives*.

"All in all, Georgian media is more polarized than pluralistic," said Antadze, mainly referring to broadcast media. The handful of shows that allow debate, rather than toe a pro- or anti-government line, are not enough to provide balanced and quality news to a national audience.

In terms of shaping public opinion, the odds fall in favor of the pro-governmental news organizations, for they have wider reach. Broadcasts of government-loyal private-owned television companies Rustavi-2 and Imedi are available nationally.

Maestro TV was the only opposition-leaning broadcaster to go on satellite and become available to everyone with a dish antenna. However, the confrontation between Maestro's owners and managers put the kibosh on the satellite broadcasts. At the request of Maestro's owners, the Turkish company Turksat cut the satellite connection to the television station. The owners and reporters say the satellite link was misused by temporary manager Erosi Kitsmarishvili, who took over the station's premises amid the dispute with the owners.

As for new media and social media, Facebook is increasingly popular as a news source. Most popular news services have a Facebook presence, and videos, photos and written stories actively travel through the network. While micro-blogging through Twitter is not getting noticeable traction yet, SocialBakers statistics shows that some 16.5 percent of Georgians are on Facebook, which is 756,780 users and counting.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Despite attempts to maintain balance in political coverage, Georgian Public Broadcasting (GPB), and especially its flagship television station, Channel 1, is largely seen as favoring the ruling elite by the panel and the national audience.¹⁰ “I understand that the president’s work is a matter of public interest, but should a public broadcaster devote 35 minutes of its newscast to one political figure?” Jangirashvili asked.

Responding to the criticism, Davit Paitchadze mentioned Channel 2, GPB’s public affairs channel modeled after C-SPAN and BBC Parliament. Channel 2 has been offering live coverage of parliamentary sessions, and a variety of political parties and interest groups have access to the channel. Overall, the panelists agreed that Channel 1’s political talk-shows are well balanced and open to government critics, but some maintained that the overall coverage is distorted in favor of the ruling establishment. On his own show, Paitchadze frequently hosts opposition politicians.

Channel 2 is one of the least watched channels, however. By contrast, Channel 1 is the third most-watched channel, but even it falls far behind Rustavi 2 and Imedi.¹¹

Another GPB offshoot, a Russian-language channel, Perviy Informatsioniy Kavkazsky (PIK), gets flak from media observers. Essentially designed to counter Kremlin-centered propaganda spun by Russian state channels in the wider, Russian-speaking community, the channel is criticized for being the government’s near-abroad policy tool and a public investment not all taxpayers are happy to make.

GPB outsourced PIK, which debuted in January, 2011, to a company co-founded by Robert Parsons, a British journalist who worked for France 24 and, earlier, Radio Free Europe/Radio Liberty. The government invited Parsons to lead the channel, but he insisted that his team enjoy total editorial independence. Less than one year later, Parsons quit his executive post at the channel.

In 2011, the government gave GPB about GEL 11.9 million (\$7.22 million)—nearly a half of the public broadcasting’s budget—for channel PIK. The money came from government reserves, while the GPB funding is tied to the state spending as a percentile of national budget.

Tsetskhladze complained about the lack of transparency in the funding. “More than once we requested GPB provide details of how the money for PIK is being spent, but nobody deigned to respond,” she said.

¹⁰ Ibid, *The Georgian Media: Popular Assessments and Development Perspectives*.

¹¹ Ibid, *The Georgian Media: Popular Assessments and Development Perspectives*.

When it comes to history, culture and public affairs issues, Public TV does provide programming different from the private broadcasters, offering greater depth and diversity of opinion. GPB’s Channel 1 is the only television that brings political debate to the national audience. However, many panel members say that Channel 1 newscasts are nearly identical to the news programming of Rustavi2 and Imedi.

A sufficient number of newswires supply apolitical and editorially independent content to the media companies. Agency news is either used as a tip sheet for story ideas, or gets republished.

Baia Tsanava, managing editor of InterpressNews agency, complained that she often finds Interpress news items plagiarized by online news portals. “They copy-paste our news without any attribution and legally, there is little we can do,” she said. But, she conceded, major media outlets usually credit her company as a source.

Private media produce their own news about domestic issues, and rely on newswires for international news. The larger television stations have correspondents in the key international locations, such as US and Russia, and sometimes send journalists abroad to cover major Georgia-related news. The most popular current affairs bloggers and news sites produce original content, the panel said.

An upcoming bill on media transparency is expected to at least partly allay long-running concerns about the veil of secrecy surrounding ownership of the largest television companies. A package of amendments, signed into law in April 2011, bans offshore companies from holding a stake in Georgia’s broadcast media and requires broadcasters to make public their ownership structures.

The media ownership debate has been mainly centered on Rustavi2, with its mysterious parent company tucked away in the Caribbean. The law, which becomes effective in January 2012, requires both broadcasters and industry regulators to post ownership details online.

Antadze described the amendments as an important positive development in the democratization of Georgian media. However, she expressed regret that amendments that would have forced broadcasters to make cash flow details public were eventually axed from the bill.

Mainstream news dedicates little time to minority topics. Coverage of sexual minorities and criticism of the dominant Orthodox Church are largely taboo on national airwaves. Minority issues are actively covered by smaller, quality news outlets and blogs, however, and are shared via social networks.

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.48

The Georgian media sector has yet to graduate to a fully self-sustainable, market-driven industry. Currently, the market is distorted by a number of factors, such as political grubstaking, nepotism and the want of creative business ideas. Development aid helps keep many news companies above the water.

Media is often seen as a social, rather than a business, enterprise. An industry study, implemented within the framework of the USAID-funded and IREX-run G-Media Program, backs this view.¹² The study found a lack of marketing dexterity and innovative thinking on the part of media managers, whose poor attitudes could be to blame for missed business opportunities. "Senior managers, owners and marketing managers are very conservative. New initiatives are rare," according to the "Report on Media and Advertising Research in Georgia."

Regional outlets often cannot afford to employ a dedicated and competent sales staff. Regional television broadcasters mostly generate income from news ticker announcements, while regional print outlets mainly live off obituaries, personal messages and classified ads. In Tbilisi, glossies attract more advertising than daily tabloids, despite the lower costs and higher circulations of the latter.

The bulk of media advertising goes to television, for this is the most popular medium. Bigger companies are skeptical

¹² Ibid, *Report on the Media and Advertising Research in Georgia*.

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.

about the potential of print and online press, but still place ads due to "low cost and already established partnerships."

Online media are looking at the click-through patterns, but fail to properly adjust their content and attract significant advertisement. InterpressNews, a popular newswire, is one of few news platforms that effectively pulls advertisements to its website. "We made daily news available for free, but we charge for the use of archived items," noted Tsanova.

Advertising agencies largely shape their clients' views on advertising and tend to push them toward television advertising, as it brings more lucrative commissions, the Industry Research found. Less than two-percent of the overall advertising market goes to online media, found the Report on Media and Advertising Research in Georgia. Print and radio have six and eight percent shares respectively, while the lion's share (85 percent) goes to television.¹³ And, a whopping 98 percent of total ad spend goes to Tbilisi.¹⁴ For the most part, the agencies do not consider regional and new media outlets worth their effort. Kuprashvili said that her association, the Georgian Association of Regional Television Broadcasters, began offering advertisers an option to place commercials simultaneously in all members of the group.

A clique of former and current government officials allegedly calls the shots on the advertising sector, and the industry suffers from the market concentration, little competition and the lack of transparency. Advertisers tend to steer clear of news outlets that criticize the government.

Last year's Transparency International report on corruption in Georgia said out loud what is mostly said privately in media circles: the advertising sector is largely dominated by a nepotistic network, with ex-defense minister David Kezerashvili in the middle. The report provides a guide through the daedal web of companies and people who together hold a near monopoly on the television ad market. Transparency International found that offshore companies and front owners are often used to cover the traces to the group of former and current government officials and their friends.

Fearing perceived or real consequences for their businesses, many advertisers often shun the outlets with a penchant for government criticism. Such "perceptions may be subjective and based on self-censorship," according to the "Report on Media and Advertising Research in Georgia." As in previous years, Jangirashvili complained that some advertisers walked out on tentative deals with her Kavkasia TV, as they decided ultimately that running commercials in the outspoken television could get them in trouble with the

¹³ Ibid, *Report on the Media and Advertising Research in Georgia*.

¹⁴ Ibid, *Report on the Media and Advertising Research in Georgia*.

government. Others made similar complaints. Some media representatives believe that the advertisers' hesitancy stems from self-censorship rather than deliberate state policy of intimidation.

Zhizhilashvili brought up the example of *Liberali* and *Tabula* magazines, which are often compared as direct competitors and ideological antipodes. The government-friendly *Tabula* is awash with advertising, while *Liberali* gets little and is addicted to donor funding. Transparency International's report also suggests that *Liberali-vs-Tabula* ad-placing patterns are directly linked to the magazines' political leanings and ownership. *Tabula's* editor, Tamar Chergoleishvili, denied the allegation and asserted that different pricing policies play a role.

Reports by an investigative journalism group, Studio Monitor, revealed repeated violations of advertising rules by the two biggest television networks, Rustavi2 and Imedi. The airtime devoted to advertising exceeded the caps stipulated by the law on broadcasting. Following complaints from Studio Monitor and the Georgian Young Lawyers' Association (GYLA), the Georgian National Communications Commission (GNCC) warned and then fined the two broadcasters. The Georgian parliament later amended the law on broadcasting, increasing the daily allowable share of advertorial content and the frequency of advertising slots.

The government does not provide direct subsidies to government-friendly media outlets; at least nobody can confirm that officially. There are questions about who owns major television outlets and how they get their money, but little information is available beyond speculation.

Advertising patterns tend to be impulsive and intuitive, and not informed by market statistics. Rather than researching the market for new opportunities, managers create content based on guesswork, and their products are rarely tailored to the target audience, some panelists said. Advertisers do tend to prefer television in part because relatively broader market data (reach, ratings, audience details) are available in this sector: mostly programming ratings measured with People Meters. Because of the lack of similar data, advertisers have no way to assess cost-efficiency of advertising with radio, print and online platforms.

There are some local online services that publish website statistics, but Kuprashvili and Ia Mamaladze, the chair of Georgian Regional Media Association, said they are not reliable.

TV MR GE, a licensee of AGB Nielsen Media Research, produces television ratings. It is considered reliable, and the main television channels use this service. There is no reliable data on circulation and sales for the print market or radio.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.00

The media community's attempts to forge unity around common issues are inconsistent. "Journalists take collective action when faced with a very serious challenge, but rarely get organized to tackle the ongoing, long-term issues," Zhizhilashvili said.

The Georgian Regional Broadcasters' Association is a dynamic institution lobbying the collective interest of regional broadcast media. On the print media side, there is the Regional Press Association.

The Media Trade Union is still in a nascent state, and is yet to emerge as a significant player in the media field. The Coalition for Media Advocacy is more effective in inspiring solidarity around journalists' concerns. The Georgian Charter of Media Ethics makes a good effort to oversee the journalism profession and safeguard public interest, but this mechanism is largely a club of journalists with higher professional credentials, Zhizhilashvili said. The mainstream media tend to snub the Charter.

Another organization, the Georgian Young Lawyers' Association (GYLA), provides legal counsel to the media in association with Eurasia Partnership Foundation.

Georgian media continue to benefit from renewed focus on journalism development in the country by international

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

donors. The US government and the European Union contribute significant amounts of support to help improve Georgian media. Such assistance underwrites a great deal of news content in Georgia. If audiences come across a quality, well-rounded news story there is a good chance that there is donor money behind it.

Local NGOs include the two associations (print and broadcast) mentioned above. Transparency International and GYLA also work on local media issues. Additionally the Open Society Institute also financed several Information Centers in some of Georgia's regions. The centers conduct their own journalism, provide resources for reporters and engage in media advocacy.

The USAID-funded G-Media Program also provides multi-pronged assistance to journalism groups and companies. Implemented by IREX, the program sponsors television programming, print and online content on topical matters that are often slighted by main news outlets.

The panelists' views on journalism education strayed in different directions. Some panelists said that state-sponsored journalism education programs are out of touch with the needs of the market. But while media practitioners said that university graduates tend to be low on technical skills, journalism educators say that young journalism professionals lack analytical skills.

Gersamia said that the journalism department of Tbilisi State University is expanding the hands-on component of its journalism training by offering students an option to get academic credit for internships in news organizations. She said there is a growing industry demand for journalists who are conversant in various types of media, thus there is a need to expand on convergence journalism training. But the journalism school's multimedia capacity is limited.

The panelists underscored the launch of a Media Education Center as a significant development in journalism education. The Center aims to take journalism studies out of the class and into a newsroom environment. The Center features a so-called SMART newsroom, a multimedia studio accessible for both journalism students and professionals. IREX operates the studio, which will be later handed over to the Caucasus School of Journalism and Media Management of GIPA.

Koridze believes that supply of young journalists exceeds the industry demand. "The education system produces way more journalism graduates than the market can accommodate," he said. This also means larger classes and less teaching efficiency, he noted.

One change that took place in the Tbilisi State University in 2011 is that the undergraduate-level journalism program now provides qualification in social science, not solely journalism.

"The state does not regard journalism education as a priority need," said Zhizhilashvili. She said state funding for journalism students has diminished dramatically in 2011. Kuprashvili added that the donor effort to improve journalism education is concentrated on the more advanced schools, such as the private Georgian Institute of Public Affairs, while relatively inferior journalism programs have less access to international development aid.

International assistance makes a number of training courses available for journalists and news companies. Koridze believes, however, that rather than offering blanket training courses for various media institutions, it would be more effective to gear such assistance toward the professional and institutional needs of a specific company. "Let's take one company, study its needs both in term of journalism and management, and then provide a multi-component training that deals with their specific needs," he said.

Except for Mtvlishvili, a majority of the panelists agreed that sources of media equipment are competitive and apolitical. However, the majority opinion was diametrically opposite in the assessment of the media distribution channels.

Tbilisi municipality's ongoing effort to replace old kiosks in the city touched off a series of protests from the Georgian press. The authorities auctioned spots for kiosks in the city. The bidders had the discretion to choose the type of merchandize—food, newspapers, cigarettes, etc. Press booths with expired licenses occupied many of these spots. Press distributors participated in the auction, but as the offers soared they said that they could not go head-to-head with other bidders. Only Elvaservice, a distribution arm of Palitra Media holding, won several permits in less competitive parts of the city.

By the end of 2011, the three largest press distributors were left with only a fraction of kiosk chains they used to operate in the city. These companies requested that the mayor's office allot spots specifically for the press through a new tender, but the municipality rejected the demand as discriminatory. As a result, food and other commodities are replacing media in these kiosks. "The winning companies are looking to sell products with the highest profit margins, and the press is obviously not high on their priority list," said Koridze.

Some of the new kiosks do carry newspapers, but the press is migrating to newsstands and retail shops. Not everyone is convinced that the kiosk auction was deliberately aimed at the press, an accusation the mayor's office certainly denies, but most of the panelists believe that newspaper sales will

fall. Newspapers rely heavily on retail sales, as subscriptions are very low, which some blame on the ineffective postal service. To make matters worse, similar tenders are underway in other large cities such as Batumi and Kutaisi.

Some broadcasters opposed outsourcing of the management of the state-owned chain of television towers and antennas. In July 2011, the Economy Ministry auctioned management rights of Alfacom, the company that operates 36 telecommunications masts throughout Georgia, including the Tbilisi television tower, a 274-meter spire perched on the city's landmark mountain. The winning and only bidder, Golden Com, is required to invest \$20 million in upgrading the system that serves upwards of 30 radio station and 16 television channels. However, Jangirashvili fears that outsourcing the system to a private company will result in higher transmission fees.

Some panelists said that politics intervene in television programming distribution networks. Maestro has long complained that most cable networks boycott it. Even though the channel's broadcasts were available via satellite for the better part of 2011, many Georgians receive television programming via cable carriers, not personal parabolic antennas. Maestro's popularity remains low.¹⁵

Printing business is varied, apolitical and competitive, but virtually all printing houses are based in Tbilisi—with one in Batumi. Because of the lack of proper distribution infrastructure, newspapers are not distributed in many regions. Because of this, and the limited Internet penetration, broadcast news and especially television is the most accessible media in the regions. With the growth of the Internet, an increase in the use of smart phones, and a variety of cable networks and personal parabolic antennas, citizens face a wide option of news sources. But these platforms are not financially accessible to poorer, mostly rural populations and cannot compete with national television in terms of access and popularity.

Facebook has become an important channel of news distribution. Some journalists even look for story ideas on Facebook. But only a handful of news outlets are making a good use of this resource; they simply maintain profiles on the network. Although the panelists say that Facebook has a growing role as a news distribution mechanism, the Report on Media and Advertising Research in Georgia suggests that a majority of the users would rather use the network for entertainment and for social networking. The CRRC survey found that only 45 percent of Internet users go online to browse for news.

¹⁵ Ibid, *The Georgian Media: Popular Assessments and Development Perspectives*.

List of Panel Participants

Zviad Koridze, freelance journalist, Tbilisi

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The panel discussion was convened on December 9, 2011.



**RUSSIA AND
WESTERN
EURASIA**

Several journalists were fired from state media, and some were arrested, placed under house arrest, or convicted of libel or organizing mass riots.



BELARUS

It was a turbulent year for Belarus. The early months of 2011 were overshadowed by a wave of repression against the opposition, civil society, and free media. The crackdown began on election night, December 19, 2010 when tens of thousands gathered in Minsk to protest what they believed to be a stolen presidential election that saw incumbent president Lukashenka re-elected for the third time, with 80 percent of the vote. The police violently broke up the rally and in the weeks that followed continued harassing anyone who had even tangential affiliation with the opposition.

The media environment remained hyper-strict and the government was intolerant of critics. All sectors were dominated by state-owned outlets. Only on the Internet, and from a handful of private newspapers and offshore broadcasters, could Belarusians find independent news and analysis. Offices of several private newsrooms were raided. Autoradio, a private station in Minsk, was taken off the air in January 2011 for broadcasting opposition campaign advertisements. Several journalists were fired from state media, and some were arrested, placed under house arrest, or convicted of libel or organizing mass riots.

In April the country was hit by a severe economic crisis. The government had for years lavishly subsidized the economy: the state sector accounts for about 75 percent of the economy and until recently brought job security and rising incomes to many Belarusians. This model proved unsustainable and in May Belarus had to devalue its currency by 56 percent against the U.S. dollar. This did not, however, prevent further inflation, which caused even more difficulties.

As the economy slowed down, media outlets faced shrinking advertising revenues, stiffer completion, and skyrocketing prices. Critical reporting in many cases meant the loss of crucial advertising, or worse.

This crisis spurred discontent in June, when online social networks started promoting nonviolent protests, encouraging people to take to central squares of their cities and clap their hands in unison rather than shout slogans or hold signs. After a series of such flash mobs, the government responded by mass arrests and censoring of social networks. Several pro-opposition news websites and blogs were blocked altogether. The crackdown on opposition and economic troubles had cut deeply into Lukashenka's popularity. According to independent polls, in September his job-approval rating plunged to 20.5 percent, down from 53 percent the previous year. It took a \$3 billion bailout loan from Russia to prop up the economy.

As the use of Internet grows, the government has tried to extend restrictions on freedom of expression into cyberspace. Stricter filtering policies are in place and cyber-attacks against pro-opposition websites are becoming more commonplace. With parliamentary elections due in 2012, the prospects for freedom of speech look bleak, a panelist argued.

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.

BELARUS AT A GLANCE

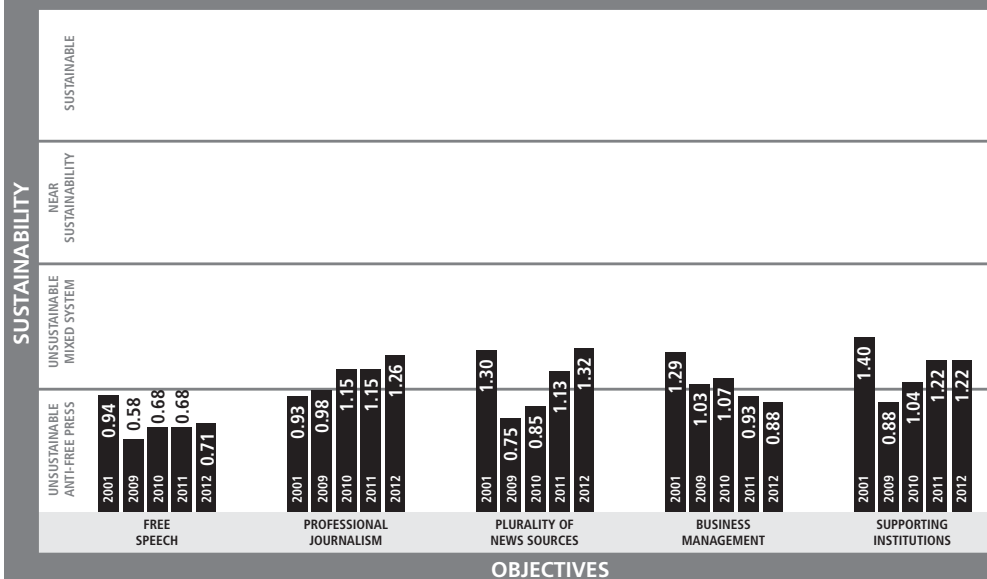
GENERAL

- > **Population:** 9,542,883 (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) 53.2%, Russian (official) 41.5% (2009 census)
- > **GNI (2010-Atlas):** \$58.17 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$14,020 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 99.6 % (male: 99.8 %, female: 99.4%) (1999 census, *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:** 1,402 publications including 677 newspapers (9 regular dailies), 674 magazines and journals, 41 bulletins, and 9 catalogues; 162 radio stations (4 nationwide); 82 television stations (8 nationwide) (Belarus Ministry of Information, 2011)
- > **Newspaper circulation statistics:** The top three newspapers by circulation are *SB. Belarus Segonia* (state-owned, 2,000,000 weekly circulation), *Komsomolskaya Pravda v Belorussii* (independent, 589,300 weekly circulation), *Respublika* (state-owned, 245,000 weekly circulation) (Medusa Advertising Agency December 2011)
- > **Broadcast ratings:** The top three by audience share are ONT (20.7%, state-owned), NTV-Belarus (17.8 %, Russian-owned, broadcasting state-controlled), RTR-Belarus (11.1%, 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, 2011)
- > **Annual advertising revenue in media sector:** \$84 million (\$52 million television, \$11 million press, \$7.7 million Internet, \$4.9 million radio) (ZenithOptimedia advertising group, July 2011)
- > **Internet usage:** 4 million (Gemius, November 2011)

MEDIA SUSTAINABILITY INDEX: BELARUS



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

Belarus Objective Score: 0.71

The Belarusian constitution and the media law both guarantee the freedom of opinions and their free expression. They also ban censorship and media monopolies, yet these provisions “are only declared, yet hardly enforced,” a panelist summarized. At the same time, the media law has provisions that inhibit the freedom of speech. Considerable restrictions are in place on what registered media outlets can report on. In particular, they cannot give publicity to unregistered groups or organizations that were shut down, making it risky to cover activities of the opposition. Likewise, according to the law on mass events, would-be rallies or pickets cannot be mentioned in media reports until they are authorized by the government.

The media law also bans distribution of extremist information, with the law on counter-extremism giving very vague definition of “extremism.” On January 11, 2011, Autoradio, a popular private station based in Minsk, was taken off air after its license was cancelled by the government. Autoradio was the only station that dared to broadcast campaign advertisements for opposition candidates in the run-up to the December 2010 presidential election. Three weeks after the controversial vote the station was

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

FREE-SPEECH INDICATORS:

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

shut down. The supervisory body, headed by the hard-line information minister, Aleh Praliaskouski, claimed Autoradio “failed to stick to its declared programming concept and distributed information that contained public appeals to extremist actions.” On top of that the Ministry of Information handed them a back-dated warning over distribution of appeals to extremism.

The ministry argued that an advertisement of Andrei Sannikau, an opposition candidate for the presidency who said the “fate of the country is determined in the square, not the kitchen,” contained calls to extremist activities. Sannikau was calling on the Belarusian people to attend protest rallies at Minsk’s main square against expected fraud during the presidential vote. Autoradio argued the same words were used in Sannikau’s platform materials published by the presidential administration’s mouthpiece *SB. Belarus Segonia* and in his television and radio presentations aired by state-owned broadcasters. None of them were challenged. Furthermore, according to the counter-extremism law, only the court can rule on whether information materials are “extremist.”

The station appealed both the canceling of its license and the warning. In an unprecedented development, the Supreme Economic Court upheld the appeals and even ordered the ministry to reimburse Autoradio’s court fees. Observers were surprised as Belarusian courts offer very little, if any, protection in such politicized cases, as all Belarusian judges are appointed by the president himself and are financially dependent on the presidential administration and local governments. Salaries of judges are totally up to the president, who also has an exclusive right to dismiss any judge, with no safeguards against arbitrary dismissal. Houses of judges are considered “official dwellings,” which judges lose if they are dismissed. In less than two weeks, however, another panel of judges of the Supreme Economic Court cancelled the previous ruling and endorsed both the warning and cancelling of Autoradio’ license.

The media law gives the government powers to penalize the media even for minor violations, like technical mistakes, and more importantly over any information the government considers inaccurate or misleading. Furthermore, confidentiality of news sources is protected by the media law yet could be lifted by order of a criminal investigations authority or by a court ruling.

The panel also mentioned the law “On Information, Informatization, and Protection of Information.” Although it has a disclaimer that it does not regulate media activities and intellectual property rights, its nature is comprehensive as far as access to information is concerned. Defamation laws are strict and also come into tension with freedom of speech. Defamation is criminalized and both the Civil Offences Code

and the Criminal Code offer greater protections to public figures, most notably the president.

Presidential Edict #60 on Measures to Improve the Use of the National Segment of the Internet, came into effect in July 2010 and provided for Internet filtering. That prompted fears of Internet censorship, as the 35 blacklisted websites included two leading pro-opposition news sites. Despite private fears, freedom of speech violations did not cause a public outcry apart from some complaints on the Internet. Panelists failed to recall any agitation after the government shut down Autoradio or attempted to axe two leading opposition newspapers, *Narodnaya Volya* and *Nasha Niva*.

Print media with a circulation of more than 299 copies and broadcast media reaching more than 10 people, as well as information agencies, must obtain registration from the Ministry of Information. This registration is in fact an official authorization, rather than just a notification procedure. Although the media law provides for registration of Internet media and the Council of Ministers was supposed to have adopted pertinent regulation by the end of 2008, online media still is not subject to registration.

A media outlet can be started up by an organization or an individual, yet newsroom activities shall only be performed by an organization. The registration procedure requires the applicant to list numerous details about the outlet, including the proposed specialization (topics to be covered), frequency, area of distribution, sources of funding, and detailed information about the would-be editor-in-chief. There is a registration fee ranging from \$100 (for a print media) to \$1,000 (for a national broadcaster), depending on the type of the outlet and the proposed area of distribution. Would-be editors must have journalism diplomas and at least five years of editing experience and the outlet is supposed to have a residential address. Under the law, this registration process takes 30 days to complete.

Registration is highly politicized, the panel agreed. The last time the Ministry of Information registered a private newspaper that could cover political and social issues was in 2002, according to a panelist. Private outlets are finding it increasingly difficult to register or update their registrations. The ministry tends to nitpick and denies registrations even to free newspapers and legal advice journals. A panelist alleged that private media outlets were being discriminated against so as to give a competitive advantage to state-controlled outlets.

The Ministry of Information reported in October 2011 that since the beginning of the year it registered 86 new media outlets (23 newspapers, 56 magazines and journals, five bulletins and two catalogs). Only 13 of them were

state-owned. At the same time, registrations of 32 outlets were cancelled (10 newspapers, 19 magazines and journals, and three bulletins), including seven state-owned ones.

One needs a frequency from the Republican Commission on Television and Radio Broadcasting as well as a license from the Ministry of Communications and Informatization to operate an over-the-air broadcasting station in Belarus. First, a media outlet (television or radio) should be registered with the Ministry of Information, then a frequency is allocated via a tender administered by the Republican Commission on Television and Radio Broadcasting. The National State Television and Radio Company—a conglomerate of four television channels, five radio networks and five regional television and radio companies—as well as television and radio stations founded by the president and the Council of Ministers receive frequencies without a tender.

While commenting on whether the process was politicized, a panelist said: “Several years ago Ministry of Information officials openly admitted that frequencies were being granted neither by the Republican Commission, nor the ministry, yet by the Presidential Administration. Thus, despite the seemingly open process of allocation of frequencies, there are absolutely no grounds to speak of a fair and open procedure.”

The broadcast media market was far from being crowded. Only 29 FM stations operated in Belarus, 15 of them in the capital, Minsk. There were 82 television channels, yet most of them are local ones. By the end of 2011, 94 percent of Belarusians were reached by digital terrestrial television. However, the digital package included only eight television channels (seven state-controlled and one private that offers only entertainment content) and one state-run radio station.

Other than the aforementioned registration and licensing roadblocks, market entry for media outlets remain the same as for businesses in other industries. The media law, however, restricts direct foreign ownership of media organizations to 30 percent. Another media-specific restriction is that 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.

Taxation is also the same as for other businesses and laws do not provide for tax breaks for media. Still, a presidential decree in September 2009 exempted state-controlled television channels ONT and STV as well as the National State Television and Radio Company from value-added tax and income taxes for three years.

Crimes against journalists remained rare. Panelists traditionally spoke of intimidation and harassment of journalists and media by authorities. Obstructing lawful

professional activities of journalists and forcing them to spread or hush certain information, committed with violence or threats of violence, destruction of or damage to property, violation of the rights and lawful interests of a journalist is a crime in Belarus, punishable by up to three years in prison.

Most often journalists were attacked during opposition rallies, most notably during the series of social-network-driven “silent protests” where thousands of Belarusians gathered in main squares of cities without any banners and simply stood silently or clapped in unison. The protests took place at least once a week, usually on Wednesdays, throughout most of the summer of 2011. Crackdowns usually followed the same pattern: protesters were attacked by skinhead-type men in sportswear and violently dragged into unmarked buses. Journalists who tried to film the arrests were hit or thrown to the ground and sometimes had their equipment damaged. Journalist IDs and protests were largely disregarded. At least once, tear gas was used against journalists to prevent them from filming the dispersal. Hundreds of protesters were detained after every such rally, with most of them getting fines or arrests for up to two weeks. According to independent media reports, there were at least 77 counts of journalists being briefly detained while filming or photographing “silent protests.”

Journalists tried to address the problem in an organized way. In July 2011, a group of 30 journalists filed a complaint with the Office of the Prosecutor General and the Ministry of Internal Affairs asking to investigate the unlawful detentions and identify the perpetrators and those in command. European Radio for Belarus, an offshore broadcaster beaming news to Belarus from Poland, also filed a complaint after three of its journalists were arrested while covering the “silent rallies.” The subsequent investigation admitted the detentions were unlawful and rights of journalists were violated. The Office of the Prosecutor General urged the Ministry of Internal Affairs to “consider disciplinary actions” against the police officers who violated journalists’ rights. However there were no reports that they were actually punished.

Sometimes journalists also received threats. In February 2011, private regional newspaper *Brestskii Kurjer* received several anonymous letters with clippings of its stories about harassment of opposition activists, as well as insults and threats. Separately, several investigative reporters received threats and had to quit their investigations, according to a panelist. However, he was reluctant to provide more details because of the risk of jeopardizing his colleagues. Although publicized by independent media and human rights defenders, cases of attacks against journalists hardly caused an outcry apart from discussions on the Internet.

There was, however, more solidarity across the independent media community.

As noted above, several state media journalists were fired surrounding the December 2010 presidential election. Siarhiej Darafejeu, a popular presenter with the state-owned television channel ONT was suspended after the live election night show on December 19, 2010. While the show was being filmed thousands of people were gathering in downtown Minsk to protest against what they believed was a rigged election. Darafejeu challenged the chair of the Central Election Commission over alleged violations of campaigning rules and the right of people to protest. As a result, the chair left the studio in the middle of the show. Darafejeu was fired in April 2011 and went to Ukraine to work for a private news channel.

Separately, Ales Liauchuk, a Brest region correspondent with the state-owned youth newspaper *Znamia Yunosti*, was fired in January 2011 after he refused to write derogatory stories about the opposition and their participation in the December 2010 presidential election.

The media law claims editorial independence of newsrooms while censorship and unlawful interference with newsroom activities are banned, but state media that dominate in all sectors, apart from the Internet, are far from being editorially independent. Editors-in-chief of key national media outlets are appointed by the president himself. The Presidential Administration also approves the appointment of editors of all national and regional (oblast-level) state media outlets. Regional governments, in their turn, approve appointments of editors of local state-run outlets.

The state media does not allow diversity of viewpoints and voices, panelists agreed. The political opposition is effectively banned from state media unless it becomes a target of smear campaigns. As a rule, state-owned outlets shy away from criticizing the government, yet national media, most notably *SB. Belarus Segonia*, a daily published by the presidential administration, are allowed to give bad press to local authorities. Meanwhile, in an opinion poll by Independent Institute of Social, Political, and Economic Studies (IISEPS) in June 2011 only 10.3 percent of the respondents said they believed Belarusian media were independent.

Under Belarusian laws, libel can be both a civil and criminal offence. Libel contained in a public speech or in printed or publicly performed work, or in the media, is criminalized and thus punishable by up to two years of correctional labor, or imprisonment for up to six months, or restraint of liberty for up to three years. The same applies to insult inflicted through the media. The Criminal Code gives greater protection to public officials, most notably the president. “Insult of the

representative of the authorities” can be punished by up to six months in prison, or restraint of liberty for up to three years. “Calumny toward the president” is penalized by up to four years in jail. “Insult of the president” is punishable by up to two years of correctional labor or imprisonment.

On July 5, 2011, a district court in the northwestern city of Hrodna near the Polish border convicted Andrzej Poczobut, who writes for Poland’s largest daily, *Gazeta Wyborcza*, of insulting President Lukashenka. The journalist was arrested in April 2011 on charges of libel and insulting the president in eight of his print articles, as well as on pro-opposition news website *Belorusskii Partizan* and his blog <http://poczobut.livejournal.com>. In a closed trial in Hrodna, the court convicted him of libel and gave him a three-year suspended sentence. Insult charges were dropped. The court told Poczobut that the offending matter in question was that he had called Lukashenka a dictator. The journalist said his articles only contained criticism of President Lukashenka’s 17-year regime, not insults. Poczobut was released after the court announced the verdict, but his case would be reviewed later. In September 2011, the Hrodna Oblast Court upheld the verdict against him. He was also banned from leaving the country, and changing his place of residence without a police permit. Previously in 2009, the Belarus Ministry of Foreign Affairs canceled his press accreditation and denied his applications to renew it, on the grounds that his reporting was biased and insulting to the president. A month earlier he had received threats warning him to stop his critical reporting or else face retribution.

The last time criminal libel provisions were used was 2002, when two editors and a journalist of two different newspapers were handed two years of corrective labor each over libeling President Lukashenka. More common are honor, dignity, and business reputation suits, falling under civil law. Every year media organizations receive several dozen of such suits, in most cases stemming from reports on local issues and with compensation claims ranging from several hundred to several thousand U.S. dollars. For such cases the plaintiff does not have to prove malice, claiming moral damages is enough. Unless cases are politicized, media outlets tend to avoid publicity over such lawsuits for fear of receiving warnings from the Ministry of Information over inaccurate reporting. After two written warnings a media outlet might be shut down.

Neither Internet service providers nor hosts are held responsible for what users post on the Internet, yet illegal content must be removed following a court ruling or an order from law-enforcement agencies, the office of the public prosecutor, or tax authorities. Still, managers of websites that offer feedback tend to moderate comments and delete the most controversial posts, according to a panelist.

On one hand the law guarantees the “right to receive, store, and disseminate complete, accurate, and timely information about the activities of state bodies or public associations; political, economic, cultural, and international life; and the environment” and thus it is in compliance with international standards. But on the other, this law restricts access to state, commercial, and professional secrets, and in fact access to any information may be restricted by other legislation. In practice, state bodies are given wider rights to classify the information at their disposal and thus withhold it from the public. According to a presidential decree adopted on March 2, 2011, 58 state bodies and organizations as well as regional governments can classify their information as secret. The list includes the cabinet of ministers, the parliament, supreme and higher economic courts, all law-enforcement agencies, all ministries, the national bank, and several government agencies and state-owned holding companies. Most notably, Belarus’ biggest media organization, the National State Television and Radio Company, is also on that list.

In June 2011, when most of the country was unsettled by the deepening financial crisis, a deputy economy minister told an interviewer the government did have a crisis plan, yet added that it was secret and thus would not be made public. Information from government agencies could only be obtained via their press services or after approval from top officials, in accordance with the presidential edict adopted in 2009. As well, many events including press conferences require accreditation to be covered by a journalist, but the system of accreditation remains unregulated and private media are often barred from attending events; bloggers and freelancers are not considered journalists and are not eligible for such accreditation. Only his personal photographer and photojournalists from the state news agency BelTA can photograph President Lukashenka. Even for big open-air celebrations attended by the president, cameras with lenses longer than 1.5 inches are not allowed.

“The media law does not contain specific mechanisms for journalists to obtain information. The authorities refuse to provide information without giving any reasons. Journalists do not fight to try to change the situation,” a panelist commented.

Media outlets’ access to and use of local and international news and news sources remains unrestricted, apart from several pro-opposition news websites that are being filtered for state-owned organizations. The Internet is getting more affordable and becoming an increasingly important source of news for media organizations. However, many journalists are still held back by their poor foreign language skills and the cost of subscriptions to foreign news services. As a result they have to rely either on local Internet media or foreign Russian-language news sites.

Entry into the journalism profession remains unrestricted, but lack of accreditation can create difficulties. The government, however, introduced special requirements for editors-in-chief, who must have a journalism diploma and at least five years of previous editorial experience. As mentioned above, bloggers, citizen journalists, freelancers, and those working for foreign media outlets without accreditations from the Ministry of Foreign Affairs are not considered journalists.

While the profession remains open, the government does control admission to state journalism schools and the employment of graduates. Would-be students have to provide recommendations from local governments and undergo an interview that basically screens them for political loyalty. Graduates of state journalism schools have to work for two years wherever the government tells them (usually regional newspapers) or cover the cost of their education and stipends. At Belarus' biggest journalism school, the Journalism Institute at the Belarusian State University, the annual tuition fee is around \$1,000.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.26

Speaking in general, reporting is far from being spin-free and balanced, the panel said. At the same time, panelists found it hard to generalize about the media sector as a whole, because state-owned media differs from private media so greatly in this sense. Therefore, the final MSI scores reflected a sort of a "compromise" between estimates of state-owned and private media.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

State-owned media were referred to as "suppliers of propaganda that violate all norms of professional journalism." "The traditional picture of distorted facts, censorship, and outright libel in 2011 was complemented by a whole series of sponsored stories that discredited opposition leaders, leading human rights defenders, and the democratic movement as a whole," one panelist commented. Private media and news agencies were more likely to follow standards of professional journalism. Still, the restrictive and secretive environment and lack of resources impaired the quality of their reporting.

One of the panelists, a regional editor, said: "Speaking of regional independent media, a new trend became apparent: stepped-up self-censorship and decay of journalists' professionalism. This is due to a number of reasons, most notable being journalists' weariness over having to fight ideological authorities, low wages, and the decline in the prestige of journalism in the country. However, most journalists are aware of their ethical responsibilities to obtain information from multiple sources, check facts, and provide the public with objective information. But because of these reasons, regional journalists are increasingly becoming either politicized or vigilant to avoid covering controversial issues."

Many media outlets conduct background research and experts are approached for comments, but given the restricted access to information, that hardly improves their stories. This is especially true of economic and political reporting, since government policymaking is opaque and comments and forecasts tend to be mere guesswork. The "pool of experts" remained small, making many news outlets look very much alike in terms of comments they offer, a panelist complained.

Two journalistic organizations operate in Belarus, the independent Belarusian Association of Journalists (BAJ) and the state-controlled Belarusian Union of Journalists (BUJ). Both have their own codes of ethics that are quite universal and share the common principles of truthfulness, accuracy, objectivity, impartiality, and public accountability. Private media, the panel agreed, are much more likely to adhere to these principles. The participants mentioned numerous stories in state-controlled newspapers and odious documentaries on state television channels meant to mudsling opponents of the government. Most notably, "Social shadows" an August 2011 documentary by Belarus 1 TV, lambasted social network activists, political opposition, independent media, foreign governments, and international NGOs over being part of a conspiracy to overthrow the government. No one of them was given an opportunity to comment on the allegations. The documentary equated social-network-inspired rallies in Belarus to "Arab Spring" upheavals that swept away despotic regimes in Tunisia, Egypt, and Libya. Footage of violent attacks, dead bodies, and wounded people (including

children) were shown from these countries. The television channel received numerous complaints, yet refused to name the authors of the documentary and later accused the complainers of trying to interfere with Belarus 1's editorial independence, putting pressure on independent journalists, and even restricting the freedom of speech in the country. Still, some staff wrote in their Facebook accounts that they felt ashamed to work for that organization, without any apparent repercussions.

Meanwhile, twelve media managers, editors, and journalists representing leading state media outlets were on the list of 180 senior Belarusian officials banned from entering the European Union. The travel ban was imposed on January 31, 2011 over violations of electoral standards in the December 2010 presidential election and the crackdown on the political opposition, civil society, and independent media.

There is some selling of stories, mostly in the form of hidden advertising, and often to sidestep a requirement that puts a cap on the maximum amount of advertising. The Law "On Advertising" limits advertisements to 25 percent for state-owned general news publications, 30 percent for privately-owned. For radio and television, advertising is restricted to 20 percent of total daily broadcasting (30 percent from 6 p.m. to 10 p.m.).

Self-censorship "is the basis of Belarusian journalism," a panelist argued. His colleague added that it was exercised everywhere: in the state-run media via planning of stories and selective search of information. In private, especially regional, newspapers self-censorship is done via "editing" to mitigate the wording of, and sometimes leave out entirely, potentially controversial stories. Another panelist claimed that not all private outlets practice self-censorship: some independent media, like the news agency BelaPAN, do cover all news and report on all issues.

Still, not all key issues are covered by both state and non-state outlets, since both government bodies and civic, non-governmental institutions remain taciturn and there is lack of reliable alternative sources of information, a panelist summarized. The business interests of President Lukashenka and top officials remain the topics that are largely avoided. One of the panelists added that the media could easily come under pressure over reporting on environmentalists' criticism of the Russian-designed nuclear power plant Belarus is building.

There were hardly any events or issues that were covered exclusively by bloggers or users of social networks. "I have not heard that they offered more complete and better-quality coverage of any problem or issue, as compared to the press. Yes, their posts can spark leads for further searches, yet they

can never do a better job," a panelist argued. Sometimes though, interesting news or analysis makes the jump to "bigger" media from blogs or citizen reports.

Pay levels for media professionals varied greatly. Those working for state-controlled outlets remain better off, even more so compared with previous years. In 2010, journalists working for private media earned 25 to 30 percent less than their counterparts in state-funded media. A year later, with the raises for public-sector employees, the spread widened to 50 to 55 percent, according to a panelist. In rough terms, reporters at small regional papers earn around \$150 a month, \$200 to \$250 at medium sized papers and around \$400 to \$500 at large national newspapers. State-controlled national television channels and newspapers like *SB. Belarus Segonia* are even more generous in terms of salaries, especially for political reporters and editors who might earn three or four times more than their coworkers who cover other topics. On top of that, until recently journalists working for state-owned media received housing loans on very generous terms.

Meanwhile, the median Belarus monthly salary (nationally, not just in the media) was \$468 in January 2011 and \$339 in December 2011. The financial crisis pushed consumer prices up—those of imported goods tripled—while the salaries largely remained the same. As a result most journalists were dissatisfied with their salaries, regardless of the size of their news organizations and whether they worked for state media or private. Many would like to leave, according to a panelist, yet pay levels were approximately the same across the sector. Instead, journalists tend to work for multiple outlets.

However, the panelists do not feel that the low salaries at private outlets encourage corruption, since very few businesses would dare buy favorable coverage there, for or fear of government reprisals over supporting opposition media. State press, television, and radio, should, in accordance with international standards, all be considered corrupt, a panelist argued, speaking of their remuneration practices. Since state media mostly pushes propaganda, twisting facts and not offering objective coverage, they tend to disregard ethical standards in return for higher salaries.

The news-to-entertainment ratio varied dependent on the sector. Around 60 to 70 percent of programming on state-controlled television is entertainment, a panelist estimated. On FM radio stations news is limited to approximately 5 to 10 percent. Newspapers and news websites, in contrast, offer very little entertainment content.

With advances in technology, basic facilities for newsgathering and content production are available and affordable to all newsrooms. Still, newsrooms are in need of faster PCs for such demanding tasks like video editing or page

design. The idea of “backpack journalism” with one person shooting video, recording audio, making photos, writing a story, and then posting it online gained some popularity after trainings offered by international media development organizations. Yet newsrooms are finding it next to impossible to equip all of their reporters with camcorders, laptops, or even smartphones. Bigger media outlets need professional photo and video equipment.

Internet subscriptions are by and large affordable, yet mobile Internet remains too expensive for most journalists. Non-licensed software remains the sore point. Although small independent media organizations can legalize part of the pirated software via Microsoft’s NGO software license donation project, the procedure itself takes a lot of time and licenses are about to expire when they finally arrive, as a panelist described in his experience of trying to legalize the software for his NGO.

Although there are no reports about fines over the use of illegal software, some newsrooms understand the danger. Still, most media professionals are reluctant to use free or open source software, as free versions of accounting, page design, audio- and video editing packages remain lacking in features, according to a panelist.

Niche media themselves generally cannot support their own activities, the panel agreed. And amid budget struggles very few traditional media organizations can afford beat reporting. Still, there is some specialized reporting on the economy (panelists mentioned weeklies *Belarusskaya Gazeta*, and *Belorusy i Rynok* and e-paper Ej.by), sports (newspaper *Pressball* and website Goals.by), and cars (newspaper *Avtobusiness* and its website abw.by). Big portals like TUT.by and Onliner.by offer, amongst other topics, IT news and analysis. Elsewhere, 34 multimedia magazines are doing a good of job of covering youth culture. Local newspapers and websites tend to concentrate on covering local issues.

Investigative journalism has almost gone extinct. Still, panelists mentioned reports by Yauhen Valoshyn, an investigative reporter with state-owned daily *Zviazda*. Most notable was a series of his stories about the unrestricted sale of opiate-containing poppy seeds used to produce highly addictive hard drugs. The stories were widely publicized. Valoshyn later said that the Belarusian secret service, the KGB, had been trying to recruit him on several occasions. *Zviazda*’s editor-in-chief Vladimir Narkevich came under pressure to fire Valoshyn several times. In November 2011, Narkevich was dismissed after 22 years as the editor-in-chief. In December 2011, the newly-appointed editor forced Valoshyn to resign over unexcused absences despite being notified by the Ministry of Information that Valoshyn was traveling abroad for several days. Valoshyn’s had traveled to neighboring

Ukraine to participate in the Global Investigative Journalism Conference and later to visit his grandmother who had fallen seriously ill.

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.32

There are multiple news sources that provide Belarusians with local, national, and international information, yet these are not diverse enough in content, a panelist argued. The solution he offered is to privatize state media, first of all national television channels and “big” newspapers and news agencies, since there can be no diversity of viewpoints without diversity of ownership. Television, radio, and the press are still dominated by the state-owned outlets that essentially speak in one voice and do not allow a variety of viewpoints. For years, the opposition has been denied access to state media, with the exception of election campaigns. Yet several dozen private newspapers, a handful of expatriate broadcasters, and the web allow for more varying opinions or at least offer different perspectives.

In an opinion poll conducted in May 2011 by the Independent Institute of Socio-Economic and Political Studies, 75.7 percent of Belarusians aged 18 and older said they are getting information from the television, 34.0 said percent newspapers, 33.4 percent the Internet, 28.0 percent friends, 20.5 radio, and 2.2 percent social networks.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Circulation-wise, heavily subsidized state-owned publications continued to prevail on the press market despite the unfolding finance crisis. Although private publications still outnumber state-controlled ones (997 versus 405), most of them offer only entertainment content. Throughout 2011, government-owned newspapers reported an aggregate weekly circulation of around 3,500,000 copies. Meanwhile, around two-dozen private newspapers with the aggregate weekly print-run of approximately 800,000 copies continue reporting on political and social issues. That figure however includes almost 600,000 copies of the popular Russian-owned tabloid *Komsomolskaya Pravda v Belorussii* that publishes a Belarusian insert.

Most radio stations in Belarus are state-owned, 139 versus 23. Four state-controlled radio stations each reach at least 95 percent of the population, according to the Ministry of Communications and Informatization. The Ministry reported that 30 to 40 percent of the population listens to state-controlled radio stations broadcast via a cable network of around 1,200,000 subscribers. Private radio stations offer very little news and those are mostly official information, sport, and entertainment. Meanwhile, all domestic radio stations are required to broadcast 75 percent Belarusian music. Three expatriate radio stations, European Radio for Belarus, Radio Liberty, and Radio Racyja broadcast on a daily basis to Belarus from the West and have several hundred thousand listeners, according to various estimates.

Out of 82 television channels, 50 are privately-owned, yet their reach is limited. Meanwhile, as noted above, seven state-controlled television channels reach 94 percent of Belarusians. Around 25 percent of Belarusians watch satellite television. Belsat TV, an independent satellite channel broadcasting news and current affairs as well as cultural programs into Belarus from Poland, is watched by around 800,000 people, according to Zerkalo-Info research center.

Luckily, as Internet subscriptions grow more affordable, more sources of news and analysis, and thus more perspectives, are becoming readily available, panelists said. In November 2011, the Belarusian Internet audience totaled 4 million people, with Internet penetration reaching 50 percent (amongst those aged 15 and older), according to Gemius, an independent Internet research outfit. The daily audience of news websites reached 650,000 visitors, weekly 1.4 million. Meanwhile, Belarus's most popular television channel, ONT, has a daily audience of 2.6 million people while weekly it totaled 5.5 million.

Foreign websites are more popular: 34.9 percent of those polled in June 2011 by ISEPS said they access Russian sites, 33.3 percent Belarusian, 13.3 percent European, and 2.2 percent American.

Social networks gained more popularity. According to Gemius, in November 2011, almost 70 percent of Belarusian Internet users visited at least one social networking website. By the end of the year over 2,500,000 Belarusians had accounts with VKontakte, Russia's most popular social network, followed by Russian social network Odnoklassniki (950,000), Facebook (350,000), and LiveJournal (105,000). Belarusian social networks i.TUT.by and Vseti.by had correspondingly 1,200,000 and 800,000 accounts. YouTube is the third most popular website in Belarus, after Google and VKontakte, according to Alexa.com traffic rankings.

Although there was discussion of politics and current affairs in social networks and youth even used VKontakte to coordinate a wave of protests in the summer of 2011, entertainment and networking definitely trump politics online. Meanwhile, as the financial crisis has deepened, economy bloggers are growing increasingly popular, a panelist noted. Two of them even started guest-blogging for TUT.by, Belarus's biggest web portal.

Panelists also mentioned Prokopovi.ch, a website where users post currency buy and sell offers and then agree to meet in person to execute the deal. The service, whose name mocks that of the Belarus central bank's head Petr Prokopovich, was created by a group of web developers in April 2011. After just a couple of weeks, it was attracting a daily audience of around 30,000 people. The website claims it facilitated millions of dollars in deals every day. More importantly, it offered currency exchange quotes that both individuals and small businesses rely on.

All in all, citizens may check one news source against another; yet for viewpoints different from those offered by the government one oftentimes must rely on assumptions, different versions, and surmises, the panelist generalized.

Access to domestic and international news sources is not restricted by law, with the exception of 35 websites that are blacklisted for access in state agencies, educational institutions, and libraries. The list is only available to Internet service providers and contains mostly pornographic websites. However, key pro-opposition news websites Charter97.org and belaruspartisan.org are blacklisted, just like the currency-exchange service prokopovi.ch and the website of human rights center Viasna (spring96.org). A satirical blog by Jauhen Lipkovich (<http://lipkovich.livejournal.com/>) is also blocked, together with around 300 more blogs on popular blogging platform LiveJournal, that all use the same IP address. Some news websites suffered distributed denial-of-service attacks. On April 12 and 13, 2011, Charter97.org and belaruspartisan.org were hit by a massive attack, suggesting a coordinated raid. The attacks came just a day after a metro station in Minsk was hit by a powerful blast

that killed 13 people and injured more than 100. Both news sites blamed the bombing on the government. The day before, the Office of the Prosecutor General told news agencies that those two websites are blocked. The reason behind the decision was the violation of the law "On mass events" which bans the media from reporting on planned dates and places for protest rallies until the gatherings get authorities' approval.

Access to Facebook, Twitter, and major Russian social networking sites was repeatedly blocked during the numerous opposition protests in the summer of 2011, after a new opposition group called "Revolution by Social Networks" held a series of Internet-organized rallies in about 30 cities and towns.

On December 29, 2011, pro-opposition news site Charter97.org once again came under attack. Anonymous hackers got access to the website's content-management system, deleted all stories and archives, and posted a fake story about Andrei Sannikau, an oppositional candidate for presidency in the 2010 election and a co-founder of the Charter-97 civil initiative, a group behind the website. He is now serving a five-year prison term on charges of staging riots following last December's presidential election.

Charter97 administrators said they identified the IP addresses hackers used. While most of the disruptions against Charter97 took place behind the shield of anonymizing services, one of the attackers was using a Belarusian IP address. The website's editor-in-chief, Natallia Radzina, who spent six weeks in a KGB jail, then fled house arrest and is currently living in exile in Lithuania, said she believes the Belarusian KGB was behind the attack. According to several reports, a keylogger trojan virus was deployed to steal login credentials from website editors. Computers of other of opposition activists and journalists were also infected, according to these reports.

Speaking of restrictions, panelists also mentioned a dozen embattled private newspapers that are banned 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. Those who did sell via Belsajuzdruk reported that it imposed restrictions on the maximum number of copies independent outlets could sell.

The foreign press remains unaffordable, especially after the 178 percent devaluation of the Belarusian ruble against the U.S. dollar. Meanwhile, NewspaperDirect, a digital newspaper distribution and publishing operator, entered the Belarusian market in August 2011. The company offers 1,700 same-day international newspapers from 94 countries in 49 languages

that were to be printed on-demand in Minsk. However, the government notified NewspaperDirect that for foreign titles to be distributed in Belarus express permission from the Ministry of Information is needed. Such permits were issued to over 600 titles; most of them specialized journals or entertainment magazines. Some of the world's leading business publications like *Time*, *The Economist*, *Businessweek*, and the *Financial Times* did receive such permits. Meanwhile, information minister Aleh Praliaskouski told news state news agency BelTA in August 2011 that over 4,000 foreign titles were being distributed in Belarus. Unfortunately, the Ministry of Information provides data on successful applicants only, and there are no reports about foreign outlets that were denied permits.

Around 140 foreign television channels (mostly Russian) are broadcast via cable networks, but news and satirical shows on channels that criticize Belarus' government are censored.

"Availability of information sources to a greater extent depends on the locality: in Minsk and regional capitals people have a real opportunity to use all sources of information, including state and private media, satellite channels, and the Internet. In smaller towns, where incomes and penetration of modern technologies are lower, opportunities to obtain information from various sources are fewer. People in these towns cannot use the Internet at work, so their access to information remains limited. Speaking of rural areas: in most cases only national state television channels and state-owned regional newspapers are available," a panelist said.

Although most consumer prices skyrocketed, Internet fees largely remained unchanged. The government "unofficially" ordered Internet service providers to keep tariffs low, thus making it affordable to many more people, according to a panelist. Satellite television, in particular Belsat TV, is quite popular, including in rural areas not reached by cable networks.

There is no truly public media in Belarus, while state-owned ones remain "absolutely biased" towards the government, a panelist said, adding that it is independent media that, where possible, reflect the existing political spectrum and public interests. But they are also not free from some of the biases in favor of certain non-governmental groups.

Artists and musicians who are critical of the government are marginalized. A growing number of Belarusian and Russian rock bands are on an unofficial blacklist that bans them from mention on state media. A number of rock songs calling for change and glorifying freedom are also banned. Influential U.S. and British actors and musicians including Oscar winners Kevin Spacey and Kevin Kline, the Pet Shop Boys, Jude Law, Sienna Miller, Ian McKellen, and Samuel West are on the

blacklist as well. Some of them recorded YouTube messages in support of free expression in Belarus, others performed with the dissident theatre group Belarus Free Theatre. Sources inside state television did not deny that the blacklist is in force, according to several reports.

Nine media companies—two state-owned and seven private—are registered as information agencies by the Ministry of Information, yet only four of them offer newswire services: BelaPAN, BelTA, Interfax-Zapad, and Prime-TASS.

Private news agency BelaPAN is “undoubtedly the leader in distributing unbiased information,” the panel agreed. Although it is regularly coming under pressure over its independent reporting, it is able to deliver high-quality products that include newswire service and roundups, photoservice, web-ready info-graphics, and interactive graphics, audio, and video. Its e-paper Naviny.by is one of the most popular news sites: almost 10 percent of Belarusian Internet users read it at least once a month.

BelTA is state-run and has been the official agency of the government for over 90 years. It offers news, photos, infographics, press roundups, television listings and analytical bulletins to over 700 subscribers, 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. Interfax is pro-government while Prime-TASS offers mostly business and financial news.

On average, agencies charge around \$300 per month for daily news updates to \$600 for real-time ones. One of the panelists argued that the fees are quite reasonable. Still, many smaller media organizations find them too expensive and thus tend to rely on what is available for free on the Internet. In most cases news agencies are quoted as sources, yet sometimes their stories are taken from other media and thus they are not mentioned as original suppliers. International agencies like AFP, Associated Press, and Reuters, however, are affordable only to big state-owned media.

Private outlets produce their own news and information content to various degrees. More news is produced by regional newspapers and websites. At the same time they too rely on news agencies and central media for coverage of national and international affairs. National newspapers and websites concentrate on analysis and comments. In general, most websites aggregate stories from other sources. Bloggers produce very little of their own news, but do comment on what is available online. Private radio and television stations rely on official information and the Internet.

The level of ownership transparency remains very low. The Media Law requires disclosure of immediate owners of registered media outlets. However ordinary citizens hardly have the understanding of who owns or influences specific outlets. “The consumer is absolutely unaware of who owns certain media. It is the product he or she is judging by,” a panelist argued.

Belarus has a 30 percent limitation on the immediate foreign media ownership, with the exception for those outlets that had been established before the latest Media Law came into effect in 2009. Foreign investment remains very limited and most of it is from Russia. Russian businesses own two news agencies, Interfax-Zapad and Prime-TASS, and three newspapers, popular daily *Komsomolskaya Pravda v Byelorussii* and weeklies *BelGazeta* and *Argumenty i Fakty*. Two Russian companies have stakes in VTV, an entertainment television channel.

Many social and minority issues remain disregarded by most mainstream media outlets. They are seen as unworthy of coverage unless there are situations of conflict or crisis. State media tend to promote collectivism, Soviet-style stability, and avoid “sensationalization” of stories. Independent media are understaffed and tend to report only on the issues of biggest concern, i.e. the economy and politics. “At the moment, these [minority] problems are not in the focus of public attention. The main and most urgent question now is the standoff between the authoritarian regime and the society. Of course, sporadic publications on such topics do appear, but they do not cause any agitation,” a panelist argued. Still, such issues as disability, gender, and sexual orientation are discussed online, mostly within pertinent communities.

In general, local, national, and international issues are being covered, yet to a different degree and from different perspectives. State outlets tend to push propaganda to boast the benefits of a “stronger state” and a “socially-oriented” neo-Soviet economy while covering local and national events. However, there is very little critical reporting: only big outlets and most notably the presidential daily *SB. Belarus Segonia* are allowed to criticize local governments. As for international reporting, they tend to concentrate on crisis, conflicts, disasters, and some entertainment.

Even with restricted access to official information, several dozen private regional newspapers do a better job of covering current affairs in their regions, a panelist said. There are also many small regional websites and blogs that tend to aggregate news from other news websites. For coverage of national and international news local media tend to rely either on news agencies or national/foreign websites. National non-state media focus on reporting about the capital, Minsk, and country-level news and developments.

And they are more likely to report on international affairs than local. Private newspapers do not have regional sections or inserts, yet some portals like TUT.by or news websites like ej.by or belta.by aggregate news for specific regions.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 0.88

Business-wise, 2011 was a tempestuous year. Skyrocketing fees and dwindling advertising revenues hit most media organizations regardless of ownership or sector. Still, some outlets got through the financial crisis less troubled. State media relied heavily on direct government funding and subsidized fees. Elsewhere, the Internet was the only sector that not only avoided shrinking advertising spending, but even saw a modest growth of 6.1 percent against a year earlier.

In 2011 state media outlets were slated to receive around \$70 million in direct funding from the government. Around \$55 million was earmarked for state-run television and radio stations. The actual amount was different because of the sharp devaluation of Belarusian currency. Twenty-five newspapers and magazines received subsidies to cover printing costs, newsprint purchase, and salaries. Meanwhile, the annual advertising market totaled \$84 million in 2011.

"The state media is completely on the government payroll. Therefore, any reflections on their efficiency and sustainability are pointless. Among independent media there are some outlets whose management practices would

allow for their sustainability and profitability. However, the external business environment, as well as objective obstacles in producing high-quality information products, created unfavorable conditions for their successful operation," a panelist commented.

Meanwhile, only 25 percent of local state-owned newspapers and 80 percent of television stations are self-sustaining (as revealed by the Minister of Information in an interview). On average, regional state-controlled papers cover only 85 percent of their operating costs, according to the Ministry of Information. The United Media, an association of privately owned regional newspapers, said in October 2011 that its members cover 95 percent of their costs. Private newspapers and magazines happened to be the hardest hit of all. "Today we can clearly ascertain that 2011 was a year of deteriorating economic conditions for the press. The growth of printing fees by an average of 270 percent, newsprint up to 300 percent, plus state intervention, made it difficult for a number of independent media outlets to run a profitable, legal business in Belarus. Restricted distribution, the ban against state-owned businesses from advertising in the independent media, and more and more small businesses that used to be the mainstay of regional advertising markets shutting down because of the currency turmoil all can be mentioned as examples of deteriorating economic conditions," one panelist said. To stay afloat, private newspapers had to cut down on the number pages by an average of 10 percent and circulation by 15 percent, according to the United Media. Advertisement sales were also down 25 percent.

Many media organizations do some basic business planning, usually short-term. However, with a 178 percent devaluation of the national currency and 108 percent inflation, the actual outcomes turned out to be much worse than any worst-case scenarios, a panelist argued. All media outlets employ professional accountants (which is a legal requirement), advertising managers, and sometimes lawyers. Many newspapers hire distribution managers to make sure that papers go out to newsvendors and customers. Dedicated marketing and human resource specialists are only affordable to big state-owned media organizations.

Sources of revenue remain varied, but somewhat traditional. State-controlled outlets rely on direct funding by the government, subsidized fees, advertising, tax breaks (the three biggest television stations), and state-imposed subscriptions and subsidized copy sales (the state-owned newspapers). Private newspapers and magazines live off advertising revenues and to a lesser extent copy sales and subscriptions. Private television and radio stations depend on advertising sales, sponsored programming, and (in the case of

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.

regional media companies) congratulatory messages. Internet advertising spending remains the same as the year earlier and most outlets (with the exception of bigger portals like TUT.by or Onliner.by) still struggle to sustain their online operations, relying on other sources, such as direct funding by owners or grants from foreign donors. Bloggers rely on sponsorship or third-party advertisements served by Google. Foreign donors fund expatriate broadcasters as well as some private print and online media.

At the same time, most media organizations disregard such possible sources of revenue as merchandising (selling books, research), offering local searches through an online directory of businesses (charging businesses for inclusion in online directories), selling audience information to advertisers, direct content sales (photos or video footage), and paid access to archives. Partnerships with other media organizations to share expenses are also neglected.

Sources of revenue do affect editorial policies, panelists argued. With very few exceptions, noted above, state media outlets do not criticize the government. As a rule most media organizations avoid giving bad press to prominent advertisers, most notably banks and mobile phone operators. In 2011, the weakening economy caused the advertising market to slump 14 percent against the previous year, according to the advertising group ZenithOptimedia. Television was down 11.9 percent, print 21.4 percent, radio 9.3, and outdoor 30. Internet advertising spend was up 6.1 percent compared to 2010.

Many small and medium-sized businesses were hit by the financial crisis, and forced to axe their advertising expenditures. A survey by one advertising agency suggested 33 percent of businesses cut down their media advertising campaigns by an average of 50 percent. Budget-wise the market consolidated even further and was dominated by big multinational companies like Procter & Gamble, Nestlé, Unilever, Schwarzkopf & Henkel, and domestic mobile-phone operators. Their marketing accounts are managed by a handful of international advertising agencies. As a result, several agencies control 90 percent of all advertising spend, a panelist claimed, quoting industry sources. Furthermore, those advertisers and agencies tend to choose communication channels that offer a wider reach. Almost 62 percent of all expenditures are traditionally channeled to television stations, usually state-controlled networks.

Regional outlets and smaller media tend to be neglected by advertising agencies, a panelist argued. Local media companies receive a maximum of 10 percent of advertisement sales via agencies and have to rely on their in-house sales teams. In some cases, a panelist said, advertising agencies tend to choose outlets that offer bigger discounts rather than better demographics.

Furthermore, heavily subsidized state media outlets continue to undersell their private counterparts competing for advertisements. Many companies owned or controlled by the state face pressure not to advertise in outlets critical of the government. Businesses and non-profit organizations are also required to publish legal notices in state-owned newspapers.

Government subsidies are only granted to state-owned media, either in the form of direct funding or tax breaks for state-owned television channels, both detailed above. "Advertising is being channeled to state-owned media and the government does use subsidies to influence editorial policy of state outlets. Independent media have nothing to do with that," a panelist claimed.

Use of market research also remains limited. Professional polls, surveys, or focus groups are unaffordable to most outlets, except a small group of big state-owned broadcasters. Still, some private media organizations conduct their own market research and use this information for strategic planning and to better meet the needs of their audience, a panelist said. In most cases such in-house research incentives make use of questionnaires and phone calls or online polls. "Still, it is extremely rare when marketing research (both in state and independent media) becomes the determining factor in shaping editorial policy," another panelist argued.

For press circulations the industry relies on stated print runs only. Meanwhile, several private companies offer newspaper readership data, broadcast ratings, and Internet audience research. GEVS employs peplemeters to measure television viewing habits, and phone polls to produce ratings of 34 FM stations, 82 newspapers, and 18 magazines. The company also monitors advertising on television, radio, and in the press. NOVAK sells television and radio ratings as well as newspaper readership data obtained via diary panels and biannual face-to-face interviews. MASMI, amongst other things, researches media consumption and monitors television advertising. Ratings and audience data are available through subscription only and remain affordable only to big advertising agencies and large media organizations. Some generalized information on media audiences is sometimes available from Zerkalo-Info and ISEPS research companies.

Panelists praised Gemius, an Internet research firm, for its online audience measurement data that includes ratings and audience profiles. For its research and ratings Gemius integrates offline research, site-centric measurement, pop-up surveying, and user-centric measurement. Websites receive demographics of their audiences free of charge while site ratings and some technical data are available online. In 2010 key advertising market players agreed to rely on Gemius data for online media planning. Online ratings are also available from Akavita.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.22

Capacity building and supporting institutions remain weak and infrastructural facilities are politicized and insufficient to support independent and pluralistic media. Still, one of the panelists argued, "In general, the situation in this sector is more diverse than in areas directly related to ideology."

Amongst trade associations, panelists mentioned only United Media, an association of 13 private regional newspaper publishers that works to promote innovation via exchange of ideas, experience, and training opportunities to help its members grow and become more efficient as businesses. Elsewhere, almost 100 cable operators and television broadcasters are members of the Telecommunications Industry Union (TIU). It works to liberalize the telecommunications market and represents its members' views when the government proposes telecommunications laws. For example, telecom companies lobbied for the possibility of direct interconnection of networks between providers rather than via Beltelecom, a state-owned telecommunications monopoly. In December 2011, TIU organized a telecommunications conference that discussed industry trends related to television and radio broadcasts, operation of networks, and Internet technologies. The biggest Internet service providers and mobile phone operators are members of Belinfocom, an association of information and communication technologies organizations.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

It also works to promote the telecommunications industry and protect its members through lobbying activities. In general, the government tends to cooperate mostly with telecommunications industry groups, possibly because it relies on their technical expertise or because officials maintain closer ties with their former colleagues, many of whom are now employed by telecommunications companies, one of the panelists said.

Two associations of media professionals operate in Belarus. The Belarusian Association of Journalists (BAJ) has around 1,000 members and more young journalists are joining, a panelist added. Most BAJ members work for private media outlets. The association seeks to promote media freedom, professionalism, and ethical standards. Core membership services include legal advice and representation, as well consultancy and trainings. The BAJ publishes the quarterly journal *Abajour* and runs a website popular among journalists that aggregates industry news and advice, offers information about trainings and contests, and hosts a journalism jobs board and experts database. The association has been conducting monitoring of press freedom violations since 1998, but it often comes under pressure over its efforts to protect press freedom and rights of the whole of the journalist community rather than just protect its members.

The government-controlled Belarusian Union of Journalists (BUJ) brings together more than 2,000 media workers representing state-controlled outlets. Editors of big state-owned newspapers and the deputy information minister dominate its board and secretariat. BUJ similarly claims it works independently to protect press freedom, promote the industry, and defend rights of its members. The union also offers networking and training to its members. Panelists doubted the union was efficient in protecting journalists' rights. They can only recall letters and resolutions condemning the European Union's travel ban on several Belarusian editors and journalists. Both organizations unite rank and file journalists as well as editors and media executives, but the latter tend to play the major roles. Thus, in case of employment-related disputes, the rights of ordinary reporters can hardly be protected, one of the panelists argued.

NGOs remain marginalized. In 2011, a few embattled human rights groups came under fire over providing legal and practical support to victims of government abuses and acting as a key source of information about rights violations. Most notably, Ales Bialiatski, founder of Viasna, one of Belarus' leading rights organizations, was sentenced to four-and-a-half years in prison and confiscation of property over alleged tax evasion. He was arrested in August after Polish and Lithuanian authorities provided data about his overseas accounts apparently used to accumulate funds

coming from foreign donors. Viasna was deregistered in 2003 and operated unofficially ever since as Belarus' government repeatedly blocked his attempts to obtain legal status.

Still, those few surviving rights groups do monitor and publicize cases of violations of journalists' rights and sometimes provide legal assistance. One of the panelists expressed his concern that legal representation was becoming a sore point for private media critical of the government. He recalled that lawyers who protect opposition political prisoners came under pressure in 2011 and some of them even had their licenses canceled. As a result many advocates tend to avoid politicized cases.

There are a handful of other non-profit groups—some registered as NGOs, others as for-profit companies or operating without registration—working to support media outlets. Their services include legal advice, technical assistance, capacity building via trainings, and organizational development. However their resources are stretched thin and thus few media outlets benefit from such assistance. Moreover they try to operate with a low profile so as to steer clear of government repression. As well, NGO access to foreign funding is restricted and requires approval by the government, and use of unregistered foreign aid is criminalized.

Journalism degrees are available via traditional on-campus programs or distance learning from both domestic and foreign universities. Most notable is the Journalism Institute at the Belarusian State University in Minsk with about 1,500 students. The institute offers majors in print, broadcast, and web journalism, as well as in media management, editing, and international journalism. Panelists praised its technical facilities yet criticized its archaic curriculum. Although it provides for six months of hands-on internships, graduates gain few practical skills, one of the panelists argued. According to some reports, students still have little access to the state-of-the-art television studio that was set up three years ago. Instead, commercial programming and most notably a lottery show are produced there. Student-run media is limited to a monthly newspaper (circulated in 70 copies and online in PDF) and a web site. Both tend to concentrate on student life and the journalism institute. Meanwhile, the institute cooperated with foreign media development organizations, most notably with FOJO, a Sweden-based media institute.

State universities in Homiel, Hrodna and Viciebsk, as well as several private institutes in Minsk, offer similar journalism programs. Training in regional institutions is in many cases offered by faculty who have never worked as journalists and thus are even less practice-oriented, according to a panelist.

As a result, after a couple of semesters some students try to relocate to the journalism institute in Minsk.

Discussing foreign study opportunities, panelists first of all mentioned the European Humanities University (EHU), once a leading Belarusian university now in exile in Vilnius, the capital of Lithuania, just 20 miles from the Belarusian border. Around a quarter of all its students study for free, for others annual tuition fees are below \$2,000. EHU has around 200 full-time and almost 500 distance-learning students divided amongst three majors: mass communication and journalism, visual culture (cinema, television and Internet), and design and visual media. In November 2010, IREX Europe in partnership with BBC Media Action opened a multimedia training facility for EHU's Department of Media and Communications. The facility includes a purpose-built digital television studio, a radio studio, and a newsroom. In addition, the project provides for training of faculty and students. The latter are expected to receive practical training in television broadcasting, radio, print, and modern multimedia journalism by producing regular news reports. EHU students also publish their own newspaper and gain experience during internships with foreign media and private media in Belarus, one of the panelists added. EHU does not offer master programs in journalism, so graduates have to choose majors in culture studies or go to other universities.

Unfortunately, very few graduates come back to Belarus to work as journalists. "Every year 30 graduates receive bachelor's degrees in journalism, yet none of my colleagues have seen them," a panelist said. Moreover, another panelist argued that the state media would not recognize EHU's journalism diplomas since Belarus' government views the university as a political project. Another panelist cited a poll, conducted by EHU's alumni association of 2011 graduates—not necessarily with journalists degrees—that suggested only 25 percent of them returned to Belarus.

Separately, there are several scholarship programs funded by foreign governments.

A variety of short-term training opportunities are available from both local and foreign organizations, ranging from seminars and workshops to online courses, study tours and in-practice training. Most of them are offered only to non-state outlets and tend to target newsroom staff rather than technical specialists, a panelist said. Although at times training opportunities seem to be plentiful, coordination between media development projects is insufficient, leading to overlapping and duplication of activities. Sometimes trainings are announced on short notice, making it difficult to plan participation and send people who would benefit most, another panelist complained. The panel differed on the efficiency of study tours abroad. Some participants doubted

knowledge and skills gained in different media environments would be readily applicable in Belarus. Another panelist, a regional editor, said he found hands-on in-house trainings by visiting practitioners to be most efficient and less time consuming. In most cases trainings are donor-funded and thus offered for free; sometimes participants or their outlets cover domestic travel costs. Paid-for courses are available from the Journalism Institute at the Belarusian State University. They last four to ten days and cover 15 different topics from newspaper and broadcast journalism to advertising, media management, and website promotion.

Printing facilities are monopolized by the state. Although there are several privately-owned printing firms, they remain under tight governmental control and thus are similarly politicized.

In principle, newsprint sources are not monopolized. Yet dozens of private papers faced restricted access in July 2011 when Belarus' only newsprint factory stopped selling to non-state outlets. At the same time newspapers were unable to import newsprint themselves, as they could not convert Belarusian rubles into foreign currency because of the government-imposed restrictions on the currency market. As a result they had to pay exorbitant prices, a panelist said. Meanwhile, the locally produced newsprint is still of poor quality, a panelist argued. In October 2011, a state-owned printing firm in the city of Brest informed its clients it would not use standard newsprint because it had been causing breakdowns of its high-speed presses. Outlets were advised to purchase improved, i.e. more expensive, newsprint. Other big printing companies adopted similar practices, according to media reports. At the same time many magazines prefer to place their orders with printing companies in Russia or Lithuania because of much better quality and lower prices.

Access to distribution channels remains a sore point, both for print and broadcast media, a panelist claimed. Most of the press is sold via Belsajuzdruk, a state-owned network of around 1,500 newspaper kiosks, managed by the Ministry of Information, and postal service Belposhta (almost 3,800 post offices and kiosks), owned by the Ministry of Communications and Informatization. Around a dozen private newspapers have been banned from these networks since 2005. Some regional outlets respond to this difficulty by running their own distribution incentives offering subscriptions and street sales of newspapers.

Belarus' government controls broadcast facilities and most of them remain state-owned. Some private television and radio stations own broadcast equipment and cable networks, but hard-to-obtain licenses are needed to operate them.

The telecom infrastructure is almost entirely state-owned and dominated by Beltelecom, a state company. Beltelecom controls international Internet traffic and interconnections of domestic Internet service providers. The same arrangement is in place for phone operators. Almost 60 Internet service providers operate in Belarus and in most cases they own their last-mile networks. With about 1.1 million ADSL subscribers, Beltelecom is the country's biggest Internet provider. Additionally, more than 400,000 subscribers use its IPTV service. Its near-monopolistic hold pretty much everywhere outside Minsk and some bigger cities turned out to be to the benefit of users, one of the panelists argued, as the company kept Internet fees low. It sells two-megabit Internet subscriptions without a traffic cap for less than \$10 a month. Other providers, therefore, had to keep their fees in line.

Meanwhile, by the end of 2011 more than 60 percent of Belarusian Internet users used broadband connections, around 12 percent used mobile Internet, and about 9 percent used dial-up connections, according to Internet research company Gemius. The mobile phone penetration rate is 113 percent of the population and mobile Internet is available everywhere in the country, industry reports said. At the same time, all Internet service providers are supposed to restrict access for state-owned organizations, educational institutions, and libraries to websites on government's blacklist.

Hosting is another problem. As required by a presidential Internet regulation edict adopted in 2010, all companies that sell goods or service via the Internet must use domestic hosting and .BY domain names. While quality of hosting services remain poor, fees are at least two times higher than in Western Europe or Russia, according to a panelist. As a result, popular news websites or those offering a lot of heavy content like streaming video or flash have to either pay those exorbitant fees or employ traffic balancing solutions so that their non-Belarusian users are redirected to mirrors of those websites hosted abroad.

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.

Harmonizing the legal framework regulating the media with European norms and standards, including adopting a new broadcasting code, reforming and modernizing public broadcaster Teleradio-Moldova (TRM), and encouraging investment in the local market were some of the items on the government agenda for 2011; however, nothing has been accomplished so far.



MOLDOVA

The year 2011, like 2010, was extremely political. In fact, politics overshadowed all other aspects of life in the Republic of Moldova. In 2011 the country was led by an interim president, and the first attempt by parliament to elect a president was made at the end of the calendar year, one year after the latest parliamentary elections. Parliament has failed to elect a president for the last two years, as it consists of four political parties without any holding a majority.

In 2011, local elections were held, the results of which in large part reflected the current parliamentary configuration. At the central level, three of the four parties formed the Alliance for European Integration-2 (AEI-2), which succeeded AEI-1 after the elections of November 2010; the Our Moldova Alliance was left out of this alliance. At the local level, however, elected officials united on the basis of other arrangements, according to their interests and not the AEI-2 partnership.

AEI-2, in which many citizens placed their confidence, has been gradually eroding from the inside because of disagreements, revenge, vanity and personal and party interests. Nevertheless, AEI-2 selected and advanced a candidate for the presidential elections who ultimately failed to receive the necessary votes. The Constitutional Court (CC) nullified a second-round vote based on a complaint from the Communist Party that voting violated secret ballot provisions. AEI-2 decided to nominate an apolitical candidate to the presidential position, as requested by the Communist Party, but the alliance could not agree on a joint candidate. The parties are still negotiating ferociously for an apolitical candidate for president.

The situation of the media in Moldova improved slightly since last year, but it only briefly enjoyed the authorities' attention, particularly the attention of the government that had promised reforms. Harmonizing the legal framework regulating the media with European norms and standards, including adopting a new broadcasting code, reforming and modernizing public broadcaster Teleradio-Moldova (TRM), and encouraging investment in the local market were some of the items on the government agenda for 2011; however, nothing has been accomplished so far.

Public confidence in the media is still strong, though distrust appears to be growing, perhaps because of the close relations between media and politics. People are losing their trust in politicians and consequently distrust the media. In 2011 the media benefited from the changes that occurred in 2010 and from better operating conditions. New media outlets continued to appear, and competition increased which resulted in diversification and higher quality journalism. Nevertheless, the Media Sustainability Index (MSI) in Moldova increased only by a small amount. So while progress continued in 2011, the media's health is too dependent on the country's politics to be considered sustainable.

MOLDOVA AT A GLANCE

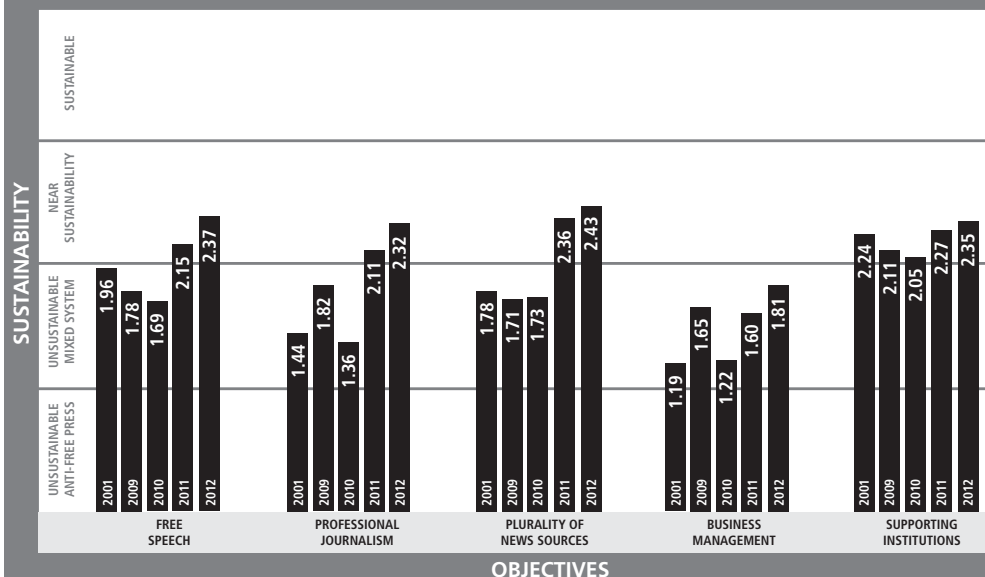
GENERAL

- > **Population:** 3,656,843 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Chişinău
- > **Ethnic groups (% of population):** Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3% (2004 census *CIA World Factbook*)
- > **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 (2010-Atlas):** \$6.456 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$3,340 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 99.1% (male: 99.7%, female: 98.6%) (2005 est., *CIA World Factbook*)
- > **President or top authority:** Acting President Marian Lupu (since December 30, 2010)

MEDIA-SPECIFIC

- > **Number of print outlets, radio stations, television stations:** 207 newspapers, 57 television stations, and 56 radio stations (Moldova National Bureau of Statistics, 2011; Broadcasting Coordinating Council, 2011)
- > **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_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

Moldova Objective Score: 2.37

The progress achieved by Moldova in this objective in 2010 was significant and it was justly awarded a higher score by the panel. In 2011, however, this score did not increase quite as dramatically because, as the indicator scoring definition for a 2.00 suggests, "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." The majority of the panel agreed that the improvement was insignificant and could not be qualified as progress.

Moldovan society, including the panelists, was impressed by the adoption in 2010 of the Law on the Freedom of Expression. This law promised so many changes to the system for protecting the freedom of expression and freedom of the press that former Communist authorities perceived it as a threat. The new political groups that gained power in 2009 were quick to put it on the legislative agenda in their very first year in office, and the law was adopted in the summer of 2010. By October 2011, it had been in force for more than a year.

Some panelists believe that the law cannot possibly function properly because of the extremely corrupt judiciary in the country. Others believe that the law does function and

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

FREE-SPEECH INDICATORS:

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

allowed them to successfully fend off defamation suits filed against them. Veaceslav Perunov, director of the weekly *SP* in Bălți, said, "For example, this year due to this law, we won a suit filed against us for defamation, and we have another case before the court that we are also certain to win on the basis of this law. Maybe not all journalists or editors know the law, but the law at least untied our editorial board, and we were grateful for it in 2011." Petru Macovei, executive director of the Independent Press Association, supported this opinion and added that, "Due to this law, another suit has recently been won that was filed against a number of NGOs by several politicians for publishing a brochure on candidates for parliament that they said libeled them."

A number of panelists insisted that even if the freedom of expression is legally protected in Moldova, it is not a social value. Ludmila Andronic, president of the Press Council (a self-regulatory body created in 2009), justified her low score for this indicator by the fact that the public is not outraged when this right is violated, and Ion Bunduchi, director of the Electronic Press Association (APEL), believes that people are not aware of the value of free speech. The perception of freedom of speech differs in rural and urban areas and also depends on backgrounds and levels of education. Tatiana Ețco observed from her experience as reporter and investigative journalist for the weekly *Ziarul de Garda* that "Sources in rural communities, especially if the community is small and everybody knows everybody, believe that it is not quite appropriate or nice to share information or opinions, especially about delicate matters such as corruption, violations of rights, or abuse of authority. It is much more important for them to feel that they are safe if they are silent than to exercise the right of freedom of expression and risk facing the consequences."

Panelists Dionis Cenușă, journalist, blogger, and coordinator of the *europa.md* portal, and Vitalie Dogaru, producer of programs on *Publika TV*, noted that some groups for various reasons hinder the enforcement of laws and do not tolerate criticism. "Among them one can name certain elements of the Orthodox Church, local and central authorities, extremist parties and some NGOs," Dogaru maintained.

The indicator regarding conditions for granting operating licenses for media outlets improved somewhat in 2011. However, that was not due to more objective, apolitical, or fair conditions for licensing, at least not for broadcasting licenses. According to the panelists, the reason for this increase was the ease with which print media could obtain official registration, simply because the relevant state authorities have become more efficient, and the fact that online media are free to operate without registering or obtaining a certificate from the authorities. Cenușă believes,

however, that because the online sphere is not regulated, “Bloggers abuse free speech and produce reports that attack fundamental freedoms and rights (incitement to hatred, defamation, etc.).”

Regarding the ease in registering a newspaper, Macovei mentioned the example of a newspaper that obtained official registration in two days. “I personally know the experience of *Curierul de Sud*, whose first issue appeared in August 2011. When talking with the newspaper’s owners at the initial stage of registration, I warned them that it would take some time before they obtained it, but two days later they announced that the newspaper had already been registered.” Alexandru Burdeini, editor-in-chief of the business news agency InfoMarket, argued in favor of the high score he awarded to this indicator by pointing out that newspapers and online media have no difficulty in entering the market, regardless of the situation for broadcast media. “Anyone can establish a newspaper,” he emphasized.

As for broadcasting licenses, as far back as 2006 when the Broadcast Coordinating Council (BCC) was established in accordance with the Broadcasting Code adopted the same year, MSI panelists have criticized the manner in which this institution has operated, especially in granting frequencies. Over the years, the BCC has demonstrated that it is subject to pressure from authorities, politicians, magnates and other influential groups in the country. The procedure for choosing BCC members has also been criticized because it encourages selection according to political criteria, which promotes subservience and limits options. The panelists noted that BCC members are still selected according to the same criteria and the procedure for distributing frequencies is equally political and biased. As Ludmila Andronic put it, “Only the players are different,” referring to the three new members of the BCC appointed in 2011. “The regulating authority in the industry is still politically influenced. The three new members of the BCC were appointed according to political criteria. This fact affects the BCC’s capacity to fulfill its responsibilities,” said Bunduchi. Raisa Lozinschi-Hadei, currently a member of the Supervisory Board (SB) of TRM, noted that on November 18, 2011 Prime Minister Vlad Filat stated, *inter alia*, that BCC membership had been politically shared among members of the governing alliance.

To support his allegation that the BCC is incapable of fulfilling its responsibilities because of political influence, Bunduchi gave the example of the Strategy for Covering the National Territory with Broadcasting Services (2011–2015) adopted by the BCC in June 2011. According to him, “The strategy is of extremely bad quality and was developed virtually by a single employee of the institution.” Traditionally, APEL, headed by

Bunduchi, reviews and assesses the quality of BBC documents, but they were not consulted on this strategy.

Panelists also recalled the inability of the BCC and of the state in general to solve the problem of licensing broadcasters in the Autonomous Territorial Unit Gagauz-Yeri (UTAG). The UTAG Executive Committee, contrary to national and regional broadcasting legislation, grants retransmission licenses to cable broadcasters in the region. This problem had been discussed intensely in all forums, including at the highest levels, but it persists.

Market entry for media in Moldova is free, non-discriminatory and generally easy. As the panelists mentioned, anyone can register a newspaper in print or online, and anyone can apply to the BCC for a broadcasting license. Periodical publications are registered either at the Ministry of Justice, according to the Law on the Press, or at the State Registration Chamber, according to the legislation on entrepreneurship. Electronic media, however, in addition to officially registering as a commercial enterprise, are licensed by the BCC. Online media outlets need only to be organized legal entities and are not obliged to obtain any other certificates. Media enterprises are therefore subject to the same tax regime and fiscal rules as other enterprises are.

According to current legislation, newspapers whose advertising does not exceed 30 percent of the contents do not pay advertising value-added tax (VAT), while those that do exceed this figure are considered commercial publications and are taxed at 20 percent. A modification to the legislation made in 2011 and noted by panelists was that the profit threshold for a business to pay VAT was raised from MDL 300,000 to MDL 600,000. This applied to the media too. The media generally comply with this rule, monitored by the Fiscal State Service.

Although market entry is easy and accessible, the participants believe that the tax regime for media should be different from the one applicable to other legal businesses, or at least that media outlets should receive state support. According to the panelists representing the print media, at present, survival in the media market is challenging for newspapers, and business development is out of the question. Advertising, whether social, political, or commercial, is not distributed according to the rules for market competition as certain outlets absorb most of it. For this reason, many can survive only with the help of grants and donations. According to Rodica Mahu, editor-in-chief of the newspaper *Jurnal de Chişinău*, radio outlet Vocea Basarabiei complained of excessive operating fees. “Installing an antenna on a tower of the state enterprise Radiocomunications now costs MDL 100,000 [\$8,300] per month; price increases are ongoing and unexplainable,” she declared.

Tudor Iașenco, director of the newspaper *Cuvântul* in Rezina, noted that in March 2011 parliament adopted a modification to Article 291 of the fiscal code that had a positive impact on the media. Previously, media, like other business entities, had to pay an additional local tax of 5 percent for placing and/or broadcasting advertising. Following a number of campaigns organized by NGOs and media outlets, television, Internet, radio, periodicals, and publishing houses were exempted from this tax. "Of course, this tax exemption is important, but a big problem remains: the state's failure to provide real support to independent media outlets," Perunov noted.

In 2011 no crimes were recorded against media professionals, or even against citizen reporters or bloggers though, as in 2010, there were several cases of harassment of journalists and photographers. The unhappy subjects of news stories generally committed such acts of violence.

Following up on cases discussed in last year's MSI, there was some progress in Ernest Vardanyan's and Victor Ciobanu's cases. Vardanyan was sentenced to 15 years in prison for treason, but eventually was pardoned by the head of the self-proclaimed Transnistrian Republic and released. He and his family now live in Chișinău.

In Victor Ciobanu's case, the police officer that assaulted the journalist was found guilty of having committed a misdemeanor and obliged to pay a small fine. A civil suit against him is pending in court where the journalist is claiming damages.

In December, a team of journalists from Publika TV was attacked by a lawyer representing the Metropolitan of the Orthodox Church of Moldova while they were making a report about a church in the town of Călărași, which passed from the jurisdiction of the Metropolitan of Moldova to the jurisdiction of the Metropolitan of Bessarabia and was obliged by the court to return the assets to the Metropolitan of Moldova. No charges were filed and the lawyer was not held accountable. The journalists did not sustain any serious injuries.

Another recent case is the one of a journalist detained in Transnistria. Although the Republic of Moldova does not have *de facto* control of Transnistria, Moldovan authorities are obliged to ensure the security of its citizens. Nevertheless, on December 11, 2011, election day in Transnistria, Valentina Ursu, a journalist from the Chișinău desk of Radio Free Europe, was detained in Tiraspol for three hours by the local militia on the grounds that she took photographs at a polling station.

The panelists noted that neither the public nor the journalists' guild protests when such cases occur as they are usually considered to be journalistic "mischief." Politicians have often expressed the same opinion. The only public reaction comes from NGOs.

The perception of freedom of speech differs in rural and urban areas and also depends on backgrounds and levels of education.

"In UTAG there were also no attacks against journalists except instances when dissatisfied public officials sometimes threatened journalists with revenge over the telephone," said Valentina Ceban, a correspondent from public radio station Radio Gagauzia. During discussions she remembered that she herself had faced such a situation when reporting on the lack of verification scales at the central market, which proved to be owned by MP Petru Vlah. She was called by the MP himself, who asked her to abandon the investigation. She did not abandon her story, but she did not refer to the MP in the story.

Some panelists also remembered that in Moldova other types of pressure are brought to bear on media professionals. When discussing groups that sometimes prevent the media from enjoying the rights guaranteed by law, Vitalie Dogaru said that they put pressure on the media and attempt to dictate the tone of some articles, and they succeed because journalists are not always strict about maintaining balance. "With the change in techniques for communication with the press, today more and more often we see indirect methods for influencing journalists such as invitations to coffee and restaurants, material and monetary bonuses," he noted.

Ziarul de Garda, which is one of the few investigative newspapers, has experienced reactions to some of its articles. Tatiana Ețco wrote about corruption in the railway sector in Moldova, and as a result, both she and the editorial office were threatened with revenge. "Despite the complaint that we filed with the police, I received no information about whether or not anyone had been identified or if it turned out to be a joke, or anything else," she added.

The panelists identified the recent judgment against *Ziarul de Garda* in a lawsuit filed by two prosecutors as pressure. In August, the Central Court ordered the newspaper to pay MDL 500,000 (\$41,300) in moral damages to prosecutors from Glodeni who were investigated for corruption and subsequently acquitted.

At the very start of discussions, the participants noted that 2011 saw the entry into force of the Law on Divestiture of Public Periodical Publications. This law obliges public authorities that started newspapers to dissociate themselves using one of three methods: dissolution, privatization, or transformation into an official monitor publishing only the official acts of the public authority. Within six months

after this law passed, the government was to present a list of the publications subject to it, but that did not happen. According to the panelists, there are over 40 publications that should undergo the procedure of divestiture. Enforcement will ensure local competition, and public funds will not be automatically “pumped” to public newspapers but will be distributed according to regulations on public procurement. So far, none of the public papers have been divested.

One more problem remains. In 2008, the Independent Journalism Center (IJC) conducted a study that showed that space for “state advertising” (announcements by public authorities) is purchased, regardless of the cost, in violation of the Law on Public Procurement. The panelists believe that NGOs must exert pressure on the authorities to modify this law.

Existing laws protect the editorial independence of media outlets, but there are pressures on them from political parties, authorities, businesses, and other stakeholders. It is especially true in the case of the public broadcasters. Each newly elected administration is interested in placing “its people” in their management ranks. Significant financial dependence on the government makes the independence and institutional autonomy of these outlets fragile.

“For example, a decision on September 28, 2011 of the TRM SB on changing the airtime of the main news broadcast on the public television station Moldova 1 caused a political uproar. Moving up the Romanian newscast necessitated moving the Russian news bulletin, which the Russian minority took as a slight, and indicative of the TRM’s anti-Russian posture. Along with this, TRM lowered the number of Russian news bulletins to be broadcast per day. Due to pressure from the BCC and the politicians, TRM announced in January that the SB would review its decision. Although Article 52 of the Broadcasting Code provides for the exclusive right of TRM governing bodies to modify the program schedule, a member of the BCC and several politicians were troubled by it. Some politicians threatened to request independent management for the company though it receives about 70 percent of its funding from the state budget. The Communist Party [PCRM] even proposed a draft law in parliament to modify the Broadcasting Code to allow the dismissal of SB members at any time,” said SB member Raisa Lozinschi-Hadei.

There are, however, a number of institutions and persons interested in reforming TRM. The administration has developed three plans for reorganizing the public stations—slow-paced, progressive, and comprehensive—that were debated in public. There are signs that tensions at TRM in connection with the first reorganization steps are running high. Recently, Angela Sîrbu, director of Moldova 1, announced her resignation, although less than a week later

she changed her mind after, according to her, she was assured by the company’s management that reforms will be realized in as short a time as possible.

The situation at Teleradio-Gagauzia (TRG) is as bad as it was last year. Valentina Ceban, who also participated in the MSI panel last year, reiterated that the regional broadcaster is still totally dependent on the authorities, both financially and institutionally. “I say with all conviction that the TRG leadership is appointed according to political criteria. Independence is totally lacking. The public television station will never broadcast a single item against the Communists,” Ceban said.

A new chapter on the issue of libel opened in 2010 when the Law on the Freedom of Expression was adopted. This law repositioned the parties in a civil libel suit balancing the responsibilities of each one—so that defendants and plaintiffs now share the burden of proof. The IJC has recently published a commentary on this law written by a lawyer, a jurist, and a judge. Although at first glance the law leaves no room for maneuvering for unbiased judges, they might happen not to apply the law, or to interpret it “in a personal manner” when there is interest, or lack of it, towards the media. For example, the judge in the case of the Glodeni prosecutors against *Ziarul de Garda* issued a judgment that made no reference to the Law on the Freedom of Expression, although that law came into force the year before, citing instead an explanatory decision of the Supreme Court of Justice. The newspaper filed a complaint with the Superior Council of Magistrates (SCM) in connection with this fact and requested sanctions against the judge. SCM found that the judge in question had not followed the procedure prescribed by the Civil Code in what concerns the state tax that the plaintiffs should have paid. SCM ordered an administrative sanction against the judge. Despite this negative example about the quality of justice in Moldova, there are, nevertheless, positive examples.

While access to information laws are generally observed, the legislation makes no reference to bloggers and does not provide them the same unconditional right to information that journalists in traditional media enjoy. For over a year, the State Registration Chamber has been providing information about business entities in a simple electronic message free of charge as it did before. “Some government websites publish more and more information about the activities of institutions, but most often we journalists find that the most salient information stays hidden from the public eye,” said Raisa Lozinschi-Hadei who previously worked as a reporter at *Jurnal de Chişinău*. Moreover, public employees still fear their superiors; many officials are unwilling to speak to the media without the approval of “those in charge.”

Rodica Mahu told how *Jurnal de Chişinău* filed a suit against Apa-Canal JSC last March following the refusal of the company's director, Constantin Becciev, to provide information in the public interest. The newspaper requested a set of documents including the decision of the company's administrative board of December 30, 2010 to purchase a generator worth MDL 25 million (\$2 million) and a copy of a 2007 contract allowing the installation of the generator. Apa Canal refused to provide this information on the grounds that the company, "...is not a central or local public authority, the information is a trade secret," and that "Jurnal de Chişinău LLC (the founder of the newspaper with the same name) is allegedly not covered by the Law on Access to Information." The suit is pending before the court; under the Freedom of Information Law, everyone has the right to seek information.

The experience of *Ziarul de Garda* also showed that practically all state institutions require the approval of superiors when they receive requests for public information. According to Tatiana Eţco, "There are cases when they fail to even reply to the request. For example, this year we requested information about the use of some funds (money distributed for repairs of various buildings), about organizing calls for tenders, and about winning companies from the Ministry of Internal Affairs, but we received no reply, and everyone in the ministry claimed that they knew nothing about our request," she noted. "Also, we requested information about a case of corruption in which the suspects were police officers from the Center for Combating Economic Crimes and Corruption. After multiple delays because the request was 'lost' or because it was not known who was responsible for such matters, we were told that the information was a secret part of the investigation," she added.

The panelists agreed that media access to international news and sources of information, including via the Internet, is not restricted. Nevertheless, participants in the discussions claimed that subscription prices for these foreign sources of information are too high for the "pockets" of editorial offices in Moldova, especially newspapers, though cable broadcasters in Moldova offer subscribers quite a varied package of programs rebroadcast from other countries.

The journalism profession is open to anyone, and when new media outlets appear in the Moldovan market, good journalists are in great demand. While journalists working for media companies have somewhat unfettered access to state institutions, officials do not yet perceive freelance journalists and bloggers as "press." Journalists need special accreditation to cover parliament sessions and government meetings, even if they hold press IDs.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.32

Modest progress was made in this objective in 2011; the score rose 0.21 compared with last year. The quality of journalism practiced in the Republic of Moldova remained at approximately the same level while maintaining the good tendencies registered last year. That investigative journalism is very scarce in Moldovan media; that politics overshadows all other information of public interest; and that the programs broadcast by TRM are of better quality and meet ethical standards are just some of the conclusions the participants reached after debating this topic.

Media outlets in Moldova can be divided into two categories: those that observe journalistic ethics and those whose editorial policies are unethical. Television channels, newspapers, news agencies, news portals—all media outlets in the country can be easily placed into one of these two categories as the politics of their editorial policies are clear. Each outlet does, however, have a somewhat unique editorial policy that makes it distinct from other outlets in the same category. In some the policy varies depending on the government or the owner's interest while in others the policy is consistent but the quality of journalism is arguable. There are several outlets that appeared recently whose editorial policies comply with professional standards but they have not yet proved their consistency.

In addition to the above, there are media outlets in Moldova that practice hostile, unprofessional, virulent, provocative journalism, all of which have a partisan editorial policy

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“In the race for sensationalism, they disregard the presumption of innocence and disclose the identity of children and of victims,” Tatiana Ețco added.

favoring the PCRM (Party of Communists of the Republic of Moldova). Monitoring projects have revealed their disregard for ethical norms. The television station NIT is among the outlets in this category and has frequencies that cover the entire country, but the BCC is helpless to stop the grave violations of the law committed by this broadcaster.

“Many news articles are like bush fires. Journalists ignite, write, and forget. Generally the subject is abandoned, it is not researched and the issue is not followed to the end nor do journalists dig deeper, which causes them to be regarded as superficial and not taken seriously,” said Lozinschi-Hadei. The example she offered in support of this opinion was the public announcement of Prime Minister Vlad Filat that the amount of scrap metal arriving at the metallurgical plant in Rîbnița was several times greater than the amount declared at customs. “What did the journalists of most media outlets do? They wrote news items, faithfully repeating the data made public by the prime minister and no investigation followed, especially as it is known that important state officials were involved,” she added.

Lulia Buzenco, a producer at Radio Moldova, believes that radio and television programs supply the public’s need for information, but that some outlets are constantly in search of sensational material that lacks content and contains grave violations of ethics. “In the race for sensationalism, they disregard the presumption of innocence and disclose the identity of children and of victims,” Tatiana Ețco added.

Scores for the indicator measuring media outlets’ adherence to an ethics code went up. In 2011 media organizations approved the amended Code of Journalist Ethics (presented by media NGOs and developed by the Independent Press Association). For the first time, 88 media outlets and organizations signed their approval. At the same time, the self-regulatory Press Council began active operations examining complaints from media consumers and promoting high-quality, responsible journalism.

Macovei disagreed with this indicator’s increased score in 2011. He believes that the professionalism of the public broadcasters increased by as much as the professionalism of commercial (private) broadcasters, especially of Jurnal TV, decreased. “Judging by the complaints filed by consumers to the Press Council, cases involving Jurnal TV are the most

numerous. I can give examples. In Glodeni, when a girl and her mother were violated by the latter’s common-law husband, Jurnal TV gave out all the details including the minor’s identity. Another case of an ethics violation by this TV station occurred yesterday when Jurnal TV broadcast, in a sensationalist manner, news about an alleged rape committed by an 18-year-old boy against a woman with a hearing disability. Unfortunately, such substandard quality is imposed by the station’s editors who force reporters to obtain as many details about crimes as possible,” Macovei added.

The panelists believe that one of the more serious problems in our country is the press’s role in violating the presumption of innocence. Macovei revealed that the Press Council was apprised many times about this problem. “The case of the daughter of the Ocnita Raion president is symptomatic. Prosecutor Diacov from Chișinău claimed that the husband had killed her, and the media took the information as it was, without observing the presumption of innocence. The worst thing is that the media fails to return to these cases later, because suspects are often acquitted.”

Diana Răilean, a reporter at the Chișinău desk of Radio Free Europe, believes that some responsibility for the fact that journalists disregard ethical norms lies with the departments of journalism that provide insufficient instruction on this subject and with editors who do not wish to train their reporters.

The situation is more difficult during elections when journalists are exposed to political pressure. As for “buying” journalists, Cenușă believes that this practice is widespread among renowned journalists whose articles have an impact on the public. “I came to this opinion after informal discussions I had with representatives of civil society and from personal observations in analyzing material published during elections, and between them.”

Last July, the IJC published a report on monitoring the ethics of some television stations and newspapers. It revealed that since the previous monitoring period in June 2010 “Moldova 1, TV Gagauzia, Radio Moldova, Radio Gagauzia, Prime FM, and Vocea Basarabiei had registered progress in observing professional standards, most of all in observing the principle of impartiality. NIT and PMR TV, however, still fall behind in this regard” as they do with regard to “balancing sources in controversial items.” The report noted the positive fact that the majority of stations had improved the language they used.

As for print media, the IJC report concluded that none of the newspapers monitored (*Timpul de dimineata, Nezaavisimaia Moldova, Observatorul de Nord, Express/Aiin Aciik, Pridnestrovie*) showed significant progress in observing the ethical principles of unbiased presentation of information, of

balancing sources and of identifying opinions, especially in items on controversial topics.

As for plagiarism, the panelists were shocked by the frequency of this phenomenon. Despite the new law on copyrights, journalists rarely go to court to protect their interests. During the year there were mutual accusations of plagiarism (Publika TV v. Unimedia, Unimedia v. Jurnal TV). According to Cenușă, “Bloggers act regardless of journalistic ethics, including rules on plagiarism.” “The zone of ‘virtual reality’ exempts them from any responsibility for disseminating libel without providing evidence and from bearing consequences. Generally, the ‘journalism’ practiced by bloggers is most often irresponsible,” Rodica Mahu declared.

The phenomenon of self-censorship is still present in some editorial offices as it is sometimes caused by the partisan policies of the media outlet. The panelists believe that reporters working for public broadcasters are the most self-censored since they are used to writing only what they are asked to. Valentina Ceban said that reporters at Radio Gagauzia do not practice self-censorship, but those at the public television station need to conform to directions from the administration. “It once happened that there was no television reporter available to attend a certain event, so I was asked to make a report for radio and television. Meanwhile, I was called by the president of GRT herself and told whom I should talk to and whom I should interview,” she added.

Perunov was asked if he, as Director of *SP*, censors his employees; he stated that at *SP* only self-censorship is practiced; every reporter has certain subjects he or she does not wish to write about. “I, for instance, practice self-censorship when facing the issue of religion, of unification with Romania, and other topics I don’t want to write about so as to not bear certain consequences. If I, for example, were to write what I feel about unification with Romania, I would be chased out of the city,” he said.

Rodica Mahu is of the opinion that in Moldova, both journalists and editors practice self-censorship. According to her, “The phenomenon is not general and all pervasive, but it more or less touches all fields of mass media and all media outlets, so that I don’t think there is even one entity that hasn’t committed this sin at least once, more so as some social subjects bind the journalist morally to protect his or her subjects—minors, persons with disabilities, etc.”

According to the report on covering topics of public interest published by the IJC in July 2011, only five broadcasting outlets of the 10 monitored covered all six topics identified (economic crisis, poverty, unemployment, corruption, European integration, and settlement of the Transnistrian conflict). As for print media, topics of public interest were

“The zone of ‘virtual reality’ exempts them from any responsibility for disseminating libel without providing evidence and from bearing consequences. Generally, the ‘journalism’ practiced by bloggers is most often irresponsible,” Rodica Mahu declared.

not covered sufficiently or uniformly by the newspapers monitored. “Only two of the five newspapers published, with varying frequencies, items on all six topics monitored. The economic crisis, corruption, and unemployment are topics of public interest that do not get coverage that matches their importance.” (Report no. 4). This report also revealed that the local/regional newspapers monitored did not offer enough coverage of topics of interest to the local community. The panelists believed that this tendency was characteristic of much of the local media.

According to Cenușă, “In many cases, topics of national interest (dialogue with the EU, international meetings of Moldovan officials) are covered to a lesser extent because of a lack of information from official organizations. Often, because of this lack of information, instead of issues of national and international security the media cover domestic policy, scandals, and political conflicts,” he said. Diana Răileanu considered this problem to be conditioned by the fact that the media outlets in the country do not make their own agendas: these are instead made by business people and politicians. Ion Bunduchi believes that some events are not worth the excessive coverage provided by the media.

The participants in the MSI discussions agreed that salaries are still low. “As they gain experience, journalists cannot support themselves, so they migrate into other, better-paid sectors, most often in communication,” said Dogaru. The salaries of professionals in public and private media outlets are different and are most often better in the private sector, especially television. “The salaries of beginning reporters are definitely smaller than those of reporters with experience, and this fact makes them vulnerable to certain external challenges,” he added, “especially since their experience is still very limited.” According to some panelists, the salaries of journalists are comparable with those of civil servants and of small business persons.

The lowest salary for journalists is still, however, at the level of an average salary in the public sector, and the job market

offers good opportunities to all journalists. The appearance of a number of new print media outlets has led to increased pay for reporters from managers who wish to attract them or from those who want to keep them. Nevertheless, some panelists claimed that many professional journalists must still work for several outlets across various mediums to get by. Raisa Lozinschi-Hadei said that recently there have been attempts to improve the salary situation at TRM. According to her, TRM will increase salaries, but job descriptions will reflect a corresponding increase in effort and efficiency.

Cenușă believes that at current pay levels journalists are vulnerable to corruption. "Bloggers are freelancers. They don't usually receive salaries for their work, but there are rumors that some bloggers intentionally and in an organized way promote certain topics, though there is no plausible evidence confirming the fact that they are paid to do so," he said. "Recently a blogger at the office [of *Ziarul de Garda*] said that in the ongoing political struggle in the country, politicians are competing for bloggers as well," revealed Ețco implying that politicians who can afford to will pay various amounts for positive articles/text written by bloggers.

If the situation with journalists' pay is somewhat satisfactory in the capital, regional salaries are very low. When describing the situation at GRT, Valentina Ceban said that her salary and the salaries of her colleagues are not only low, they are not even sufficient to pay for utilities. "For eight hours of work a journalist at GRT receives only MDL 1,000 [\$82]. In the past four years about 30 journalists left GRT for a different career in search of a decent salary, and the majority of them left the country."

After an explosion of informative programs in 2010, today there is a tendency to return to entertainment programs. Competition forced some outlets that were launched as news stations, such as Jurnal TV, to change the general concept of their programming and switch to entertainment.

Lozinschi-Hadei believes that entertainment programs definitely do not outnumber informative programs, especially after the appearance on the market of niche television stations and news portals offering real-time information. "You can count entertainment programs in Moldova on the fingers of one hand; they mainly occupy morning prime time while news programs are broadcast at almost every hour on almost all radio and TV stations," she added.

The equipment of private media outlets is more advanced than that of public broadcasters. "For example, in 2010 at TRM, more than half of its approximately 500 computers were outdated as was its radio and TV equipment. Through outside funding, the administration obtained modern equipment and improved the situation; they

completely renovated studio number 2 and the radio and TV newsrooms, and reporters in the field were even equipped with laptops," Lozinschi-Hadei said.

Diana Răileanu assesses the equipment of journalists by observing the gear they bring to press conferences. "I see them all with voice recorders; recently, one in three journalists or even one in two has been coming to work with a laptop." As she did last year, Valentina Ceban complained about the outdated and insufficient technical equipment at GRT.

According to panelists, investigative journalism is a problem for Moldovan media. Investigations are very few and the majority of them are published in print media. "Extremely rare are investigations that cause commotion such as the one in *Adevarul* about the request of Vice-President Vlad Plahotniuc to change his name in his Romanian passport, and recently the one in *Ziarul de Garda* about the house General Prosecutor Valeriu Zubco was to move into," said Lozinschi-Hadei. There are no investigations on radio and television. Issues that could have benefited from an investigative approach include the raider attack on four Moldovan banks in September 2011, or a similar attack on the Franzeluta bakery company. According to the panelists, some of the main reasons are limited access to information held by government institutions; high costs; poor professional training of journalists; and the lack of divisions specializing in investigative journalism. Ludmila Andronic noted that in 2011 the number of items on economic topics grew.

The general tendency in Moldovan media is to practice universal journalism. "Most media outlets cannot afford specialized journalists. Efforts were made to give greater visibility to local topics by creating local media networks like Aici TV, canalregional.md and stirilocale.md," said Bunduchi.

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.43

The overall situation for this objective did not change in 2011. Some progress was achieved, but it still depends on certain forces. This year the subject that received the lowest score from panelists was still the transparency of media ownership, which scored almost a whole point lower than the objective.

According to the data published on the BCC website, at present 56 television stations and 57 radio stations operate in Moldova, and according to data from the National Bureau of Statistics, 207 newspapers are published in the country. In addition, 20 news portals operate online, and there are eight functioning news agencies.

With the intensive development of new media technologies and because of the general tendency to make virtual space a place in which the freedom of expression is unrestricted, there was a spectacular increase in the activity of bloggers. According to the panelists, bloggers either won or were given quite an important place among sources of information, but it was unjustified. "Some media exaggerate even when they quote the nonsense and gossip proliferated by some bloggers," declared Macovei. According to the data published on blogosfera.md, which claims to be the heart of the Moldovan blogger community, it is estimated that the number of blogs in Moldova amounts to 2,000. Before December 2011, 1,763 blogs were registered at blogosfera.md. Another blogging platform is VoxReport, which is a Unimedia product including blogs of some renowned persons in Moldova such as journalists Stela Popa, Nata Albot or NGO activist Antonita Fonari. Publika also manages a page dedicated to the blogging community—VoxPublika—that accommodates 60 blogs. Also, a number of politicians, journalists, and representatives of civil society have created blogs and update them regularly.

Just as active are the social networks Facebook, Odniklassniki, and to a lesser degree, Twitter. According to Facebook statistics, its penetration in Moldova in relation to the population is 5.13 percent, and in relation to the number of Internet users it is 17.09 percent. The total number of Facebook users in Moldova is 221,300, and in the past 6 months their number increased by 22,260. Moldova occupies

117th place for registered Facebook users in the world. Most Facebook users are aged 18-24.

Overall, the media market in Moldova offers a sufficient diversity of sources of information. There are politically affiliated media and independent media. The problem identified by the panelists was not that there are politically affiliated media but that citizens are not told exactly who they serve. Diana Răileanu declared that she is not disturbed by the existence of party media, but she wants to know to whom these media support. Raisa Lozinschi-Hadei stated, "Yes, the existing media cover different viewpoints, their form of ownership differs, and they provide citizens with the possibility to form a reasoned opinion if they follow an event using several sources of information."

In contrast to the media in Romania, which was affected by the financial crisis, in Moldova the media do not seem to be affected by either the financial or the political crisis. In 2011, new media outlets appeared in the market including newspapers (*Curierul de Sud*), local and Internet television stations (Sindicat TV), and radio stations (Radio Chişinău).

In Transnistria, however, the situation regarding diversity of sources of information is extremely gloomy. The Tiraspol regime holds absolute control over the majority of sources either directly as the owner or indirectly. Only 10 to 15 percent of the media distributed or broadcast in the region is not government sponsored.

Media outlets in Transnistria include one television station (Pervyi Respublikanskii), one radio station (Radio PMR), and three periodicals (*Adevarul Nistrean* in Moldovan, *Pridnestroviie* in Russian, and *Gomin* in Ukrainian). Opposition media include the publications *Dobryi Den'* in Rabnita and *Chelovek i ego prava*, radio stations Radio Volna and Radio Jelannoe, and Dnestr TV available on the Internet. The opposition newspaper *Novaya Gazeta* ceased publication in December 2010, but it still appears online. *Profsoiuznye Vesti* is an independent publication that does not, however, cover the activities of the opposition and does not publish items of a political character. The administration controls all printing houses in the region. TSV is the only commercial television station, and its owner is the local sheriff who has a monopoly in the telecommunications market (including landline and mobile telephony, Internet access, and cable television).

According to Ceban, from UTAG, "The number of sources of information in the region is too small for people to compare them. Various television stations seem to provide different viewpoints on events, but in essence they express the same position. Newspapers in Gagauzia are very few and nearly all are state owned and have an editorial policy favoring their funder. We have two radio stations—Radio Gagauzia

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Access to Chişinău press in Transnistria is very limited and controlled, including customs tariffs running as high as 100 percent. Some Chişinău television stations can be received in some localities of the region.

and Pro100—but we are pleased that the number of online news portals has grown lately and citizens have the possibility to choose.”

Access to domestic and international media is not directly restricted by law or by any other means. Indirectly, however, by tolerating the monopoly of Posta Moldovei, the only distributor of the press and a state-owned enterprise, access to domestic and international print media is difficult. Moreover, this distributor deliberately facilitates access to some media to the detriment of others. “For instance, the Posta Moldovei catalogue of newspapers and magazines for 2012 offers citizens periodicals from the Russian Federation, Ukraine, and Belarus only and no publications from Romania or other EU countries. The employees of Posta Moldovei interviewed by *Jurnal de Chişinău* said the list of periodicals from Romania arrives every year with some delay and is offered to subscribers later on; Posta Moldovei has no contracts with other EU countries. Periodical publications from the EU and Romania are brought into the republic by two Moldovan business entities,” Lozinschi-Hadei declared.

Access to Chişinău press in Transnistria is very limited and controlled, including customs tariffs running as high as 100 percent. Some Chişinău television stations can be received in some localities of the region.

The panelists noted that people in villages have access to less diverse broadcast media than people in cities, and the economic situation does not allow most of them to subscribe to newspapers or to purchase a computer with an Internet connection.

State-owned print media in Moldova is about to be dissolved following the entry into force in early 2011 of the Law on Divestiture of Public Periodical Publications. As mentioned previously, publications founded by public authorities will be privatized, dissolved, or transformed into official monitors. Although the law is nearly a year old, the authorities have not hurried to obey it. Tudor Iaşenco shared the experience of Raion Rezina in applying this law. “In April the raion council adopted a decision to initiate the dissolution of the joint-venture periodical publication *Farul Nistrean*. In June,

however, the newly elected Raion council (Democratic Party, PCRM, and Liberal Party), nullified the April decision and allocated MDL 262,000 [\$21,600] from the public budget to further support the newspaper. Subsequently, after examining the notification from the Orhei State Chancellery, the Rezina court ruled that the decision of the new administration was illegitimate, but no one is in any hurry to fulfill the court judgment,” he explained.

Ion Bunduchi was asked for his opinion of the programming of TRM and GRT, since he directs the public association monitoring them. He said that, “TRM programs comply with professional standards while GRT programs are biased on TV and somewhat better on Radio Gagauzia.”

Lozinschi-Hadei, the member of the TRM SB present at the panel discussion, declared that informative programs on Radio Moldova and Moldova 1 cover events in the Republic in a balanced manner. “Other programs on TRM were monitored as well, and findings showed that the public broadcasting service covers problems ignored by private broadcasters—culture, ethnicity, education, etc.,” she added.

Despite these positive tendencies at TRM, the panelists had reservations about the whether they would last, especially considering some signals coming from within the company, such as the recent resignation, and reversal of that decision, by Moldova 1 director Angela Sirbu.

Today fewer than ten news agencies operate in Moldova. Many of them are politically independent, something that is less true for Moldpres, which is state owned and therefore vulnerable to political pressure. Subscription prices at these agencies are rather high for many editorial offices in the country, especially for local ones whose representatives claimed that they cannot afford to subscribe. When media outlets use agency sources, in most cases they provide proper credit for the source. Several news portals serve as news agencies and can be accessed easily at no cost. In most cases, news agencies use original sources of information, i.e., state institutions. Finally, new technologies are crowding out the services offered by news agencies.

Ion Bunduchi, who was involved in creating a network of regional broadcasters, declared that original news programming produced by private media has progressed. “The absolute majority of broadcast media, including local/regional broadcasters, produce news. For example, the network established by the Soros Foundation in Moldova includes 17 television stations and 11 radio stations. All of them without exception produce and broadcast news of local/regional interest.” Still, Bunduchi does not consider that the situation is stable since these media are supported, financially and otherwise, by various foreign donors and, without

support, news programs could disappear. The conclusions of Bunduchi are also absolutely valid for Aici TV, a network of eight regional television stations.

According to the panelists, the majority of outlets produce their own programs though frequently local media obtain news from national outlets. "For example, TRG obtains some material from TRM contractually," Lozinschi-Hadei explained. In Gagauzia private media produce their own news programs, but Valentina Ceban believes that they differ only in that each outlet reflects its own position; there is no difference in quality. "It is all poorly made and boring," she said.

Although many media outlets are owned by trusts, the positive aspect is that these trusts are numerous and have different orientations, interests, and principles. Trusts formed by concentrating several media under a single unit of management started to be evident only in 2009. As a rule, in countries with democratic governments trusts exist and are accepted, while in societies governed by authoritarian regimes, which was the case in Moldova until 2009, governments control and/or own the most influential media for the purposes of propaganda and manipulation. The difference between the two contexts is crucial—more trusts mean more different editorial policies, which leads to a plurality of sources for citizens to choose from.

Before 2009, only assumptions could be made about the existence of media trusts belonging to one politician or another. Now, reviewing data provided by the BCC, one can conclude that there are several media conglomerates: Jurnal Trust Media and the PRIME, PUBLIKA, and Aquarelle trusts among others.

Trusts in Moldova still "enjoy" a bad reputation; the very idea of a trust provokes distrust, suspicion, and negative perceptions. This attitude is, however, justified, since the financial and organizational transparency of these trusts is minimal and in some cases even nonexistent. Trust owners are unknown; one usually knows only the name of a business entity. The annual profits of these trusts are unknown. Although this information is submitted to responsible institutions, it is not available to the public. In contrast, in Romania such information is published on the website of the Ministry of Finance. The accessibility of information about the sources of funding for these trusts is very limited.

The transparency of media ownership is a sore point in the Moldovan media market. It is very important that readers know who owns a newspaper, but it is crucial that viewers know the name of the one who, to quote Răilean, "pays" and "conducts the music" at a television outlet. The current Broadcasting Code contains a single article on this issue—Article 66—that lists individuals and legal entities who cannot

establish broadcast outlets (public authorities on every level, public legal institutions financed from the state budget, political parties and groups, enterprises and institutions specialized in telecommunications), and that restricts media concentration in territorial units and, finally, that limits the number of broadcast media that can belong to a single person to two broadcasters of different types. The obligation to inform the public covers only the name and head office, the name of the producers, the frequency signals of radio stations, and the logos of television stations.

The lack of transparency in media ownership has become a concern for politicians as well, although it is known that many of them have interests and direct affiliations with some outlets. Whether their concerns are genuine will be tested when the new draft of the Broadcasting Code comes to their tables for examination. This draft prepared by APEL dedicates a whole chapter to the concentration of media and is quite insistent about transparency of media ownership. The panelists believe that the adoption of this draft law in the near future is quite unlikely.

Petru Macovei believes that, "The lack of information about the real owners of companies in the media business undermines media credibility and creates conditions for manipulating information."

According to Diana Răilean, who produces reports on various topics at Radio Free Europe, Moldovan media outlets do not pay enough attention to social issues such as gender equality, ethnicity, social conventions, religion, and sexual orientation. The reason in her opinion is that reports on these topics do not attract audiences, "...so they don't bring in money."

Programs dedicated to national minorities have an overall cultural character. The Russian minority has access to a lot of Russian-language media and to programs in Russian broadcast by some television stations. "The problems of minorities are covered rarely and only at events organized by interest groups—associations, state or public institutions," Vitalie Dogaru said. "Their diversity is better represented in the blogs of human rights activists than in the media," he added. He believes that one of the reasons the problems of minorities are poorly covered is that the media consider them less important than the social and economic problems of the majority, which affect the entire society, including minorities. The panelists noted that the presence of women in the media has been growing lately, and they feel that a noticeable uptick in coverage of social issues is related.

The panelists agreed that international information and news are adequately covered in the national media. First, cable operators rebroadcast several television stations from the Russian Federation and Romania, and the main news

programs of broadcasters have at least one international news item. Diana Răilean sees a different problem though. “Moldovan media are focused on what happens in Chişinău, on politicians, on business, so that they forget to speak to people about the problems that they are worried about.” According to Ion Bunduchi, broadcasters with national reach leave about 80–90 percent of airtime for topics “from the capital city.” Local/regional problems are covered insufficiently. “As a rule, national broadcasters, with the exception of the public broadcasting company, have no news offices outside the capital,” he said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.81

In 2011 the score given by the panelists to this objective increased noticeably. The MSI panel noted that in past years the media market forced participants to improve their management. One cannot, however, speak of media as a business in Moldova, especially with regard to newspapers, which would not survive in the market without the financial support of donors.

Over the past two years, the number of media outlets has grown significantly and has diversified. The change in the government liberalized access to the market, and competition gave headaches to media managers. The foundations of some media businesses can already be seen, but as the score given by panelists shows, they depend on too many circumstances. The fact that media managers had to rethink their

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.

development strategies is evident in some events that took place—mergers, changing programming concepts, rethinking the format of outlets, etc. However, as Denis Cenuşă said, “Marketing and human resources remain unassimilated by media outlets and are still based on traditional post-Soviet practices. Instead of intelligent policies on human resources, they appeal to primitive means of obtaining professionals on the basis of high salaries.” Bunduchi spotted another problem. “There is no department or division in the country that specifically prepares media managers. A lot of managers in the field, especially at the local/regional levels, are professionally trained in fields that are not related to the media business.”

According to print media journalists who attended the panel discussion, newspapers have a hard time from an economic point of view. Tatiana Eţco, who represents a national newspaper, said that poverty prevents people from subscribing. “Many people prefer the online version of our newspaper, even if sometimes the information is not complete. Taking into consideration the enormous costs of printing and distribution, the outlet sometimes happens to be in arrears with newspaper subscriptions and sales only for revenue,” she added.

Discussions about media revenue centered mainly on the situation facing the national public broadcasting company and the print media. Lozinschi-Hadei spoke about a well-known issue that is widely discussed by civil society—financial dependence on the government. “The amount of money allocated to TRM (70 percent of the budget) makes it somewhat dependent on political decisions. It is known that the advertising market is controlled by the owners of competing TV stations and is not exactly generous, which means there is not enough revenue for the company to develop normally. The introduction of a subscription tax has not yet been seriously discussed,” she said. Ion Bunduchi, who regularly monitors public broadcasters, added that Moldova 1 nevertheless finds other sources of revenue, which is a certain guarantee of independence. He said, “In September, Moldova 1 broadcast advertising from dozens of providers, which guarantees that it cannot be clearly influenced by any of them.”

Regarding sources of revenue of print media, Tatiana Eţco confessed that if *Ziarul de Garda* did not obtain financial resources from various projects, especially those on the fight against corruption and on human rights, the administration would have to choose between political dependence and bankruptcy.

“About 75 percent of the advertising market is supported by large companies (mobile telephony, banks, foreign brands), which usually announce a budget for promotions and employ

agents to deal with them. It is known that the monopoly (about 60 percent) in Moldova in the advertising market is held by one agency (Casa Media), which is close to current officials and operates as a kind of intermediary between advertising agencies and TV and radio stations. It rents airtime from stations and places advertising on the basis of commercial relations, ratings, etc. Cases are known when this agency managed to convince large companies to refuse to advertise on a certain TV station," Lozinschi-Hadei said.

Local media are at the other end of the problem. According to Tudor Iașenco, the amount of advertising that reaches local media is decreasing. "Advertising agencies almost don't work with local media." At the same time, Petru Macovei spoke about pricing that discriminates against media outlets and is imposed by affiliated companies, including advertising agencies, printing houses and distribution enterprises.

When asked about the experience of the outlets they represent regarding "percentage of advertising revenue," all panelists noted the discrepancy between advertising revenues of electronic and print media. "The percentage in the advertising market of every type of media is disproportionate. We have abnormal ratios of TV vs. print media; I believe that the 4 to 5 percent taken by the print media is one of the lowest indicators in Europe, since a normal figure would be 16 to 17 percent," Ludmila Andronic declared.

Some panelists addressed the subject of the legal limit on the amount of advertising. According to the Broadcasting Code, advertisements on television and radio cannot exceed 12 minutes per hour and 15 percent of total airtime, and the legislation on print media limits the amount of advertising in noncommercial newspapers to 30 percent of the total space. Despite these restrictions, Rodica Mahu said that *Jurnal de Chișinău* manages to use only 9 percent of the 30 percent of allowed amount of advertising, and at Jurnal TV the amount of advertising barely reaches 5 percent.

In comparison, according to an APEL study in September 2011, Radio Moldova uses only 9 percent of airtime for advertising, and Moldova 1 uses 33 percent of the maximum allowed amount of advertising. The reason for these low percentages, according to Raisa Lozinschi-Hadei, is that advertising offers are insufficient.

In Moldova, the government does not grant subsidies to private media, and the public media, which will soon be reorganized, are funded from public budgets. The panelists noted the lack of a policy to stimulate the development of independent media. "Fiscal benefits and direct or indirect subsidies for these purposes are not granted (exceptions are media for children, which are partially funded, public broadcasters and public newspapers that are to be phased

out), and attempts to promote European subsidizing practices are blocked by the government with the excuse of insufficient public budgets," declared Petru Macovei, who presented the authorities with a draft law on state support for the media.

As for market research, the situation has not changed since last year. Few media outlets can afford to contract companies to do it.

The panelists spoke about alternatives to costly market research: research done by the IJC as part of a project, the Public Opinion Barometer (survey) which provides some useful information for eventual media strategies and surveys and research conducted by media outlets themselves. Many media outlets have their own websites with sections to solicit users' reactions.

In Moldova AGB is the only specialized agency that conducts audience research, but its services are expensive and some media outlets have repeatedly criticized them. Rodica Mahu mentioned that in July 2011 Jurnal TV refused the services of this company, which, "...provided erroneous data, including that the audience of a political talk show included persons aged four to six, and the audience of some TV stations was bigger when they announced service breaks."

Ion Bunduchi admitted that television audience research could be easily influenced and that advertising agencies are not always guided by data on TV audiences. "How otherwise could the greater amount of advertising on television stations with smaller audiences than the amount on channels with greater audiences be explained?" he wondered.

The panelists also spoke about the timid attempts of the Moldova Audit Bureau of Circulation and Internet (BATI) to audit the print press: only 14 publications cooperate.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.35

Overall progress on this objective was unchanged; the score remained relatively stable. Several members of the MSI panel declared that they knew nothing about the existence of any functional media trade associations.

Although the registers of the Ministry of Justice indicate the existence of several guild associations, they are not active. Denis Cenușă believes that even in the absence of such associations, the owners of various media outlets establish communication channels and certain corporate agreements. "In any case, trusts belong to rival political circles, so consolidating their efforts is unlikely," Cenușă said.

The only association that unites several newspapers, most of them local, is the Independent Press Association, a functional body that helps editorial offices by accessing funding for technical equipment, distributing advertising, and organizing training for media editors, managers, journalists, etc.

The journalists on the panel emphasized the fact that it is difficult to distinguish between professional associations and NGOs protecting free speech since in Moldova the latter are virtually substitutes for professional associations. The only professional associations that exist are trade unions in public broadcasting outlets. Iulia Buzenco and Valentina Ceban, who work for public broadcasters, were asked to share their opinions about the trade unions. Buzenco said that the TRM trade union is active only around holidays, when it collects money for presents, "...and several journalists who are displeased with its activities wanted to withdraw from it, but said that withdrawal is very difficult." Valentina Ceban also did not have a positive opinion about the trade union at TRG: "I got married this year and requested help from the union, but although I had been told that they would give me a certain small amount, so far I haven't received anything." Participants did not have many good words to say about the Union of Journalists of Moldova (UJM). According to them, the UJM is an institution from Soviet times, both outdated and undistinguished.

Several NGOs advocate for freedom of speech and the rights of journalists: IJC, Independent Press Association, APEL, the Acces-Info Center, Committee for Press Freedom, the Young Journalists' Center, and the Center for Journalist Investigations.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

The most active in providing support for journalists are the IJC, Independent Press Association, and APEL, which offer training, lobbying, and legal and professional consultancies. For example, Ion Bunduchi said that APEL is very active in providing assistance with compiling the files of broadcasters that intend to participate in the tender for frequencies and with compiling editorial policy statements for electoral campaigns. "These NGOs promote quality journalism, ethical journalism, civic journalism, and, lately, citizen journalism," added Bunduchi. Also, the panelists noted that these NGOs play an important role in efforts to reform TRM.

The system for protecting journalists is largely the result of the efforts of some of the aforementioned NGOs. The Law on Access to Information, the Broadcasting Code, the Law on the Freedom of Expression, and the Law on Divestiture of Public Periodical Publications were developed and promoted in parliament by NGOs. A number of drafts of legislative acts were also developed by NGOs and at present are the objects of advocacy campaigns.

Among the participants on the MSI panel were several journalists who also work as professors at public universities and trainers in various programs for journalists. Vitalie Dogaru is a professor in the Journalism Department of Moldova State University, a trainer at the School of Advanced Journalism, and very often a trainer for journalists in various programs implemented by NGOs. His opinion about journalism training in state universities is that it provides programs centered mainly on theory. "Departments try to keep pace with the latest modern techniques, but they do not always manage because of the poor equipment available for courses," he added.

As for training and seminars for professional development, Dogaru believes that they have been discredited because some organizations had media-related projects but had nothing in common with journalism. "They did not always meet the expectations of journalists, a fact which questions the need for training prepared in a hurry and lacking impact," he said. Dogaru, like the other panelists, believes that the only institution that takes professional standards into consideration for preparing future journalists is the School of Advanced Journalism run by the IJC. "During the ten months of training, students combine practical exercises with the experience of renowned national and international journalists, which resulted in all graduates finding employment after the last session."

Ion Bunduchi is also a professor in the state university's journalism department, and said that applications have exceeded the university's capacity. "In 2011, the department had 12 applicants for each place," he explained.

In Chişinău there are two printing houses, one state-owned (Universul) and one private (Prag 3). There are several local printing houses, but all are outdated and do not provide quality services to newspapers. The private press generally does not endure pressure from the state or politicians. Lozinschi-Hadei explained that newspapers in Moldova are usually edited in black and white because printing houses do not have the capacity to provide professional color services. "Also, newspapers cannot choose a format different from the existing ones (A2 and A3), since others aren't possible," she said.

There are several means for media distribution. Print media is distributed in the capital city and in several other cities by the private company Moldpresa, and in the country by Posta Moldovei, a state enterprise. Moldpresa distributes the press via the 200 Moldpresa kiosks located in Chişinău, Bălţi, Orhei, Cahul, and Hancesti. As happened last year, all participants criticized Posta Moldovei because it holds a monopoly in distribution services, because it sets prices arbitrarily depending on the number of pages, and because the quality of services is unsatisfactory. Some panelists claimed that there have been cases when the state-run distributor refused to distribute certain papers or set conditions for distribution. "This situation first of all affects the independent press, and to a lesser degree the party press and the press funded from the public budget," Macovei added.

Another issue related to media distribution is the inclusion of local television stations in cable television packages. Cable television is regulated by law so that the providers must include domestic television stations in their offers and ensure a diversity of information sources. A number of electronic media outlets including TRM use the services of the state enterprise Radiocomunicatii, a national operator distributing radio and television programs that also has a monopoly on the market. According to Bunduchi, "TRM has repeatedly pointed out the poor quality of services, but no solutions have been found to redress the situation." Cenuşă believes that, "Online space is the most liberal and accessible where information circulates without obstacles."

The participants' opinions about the quality of the information and communication technology infrastructure differed. Bunduchi believes that the infrastructure currently existing meets the needs of the media industry. "Sometimes it is even more developed than the media's capacity for using it," he said. On the other hand, from the perspective of online media, Cenuşă said that the infrastructure is defective and vulnerable, and for this reason many media sources used foreign hosting services.

List of Panel Participants

Ion Bunduchi, executive director, Electronic Press Association, Chişinău

Petru Macovei, executive director, Independent Press Association, Chişinău

Rodica Mahu, editor-in-chief, *Jurnal de Chişinău*, Chişinău

Iulia Buzenco, producer, Radio Moldova, Chişinău

Turdor Iaşcenco, founder, *Cuvântul*, Rezina

Veaceslav Perunov, founder, *SP* newspaper, Bălţi

Valentina Ceban, program author/reporter/editor, Teleradio Gagauzia, Comrat, Autonomous Territorial County Gaguz-Yeri

Dionis Cenuşă, journalist, blogger, coordinator, www.europa.md, Chişinău

Vitalie Dogaru, lecturer; program producer at Publika TV, Chişinău

Diana Răilean, reporter, Radio Free Europe, Moldova desk, Chişinău

Tatiana Eţco, reporter, *Ziarul de Gardă*, Chişinău

Alexandru Burdeinii, editor-in-chief, Infomarket.md, Chişinău

Raisa Lozinschi-Hadei, journalist, member of the Supervisory Board of Teleradio-Moldova, Chişinău

Ludmila Andronic, lecturer; chair, Press Council of Moldova, Chişinău

Moderator and Author

Doina Costin, media law coordinator, Independent Journalism Center, Chişinău

The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on December 10, 2011.

In 2010, the media community began to show some resolve to stop tolerating the domination of authorities—a trend that continued in 2011.



RUSSIA

In advance of the December parliamentary elections and the March presidential elections, regional media, especially state-owned outlets, fell under very strong pressure to publish panegyrics about the United Russia party. Some state-owned media outlets were barred from selling advertising space to opposition parties. Gazprom's NTV channel aired an investigative piece questioning the objectivity of the elections observer, NGO Golos, because it is financed by U.S. grants.

Independent media outlets also withstood considerable pressure from the authorities but continued to provide balanced information. Several leading independent websites and blogs suffered from distributed denial-of-service (DDoS) attacks surrounding the parliamentary elections. Many journalists and photographers were denied access to the polling stations or were prohibited from taking election-day photos. In the days after the elections, many journalists covering public protests against election fraud were detained and beaten by police.

In 2010, the media community began to show some resolve to stop tolerating the domination of authorities—a trend that continued in 2011. Fedor Kravchenko, managing partner of the Media Lawyers Collegium, noted that he saw an increase in requests to media lawyers from media outlets seeking advice on expressing their civic position while still complying with existing laws.

Federal television channels did not cover public protests against election fraud that took place on December 5 and 6, but they did cover rallies in support of the United Russia party. The political observer of the Kommersant FM radio station, Stanislav Kucher, who has several years of television experience, publicly appealed to journalists working at federal television channels and called them unprofessional for not covering the protests. A reversal came on December 10, 2011, after thousands of people all around Russia came out to protest against election fraud. All federal channels broke their silence and covered demonstrations in Moscow and around the country. Over the following several weeks, opposition politicians, previously unmentioned on television, started to appear in the news. "After December 10, things started to move. Even federal television channels started to show faces that had not been approved officially," said Boris Timoshenko, head of monitoring of the Glasnost Defense Foundation. He added that journalists began asking questions nobody would dare to ask even a month earlier.

Overall, the MSI score increased slightly to reflect these shifts. For example, in 2011 libel was removed from the criminal code, so the score for the corresponding indicator gained ground. All objectives showed modest improvement except for Objective 3, plurality of news, which remained nearly unchanged. However, Russia still has a ways to go to enter the "near sustainability" score category.

RUSSIA AT A GLANCE

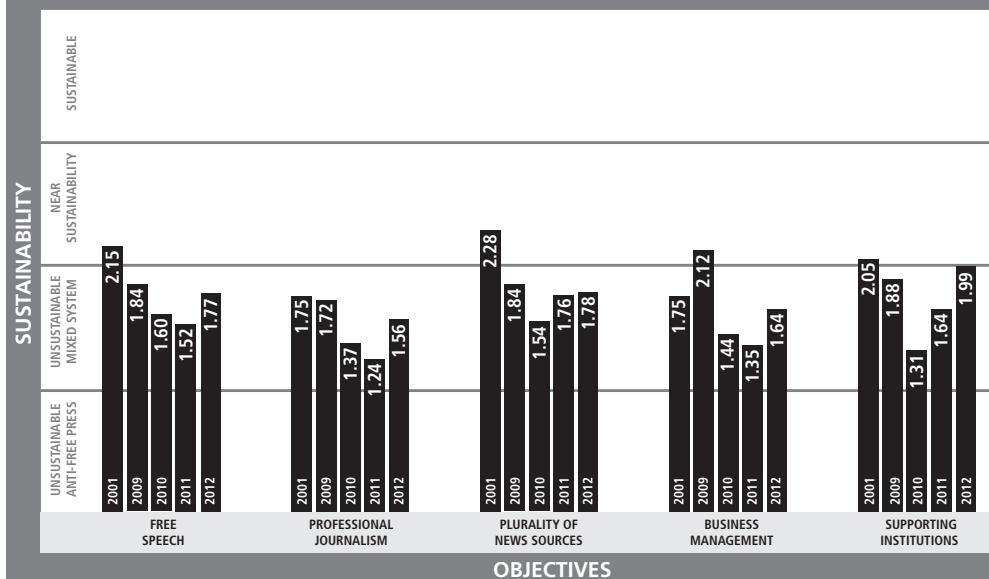
GENERAL

- > **Population:** 138,082,178 (July 2011 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 (*CIA World Factbook*)
- > **GNI (2010-Atlas):** \$1.404 trillion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$19,190 (World Bank Development Indicators, 2011)
- > **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); top three newspapers and daily circulation: *Rossiyskaya Gazeta* (1,262,000), *Moskovsky Komsomolets* (979,000), *Izvestia* (323,000) (TNS Russia, May–October 2011)
- > **Broadcast ratings:** top three television stations: Russia 1 (18.7%), Channel 1 (18.4%), NTV (12%) (TNS Russia, last week of 2011)
- > **News agencies:** ITAR-TASS (state), RIA Novosti (state), Interfax (private)
- > **Annual advertising revenue in media sector:** \$8.46 billion including VAT (2010 est., Association of Communication Agencies of Russia)
- > **Internet usage:** 60 million (2011 est., Public Opinion Foundation)

MEDIA SUSTAINABILITY INDEX: RUSSIA



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

Russia Objective Score: 1.77

The panelists upped their scores modestly for the objective measuring the freedom of speech. Most notably, on December 8, 2011, the state dropped libel and defamation clauses from the criminal code, and thus the score for the corresponding indicator increased by nearly one point—but it still falls shy of scoring with the “near sustainability” range. The scores for indicator 1 (legal and social protections of free speech exist and are enforced), indicator 3 (market entry), and indicator 5 (protection of editorial independence of state media) also showed some improvement. Many of the indicators scored close to the objective score, but four deviated noticeably. Indicator 8 (journalists’ access to local and international news) exceeded the objective score by about a point and indicator 9 (entry into the journalism profession) did so by about three-quarters of a point. However, indicator 2 (media licensing) lost ground and scored more than half a point behind; indicator 4 (crimes against journalists) again had the lowest score in Objective 1 and lagged behind by nearly a point.

Russia’s constitution guarantees free speech. The Russian Media Law, in effect since 1991, also supports the freedom of speech, guarantees editorial independence for all media, and

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

FREE-SPEECH INDICATORS:

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

For example, in Dagestan, independent media protect the rights of citizens by closely following operations of law-enforcement authorities and exposing their wrongdoing. “Without this oversight, law-enforcement authorities would operate without any restraint,” commented Kamalov.

is in line with international human-rights and freedom-of-expression standards. “But there is no consolidated, informal public agreement on what freedom of speech and freedom of journalism mean,” said Elena Vartanova, dean of Moscow State University’s Journalism Department. As a result, elites and other social groups interpret the meaning of free speech as they please.

Irada Guseinova, an analyst for the Center for Journalism in Extreme Situations, feels that laws protecting free speech do not work because journalists themselves do not insist on their implementation. Journalists are often too busy with their work to take time out to fight for their legal rights in court and demand the prosecution of violations against journalists.

Protections for free speech also vary from one region to another, depending on regional authorities and their attitudes to free speech, as well as on journalists’ eagerness to use the laws that guarantee editorial independence. “Part of the print media belongs to the state or is tied to local interests. Another part is just afraid to say something that will be not in line (with the position of the authorities). The fear of being out of line is the worst type of paralysis. And a small but growing cluster of print media are proving that it is possible to be not affiliated with the state, nor the opposition,” commented Victor Yukichev, director of the Institute for Press Development–Siberia.

In 2010 the Glasnost Defense Foundation published the Map of Glasnost, showing the degree of media freedom in various regions of Russia (see <http://www.gdf.ru/map/>). None of the 83 regions were recognized as free. In 16 regions media are relatively free, in 44 regions (including Moscow) media are relatively not free, and in 22 regions media are not free at all.

According to the map, in Dagestan, for example, media experience the highest degree of freedom in the North Caucasus, though that freedom is relative. Ali Kamalov, editor-in-chief of *Haqiqat (Truth)* and secretary of the Union of Journalists of Dagestan, confirmed, “The situation in Dagestan is much better than in Chechnya, North Ossetia, and

“Nobody feels protected in our country; it’s not just the journalists,” commented Maria Eismont, director of the Russian Independent Media Program of the New Eurasia Foundation.

Ingushetia. There, the authorities do not let journalists work; they do not let them come to events, and they restrict access to official information.”

The value that citizens place on freedom of speech and media freedom is higher if people have already experienced the benefits associated with media freedom. For example, in Dagestan, independent media protect the rights of citizens by closely following operations of law-enforcement authorities and exposing their wrongdoing. “Without this oversight, law-enforcement authorities would operate without any restraint,” commented Kamalov. “Now, authorities are afraid of media. *Chernovik (Rough Copy)* was the first to discuss activities of the mayor (of Makhachkala, the capital of Dagestan), who used to be untouchable, as well as activities of judges, prosecutors, and investigators. Without independent media, the situation in the republic would be much worse. Authorities try to buy independent media and pressure them, but they stand strong.”

However, various social groups value the freedom of speech and media differently. “Unfortunately, the society is not consolidated, and different social groups and strata have different media practices and media cultures. The Internet-based media culture of a big city, e.g. Moscow, is very different from the media culture of small cities. There is a digital divide that leads to behavioral, consumer, generation, and cultural differences within the society. I think that if we put a loyal member of the Channel One audience (a federal channel, with the state as a majority shareholder) together with an active Internet user, especially one with a good education and reasonable income, they would not find any common ground for discussion,” said Vartanova. Internet users are more accustomed to free speech and are more likely to value it than representatives of other social groups, the panelists feel.

Infringement upon the free-speech rights of highly reputable media outlets attracts more public attention than cases of pressure on smaller media outlets. The panelists brought up an example, involving Kommersant Publishing House, one of the most reputable Russian media outlets known for high-quality, professional journalism. Russian oligarch Alisher Usmanov, Kommersant’s main shareholder, decided to fire the chief editor of the magazine *Vlast (Power)* for publishing

a photo of a ballot with obscene language addressed to Prime Minister Vladimir Putin. The media community widely condemned the decision, which became the most covered event in the media sector in 2011.

In Russia, only broadcast television and radio need to be licensed. But the panelists said that the licensing process is not fair and apolitical; media outlets affiliated with authorities often receive preferences, which resulted in a low score for this indicator. Internet sites (including online television and radio) have the right to register as media, but it is not required. Print media can publish up to 999 copies without registration; otherwise, they have to register, but the registration is easy to obtain. The main purpose of print media registration is to avoid having several publications with the same name. Bloggers do not need to register as media.

Market entry and the tax structure for media outlets are comparable to other industries, and media outlets are not burdened with taxes heavier than those for other private businesses. Some panelists noted that news media should be treated differently from other types of businesses, because news media provide an important social service. The panelists also noted that in 2011 all Russian businesses, including media, were hurt by the increase of social taxes on salaries paid by business from 26 to 34 percent.

Ten journalists were murdered in 2010, and four journalists were murdered in 2011 (two in Dagestan, one in Moscow, and one in Magadan [in the Far East]). The murder of Hadzhimurat Kamalov, the founder of newspaper *Chernovik (Rough Copy)* in Dagestan that took place on December 15, when the Russian journalism community commemorates murdered journalists, was widely covered by media and caused an outcry in the media community.

Although fewer journalists were murdered in 2011, Timoshenko underscored the growing number of threats received by journalists in 2011 and said that journalists do not feel protected. “Nobody feels protected in our country; it’s not just the journalists,” commented Maria Eismont, director of the Russian Independent Media Program of the New Eurasia Foundation. “The police and courts are dysfunctional. Dysfunctional courts are the main problem. Free speech is not a problem, especially on the Internet. The problem is that nobody is protected, mostly because the courts make arbitrary decisions.”

Many crimes against journalists are not prosecuted vigorously. “Domestic crimes [committed against journalists] are usually prosecuted...But crimes related to professional activities of journalists are not prosecuted properly. And there are suspicious cases when it is not clear if a car accident or a robbery attack was just accidental. Authorities always push the domestic crime version,” said Guseinova.

There are no true public media in Russia, just state-owned media, and there are no separate laws governing operation of state-owned media outlets. In principle, the Russian Media Law equally protects the editorial independence of all media, but in practice, state-owned media outlets serve as an instrument of government propaganda.

As indicated earlier, a major development in this objective was the December 8, 2011, decision to drop libel and defamation clauses from the criminal code. At the same time, the minimum fines for libel and defamation in the administrative code were increased by about three times, and new provisions opened up the possibility for lawsuits not only against individuals but legal entities as well. "And there is a new clause that provides an opportunity for abuse. Now editors can be punished for not taking measures to prevent libel. This means that if the court recognizes some information as libelous, the editor-in-chief can be automatically punished using this new clause," commented Galina Arapova, director of the Center for Protection of the Rights of Media.

Several panelists noted that the abolished anti-libel clause in the criminal code was rarely used even before it was eliminated. Criminal code article 282—on the prosecution of extremism (stirring up enmity against national and social groups)—is much handier for punishing critical voices, as any criticism of authorities can be interpreted as extremism, noted Timoshenko. For example, in January 2011, the court suspended the editor-in-chief of *Vechernaya Riazan* from the job while the editor was under a criminal investigation launched under article 282. The prosecutors claimed that in 2004–2009, the newspaper ran an article that stirred up enmity against the Jewish people and, in 2010, an article that stirred up enmity against the police.

The authorities also use anti-defamation clauses in the administrative code to punish disloyal media. For example, the editors of the independent paper in Berdsk, *Gorodskoy Vestnik (City Herald)*, reported to the Glasnost Defense Foundation that local authorities and affiliated businessmen were lodging numerous court cases against the newspaper, on charges of defamation and business reputation damage, to ruin it financially and drive it out of business.

The Russian Media Law guarantees journalists access to public information, but its implementation remains poor. When journalists send in written requests for the information, authorities often give them the runaround or simply do not reply at all. However, Kravchenko said that in 2011, journalists showed greater interest in protecting their rights to access to information. In 2011 the Media Lawyers Collegium provided more consultations to media outlets on procedures to use to

Women accept a lower level of pay than men, so the lower the salaries, the fewer males there are on staff. According to Kamalov, in Dagestan most journalists entering media now are women, because men find the pay levels too low.

exercise the right for access to public information than during the previous five years combined.

Journalists are not restricted from accessing or using any domestic or international news sources. Media are allowed to reprint and rebroadcast foreign and local news programming, as well as information from news agencies.

Entry into the journalism profession remains free. The government does not in any way control entrance to journalism schools, and a journalism degree is not required to be a reporter.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.56

In general, Russian journalism hardly meets internationally recognized professional standards of quality. Most general-interest news media outlets belong to the state, and their output is better described as propaganda than news reporting. Only a few media outlets are committed

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Only major media outlets, usually national ones, can afford journalists who cover specialized issues, such as health and economics, and who do investigative reporting. "Regional media cannot let journalists specialize; the editorial staff is too small," commented Guseinova.

to providing fair, objective, and well-sourced information to their audiences. Accordingly, this objective, measuring professional journalism, again received the lowest score of the five objectives. Nonetheless, the objective regained a moderate amount of lost ground as several indicators received better scores from panelists.

Journalists working in media outlets affiliated with authorities might have learned to juggle facts and quotes from experts to imitate fair, objective, and well-sourced reporting, but they do not cover many key events and issues because they are censored by the authorities, and journalists often practice self-censorship as well.

"Some events just never appear in the media; similarly some newsmakers never appear. Yavlinsky (head of the democratic Yabloko party) was not mentioned for a long time, until his party entered the electoral campaign. Media outlets, especially the state ones, have lists of people who should not be mentioned. In some places these lists are written; in others they exist on the level of common understanding," said Yukichev.

At the same time, there is a relatively small group of independent media that adhere to principles of fair, objective, and well-sourced reporting, cover all key events and issues, do not practice self-censorship, and adhere to high ethical standards.

The Code of Professional Ethics for Russian Journalists, adopted by the Russian Union of Journalists in 1994, is well in line with international standards. There is a Big Jury responsible for reviewing ethical conflicts and violations of ethical standards by journalists. There are also media outlets that have their own ethical codes, and strictly follow them. But in general, as several panelists noted, journalists generally follow their own ethical standards rather than professional ones. Yukichev noted that as long as there are no common rules in the media sector—and some media serve the interests of authorities while others serve their audiences—it is impossible to agree on common ethical standards.

In most cases the pay level for journalists and other media professionals is commensurate with the average pay level. In general, salaries in bigger cities are higher than in smaller cities, and journalists in Moscow earn the most. For example, in the first three months of 2011, the average salary in Russia was about RUB 21,000 per month (around \$722), but RUB 39,000 (\$1,340) in Moscow. In Dagestan, by contrast, it was only RUB 10,000 (\$343). Kamalov said that as an editor-in-chief, he made RUB 25,000 per month (\$860), while regular journalists in state media in Dagestan made RUB 10,000 to RUB 15,000 (\$345–\$515).

According to Eismont, who works with independent regional media, the pay level for journalists varies a lot. She explained, "I know media outlets where journalists make RUB 7,000–8,000 (\$230–260); in other media outlets journalists make RUB 30,000–40,000 (\$1,000–1,350). The latter amount is sufficient to live on. I don't know how people can live on RUB 8,000 or even 12,000 per month, given that just utility bills amount to RUB 4,000 (\$130) per month."

The level of pay correlates well with the number of male journalists on staff. Women accept a lower level of pay than men, so the lower the salaries, the fewer males there are on staff. According to Kamalov, in Dagestan most journalists entering media now are women, because men find the pay levels too low.

Differences in pay levels encourage younger and more qualified journalists to move from smaller to bigger cities and from regions to the capital. Often journalists leave media to take jobs in public-relations companies and departments where salaries are higher.

Many panelists do not believe that the level of pay and the level of corruption are related. Taking or not taking gifts for favorable coverage depends, rather, on the personal values and beliefs of a journalist as well as on an outlet's editorial culture. However, advertorials are an important source of revenue for many media outlets, and often editorial and advertorial materials are prepared by the same journalists. Anna Koshman, executive director of the Alliance of Independent Regional Publishers (AIRP), noted that it is standard practice for journalists to be paid about four times more for an advertorial article than for an editorial one.

Federal (national) television channels are the only media that reach all people in Russia, and on these television channels entertainment programming has eclipsed news and information programming (and news is biased in favor of the authorities). At the same time, there are media that specialize in news and information programming, and many of them are available online.

Facilities and equipment for gathering, producing, and distributing news are sufficiently modern and efficient. Media outlets affiliated with authorities often have better equipment than their independent, private counterparts, and media outlets in big cities are better equipped than media outlets in smaller cities, but this does not affect the quality of journalism. Many regional media outlets lag behind Moscow-based media in terms of Internet presence and mastering multimedia technologies. “We are doing a small research project on development of multimedia in Russian regional newspapers. The situation is just catastrophic,” said Vartanova. “Sometimes the website of a newspaper is managed not by its editorial staff, but by some outsourced specialists, and site content has almost nothing in common with the content of the newspaper.”

Only major media outlets, usually national ones, can afford journalists who cover specialized issues, such as health and economics, and who do investigative reporting. “Regional media cannot let journalists specialize; the editorial staff is too small,” commented Guseinova. As a result, the coverage is driven by events and press releases, while there are very few analytical materials on any topic.

The quality of local reporting varies a lot from one location to another, commented Eismont. Some cities may have a great local newspaper, a radio station, or a city forum where citizens exchange local news, but in many locations high-quality local news is not available. For example, out of 36 district centers in the Moscow region, only six have independent local newspapers.

Blogging and other social media platforms offer regular citizens an easy way to publicize any information they have, including the results of their own investigations. For example, in August 2011, database specialist Victor Simak discovered an admission fraud scheme in one of Moscow’s medical universities. Simak wrote about the scheme on the university’s online student forum. In comments to his post, students added new pieces of information confirming the story. Then independent media picked up the story, and eventually it even made it to the federal television channels. The media coverage prompted a criminal investigation at the university, and the head of the university was fired. Still, bloggers will never be strong substitutes for professional journalists, commented Yukichev, because they post information if and when they please, rather than making any commitments to the audience to provide information on a consistent, regular basis, as professional journalists do.

Independent media outlets often use blogs and other social media as sources of information and tips for stories. The site of the Echo of Moscow radio station and the news portal Slon.ru provide blogging platforms for individual bloggers,

Furthermore, Guseinova noted that a great number of news sources do not necessarily mean a variety of information or viewpoints: “Every day I look though a lot of information...and I often read the same information in different media, reprinted from each other.”

thus increasing the amount of information and commentary available for their audiences. Many online sites of media outlets allow people to comment on and even report news themselves, which also increases the amount of news and commentary available to the audience.

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.78

The overall score for this objective did not change this year. The scores for indicator 2 (citizen access to news) and indicator 5 (private media produce their own news) increased noticeably, based on the panelists’ impression of improvements over time. These two indicators were the only ones to exceed the objective score by more than half a point. On the other hand, the scores for indicator 6 (transparency

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Vartanova noted that the quality of international news available to citizens is declining as well: "Journalists talk a lot about the financial crisis, demonstrations in Greece, the criticism of Berlusconi, but they do not analyze the international situation and how it relates to Russian foreign policy. As a result, people hardly understand what is happening in the world."

and concentration of media ownership) and indicator 8 (the media provide news coverage and information about local, national, and international issues) moved in the opposite direction. The score for indicator 3 (state or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest) once again drew the lowest scores for this objective, lagging behind the objective score by more than a point.

A majority of general-interest news media are owned by the state, which comprises federal, regional, and municipal executive authorities. "We have estimated that 80 percent of print media belongs to the state," said Arapova. "State officials say that 80 percent of the press is private. But these are mostly entertainment and advertising media, which are not very important. The majority of media outlets that cover social and political issues belong to the state. If we look at the regions, very few newspapers that cover social and political issues are private."

According to the Public Opinion Foundation, 48 percent of Russians used the Internet on a monthly basis in 2011, and 17 percent of Russians were using mobile phones to go online. Still, those numbers do not describe the vast differences between regions. In Moscow and St. Petersburg the monthly Internet audience makes up 67 to 68 percent of the adult population; in Tyva this number is only 29 percent, and in Mordovia it is 34 percent.

People with Internet access can easily obtain a lot of national and international sources of information, including blogs and social media, and gain access to many points of view. But people who watch only federal television channels get a very limited picture and a very limited number of viewpoints. "I know people who get news and information only from blogs, and they are much better informed about the situation in the country than those who only watch television," commented Arapova.

The role of traditional print media as a source of information is decreasing. In Dagestan, for example, Kamalov said, "People watch television more than they read. The press circulation is decreasing there, as in all regions. In 2003, my newspaper had a circulation of 23,000 copies; now we have only 11,000. Over the past 10 years, the circulation dropped almost twofold. This is because of Internet and mobile phones. Newspapers in national languages suffer most of all. People study national languages less and less. And the postal service does not deliver newspapers to small villages, where elderly people, who are the main readers of these newspapers, live."

Furthermore, Guseinova noted that a great number of news sources do not necessarily mean a variety of information or viewpoints: "Every day I look though a lot of information... and I often read the same information in different media, reprinted from each other."

The government does not restrict citizens' access to domestic or international media. People are not required to register with authorities to gain Internet access, own a satellite dish, or use any other type of media. Sites that publish translations of foreign publications are available. Access to foreign-based social media platforms, such as Facebook, Twitter, and YouTube, is not restricted, and their popularity in Russia is growing rapidly. People in larger cities have greater access to media sources, compared with people who live in smaller towns and villages, but the rapid development of Internet access is closing this gap.

There are no public media in Russia. State media are not independent of the state and the ruling United Russia party and do not follow a public-service model. State media mostly provide favorable reporting on government leaders, virtually ignoring the opposition. State federal television channels even ignored mass protests against elections fraud on December 5 and 6, though they covered major protest rallies on December 10 and 24. Only state television channel Russia K (previously called Culture), which offers cultural and educational programming, somewhat resembles public television, noted Yukichev. Still, it is worth noting that in 2011 the Russian president said several times that Russia needs public television, and in December 2011 he ordered the government to prepare a plan for the launch of a public television channel in Russia.

Major news agencies that offer a variety of multimedia services belong to the state. There are a growing number of regional news agencies that distribute a lot of information free of charge through their sites and generate revenue by providing media-relations services to various clients, e.g., Rosbalt (rosbalt.ru), Independent Information Agency (24rus.ru), and UralInformBuro (uralinform.ru). Major media outlets

use news produced by news agencies. At the same time, many news agencies turn their sites into full-fledged online media.

Private media produce their own news and information programming. The quality of news and reporting in private media is often higher than in the state media, the panelists feel. Most reputable Russian general-interest and business newspapers, like *Kommersant*, *Vedomosti*, *Nezavisimaya Gazeta* (*Independent Newspaper*), and a number of regional newspapers are private. Small local private media produce their own local news and often become the main source of local news both for local citizens and bigger regional, and even national, media.

Media ownership in Russia is not transparent. According to data published by the Russian Agency for Press and Mass Communications, 50 national media companies account for 50 percent of press circulation and 60 percent of advertising revenue. Another 90 to 100 interregional and regional media companies account for an additional 25 percent of circulation and revenue. Twenty free television channels belong to nine companies. The state is the largest media owner in Russia. Business conglomerates own media outlets, but the level of property concentration in the media sector is low, noted Vartanova, especially in newspaper, magazine, and radio segments.

Mainstream media do not reflect a broad variety of social issues. Topics of gender, ethnicity, social convention, religion, and sexual orientation are often avoided or covered stereotypically. There are minority-language media that are often financially supported by the authorities, but they are available only to people who know the language. There are no community media.

However, blogs and special-interest forums considerably broaden the spectrum of social interests present in media, and in many cases such news breaks first in blogs and social media, then eventually makes it to the mainstream media. For example, during summer 2011, several bloggers reported about physicians refusing to give official disability diagnoses to disabled children because they received instructions to reduce the number of officially recognized disabled people—a bid to improve the disability statistics. The issue was actively discussed by bloggers, and some stories were picked up by individual media outlets, including online TV Dozhd and the online newspaper Gazeta.ru.

People living in smaller towns can find fair and balanced information about their hometowns only if there is a local independent newspaper, radio station, television station, or city forum where citizens share information. In 2011 state-affiliated companies bought up a number of independent media outlets, so in some cities people

“Revenue from subscriptions is limited by the monopoly of the post office and the authorities’ pressure on press retail networks. The advertising market is stagnant. And the pre-elections period proved that authorities can easily put pressure on media outlets, using fire and sanitary inspections, and destroy even a stable business,” said Koshman.

lost access to high-quality local information. Vartanova noted that the quality of international news available to citizens is declining as well: “Our international journalism is deteriorating, so we do not get a detailed explanation of international developments. Journalists talk a lot about the financial crisis, demonstrations in Greece, the criticism of Berlusconi, but they do not analyze the international situation and how it relates to Russian foreign policy. As a result, people hardly understand what is happening in the world.”

The Russian media sector still has a lot in common with the centralized media model developed in the USSR. During Soviet times, Moscow-based national media covered national and international news. Regional media, based in regional capitals, covered regional news. And local media covered local news. This situation has not changed much. People in Russian regions get international and national news from Moscow-based media, while local media concentrate on local news.

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.64

With a slow economy in 2011, newspaper advertising grew only about 4 percent, less than the rate of inflation. Independent media outlets continued to suffer from unfair competition with state-owned media, which received state subsidies and preferences and also played in the advertising market. Nonetheless, panelists awarded somewhat better scores in several indicators, and the objective picked up ground previously lost. Most indicators scored close to the objective score. However, indicator 3 (the advertising market) beat the objective score by nearly one point, while indicator 5 (government impact on the market) lagged behind by the same magnitude.

The federal agency that oversees advertising exercises only lax control over state media, so they are able to publish officially prohibited types of advertising, e.g., advertisements of fortune-tellers and of uncertified medicines.

The Russian media market is distorted by unfair competition between state-owned and private media. "State media receive funding from state budgets, are distributed for free, and get favorable treatment in terms of licensing and entering the digital television packages, and at the same time they compete in the advertising market with private media that lack any of the above-mentioned privileges," commented Kravchenko.

In 2011 the increase of the social tax of 26 to 34 percent levied on the staff salaries also hit media outlets severely. "I know several media outlets that worked hard over the past several years to make their operations transparent and comply with all accounting requirements, up to the point when all salaries were paid officially and all financial transactions were transparent. They paid this 34 percent tax for a couple months and realized that they have to go back to the gray economy or close down. And they went gray [paying their employees under the table]," said Eismont. Later, the social tax was reduced for general-interest news media, but media outlets that publish both general-interest

and advertising newspapers have difficulties using this tax break.

To achieve financial sustainability, many private regional media companies diversify, e.g., publish several entertainment and advertising publications to earn revenue that supports the flagship general-interest newspaper. Many also launched websites, and some have radio and television stations and printing facilities that provide services to other media outlets and clients.

Although editorial independence is protected by law, as business entities media outlets are not adequately protected—and that affects their bottom line as well. The authorities often use fire and sanitary inspections to pressure disloyal media. For example, a fire inspection was used to shut down the printing facility of the publishing house Krestianin (Peasant) based in Rostov-on-Don.

Local authorities also sometimes put pressure on local advertisers, asking them to place advertisements in state media rather than independent media, and on local press distribution networks, asking them to give preferential treatment to state-owned media—which undermines the revenue base for independent media. "Revenue from subscriptions is limited by the monopoly of the post office and the authorities' pressure on press retail networks. The advertising market is stagnant. And the pre-elections period proved that authorities can easily put pressure on media outlets, using fire and sanitary inspections, and destroy even a stable business," said Koshman.

The funding of bloggers is not transparent. "There are many bloggers who get paid for writing against certain people and groups. This is a very common, and dangerous, practice," noted Koshman. "There are very few bloggers who earn advertising revenue. But this is a shadow economy, and it does not add credibility to bloggers."

In the first nine months of 2011, the Russian advertising market grew by 25 percent. The growth rates in different sectors of the market vary considerably. Internet advertising grew 57 percent, advertising on cable television grew 41 percent, advertising on regular television grew 25 percent, and newspaper advertising grew just 4 percent. Still, broadcast television gets the largest share of the advertising pie. In the first nine months of 2011, 88 percent of advertising revenue went to regular television, less than 1 percent went to cable television, 15 percent went to the Internet, 4 percent went to radio, and only 3 percent went to newspapers. According to TNS Russia, in the first nine month of 2011, the number of companies that advertise on television (about 20,000) far exceeded the number of companies that advertise on radio (slightly more than 2,600) and in press (9,800).

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.

Top-50 advertisers account for just over half of the advertising budget in Russian media. The majority of these advertisers are big international companies, and they place their advertisements based on market principles.

While the Russian advertising market is relatively well developed, it is quite monopolized and skewed in favor of federal media based in Moscow and media outlets in major cities with a population of more than one million people, commented Koshman. Major advertising agencies ignore local newspapers in small cities, and these media get only local advertising.

The Russian media community has not developed any standards on the ratio between advertising and other sources of revenue. The Russian Law on Advertising sets limits to the amount of advertising in media: 15 minutes per hour on television, 20 percent of air time per day on the radio, 40 percent of space in non-advertising print publication. Advertising publications can use 100 percent of their space for advertisements.

Tight competition for advertising revenue forces high-quality independent newspapers to make some controversial business decisions, e.g., selling front pages to advertisers or wrapping newspapers in advertising spreads. Koshman commented, “Even *Delovoy Petersburg (Business Petersburg)*, a highly reputable newspaper, is selling its front page (to advertisers). This practice started a year and a half ago. The advertising market dropped and still has not recovered. Serious independent publications lost half of their advertising revenue. They cut their expenses by 2.5 times and continue to operate under these very tight conditions. As they still fail to restore their advertising revenue, they have to use some controversial methods to get advertising money.”

State media are allowed to sell advertising. The federal agency that oversees advertising exercises only lax control over state media, so they are able to publish officially prohibited types of advertising, e.g., advertisements of fortune-tellers and of uncertified medicines. State media also receive direct funding from the state budget, enjoy a number of other privileges; the price at which they can afford to sell advertising considerably distorts the market.

The panelists also expressed concern over the contracts for information services that authorities make with media outlets. Under these contracts, media must publish advertorials about activities of the authorities. “It is not always obvious to the reader that this information was paid for by the government. These materials look like editorials,” noted Arapova. “This is a hidden way of presenting information the way that state authorities find appropriate. In essence, this is hidden advertising.”

The authorities award contracts for information services not only to state media, but to independent media as well. According to Dmitriyeva, in 2011 the authorities sometimes used these contracts to put pressure on independent media: media outlets were told that if they published critical materials about the United Russia party, they would not get information service contracts.

Tight economic conditions limit the ability of media outlets to use marketing research. Only large media can afford to order professional third-party research. The bigger media outlets use the results of regular market research conducted by such companies as TNS Russia and Synovate Comcon, and the smaller ones do without marketing data.

Broadcast ratings and readership of print media are measured only in bigger cities and for a limited number of media. For example, within the framework of its National Readership Survey, TNS Russia measures 206 national publications in cities with a population of 100,000 or more. The sample includes 65 cities. At the same time, the Russian postal service offers subscription for 466 national newspapers, and the number of national publications is even more. There are two organizations that measure and certify circulations, but they again cover only part of the existing media outlets.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.99

In 2011 the score for three out of eight indicators for this objective increased notably, and a few others increased slightly, accounting for the increase in score. Indicators 2 (professional associations), 3 (NGOs support free speech and independent media), and 5 (short-term training) led the improvement. All indicators, however, scored within half a point of the objective score.

There are several trade associations representing media owners and managers. The Guild of Periodic Press Publishers (GIPP) has more than 400 members, including 250 regional media outlets. GIPP members publish more than 3,000 newspapers and magazines. The National Association of TV and Radio Broadcasters includes more than 200 members. Membership in the Alliance of Independent Regional Publishers (AIRP) is conditioned on adherence to principles of editorial independence. At the end of 2011, AIRP had 62 members. According to Koshman, AIRP's executive director, membership dues cover only part of the operational expenses of the Alliance; some projects are funded by grants. Both GIPP and AIRP offer its members training and consultative services and lobby the government on behalf of their members. GIPP

"I think that academic programs are detestable. I judge by our Journalism Department; I teach there now," noted Arapova, who also teaches in the Journalism Department of the Voronezh State University. "I think that this is a complete profanation of academic teaching. Students graduate completely unprepared."

and AIRP cooperate with the World Newspaper Association and the World Editors Forum.

The panelists were rather critical of the Russian Union of Journalists, although Koshman said, "This year, many people say that the Union of Journalists is working a bit better." The Russian Union of Journalists conducts various events, including days to commemorate the memory of journalists who died on duty. It offers legal consultations to its members and supports the Big Jury that settles conflict situations related to journalistic ethics.

Letters from media associations also helped secure the reduction in the social tax for general-interest news media, along with lobbying efforts in regular meetings with ministry staffers. As state-owned media also had to pay, there might have been some behind-the-scenes lobbying involved as

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

well, though it is difficult to say for sure. Eismont noted that existing informal social networks of journalists are effective enough to protect media outlets that are being pressured.

There are NGOs that support free speech and independent media, but the conditions of their work are becoming less and less favorable. "We have NGOs, but they are few, and the government strangles them. In the past, the NGO sector was quite developed, but then the government suppressed it," said Dmitriyeva, of the Media Development Loan Fund. The Russian government is pushing international donors out of the country. There are Russian government grants for NGOs, but NGOs that support free speech never get them. "Our state authorities don't think that we are worth supporting, though they eagerly send their staff to the seminars that we conduct using foreign grants," commented Yukichev.

In general, the quality of academic journalism programs is not very high. "There are quality programs in two or three universities: the new program in the Higher School of Economics, at the Humanitarian University in St. Petersburg, in Rostov-on-Don. The majority of universities are following the certified programs, but who teaches? In most cases the teachers used to be Soviet journalists, and regardless of the program, they tend to regurgitate their past experience," said Yukichev. "I think that academic programs are detestable. I judge by our Journalism Department; I teach there now," noted Arapova, who also teaches in the Journalism Department of the Voronezh State University. "I think that this is a complete profanation of academic teaching. Students graduate completely unprepared."

Guseinova noted that many graduates of journalism departments do not enter the media but take jobs in public relations instead. As a result, media outlets often fill entry-level positions with people who have no journalism education.

There are short-term training opportunities for journalists, but not many. Media outlets are ready to pay for training for advertising sales and financial staff and for designers, but not for journalists. "They still don't consider journalists to be the most precious asset of media companies and don't see the need to invest in building their qualifications," noted Yukichev. In the past, NGOs provided the bulk of training to journalists, but as the availability of grants shrank, the number of seminars decreased.

In general, the sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, not restricted, and operate as efficient businesses. Still, the authorities can use administrative mechanisms, e.g., fire and sanitary inspections, to put pressure on any business. For example, in 2011 the private publishing house Krestianin

(Peasant), based in Rostov-on-Don, contracted with a local chapter of the Communist party to print their leaflets in its printing facility. City authorities unofficially asked the management of Krestianin not to print these leaflets. The management refused, and the next day fire inspectors came to the printing facility and closed it for three months. Krestianin is a member of the Alliance of Independent Regional Publishers (AIRP), so this case caused an outcry in the media community. Krestianin appealed the decision of the fire inspection in court, and after three weeks the court revoked the closure of the printing facilities.

There are also instances when state-owned printing facilities refuse to publish newspapers that carry critical materials about authorities. For example, the Kostroma Regional Print House, which belongs to the Kostroma region authorities, refused to publish the second and all subsequent issues of *Moi Gorod–Kostroma (My City–Kostroma)*, which was launched in Kostroma in June 2011, so the newspaper must use the printing facilities in the neighboring region.

Problems persist surrounding distribution of print media as well. In big cities, where there are several distribution networks, the situation is better, but in small cities, where the Russian Post is the only distributor, the situation is very bad, commented Yukichev. In 2011 the authorities closed many press kiosks, explaining it as a cosmetic step to improve the appearance of the cities. For example, in June 2011 the Department of Architecture of the city of Yuzhno-Sakhalinsk ordered local press distributors to remove their kiosks from downtown and to buy new kiosks for placement elsewhere. There were also instances when issues of newspapers and magazines were removed from newsstands or bought out en masse. For example, Publishing House Kommersant reported that the July 4 issue of *Vlast (Power)* magazine, containing a critical article about the former governor of St. Petersburg, Valentina Matvienko, was removed from St. Petersburg newsstands after press distributors received a call from the city authorities.

The Internet is not controlled, but as noted earlier, in 2011 there were a number of DDoS-attacks on independent news sites. For example, on December 4, the day of parliamentary elections, DDoS-attacks paralyzed the sites of the Echo of Moscow radio station, *Kommersant* newspaper, *Bolshoi Gorod (Big City)* and *The New Times* magazines, Slon.ru news portal, and LiveJournal blogging platform.

Information and communication technology infrastructure in Russia sufficiently meets the needs of media and citizens. There is still a considerable gap in terms of Internet use between large and smaller cities, but it is filling quickly due to the growing use of mobile Internet. According to the survey that Public Opinion Foundation conducted in summer

2011, over the previous six months the number of people using mobile modems to go online increased 44 percent to 16 million people (13 percent of the adult population). Mobile modems are the principal mode of Internet access in small cities (with a population of less than 50,000) and in rural areas.

List of Panel Participants

Galina Arapova, director and lead attorney, Center for Protection of the Rights of Media, Voronezh

Veronica Dmitriyeva, CIS regional program director, Media Development Loan Fund, Moscow

Maria Eismont, director of Russian Independent Media Program, The New Eurasia Foundation, Moscow

Irada Guseinova, CIS countries analyst, Center for Journalism in Extreme Situations, Moscow

Ali Kamalov, secretary, Union of Journalists of Russia; secretary, Union of Journalists of Dagestan; editor-in chief, *Haqiqat (Truth)*, Makhachkala, Republic of Dagestan

Fedor Kravchenko, managing partner, Media Lawyers Collegium, Moscow Office, Moscow

Olga Kravtsova, director, Center for Journalism in Extreme Situations; coordinator, Frontline Project in Russia, Moscow

Anna Koshman, executive director, Alliance of Independent Regional Publishers, Moscow

Boris Timoshenko, head of monitoring, Glasnost Defense Foundation, Moscow

Elena Vartanova, dean, Journalism Department, Moscow State University, Moscow

Victor Yukichev, director, Institute for Press Development – Siberia, Novosibirsk

Moderator and Author

Natalia Kosheleva, director, Inter-regional Institute of Media Consulting, Moscow

The MSI panel convened on December 8, 2011.

Telekritika Board Chair Nataliya Lygachova-Chornolutska underscored that the regime does not pay for its public relations, as its predecessors had to do. The media provide public relations coverage of the authorities for free, simply for the chance to survive.



UKRAINE

Ukraine's political development in the past few years has been an uninterrupted relapse to a level more associated with authoritarianism, corruption, selective justice, and crony capitalism. Over the course of 2011, President Viktor Yanukovich's administration stepped up its efforts to silence the opposition and stifle independent voices, and the private media did not escape its attention.

In an article published by Telekritika, Otar Dovzhenko observed that society's apparent indifference has helped the government move against media freedom while the government merely imitates democratic attributes. He characterized 2011 as a year of habituation to the symbolic walls between the authorities and the society, with Putin-style press-conferences and Brezhnev-style inarticulate answers to simple questions. He decried the parade of loyal faces in the president's pool and their servile stories while reliable and proven reports on corruption and other crimes led to nothing.

In 2011, media professionalism sank—especially among television outlets—with journalists and media managers succumbing to self-censorship and a desire to appear loyal to the government. Valeriy Ivanov, president of the Academy of Ukrainian Press, said in an interview with *Korrespondent* that such politically committed television did not exist even during the infamously oppressive presidency of Leonid Kuchma. Telekritika Board Chair Nataliya Lygachova-Chornolutska underscored that the regime does not pay for its public relations, as its predecessors had to do. The media provide public relations coverage of the authorities for free, simply for the chance to survive. No matter how much money opposition parties might offer, the majority of television channels and many print media will not pick up their stories. This is true not only for *jeansa* (paying for positive news coverage) but for marked advertising as well, she said.

Kostyantun Kvurt, board chair of Internews-Ukraine, noted that this was a year of testing how much pressure citizens and institutions can withstand. Except for a new law on access to public information, which entered into force in May 2011, the situation for the media worsened, he said. Regulations and court practice are aimed at protecting the business interests of groups and individuals close to those in power. This year's bout with television licensing—in which private regional stations were effectively cut out from the digital transition—devastated many broadcasting companies that had been building their business for years.

Viktor Danylov, director of TRC Rivne-1 television and head of the publishing house Ogo, emphasized that the media are still experiencing the effects of the economic crisis, yet he found cause for optimism. Ukraine still has centers of media resistance, he said, including in the regions. As long as such publications as *Ukrainska Pravda*, *Levyi Bereg*, and *Lviv Expres* circulate, the government cannot ruin everyone, he said.

UKRAINE AT A GLANCE

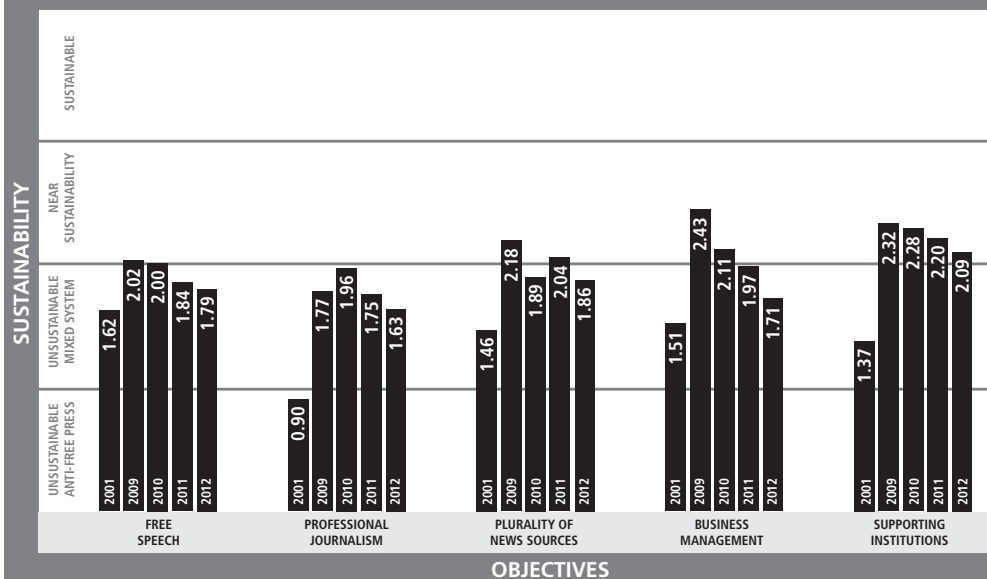
GENERAL

- > **Population:** 44,854,065 (July 2011 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 (2010-Atlas):** \$137.9 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$6,580 (World Bank Development Indicators, 2011)
- > **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:** Top three dailies (all private): *Segodnya*, *Fakty i Kommentarii*, *Komsomolskaya Pravda v Ukraine* (2011 TNS research)
- > **Broadcast ratings:** top television: Inter, Studio 1+1, TRK Ukraina, ICTV, STB, Novyi kanal (all private); top network radio: Hit FM, Radio Shanson, Russkoe radio (all private) (MMI)
- > **Annual advertising revenue in media sector:** television: \$416 million, print: \$305 million, radio: \$34 million, Internet: \$55 million (All-Ukrainian Advertising Coalition)
- > **News agencies:** Interfax (private), UNIAN (private), Ukrainski Novyny (private), Ligabiznesinform (private), RBC-Ukraine (private), UNIA Ukrinform (state-owned)
- > **Internet usage:** 15.3 million (*internetworldstats.com*)

MEDIA SUSTAINABILITY INDEX: UKRAINE



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

Ukraine Objective Score: 1.79

Basic provisions for the freedom of speech and free media exist at the level of the constitution. Panelists agreed that Ukraine has good media laws but they are not implemented. Media lawyer Lyudmyla Pankratova said that the situation remains more or less the same from year to year, because even if the legislation improves poor implementation practices, additional regulations end up canceling out the improvements.

Moreover, there is no social demand for free speech; people do not insist on exercising their rights and do not fight for them. In the same way that Ukrainians have not supported protests of Afghanistan veterans and clean-up workers of the Chernobyl nuclear disaster site, they will not stand up for journalists and the media. Ilona Fanta, editor-in-chief at the media company Zhyttya I Dilo in Poltava, speculated that the indifference is probably due to the lack of respect for the journalism profession in Ukraine. Lyudmyla Gumenyuk, executive director of the Media Reform Center, gave different explanations: "So far, Ukrainians have failed to connect the freedom of speech and the media with their own welfare or their chances for a free and good life. Moreover, they will never stand up to protect, for instance, television—as Czech

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

FREE-SPEECH INDICATORS:

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

Pankratova said that Ukraine has seen no real progress in investigation of crimes against journalists. She noted that increasingly, journalists are blocked from doing their jobs, especially in shooting photos or videos; they are banned from covering certain events; or they are hauled into court.

citizens protested to support their television—because they do not believe that television is capable of pursuing social interests. Rather, it exists to advance those of the regime or parties."

Ligachova stressed that the government and politicians also do not value the freedom of speech. In the two years since Yanukovich became president, the government has increased its control over media editorial policies, regarding television in particular, through collusion of power and media oligarchs. People connected to the presidential administration and the Security Service of Ukraine control the editorial lines of the private Inter channel and the state-owned Pershyi Nacionalnyi, for example. Often the two channels demonstrate a unified information policy.

On January 13, 2012, the ruling party in parliament engineered the removal of Andriy Shevchenko, MP from Tymoshenko's oppositional block, from his position as head of parliament's Committee on Freedom of Speech and Information. In an interview he gave to the Ukrainian Independent Information Agency (UNIAN), Shevchenko described the action as politically and personally motivated, and marred by a number of regulatory violations. He said that he believes that the ruling party wants to control the committee until the parliamentary elections. He also said that his concern "is connected with protection of journalism and free speech... The parliament has actually become the machine to vote in the president's and the government's initiatives... The story of the law on access to public information is rather a unique exception from the general cheerless picture. The committee was, and must continue to be, a source of information regarding pressure on the media and other hot issues endangering free speech." On February 23, 2012 the parliament elected Yuri Stets, MP from the oppositional faction Nasha Ukraina-Narodna Samooborona to head this committee.

Despite the fact that several old and new laws protect journalist sources of information, Ukraine lacks effective procedures to ensure that journalists are not compelled to

According to Pankratova, if state television and radio companies have editorial statutes, they are not publicized. Although the law requires public and private broadcast media alike to publish editorial statutes, regulations are not enough to ensure control of editorial quality or transparency of television companies' policies.

disclose their sources. Ukrainian law also lacks guarantees to appeal the unlawful search of journalists. Such practices lead to self-censorship and inhibit the activities of investigative reporters.

Even in their homes, journalists cannot feel secure that their materials won't be searched or taken by law enforcement bodies. Two recent high-profile cases exemplify the problem. In one incident from January 2011, involving the blogger and activist Olena Bilozerska, police confiscated all of Bilozerska's data storage drives and recording devices in relation to a criminal case that she witnessed. Bilozerska's case has been petitioned to the European Court for Human Rights (ECHR). Another case took place in Kharkiv in July 2011; police searched the offices of online review and newspaper *Glavnoe*, along with the Bat'kivschyna opposition party office and some neighboring premises, in connection to a criminal case that had no relation to a newsroom.

Panelists said that at least two more incidents had occurred in which the authorities asked journalists to disclose their sources, but media lawyers of the Regional Press Development Institute supplied the journalists with adequate legal arguments to stop the requests.

Dmytro Dobrodomov, general producer of Lviv's ZIK channel (Mist TB), said that his success story is an exception to the general rule: in December 2010, the Lviv district court attempted to ban ZIK's investigative program *Who Lives There?*, which covered the corrupt activities of the head of the Lviv railway. Despite the court's decision, the program was broadcast thanks to sound legal arguments, and the plaintiff finally revoked his claim. Moreover, after the Higher Council for Justice heard the case, the district court judge was sanctioned for his decision.

This year, the National Television and Radio Broadcasting Council of Ukraine (NRADA) started working intensively to implement digital television, which is a great milestone for Ukrainian broadcasting, panelists said. However, the principles

of provider selection and distribution of places in the digital space shocked the industry, and several scandals erupted over the distribution of frequencies among electronic media.

As Ihor Rozkladai, a lawyer of the Media Law Institute, said in an interview with *Telekritika*, "This year put an end to the hope that digital television will develop according to Western examples. We got a monopoly digital provider with Cyprus [offshore] roots, and it is not known who is behind it. Digital competition brought new players to the market such as Bank-TB [the channel of the National Bank of Ukraine], but left regional broadcasters hanging indefinitely. Moreover, the methodology of the license fee approved by the Cabinet of Ministers this year introduced artificial barriers to the development of new technologies of signal delivery, first of all, for IPTV."

In his UNIAN interview, Shevchenko, too, expressed concerns over television licensing. Due to unprecedented competition for digital frequencies, the majority of regional companies lost an opportunity to broadcast in digital after 2015, when analog television will be withdrawn. Oppositional TVi was denied, and 5 kanal received only of the two frequencies it requested. The opposition's Crimean TRC Chernomorskaya landed in this situation as well, Shevchenko said, and Rivne-1, TRC Chernivtsi, and TV-4 in Ternopil face the same problem. These reputable companies are well established in the regions, but NRADA introduced new players that have never broadcasted in the market, and granted them licenses for years ahead.

Tetyana Lebedeva, honorary chair of the International Broadcasters Association, said that out of the 68 private regional broadcasters across Ukraine, only the independent and professional company VTV plus in Kherson received a digital license by chance. Dobrodomov confirmed that out of the three mighty regional broadcasters in Lviv in operation for years, none received a digital license. State and municipal companies received licenses with obvious preference and free of any obstacles, violating the principle of equality of proprietorship. Loyalty to the regime in light of the forthcoming elections was the necessary pre-condition—a notion articulated rather openly.

Licenses went also to many companies that were set up on the eve of the competition. For instance, national frequencies went to five newly established and interconnected companies, while the existing national media group 1+1 did not receive all of its expected frequencies. Moreover, there were attempts to cancel the so-called universal programming service, which allows analog broadcasting companies to be present in cable networks.

Initially there was loud talk about protests and lawsuits, but finally the industry just surrendered and submissively accepted the results, choosing not to quarrel with the power and NRADA, Shevchenko said. By comparison, Lebedeva said that for the previous seven years, while she was a NRADA member, no regional companies lost the right to broadcast for political or other reasons, although various interest groups fought with each other.

The only two remaining places in the digital multiplex were reserved for two television companies, as a tool of further pressure. Dobrodomov mentioned another lucky regional broadcaster, Avers, in Lutsk, which managed to obtain a license only due to great pressure from local governor. Panelists named many cities that echo this example, such as Chernivtsi, Kharkiv, and Sebastopol.

Kyiv Post journalist Vlad Lavrov expressed concern with the non-transparency of the licensing process and the ownership of some of the new license winners, as well as the licensing crackdown on channels that have expressed criticism of the government.

In January 2012, the district administrative court of Kyiv refused to satisfy claims filed by the channels TVi (three legal entities), Malyatko-TV (children's channel), and TRC Era, who appealed the results of the digital competition. At the time the MSI chapter was prepared, a few more channels had filed similar lawsuits at the relevant regional courts (TRC Chernomorska in Crimea, TRC "Chernivtsi," and SAT-plus in Donetsk oblast).

Newspapers and news agencies are subject to registration at the Ministry of Justice, and so far, obtaining registration has not proven complicated. Yevgen Rybka, chief editor of projects at LigaBiznesInfrom agency, stressed that the only achievement in this area is that the current regime has not yet introduced licensing requirements for Internet media and bloggers.

The government imposes no additional conditions on media businesses. Simply launching a television or radio station is the hardest part, as interested parties need frequencies and licenses, said Fanta. Kvurt said that entry to the media market—especially broadcasting—is substantially aggravated if you are not close to the ruling elite. This is true for other business segments as well.

Ukrainian Publishers Association General Director Oleksiy Pogorelov commented that the new tax code has complicated the VAT exemption, which is already applied absurdly. Electronic and print media are treated unequally, he said—if you sell content in print, you have tax privileges; if you broadcast ads or sell online, you are at a disadvantage. The business conditions are not favorable for media, despite its

The new Law on Access to Public Information, along with amendments to the Law on Information adopted in January 2011, came into force in May 2011. Many panelists called it the greatest achievement of the last five to six years.

social responsibility. Pogorelov argued that the state should take better care of media, otherwise running a media outlet is no different than selling alcohol or tobacco.

Journalists continue to endure threats to their physical safety as well. In his UNIAN interview, Shevchenko commented: "For the last two years, attacks on journalists increased... Especially alarming is the attitude of law enforcement bodies and the militia toward the journalists. In 2011, at Tymoshenko's court hearing, photojournalists were thrown away by the scruffs of the neck, and one of Berkut officers commanded to his subordinates: 'Hit their legs!' Purposely they were destroying or taking away equipment." On July 6 and 7, Berkut and Grifon police forces physically dislodged the journalists from the courtroom.

Shevchenko said that such harassment never happened under Kuchma's presidency, and added that the most dangerous form of censorship is when journalists are afraid for their health and lives.

Many panelists expressed the opinion that the government creates the illusion of taking steps to improve the situation regarding journalists' safety, but in reality does nothing. Crimes against journalists are not rare, and are investigated slowly, according to Fanta. Pankratova said that Ukraine has seen no real progress in investigation of crimes against journalists. She noted that increasingly, journalists are blocked from doing their jobs, especially in shooting photos or videos; they are banned from covering certain events; or they are hauled into court. Cases of crimes against journalists make it to the courtroom are closed or re-qualified as simple hooliganism or light physical injury. Judges refuse to recognize many acts as crimes against journalists, which fall under article 171 of the criminal code.

In March 2011, the general prosecutor's office opened a criminal case against ex-president Leonid Kuchma related to the murder of prominent investigative journalist Georgiy Gongadze in 2000. Some observers expressed concern that the purpose was to exert pressure on his son-in-law Viktor Pinchuk, a well-known oligarch. Others commented that the true purpose was to put an end to accusations toward

Kuchma. The district court closed the criminal case in December on the grounds that it was opened illegally, as Melnichenko's tapes and other statements did not constitute legal proof. The Court of Appeal confirmed this decision in January 2012, and the general prosecutor commented that the decision will be appealed again in the next instance. Gongadze's widow might petition the case to ECHR.

In the case of Vasyl Klymentiev, the editor of Kharkiv newspaper *Novyi Styl* that disappeared in August 2010, the police named two suspects, and continue investigating two questions: Was the disappearance unrelated to the journalist's professional activities, or was the crime against Klimentiev pre-arranged by "enemies" to discredit officials? Dobrodromov mentioned two cases of consecutive attacks against ZIK channel journalists that were simply closed, without explanation and despite high publicity, availability of video proof, and the highest law enforcement officials promising to personally control the investigation.

Other crimes in 2011 included injuries to the photojournalist Maksym Trebukhov, when he reported on protests staged near the parliament on November 3. Armed police dislodged peaceful protesters along with journalists. In July, the apartment door of Oleksiy Matsuka, editor of *Novosti Donbass* in Donetsk, was blocked and set on fire, with a funeral wreath left nearby. Oleksandr Vlaschenko, a journalist of *Nashe Misto* and the website *Novosti-N*, was shot on October 16. He survived despite a bullet to the head. Police opened a criminal case and soon arrested suspects, but the police claimed that the perpetrators were simply robbers because they took Vlaschenko's camera recorder and cell phones. Rybka mentioned that a photojournalist for *LigaBiznesInform* was forced to delete photographs taken during a tax police raid at *Incom* company.

On November 23, a coalition of media support groups presented a petition to the general prosecutor's office, the Ministry of Internal Affairs, and the presidential administration demanding proper investigation of crimes against Ukrainian journalists. The coalition included members of the Stop Censorship movement, the Ukrainian Media Association, the Independent Media Trade Union of Ukraine, and the National Union of Journalists of Ukraine, and worked with support from the International Federation of Journalists and Reporters without Borders. The petition listed the cases of Gongadze and Klymentiev along with more than 40 attacks and violations of journalist's rights in recent years, and named 45 journalists that have died since 1992.

The president ordered the General Prosecutor's Office to properly investigate crimes against journalists, and in July, the president set up an inter-agency working group to analyze compliance with free speech laws and the protection of

journalists' rights. Headed by Press Secretary Darka Chepak, the working group includes other members of the president's administration, the General Prosecutor's Office, the State Department of Guard, the State Committee for Television and Radio Broadcasting, the Parliamentary Committee on Freedom of Speech and Information, the National Union of Journalists of Ukraine (NUJU), the Institute of Mass Information, Reporters without Borders, and *Telekritika*. The group conducted several assemblies and discussed the most serious cases. It is not yet clear whether the group will be able to accomplish any goals.

On July 4, OSCE and Reporters without Borders held a workshop for the State Department of Guard on interaction with the media. The department also conducted explanatory work among its employees on tolerance and cooperation with media.

In January 2012, the Ministry of Interior reported that law enforcement bodies filed 139 criminal cases involving crimes against media employees. There is a clear upward trend; the report states that Ukraine had 64 similar cases in 2000, 88 in 2006, and 98 in 2010. According to the deputy general prosecutor, out of 108 cases checked, only three cases actually related to preventing journalists from executing professional activities.

There is no political will to privatize state or municipal media, as the government wants to maintain its grip on power. However, according to a *Telekritika* interview with Tatyana Kotyzhynska, president of the Ukraine Association of Media Lawyers, a draft law on reforms for state and municipal media is pending, and was proposed by Stepan Kurpil, MP and a branch chairperson for NUJU. Kotyzhynska said: "Behind the talks that municipal media are interested in receiving state funds and do not want to cut their leash, in fact, there is a hidden stubborn desire of the power to have the resources to praise local officials, moreover for more than modest budget money."

Fanta said that all appointments of municipal media editorial boards are made from above. Editorial independence of municipal media exists, but is very limited. The country has no laws that give explicit privileges to state media journalists, but they are guaranteed a higher level of social security.

According to Pankratova, if state television and radio companies have editorial statutes, they are not publicized. Although the law requires public and private broadcast media alike to publish editorial statutes, regulations are not enough to ensure control of editorial quality or transparency of television companies' policies. Lebedeva stressed that the state television and radio company has neither an editorial statute nor editorial or supervisory boards, and lacks transparency in its financing. The shameful law on state

support of state media still influences staff decisions and activities, Lebedeva added.

Another draft law on public television is awaiting the president's submission to parliament. The risk of a simple change of a label from state television to public television remains, as it appears that compliance with international standards is just window dressing. Experts are sure that there is no political will behind the draft law, so no positive progress in this area can be expected.

Libel has been considered a civil law issue since 2011; however, the burden of proof rests with the defendant. According to Pankratova, there were no high-profile defamation cases during the last year, and no outlandish damage claims. In practice, prosecutors have difficulty proving moral damage, but some courts may favor a certain plaintiff.

Most worrying, a new law on court fees opened the door for huge damages into the millions of hryvnias. Court filing fees now cannot exceed three minimum salaries, i.e. a total of about UAH 3,000 (\$370), while previously, claims for more than 170,000 UAH (\$20,920) were subject to a 10 percent filing fee. As a result, 2011 saw at least two court decisions awarding damage sums against media totaling tens and hundreds of thousands of hryvnias. For instance, in December 2011, the Luhansk district court ruled in favor of Luhanskteplovoz company in its claim against for damage to its business reputation, and awarded damages of UAH 250,000 (\$30,764). As *XXI Vek* ran the story a year ago, its editor connected the timing of the case with the decrease of litigation fees.

The earlier 10 percent fee did not stop large businesses from filing suits, but it did make smaller businesses think twice, and some fear that the change may continue to encourage more officials and district deputies to file lawsuits. On the other hand, media could benefit from the change when filing appeals. For example, a few years ago, the weekly *Biznes* appealed a claim for damages of about UAH 22 million and had to pay 10 percent of this amount in fees.

Danylov and Rybka mentioned a new cause of concern regarding libel: user comments on websites. Although no one has filed a lawsuit so far, the politicians and officials that have attracted negative comments have complained and tried to obtain IP addresses. According to the law, if there is no way to identify the author of the comment, the final responsibility for users' comments lies with the entity that technically enables their placement, i.e. the website owner.

The new Law on Access to Public Information, along with amendments to the Law on Information adopted in January 2011, came into force in May 2011. Many panelists called it the greatest achievement of the last five to six years.

The public information law introduced short turnaround terms (five days, with few exclusions), the citizen's choice of any form of request (verbal, written, e-mail, etc.), and the obligation for the government to proactively publish information. Obtaining the expected information depends heavily on whether journalists formulate their questions properly and refer their questions to the appropriate source.

Panelists agreed that this law will require a few years to be implemented fully. The Cabinet of Ministers and the Ministry of Justice put up the most obstacles to this law's enforcement. For instance, the regulation on publishing public information on the Internet was adopted only on November 21 and published on December 27, 2011. According to Pankratova, the new laws provide appropriate legal tools, but it will take time to learn how to use them and train the authorities to respond to requests. Judging by the court decisions now available in the register, there has been movement in the right direction, and it has to cemented.

Some panelists said that implementation is improving gradually, while others expressed more doubt. According to Kvurt, the government wants to hold up the access to information law as a success story, in an illusion of transparency. In her interview with *Telekritika*, Kotyzhynska said that the laws are up against ingrained habits. "This law relies on European thinking of officials, deputies, and citizens," she said. "If an official who earns a salary all his life and does not hide his luxurious lifestyle, but just refuses to inform the public about the sources of his fortune, if authorities hide excessive expenses and threaten journalists who reveal this with court cases, and if citizens only dare protest in their kitchens, of course, the law is not yet working well."

In addition, the law on information has unified accreditation procedures and defense of journalist sources. Rights of print media journalists are now expanded to include all contributors, including freelancers. However, accreditation rules require journalists to carry documents confirming their status, and this enables authorities to abuse journalists' rights. The same rules may also restrict freelancers and journalists of websites—which cannot register as media. In addition, the law lacks a specific list of accrediting documents; before, journalists needed either a press card or membership in a professional union.

Lebedeva added, however, that she sees prospects for journalists' solidarity in regard to access to information: one request can be ignored, but likely not a dozen requests sent by journalists from different regions and media. Although panelists agreed that the number and promptness of replies has increased, the quality and completeness of answers remains low. Vitaliy Kamenskiy, director of TRC VTV Plus in

Kherson, mentioned that receiving comments from certain officials remains difficult. Fanta added that often, officials do not consider it their duty to communicate with journalists. They refuse to be interviewed by telephone, and often try to get their boss's permission before talking to journalists.

Gumenyuk stressed that the laws on access were very positive achievements, but they were leveled immediately by other media-related laws and regulations, such as the law on protecting personal data and the reanimation of the litigation fee. Panelists also pointed to the Constitutional Court explanation of October 21, which states that evidence received by non-authorized persons cannot be legitimate.

Panelists also decried a law, adopted October 18 on first reading, that increases the scope of the National Expert Commission for Protection of Public Morality. The law allows the commission to forego court resolution and proper arguments and arbitrarily fine a media outlet, withdraw its registration or license, and block its relevant website. Despite a presidential decree threatening to liquidate the commission, it is still active and lobbying for more authority.

The law on protection of personal data, which came into force in July, brought the burden of registering personal databases, with substantial fines for non-compliance. Many court decisions that substantiate authorities' refusal to provide public information are based on the provisions of this law. For instance, in January 2012, the court refused to satisfy *Ukrainska Pravda's* claim for release of information on the amount that Yanukovich paid to the state for his residence land at Mezhygirrya, because he has not provided his consent to collect, store, use, and disseminate confidential information about him. His refusal is allowed under the law on personal data.

Tetyana Riktun, a journalist and the director of the Information and Press Center–Sebastopol, remarked that not all journalists in Crimea have taken advantage of the new law on access to information. Earlier, many complained about the 30-day waiting period for a reply, but now with just a five-day period, they still aren't using this tool. She also added that positive legal novelties are contradicted by the accreditation regulations that various city and district councils adopt. For instance, in Sebastopol, officials may ban a journalist's access press conferences and official interviews, and journalists may be denied accreditation for one year if found in violation of regulations. In Simferopol, journalists cannot interview a deputy if he/she does not want to be interviewed. According to Riktun, in November 2011 the Crimean parliament initiated amendments to the law on access to information, and that might cancel all achievements of the law.

Oleg Khomenok, senior media adviser of Internews Network, added that accreditation problems are seen in other cities of Ukraine, in the Cabinet of Ministers, and in the Kyiv city administration. A journalist for the investigative reporting website of the Information and Press Centers (IPC) in Simferopol was blocked from attending an event, as the website is not a registered media outlet.

The law does not restrict access to or use of local or international news sources, though economic reasons and/or language barriers often limit access. Ligachova stressed that Ukrainian media would use foreign news sources more frequently, but cost is a prohibitive factor. She mentioned that the number of regional radio stations re-broadcasting BBC Ukrainian service had dropped, before the BBC ultimately closed the service for economic reasons.

Pogorelov mentioned that he is unhappy that Ukrainian media do not provide enough or relevant information about Ukraine for consumption abroad, and as a result, reports on Ukraine are not complete and often become distorted in foreign media.

Panelists noted that Ukrainian media outlets violate each other's intellectual rights very frequently, leading to many lawsuits. Sergiy Guz, executive secretary of the Independent Media Trade Union of Ukraine and former *Sobytie* editor-in-chief in Dneprodzerzhynsk, mentioned that *Sobytie's* owners require its journalists to sue violators for stolen stories, while the owners do nothing to protect copyrights.

Generally, entry into the profession is free. According to Guz, this sometimes is a negative, because media owners can easily get rid of inconvenient professional journalists and hire new people off the street. He mentioned what he described as German standards of hiring journalists: either you hire a journalist with a diploma, or you teach the journalist during a year in-house. He also mentioned that even the International Federation of Journalists still discusses whether all bloggers can be considered journalists. Kamenskiy added that in the regions, any more or less educated person can become a journalist.

Although entry is free, journalists face obstacles once they begin work. They may be refused access to local authorities or certain important events if they are just freelancers or work for Internet media. Journalists from established media may also face difficulty obtaining accreditation for the president's media pool, or permission to attend administration events. Sometimes these events are announced too late for the press to make the event, or journalists don't receive notice about their permission in time. The panelists commented that these seem to be intentional tactics to keep away undesirable (i.e. critical) journalists.

Sergiy Leschenko, editor of *Ukrainska Pravda*, analyzed 14 international presidential trips and noticed a strange pattern of the most loyal media and journalists regularly being invited to accompany him. Leschenko questioned the spending for the trips, and noted that some press participants represented low-circulation media, while others never published stories about half of the visits.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.63

According to Kvurt, turnover in the journalism profession is frequent, and professionalism is sliding. Rare positive examples such as TVi, comments.ua, and a number of promising regional projects cannot offset the generally negative trend. The wounded economy, the poor political culture, and the regime's agenda to build an atmosphere of fear in the country make it very difficult for journalists to adhere to professional standards.

Victoria Syumar, executive director of the Institute of Mass Information (IMI), noted lack of balance, increased manipulation of sources, selective choice of comments, absence of independent views, and high self-censorship as hallmarks of Ukrainian media. She mentioned a recent newscast of one of the national channels, which aired a real protest as background footage for a story on the firing and arrest of Volodymyr Galytskiy, the corrupt head of the state employment service. The footage implied to viewers that a bad apple in government was the reason for the protest, and that the government was responding to public

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Pogorelov, for his part, defended Ukraine's professional media. "A lot depends on the personal qualities of journalists, editors, and the everyday practices of a specific media outlet," he said. He emphasized that most media leaders practice good professional standards and avoid self-censorship, and the sector has many quality journalists who do their job well.

concern by firing an official. It was a total distortion of truth; the footage was likely from one of the social protests in November and December, perhaps by Chernobyl liquidators or Afghanistan veterans, with no direct link between Galytskiy and the protest.

According to IMI's monitoring of professionalism in six leading national publications, only 35 percent of stories comply with all professional standards. Of the six standards measured (balance of opinions, timeliness, reliability, separation of facts from comments, accuracy and fullness of presented facts), balance and fullness are violated most frequently, results indicated.

Ligachova described an experiment conducted by TVi in February 2011 that illustrates the lack of professional rigor. Journalists including Kostyantyn Usov pre-arranged a protest meeting on the rights of female senior citizens. Other media aired footage of the protest, without researching or commenting on the organizers of the protest.

According to Fanta, radio news is the most superficial type in Ukraine, as most radio stations do not produce their own news but quote other media or news agencies. Fanta said that the general professionalism of journalists is insufficient, and regional journalists have poor knowledge of standards and ethics. She said that most journalists in regions write advertising articles essentially, and a high degree of political and business *jeansa* remains. Some publications do not distinguish between copy and advertising at all—which has led to a stirring of interest in parliament for legislative regulation of the issue.

Based on his recent editorial experience at a regional newspaper, Guz noted that journalists tend to provide two different points of view, but that does not necessarily mean that readers can glean the truth. Dobrodomov said that he failed to find in any Ukrainian media comprehensive

Fanta added that 70 to 80 percent of Ukrainian journalists are women, who apparently are willing to accept lower salaries.

reporting of voting for the elections law; no one provided deep analysis or full information.

On the topic of regional professionalism, Kamenskiy noted that regional media experience serious problems with attrition: they find it necessary to mentor and train journalists in-house, but their employees often they take their skills and leave for larger cities.

Dobrodomov emphasized that violations of professional standards, including journalist bias, explicit *jeansa*, unprofessionalism, and paid-for stories, hand the government strong arguments to present to the public that some media are biased, and effectively cast doubt on honest journalism.

In her *Kyiv Post* article on January 20, 2012, staff writer Svitlana Tuchynska quoted a number of media watchdogs that spoke about the recent increase of paid-for news articles, as politicians have unofficially started campaigning for the 2012 parliamentary elections. The media experts said that inserting a positive comment about a politician into an otherwise fair story is one of the delicate ways in which political public relations is accomplished. A few journalists said, on condition of anonymity, that politicians' PR managers have repeatedly offered them some \$800 to \$1000 for "a paragraph with positive mention of the politician." According to the PR consultants mentioned in the article, "On television it is usually the news desk chiefs who accept the money. In print or web, if it is a story with a [hidden advertising] message, it usually is paid to the journalist" and "up to 50 percent of a campaign budget is spent on purchasing positive coverage in media.

The article also describes the new trend of purchasing positive coverage on Internet sites rather than on television and print publications, as many media can re-run Internet stories easily. The reporter found a price list for news stories at *vlasti.net*: \$100 for a news piece, \$350 for an analytical news piece, and \$600 for a top article of a webpage.

Another ethical question that generated heated debate among the panelists is whether it is necessary to show an interviewee the final article before publication. Lavrov, who works for *Kyiv Post*, said that he is surprised by how ready journalists are to verify interview content with sources—although when a journalist refuses, 99 percent of interviewees drop the demand. Ligachova said that she has

established a rule to verify interview transcripts with sources, because journalists do make mistakes—sometimes technical errors, sometimes distortion of facts. The newsroom then decides which corrections to accept. Pankratova added that the requirement to verify interviews with the source required by law—but is done only as requested by interviewees.

Editors have shown some resistance to the growing political influence of their outlets. This year saw several flare-ups between chief editors and owners of mainstream Kyiv newspapers. In mid-March, a conflict arose at *Gazeta po-Kievski* (a chain of regional newspapers and websites) between Founder and Editor-in-Chief Sergiy Tykhyi and Ihor Kolomoiskiy of Privat Group, which owns the paper. Tykhyi said he was dismissed for budget reasons ostensibly, but his belief is that it was a political move and punishment for his critical story about the president's live communications. Journalists protested, and a new editor was appointed in April, but publication of *Gazeta po-Kievski* ceased when Tykhyi and other founders claimed their rights to its registered trademark. In January, Privat Group simply launched a renamed product—*Gazeta Kievskaya*.

In December, another fight began at Segodnya Multimedia, owned by Renat Akhmetov, between Ihor Guzhva, the editor-in-chief, and Alena Gromnitska, its general director. Guzhva and a group of journalists supporting him accused Gromnitska of introducing censorship and paid-for publications in the second half of the year. In January 2012, management fired both Guzhva and Gromnitska.

Similarly, in mid-April, *Kyiv Post* owner Mohamad Zahur fired Editor-in-Chief Brian Bonner, allegedly due to his refusal to drop an interview with the minister of agriculture. The outcome in this case was different than others in 2011, however. After journalists protested and the international community intervened, the editor was reinstated, and the newsroom staff and the owner came to an agreement on non-interference in editorial policy. The newspaper has a long-term reputation of compliance with high professional standards, according to the panelists.

Pogorelov, for his part, defended Ukraine's professional media. "A lot depends on the personal qualities of journalists, editors, and the everyday practices of a specific media outlet," he said. He emphasized that most media leaders practice good professional standards and avoid self-censorship, and the sector has many quality journalists who do their job well. But this is not a rule for all newsrooms. In his view, the further you move from the capital, the more that power and money dictate the work of journalists and media outlets.

Ligachova named several contributing factors to the imbalance in media content. Despite Ukraine's number

of ethics codes and its Commission for Journalists' Ethics, authorities and owners interfere with editorial policy and drive many journalists to consciously violate professional standards, she said. Independent experts are rarely involved in news and talk shows; very often, media present people engaged with one political force or another as independent. She added that owners force journalists to write paid-for stories, and no separation exists between advertising and editorial stories. The level of political *jeansa* has decreased, but only because the government controls the opposition's access by making media placements too expensive for them, she said.

According to Lavrov, the decline in professional standards is caused by the hard economic situation of journalists, who earn low salaries and have little social security. To augment income, many journalists accept gifts from businesses and rarely mention who paid for the trip. Other media members will participate in business-funded press tours, and then feel obligated to self-censor in the businesses' favor. Lavrov expressed outrage that staff from half of the country's media outlets traveled to the Yalta European Strategy forum on the expense account of the oligarch Victor Pinchuk. Although, when the *Kyiv Post* asked for an invoice to pay these costs itself, it faced a difficult time obtaining it.

Danylov mentioned that at other media outlets in his city, journalists and newsrooms display various diplomas and awards presented by state and local authorities, law enforcement, and tax entities. He said that he tries to persuade his journalists to refuse such shameful awards.

Guz noticed serious breaches of ethical standards in media coverage of crime and entertainment. Lebedeva mentioned that the rights of minors, victims of violence, and minorities are violated frequently. For example, in January 2012, *Nova Ternopil'ska Gazeta* published a story about African and Arab foreign students in Ukraine, with an insulting headline and collage featuring a background photo of real African students alongside two monkeys attached to a white woman.

Guz also confirmed pessimism among the many journalists that have been discouraged from covering certain issues. So far, the discouragement has been more in the form of recommendations as opposed to outright restrictions. Even the channels that previously would not have taken this approach are starting to reformat their editorial policies, he said.

Journalists might also act out of fear of consequences for their publications. Kvurt mentioned that law-enforcement bodies launching investigations based on a publication would start by interrogating a journalist and checking whether he or she is a legal employee.

Panelists agreed that advertisers apply pressure on journalists to avoid certain critical stories in exchange for advertising, or they ask to be placed on pages that have no negative stories. Dobrodomov mentioned an exception: in Lviv, half of the media there have published critical stories on a certain company, even though it is a large advertiser.

Fanta mentioned that advertising in the regions has not changed over the last three years: today, the most popular newspaper is a private digest that never identifies its content as advertising, is full of *jeansa* about agricultural enterprises, and runs pleasing stories about the openings of banks and such. Fanta blamed the readers, who do not demand objective journalism or distinctions between news and public relations.

In contrast, media owner Kamenskiy's experiences indicate that paid-for stories sometimes drive audiences away. He gave the example of one seven-minute marked political advertising piece that he later regretted running. He said he felt apologetic toward his viewers and hopes that such advertisers will never approach him again. Guz mentioned reforms as well: in his region, some publishers have converted to all-news formats and eliminated paid-for stories. Newspaper circulation grew by 20 percent very quickly, he reported.

Syumar mentioned many instances of quiet dismissals at national channels—in particular at 1+1 channel and Pershyi Nacionalnyi (at the end of 2010). Oleg Deyneka, an anchor of 1+1 investigative program *Groshi*, was removed temporarily and later fired, ostensibly for stories alleging corruption by the head of the Khmelnytskyi oblast administration. The third story on this topic was not broadcast. Rihtun shared a similar story of dismissal at Sebastopol state television: an unwanted journalist could not be released due to an employee contract, so management simply waited for the end of contract and then fired the journalist.

Those released did not follow a certain editorial framework, according to Syumar. TVi channel was enriched by hiring some of these departures, but other outlets only increased self-censorship in reaction.

Ligachova agreed that investigative journalism, boosted by international donors, has become more a developed and recognized genre among Ukrainian journalists. A number of investigative bureaus operate in Kiev and several regions of Ukraine. However, investigative reports tend to relate more to social issues. Not all media are ready to seek the initial reason for the problem—which often lies in governmental policy. Rikhtun said that the number of investigative journalists and stories has stayed steady, and commented, "We always try to

publish investigations not only on the Internet, but [also] on television and in print media.” However, most investigative reporters write with a certain caution; Ukraine’s history of poorly prosecuted crimes against journalists has a chilling effect. Investigations are increasingly published on the web only, as print media will only print softer versions of the truth, and often television channels refuse to air such reports altogether. There are a number of names (oligarchs, top governmental officials) that television channels will never investigate, panelists said.

According to Ligachova, the media are progressively stifling important political, economic, and social issues. Telekritika monitors eight channels and identifies the topics that they avoid. Every month it publishes a list several pages long of repressed topics. In addition to political issues, freedom of speech, protest actions, and various social problems top the list regularly.

The media also neglect such acute problems as tuberculosis and HIV. Lebedeva said that she was outraged by the response from one media outlet invited to a workshop on tuberculosis reporting. Essentially the outlet’s staff said, “let them give us money directly and we will cover their tuberculosis!” She agreed that many media members are corrupted by the practice of payment for coverage.

National television is filtered and sterilized, but citizens can still access information from the Internet and national weeklies. In an interview with Telekritika, media expert Ihor Kulyas said that viewers of Ukraine’s major central channels have not learned about the world’s negative reaction to such topics as Tymoshenko’s sentence; the case of Lutsenko, the ex-minister of the interior, and how witnesses proved the prosecutors accusations absurd; or the real motivations of those protesting Chernobyl liquidators.

Gumenyuk added that the state-owned media present and exaggerate minor gains in the fight against corruption as a way to deflect attention from the systematic corruption that reigns in the country.

Pogorelov agreed that various problems exist with coverage, but noted that the general situation is not catastrophic and the media do cover most issues. The origin of the problem is not simply pressure from politicians, but also the unprofessionalism of journalists. Talented journalists will always find a way to be published, he said.

Regarding the state of pay for journalists, Syumar stated that dismissals at national television channels were accompanied by salary decreases. At one of the leading channels, the average salary of a reporter is UAH 4,000 to UAH 6,000 per month (\$492-\$738), which prevents the station from retaining qualified journalists. Channels tend to hire young

and less experienced journalists that are manipulated easily. Ligachova mentioned a big gap in salaries between print and television media, which compounds the problems with professionalism—young journalists prefer to work at television, where they are more likely to be forced to violate standards. According to Danylov, salaries at state television are 1.5 to 2 times higher than in private media.

Salaries are markedly lower at regional media. Guz said that in the regions, the average salary of journalists is UAH 1,500 to UAH 2,000 (\$185 to \$246). He said that this leads to low professionalism as well as the trend of hiring people without even the appropriate life experience to understand basic issues, let alone professional training.

Rikhtun emphasized that pay levels force many journalists to work for state media, in order to gain fringe benefits, or to work part-time elsewhere. This often leads to conflicts of interest; for instance, many journalists, especially from state media, work simultaneously for press services of various authorities. Fanta added that 70 to 80 percent of Ukrainian journalists are women, who apparently are willing to accept lower salaries.

Due to the global financial crisis, media companies made staff reductions and decreased journalist salaries—inevitably influencing the quality of stories, according to Danylov. However, as previous MSI panels have emphasized, pay levels cannot excuse *jeansa* and the violation of ethical and professional standards.

Government programming takes the majority of television airtime. For example, at Pershyi Nacionalnyi, 74 percent of airtime is dedicated to the regime, with only 26 percent to the opposition. Panelists were unanimous that entertainment eclipses news and informational, social, economic, educational, cultural, and children’s programs—especially at national television channels. Fanta said that 2011 marked an explosion of entertainment at national channels. She expressed the belief that Ukraine produces such programs at an even higher rate than Russia.

Monitoring by the Academy of Ukrainian Press (AUP) quantifies the media’s shift from social and political issues to entertainment. According to AUP, in 2011, 20 percent of news related to politics—a sharp decrease from 2004-2006, when half of all news focused on politics. News about culture, criminal chronicles, and catastrophes make up the difference. Inter and TRC Ukraina channels prefer international news not related to Ukraine, while 1+1 channel increased coverage of mundane, day-to-day issues.

Kamenskiy noted that news and information production still prevail in regional media, as usually they cannot afford the production of expensive shows. Rybka noted that affluent

national shows take away part of the audience from such regional channels. Osmanov added that generally, citizens can find a large amount of news and information in print media and on the Internet.

Guz and Danylov said that in recent years, the quality of technical equipment at regional media outlets has deteriorated. With the economic crisis, media companies cannot afford to update their equipment as frequently. Kamenskiy noted, however, that often media can find discounted offers for professional equipment on the market. The panelists generally agreed that the level of technical equipment does not hurt the quality of news productions, and they noted that as technology evolves quickly, it becomes more affordable.

According to Rybka, the situation with the specialization of journalists is improving gradually. Fanta and Dobrodomov added that while niche reporting is developing gradually, usually regional media cannot afford journalists with narrow specializations. Syumar said that the niche of economic publications is one of the most developed. Moreover, economic publications such as *Ekonomicheskie Izvestia* and *Delovaya Stolitsa* meet professional standards to a greater degree than other publications. Fanta singled out Nashi Groshe ("Our Money"), a website monitoring public procurement bids and publishing information on the most notorious examples, as one of the most interesting projects of the year.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 1.86

According to Rybka, it became harder to find reliable, objective media coverage in 2011, especially regarding the top officials of the country and the regions—but he added that the plurality situation could be a lot worse. Ukrainians with enough time and resources to get news from multiple sources (including television, Internet and print media) are able to see a more or less qualitative picture. Fanta had a more skeptical view: average people would never go to such trouble to get the news, she said, and despite the plurality of news sources, most belong to large business and the government. She also said that she believes that at the regional level, all media are engaged and controlled. Guz added that although news sources are numerous, they often appear uniform, as media outlets reprint information from each other frequently.

Ukraine has many new media choices, brought about by expanding technology (social networks, SMS alerts, etc.).

While most middle-aged Ukrainians have switched to the Internet, older people either do not feel the need to go online or they cannot afford it. In villages and small towns, Internet penetration is about 20 percent. Two percent of the population accesses the Internet primarily from smartphones. More than half of Internet users are 15-to-29-year-olds.

However, there is a big gap between Internet usage in large cities and rural areas.

Numerous state-owned and municipal media depend heavily on the government, and their editorial policies are based on this allegiance. Private media tend to reflect the economic and political interests of their owners, who, for the most part, are very dependent on the ruling party as well. They produce their own news programs, but coverage bends increasingly toward infotainment, entertainment, crime stories, and sensationalist issues. Only two nationwide channels, 5 kanal and TVi, maintain an independent editorial policy, and they suffer from pressure, including licensing problems, as a result.

A telephone poll by Gorshenin Institute attempted to find out where Ukrainians get their news, and what is most important

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

In his UNIAN interview, Shevchenko expressed deep concern with the ruling party's media monopolization. There are four large holdings that divide the television airwaves—groups of Viktor Pinchuk, Ihor Kolomoyskyi, Valeriy Khoroshkovskiy, and Renat Akhmetov—and all four are loyal to the president. This explains succinctly the problem with Ukrainian television.

to them in terms of content and quality. The November 2011 poll surveyed 1,000 respondents in all oblast centers and Kiev and Sebastopol. More than 75 percent named television as their major source for news, around 40 percent listed newspapers as a source, 21.1 percent named radio, and only 16.8 percent pointed to the Internet. Many citizens reported that they are not sensitive to the quality of product: for around 45 percent, the convenience of the broadcast time dictates the choice of channel. About 25 percent cited whether they understood the style of presenting information, and roughly the same cited their trust in the channel. Around 23 percent mentioned the objectivity of the information. Half of respondents said that they are mostly interested in political and economic news, with social issues, crime coverage, and sports following. More than 60 percent of respondents said that they analyze information from various sources, while about a quarter rely on opinions of respected people, and 23 percent noted their trust in programs in which participants speak without preparation.

Syumar stressed that most people do not have access to wide variety of channels, but depend primarily on the notorious Pershyi Nacionalnyi and Inter, which have the largest coverage in the country. Even if many other people read press publications, she said, the largest circulation newspapers are *Fakty*, *Segodnya* and numerous publications of the Ukrainian Media Holding—which are far from the best reading in terms of professional standards. Syumar said that she believes that general frustration with this state of affairs paved the way for the success of high-quality media, such as TVi and Korrespondent at the national level and ZIK channel in Lviv.

According to Telekritika statistics on ratings, television leaders have changed. In 2010, Inter led all audience segments, except the 14-49-year-old bracket; in 2011, three channels could be named leaders. In 2011, Inter led for the audience 18+, while 1+1 (all Ukraine sample) and STB (sample of cities with 50,000+ inhabitants) shared leadership in audiences

18-54 and 14-49. TRK Ukraina took the second place for audience 18+, 50,000+, but for audience 18-54, it took fifth place. Novyi channel took fourth place in its target audience (14-49, 50,000 +)—only slightly superseding ICTV.

Among the general interest publications, according to MMI Ukraine 2011/2 + 2011/3, the top five leaders are *Fakty I Kommentarii* (reaching 8.4 percent of the population), *Argumenty I Fakty* (8.2 percent), *Segodnya* (8 percent), *Komsomolskaya Pravda v Ukraine* (6.3 percent), and *Expres* (2.7 percent). *Korrespondent*, *Gazeta Po-Ukrainski*, *Focus*, *Vokrug Sveta*, and *Ukrainskiy Tyzhden* round out the top 10, reaching between 1.3 and .3 percent of the population.

Citing research from the agency Universal McCann, Telekritika revealed that 30 percent of Ukrainians simultaneously watch television and read papers, and 10 percent also listen to the radio at the same time. Internet is used alongside television by 12-14 percent; among youth, this share is 23 percent. Syumar said that Ukraine lags behind other countries in terms of the pace of Internet penetration: while Kiev has an ICT infrastructure developed to the level of western capitals, rural areas are neglected. Some parts of Volyn and Rivne regions are not covered even by television, and access to alternative sources of news is limited.

According to InMind, 14.3 million Ukrainians (or 36 percent of population) were using the Internet in September 2011. Growth is expected to slow over the next year, adding only 2 to 3 percent. While most middle-aged Ukrainians have switched to the Internet, older people either do not feel the need to go online or they cannot afford it. In villages and small towns, Internet penetration is about 20 percent. Two percent of the population accesses the Internet primarily from smartphones. More than half of Internet users are 15-to-29-year-olds.

According to Telekritika, at the beginning of 2011, 1 million Ukrainians were on Facebook; in just one year, the number increased by 70 percent. Ukrainian Twitter users doubled to 160,000. According to GfK research on how Ukrainians utilize social networks, 67 percent use VKontakte regularly, 43 percent use Facebook, and 12 percent use Twitter. The largest increase of new users is on LinkedIn. GfK also reports that social networks are drawing more older users: use is up 371 percent for people 60 years and older. Experts said that among the media outlets, Korrespondent and Ukrainska Pravda work most effectively with social networks. Ukrainska Pravda's Facebook page is one of the most popular pages in Ukraine.

The government does not block new media or foreign sources of information, but cost and language barriers still inhibit access for most of the population. Foreign-language

media are published or sold primarily in Kyiv, and some in western Ukraine, although their market share is insignificant. Ukrainian law forbids hindering the free distribution of print media, but for foreign publications must obtain permission for importation and pay customs duty (per Article 39 of the Law on print media). Russian publications are available widely.

According to Rikhtun, Internet media cover the most pressing social issues. For instance, only online media properly covered credit company fraud—a very important topic in 2011 for all Ukrainians. Although many senior citizens suffered from this fraud, their ability to read online stories was limited because Internet access remains low for that population. Rikhtun emphasized also that many websites are not high quality—copying content from other sources, spreading *jeansa* or yellow journalism, or overwhelming and disappointing readers with poor organization.

In terms of the state-owned media's balance of coverage, Academy of Ukrainian Press data revealed that the leading national channels dedicated 60-70 percent of coverage to government officials and their allies, while the opposition received 20-30 percent of attention. The trends were more obvious at Pershyi Nacionalnyi and Inter, while Studiya 1+1, ICTV, Novyi, Ukraina, and STB showed more balance. Political talk shows invited government speakers two times more frequently than opposition speakers.

The panelists were unanimous that a persistent key problem is the government's financing of a large number of state and municipal media, as their full dependence prevents them from criticizing the government and local officials. Danylov noticed that state media regressed substantially in its efforts to present balanced coverage of events.

In his interview with UNIAN, Shevchenko said that the National Television Company of Ukraine received the lowest scores for political balance and representation of the opposition, according to television monitoring conducted by Telekritika and the Academy of Ukrainian Press. During 2011, there were several months in which the state channel news did not quote the opposition a single time. The problem extends to oblast and district newspapers, Shevchenko noted—the lower the level, the greater the dependence on the authorities, he said.

In August 2011, state television channels aired an anti-Tymoshenko documentary "Stolen Popcorn," which many panelists considered propaganda. In January, regional state television companies aired another manipulative documentary, "Simply Yulya." Neither film provided any information regarding the producers. When pressed as to who ordered them to show this film, the outlets explained

that regional state channels are united within the exchange system of programs and the shows were just available in this network.

Ukraine's major news agencies include the private UNIAN, Interfax, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine (Ukrainian agency of the Russian RosBiznesKonsulting Group), and the state-owned Ukrinform. The poor economy forced many regional media to cancel their subscriptions to news agencies. Danylov, whose paper subscribed to Reuters and some Russian wires just a few years ago, said that subscriptions were the first things that regional media cut to cope with the crisis.

According to Guz, media also do not subscribe to agencies because some publish paid-for stories (including UNIAN, according to Kvurt), and because much of their content is available for free on the Internet. A regional publishing house for which Guz worked recently subscribed just to a photo agency. Syumar predicted the end of the news agency business due to total violation of copyright by other media.

Ligachova noted that with development of online media, news aggregators enjoy more favorable market conditions compared to news producers, drawing higher ratings and winning more advertising. And yet, private media still produce quality news content, panelists said. Rybka said that he assumes that with the number of journalist layoffs related to the economic crisis, private outlets will produce less content as well. However, regional media representatives (Guz, Dobrodomov, and Kamenskiy) stressed how greatly they value local content, and they always try to increase it—which also boosts local news ratings. Pogorelov expressed the belief that the local news niche is rather prosperous, given the current conditions.

The consolidation of major media companies into a few conglomerates continues. Lavrov emphasized that non-transparent ownership of television channels and concentration of influential channels in the hands of several families leads to distorted coverage of many socially important events, where coverage would contradict the interests of the investor. At the same time, regional media are very vulnerable to editorial pressure from the local authorities.

In his UNIAN interview, Shevchenko expressed deep concern with the ruling party's media monopolization. There are four large holdings that divide the television airwaves—groups of Viktor Pinchuk, Ihor Kolomoyskiy, Valeriy Khoroshkovskiy, and Renat Akhmetov—and all four are loyal to the president. This explains succinctly the problem with Ukrainian television.

Danylov stressed that there is absolutely no ownership data available for the new outlets that obtained digital licenses

in 2011. It is much harder to identify the Internet content owners, as illustrated by instances of defamatory information campaigns against journalists. In October 2011, the website Daily.ua published a story discrediting Leschenko. But as the author, editor, and domain owner are hidden, Leschenko could not respond with a suit. The following day, a few other unreliable media reprinted the article, and presented it as though it came from a legitimate source. *Kyiv Post* also came under attack in paid-for fake news on several websites.

Ligachova stressed that media increasingly represent the interests of large employers and big businesses. Telekritika's monitoring of eight national channels showed that the number of news with signs of political influence or censorship increased by five times during the last couple of years. Ligachova also said that the number of topics avoided by key national television channels grew tremendously this year. The topics include questions surrounding the president's residence at Mezhygirya, privatization, personal lives of politicians, corruption, inflation, and the ruling party's sinking popularity.

According to Osmanov, who is a Crimean Tatar by nationality, minority issues are solved positively in Ukraine; newspapers, magazines, and programs in minority languages are available in Crimea. It is rare to see minority issues addressed in the mainstream press.

According to Rybka, media present local, national, and international information, but the balance is not satisfactory. Guz said that leading regional newspapers have sections for local and national news, and have learned to localize national and international events. Pogorelov commented that the economic crisis forced media to think about their audiences, and this encouraged them to better serve the needs of various groups, as well as provide more comprehensive local and national coverage.

Lebedeva insisted that regional electronic media face less favorable conditions, and regional/local broadcast content will likely decrease in quality and quantity.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.71

All of the Objective 4 indicators fell this year. Little has changed since 2010 in regard to business management, and the panelists said that the situation is unlikely to improve soon. Media businesses are still experiencing the consequences of economic and political crisis and the authorities or competitors with connections to the ruling party can potentially pressure smaller media businesses. The government continues supporting unfair market

competition from state-owned and municipal media. Political pressure makes the media more dependent on owner subsidies and corporate advertisers, advertising distribution remains preferential, and ratings and audience research is unaffordable for the most part.

Media enterprises in Ukraine are not efficient businesses, said Lavrov, and this compounds the dependency on owners and advertisers. In response, most media refrain from publishing stories that step on those interests.

According to Lebedeva, the majority of national television channels are unprofitable, and many are close to zero profitability. The problem stems from their owners, who do not treat them as businesses but rather instruments of influence for political, economic, and personal gain. There is no market in electronic media. Kolomoisky said that her channels are not profitable, and depend on the investments of their owners. Inter also ended the year with losses. Regional channels are in a bad position, as national channels swipe up a large percentage of regional advertising. In the radio advertising market, the largest national holdings earn a half of the regional advertising share.

Kvurt noted that especially in 2011, television channels overspent on multiple costly entertainment shows, which hugely influenced their profitability. Kvurt, in turn, questioned the efficiency of television companies. He also said that in general, market leaders do not always work efficiently or transparently; the market is too competitive; and conflicts of interest are rife. The state does not support media transparently in terms of public interests.

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.

Fanta expressed more optimism, believing that 70-80 percent of Ukrainian media are true businesses that developed according to relevant laws. Fanta defended a number of leading regional publishing houses, noting that their owners do not rely on other revenue sources, and they write business plans and employ various specialists in media management. Often they run additional media-related businesses, such as distribution networks or printing facilities. Their profitability depends on their efficiency and local conditions. Indeed, the economic crisis and the lack of political will to close state media aggravated their situation. Regional television has been particularly hard-hit. Danylov added that most of these publishing houses are supported largely by classified advertising, and would surely benefit financially from closing newsrooms and general interest publications—but they understand their social role and mission, and the importance of civic responsibility.

According to Osmanov, though, most regional media operate without professional managers or business plans, but still reach some profitability. On the other hand, state-owned and municipal media spend budget funds irresponsibly, with bloated staff levels and a lack of motivation to improve their products. Panelists agreed also that state and municipal media compete unfairly. Rikhtun said that each state body has a certain budget for media, but authorities often support state media with non-material privileges as well, such as a promotional boost from post offices.

For most regional private newspapers, the main sources of income are advertising, subscriptions, sales, and owner subsidies. Many publishing houses, such as in Chernivtsi, Melitopol, have their own printing facilities and earn profits from that as well.

According to Fanta, large companies rarely advertise in regional and local media, forcing the regional media to rely on local advertisers. The regional media market is very sensitive to the small business economy, and in 2011, numerous private entrepreneurs closed their businesses.

Kamenskiy stressed that financial independence is very hard to achieve, but is still possible. He added that a couple of years ago, national advertising agencies would bring him some revenue—however shaky—but in 2011, their share of his channel sales hardly reached one percent. Kamenskiy complained that the situation in regional television worsens each year. With a few new channels appearing annually, they all bite from the same limited advertising pie. Ukraine has too many media for the size of the population, he said, blaming the lack of governmental regulation.

According to Pogorelov, print media missed an opportunity to use the economic crisis and reduction in advertising

According to Pogorelov, high-quality marketing research is conducted, but publishers use it poorly.

to increase management efficiency. Although no reliable data exists on how many media increased their streams of revenue, it is clear that the press lost its market share to television. Danylov agreed that the economic crisis created greater imbalance in the distribution of advertising between television and other media, and other panelists agreed that a disparity and between the capital and the regions remains as well.

Usually, advertising agencies do not care about the price or effectiveness of ad placements—only about their own commission. According to Pogorelov, advertising agencies do not look to improve services or quality, and merely continue media planning based on cost per thousand (CPT).

Dobrodomov said that ZIK channel buys a monthly package from the market research company GfK and publishes its ratings. Sales managers have spent a lot of time explaining CPT to inexperienced clients, and gradually, clients have become more knowledgeable on placing advertising. Lebedeva added that the regional television market is not well measured. According to her, about five regional television companies that can afford it follow ZIK's practices.

According to Sergiy Chernyavskiy's print media market review for Telekritika, the press market was estimated for the first time in 2010. For 2011, the market totaled UAH 5.867 billion (\$721,973,000). The breakdown of revenue includes 42.4 percent from advertising, 28.88 percent from subscriptions, and 28.73 percent from copy sales. According to Chernyavskiy, by 2010, the press market had recovered partially from the crisis by cutting inefficient projects, personnel, and printing expenses in 2009. Increases in political advertising and the advertising growth in magazines proved that while the media industry experienced losses, it did not suffer as tremendously as other sectors, such as real estate or the automobile industry. There was no systematic closure of print media, distribution companies, or printing facilities. With intensifying competition and a reduction of advertising revenue, the publishers became more interested in circulation sales, and therefore adjusted content to attract the target audiences. According to Chernyavskiy, subscription revenues increased by 10 percent in 2011, but the number of subscribers fell due to price increases.

According to the NGO All-Ukrainian Advertising Coalition (AUAC), the 2011 media advertising market (television, radio,

print, and Internet) totaled UAH 6.844 trillion (close to \$885.5 million). The total is up nearly 20 percent from 2010, and may gain 14 percent in 2012, thanks to the 2012 European soccer championship and the parliamentary elections.

The 2011 television advertising market reached UAH 3,327 billion (\$415.9 million), up 24 percent from 2010. The share of national television was UAH 3,206 billion (\$394.5 million)—up 25 percent up from 2010—and the share of regional television was UAH 121 million (\$14.89 million), up 5 percent up from 2010. Expecting a new wave of economic hardship, a number of advertisers decreased their activity in the second half of the year, and therefore 2010 estimates for one-third growth in 2011 were not fulfilled. Predictions for 2012 are that national television stations could add 15 percent to their advertising revenues, while regional television might gain five percent. Television sponsorship is estimated separately at UAH 370 million (\$45.5 million), up 10 percent.

Print revenues in 2011 increased by about 10 percent as well, according to the experts' council of the Ukrainian Association of Press Publishers (UAPP), which represents the largest publishing houses and leading advertising agencies. The association estimated print revenues at UAH 2,436 billion (\$304.5 million) compared to UAH 2.21 billion (\$272 million) in 2010. In 2011, UAH 689 million (\$84,786,000) went to newspapers (up 18 percent), UAH 874 million (about \$107.5 million) to magazines (up 6 percent), UAH 57 million to inserts and supplements (up 9.6 percent) and UAH 250 million (\$30.76 million) to classifieds (up 105 percent). Unmarked advertising took UAH 566 million (\$69.65), down 10 percent. Print advertising is expected to grow 9 percent in 2012.

According to the UAPP forecast, the largest increase of advertising is in the business press—up 21 percent due to efforts to restore the financial sector. Women's publications take second place at 15 percent, and lead revenues at UAH 359 million (\$44.18 million), while general interest social and political publications increased by 12 percent. The automobile, finance, pharmaceutical, and trade industries fueled the growth. The so-called advertising and informational publications lost five percent in advertising.

In July 2011, the Association of Independent Regional Publishers of Ukraine updated the regional print media advertising market forecast: UAH 656 million (\$80.73) for 2011 compared to UAH 604 million (\$74.33 million) in 2010.

In 2011, radio advertising increased by 35.5 percent to UAH 271 million (\$33.9 million), and might increase 15 percent in 2012. The estimates were made by AUAC with assistance from ORT Media, which surveyed 65 percent of players in the radio market. The AUAC estimate of the volume of radio

sponsorship is the first of its kind. Other media analysts expect this segment to continue to grow.

Compared to 2010, Internet advertising grew by 57 percent to UAH 440 million (\$55 million), based on data from the Association for Internet Advertising. That figure is expected to grow in 2012. In January 2012, UMH and Digital Ventures jointly launched Ukraine's largest Internet sales house, Digi Media, which will exclusively sell advertising at 16 leading websites that generate 400 million hits per month. The sites include news sources Segodnya.ua, Korrespondent.net, KP.ua, Focus.ua, and AiF.ua—reaching nearly half of Ukraine's Internet users.

According to Guz, placement of state advertising in regional outlets discriminates against the independent media. Danylov added that in the past, the authorities would keep up appearances by announcing some pro-forma bids for placing various official announcements, but now they quietly tuck them into state-owned media.

The majority of regional media cannot afford to purchase professional market research. During the economic crisis, regional media outlets cut their marketing departments first. Danylov stressed that regional media still conduct some in-house research once per quarter, including low-budget surveys, printed questionnaires, telephone polling, and focus groups.

According to Pogorelov, high-quality marketing research is conducted, but publishers use it poorly. There is no reliable data on how many publishers conduct their own research, but the quality of media materials and reader satisfaction remains low. In planning pages and programming, ratings drive the media, which sometimes descend into tabloid territory in response. Syumar agreed that the media do not use the results of market research to satisfy the cultural and social needs of the public. Guz said that when media consider adapting content according to the research, they find they cannot satisfy all needs and they lack journalists qualified to contribute to certain subject areas. According to Dobrodomov, sales staff have a hard time persuading regional clients to advertise in accordance with marketing data.

The independent companies GfK and TNS measure television data, but the panelists agreed that website usage and print circulation are not measured independently. Danylov believes that the reliability of audience measurements, as well as trust in ratings, has diminished. Lebedeva agreed, and expressed absolute unhappiness with the reliability of Internet measurements and the common practice of many online sites to pay for an artificial increase in traffic. She added that GfK's measurement of television is not ideal, either, as it uses

a rather limited number of people-meters, but it still reflects main trends accurately.

The media sector has no audit bureau of circulation, and the panelists did not consider it likely to be established soon. Most print media lie about their print runs, the panelists said. Danylov mentioned a case in Lutsk, in which an anti-monopoly committee checked circulations and forced publications to indicate their true figures, but noted that such an audit has never happened in his city, Rivne. The anti-monopoly committee has conducted such audits in Kharkiv, Dniepropetrovsk, and Kyiv oblasts, and levied fines against several publications as a result.

GfK won a bid recently to measure radio audiences as well as television, replacing TNS as the company to conduct measurements in Kyiv and beyond for the next three years. GfK was chosen by the Radio Committee, which unites 60 percent of players in the market and includes the two largest media holdings (TAVR media and Ukrainian media holding) and three network agencies (Publicis Groupe, ADV Group, and Group M), with IAB as the managing body. The number of respondents wishing to participate doubled from the last survey, and stands at about 47,000. The Radio Committee will cover half of the cost, while the rest will be sold at open market—and smaller players fear that they will not be able to afford to participate. Non-paying stations are lumped into the “other” category, placing them at a distinct disadvantage with advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.09

Scores dropped slightly this year for Objective 5. Primarily, the panelists attributed the decline to monopolies and other disappointing trends related to media distribution channels (indicator 7). Indicator 4 (academic journalism programs) continues to be a low point for this objective as well. Efficient self-regulation and a sense of solidarity still elude Ukraine’s journalists.

Ukraine has developed a network of trade associations, media trade unions, and media-supporting NGOs. On the broadcast side, the trade associations include the Industrial Television Committee (ITC), the Independent Association of Broadcasters (IAB), and the Radio Broadcasting Committee. The Ukrainian Press Publishers Association (UAPP) and the Association of the Independent Regional Publishers of Ukraine serve the print media, while the Ukrainian Internet Association and Ukrainian Association of Internet Advertising support online

media. AUAC measures both the media advertising market and the non-media advertising market.

However, trade associations have been active in preventing corruption surrounding the introduction of digital broadcasting, and IAB advocates for regional broadcasters’ interests in digital broadcasting. ITC measures audiences in television and radio. According to Lebedeva, trade associations work hard to defend their members’ interests. IAB, for instance, fought with the National Council for Television and Radio Broadcasting on the results of digital competitions. Kamenskiy agreed that he always valued IAB’s legal support.

Pogorelov agreed that trade and professional associations perform their job rather professionally, as do NGOs that support the media. However, these organizations tend to focus on protecting the largest publishers, according to Goos. Panelists also noted that there is a need to better coordinate interaction within the industry, and to build cooperation to solve some of the most pressing problems in order to strengthen the voice of media and its influence on the society.

According to Lygachova-Chornolutska, trade associations do not always join the movements for free speech and against censorship—media trade unions and media support NGOs typically address these problems more rigorously, she said.

The National Union of Journalists (NUJ), in its current form, more accurately represents editors and managers’ interests

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

According to Lygachova-Chornolutska, trade associations do not always join the movements for free speech and against censorship—media trade unions and media support NGOs typically address these problems more rigorously, she said.

than journalists. Moreover, managers of state and municipal media fill key positions; Fanta agreed that is true for her city of Poltava. From time to time, NUJ challenges the post office, mostly with regard to pricing, and attempts to better protect its editors. This year it began cooperating with the International Federation of Journalists to improve the security of journalists, and lobbied against morality laws. Its head also made several public statements this year to support the protection of journalists.

However, Dobrodomov registered displeasure with NUJ, noting that the regional branch in Lviv has never said a word regarding important journalist-related cases. Unfortunately, NUJ brings down scores for this indicator due to its pro-governmental position and financial dependence, he said.

Panelists agreed that where NUJ falls short in the development of independent media, NGOs help significantly, especially in the field of investigative journalism. Gooz added that in 2011, the Independent Media Trade Union of Ukraine overcame its internal conflicts and united with the Kyiv trade union. The union is still not a self-sustaining organization, he admitted, but it expects UAH 150,000 (\$18,450) in membership fees next year.

Rikhtun confirmed that media trade unions guard the interests of journalists, and have become more active since 2010. However, neither trade unions nor other support institutions focus on professional standards, she said.

Lavrov stated that in most cases, journalists cannot rely on support from professional unions, and typically fight for their own labor interests or seek support from international organizations instead. Gumenyuk noted the lack of solidarity among journalists in protecting their rights as well as upholding their social mission. Journalists are generally highly educated, and can professionally articulate social issues and mobilize citizens; however, to survive in the menacing political climate over the last two years, they have tended to be less noticeable, consistent, and persuasive than other social groups (Afghanistan war veterans, Chernobyl liquidators, veterans, pensioners, and single mothers).

According to Ligachova, Ukraine has NGOs willing to fight censorship and protect journalists' rights. The main NGOs that support the media are the Academy of Ukrainian Press, Institute of Mass Information, Internews-Ukraine, Media Law Institute (MLI), Media Lawyers Association (MLA), Regional Press Development Institute (RPDI), Telekritika, and the regional Information and Press Centers (IPC) in Simferopol and Sebastopol.

The Stop Censorship movement founded in 2010 continues its activities. In September 2011 a number of NGOs, including the Institute of Mass Information, the Media Law Institute, the Investigative Reporting Bureau Svidomo, and Telekritika, united in the Ukrainian media association to better coordinate activities. Telekritika's web publication serves as a constant discussion platform for media-related issues. Osmanov agreed that there are media-focused NGOs throughout Ukraine, but have few funding streams.

Approximately 80 universities in all parts of Ukraine have journalism departments. However, most of them emphasize communication skills and serve as a poor base for journalism in practice; the programs and teachers remain inadequate for industry needs. Dobrodomov mentioned that only 7 to 15 percent graduates of Lviv University journalism departments find jobs in journalism after graduation.

The School of Digital Future at Kyiv Mohyla Academy, financed already for a few years by Renat Akhmetov's foundation, remains the only attempt to bring innovation to journalism education, panelists said. The academy has master's and doctoral programs in journalism that are also practice-oriented, but in July 2011, the Ministry of Education stopped financing the master's program. The Ministry justified its decision by noting "political sympathies of the University" and the absence of a bachelor's program. The academy labeled the decision absurd and politically motivated. The program was free previously, and students were accepted to the master's program based on their merits. Without funding, enrollment will likely shift to favor those who can afford to pay for the program. In response, the academy is raising funds from its graduates, media, NGOs, and charities to cover a certain number of stipends.

Gumenyuk added that in June 2011, the Ukrainian Catholic University in Lviv received a license to offer a journalism master's program for 17 students per year, emphasizing practical skills in television, radio, print, and online journalism.

According to Lavrov, short-term training programs and in-house workshops remain the most effective means of journalist education. Short-term classes, focusing on basic journalism skills, are usually funded by Western donors,

but the number of available workshops has decreased significantly in recent years. Guz commented, "Within the trade union, we articulated the need for master classes. Recently, there have been a lot of workshops dedicated to new technologies, but not enough that emphasize basic reporting and interviewing techniques." Rihtun also mentioned the need for media literacy training at schools.

Lebedeva, however, said that demand for this training has decreased. An IAB survey confirmed that managers of regional media feel that resources are too tight to encourage their employees to pursue professional development opportunities. Still, some regional representatives disagreed with that, commenting that those who care about their development look for learning opportunities.

The printing market is fully de-monopolized. In almost all regions, there are several decent-quality alternatives for printing. Many of those print houses are equipped with second-hand Western equipment. Government authorities have the potential power to apply pressure on printers through various inspections and audits.

According to Chernyavskiy's research presented in his press market review for Telekritika, the economic crisis led publishers to decrease the percentage of unsold copies from 30-40 percent to less than 20, and 5-15 percent for high-circulation dailies. Many of those who decreased to 10 percent lost 30 percent in sales. Chernyavskiy also reported that the price for newsprint in Europe increased by 8 percent in 2010; in Ukraine, it increased by 20-40 percent and even up to 50 percent at times. The panelists stated that newsprint is cheaper in Sweden and Finland, and they also suspect a cartel of equipment suppliers.

Retail sales and subscription systems remain problematic. Local authorities can easily control the distribution of print publications in the regions, and Pogorelov said that the distribution network is a huge problem for all print media. Due to unregulated land usage, more than half of press kiosks are unlawful. Existing permits, which expire in 2011, cannot be prolonged by legal means or may cost more than UAH 20,000 per kiosk in bribes. Local authorities also contribute to the problem. Kiev's local authorities were particularly well known this year for dismantling kiosks. Panelists lamented the lack of clear legislative regulations to address kiosks, broken post boxes, and slow delivery.

According to Kartel, in the distribution structure, press kiosks amount to 45 percent of sales, gas stations and supermarkets amount to 30 percent, street vendors fill in about 23 percent, and press shops 2 percent. Circulation decreased over the last three years to around 30 percent, while the revenue of

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distributors was around nine percent during 2011, due to price increases.

The largest distribution networks in Ukraine are Katel, MPS, Soyuzpechat (Donetsk), Soyuzpechat (Kyiv), and Tvoya Presa. Trade commission fees for the press are 60 to 100 percent in Ukraine. Due to publication closures, distributors that had previously lacked space to display new titles and charged high marketing fees have started to nurture sales turnover. Press selections in supermarkets decreased in 2009, and stopped serving as the main sales channel for most publications; they remain the strongest channel only for glossy magazines and weeklies.

The quantity of newsstands has reduced over the last few years to 8,158, without post offices taken into account. That amounts to 1 press stand per 5,600 people. By comparison, Russia has 1 sales stand per 3000 people; the United States has one per 1,600 people, and Poland has 1 for every 600 people. There are 14,500 post offices all over Ukraine, but they are unpopular with publishers, because they tend to retain a high percentage of unsold copies and it is difficult to coordinate deliveries and receive feedback on sales. Moreover, people are not used to visiting post offices frequently.

According to Chernyavskiy, the increase in newsprint and distribution costs for publishers was offset by subscription sales, which increased from 30 to 200 percent between 2008 and 2011. The maximum increase was for informational publications with television programs, and the lowest for classifieds.

Chernyavskiy explained that subscriptions are managed by Ukrainian Post and its daughter distributing company, Presa, along with a number of large subscription agencies (Blitz-presa, All-Ukrainian subscription agency, KSS, Mercuriy, Press-Centr, Sammit, Factor-Presa) that operate primarily in large cities. There are local agencies in oblast centers

and large cities, often based on local newspapers such as *Melitopol* and *Feodosiya*.

Ukrainian post has not increased tariffs since the beginning of 2010. Due to the introduction of a monthly subscription system, the industry managed to avoid the situation of 1998-1999, when publications that stopped printing could not reimburse their subscribers. About 200 publications disappeared, with a total circulation of 80,000 copies. Nineteen publications stopped or reduced periodicity in 2008-2011.

Ukrainian post revenues from subscriptions decrease every year, and therefore it has to reduce its expenses at the expense of quality and efficiency. A number of publications enjoy the privilege provided by Article 9 of the law on state support of media and social protection of journalists, which limits subscription tariffs to 40 percent of the print cost of the publication. This works well for publications with large circulations. The state budget compensates the difference to the post office only partially.

Currently, the television distribution infrastructure is more problematic. The state-run Concern owns the radio broadcasting and radio connection, and RRT television owns transmitting towers and regulates prices unilaterally.

Since an inspection in late August, ATN news company in has been forbidden from operating. Broadcasting was stopped at its 7th channel; providers simply refused to transmit the signal. On September 15, two more television channels—ATV/k and Fora, which broadcast ATN news—were switched off from broadcasting, while some other providers lost the technical capacity to transmit its signal. Journalists and managers at the affected channels expressed the belief that these actions are an attempt to silence media critical of the current Kharkiv mayor and governor. Fora channel resumed broadcasting in late November under new management.

In 2010, the National Council on Television and Radio Broadcasting designated the offshore-registered Zeonbud company as the digital provider of four national multiplexes (MX-1, MX-2, MX-3, and MX-5). Zeonbud is an artificial monopoly in both markets: programming services (not defined by the law) and telecommunications (regulated by the National Commission on Communications Regulation). Using the multiplexes, 154 transmitting stations are now working in a test mode. Out of 28 national channels,

21 stations broadcast via the multiplexes, and regional broadcasters are gradually switching to this system, too.

According to IAB, Zeonbud overpriced its services significantly—by about five times. Telekritika reported that the first invoices from the provider appeared in October 2011, but not all television companies hurried to pay them. For digital competition purposes, Zeonbud required the companies to sign an agreement—with the exception of state-owned outlets, which must only present a memorandum of intent to pay. Simultaneously, broadcasters still pay for analog transmission.

In 2014, when Zeonbud is supposed to be paid in full, the television market will have to pay 30 percent of its advertising revenues. Only 10 national channels are able to afford this, while the rest will have to ask their owners for subsidies. For regional broadcasters, digital broadcasting will never become self-sustaining, according to TRC Avers from Lutsk. Experts estimate the cost to be 15-20 percent of annual turnover.

While analog networks cover almost 99 percent of the population, the planned capacity of Zeonbud will cover only 55-60 percent of territory—65 to 70 percent of population. Some experts have said that a certain portion of frequencies were not coordinated with international and special internal users. Moreover, experts stated that approved standard DVB-T2 excludes a few million owners of modern television receivers, while the state is supposed to provide set-top boxes, averaging 32 state channels, for low-income homes. These circumstances have led to predictions that broadcasters and users will switch to satellites and IPTV.

According to Astra Satellite Monitor, at the end of 2010, 17.25 million Ukrainian households had televisions, with a breakdown of 49 percent broadcast, 34 percent cable, 16 percent satellite, and one percent IPTV.

ICT infrastructure is developing gradually, and many technical innovations are available in the country. The gap between large cities and rural areas in Internet and other technologies remains. According to Danylov, the main barrier to providing mobile content is that publishers would get back only 25 to 30 percent of their selling prices; the system is set up to benefit telecommunications providers. Still, RIA Corporation and other pathfinders will be selling mobile content. Among Kyiv publications, a few have begun offering AppStore or Android mobile applications.

List of Panel Participants

Viktor Danylov, director, TRC Rivne-1; publisher, Publishing House OGO, Rivne

Dmytro Dobrodomov, general producer, TRC Mist-TB – TV ZIK, Lviv

Ilona Fanta, chief editor of publications group, Zhyttya I Dilo, Poltava

Lyudmyla Gumeniuk, executive director, Media Reform Center, Kyiv

Sergiy Guz, executive secretary, Independent Media Trade Union of Ukraine, Kyiv

Vitaliy Kamenskiy, director, TRC VTV plus, Kherson

Kostyantyn Kvurt, chair of the board, Internews-Ukraine, Kyiv

Vladyslav Lavrov, journalist, *Kyiv Post*, Kyiv

Tetyana Lebedeva, honorary chairperson, Independent Broadcasters Association, Kyiv

Nataliya Lygachova-Chornolutska, chair of the board, Telekritika NGO, Kyiv

Lyudmyla Pankratova, media-lawyer, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Association of Press Publishers, Kyiv

Tetyana Rikhtun, director, Sebastopol Information and Press Center, journalist, Sebastopol

Yevgen Rybka, chief editor of projects Liga News and Liga Dossier, Information Agency LigaBiznesInform, Kyiv

Viktoria Syumar, executive director, Institute of Mass Information, Kyiv

The following participants filled out a questionnaire but could not attend the panel discussion:

Oleg Khomenok, independent journalism trainer and senior media advisor, Internews' Network U-Media project, Kyiv

Arsen Osmanov, media lawyer, Committee for Press Freedom Monitoring in Crimea, Simferopol

Moderator and Author

Kateryna Laba, executive director, Regional Press Development Institute, Kyiv

The MSI panel convened on December 5, 2011.



CENTRAL ASIA

The National Security law introduced ambiguous concepts such as “the negative impact of information,” which gives the government the right to decide upon the degree of negative impact. This law also contains a clause that allows the authorities to ban any foreign media.



KAZAKHSTAN

In view of Kazakhstan's OSCE chairmanship in 2010 and the government's declarations concerning the liberalization of the country's legislation, media experts and the public have been expecting liberal changes for two years. However, 2011 was as disappointing as the year before. Tamara Kaleeva, the director of the Adil Soz International Foundation for Protection of Freedom of Speech told attendees of an OSCE conference in Dushanbe in November 2011, "Kazakhstan's OSCE chairmanship in 2010 did not lead to a higher degree of freedom of speech in the country. The number of criminal proceedings against journalists has not decreased. In view of a significant decline in the number of civil proceedings, the total sum (of damages) claimed has not changed. Having conducted hefty image-making initiatives in the international arena, the government took care of regime consolidation inside the country in 2011."

There is a long list of anticipated changes that the government has hinted it would make to improve the freedom of expression and freedom of the press environment. One long-awaited change is the creation of regulations to provide journalists with access to information. Libel and defamation claims have not been decriminalized. Rules regarding media registration and re-registration have not been liberalized.

Instead, the government maintains laws designed to force media outlets and journalists to guess what might get them in trouble, and therefore self-censor. The National Security law introduced ambiguous concepts such as "the negative impact of information," which gives the government the right to decide upon the degree of negative impact. This law also contains a clause that allows the authorities to ban any foreign media.

State officials exert pressure on the media, demanding one-sided, biased coverage of events. For example, long before the parliamentary elections, media outlets that had received state grants received an unspoken message to mention the ruling Nur Otan party as often as possible in a positive context and to spread the idea of a two-party democracy as promoted by a presidential aide. And although bloggers enjoy a relatively higher degree of freedom, blogger and MSI panelist Kuanysh Magzuov noted, "A blogger is always afraid... When a person works alone, it is always more difficult."

KAZAKHSTAN AT A GLANCE

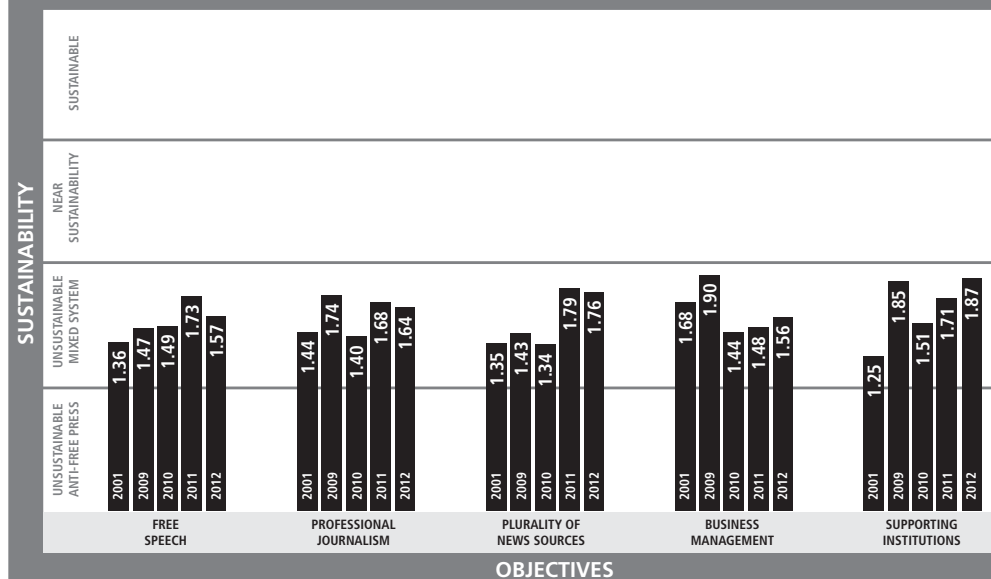
GENERAL

- > **Population:** 17,522,010 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh 63.1%, Russian 23.7%, Uzbek 2.8%, Ukrainian 2.1%, Uighur 1.4%, Tatar 1.3%, German 1.1%, other 4.5% (2009 census, *CIA World Factbook*)
- > **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)
- > **Languages (% of population):** Kazakh (state) 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)
- > **GNI (2010-Atlas):** \$121.4 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$10,610 (World Bank Development Indicators, 2011)
- > **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, 43 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_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

Kazakhstan Objective Score: 1.57

Olga Kraus, editor-in-chief of *Novyi Vestnik*, commented, "The constitution of the country guarantees freedom of speech, and the Media Law also exists but, in fact, the 'freedom of speech' in the country is no more than a formal concept. The law rather limits the rights of media, and there is no real defense mechanism. In the regions, everything is completely controlled by the authorities."

Media legislation is also full of bylaws concerning television and radio broadcasting as well as controls on the Internet. Due to one such provision issued by the Ministry of Communications and Information, the citizens of Kazakhstan nearly lost access to Google in June when the Ministry demanded that servers for .kz websites be located within the borders of the country; Google responded by announcing its departure from Kazakhstan. A governmental clarification that the rules referred only to domain names that had not been registered prior to the decree kept Google in the country.

Journalists still face the possibility of criminal penalties for "disclosure of information classified as a state secret." Penalties include prison terms of up to two years in jail.

New legislation in 2011 was deemed by the MSI panelists as hindering the cause of free speech. Media lawyers compare

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

FREE-SPEECH INDICATORS:

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

many new regulations to a Pandora's box, claiming that their implementation may cause serious damage to the non-governmental media. An example can be seen in the newly adopted law "On National Security of the Republic of Kazakhstan," mentioned above, which has introduced the legal concept "negative impact of information." This allows the government to decide negative impact is and to what degree information reported is harmful. Noted Olga Kaplina, project manager for Internews Network-Kazakhstan, "The Law on National Security is potentially dangerous for the media as it covers, among threats 'The influence of information on public and individual consciousness related to deliberate distortion and spreading of unreliable information to the detriment of national security.' A number of lawyers believe that any information unacceptable for the government can be viewed as unreliable."¹

This law (article 23, part 4) also impinges on the operation of communication providers: "In case of anti-terrorist operations and suppression of mass riots, the head officer of the crisis center may demand that owners of communication networks and service providers receive compulsory instructions on halting communication services to physical and/or legal persons and/or limiting the use of the network and means of communications, as well as changing the mode of operation of the networks and means of communications."

The most significant legislative event was the adoption of the law "On Television and Radio Broadcasting" at the very end of the year. The drafting of the law included discussions with a number of media organizations. However, the final draft was adopted in defiance of the position expressed by the journalism community. Media experts and Kazakhstani journalists appealed to Kazakhstan's president twice, requesting him first to halt the process of the draft law approval and then to veto it. At the end of 2011, similar requests to the president and the minister of communications and information were made by Dunja Mijatović, the OSCE representative on Freedom of the Media, as well as by representatives of such organizations as Article 19 and Soros Foundation-Kazakhstan. These appeals expressed concern about problematic wording of key provisions in the law.

The law's opponents pointed to two key issues that would, in their opinion, threaten media freedom:

1. Representation in the Television and Radio Broadcasting Committee: opponents of the law wished for media NGOs to receive full voting membership rather than being symbolically present and unable to exert any influence on the decision-making process.

¹ <http://www.zonakz.net/articles/41889>

2. Licensing broadcasters for digital conversion: opponents of the law, including the OSCE,² fear that the transition to digital broadcasting will, ironically, limit media pluralism despite the increased frequencies available. Critics question whether non-governmental stations, especially regional ones, will have a chance of being licensed or whether they will effectively lose, without compensation, their license in the switchover. The government plans to grant the national operator, Kazakhtelecom, a monopolistic position by allowing it to purchase broadcasting frequencies without requiring competitive bidding, whereas other companies will have to compete for their frequencies in multiplexes.

The Television and Radio Development Committee issues broadcast licenses. For several years, the National Association of Television and Radio Broadcasting Companies of Kazakhstan (NAT) has been fighting to obtain the frequency bands allocation plan. However, despite multiple inquiries, NAT has failed to take the wraps off the allocation plan. Therefore, each invitation to bid for a frequency is a kind of revelation.

On August 31, the International Foundation for Protection of Freedom of Speech Adil Soz and NAT addressed Minister of Communications and Information Askar Zhumagaliev via a blog post asking him to reveal the number of frequency bands allocated to television and radio broadcasting in Kazakhstan. Also, media NGOs inquired about the government plans for using frequency band resources released due to the transition to digital television broadcasting. On September 16, Zhumagaliev replied that a territorial frequency plan (TFP) for the first multiplex covering the whole territory of Kazakhstan and the second multiplex for Almaty, Astana, and Karaganda cities have already been developed. The network for the first multiplex will consist of 827 transmitters throughout Kazakhstan. As of today, frequency allocations specified in the TFP have been coordinated with the Ministry of Defense and an international coordination of these frequency bands is being conducted according to the recommendations of the International Telecommunications Union. "In the future, the frequency band allocation procedure for digital broadcasting is going to be conducted according to the regulations stipulated in the currently drafted law On TV and Radio Broadcasting. It is also planned to release four or five television channels for the development of broadcasting in the Republic of Kazakhstan," the reply from the Minister of Communications and Information says.

The Television and Radio Development Committee met twice in 2011 (January and October) and, according to Sholpan

² OSCE press release "OSCE Media Freedom Representative Expresses Concern over Newly-Adopted Broadcasting Law in Kazakhstan." <http://www.osce.org/fom/86713>

Zhaxybaeva, the executive director of NAT and the only representative of NGOs on the Committee, both meetings were conducted with violations of the regulations. Loopholes for violating the principle of equality of all the participants are always found. Sometimes regulations governing the period of notice about the bid may be infringed. The meeting may be scheduled within a few days after the public announcement, while preparation of all the necessary documents requires several weeks. For instance, it takes at least five days to get a tax statement in the regions. Sometimes the officials who prepare the documents for bid examination and summarize consolidated data on application completeness, may also remove certain documents from the folder submitted for bidding. Zhaxybaeva noted that being the only independent member of the Committee, she often goes through the files before they are submitted for bidding in order to make sure that all the necessary papers are there. Yet, there were cases when she had to protest against tampering with the application by the officials, confirming prior completeness of applications of some television and radio companies. The owners and managers of media outlets are usually afraid of fighting for their right to participate in bidding and do not protest against the tampering with their applications for fear of repressions.

Another infringement of the examination procedure is the evasion of anti-monopoly legislation. The whole package of frequency bands presented for bidding is often given to one company while local—city or regional—companies are not considered as an alternative. For instance, the Committee meeting in October allocated 22 radio frequencies in big cities to one company in spite of the fact that several local private companies also bid for them.

In 2011, due to the launch of national Balapan and Madaniet channels under the personal patronage of President Nazarbayev, citizens in areas that had been underserved for a long time gained access to more broadcast options. Discussing the positive impact of these channels' launch and development, media experts in the focus group also noted the illegitimate licensing of these channels. Zhaxybaeva mentioned that each channel is supposed to receive its bandwidth through a bidding procedure and by decision of the Committee. However, the government decided that they could launch these channels themselves, by-passing the procedures stipulated in the law. Without prejudice to the quality of these channels and their significance for the general public, it is important to note that in this case the government behaved as a monopoly. Private media were not offered any opportunity to take part in bidding for relevant content creation and development. There do exist private media that are interested and capable. For example, the regional Otrar TV, supported by the Internews New Reporter project, created a website updated in real time, having thus

made a step towards development of a multimedia version. Its owner addressed the Ministry of Communications with a proposal to create a nationwide channel for children. Several years ago Otrar launched the first children's programming in the Kazakh-language; they later launched and are still broadcasting programs in the Uzbek and Uyghur languages.

Promises by mobile communications companies to launch 3D mobile television channels have failed to come into being. According to one version, the officials responsible for licensing documents were trying to extort an insurmountable bribe; another version claims that calculation of expenses (including those related to political and ideological factors) and potential profits looked irrational to the owners of these companies.

The Television and Radio Development Committee is also authorized to make decisions regarding revocation of previously made decisions concerning registration of media outlets. If need be, this can be used as a tool against critical media.

Practice shows that even those stipulations of the law that look quite liberal at first sight may, in case of necessity, be used against certain media outlets and journalists. Thus, the stipulation that the Ministry of Communications and Information must ensure that no media outlets be registered under the same name, has since summer 2011 been practically preventing Tokbergen Abiev, the former editor-in-chief of *Zakon i Pravosudie (Law and Justice)*, who had spent three years in jail for the accusation of "giving a bribe," from registering a new edition. Each time Abiev filed a registration request with another name, the Ministry would constantly reply that media outlets with such names already existed, and the registration of a new edition with the same name was impossible. In fact, the last time Abiev applied for registration in the fall of 2011, he filed requests for two editions with names that were in principle undreamt of for a printed publication: *A Corrupt Official Must Sit in Jail* and *Kazakhstan Media Alliance Law and Justice*. Imagine how shocked he was when the official rejection signed by the deputy head of the Committee for Archives and Information of the Ministry of Culture claimed that newspapers with such names already existed!

The problem is that registration applicants can never verify the accuracy of claims regarding the existence of these or other names; although the inventory of all registered media outlets is not a classified document, it has never been published. Despite multiple promises, the Ministry of Communications and Information does not provide open access to the inventory. However, panelists noted that the situation might change for better due to a recent Minister of Communications and Information Decree On Approval of the Rules of the National Online Service Media Registration.

The only media that do not yet require licensing is blog posting, though the government is already actively interfering with this media by blocking undesirable blogging platforms.

Tulegen Askarov, economic analyst for *The Voice of Republic*, said, "Formally, media outlets as businesses function on equal terms with other market players, and, as of today, they do not have any tax or customs privileges. However, a 20 percent limit on the foreign ownership of media, stipulated by the National Security Law, is still in force."

Enjoying no preferences in taxation and other conditions for business development, media outlets are still different from other types of businesses in terms of market entry conditions. Although the licensing procedure for media is quite similar to that for other types of businesses—the licensor can grant or refuse, suspend, discontinue, or even revoke the license—in the case of media business registration, the decision is very often influenced by additional political factors. Most business outlets receive their licenses from local executive authorities of the region where the licensee is registered, whereas media licensing, registration and re-registration procedures are centralized and conducted only by the authorized body: the Ministry of Communications and Information of the Republic of Kazakhstan.

Adil Soz monitors recorded 14 attacks against media outlets and 15 cases of threatening journalists in 2011. In none of these cases were the perpetrators brought to justice. News about crimes against journalists and media outlets is usually spread around through mailing lists of media outlets; however, crimes against journalists of state-run media are usually concealed by decision of the media outlet's administration. Representatives of various media outlets raised the issue of impunity of those who attack journalists at a press conference held on the International Day to End Impunity, November 23, 2011. At the same time, any investigation conducted by media outlets or journalists themselves is being blocked, and the authors of investigative articles are persecuted.

Five years have passed since journalist Oralgaisha Omarshanova disappeared and the case has essentially gone cold. The media community believes an investigation is not being carried out at all. Journalists' suspicions are based on the fact that right before her disappearance, Oralgaisha had published an investigative article in the *Zakon i Pravosudiye (Law and Justice)* newspaper concerning the conflict between Kazakhs and Chechens in Malovodnoe (Malybai) village, expressing her opinion about a link between high-ranking security officials and criminals involved in the conflict. However, the investigation had neither refuted nor confirmed these suspicions. The only example of a speedy investigation and a guilty verdict by the court the case of murdered Kyrgyz

opposition journalist Gennady Pavlyuk. The panelists believe that the speed of the investigation and the court ruling was possible solely because of changes in the Kyrgyz Republic political elite who masterminded the murder.

Statistics of violations of journalists' rights bear evidence of certain tendencies: the majority of "victims" are journalists from private media; television reporters and cameramen are the most frequent targets of attacks. Bloggers are seldom among those against whom crimes are committed.

The dependence of state-run media outlets on the state is growing from year to year. On the one hand, there is a well-established tradition of providing state-run media outlets with hefty funding from state funds; besides, most of the state-run print media are supported by mandatory subscriptions for officials and civil servants. *De jure*, all state-run media are amalgamated in huge corporations, the editorial boards of which are appointed by governmental bodies and enjoy a status similar to that of the Soviet-times: they participate in the governmental flow of documents (including those kept secret from other media outlets), they bear international passports, and often belong to the ruling Nur Otan party.

Some recent legislative provisions benefit the mass media. For example, article 129 of "On the Introduction of Amendments and Addenda into Certain Legislative Acts of the Republic of Kazakhstan Regarding Further Humanization of Criminal Legislation and Strengthening the Guarantees of Lawfulness in the Criminal Process of the Criminal Code of the Republic of Kazakhstan," enacted in January 2011, introduced the administrative issue preclusion system. For the media, this law rules out the possibility of administering punishments, such as a six-month imprisonment, for libel. Criminal liability for libel and defamation has not been abolished, despite the promises given by Kazakh authorities to the international community. The changes in the law refer to administrative liability for libel and defamation and stipulate administrative liability according to the Administrative Offenses Code; only then is punishment within the framework of the Criminal Code.

Amendments and addenda to the Civil and Criminal Codes made in 2011 (Law No. 452-IV) allow a legal entity to defend its business reputation by demanding that a media outlet publish a reply or refutation if information infringing on the rights or lawful interests has been disseminated. Both the reply and the refutation must be published free of charge. If the owner of the media outlet refuses to publish the refutation, or if publication has not been carried out within one month, or in case of liquidation proceedings against the owner of the media outlet, the legal entity has a right to claim compensation for losses pursuant to the procedure established by article 350 of the Civil Code.

A special law, "On the Leader of the Nation," protects the president, members of parliament, and other political figures. Each lawsuit concerning such high-ranking persons involves hefty compensation out of proportion with the level of life and income in the country. As a result, panelists stated that high-ranking officials initiate most libel cases against journalists and media outlets, and practically all cases end up with guilty verdicts for the journalists. Courts still award huge sums in favor of plaintiffs. Media outlets face a dilemma: either to be a "watchdog" and inform the public of cases of power abuse, infringement of citizens' rights, etc. or to go bankrupt because of suits filed by those in power. In 2011, yet again, *Uralskaya Nedelya (Uralsk Week)* newspaper was within an inch of bankruptcy, this time due to the lawsuit from the Joint Manufacturing Venture Metal Products LLC regarding the publication of an article titled "What the Regional Akim is Concerned About." In March, the Uralsk regional court announced its decision: oblige the newspaper to pay KZT 20 million (\$133,000) in compensation for moral damages. The case was not about the veracity of presented facts, but regarded the opinion of a journalist who cast doubt on the company's professionalism.

The panelists believe that most journalists who lose libel, defamation, protection of honor, dignity, and business reputation lawsuits have been punished because they could not present conclusive evidence of being right. Instead of presenting arguments based on facts, they often express their own opinions and thereby affirm various stereotypes of poor journalism.

Several criminal court hearings in which journalists were accused of libel took place in 2011. As many as 19 people were accused, 15 of whom are traditional media journalists (mainly from regional print media) and four Internet journalists.

Valery Surganov, a journalist working for the www.guljan.org website, and Kuanyshebek Botabekov, editor-in-chief of *Adilet* newspaper, were accused of "Libel combined with an accusation of a person committing a grave or an especially grave corruption crime" and sentenced to a year-and-a-half of imprisonment each. The charges against Surganov originated from his article "Kings of Financial Police, Part Two" placed on the website www.guljan.org on June 12, 2011, and a similar article published in *Kazakhstan* newspaper on June 14, devoted to the murder of a Kazakh student, Ernar Aliev, in Moscow. Sandzhar Aliev, the head of the Financial Police in Pavlodar Oblast, filed the claim, feeling the articles distributed false information. Surganov was also sentenced to pay compensation of KZT 100,000 (\$670) and issue a refutation on his website.

Botabekov's case centered around his articles "Mr. Kenes, which team do you play for?" and "Dear valued Mr. President!" In addition to his suspended sentence, he was ordered to publish a refutation and pay KZT 300,000 (\$2,000) as moral damage compensation. The Nakipbekovs brothers—both high-ranking state officials—filed the claim as private persons whom the author had accused of corruption and abuse of power.

Few cases end up in favor of the journalists. The Petropavlovsk City Court declined a lawsuit for protection of honor and dignity filed by Kulshira Usenova, Arjarkyn village school principal, who was seeking to recover KZT 2 million (\$13,400) as moral damage compensation for articles published by Viktor Miroshnichenko, a reporter with *Vremya (Time)*. The Shardary District Court of South Kazakhstan Province dismissed a suit by the district akim (governor) Margulan Marayim against the editor-in-chief of the district newspaper *Shardara Tynysy Zhumabek Mukanov* claiming KZT 2 million (\$13,400) in damages. Irrefutable proof of facts, published in the articles that had allegedly harmed the civil worker's dignity, was provided during the trial. Panelist Galiya Azhenova, the head of the Public Center of Expertise of Information Disputes at Adil Soz, provided legal support in that case.

Nevertheless, 2011 witnessed a symbolic case, when a young and democratic member of parliament, Tomirbergen Birtungarov, filed a lawsuit for protection of honor, dignity, and business reputation against a journalist with a symbolic compensation of KZT 1. Later on, the parties settled, but the media considered the case as a very positive step.

Article 20 (item 2) of the constitution guarantees "Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the Republic of Kazakhstan shall be determined by law." However, state agencies sometimes deliberately "filter" media access to important events. For example, regional journalists from private media outlets have a very slim chance to gain access to events conducted in the akimat's office when the leaders of the country visit it. Getting accreditation at high-ranking state events is an extremely difficult, almost impossible mission, for bloggers. On the other hand, it should be noted that in 2011, authorities started paying attention to bloggers. Bloggers participated in such key press-tours such as the launch of the Kazakhsat-2 satellite in Baikonur and the discussion of the e-government in Astana.

"Access to information depends on each particular department. National-level organizations usually require a written request for supplying information. On the regional level, it is much less complicated. Information can be obtained by phone," said Beishen Kuranbek, director of Zhetysu TV in Taldykorgan.

In situations when the government agencies refuse to provide journalists and media with access to information, the latter often fight for their rights with the help of legal mechanisms. Journalists usually lament about court procedures, which take a lot of time provide very little protection. In 2011, the *Aina* newspaper decided to become one of the few media to file a lawsuit for restriction of access to information. First, the newspaper applied to a specialized inter-district economic court in Kostanay with a lawsuit against the Karabalyk District Department of Sanitary and Epidemiological Inspection. The problem was that journalists working for this newspaper had verbally requested that the Department publish the exact results of the inspection of local points of sale. The Department head refused to reveal such data, having considered that such disclosure might harm the owners' reputation and hinder the development of their businesses. On April 26, the court declined *Aina's* claim, explaining that the plaintiff had missed the time allowed for claims. Another reason for the court's rejection was the absence of a registered request, although the Department did not deny that a verbal request had been made.

Changes to the regulations that would provide journalists with access to information and stipulates clear-cut responsibility of state agencies and officials to provide access to information was prepared as a draft law in 2010. Many Kazakhstan's NGOs, including Internews lawyers, took part in its development. However, the parliament was dismissed just before the law was going to be adopted, and its future is still unclear.

Despite stagnation in some areas of access to information, in 2011, the active development of the e-government system has continued. The government has invested large amounts of money into a practical implementation of e-government. At the High-Tech Conference and Exhibition in Astana, experts estimated that savings from the e-government implementation have already exceeded KZT 40 billion (\$270 million).³

Now not only state agencies, but also key political and administrative figures have their own blogs and websites. The panelists mentioned the website of the akim of Taraz and the website of the Supreme Court as being the most efficient ones, open to cooperation and providing access to socially important information. On the other hand, the Twitter account of the prime minister, which quickly reached 20,000 followers, has, according to the panelists, become simply a formal channel of communication: anonymous clerks attend to the prime minister's personal Twitter feed, giving run-around replies to specific requests and questions asked by followers.

³ <http://digitalcom2011.kz>

The journalists say the same happens with other governmental channels of communication: they are all characterized by pseudo-openness. A journalist seldom receives competent and clear replies to relevant questions. The fear of showing incompetence often causes rejections and red tape. In the course of the panel discussion, the panelists quoted multiple examples of refusals to provide information for factitious reasons or without any reason whatsoever.

The Adil Soz monitoring of the violation of journalists' and media rights has also recorded cases of limiting journalists' access to information. For example, in April 2011, "A reporter for the weekly *Avitrek*, Robert Keller, was preparing an article related to the delay in delivery of low-cost prescription drugs for disabled people. Keller addressed the head of the Department of Public Health of Karaganda Province for explanations. An office manager asked the journalist to leave a written request and promised to reply within a month. As a result of the delay, the journalist could not fulfill his task."

Another example from Adil Soz: "Two explosions rocked the city of Atyrau on October 31. The responsibility for them was claimed by the Jund al Khilafah (The Caliphate Soldiers) terrorist organization. According to the SITE research organization, the militants had published their statement concerning the case on the Jihad forums. Since this statement had not been commented on by Kazakh officials, the Azattyk (Freedom) radio reporter Svetlana Glushkova applied to the General Prosecutor's Office for information. The General Prosecutor's Office assured her that they had no information about such a statement and suggested that she leave a written request for information. The Ministry of the Interior told the journalist that they did not know anything about Jund al Khilafah's statement either. The National Security Committee (NSC) stated that the Atyrau explosions were to be investigated not by them but by the General Prosecutor's Office and the Ministry of the Interior."

Journalism is still a freely chosen occupation. There is no barrier to entering the profession, no licensing procedures, and no qualification tests. Practically everyone can become a journalist, especially now with the spread of blogging. The only barrier is if you want to be listed as a loyal journalist and get accredited by the state authorities and certain state-run companies. There are also some barriers for becoming a staff member of major state-run media. The absence of any specific requirements for entering into the profession rules out special privileges. However, as Azhenova stated, "The press card means a lot; therefore, even bloggers try to work for print and officially registered media in order to receive a press card with 'staff reporter,' 'free-lance reporter,' 'editor.'"

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.64

There are very few examples of scrupulous reporting with balance and multiple sources of information. Media often publish information without verifying it, without taking the time to find out what the criticized side thinks, etc. This hurts the media consumer, but it also hurts the media: *Vechernyi Taldy-Kurgan (Evening Taldy-Kurgan)* newspaper had to pay court-ordered fines because it did not check other sources of information and verify facts contained in a Community Council of Taldykorgan region press release. It just re-printed the text, which averred the court secretary's appearance did not conform to business attire, saying she was wearing a tube top and a mini-skirt during court hearings, and implied that this also brought her morals into question. The newspaper was found guilty of causing moral damage and insulting the court secretary's honor and dignity; the editors did not have any documented proof of "unethical" clothing.

In the course of the panel discussion, panelists could name only a handful of journalists who adhere to a majority of professional standards. Among others, they mentioned Bukov, who works for *Vechernyi Taldy-Kurgan (Evening Taldy-Kurgan)* and has quite a few court hearings under his belt in which he managed to present convincing documents that exonerated him. In most cases, journalists have to face a dilemma: whether to publish information with only one opinion or not to present it at all because the representatives of government agencies refuse to provide any comments, especially in critical cases.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The following case is typical. Anatoly Inochkin, a journalist for *Criminal News* newspaper was preparing an article about the state-run orphanage for children and adolescents in Karaganda city, where children were being fed expired products. These facts had been established by investigators of the Prosecutor's Office of Kazybek Bi District in Karaganda. In order to avoid publishing one-sided information, the reporter asked the orphanage staff for clarification. However, the orphanage representatives refused to speak to the journalist.

Adding to problems of quality journalism are staff that have not changed their approach to journalism since Soviet times. Most editorial offices of the regional media are full of veteran journalists who do not want to move out. According to Kuranbek, more than a third of journalists are old timers who cannot switch to working on computers. In the cities, especially in television, the situation is just the opposite: most journalists are young.

There is a huge demand for analysis of news, and editorial boards are looking for news observers, as the audience needs guidance in the sea of news. However, there are very few such experts among journalists.

Events that happened in Kazakhstan in 2011 became a litmus test for checking the journalists' professionalism and integrity. Several well-known terrorist attacks and incidents took place this year. Analyzing the work of media outlets on these days, one can see that most journalists and media outlets are incapable of working with several sources of information and cannot react in a timely way to the events that have a great significance to the country. For example, during the terrorist attack in Taraz, which took place on a weekend, many media outlets did not find it important enough to prepare any news coverage, while others presented them late in the evening, when the Internet was already full of rumors. Information published by those agencies that did operate on that day was not always verified.⁴

Internews experts note that bloggers also demonstrate insufficient professional skills. For example, in the case mentioned in Objective 1, above, when bloggers were included in events such as a satellite launch or discussions of e-governance, many bloggers dedicated significant space to the meals they received and how they were taken bowling.

Askarov voiced a strong opinion regarding ethics: "There are no ethical standards for journalists that have been approved by the journalist community and employers. This leads to the dominance of subjective journalism, pre-paid concealed PR materials, and other negative phenomena that lower the quality of materials and the media as a whole. Commercialization of information published in mass media is pervasive."

⁴ <http://newreporter.org/2011/11/15/kak-kazaxstanskije-smi-osveshhaliterakt-v-taraze/>

The panelists provided examples of ethical lapses: television operators may show the faces of AIDS patients in focus or depict scenes of violence and dead bodies covered in blood. Last year, the Ministry of Communications and Information was even compelled to send a special notification to OJSC CTC (Commercial Television Channel) about their violation of ethics because the channel regularly broadcasts programs that show dead bodies. Commenting on such a lack of sensitivity, Askarov said that all kinds of violations of ethical norms are inevitable because students of journalism know nothing about their rights and responsibilities.

On the verge of the 2011 elections, 50 editors (from the Chief Editors' Club) signed an Election Charter promising not to violate ethical norms while reporting on the election process. This charter had little effect on mass media, though several editorial boards did note that abidance by ethical norms is not necessarily connected to abidance by legal norms.

The panelists believe that bloggers also do not follow ethical standards: they use taboo vocabulary in their posts and practice concealed public relations whenever they can. As of today, the only website that separates between advertising and other content is tengrinenews.kz. Some websites create content that blatantly calls for ethnic discord or publishes information that defames personalities (e.g. masa.kz). However, there have been no cases of bringing bloggers to court for these posts.

Plagiarism and piracy have become common practice in Kazakh media. Adil Soz monitoring had to introduce a special category of legal action against the media: "Accusations that journalists and media violated copyright." Kazakh-language blog content is the most popular target for plagiarists. However, plagiarism is often detected in traditional and quite respectable media: for example, unique content on health issues from the Camp Kcell blog is regularly reproduced on the *Ene Mene Bala* program, and most television channels have already introduced BlogPost segments that never mention the names of the bloggers. Eurasia TV borrows news from zakon.kz aggregator, which, in turn, aggregates information from various sources without referring to the authors. On November 21, the web-editor of *Nasha Gazeta* (*Our Newspaper*) wrote an email to the editorial board of ok2net.kz website with a complaint about using authored video material "The Volunteers' Farewell Party in Kostanay" without the editor's consent and any reference to the source and author. *Nasha Gazeta* requested that either a direct link to the material and the name of the author be posted or the material be removed. An anonymous ok2net.kz operator refused to comply with these requirements, claiming that the video clip was posted by their user, and they do not bear any responsibility for that.

As it often happens, dishonest “borrowers” not only conceal the source, but sometimes even sign someone else’s product with their own names! As Victor Losev, the President of Kazakhstan Association for Protection of Copyright and Related Rights put it at the roundtable Copyright Protection in the Information Medium, 90 percent of the most visited Kazakh websites contain pirated content. There is even a new political party in Kazakhstan whose aim is to fight against any kind of injustice, including piracy.

There are no tools and procedures for copyright regulation in the Internet environment yet, nor are there any courts capable of judging copyright issues properly.

Sometimes media outlets not only “borrow” materials from other sources of information, but also make editorial changes without the author’s consent. For example, in March, the www.nur.kz published Elena Chernyshova’s report on the disciplinary committee meeting “While Sandwiches I Make, Thoughts of People Pierce My Brain” (Express K, March 5, 2011) with their own title: “The Most Corrupt Akimat of the Country has been Named.” According to the author, this title completely distorts the sense of the article.

Both journalists and media outlets practice self-censorship. “Self-censorship is widespread, since media outlets are trying to avoid negative reaction of the authorities, as well as businesses and individual citizens because Kazakhstanian legislation allows for an easy way of demanding hefty compensation from media outlets for moral and financial damage,” said Askarov. Reporting on frequent and key events such as protest rallies by miners, media outlets try to avoid specific details and interviews with the miners and other protesters. Another case involved the Kazakh Embassy in China, which was closed for some time and did not issue visas. Although this problem was recorded by visitors and a video was sent to Kazakhstan, no one dared show this video or write a critical article in the print media.

“All state-run media outlets are bound by the same management and understanding of the state interests. For the sake of a quiet life, a journalist makes the coverage or article exactly according to what has been requested,” said Azhenova.

Furthermore, the Law on National Security adopted in 2011 reinforces self-censorship. It aims to prevent “the influence of information on public and individual consciousness related to deliberate distortion and spreading unreliable information to the detriment of national security.” A number of lawyers believe that any information unacceptable for the government can be viewed as unreliable. And this is a new avenue for censoring journalistic activity.

One result of this attitude held by the media and promoted by the government is that citizens learned about the terrorist

attacks in Taraz initially only from Russian Internet sources. Local media dared write about it only 12 hours later. The Minister of Communications and Information summoned media representatives and warned them how important it was to adhere to ethical norms in their coverage of the conflict, though no media outlet had published a single line about this event. As a result of such an attitude about informing the public, the city and the whole country were filled with rumors. Some said there were piles of corpses all over the city. Another popular version claimed that the event was organized by the police trying to conceal a clash, in which several of their colleagues had been killed. In order to avoid investigation, they allegedly arranged a pseudo-terrorist attack, which could explain the dead bodies in the street. In the age of access to the Internet and social media, such a lack of authoritative reporting can be quite damaging to the public.

Journalists are sometimes so confused that they do not even report on events that bear no political angle, being afraid of getting themselves and their media outlets into trouble. For example, when there was a series of earthquakes in Almaty on May 1, journalists from all traditional media preferred to keep silent until the evening. Since the weather conditions in Astana have been censored for many years—meaning, it is undesirable to write about bad weather in the capital city—an earthquake may fall under the same censorship.

Demonstrating her attitude to censorship and self-censorship in the mass media, the author of guljan.org website posted a provocative video clip showing a naked butt with the caption “Bitter truth is better than sweet falsehood.” This pointed jab at a major problem facing journalism in Kazakhstan aroused a storm of protest among professional journalists and the general public.

Coverage of key events, being hampered by self-censorship as demonstrated above, is further complicated by the existence of taboo topics. For example, it is unacceptable to write about opposition political parties. Censorship and self-censorship are responsible for a veil of silence around significant political processes, for example, the prosecution for fraud and money-laundering of tycoon Mukhtar Ablyazov. The violence accompanying labor strikes in Zhanaozen became an indicator of each media outlet’s openness. According to Azhenova, the coverage of events in Zhanaozen by state-run media, with a rare exception of Kazakhstan TV, was one-dimensional and accusatory. The viewpoint of the opposition media was also one-dimensional. “The main version of the Zhanaozen events was received from Twitter, YouTube, and Facebook,” she said.

Reporting on interethnic relationships is still considered taboo. Nevertheless, journalists do write about the topic, using varying approaches. Kazakh-language media highlight

the dominant position of the Kazakh language and the importance of guarding the rights of an independent Kazakhstan. Russian-language media write about relationships between various nations in an idealistic style, presenting the picture of indissoluble bonds of friendship and consensus between ethnic groups. Since 2011, it has become unacceptable to write about religion and religious life. The television in Taraz, which had earlier received a grant to cover religious life, received an updated grant for stories on mediation to avoid conflicts.

In the absence of content, therefore, and to avoid problems and repression, some journalists from regional media generate content by publishing their own novels in serial form.

The scope of events covered by bloggers is much broader than that reported by traditional media.

Pay levels for journalists vary and depend on the type of media, where it is located, its ownership, and its chief editor's personality. The overall trend after the economic crisis has been for salaries to either remain flat or even decrease.

According to one panelist, journalists' pay rates gradually decreased in 2011, and now a journalist receives \$400 to \$500 less than in a public relations job. That, according to the panelist, is why journalists accept gifts and "rewards" from those they write about, especially in media outlets without strict policies on such gifts. According to Kuranbek, a person came to the Zhetysu TV editorial office with a proposal for a program aimed at explaining the draft law On Television and Radio Broadcasting to the public. He claimed that the Khabar TV office demanded a payment of KZT 2,000 (\$13) for such a program.

Non-governmental Kazakh-language newspapers have lower revenue and therefore lower salaries than the Russian-language media outlets. At *Turkestan* newspaper, for example, the highest salary barely reaches KZT 100,000 (\$670) per month, but only a few journalists achieve that level of income.

Most regional print media pay no more than KZT 50,000 (\$335). This is tolerated because if a regional journalist loses her or his job, s/he has nowhere to go. Kuranbek, head of Zhetysu TV, managed to raise the salary from KZT 20,000 to KZT 90,000 (\$135 to \$600) within a short period of time, having re-arranged revenue and spending policies. He claims, "The journalist's salary today is not bad if you are a professional and work from early morning to late evening. Regional journalists mainly work for one outlet, and their salary and expenses allow them to hold the one job only. Today many people are trying to enter journalism, not to leave it, and the pay level here is much higher than that of teachers, though not as high as that of certain government

officials. Dedication also plays a significant role." Astana journalists receive KZT 100,000 to KZT 120,000 (\$670-\$800).

Journalists at state-run media outlets enjoy the highest salaries. Nevertheless, not everything is perfect there either. For example, journalists working for the biggest information agency, Kazinform, went on strike three times during the year in order to receive their salaries. The striking journalists mentioned regular delays in payments as the reason for their strike; management explained this was due to past mistakes of the agency's tax accountants and by late payment penalties for previous years as well as frozen bank accounts.

Young people tend to look for better-paying jobs, so they move on if the salary is not high enough. Many young journalists work for several media outlets. Journalists often leave the media for jobs in the press-centers of oil, manufacturing, and state-owned companies, as well as press-centers of law-enforcement agencies. Many journalists work in unknown magazines, like an agribusiness journal, where they do not have to "sweat" but just reprint various specialized articles.

Blogging has not become a profession yet as it hardly brings in any income. A few exceptions are the bloggers with an audience of 500 to 600 visitors because they post to-order advertising. The majority of these are Russian-language bloggers, but almost none from the Kazakh-language blogosphere. There are a few exceptions, such as the blogger Kuanysh Esikeev, who can make an income of up to \$500 a month.

The trend towards further eclipsing news with entertainment programs has continued in 2011. As the panelists stated it, a "glamorization" of broadcasting is underway. Having analyzed the disappearance of news programs from the broadcasting schedule, the participants of Media Kurultai-2011, which took place in Almaty on October 31, noted, "Modern radio journalism is dead. Radio stations prefer a middle-of-the-road format: a bit of one thing, a bit of pop music. No analytical programs. Nothing more than four minutes in length." A few exceptions still exist in regional radio stations, such as the Taldyqorghon information radio or Kostanay radio that produces its own newscasts. On the whole, the panelists say that the chances to create a multimedia radio station like Russia's Echo of Moscow or Bavarian Memoryloops are feasible only on the Internet. Such an online radio has a potentially serious audience: today, as many as 7 million Kazakhstanis access the Internet at least once a day.

In 2011, the state invested large amounts of funds in the development of entertainment formats and creation of locally produced television serials. Traditional media create fewer and fewer newscasts themselves; most just borrow the

news from newsfeeds and online news aggregators. The few exceptions are limited to such information programs as *The Portrait of the Week* on CTC. The situation may change with the implementation of Khabar TV's plan to launch a 24-hour news channel, 24KZ, and an educational channel, Bilim.

The administration of the state-run television channels is clearly oriented towards adopting foreign formats. According to Kaplina, television experts have calculated that in order to compete with Turkish serials, which are most popular, one hour of locally produced content should cost about \$30,000. It is noteworthy that the second most popular television channel in Kazakhstan, Channel 31, which belongs to the Russian CTC Media Corporation with 82.9 percent penetration, fills its broadcasting schedule with Turkish and Korean serials, Hollywood films, some CTC content, and some Kazakh-language programming (mainly entertainment).

News and analysis still exist in the schedule of leading television channels mainly due to government procurement.

In October 2011, Internews conducted a one-day content analysis for several media outlets and a blog platform. It revealed that traditional media are less engaged in investigative journalism and publish fewer issue-specific stories of a social or political nature. At the same time, Kazakh-language media are characterized with a wider variety of genres. On the day of content analysis, the yvision.kz blog posted almost no materials related to politics, economics, or society. Internews expert and panelist Kaplina noted, "Cultural topics are now more prevalent in Kazakhstani blogs than in traditional media. This speaks about the decline in the variety of traditional media, whereas blogs, unfortunately, do not fill this niche."

The technological potential of the Kazakhstani media has grown considerably during the year. Today, media outlets have enormous capacities. "Our regional TV technical equipment has significantly improved within the past years. We are moving towards digital broadcasting and have all the facilities for that: cameras and editing equipment in P2 format. The news block is broadcast live. A virtual studio has been launched. Internet access for staff members is free of charge. All this has improved the quality of programs we produce," said Kuranbek. In 2011, several media outlets made an attempt to improve the kit carried by their reporters: Lada (Aktau), Novyi Vestnik (Kostanay), Rabat (Shymkent), and Tengrinews provided additional tools such as video cameras and USB modems to enable reporters to send timely news on important events to their websites.

Equipment of state-run media outlets with new technologies and facilities is incomparable to the private media's possibilities of technical upgrading. This is especially true for the electronic media. Some private television channels are still

employing outdated equipment, and this is reflected in the quality of their broadcasting, which, in turn, does not spur the growth of audience and advertising flow. This vicious circle will perhaps be broken with the universal introduction of digital technologies, when those incapable of meeting new standards will automatically cease to exist.

Being fairly well equipped, traditional, especially state-run, media outlets are now facing a lack of qualified and technically competent journalists. Media NGOs are also having problems due to the lack of technically trained staff. In order to help the media, The Legal Media Center NGO in Astana, supported by Friedrich Ebert Foundation and OSCE, organized a seminar on the efficient use of social media tools for NGO activities in October, 2011. The seminar revealed that different organizations have different levels of competence in these instruments: Minber NGO (Almaty) makes use of RSS, has a Twitter account, a page on Facebook, and uses tools for synchronizing information; representatives of many other foundations and associations learned what Twitter is only at this training.

The state is actively involved in the process of switching to digital broadcasting. A specific program for information and communication technology development is geared towards gradual introduction of digital broadcasting in 2010 through 2014. As the first stage of the project, the national satellite television broadcasting network Otau was launched on January 18, 2011. With the satellite television network in place, the whole population of the country, including those living in remote rural areas close to the borders, receive 37 national and regional television programs for the first time and free of charge.

Authors of investigative articles are persecuted. Journalists and operators of the Stan TV Internet portal (controlled by oppositionist Mukhtar Ablyazov) and the staff of K+ TV channel found themselves in the epicenter of a governmental pressure campaign. In the case of Stan TV, besides beaten staff and multiple lawsuits with substantial amounts claimed, governmental bodies, represented by the sanitary-epidemiological department, managed to close Stan TV information partners Namystan LLC and Stan TV video portal by suing Stan Production Studio LLC for violating health codes. When the president's aid, ex-Minister of Information Ertysbayev appealed to journalists, encouraging them to conduct more investigations, the head of the Journalists' Union, Seitkazy Matayev responded, "I just know that the state-run media do not conduct investigations whatsoever. As for private, independent media, they are, of course, involved in investigative journalism, but do it at their own peril and risk because any investigation is bound to produce a negative response by the criticized party."

Matayev words are backed up by dozens of lawsuits filed to protect the honor and dignity of various politicians, who accuse journalists of libel. For example, Gennady Benditsky, a journalist for *Vremya (Time)* newspaper, who is famous for his pointed articles, was forced to appeal to the public from the newspaper's pages in August. He wrote that after several publications concerning the facts of illegal activity of certain National Security Committee officers and the personnel of the Khorgos and Korday customs and border control checkpoints, some sources in the security agencies warned him that he is "on a hook."

Business journalism has stayed at the same level, having not experienced the same setbacks during the crises as the business sector did only due to state procurement contracts. Grant funds received from the government have almost completely compensated for the decline in advertising flows to business media outlets. The economic crisis has lowered the spending capacity of the majority of the country's population, which first of all affected the "glamour" media industry, which had just started to develop a couple of years before. Other kinds of niche journalism have not demonstrated their capacities yet. Even the Court Journalists' Guild, which was founded in Shymkent at the end of 2010, did not showcase capacity for enhanced coverage of legal proceedings in 2011.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.76

The activity of such media outlets as Stan TV, K+ TV channel, a number of party-run media, and various Kazakh- and Russian-language blogs has significantly decreased the monopolization of news and information by the government and is fighting information monotony. Years of information control and censorship and traditions of bias in covering events both by state-owned and opposition media outlets have developed a specific approach to understanding the news among newspaper readers. Askarov described this approach in the following way, "Take *Kazakhstanskaya Pravda* and *Respublika* [now published as *Golos Respubliki*] and find the truth about the event between the two versions of reports."

The panelists explain the low level of public trust in the majority of traditional media in the following way: State-run and pro-governmental media outlets, controlled by businesses loyal to the government, cover only those topics that have been approved by central and local authorities. Many media outlets have developed a certain hierarchy in presenting information: the president; government; parliament; big business; the rest of society. Business circles that control the leading media outlets refuse to be transparent about

ownership. These lead to the lowering of the public trust in mass media in general and electronic media in particular.

Although practically all Kazakhstani media outlets are politically biased and reflect political events in the country according to their owners' interests, the development of multimedia technologies promote diversity of information in the media. A large number of private media outlets focus on reflecting relevant social problems. For example, the Otrar multimedia outlet speaks about multiple aspects of life in the regions, from problems of children staying at home unattended to the desperate situation with housing, all in a real time mode. Typically, a couple of days later the same coverage is broadcast by national television companies like CTC.

There are 8,248 registered media outlets in Kazakhstan (2,513 of which are active); 212 electronic media outlets; 2,392 foreign media are distributed, and 9,000 domain names are registered in the .kz domain. Eighty-five percent of print media are privately owned. This variety promotes citizen access to diverse information and their awareness of nearly all, including political, events (see objective 2 for more details).

New television channels Balapan and Madaniet, as well as Classics radio, were launched in 2011. This has broadened the scope of information presented to the public. Furthering avenues for access, KazTAG sends its newsfeed in SMS form, although in general this channel of distribution is not popular in the country. The public places a lot of trust 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) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources
- > The media provide news coverage and information about local, national, and international issues.

the blogosphere, especially in its coverage of critical events. Bloggers were the only sources of information in many stories. The Internet also prevents the government from limiting access to foreign sources of information.

Taken together, in general plurality of news sources does allow the public to be aware of events and develop their own points of view.

Perhaps because of this, 2011 was marked by a trend towards further tightening of registration for foreign media of various genres. According to article 19 of the Law on Television and Radio Broadcasting, registration of all foreign electronic media with the authorized body is mandatory now, whereas in the past they could just be spread by a distributor. Deputy Minister of Communications and Information Nurai Urasov said in an interview with stan.kz, "The current registration procedure is imperfect, and I suspect that foreign TV channels do not always know that their content is broadcast here, in Kazakhstan. That is why we have introduced the requirement that the channels themselves must register here through their representatives."

Information security provisions, approved on November 14, 2011 by the Decree of the President of the Republic of Kazakhstan, as well as the Government Decree on Satellite Communications, introduced limitations for conditional access and set a deadline for registration and certification of all satellite dishes. Access to foreign media delivered to the public by means of satellite dishes and Internet continues, however, and citizens in various regions have access to foreign media. For example, in Merken and Korday Districts and in Taraz city a lot of people watch Kyrgyz television channels, and Russian television is widespread. According to the State Report on Media Development, during two decades of independence, Russian programs as well as BBC, CNN, Deutsche Welle, Radio Freedom, Polish channel Polonia, and other television and radio channels have been broadcast via cable and satellite throughout the whole republic.

An attempt to curb foreign Internet zones nearly led to the departure of the Google search engine from Kazakhstan, discussed above. And a court injunction on access to Internet sites www.djamal.wordpress.com and www.caucase.wordpress.com as "foreign media whose content contains illegal information" led to the lockout of the whole Wordpress.com platform, due to which hundreds of Kazakh blogs became inaccessible to Internet users.⁵

The lockout of the Live Journal (LJ) platform was also explained by the fact that the District Court of Almaty considered 14 websites of this platform to violate the law.

⁵ Kazakhtelecom explains inaccessibility of the blog platform by the fact that all blogs on this platform have the same IP-address and it was impossible to block only one or two of them. Source of information: "WordPress was blocked because of two blogs" <http://www.adilsoz.kz/news/wordpress-zablokirovan-iz-za-dvux-blogov/>

The Minister of Communications and Information, Askar Zhumagaliev, stated on Twitter that the Ministry had addressed the administration of the Russian sector of LJ regarding that court ruling but did not receive any reply. In response to this, the administrator of the Russian sector of LJ, Svetlana Ivannikova, said that no court ruling that bans specific LJ pages is openly available, and no governmental body of Kazakhstan has ever addressed this issue with her. LJ has a conflict committee that can quickly settle any disagreements, and as soon as an application arrives, they are ready to help prevent the advocacy of violence and ethnic hatred. Adil Soz experts said in this respect that the court ruling on illegal content is questionable, as the public has not been provided with any proof.⁶

Access to the domestic media has several kinds of restrictions. On the one hand, the price of print media increased 20 to 30 percent during the past year and some sectors of the population cannot afford to buy them to the extent as they used to. On the other, political considerations may restrict citizens' access to Kazakhstani media. Government officials create temporary artificial barriers, as in cases described in Adil Soz monitoring, when the akimats' staff in the regions buy outright all the copies of certain opposition newspapers to prevent the distribution of a specific critical article. Such cases happened with the *Golos Respubliki* newspaper several times during the past year; in May a part of the circulation was bought in Petropavlovsk and the whole circulation was held in Almaty.

Foreign online sources being blocked has been described above, however, some of the most serious blocking of access to domestic media is also occurring online. For instance, access to certain online resources, such as the website of *Respublika* newspaper, is blocked. The trend of extra-judicial means of blocking citizen access to Internet resources has become a norm in the past two years. The list of domestic Internet resources, access to which was either restricted or blocked in 2011, is quite impressive. It includes Twitter accounts and the websites of NGOs and opposition media. All of Twitter and several other websites in the .kz domain were blocked in December 2011 due to riots in Zhanaozen. Overall, Adil Soz monitoring recorded more than 200 cases of lockout or restricted access to websites, both foreign and domestic. According to the monitoring overview of the Media Life organization, "The owners of Internet resources usually receive information about website lockout from their users."

On the other hand, there has been an expansion of access of the country's citizens to domestic electronic media due to the launch of the Otau satellite, discussed above. Several new

⁶ "Blocking access to the LiveJournal violates the constitutional rights of citizens" <http://www.adilsoz.kz/news/blokirovka-dostupa-k-livejournal-narushaet-konstitucionnye-prava-grazhdan-schitaet-fond-adil-soz/>

domestic blog platforms, where analytical information and news are posted, were founded in 2011, including horde.kz and www.samizdat.kz.

Further, the increase in subscriptions to mobile communications during the past two years exceeded 32 percent, the level of mobile communications coverage is record-breaking for the Central Asian region, at 92.5 percent,⁷ and almost every adult in Kazakhstan has a mobile telephone. However, in view of personal income, mobile communications including GPRS and WAP services are still quite expensive for most Kazakhstanis residing in the regions, and the speed and quality of connections are still quite low. There were hopes that the launch of 3G services would solve the problem, but they are still too expensive. The situation is improving due to special tariffs for unlimited Internet connection via flash-devices.

Readers and Internet users who participated in the regional media discussion organized by the *Respublika* with OSCE support on Azattyk radio expressed their opinion that opposition newspapers such as *Respublika* interpret the term “freedom” as one-sidedly as do their counterparts from state-run media. Just in contrast to state-run media outlets, which praise the development of the country and highlight the positive role of the country’s leaders, *Respublika* shows all those aspects in a deliberately negative light and does not allow any criticism of opposition leaders.

There are 15 state-run and private news agencies. Such a large number of sources of news and information enable not only niche specializations and increased promptness of reporting, but also new avenues of distribution, thus promoting the advancement of digital technologies. In addition to news agencies covering general news stories, some specialize in business and finance or translations of key foreign news stories. The agencies employ various features, such as RSS, real-time updating, and SMS delivery.

In 2011, state-owned Kazinform, which publishes in Kazakh, Russian, and English, was merged with Kazteleradio in order to streamline management.

Private regional media outlets endeavor to produce their own news content, though many television channels have reduced the number of newscasts a day and limit their time to 20 minutes. Two private television channels began showing newscasts in 2011: The First Northern (Petropavlovsk) and cable New TV in Karaganda. However, TV Tan ceased all its newscasts. Radio newscasts are almost non-existent except for programs in Kostanay and Taldyqorghan, mentioned above.

There is no official information in the country as to who owns which media outlet. There are multiple rumors about shifts

in ownership that take place in the media market. According to one such rumor, the media empire under the auspices of the president’s son-in-law keeps growing, adding new radio frequencies to his existing portfolio that includes Autoradio, Kazakhtelecom, and other information businesses. Nur-Media and the state-run Arna Media are still the biggest media corporations in Kazakhstan. However, even media experts have no precise and clear-cut information. A statement about the necessity to reveal information on the ownership of media outlets was voiced at the Forum of Regional Media in December 2011; however, this call was left unanswered.

At the XVII session of the Kazakhstani Peoples Assembly, President Nazarbayev said that, “Funding of ethnic media outlets has increased fourfold since 2005...” The national radio has several editorial boards that prepare programs in minority languages. However, editorial offices that had produced content in the minority languages in Otrar TV for more than 10 years were closed this year because of unprofitability.

Mass media—newspapers and magazines, television and radio programs—cover 11 languages of minorities that reside in Kazakhstan. Beside two major languages, Kazakh and Russian, there are media in Ukrainian, Polish, German, Korean, Uyghur, Turkish, Dungan, among others. The variety of topics, media types, and languages promotes the development of local media outlets.

The media are also being used to promote the entrenchment of Kazakh as the official language of the state, replacing widespread use of Russian. According to Ministry of Communications and Information requirements, more radio and television programs that advocate the Kazakh language should be broadcast in 2012-2013. Kazakhstan TV has already closed its Russian-language service and 100 percent of its programs are now broadcast in Kazakh. This reaches into minority media, as well. The Ministry is planning to introduce new permanent programs devoted to teaching the Kazakh language in such national minority newspapers as *Ukrainski Novyny*, *Kore Ilbo*, *Deutsche Allgemeine Zeitung*, *Vatan*, and *Akhyska*, as well as in the national newspapers *Kazakhstanskaya Pravda* and *Liter*. Beginning next year, all television channels irrespective of their ownership are required to start broadcasting Kazakh language lessons. Kazakh-language Internet content is being, and will further be, developed. Investments have been made into the translation of Wikipedia into Kazakh.

Coverage of minorities in society apart from ethnic and national minorities is mixed. “Mass media, including blog posts, report on various socially important topics, such as sex ratio, ethnicity, traditions of the society, religion. Yet, almost nothing is said about sexual minorities. Since there are no restrictions I am aware of, I assume it is just due to

⁷ www.comnews-research.ru dated September 6, 2011

the public mindset,” said blogger and *Turkistan* journalist Esengul Kapkyzy.

Kazakhstani media cover not only domestic, but also international events. Despite decreased attention and the use of Reuters and BBC news feeds, international news is still constantly reported on in all television newscasts. Several information agencies and news portals specialize in international news aggregation and distribution. Interest in both domestic and international news among the public remains high.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.56

Due to the absence of transparency in financial activities of media enterprises, even media experts find it difficult to assess the level of efficiency of media outlet management. The public believes that the media businesses are highly profitable enterprise. However, no data supporting such a belief is available. Indirect data lead to the conclusion that most media outlets—both electronic and print ones—are efficient enterprises; what they lack is transparency of business operations.

Zhaxybaeva noted that descriptions of the administration of some state-run media, including Kazakhstan TV, reveal multiple financial violations. “Just look at the website of the Accounts Committee for Control of Kazakhstan. Even a superficial view of the reports and explanations shows how inefficiently the taxpayers’ money is being used, how it is stolen. Here they explain why they have purchased such

expensive cars, there—why, for example has Nur Media deposited the budget money in the bank? Who gave them the right to deposit public funds?” she asked.

Zhaxybaeva’s opinion was supported by other panelists. Azhenova pointed out that she can already name three persons who had allegedly stolen money while heading state-run media outlets. However, none of them had ever been punished; they were just shuffled from one job to another. “The administration of the state-run TV channel Kazakhstan has changed several times in the past three years. The main reason for the previous administration dismissal is inefficient management and inappropriate expenditures, according to the assessment of the Accounts Committee for Control. Examples include thousands of millions of tenge a year spent on VIP lounges in airports, per diem expenses and travel allowances for the channels’ administration, and renting accommodation for reporters in foreign countries for the price of luxurious villas. In order to close this financial gap, the administration decided upon staff reduction at the expense of journalists and editors,” she said. The latest example refers to the chairman of the board of Kazakhstan TV and Radio Corporation being transferred to the position of the chairman of the board of *Kazakhstanskaya Pravda* newspaper in 2011 after the misappropriation of KZT 728 million (nearly \$5 million) had been detected.

Media experts believe there is a disincentive for state-run media outlets to be highly profitable because then the amount of funding allocated by the government may be reduced. Private media outlets prefer to conceal information about their revenues in order to avoid close attention by the tax authorities. According to Askarov, “The goal of private media outlets is to show losses on paper while skillfully concealing their revenues.”

According to media experts who expressed their opinion at the Media Kurultai in Almaty, only those media outlets that turn into multimedia companies have potential for development. In this vein, in 2011 several Kazakhstani media outlets, supported by Internews, created full-fledged websites that are updated in real-time and not just once a day or weekly as they used to be. These include Otyrar TV (Shymkent), *Lada* newspaper (Aktau), *Novyi Vestnik* newspaper (Karaganda), *Uralsk Week* newspaper (Uralsk), and *Nasha Gazeta* (Kostanay). However, in general, Internet media have not yet gained the full attention of advertisers and advertising agencies.

The print media still subsist on three sources of income: subscription, sales, and advertising. Many media outlets receive a fourth source of income: grants for social procurement by the government. In addition to hefty grants, state-run media outlets benefit from mandatory subscriptions by civil servants. In 2011, all media outlets—both

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.

state-run and private ones—faced the issue of becoming self-sustainable. This goal has been set for the state-run media outlets by the Ministry of Communications and Information. The minister has repeated several times that the efficiency of media outlets will be judged by audience ratings of television channels and circulation of print media.

After the crisis, advertising revenues started to grow for almost all types of media. According to the data provided at Media Kurultai-2011, based on official price-lists, total advertising expenditures in 2011 in Kazakhstan have increased by 22 percent in comparison to the same period in 2010. The most significant growth was enjoyed by television and radio. According to a TNS Central Asia survey for January-September 2011, the distribution of advertisements among media (excluding Internet) is broken down as: 78 percent television, 4 percent radio, and 11 percent print. In contrast, the Kazakhstani Advertising Portal website published the following data concerning the distribution of advertising in the mass media market: "Television advertising leads with 44.6 percent, followed by advertising in newspapers (28.5 percent), then advertising in magazines (15.4 percent), outdoor advertising (14.9 percent), and radio advertising with 14.8 percent. Strange enough, advertising in the Internet holds the last place with just 8.4 percent."⁸

Expenditures for advertising on the Internet in 2010 are known to have reached more than \$5 million, and the forecast for 2011 expects this to double. According to the data posted on the UVISION platform, the Internet advertising market constitutes \$7 million (compared to \$140 million for television and \$70 million for outdoor, newspaper and radio advertising). At the third annual conference of bloggers and Internet designers, BarCamp Central Asia 2011, expert analysts highlighted Internet business prospects and expressed an ungrounded prediction that in the next two years the volume of advertising in Kaznet will outgrow that in radio and print media.

Major advertisers differ by media type: transnational companies producing cosmetics and fast food lead in television advertising; mobile communications operators and commercial banks prefer radio; print media has a mixture of everything: banks, cell phone operators, and cosmetics manufacturers.

This year traditional Kazakhstani media started working with advertising agencies that place banners. New Internet resources completely focused on receiving funds for Internet development, namely, www.voxpopuli.kz portal, have appeared. The portal's owner Alisher Elikbayev openly keeps track of income and expenditure statistics in his Twitter account. According to his data, 80 percent of the

portal's revenues come from advertisements and 20 percent from investments.

According to the Kazakhstani advertising portal, finding a good advertising agency in Kazakhstan is still problematic. Full-service agencies that are ready to arrange advertising campaigns are in limited supply, and there is almost no competition. Big international network agencies do not make much effort in Kazakhstan; in fact, they are represented by their names alone, all the staff are local. They have no creative ideas, panelists asserted, but clients come to them anyway because the market sectors are already divided among the existing big advertising agencies. For example, television advertising is mainly distributed via two sales houses, TV Media and Arna Media Advertising. Regional media outlets are mainly served by regional advertising companies like Aqtobe RIKa Media group, which has been working with almost all big media outlets in western Kazakhstan for more than 20 years. Each of them offers services of relatively similar quality, and no bright stars have appeared lately.

The entrance of Kazakhstan into the CIS Customs Union has already attracted Russian companies and advertising experts. Panelists hoped this will increase competition in the market.

The law on advertising establishes the following norms. Advertising on television and radio programs, which do not specialize in advertising materials, should take no more than 20 percent of the overall daily broadcasting time, except for a "crawler" (a running line) that is limited in volume; its size should not exceed 7.5 percent of the overall image area and should not interfere with the textual and informative content of television programs. There are legal limitations on television and radio advertisements. For example, no advertising, even "crawlers" may interfere with the "broadcasting of official announcements, speeches of candidates for presidency of the Republic of Kazakhstan and for membership in representative bodies, educational and religious programs, as well as programs for children." In practice, the state does not control the percentage of advertising and there is no data on violations of or compliance with the government stipulations.

No such requirements exist for print media.

As mentioned above, both private regional and state-run media outlets receive state-allocated grants for covering socially important topics, though these investments were distributed disproportionately. In 2011, however, most leading non-governmental media outlets were deprived of such funding.

Private media outlets, especially those in the regions, barely survive and have to fight for state grants. However, according to panelists, the distribution of grants shows that non-governmental media face an unequal playing field. Diana

⁸ <http://kpr.kz/forum/index.php?/topic/1727-D1>

Okremova, director of the North Kazakhstan Legal Media Center, illustrated this fact with an example: a state-run regional newspaper received a grant of KZT 35 million (\$235,000), whereas a private regional newspaper received only KZT 1 million (\$6,700). Further, lots are arranged in such a way that new media outlets, which are in dire need of financial support, cannot pass the bid criteria in order to receive a grant.

The level of government financing of media considerably distorts the market. The state-allocated budget for electronic media outlets also includes funds for their technical upgrading, whereas private television and radio companies experience serious challenges because they must both survive from day to day and invest in their future. To be fair, most private media outlets belong to large media businesses owned by influential political groups, and they also receive substantial funds for content production and technical modernization. The dependence of media outlets on investments from one source conditions the extent of the media outlet's dependence in terms of its editorial policy.

Officials have also invented new methods of making media outlets dependent by aggregating pro-governmental media outlets within common Media Centers (*Media Ortalygy*). Having provided office space free of charge, the state receives a number of benefits: on the one hand, it can thus express its care for the media and, eventually, for the freedom of speech in the country; on the other hand, it is much easier for the state to control the media outlets if housed in one location.

Market research is being developed seriously in Kazakhstan. Media research services, including audience surveys as well as demographic and audience preference research, are offered by several companies, the most prominent of which are TNS Central Asia, Comcon-2 Eurasia, and Bisam.

Leading television channels are more decisively focused on market research but cast doubt about such surveys. For example, television audience evaluation is still conducted by the TNS Company, whose activities are often questioned by the media outlets' managers. Ratings published by this company do not always match those received from market research ordered from other companies or conducted by the media outlet itself. Nonetheless, these ratings impact program scheduling.

In 2011, the government paid more attention to the ratings system and expressed its determination to invest in the development of a state-run institution for this purpose. A representative of the Ministry of Communications and Information announced at the Media Kurultai in October that PeopleMeters will be installed not only in the cities whose population exceeds 100,000 residents, but also in smaller

towns. The government believes that this will be able to prove that viewers in the regions watch national television more. At the same time, TNS representatives at the Media Kurultai claimed that the data would not change significantly as, according to baseline surveys, 40 percent of the rural audience watch satellite television.

Internet ratings are measured by various independent companies; among them several domestic counters have found their own niche, for example: whois.1in.kz, goto.kz, kaztop.com, zero.kz, kazstat.com, etc. This is especially important since the most reliable counter, Google Analytics, became almost unavailable to Kaznet users in March 2011. Some shortcomings in Google Analytics has allowed domestic companies to develop their services.

As for print media, the circulation committee fell into oblivion a long time ago and newspapers tend to overestimate their circulation in order to attract advertisers. Such deceptive practices are prohibited by law; in general the government has been indifferent to the fate of cheated advertisers. However, in 2011, there was a precedent when a media outlet was punished for displaying incorrect circulation figures. The Specialized Administrative Court in Petropavlovsk issued a ruling in May 2011 demanding that the owner of the city newspaper *Petropavlovsk Quarter* pay KZT 45,360 (\$300) to the state budget for an administrative violation of article 350, part 2 of the Code of Administrative Offences, i.e. for overestimating real circulation figures.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.87

The National Association of Television and Radio Broadcasters of Kazakhstan (NAT) plays a leading role and occupies a unique niche among professional media associations. NAT identifies itself as a professional non-governmental association, aiming at lobbying for favorable and equal conditions for the development of all television and radio outlets in Kazakhstan. In cooperation with a number of other NGOs, particularly Adil Soz, NAT conducted an unprecedented lobbying campaign for introducing improvements to the draft law On Television and Radio Broadcasting that would bring positive results for media outlets. Another organization, the Association of Television and Radio Broadcasters of Kazakhstan (ATRB), has a similar mission and unites 12 television and radio companies.

Representing print media, the Association of Newspaper Publishers and Printed Press Distributors of Kazakhstan did very little in 2011, according to panelists.

The minister of communications and information announced in 2011 the foundation of the Coordinating Council on Mass

Media, the legal status of which is still unclear. Inviting all chief editors to participate in the work of such a Council (on the Chief Editors' Forum), Minister Askar Zhumagaliev assured them that "The Council will make important decisions regarding media development," and that journalists may designate representatives for participation in its work.

The Journalists' Union of Kazakhstan, the legal successor of Soviet professional unions of journalists, has actively participated both in lobbying amendments to the draft law On Television and Radio Broadcasting and in activities such as organizing contests, conferences, and roundtables for journalists. The Journalists' Union of Kazakhstan is a founder of the Congress of Journalists of Kazakhstan, as well as the Confederation of Journalists' Organizations of the CIS and Confederation of Creative Unions of Kazakhstan. Some critics of the Journalists' Union quip that the journalists' community needs it only at those rare moments when some journalist is to be nominated for a state award or to organize parties for its most famous members.

There are some trade unions in media outlets, for example, the independent trade union of Almaty Regional Television and Radio Company Zhetysu in the city of Taldyqorghan, which is a rare example of a successful association of journalists in Kazakhstan. The history of its foundation and development is an example of self-organization. The Zhetysu TV trade union is very similar to former Soviet trade unions: it protects the interests of workers, demands better working and living conditions from management, and monitors compliance with labor laws.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Although legally each media outlet is supposed to have a trade union and the signing of a trilateral collective agreement between the employer, employee, and trade unions is mandatory, there are very few places where such an agreement exists. During the past year, there were multiple cases of violations of journalists' working rights and labor disputes between journalists and employers; the absence of trade unions was a negative factor for the outcome from the journalists' standpoint. For example, the panelists mentioned the case of the dismissal of technical personnel and some editors at TV Kazakhstan without paying them for their last period of work, and the dismissed did not even try to appeal management's decision.

The Chief Editors' Club, initiated by the Russian RIA-News Company, unites chief editors of media outlets from all CIS countries. Until recently, it had been dormant. However, in 2011, the Club became more active and proposed to draft an Ethics Charter for compliance with ethical norms in reporting on the elections.

More than ten strong media organizations work in Kazakhstan, including Adil Soz, Internews-Kazakhstan, the Center for Protection of Regional Journalism (with offices in Astana and Pavlodar), the Center for Legal Aid to Media, Freedom of Speech in Central Asia, the Institute of Media Standards, the Voice of Freedom of Central Asia, the International Center of Journalism "MediaNet," the public foundation Center for Business Journalism "BizMedia," etc. Since 2009, 12 media NGOs have united in the Media Alliance of Kazakhstan, aiming to consolidate media community efforts to increase the efficiency and professionalism of mass media; however, unlike previous years, MAK was not so active in 2011.

Media organizations offer a wide variety of services, from organizing and conducting research and the monitoring of violations of journalists rights to linguistic expert analyses and education, trainings, contests, lobbying campaigns, etc.

Academic programs for students of journalism still deserve criticism as they do not provide students with the skills necessary for their future work in a multimedia editorial office. The past year started with conflicts at the Faculty of Journalism at the Al Farabi Kazakhstan National University.⁹ Students expressed their discontent with the changes in schedules, allegedly insufficient attention to the national language, and low levels of teaching. The conflict was solved by dismissing the Russian-speaking dean of the faculty, which was interpreted in many media as a fight between conservative forces in the faculty and the reform-minded dean.

⁹ http://rus.azattyq.org/content/stydent_protest_almaty_/2313430.html

Nonetheless, hoped-for changes appear to be just around the corner. On the one hand, there are more and more alternative forms of training that teach journalists how to cope with new technologies of working in social networks, developing their skills in online journalism, and other informal courses of journalism. According to changes in legislation, higher education institutes are going to adopt the Bologna system, which implies radical changes in the curriculum and methods of education.

There have traditionally been many training programs and courses, and such services are offered by diverse institutions. As a rule, these seminars and trainings are provided within a framework of projects and programs supported in the short term by international donors and development agencies. Beside traditional courses on the rights of journalists, courses and educational programs devoted to online journalism featured particularly in 2011. Internews-Kazakhstan is still one of the key centers of informal education for journalists. The topics of its seminars and trainings have been traditional for a long time: television journalism, radio journalism, and print media journalism; increasing the financial stability of the stations, advertising sales; trainings on technical issues, new equipment and technologies; and computer graphics and design. The organization also offers on-site resident programs with practical training in editorial offices. On the verge of the 2011 elections, Internews organized courses on covering elections online and in traditional media. Today Internews focuses its attention on social media and photojournalism. In order to accumulate information, exchange experience and provide the source of information and ideas, Internews-Kazakhstan is developing an Internet resource newreporter.org/.

The center of regional journalism in Northern Kazakhstan conducted seminars on the following topics: "Legal Security Techniques" for media in the national language; "What should Media for Youth Look Like?"; "A Journalist and an Official: Finding and Receiving Information"; "Journalists' Ethics"; "Internet for Journalists"; as well as mastering skill classes for beginning journalists such as "The Interviewing Technique" and "News Journalism."

In addition to traditional formats, training in blogging and various aspects of working in social media was conducted in the framework of the BarCamp and a Kazakh-language forum BlogKurultai-2011 (the first time a forum of Kazakh-language bloggers sharing their experiences has been conducted).

There are about 300 publishing houses in Kazakhstan and according to the Association of Printers and Publishers of the Republic of Kazakhstan the circulation of printed products exceeded 350 million copies at the beginning of 2011.

However, in previous years, such newspapers as *Respublika* could not have been published in print. Political pressure exerted upon printing and publishing companies forced them to refuse to publish the newspaper, thus deliberately turning down revenue. Such a non-commercial attitude was based upon past experience, when more than one publishing house had problems with the authorities and faced financial losses because they had printed that newspaper. Kazakhstan's entrance into the CIS Customs Union had positive results for opposition newspapers. Thus, for the first time in two years, *Respublika* (now published under the title *Golos Respubliki*), is printed not on a risograph with its limited printing possibilities, but in full color from a Russian publishing house. Further, the CIS Customs Union reinforces that lack of monopolization and control of media equipment and paper supply.

State-owned and operated "Kazpochta" (Kazakhstan Post) JSC is still a monopoly that media must rely upon for subscriptions and delivery of periodicals. Kazpochta has many other functions, related to receiving payments, delivering mail, pensions, etc. Kazpochta does not efficiently deliver newspapers to readers and service is marred by delivery delays, increases in delivery charges, and demands for specific payment for service. For example, a regional branch of Kazpochta in Northern Kazakhstan sent a letter to the regional newspapers of Northern Kazakhstan Province in mid-November with a new version of the contract for its services in 2012. According to the contract, newspapers will receive only 70 percent of the money collected from subscribers (a so-called publisher's price), while the remaining 30 percent will be sent "once the product is printed." Despite regional newspaper managers' objection, this new contract also retained the condition that postage fees for the whole year be collected in advance.

According to e-government data, the Kazakh segment of the Internet is represented by 10 companies. The companies differ in the type of ownership and offer different kinds of access to the Internet, so in combination all types of Internet services are available in the market. However, the political influence of Kazakhtelecom is unlimited. It can demand the blocking of, or restricted access to, websites in an arbitrary manner.

Wider Internet access and a relative decline in its price due to diversification of providers in the market, especially in the cities, enable citizens to become potential journalists, with video and pod-casts published on websites. This was demonstrated during the Zhanaozen events, when anonymous citizens broke the information censorship and informed the whole world of what was going on there. This is supported by available network infrastructure: the 3G network speed can reach up to 14 megabits per second,

thus providing better access to high-speed Internet via modems or mobile phones. Wi-Max technologies have been test-launched. Such improvements have been spurred by the increased competition in the mobile market with the entry of a new service provider, Tele2.

The Digital Communications Kazakhstan 2011 conference, conducted in Astana under the aegis of the government of Kazakhstan, announced a new program for the development of information and communication technologies by 2014. The program is geared towards turning the country into an advanced information society and increasing the competitive potential of the state and its citizens in the international market. The program objectives have been set by the government as follows:

- Transfer 100 percent of local telecommunications networks to digital technologies to reach a broadband Internet density of 22 subscribers per 100 people
- Reach a cellular communications density of 111 subscriptions per 100 people by providing each populated area in the country with mobile networks
- Increase the availability of computers to the population and reach 25 computers for every 100 people
- Increase computer literacy of the populace to 40 percent
- Provide at least 50 percent of socially important state services in electronic form
- Achieve a digital broadcasting coverage of 95 percent of the population
- Achieve satellite television coverage of 100 percent

Substantial investments for the development of the program, described by Prime Minister Massimov in his blog, could mean a significant technological leap forward in media and communications in Kazakhstan in the next couple of years. At the same time, this will obviously escalate conflicts related to the restriction of the freedom of speech and access to content via the Internet and other technologies in Kazakhstan.

List of Panel Participants

Diana Okremova, director, North Kazakhstan Legal Media Center, Astana

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

Larisa Polihranidi, journalist, *Turan* newspaper, Shymkent

Beishen Kuranbek, director, Zhetysu TV, Taldykorgan

Tulegen Askarov, economic analyst, *The Voice of Republic*; instructor, Journalism Program, Kazakh-British Educational Institution, Almaty

Galiya Azhenova, head, Public Center of Expertise of Information Disputes, Adil Soz International Foundation for Protection of Freedom of Speech, Almaty

Esengul Kapkyzy, blogger; journalist, *Turkistan*; director, Public Foundation Minber, Almaty

Kuanysh Magzuov, blogger; author and creator of Qazaq Blogshilar, Almaty

The following submitted a questionnaire but did not attend the panel discussion:

Gulmira Birjanova, lawyer, Kazakh Association of newspapers publishers, Astana

Erzhan Suleimenov, creative director, Khabar TV; creative director, Institute of Media Standards, 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 15, 2011.

Kyrgyzstan's relatively high Internet penetration (according to some reports, the highest in Central Asia at nearly 40 percent) and the fact that a large proportion of the population has access to satellite communications do give the public alternatives to state television.



KYRGYZSTAN

Though few, changes in the regulatory system of Kyrgyzstan in 2011 had significant impact—or potential impact. The government adopted a number of laws related to the media, including amendments to the penal code regarding defamation and plans for the transition to digital broadcasting. The government also laid down precedents in terms of the nationalization of media ownership with the Nationalization of the Channel Five Joint Stock Company Act. As a presidential election year, 2011 also ushered in changes in the electoral law that affected the media. The media community speculates that there are parliamentary initiatives under way as well for a draft law on regulating the Internet.

Of all the legislative changes, the panelists expressed the most concern over the Channel Five Joint Stock Company Act, with historical roots in the provisional government's decree in May–July 2010. The Act is aimed at transforming the Channel Five Joint Stock Company into a state parliamentary television channel. It followed mounting hostility between parliament and Channel Five, when parliament maneuvered to withdraw Channel Five's accreditation; Channel Five responded with critical coverage of parliamentarians. The panelists object most vigorously to the fact that the adoption of the bill violated the laws in force, ignoring the legal procedures for the adoption of legislation.

Previous MSI studies reported that the Kyrgyz government was doing little to advance plans for digital transformation; plans were finally developed this year. However, the plan failed to define any regulatory bodies or put in place a system to monitor progress toward the switch, and the panelists also fear that because of practical challenges, a significant number of both television and radio broadcasters will go under because of the switch—while state-owned channels prosper. Another concern is the lack of information shared with the Kyrgyz people about the switch. Several groups are working on a special law on digital broadcasting to address these concerns.

Kyrgyzstan's relatively high Internet penetration (according to some reports, the highest in Central Asia at nearly 40 percent) and the fact that a large proportion of the population has access to satellite communications do give the public alternatives to state television. More than 91 percent of the population has access to mobile communications, and the vast majority uses the mobile Internet actively. Subscribers of several services can receive Kush Kabar SMS news on their cellphones free of charge. In 2011 there was a real boom in Kyrgyz-language news content on the Internet as well, and blogs brought many interesting shadings to the information kaleidoscope, providing a more or less stable beginning for investigative journalism.

Overall, in 2011 Kyrgyzstan received very contradictory ratings in regard to the freedom of speech: some MSI panelists felt that in 20 years of independence freedom had never been greater, while others believed that there were plenty of episodes in 2011 where freedom was being throttled. The cornerstones for the panelists' assessments of media freedom were the nature of the changes that occurred in the legal foundations and in legislative practice.

KYRGYZSTAN AT A GLANCE

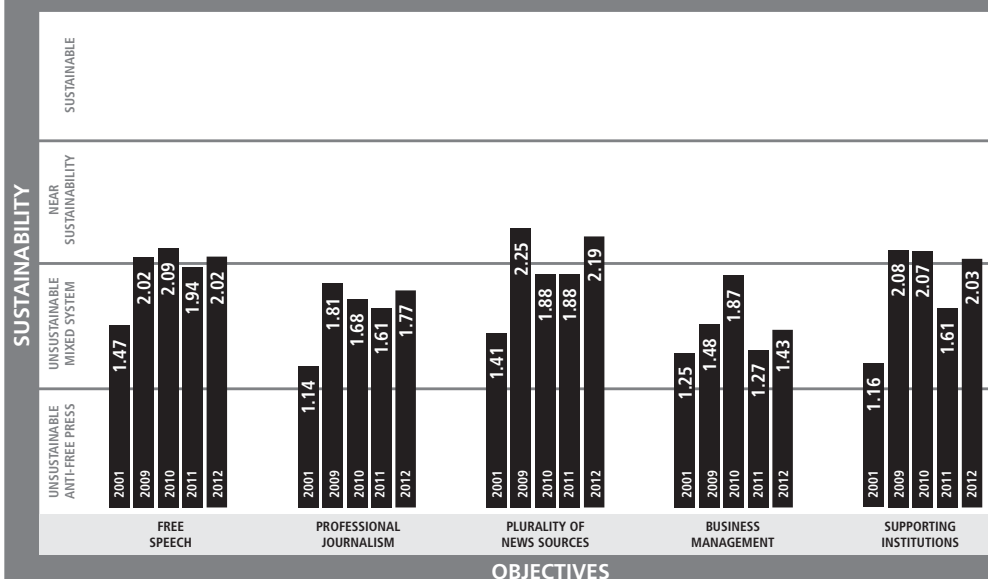
GENERAL

- > **Population:** 5,496,737 (July 2011 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 (2010-Atlas):** \$ 4.701 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$2,180 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 98.7% (male 99.3%, female 98.1%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Almazbek Atambaev (since December 1, 2011)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 250 including 4 main dailies and 4 other major papers; Radio Stations: 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), *Defo* (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_msiscores.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: 2.02

Daniyar Sadiev, program coordinator of the Batken Media Resource Center, summed up the state of Kyrgyzstan's legal climate for the media: "On the whole, Kyrgyzstan does have legal rules to protect the freedom of speech, but the implementation of those rules is highly uneven. In practice, implementation depends directly on the authorities' political will. The authorities can use a variety of pretexts to change the actual situation of freedom of speech and freedom of the media. A very recent example is the nationalization of two television and radio broadcasters, Pyramid and Channel Five, under the pretext of national security." Sadiev added, "There is practically no judicial investigation of breaches of the freedom of speech."

Several new laws related to the media were adopted in 2011, including Decree No. 692 on the switchover to digital radio and television broadcasting in the Republic of Kyrgyzstan, on November 2, 2011; amendments to the penal code of the Kyrgyz Republic Act (particularly to article 127 of the code, on defamation); and the Nationalization of the Channel Five Joint Stock Company Act.

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

FREE-SPEECH INDICATORS:

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

Other new legislation related to the media was passed as well, including the Publishing Act; the Constitutional Law on the Elections of the President of the Kyrgyz Republic and of Deputies to the Jogorku Kenesh (the National Parliament); and the Constitutional Law of the Kyrgyz Republic of June 13, 2011, on the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic.

According to the panelists who participated in the discussion, it was obvious that lingering opposition to media freedom, combined with Kyrgyzstan's weak legal culture, contributes to the fact that all laws, even the most seemingly liberal, in practice provide opportunities for the authorities to exert pressure. Previously, the media community generally felt that tampering with the Mass Media Act, in force since 1992, would be fraught with dangers for freedom of speech. But Alexandr Kulinskiy, executive director of the TV-Club youth association and program presenter of At Bashat, on Kyrgyzstan National Television and Radio News Corporation (OTRK), shared that in December 2011 a seminar sponsored by Internews brought together journalists and media lawyers to analyze the challenges and advantages of Kyrgyzstan's media legislation. The participants examined the nuts and bolts of the Mass Media Act, in force since 1992, and found that even that law could be dangerous. In December 2011, the parliament justified their fears, when it scrutinized amendments to the legislation to ensure harmonization between existing legislation and newly adopted legislation. The discussion of the draft amendments to article 20 of the Mass Media Act took a rather reactionary turn, with parliamentary ministers attempting to lengthen the list of types of classified information and increase the levels of responsibility of journalists, etc.; However, it amounted to nothing in the end.

Despite the damage to free speech that each step toward "improving and developing" the legislation seems to inflict, the panelists agreed that the legal framework does call out for several key changes. For example, the panelists expressed concern over intellectual property rights—an especially urgent question for online journalism—and the ever-increasing numbers of freelancers. Noted Almaz Ismanov, publishing editor of online Radio Liberty-Kyrgyzstan, "In principle we have normal laws, but they were almost all written in a different era, when circumstances were different. That is why they all contradict each other. For example, practically no laws address freelance journalists, who find it practically impossible to access information or get into a government press conference or into parliament, because everywhere you go they demand your documents showing your media affiliation."

Previous MSI studies reported that the Kyrgyz government was doing little to advance plans for digital transformation,

but in the past year fresh attention to the Geneva Agreement¹ breathed life into the long-awaited digital broadcasting plans that had been undergoing drafting and discussion within the government, in consultation with media experts. However, the government signaled that rolling out digitalization is not a high priority by not offering the package up to parliamentary debate; rather, it was adopted by government decree. The decree approved a plan for the switch to digital radio and television broadcasting in Kyrgyzstan and described a regime for allocating frequencies (multiplexes).

The plan also addressed technical questions surrounding the choice of digital formats and the standard for television set-top boxes, and it managed to turn its back on establishing a single, unified conditional access system—which would have inevitably led to a monopoly of signal providers. The Plan of Action for the switchover designates the Ministry of Transport and Communications and the government’s State Communications Agency as the main players.

However, the plan failed to define any regulatory bodies or put in place a system to monitor progress toward the switch. Another drawback is the lack of information shared with the Kyrgyz people about the switch, even though the switch will affect everyone. Precisely because of these and other shortcomings, the media community began talking about the need to develop and adopt a special law on digital broadcasting. Several groups, including parliamentarians and media experts, are working to develop such a bill.

As mentioned above, the panelists expressed the most concern over the Channel Five Joint Stock Company Act, aimed at transforming the Channel Five Joint Stock Company into a state parliamentary television channel. The introduction and adoption of the Act stemmed from a feud that developed when parliament tried to withdraw the accreditation of Channel Five and the Institute for War and Peace Reporting (IWPR). Parliament’s efforts failed, because the president and the government backed Channel Five. Withdrawal of accreditation would have limited the access of journalists from these outlets to key information from parliament’s speaker. In response, Channel Five’s journalists began a campaign of critical coverage of individual parliamentarians, which escalated into a war between parliament and Channel Five carried out in the news.

The panelists objected most vigorously to the fact that the adoption of the bill violated the laws in force; it ignored the legal procedures for the adoption of legislation,

¹ Agreement of 2006, Geneva, concluded by the Regional Radio Communication Conference for planning of the digital terrestrial broadcasting service. The agreement allocates radio frequency resources enabling national coverage across Kyrgyzstan, and the new technology will facilitate 100 television and at least 250 radio channels nationwide.

constituting a gross violation of fundamental constitutional rights and freedoms. Furthermore, they believe that the poor-quality drafting of the Act will lead to problems with its implementation, and they are concerned also with the development of mechanisms to merge different owners and transfer them into state ownership. They believe that the Act creates precedents for the forcible seizure of private property and eliminates political checks and balances on the branches of government. However, one ray of hope panelists pointed to was that at the time of the MSI panel, the executive branch was blocking the Act.

As a presidential election year, 2011 saw changes in the electoral law that also ushered in changes for the media. The Constitutional Law on the Elections of the President of the Kyrgyz Republic and of the Deputies to the Jogorku Kenesh of the Kyrgyz Republic introduced censorship of electronic media, as set forth in paragraph 16 of article 22 of the Constitutional Law: “Electioneering in foreign media distributed within the Kyrgyz Republic is prohibited. During the conduct of the elections, retransmissions of foreign television and radio programs must be registered. Retransmission of television and radio programs disseminating information defaming the honor, dignity, or business reputation of the candidates is prohibited. In such cases, liability for the dissemination of such information shall be borne by the local media.” The legislation was a reaction to the experience of external news/information influence on the 2010 elections, when Russian television channels championed the Ar Namys party and tried to discredit the Ata-Meken party. In fact, the leader of the Ata-Meken party initiated the bill.

According to some of the panelists, alongside its drawbacks, this law presents some positive potential, such as improving access to information, including elections records for media. However, the panelists remarked that no media had fully capitalized on the provision, taking an old-fashioned approach to the election campaign instead—relying on information released officially by the Central Election Commission (CEC). The only information innovation related to the 2011 elections was the open platform map.inkg.info, a website developed using the Ushahidi open-source mapping software platform. The Ushahidi system made it possible to collect reports from various sources, including blogs, social networks, and traditional media, and to classify and map them. The map showed polling stations, real-time information about admitted irregularities, data on the election campaign trail, and voter turnout.

Another noteworthy legal development in 2011 involved the application of article 299 of the penal code, which provides for criminal penalties for hate speech and inciting ethnic,

racial, religious, or interregional strife. The president's office organized several meetings with journalists and state officials who expressed the desire to study media propaganda on interethnic relations and to enforce the law (the government initiated the idea, and it was especially supported by media NGOs and Russian-speaking journalists, who assume that Kyrgyz-language journalism is much worse in this dimension). Some panelists agreed that even though in 2010 the Kyrgyz-language press was the epicenter of publications steeped in national intolerance and hatred, using the penal code article proved not only difficult but impossible in practical terms, given the article's vague wording.

The panelists agreed that enforcement is a problem in many areas of media law, and they expressed little faith in Kyrgyzstan's judiciary. Alina Saginbaeva, director of Central Asian news service CA-News at AKIpress, Bishkek, said, "The implementation of constitutional rights, when such matters come before the court, may be incomplete. The courts, because they are corrupt, may decide in favor of companies or the authorities. Moreover, there is no legally sanctioned confidentiality for sources of information."

According to the panelists, the process of allocating analog frequencies and licensing in Kyrgyzstan has never been transparent or free of political influence. A number of laws guide broadcast licensing: the Television and Radio Broadcasting Act, the Electric and Postal Communications Act, the Mass Media Act, the Licensing Act, the Culture Act, and, new in 2011, the action plan for the switchover to digital broadcasting.

The state bodies involved in regulating the Kyrgyz radio spectrum include the Ministry of Transport and Communications, the State Commission on the Radio Spectrum (SCRS), the government's State Communications Agency (SCA), the State Communications Agency Licensing Commission (SCA-LC), and the State Communications Agency Consultative Council (SCA-CC). In addition, the SCA assigned a range of nominal frequencies for a specific class of stations, primarily related to national security and defense interests. Access to the register of free and occupied frequencies is restricted.

In November 2011 the director of the Civil Initiative on Internet Policy, Tattu Mambetalieva, spoke at a press conference to appeal to the State Security Committee to limit its management of frequencies to those with military purposes alone, and to transfer all others to SCA—a necessary condition for the independent regulation of the communications sector.

The adoption of the digital broadcasting program set a deadline for the completion of the conversion from analog to digital frequencies: September 1, 2012. It also defined

For now, the Internet remains free and unregulated. However, discussions are under way concerning the first Internet television channels being rolled out by the Aknet and Kyrgyztelecom companies, with calls to consider them full-fledged television media in terms of licensing.

the frequency allocations to follow the switch, designating two frequency allocations throughout Kyrgyzstan (except for the Batken area) for local private television broadcasters and one frequency for the development of educational television, to be allocated competitively. Three to 10 more frequencies will be allocated competitively or by auction. One frequency allocation throughout the country is reserved for the implementation of the state, and four frequencies will be allocated to Kyrgyztelecom Open Joint Stock Company without competition.

The panelists feel that this plan essentially legitimizes the inequality in the field by awarding the lion's share to Kyrgyztelecom, which is the only telecom provider with a well-developed and focused infrastructure for distributing television and radio. At the same time, this was not the first year that the government had been planning to sell off the state's package of shares in Kyrgyztelecom; earlier a government ordinance set forth the unbundling of the Republican Production Association for Radio and Television Broadcasting Relay Routes (RPO RMTR) from Kyrgyztelecom in order to transfer all the multiplexes into its control.

In this scheme, the fate of existing television and radio broadcasters remains problematic. According to the Telecommunications Act and the digital switchover program, they would have to receive a replacement of equal value and would be invited to address network development issues. Together they would have to take steps to develop standards for managing the multiplexes. But the panelists feel this will be difficult to achieve in practice, and they predict that a significant number of both television and radio broadcasters will go under because of the switch.

The judicial authorities still carry out registration of print media, in accordance with the Media Act; the process typically takes a month. However, in many instances the authorities take advantage of loopholes to substantially delay registration when the outlet clashes with political interests.

For now, the Internet remains free and unregulated. However, discussions are under way concerning the first

Internet television channels being rolled out by the Aknet and Kyrgyztelecom companies, with calls to consider them full-fledged television media in terms of licensing.

In terms of entry into the media field, the legislation does not give the media special treatment, nor does it impose any business restrictions on media. However, the state does distort the media market by providing support, including financial support, to the state media and by exerting political pressure against non-state, opposition media. Also, comparing the media business with other types of businesses reveals additional drawbacks in the area of business entrepreneurship. The primary factor holding media businesses back is the sensitivity of the legislation and the media area to political fluctuations. Changes in the country's political direction, in its institutional arrangements, and in its leadership have repercussions that inevitably give rise to changes in the area of media regulation.

For example, the panelists believe that in 2011, the Constitutional Law on the Elections of the President of the Kyrgyz Republic and of Deputies to the Jogorku Kenesh of the Kyrgyz Republic substantially affected market competition conditions for media and related businesses. In particular, article 5 of the law prohibited the retransmission of foreign radio and television programs to prevent the dissemination of information that would impugn the honor, dignity, or business reputation of candidates, significantly impacting communications operators. Cable television companies that relayed foreign channels suffered most, requiring significant financial outlays in order to comply with the law and sustaining financial losses as a result of breaches of retransmission and live broadcast contracts with foreign and domestic companies. The censorship introduced by the Constitutional Law led to the cutoff of retransmission of Russian-language channels, the Euronews channel, and others for an entire month—a breach of consumers' rights as set forth in their bilateral contracts. The law also confronted those companies with the need to expand their efforts to monitor content and assess its legality.

In addition, the pre-election News and Advertising Activities Act threw the media market out of balance, imposing tariffs and rates on the electronic and print media and forcing them to either lower their potential profits from campaign advertising or break the law. The Act did not cover news agencies, on the other hand, giving them an advantage by not restricting them in the prices they set for placing campaign material or in their production of campaign advertising products.

Political diktats presented another barrier to free-market regulation in advertising and significantly reduced the

opportunities for the development of the country's media market. The advertising market from time to time came under the unspoken, monopoly patronage of politicians and those close to them. The panelists believe, for example, that the mayor of Bishkek, Isa Omurkulov, runs the capital's advertising market.

Another factor holding back the media business relates to the production and distribution of media products. For many years, the print media had raised the issue of double taxation of business products: paying VAT (value-added tax) first in the purchase of paper, often imported from Russia, and again for services provided by printing houses. Both manufacturers and consumers bear the burden of double taxation.

Yet another factor holding back the media business is political interference in the supply and distribution of signal for the digital media. To free the development of the electronic media from political pressures, a number of NGOs, led by the Kyrgyzstan Association of Communications Operators, initiated the development and promotion of a new Electronic Communications bill that would return the functions of antitrust regulation to the SCA and take SCA out of the government's ambit.

Regarding violence against journalists, there were 13 confirmed attacks on journalists, including seven instances of street crimes ("hooliganism"), one robbery, and one assault in 2011, according to the Kyrgyz Media Policy Institute's website. Out of five pending criminal cases, three had been suspended, although the investigations to find the guilty parties remained active.

The panelists reported that aggression in the society against journalists appears to be growing. Often, it is difficult to establish how the attacks are linked to journalists' professional activities. The attacks were carried out both by the authorities and by various groups from local communities, with the authorities doing absolutely nothing about them. For example, a cameraman (Igor Bezborodov) and two correspondents (Chinara Sydykova and Aizhan Ismailova), of NTS in Osh, were beaten up by an aggressive crowd while recording a rally in support of parliamentary deputies Kamchibek Tashiyev and Zhyldyzkan Dzholdoshovoy of the Ata-Zhurt faction. However, not only did the journalists not succeed in getting any support from the authorities during the attack, but they did not even succeed in their attempts to report the attack to the Internal Affairs (police) office in Osh.

Muzaffar Tursunov, a freelance journalist in Osh, noted, "The former interim president used to talk about the growth of the freedom of speech in our country. For me, to say such a thing is tantamount to blasphemy. Crimes against journalists are a taboo subject. Nowadays it is impossible to cover openly

what we are living through in the south. For the rest of the world we appear democratic, but internally we are very closed. Problems of attacks on journalists are not discussed. In a closed society, by definition, there can be no open media.”

In 2011, despite a perceived expansion in the breathing space for freedom, government officials continued to target some media representatives for various reasons. For example, the former head of the National Commission for the Development of the State Language, Azimzhan Ibraimov, stirred up a witch hunt against *Vechniy Bishkek* (*The Evening Bishkek*) Russian-language daily newspaper columnist Dina Maslova by playing the “language” and “national” cards. His public threats and demands for her to leave the country, amounting to harassment, did not arouse the interest of any senior person in the oversight bodies, nor did anonymous threats from self-described “patriots,” who forced Maslova to hire bodyguards, at her own expense.

Some members of the ruling political parties have also begun to feel above the law. According to the Kyrgyz Media Policy Institute, 15 members of the Asaba party, headed by Salmoorbek Dyykanov, crashed the office of the 24kg news agency in May, insulting journalists and threatening to burn the houses of managers because the agency had posted information that, in the assailants’ opinion, was not reliable. The Office of the Prosecutor-General found nothing criminal in the actions of the Asaba party members and refused to initiate criminal proceedings against them. Sometimes, the authorities themselves are behind illegal practices; for example, they searched the office of the local Associated Press correspondent, Abdurahman Aripov, and seized video material without any explanation. They later returned some of Aripov’s material, without any apology.

Threats against journalists remain common. In fall 2011, Kyrgyz public television OTRK’s national audience witnessed ambiguous threats voiced live on air by presidential candidate Kamchibek Tashiev against Dinara Suymalieva, the host of the television debates and director of the local subsidiary of the interstate television channel Mir. In another case, a law-enforcement officer took responsibility, in a private conversation, for the assault on journalist Kubanychbek Zholdoshev and still won one of the top posts in Kyrgyzstan’s Ministry of Internal Affairs.

Still, compared with previous years, the panelists highlighted some positive signs. Although previously there was complete impunity for crimes against journalists, and the authorities generally did not bother to inform either the public or the media concerning the progress of their investigations, in 2011 a few cases were publicized. For example, in the case of NTS television cameraman Timur Ismanbekov, who was murdered in spring 2010, the court found defendants Kaskar Katzhekov

and Sergey Chikhryakov guilty of “hooliganism” under article 234 of the penal code and sentenced them to nearly two years in a penal settlement (which media NGOs protested as too lenient).

Additionally, the panelists often feel that journalists themselves are to blame for the attacks on them because they lacked awareness of—or simply did not follow—the basic safety rules when working in hot spots, situations of mass unrest, conflict, etc.

In summer 2011, the Organization for Security and Co-operation in Europe (OSCE) Academy in Bishkek held a discussion: “Safety of Journalists: An Aggressive Society or Unethical Journalists?” In this meeting, government representatives, civil society, and the media community agreed to set up a quadrilateral working group on crimes against members of the media that would be made up of the law-enforcement agencies, deputies of the Jogorku Kenesh, the Ministry of Internal Affairs Public Supervisory Council, the State National Security Committee, the Ministry of Culture and Information, and media- and human-rights NGOs. The agreement set plans to bring in media- and human-rights NGOs to investigate attacks on media workers and to revise various laws that affect the safety of journalists. For example, they agreed to review article 151 of the penal code, entitled “Obstruction of the lawful professional activities of journalists,” with a view to producing a more accurate characterization of crimes against media professionals. The working group also approved Ministry of Internal Affairs orders to better ensure the safety of journalists and media workers during mass gatherings and to improve attention to complaints by journalists. It also approved an ordinance from the Office of the Prosecutor-General to strengthen prosecutorial oversight of allegations of crimes against journalists and media workers by law-enforcement officers.

The panelists noted that Kyrgyzstan’s laws protect the editorial independence of state or public media. In practice, however, government officials and politicians constantly put pressure on the media. The state media are on a short leash, held tightly by the authorities, because their funding comes from the state budget and they benefit from compulsory subscription fees, etc.

The vast majority of Kyrgyz media have not developed editorial policies. Therefore, the OTRK Supervisory Council’s approval of an editorial policy in April 2011 was an important symbolic event; OTRK stands alone among Kyrgyzstan’s state and public media in that respect. However, beyond adopting the document, little else has happened. Journalists and editors themselves do not understand the value of the editorial policy or the role of the Supervisory Council. They perceive the latter as a censorship committee, and they react negatively

to all of the Council's recommendations. Moreover, efforts by members of the steering committee to explain the benefits of the editorial policy for journalists, or to ensure that it will help protect their rights and interests, have had no effect.

However, the editorial policy does not prescribe a commitment to the public interest, nor professionalism, impartiality, and editorial independence, and in practice OTRK broadcasts sometimes violate flagrantly the rights of ordinary citizens and serve the interests of those in power. For example, in the run-up to the elections, OTRK provided Almaz Atambaev of the Social Democratic Party with quite simply barefaced PR, for free, and maligned the activities of parliament without restraint. Even worse, some members of the OTRK Supervisory Council abuse the editorial policy, using television and radio broadcasting time for commercial purposes or using airtime free of charge for their own PR campaigns.

At the same time, OTRK news is rife with civil-rights violations. To illustrate, Kulinskiy described an OTRK news bulletin in June 2011 dedicated to children with TB that publicized the names and addresses of the children. Kulinskiy complained to the OTRK Supervisory Council about this and received no response.

In 2011 the Amendments to the Penal Code of the Kyrgyz Republic Act recognized that the Code's article 127, on defamation, had lost its effectiveness. Therefore, all possible cases of litigation concerning offenses against the freedom, honor, or dignity of a person were redirected to the penal code's article 128—which, contrary to the expectations of the media community, remained in the penal code, unchanged—and also to articles in the civil code, on compensation for moral injury and protection of the honor, dignity, and business reputation of the citizen or of the business reputation of legal entities.

To date, as the panelists noted, only a few journalists were convicted under the now invalidated article of the penal code; no journalists were imprisoned for libel in 2011. The panelists' assessments of the amendments to the penal code regarding the decriminalization of defamation varied widely. Some of the panelists, mainly representatives of foreign media institutions and organizations, were inclined to consider this significant progress in enhancing freedom of speech, whereas the other, local experts were very restrained in their reaction. For example, Gulnara Toralieva, head of Mass Media and Journalism, American University of Central Asia, Bishkek, "The change is more of a symbolic step; over the past 20 years the article has been used only twice for political purposes as a means of putting pressure on journalists and the media, and that was back during the reign of the first president of the republic. Articles 128 and 142 of the penal code (insulting an official) and certain other

articles that can be used just as effectively to put pressure on the media and on journalists have not been decriminalized." In fact, in 2011 parliamentarians attempted (unsuccessfully) to extend the penalties under article 128 and expand the definition of defamation.

In accordance with the civil code's principle of the presumption of guilt, the burden of proof rests with accused journalists or media representatives. The legislation did not distinguish between moral (non-pecuniary) injury to a public person or an ordinary citizen, and the civil code is based on a presumption of moral injury. At the same time, there were problems in the very wording of the articles of the Penal code and civil code of Kyrgyzstan, which lack clear and precise criteria for what constitutes an insult and/or a statement or communication discrediting the honor, dignity, or business reputation of a citizen or the business reputation of a legal entity, and what it was important to classify as being in the public interest.

Saginbaeva noted, "Cases in defense of honor and dignity against the media are most often lodged against the editors. In Kyrgyzstan, there are no standards whereby officials are liable to society for their actions, and against an official you need more serious evidence of defamation than in other cases. Many cases end up with the journalists and editors being fined for 'erosion of reputation' or 'infliction of moral injury.' Internet sites can be held liable and be penalized for the content of sites and forums, although their registration as media has not been legally recognized."

The panelists commented that the legislation does not clearly define the criteria for determining the amount of the fines in a given case or the criteria for measuring the extent of a moral injury.

Despite the wording in the legislation, the practice in the courts reveals that the honor and dignity of those in power were most often considered much more "valuable" than the dignity of ordinary citizens. It was precisely thanks to lawsuits brought by individuals affiliated with the government in previous years that more than one media outlet had been brought to the verge of bankruptcy or beyond, or had been closed down. Also, lower courts usually awarded very high damages, which were reduced every time the case went to higher court after higher court on appeal. According to some panelists, in the past year the average amount of damages awarded against media for moral injury (over and above the fines within the legally prescribed range) were between KGS 10,000 and 20,000 (\$215–\$430). However, cases against the editors of Radio Liberty-Kyrgyzstan, AKIpress news agency, and *Zhany Agym* set damages of between KGS 50,000 and 100,000 (\$1,075–\$2,150) against them in cases heard over the past year.

Recognizing the media's responsibility to comply with the law and professional standards, the panelists expressed concern over the discriminatory nature of oversight. Thus, despite the fact that many media feature insulting language, and publish unverified and unreliable information, the Office of the Prosecutor-General and the courts generally respond only to these offenses when handed a political order to do so.

However, the panelists also noted positive trends. For example, according to the State Committee for National Security, the government blocked access from Kyrgyzstan to 12 sites containing extremist content. However, not one provider had been given even a verbal warning, and no one had taken any action against any communications operator for illegal content.

Access to information by journalists is strained, and the timeframes stipulated by the Access to Information Held by Public Bodies and Local Authorities of the Kyrgyz Republic Act do not correspond to the specific needs and timeframes of journalism; procedures for extracting a response can be drawn out. "Many laws, especially those concerning access to information of public significance, were written more for the ordinary citizen than for the media; they do not take into account the specific requirements of the media, for example, in terms of the time required for a response," Ismanov said.

State bodies, for the most part, do not work transparently, and the panelists said that in the past year, parliament proved especially guilty of acting with great secrecy and obstructing restrictions on access to information. It deployed a variety of methods—banning entry to its hall, banning the work of committees from view, prohibiting the taking of pictures (still or video), and concealing documents, including texts of the legislation it had adopted.

New parliamentary procedural rules that came into effect at the end of the year raised hopes that access to information might improve, such as the use of stenographers to provide real-time transcripts of parliamentary sessions. In addition, with support from a joint United Nations Development Program (UNDP) and European Union project, the www.terezekg.org site was launched to provide public access to parliament; it posts a key statistical database on the activities of the deputies and parliament.

The panelists complained that journalists have difficulty finding the addresses for the websites of government bodies; there is no central database of such sites. Most sites launched by government departments and agencies, though they technically exist, have not been updated for years.

Assessing the change in the quality of access to information held by public bodies and local authorities, the panelists agreed that there are positive developments to note. A

number of ministries, such as the Ministry of the Interior, the State National Security Committee, the Office of the Prosecutor-General, and others, have improved their communication strategies, and their press services have begun to work more in real time, quickly providing information on request. The re-launched website and the information policy of the State National Security Committee and the State Service for the Implementation of Court Sentences are especially significant breakthroughs. Similarly, the press service and departmental website of the Supreme Court had also begun to operate more in real time, and more openly.

Despite this progress, the panelists saw no systemic changes, nor any strong leadership. For example, the panelists noted that the Ministry of Health, which replaced an efficient and experienced press secretary, negatively impacted access to quality information from the department. Another problem is the existence of personalized departmental websites that focus exclusively on promoting the image of the head of that department. For example, the Emergencies Ministry had three sites—each created, one quickly after the other, under a newly appointed minister.

The panelists said that increased public accessibility and transparency at a number of ministries appears to stem more from the reaction of the state services to public pressure. Thus, the very strong criticism of a number of Supreme Court decisions and the demonstrations against them in high-profile political trials, expressed in the form of organized picketing and rallies against the composition of the Supreme Court in 2010–2011, inspired government departments to revise their approach and opt for more open interaction with the media. The same thing happened with the State Service for the Implementation of Court Sentences: prison riots, mass disturbances by prisoners' relatives, and the demands for the newly appointed management of the service to be replaced proved to the Service how important it is to work with the media and the public.

The Access to Information Act had been very helpful to bloggers in their activities. In 2011 bloggers actively sent requests to the various organs of the state authorities and tended to take a positive view of access to information from state bodies and local authorities, because they were not under the same time pressure as the traditional media and were not planning to produce media products. In addition, the Kloop online journalism school portal actively trained dozens of young people and teenagers to work with state bodies and to compile their requests in the correct form. The growth in influence of citizen journalism in Kyrgyzstan is evident as well. In all probability, its proactive nature motivated a number of state bodies to develop electronic public front offices and work more actively with the public.

The restriction of access by the media and audiences to foreign television and radio during the presidential election campaign, under the 2011 Constitutional Law on the Elections of the President of the Kyrgyz Republic and of Deputies to the Jogorku Kenesh, turned out to be irrelevant, considering how information is consumed in the present day, and ultimately had little effect. In fact, given Kyrgyzstan's relatively high Internet penetration, and the fact that a large proportion of the population has access to satellite communications,² barring public access to foreign broadcasts proved impossible in practice.

However, the government, specifically the CEC, forced the local media to cut relay services and, in some cases, even completely abandon them. For a whole month, Euronews was not broadcast on the EITR public television channel. OTRK, to reduce the financial cost of producing news, gave up its subscription to the Reuters news feed, and in practice all media limited their consumption to local news agency products and self-produced news content to cut costs.

Entry into the journalism profession in Kyrgyzstan remains unrestricted, and no new permit or licensing requirements have been introduced. At the same time, a few bloggers and freelance journalists pointed to the emergence of a number of problems in obtaining accreditation and gaining access to official functions, as all state bodies ask journalists for proof of ID from their editorial office.

The panelists did note that the 2011 presidential election changed things somewhat. In October 2011, parliament decided to change the unrestricted principle of access to obtaining information by adopting rules for the accreditation of journalists. The deputies gave themselves the right to deprive journalists of accreditation "if they or their editorial offices disseminate information that does not correspond to the reality and impugns the honor and dignity of the Jogorku Kenesh, the majority coalition, factions, committees, or deputies."³ This regulation enabled parliament, immediately after the order was adopted, to suspend the accreditation of Channel Five and IWPR. Also in October, the CEC withdrew accreditation from the Kyrgyz-language *Sayasat Press*, which belongs to the Butun Kyrgyzstan political party, without trial or investigation. *Sayasat Press* had identified violations of electoral law and black PR against the candidate Almazbek Atambayev. Panelists also pointed out that the CEC set the period for media accreditation long before the election campaign, back in July—and some feel that was a way to refuse a few media, such as Chalkan.kg's newspaper, their

² The cost of a counterfeit Chinese satellite dish is KGS 1,000 som (\$20), and each additional receiver head at KGS 500 (\$10) increases the number of bundles that can be received. There are dozens of channels in each bundle.

³ See www.knews.kg/ru/columnist/4099/ (in Russian).

accreditation for the campaign. The official refusal read: "Based on the fact that the deadlines for media accreditation set by the Central Election Commission have long passed." However, the paper had previously submitted its application three times.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 1.77

Throughout the year, flashpoints of conflicts rooted in accusations of bad faith and lack of objectivity periodically flared up, and the October 2011 presidential election marked the low point.

Early on, civil-society institutions, together with media experts, organized an ad hoc staff to advocate for public control of the election campaign in the media. Regarding the last presidential election, the coordinator of the ad hoc staff, Tattu Mambetalieva, said, "All the media, with few exceptions, behaved abominably during the campaigning period. They produced a stream of unchecked information, 'black PR,' heightening the tension and attempting to foment ethnic and religious strife." In the first week of the campaign period alone, the CEC issued 10 warnings to specific media; the media failed to react. Print media monitoring data from the presidential election period revealed that 5 percent of articles were based on rumor and hearsay, 72 percent cited a specific source of information, and 23 percent provided no source.⁴

⁴ The Media Policy Institute Foundation, with the support of the democratic commission of the US Embassy in Kyrgyzstan, carried out a print media monitoring project during the election period, covering 21 print editions in both Kyrgyz and Russian.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Monitoring carried out for the Center for Information Law project in partnership with the Journalists' Association⁵ also found bias in various media channels and publications, expressed in biased material, skewed advertising volumes, and in the failure to reveal information about paid-for campaign material. The election-focused volume also identified which candidates led in terms of the volume of their advertising/campaign material. The panelists feel, however, that many of the media were guilty of unreliability and bias even outside the election period, with some panelists singling out the 24kg news agency and the Kyrgyz-language newspapers.

Research by the Journalists' Association into OTRK's content over two weeks in September 2011⁶ revealed hidden advertising, a lack of objectivity, and poor quality of analysis; failure to comply with ethical standards and failure to rely on at least two sources of information are the major violations.

The fact that certain topics are taboo in the media did not help strengthen media freedom, either. Mainstream media do not cover ethnic and sectarian relations, or regionalism, and the panelists said it is hard to imagine objective coverage being given to those topics presenting the views of each of the sides. The media continued to depend on a limited pool of experts in the various fields. Furthermore, many journalists believe that the quality of expert opinions is poor; they also feel it is incapable of meeting the needs of the audience or improving journalistic material.

Sadiev expressed the dominant view among the panelists: "A large proportion of publications do not adhere to generally accepted standards, journalistic or ethical, for journalists in Kyrgyzstan." In his view, the worst offenders are the Kyrgyz-language print media, although others disagree. Kulinskiy added, "This is a country where unlawful and illegal methods continue to be the most effective...Journalists have learned how to manipulate situations and people, too... Often, journalists themselves provoke conflicts."

One of the initiators of the Kloop news platform, Bektur Iskander, created a buzz by carrying out a very unusual experiment: he put together a press release for a fictitious organization, holding a fictitious event featuring an invented foreign expert. He created a logo for the fictitious organization and distributed this "canard" to all the news

agencies. The very same day, one of the most respected news agencies, AKIpress, published his fictitious press release in full. Iskander then publicly revealed the hoax and organized a discussion about how the mainstream media do not operate professionally by failing to verify information before publishing. According to one of the panelists, this incident split apart blog journalism and the mainstream media, exposing the need to examine and define clearly the ethics of interaction between new and traditional media. It also prompted serious discussion among the panelists about the functions of news agencies and other media. Some panelists feel that timeliness is the most important function of the news agencies and assume that the newspapers are responsible for verifying the information received from news agencies. Other panelists, while not denying the importance of getting news out quickly, believe that both the agencies and newspapers should be responsible for the accuracy and reliability of the information.

Also during the election period, a civic activist subjected the Kloop news site to an experiment by sending in some nonpolitical material about a trend for couples engaged to be married in Osh to take helicopter flights. The publication, complete with photos and quotes, looked professional. However, immediately after it was published, one of the people allegedly interviewed for the article went to the site portal and indignantly demanded a retraction from the editors. It turned out that all the details in the publication were no more than a skillful fiction, using very real first and last names.

Regarding the ways that the development of new media is changing professional standards, Aibek Baratov, blogger and managing partner of BandA creative agency, remarked, "More and more journalists are starting to use social networks and extract a huge quantity of newsbreaks from the online environment. That, in turn, causes them to deviate further and further from the principles of professional journalism, because of their specific audience. And in general, the concept of 'professional standards of quality' seems to me to be a very mutable indicator."

Generally, Askerbubu Sakybaeva, editor-in-chief of *Zhany Agym*, commented that international organizations and NGOs suggest that there are more rumors right now than real information, but she pointed out the challenges journalists face in verifying information when access to information is hampered. Sometimes newspapers would like to clarify rumors, but official sources refuse to comment. To illustrate, she said, "Recently we tried to obtain information about explosives left at police headquarters, but the police said there that they were prohibited from giving out such information and referred us to the Ministry of Internal

⁵ Carried out with funding from the Danish International Media Support organization (IMS) and Soros-Kyrgyzstan, the monitoring covered 13 Kyrgyz and 11 Russian-language newspapers, eight electronic media, five online publications, and also regional publications—including public and private media. For more details, see S. Zhumagulov, K. Chekirov, I. Kochkarova, M. Tokoev: *Report on results of monitoring and content analysis of OTRK TV programs*, Bishkek, Maks-print, 2011 (in Russian).

⁶ S. Zhumagulov, K. Chekirov, I. Kochkarova, M. Tokoev, *Report on results of monitoring and content analysis of OTRK TV programs*, Bishkek, Maks-print, 2011 (in Russian).

Affairs. We went out to the Ministry, but none of the officials who could comment on the situation appeared. The Ministry representatives constantly referred us to the press service, but the press service will only give you some sort of dry information after two or three days.”

The panelists also underscored the trend of clan journalism. Whereas the media were previously divided into pro-government and opposition camps, they are now divided into a multitude of camps defending the clan interests of elite groups. The panelists feel it is clear that in serving clan interests, by definition it becomes impossible for journalism to be objective, accurate, or professional.

Several attempts by media experts and international organizations in recent years for the entire journalism community to develop and adopt a journalistic code of ethics have failed. A number of media, during the last congress of journalists, adopted ethical standards for journalists, and Center for Information Law representatives visited editorial offices to explain international standards. However, this did not lead more media outlets to adopt the Code of Ethics; nor did it spur development of a culture of compliance surrounding the Code. For example, one Kyrgyz-language newspaper experimented with compliance by avoiding the “black” technologies of manipulation and propaganda, trying to observe neutrality with respect to the heroes of its publications. The public responded immediately by reducing demand for the publication. The panelists said that not only is it profitable financially to produce fictitious, unverified, unethical material, but politicians demand such material and do not hesitate to use the media as a weapon.

The panelists identified plagiarism as the most important ethical issue. Borrowing photos or text from the Internet, a newspaper, or an electronic medium, without permission or without citing a source, is common practice in absolutely any and every medium one cared to name. Notably, only a very few media keep a photojournalist on their editorial staff or under contract—yet all print media are abundantly full of pictures, as a rule with no credit printed beneath the photos. Radio and television companies and newspapers, almost without exception, take news from the AKIpress and 24kg agency news feeds and almost never give credit. In recent years, the newspapers and news agencies also actively plagiarized material from bloggers—often without changing a single word, except the byline. However, so far there had not been a single public accusation of plagiarism, let alone a court case on authors’ rights.

Another problem is the concealment of paid coverage. Practically all media outlets in the country are guilty of concealing sources of bias from the public, the panelists said. For example, despite the manifestation of the commitment

to ethical standards of online journalism on the face of the Kloop web portal, in practice, violations of its ethical characteristics are not uncommon. For example, the Kloop news ticker might enthusiastically present a Eurasia Foundation project, even while the Eurasia Foundation is a key donor for Kloop.

The panelists feel that journalists commonly accept bribes and use their profession and position for blackmail and extortion. According to the panelists, such practices are particularly common among OTRK and EITR journalists. The panelists also said that in the regions, journalists from the Ala-Too and Zaman programs, reputedly well practiced in the field of extortion and blackmail, inspire fear among citizens and authorities alike.

Self-censorship persists as well. Commenting on the situation in the local media after the turmoil of summer 2010 in the southern regions of Kyrgyzstan, Ismanov and Tursunov agree: the people of Kyrgyzstan are still living under postwar conditions, and some journalists could still not speak openly and without censorship about many things surrounding the uprising.

As one indicator that censorship is thriving, the panelists pointed to the long sentences handed down in 2011 to the former owners of the OshTV television channel, Khalil Khudayberdiev, and the Mezon TV television company, Zhavlon Mirzakhodzhaev. The Committee to Protect Journalists (CPJ)⁷ found, after a special investigation, that the two were convicted on the grounds that “in the spring of 2010, their channels aired live a protest rally against the deposed president, Kurmanbek Bakiyev, at which leaders of the Uzbek diaspora urged Uzbeks to refrain from violence and to support the transitional government of Roza Otunbaeva.” The local media chose not to comment on the case. In the national media, journalists treated the case as practically taboo, failing to note its relationship either to their colleagues who had been forced to emigrate or to the court verdict finding both ex-editors and media owners guilty in absentia.

Most of the Kyrgyz-language newspapers were silent on the events in Andarak and Zhany Zher villages in Batken province, where ethnic clashes had occurred. The main state-controlled medium, *Kyrgyz Tuusu*, and a number of news agencies—AKIpress, Kabar, 24kg, and Knews—covered it in a very limited manner, reflecting only the official point of view.

A significant proportion of journalists took another approach, allowing no constraints, including ethical constraints, to impede their work and felt above the law, with publications

⁷ See www.24.kg/community/114385-kzzh-obviniya-v-otnoshenii-yeks-vladelcev-smi.html (in Russian).

full of hatred and ethnic intolerance. For example, in 2011 some journalists organized an anti-Semitic campaign. *Zhanyryk Apta* published an article entitled “Sabbath for Jews on Kyrgyz Soil” (October 2011); *Maydan.kg* published material on the same subject under the heading “Parasitic Worms” (November 2011); *Achyk Sayasat* published an article “We must stop this: Kyrgyzstan is our common home” (December 2011), etc. This did generate a major discussion, and some media—*polit.kg*, for example—accused these media of anti-Semitism.⁸

As always, the issue of self-censorship among journalists generated a great deal of discussion. In a situation where there is no effective editorial policy, journalists must be guided by their own concept of ethics and the principle of “do no harm.” The journalism community launched several initiatives to introduce self-censorship in 2011: for example, there was a call by a group of journalists to stop using words denoting a division between south and north. On assuming office, President Atambaev also called on the country’s journalists to make use of the principle of abstinence: “Give me two or three months to work; do not criticize.” Not all newspapers complied, such as *Jany Ordo*, *Achyk Sayasat*, and *Uchur*, which belong to the opposition.

Baratov shared his own practice of self-censorship. While working on investigative material on corruption among the traffic police, he shot a great deal of video and still photo material depicting bribes and other offenses committed both by traffic police and car drivers. However, he retouched the faces and other identifying details before posting. Explaining why, he said: “My goal was to fight the corruption that affects the entire system. I did not want anyone featured in my posts to become ‘scapegoats,’ to be fired or punished. The important thing is discussion and action to make the system more lawful.”

The panelists pointed to the growing strength of blogs, noting that they are providing a foundation for investigative journalism. The Kloop platform played a particularly strong role in this. In addition, unlike mainstream journalists, Kloop’s civic journalists investigate not only purely political and criminal issues, but social issues, and took on the air of civil activists. Examples that particularly resonated with the public include a photo journalism piece about the shooting of street dogs; investigative work on restrictions on internal migrants and their need for residence permits; and the use of mobile phones and cameras at polling stations during the presidential election.

According to Saginbaeva, “Journalists cover all major events and topics in the country. There are no topics or events that

⁸ See <http://polit.kg/print/2/194> for details (in Russian).

According to data provided by Sadiev, “all the newspapers in Batken province do their print runs either in Osh or in neighboring Tajikistan. The provincial Batken Tany is printed in Bishkek. This affects how up-to-date the newspapers can be, and their cost.”

could lead to undesirable consequences for the editors and journalists if they are covered. On the contrary, keeping quiet about the main topics can lose you your audience.”

However, even the most cursory analysis of newspapers or television channel websites shows that most media, even when looking at such areas as religion, the government, interethnic relations, economic development, and budget processes, try to avoid acute problems and conflict situations by limiting themselves to the official government positions. The most sobering example of this was the story of the delivery of radioactive coal from Kazakhstan, with the complicity of Kyrgyz officials, to Bishkek’s combined heat and power station. Practically all media sang the same tune set by the government press service’s press release. Not one media outlet investigated how such a criminal deal could have been struck, which government leaders sanctioned the deal, who exactly profited from it and how much, why no one was punished, who would rectify the error, and how much cleanup would cost.

In 2011 bloggers were the most up-to-the-minute and reliable in their coverage of a number of situations. For example, they were the first to inform the public about a plane crash in Osh at the end of December, and a split among the political parties came out first in blogs. A blogger’s video helped expose the truth regarding the singer Ukashev’s fault in a car accident.

According to the two-week study on OTRK’s content by the Journalists’ Association, journalists’ and editors’ choices of topics are not always based on the principles of public interest and meeting the needs of all segments of the audience, but possibly on the basis of the minimum professional, creative, financial, and technical resources needed.⁹

Pay levels for journalists remain critically low, especially in the country’s regions. Despite the high level of inflation, even experienced journalists in the regional press receive no more than KGS 2,000 to KGS 3,000 (\$43–\$65) per month, while the top salaries for journalists in the capital are approximately

⁹ *Ibid.*, Report on results of monitoring and content analysis of OTRK TV programs.

\$500 per month. Even in highly profitable media companies, such as Superinfo, the journalists earned KGS 10,000 (\$215) or less—leading to high turnover in the editorial team. On these salaries, most journalists cannot even afford to buy laptops and must be on constant lookout for additional ways to earn money.

Saginbaeva said, “Pay levels for journalists basically remain low. There are a few major newspapers, television channels, and news agencies that can afford to pay good salaries to journalists and editors. But basically, novice journalists receive from \$100 to \$200, then they try to get on the staff of these major media outlets, where experienced journalists are paid from \$500 and up, and the result is that journalists ‘run’ from one media outlet to the next, regardless of whether it is a state media outlet or private. Naturally, many people want to escape from this circular round and try their hand in other areas. Some try working as press secretaries in companies and state bodies.”

It is hard to compare journalists’ incomes with those of workers in other occupations because of the massive, all-pervasive nature of corruption and abuse of office for personal gain. For example, with all the similarities of the official incomes of teachers and journalists, in practice, teachers, at least in the capital, draw a not inconsiderable salary in the form of “black cash.”

The practice of handing out part of media salaries “in brown envelopes” is also not unknown but occurs to a more limited extent. Well-known journalists and editors pull in certain “dividends” from their professional activities, have access to limited resources, have less trouble getting hold of permits or “negotiating” with tax officials if they have their own business ventures, and so on.

The ratio of news to entertainment programs and publications in all types of media is skewed in favor of entertainment. The Journalists’ Association analysis on OTRK television programs over two weeks in September 2011¹⁰ showed that entertainment programs far outstripped news and political/economic programs, especially in Russian-language programming.

Despite the increase in entertainment programming, the volume of political news and information/ analytical programming is still quite high, reflecting the high level of politicization of the society. However, Kyrgyz society has long lamented the poor quality of analytical content, even though during the election period the volume of such content increased significantly.

¹⁰ Ibid., *Report on results of monitoring and content analysis of OTRK TV programs.*

Nevertheless, the panelists see an obvious trend toward entertainment content, especially for online journalism and print media. Online, social and entertainment themes prevail. According to Saginbaeva, many new entertainment newspapers and websites draw top rankings, which she attributes to the fact that Kyrgyzstan’s Internet audience is predominantly young. A purely entertainment channel, Komuz TV, appeared in the AlaTV cable television bundle, positioned as a youth, music, and entertainment-based channel broadcasting music videos and entertainment programs made in Kyrgyzstan.

Not all media enterprises have been able to keep up with the pace of technology and upgrade their facilities, and those that have been able to have done so only to a limited extent. The regional media are still most in need of news-gathering and production equipment. Many print media, as their owners value them more as political tools than commercial enterprises, have minimal equipment. From one political event (typically elections) to another, two or three journalists languish in such media outlets, with the minimum required to keep the newspaper alive. Not all editorial offices have permanent access to the Internet, especially broadband. In the regions, landline Internet access is so slow that if mobile networks did not provide an alternative means of access, few would use the Internet.

The immediate future of Internet technologies appears rather optimistic. In December 2011, IT professionals and owners, developers of software products and services, and political figures convened for the second Kyrgyzstani Information Technologies Forum (KIT) to discuss problems and how to create the right conditions for successful IT development in Kyrgyzstan. During the KIT Forum, the LTE 4G network, based on the technical resources of Saima-Telecom,¹¹ began operating in the capital and suburbs, and another company, GlobalAsia Telecom Ltd., announced the launch in the Kyrgyz Republic of WiMAX 802.16e mobile network broadband technology.

Research carried out by the Siar-Bishkek company shows that Kyrgyzstan is seeing a mobile Internet explosion. New technologies are being rapidly introduced into the mobile networks, and customers are being offered more and more new services, including 3G and 4G. The mobile network company Megacom was on the verge of announcing the launch of mobile television, but it failed when market analysis showed that the existing fleet of cellphones could not support the technology.

For the upcoming switchover to digital broadcasting, whether traditional television companies can re-equip and roll out

¹¹ Saima-Telecom has called its new project SAIMA4G. The equipment supplier is Huawei Technologies (People’s Republic of China).

their networks is proving a critical challenge—insurmountable for some. Only a handful seem capable of pulling off the digital transition in the near future.

In terms of printing services, most print media are forced to go to the capital or other large urban centers. According to data provided by Sadiev, “all the newspapers in Batken province do their print runs either in Osh or in neighboring Tajikistan. The provincial *Batken Tany* is printed in Bishkek. This affects how up-to-date the newspapers can be, and their cost.”

Even the state’s Channel One is poorly equipped. According to the Journalists’ Association analysis of OTRK’s programming, obsolete technical equipment at OTRK is not the least important factor behind the poor quality of its programs. For example, journalists use normal microphones when lapel mikes would work much better, and they have no technical capacity to archive content. Furthermore, camera-control engineers and video editors, due to their low motivation and poor mastery of the technologies, are not taking advantage of even what limited technical capabilities the channel offers.

Niche journalism has still not developed in any significant way in Kyrgyzstan; a few isolated tendencies in individual media do not add up to niche journalism, panelists said. For a few years now, OTRK has aired a health program; among the print media there is only one journalist, Nina Nichiporova, who is positioning herself as *Vechniy Bishkek’s* specialist on medical topics. Economic journalism is limited to two or three journalists: Larisa Li (*MSN* Russian-language weekly and online newspaper), Dina Maslova (*Vechniy Bishkek*), and the economic commentators at AKIpress news agency. On the eve of the presidential election, economic journalism received a shot in the arm from the political party press, but almost immediately after the elections ended it was once again put on the back burner, until the next election.

The panelists said that niche journalism cannot develop until demand in the media market goes up and publishers have the financial capacity. Most media outlets cannot afford to hire niche journalists and keep two or three “omnivorous” journalists instead. At the same time, the available resources for preparing material on various topics are limited.

However, the Russian-language social and political city newspaper *Vesti* is an exception. The owner of the publication, Ivan Kutimov, believes that it is precisely specialization/niche journalism—as a city newspaper—that created demand and allowed it to have a stable circulation of no fewer than 3,000 copies over many years now.¹²

¹² Please see www.open.kg/ru/theme/blitz/?theme_id=114&id=954 (in Russian).

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 2.19

According to the Ministry of Justice database, almost 1,500 traditional media establishments are registered in Kyrgyzstan, about a third of which are currently operating; of those, about 150 are electronic media, and 70 percent are Kyrgyz-language.¹³ Of that third, about 150 are electronic media, and 70 percent are Kyrgyz-language. The vast majority (over 300) of media outlets are concentrated in the capital, with about another 100 in Osh.

Among the electronic media, OTRK and EITR have the widest coverage with their distribution networks, but they still fall short of nationwide coverage. During the implementation of the digital broadcasting project in Batken province (2009–2011), out of 211 villages, coverage could be extended to only 154, cutting off over 62,000 citizens from the television broadcasts of their own country. There are many potential roadblocks in the transition to digital, and there is a serious risk that people will either not pay, or be unable to pay, for e-content made in Kyrgyzstan.

Another picture emerges in the field of new media and mobile Internet users. Over 91 percent of the population

¹³ The database has not been updated since 2009, so the ratio of print to electronic media may have changed, given the recent boom in electronic and online media.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

has access to mobile communications, and the vast majority uses the mobile Internet actively. And, thanks to the Door Media Foundation project, Megacom, Beeline, and Foneks subscribers can receive Kush Kabar SMS news on their cellphones free of charge. The future and projected upgrading of the telephone fleet by the cellular operators will lead to a quantum leap in news consumption, and the telecom operators will be able to provide services in the 4G broadband television broadcasting format. Even now, Internet service providers such as Aknet and Kyrgyztelecom have opened IP video service.

Overall, Internet access in Kyrgyzstan, according to Internet World Stats, had grown by June 2010 to just shy of 40 percent, reaching 2,194,400 users.¹⁴ Of these, approximately 878,000 (or 14 percent) use social networks, primarily Facebook and Twitter.

In 2011 there was a real boom in Kyrgyz-language news content on the Internet. The most telling indicator is the rising number of visits to Kyrgyz-language news resources. For example, the largest news portal in Kyrgyzstan, Barakelde.org, grew by 81 percent in 2011, with 2,037,000 visits by 268,000 visitors (statistics from Google Analytics).

All of these media sources present differing political views and target specific consumer groups (differentiated by age, status, and regional origin), and people have differing levels of confidence in them. According to the panelists, the mainstream media, especially the Kyrgyz-language newspapers, do not enjoy the trust of the population, which, incidentally, did not make them less popular. The market for Kyrgyz-language print media is hardly in decline. In terms of television, most people trust the state channels, primarily OTRK and EITR, less than Azattyk and other private channels (on cable in the capital or on satellite), such as K+.

People show a high level of trust in social networks. Thus, a peculiar trend evolved for politicians to “live” in blogs, especially during the run-up to the elections. As well-known bloggers joked, in their blogs you can find graveyards belonging to politicians who opened a blog for PR purposes and dropped it after the race.

Despite the large gap in access to information between the capital and the regions, cellular networks and satellite dishes help with the colossal task of equalizing information density and pressure. The state is unable to look out for its own interests in the information flow on satellite television or through the mobile Internet. In practice, access to foreign media is not limited by anything except cost. But thanks to the production and supply of counterfeit Chinese satellite

dishes, the population does not have problems accessing information. In the absence of electricity, people living near mountain rivers are showing their ingenuity in setting up their own mini-hydroelectric power plants.

There were barriers to access only on individual foreign media; for example, a number of blog platforms were closed for Kyrgyzstan, as Internet traffic out of Kazakhstan was cut. Also in June 2011 parliament ordered several government agencies to block public access to the information site Fergana.ru to “protect the interests of the state.” The parliamentarians felt the site was fueling ethnic strife in the country and that its postings did not reflect reality.¹⁵ International organizations, including Human Rights Watch, came to the outlet’s defense.

Public media still do not exist in Kyrgyzstan, despite the fact that two channels are labeled public. OTRK is the leader and standard-bearer of the Kyrgyz state media, and in 2011 the state provided, one could safely say, unprecedented financial investment in the television channel. OTRK content is definitely changing for the better, and the programming schedule improved. Nevertheless, at moments of political crisis, in the election campaigns, and in everyday news and analytical content, the style and approach had definitely not changed: OTRK continues to serve the interests of the authorities. Although the authorities’ palette now has more diverse colors on it and the government system has a semblance of checks and balances between the parliamentary and the presidential authorities, the most important vector is now the dominant party group. As in previous eras, this channel has an unspoken list of people who must not be allowed on air, and stigmatized portrayals of opponents of the authorities continue. There was a case last year when the program “Zhany Bashat,” produced with grant support from the National Democratic Institute (NDI), presented a critical interview with the Russian expert Arkadiy Dubnov. The journalist who did the interview almost got fired because the expert voiced doubts about the legitimacy of the election results.

The number of social programs on OTRK remains small, but for the second year in a row, broadcasting for children and young people increased.

In the field of print media, the main trend is the disappearance of confrontation between the state and opposition media. The newspapers now stand for the protection of clan and regional interests. That, for all the variety of choice that exists, makes it difficult to say that those media serve the public interest.

¹⁴ Internet World Stats, Kyrgyzstan. Available at: <http://www.internetworldstats.com/asia/kg.htm> (accessed March 7, 2012).

¹⁵ *Fabula* newspaper no. 38 of June 10, 2011/p. 5 (in Russian).

A wave of new news agencies in 2010 and 2011 led to greater competition among agencies and a wider choice of information and approaches. On the eve of the last election, 10 news agencies opened almost simultaneously, including polit.kg, K-news.kg, bulak.kg, vesti.kg, time.kg, report.kg, and NEWS-ASIA (the Central Asia news portal came online in 2010, but not until 2011 in Kyrgyzstan).

For the time being, the leading news agency is AKIpress, which has already implemented 15 or more projects, from economic to entertainment sites, and a video portal. However, the new agencies present a serious alternative to the established AKIpress and 24kg, especially as, for the time being, they offer their content free of charge. For example, the K-news agency, set up in summer 2011, confidently and quickly became the leader in the network among the Kyrgyzstani media with a Facebook page, and it is the only Kyrgyz media with a Wikipedia page. K-news offers a range of services, including PR services, advertising services, and interactive functionalities, including video and still photo material, and informational graphics.

A whole range of information sites offer a language choice. Some sites endeavor to occupy a more up-to-the-minute niche. Each of the news agencies is privately owned, excluding state-owned Kabar. Many new agencies were set up by foreign proprietors, making them more independent politically. The great variety of news agencies and their functioning in the kg zone, which is very cheap in contrast with the external Internet, improves the chances that the news-agency sector will continue to develop. Today, both national and local media hardly use feeds from foreign news agencies, with few exceptions (only EITR has an ongoing contract with Euronews). Reuters, formerly a popular news agency on National Television and Radio Channel One (now OTRK) and on Channel Five, is no longer being used. With the available information resources from local news agencies, the local media do not consider using the Reuters news feed, which is far from cheap, to be a rational proposition.

It is becoming increasingly rare for private media to produce their own news. Even *Zhany Agym*, which joined the most financially successful conglomerate, produces only a paltry fraction of the news, and news items occupy no more than 15–20 percent of the newspaper's column inches. It is particularly difficult, but at the same time important, to capture news from the regions. Editors of private newspapers in the capital understand that the lack of regional news severely restricts the size of their readerships. However, having one's own correspondents in all the regions is beyond the means of any publication, although a few leading newspapers—for example, *De-facto*—decided to open up their

own correspondence outposts in the country's south, adopting one of the local journalists as their special correspondent.

The number of radio stations that still produce their own news could be counted on the fingers of one hand, with the radio channels of media groups based in Europe being the exception to the rule. Without much regard for the country's authorities and their wishes, the satellite television channel K+ puts out news segments. OTRK, meanwhile, produces 70 percent of its own content, while about 22 percent is retransmitted material, and 8 percent is outsourced products from production studios.

Questions of ownership in the Kyrgyz Republic, including media ownership, are among the least open to the public. The legislation does not oblige the media to disclose their owners. The public can only guess at ownership by analyzing the content. Although media experts often say that everyone knows what company belongs to whom, in fact, the panelists noted that opinions on the ownership of specific media ownership were very contradictory and limited—especially in broadcast media.

The civil code provides against foreign ownership of media in the Kyrgyz Republic, and non-residents may not establish their own publications, but no one can be sure that these provisions of the law are actually being upheld. According to unofficial information, a whole list of media represent investments of foreign capital, including the Azattyk media, *Argumenty i Fakty Kyrgyzstan*, KirTAG Kyrgyz Telegraph Agency, and NBT Independent Bishkek Television.

From time to time, journalists from various media look at questions of media ownership and publish their information on the true owners of various media. As a rule, none of the people identified as owners respond to such material; they either do not want to confirm that the allegations are true by reacting to them, or they are simply ignoring them.

There is no monopoly on the production of information in Kyrgyzstan; the last attempt to create a mega-media holding company ended with the Bakiyev regime. The state owns a few newspapers and a couple of television channels. After Channel Five was nationalized, *de jure* the state (in the form of various branches of the government) had in its hands all the country's major television channels. But parliament has so far not succeeded in taking hold of Channel Five as the parliament channel, and Pyramid has still not been nationalized, as the government is blocking the implementation of the relevant Act.

In 2011 there was wide-ranging debate about two alternative concepts of Kyrgyzstan's national policy. The two concepts represent two different approaches in all areas of interaction

After Channel Five was nationalized, de jure the state (in the form of various branches of the government) had in its hands all the country's major television channels.

among citizens of different ethnicities and states, including in the media sphere. The first program relies on promoting the dominant Kyrgyz language and culture. In this case, in relation to the media in minority languages, an observation was made on the level of an objective to be fulfilled: "To promote and create conditions for the use of the languages of ethnic groups in the field of culture and the media." The second program, which put forward detailed analysis of the underrepresentation of minority-language media, proposed developing multicultural media samples. In particular, the website www.literatura.kg, "in which all the basic information is given in two languages (Kyrgyz and Russian) and there is also a heading for literary publications in languages of the country's ethnic communities (Uzbek, Tajik and Uighur)," was seen as the germ of the future.

A review of the media in minority languages shows that the likelihood of ethnic minorities having media in their own languages drops significantly every year. In particular, there is already no Uzbek, Uighur, German, or Dungan broadcasting on OTRK. The last stronghold of Uzbek media product, on OTRK, was shut down in 2011.

Private print media in Uzbek published before the June 2010 interethnic conflict, including the newspapers *Akhborot (Information)*, *Diydor*, and *Mezon*, dropped out of publication because of the criminal prosecutions of their publishers and/or the forced emigration of their editors and owners. The situation with regard to Uzbek-language journalism is actually much worse than even in the recent past, before the clashes in 2010. For example, *Osh Shamy* used to be published in two languages and was founded as an instrument for integration and intercultural interaction after the Kyrgyz-Uzbek clashes in 1991; now it has been very thoroughly forced to overcome the "problem" of bilingualism, because of aggression and non-acceptance from both ethnic groups.

With the assistance of international organizations, a bulletin called *Sodeystviye (Cooperation)*, was issued for six months of 2011 in the south of the country in three languages, including Uzbek. It is noteworthy that before the project to publish the bulletin was launched, promo clips in the three languages were prepared for distribution on local television. Putting them on the air proved to be contentious because of the

presence in the "package" of an Uzbek version in Uzbek, and in the end they were not aired.

Practically all minority-language media are newspapers of national diasporas, with the exception of two low-circulation state provincial newspapers in Uzbek (*Osh Sadosi* and *Jalalabad Tongi*) and one regional newspaper (*Dostlik* in the Aravan region). National diaspora newspapers that were more or less stable include *Ilchi Edinstvo* (Korean), *Payomi Ala-Too* (Tajik), *Khueymin Bo* (Dungan), *Ittipak* (Uyghur), and *Maayan* ("Menorah," Society of Jewish Culture in Kyrgyzstan).

In terms of the media's coverage of social issues, traditional journalists expanded their coverage, including a series of recent reports about the homeless, orphaned children and their adoption problems, and the problems of the development of civil society and its prospects. Furthermore, panelists noted, social networking activists did not just inform the public about the most pressing problems of society but also organized lobbying campaigns. For example, a Twitter campaign to save snow leopards spread quickly across the networks and also became a top issue on Facebook before crossing over into the mainstream media. The wave of information contributed to the adoption of decisions to invest in the conservation of snow leopards.

Concerning whether the media provide news coverage and information about local, national, and international issues, the panelists noted that for many years now, the trend has been toward a regional split in the information sphere. Information about events in one province in practice does not reach any other province, and the population in the provinces knows less and less about the lives of their compatriots in other parts of the country. Such ignorance is the basis for the development of regionalism and interregional conflicts.

Regional information scarcely makes it into the national media, especially in print. OTRK, in addition to its own real-time information products about the regions and from the regions (thanks to posting correspondents in the provinces), outsources production of the Aymakty Kozdoy program about the regions. On EITR, the Osh office makes up at least one-third of its airtime from the southern provinces. A Kabar news agency also produces a large volume of regional news, focusing on events in state bodies.

New media outlets talk about the regions and people's daily lives much more actively. Thanks to a few schools of online journalism organized by the Kloop portal, in the regions there has also been an upsurge in youth citizens' journalism. The Journalists' Association help found an educational and news blog, Aimak News, on the Kloop platform back in 2009 "to promote an increase in news about the life of the regions, and to help young regional journalists to improve

their ability to prepare news material.” However, the blog was not successful. In 2011 it was revived in the context of the OSCE Center in Bishkek and USAID to help provide reliable and accurate information to the various communities in the southern region. News was prepared in Kyrgyz, Russian, and Uzbek and was also printed in the bulletin “Peace to your home,” which was distributed to the population free of charge. This project, which ran from April to November 2011, achieved greater success because it was distributed separately to different ethnic groups.

Access to international news through Internet resources is not restricted, as a large package of news information is available to the public through EITR television, which relays on a systematic basis programs by Euronews, Deutsche Welle, and also TV Suar (Xinjiang Uygur autonomous region television). Also, China Central Television (CCTV) operates in Kyrgyzstan as the only 24-hour Chinese television channel.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.43

In most cases, Kyrgyz media are kept by their owners as tools of political influence and are not treated as businesses. As Saginbaeva said, “The media in Kyrgyzstan are not efficient or well-managed companies. Very few publications treat their activities as a business.”

An example of the value of media as political tools can be seen in the financially efficient media group VB’s (Vecherniy Bishkek) acquisition of *Zhany Agym*, which had been unable

to sustain itself after the fall of the Bakiyev regime. However, the growing importance of media in the Kyrgyz language is an important factor for a media group made up of Russian-language media.

Sakybaeva, speaking as editor-in-chief of *Zhany Agym*, believes that the media’s financial status is shrouded in even more mystery than their ownership. According to calculations for an independent printing and typesetting house (by the Media Support Center, with support from Freedom House), in Kyrgyzstan a publication becomes self-supporting at 10,000 copies, most often with a very small editorial team (up to 10 people). However, most media boast circulations of between only 2,000 and 3,000, yet they employ dozens. No one can say where the editorial offices get the funds to maintain this level of staffing, or how much they pay in taxes.

Over the past few years, national newspapers, including *Vecherniy Bishkek*, *Superinfo*, *Avtogid (Auto Guide)*, *Delo No. (Case No.)*, and the nationally distributed school newspaper for all students, *Klasstash (Kyrgyz for Classmates)*, have proved highly profitable. For the regional media, success has been harder to grasp. Only a few publications have done so: the regional advertising and information newspaper *Dlya Vas (For You)*, the Kara-Balta city newspaper *Vesti*, and the Osh city advertising and information newspaper *Oshpark*. As a rule, the success of these regional newspapers is linked with their having their own printing presses, or with the publications’ being part of a media group, optimizing the resources of several media outlets. Sakybaeva noted, “In the private media, there are associated companies, as the existence of the newspaper itself does not cover its costs; this is done by other types of business, too.”

The most profitable media are the radio stations; they minimized their costs by producing little of their own news or other journalistic products and basically morphed into relays for wall-to-wall music and entertainment.

The state print publications, for the most part, eked out their existences, because they neither received special subsidies from the state nor were set free to sink or swim. Of course, they reaped certain benefits as state media, including subsidized rent; they received priority when pools of journalists were formed to cover important political events, and state journalists were guaranteed inclusion in government delegations abroad, with their travel costs subsidized.

In 2012 OTRK presented its budget to parliament, asking for KGS 619 million (\$13.3 million) for current expenses, and the Ministry of Finance approved KGS 342.5 million (\$7.4 million). But neither the requested nor the approved budgets were geared toward the development of the company and did not include budget lines to replace

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

However, most media boast circulations of between only 2,000 and 3,000, yet they employ dozens. No one can say where the editorial offices get the funds to maintain this level of staffing, or how much they pay in taxes.

aging technology and equipment; rather, they covered only the payroll and employees' social fund contributions and the annual subscription fee for retransmission to the RPO RMTR company, amounting to KGS 180 million (\$3.9 million).¹⁶ Company representatives say that the state covers expenditures only up to 60–70 percent, with advertising covering the remaining costs. In 2011, after the presidential election, OTRK pulled in KGS 60 million (\$1,290,322) in advertising revenue, of which \$400,000 was allocated to updating the television studio and studio equipment. In recent decades, OTRK has perpetually sounded the alarm about a financial crisis; no matter what the company takes in from subsidies or advertising, it always claims it is on the brink of financial disaster. So far, neither the Supervisory Council nor the organization's management has come up with a sound strategic development plan.

Although they could not point to reliable information about news agency profits, the panelists said that during the last presidential election, in 2011, the news agencies were able to make good on the electoral campaign because they were unencumbered by restrictions on the tariffs and rates they could charge.

Most media companies are not self-sufficient and live off their founders or grants. As the media do not have many sources of funding to ensure their editorial independence, they suffer from excessive influence from their founders or sponsors. Traditionally, the print media draw income from three key sources: about 25 percent from advertising revenue, about 20 percent (at best) from subscriptions, and no less than 55 percent from sales. Depending on their financial capacity, newspaper owners seek to expand their media businesses, bringing in, as their capacity allows, printing presses, PR and advertising services, satellite video channels, conference services, or a news agency. Many private media outlets also participate in competitions for grants to attract funds to upgrade their technology and equipment.

The trend toward the centralization of all kinds of advertising streams and the creation of an advertising monopoly

¹⁶ From OTRK head, K. Otorbaev, reporting on the corporation's finances: report.kg news agency, June 21, 2011(in Russian).

established in the last years of the Akayev regime ended with the revolution of 2010. Since then, the various segments of the advertising field work independently.

In 2011 a struggle for the redistribution of outdoor advertising space took place, invisibly to the citizens, in the capital city. According to information from private media and the media experts, once he had settled into his post as mayor, Omurkulov began to concentrate a share in the outdoor advertising business under his own control. No one could provide any reliable information as to whether part of the advertising market was becoming the mayor's personal property, or municipal property. But bearing in mind the examples of previous mayors, all so-called municipal subjects of the advertising business turned out to be de facto the private property of former mayors. Whatever the case, as a result of the struggle, in 2012 some panelists said that almost all the billboards in Bishkek had become the property of the mayor.

There are many specialized media advertising agencies that offer their services to the media, but not many media companies take them up. On the one hand, there is a whole range of large companies buying ads that prefer to work directly only with certain media, most often the most influential and popular media. On the other hand, many media find the cost of advertising agency services too high, and they prefer to create their own advertising departments instead.

State bodies provide advertising and other announcements mainly to the state newspapers and OTRK—a preference not regulated by law but well-established. The highest rates in radio and television and radio broadcasting are at OTRK. One minute of advertising time is calculated at an average of approximately KGS 70,000 (\$1,500). A full-page advertisement in the country's highest-circulation newspaper, *Superinfo*, costs the same. At the other state television company, EITR, advertising volumes are much lower than at OTRK,¹⁷ forcing the channel to adjust its prices downward to hold on to customers and stay competitive.

Interestingly, in addition to conventional forms of advertising, OTRK and EITR television channels have preserved an archaic advertising services method: offering personal announcements and greetings at advertising rates. They have tried to turn their backs on this method, but people are very fond of the format.

Traditionally, the key advertisers are the mobile network and other communications operators, but in an election year, the main stream of advertising came from political advertising.

¹⁷ Even though, according to sociological research by M-Vector, in 2011 EITR's audience equaled OTRK's in many regions, or even exceeded OTRK's in the southern regions, the companies' advertising charges and overall advertising flows differ quite significantly.

After the government introduced restrictions on advertising tobacco products in 2010, tobacco manufacturers lost their spot as one of the top advertisers.

In general, it can be said that there is a downward trend in advertising volume in Kyrgyzstan, resulting from the intensification of pressure from the advertising markets in Russia and Kazakhstan, as well as the political crises and mass disturbances of the past two years. The market in advertising producers has diversified; in the past year; the number of production studios has grown, but Raketa (Rocket) TV and Ordo are still the major players.

The Advertising Act regulates the maximum volume of advertising in the electronic and print media, but state oversight and control over the implementation of the Act is clearly insufficient. In practice, the media place as much advertising as they are able to attract (as evidenced by *Vecherniy Bishkek*) and long, repetitious OTRK commercial breaks. In the newspaper advertising market, the “natural” monopoly remains in the hands of *Vecherniy Bishkek*, which gives up to 70 percent, and on Fridays up to 90 percent, of its space to advertising.

In 2011, during the presidential election campaign, the state regulated payments for placing campaign ads, limiting the media’s arbitrary behavior by establishing maximum tariffs and rates for campaign material. Yet oversight of the implementation of the Act was not organized effectively, and the most popular media raised their prices as high as they liked. In addition, the CEC registered 135 different media outlets, many of which had essentially not been operational before the election, making it difficult to establish their pre-election base rate. The major advertisers disperse their advertising and PR products mainly among the three television channels—the private NBT and NTS channels¹⁸ and state channel OTRK. However, during elections, OTRK and E1TR led in terms of advertising volume in the electronic media.

Among the radio stations, the leader in advertising volumes is consistently the Europe Media Group, which includes radio Europe+, Retro FM, and Kyrgyzstan Obondoru. Taken together, the media group’s audience is up to 80 percent of the country, excluding Batken province.

Regional press and regional radio and television studios received a very small fraction of campaign money, and the flow of advertising in these media and on a daily basis is also limited. Consequently, it can be said that there is an uneven and centralized advertising market in the mass media in Kyrgyzstan. Moreover, the panelists see the trend for

¹⁸ The area covered by these channels is restricted to the capital and its suburbs, but its audience is competitive in size with OTRK’s in this region.

advertising volumes to overflow into neighboring Kazakhstan as strengthening. There were even examples where the audiences for the leading television channels in Kyrgyzstan were included in contracts between Kazakh media and major advertisers as a “bonus” for Kazakhstan’s advertising market.

The state supports its print publications in the form of subscription campaigns, perks for their journalists, and the continuing practice of exclusive placement of advertising by state bodies. OTRK and E1TR still receive substantial amounts of funds, and differences between the state and the private media undeniably distort the market. Sakybaeva said that while the government does not directly fund some state media, it does give them support, as the media need them “to carry their spears.” She added, “Those media live off sales and advertising, because fortunately for them most state-owned enterprises will give their advertising only to them.” By continuing to drip-feed dying, uncompetitive media, the state spends more resources, but to minimal effect.

Kulinskiy explained, “Currently, the state artificially supports those mass media which are doomed to failure. Whether we like it or not, sooner or later they will cease to exist. Our national public television will die—we have already lost it, because, especially when digital broadcasting comes in, nobody will watch it. The example for this is Ukraine, where the switchover to digital broadcasting resulted in the death of the biggest local broadcasters.¹⁹ Because digital television is not free, when people start to pay for television, they will start to choose only higher-quality content. And the state must make a choice: to continue to support nonviable state media, and by doing so drag out the degeneration and decay of the market, or to create conditions in which people will compete and the market will regulate what happens in the media arena.”

In 2011 the marketing company M-Vector carried out comprehensive market research in the media sphere, with support from USAID.²⁰ The study made it possible for the first time to learn about media consumption for each media type; to determine the actual time of prime time and its duration; and to explore the main forms of television viewing, radio listening, and reading of newspapers or online material. Despite the traditionally skeptical assessments by media experts, the research introduced a degree of definiteness and provided specific criteria to assign advertising rates and to guide the strategic planning of network broadcasting.

¹⁹ Panelists contributing to the Ukraine MSI study blamed licensing procedures for shutting local stations out of receiving digital frequencies.

²⁰ The research is freely accessible in Russian and English: www.m-vector.com/en/news/?id=253.

In addition to the comprehensive study, M-Vector produces weekly cross-sections of media consumption based on representative surveys of the population. The data for those surveys are not publicly available, but they are sold commercially.

In Kyrgyzstan, there is no history of using market research to adjust strategic media development plans. The first attempt of that kind was the experiment on creating an OTRK development strategy, when the Supervisory Council ordered research into the channel's audience beforehand and an assessment of the channel's main programs and headings. Proof that the network is not sensitive to its audience's changing interests is that the OTRK website has no feedback option for viewers' ratings and their comments on the programs they have watched. The EITR channel does not have a website at all, and its management does not consider sociological or market research to be of any value.

Sakybaeva commented that although "our advertisers recognize the size of newspapers' circulations and their reputations, and the size of the audiences and the geographical coverage of other media," in practice, the market demand for research remains underdeveloped, which also explains the lack of market research offerings. No surveys of the potential and actual capacity of the advertising market in Kyrgyzstan have been carried out.

However, the various counters that determine website rankings and audience size are not subject to pressure from the political parties and the authorities. The counting process is online and therefore is transparent. All media recorded with specific rankings can freely obtain real-time information about where they stand. Advertisers depend on this data widely and use it to set advertising rates.

Various independent companies, both local (www.net.kg) and international (Google Analytics, SocialBakers.com, and webomer.ru.) measure Internet ratings. Although Internet usage statistics are thoroughly reliable and transparent, a number of online newspapers and news agencies try to manipulate them: for example, when introducing a group of independent commercial projects, AKIpress gives the figures for each of its project areas and the total for all their Internet resources. A number of other media and news agencies do the same.

Only the independent printing press of the Media Support Center lists newspaper circulation figures, and that printing press fights for output data to be given in good conscience. None of the print media that use other printers have such a requirement (other than the standards laid down in the Media Act), and one may therefore come across inflated circulation figures, an absence of output data on print runs, etc.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.03

Despite the changes in the media legislation, 2011 was not an active year for the trade associations of media owners and managers. The Association of Radio and Television Broadcasters did not get involved actively in the development of the strategy for the switchover to digital broadcasting; instead, representatives from media NGOs and the OTRK Supervisory Council provided the voices of electronic media managers and owners.

Similarly, the Association of Printed Product Distributors barely functioned. No legal obstacles at all hindered its activities, but it lacks leadership and enthusiasm. The high degree of fragmentation of the media community and the many conflicts within the media are other factors that stand in the way, holding back development of solidarity in the media sphere.

Considering itself the true heir of the Soviet-era Union, the longstanding Union of Journalists of Kyrgyzstan did not improve its game during the past year, either. If not for the well-established practical function of this institution—handling government awards for journalists—it could be considered non-existent. Moreover, during the past year, at a regular forum of media organizations, a heated discussion blew up around the leader of the organization, who was accused of paying more attention to his career in service to

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

the state than working on the development of trade unions. The panelists expressed their opinion that new leadership is needed and called for new elections. They also underscored the inadmissibility of a conflict of interest on the part of the union's leader, who is also a member of the civil service. However, legally speaking, the Charter of the Union of Journalists authorizes only the members of union cells to participate in votes of confidence in the leader, as well as in elections and re-elections. The absence of such cells creates a stalemate.

However, with support from the Journalists' Association, the first trade union organizations were created in 2011 based on collectives of media companies: four in Naryn, two each in Osh and Jalalabad, three in Batken, and one in Bishkek.

Media NGOs had a very intense and productive year. Various media NGOs together achieved the legislative transition of national Channel One into a public broadcaster; previously it was the National Kyrgyz Television and Radio, now renamed Public Television and Radio Broadcasting Corporation of the Kyrgyz Republic. They also provided free advocacy services in the courts and prepared analytical briefing papers and grounds to introduce certain standards or, conversely, to oppose amendments to media legislation in various cases. NGOs also made great contributions in training journalists and media executives not only in professional technologies but also in the special features of working in conflict zones, learning peace-building skills, and understanding diversity.

Media NGOs and other human-rights advocates showed strength in defending the rights of journalists. They organized symbolic actions in memory of journalists who had become victims of the political regime, and they labored to reduce conflict in the media community itself and build a sense of solidarity, as evidenced by their work to develop independent trade unions for journalists.

Sakybaeva commented, "We have the Journalists' Association and the Institute of the Media Representative working well here, and another few organizations associated with NGOs that also stand up for journalists' rights. I should especially like to highlight the work of the Institute of the Media Representative; lawyer Akmat Alagushev last year defended about a dozen different media in the courts, including three disputes involving *Uchur*. As we know, these organizations are sponsored by foreign grants, which is why they can defend media for free."

A number of NGOs that used to work actively with the media dropped their activities significantly in the past year or ceased to exist altogether. Sakybaeva noted, "NGOs as centers of the struggle for human rights and freedom of the press have historically been very strongly developed

in Kyrgyzstan; thanks to them, activity at the level of democracy and media freedom here has been much higher than in other countries in the region. However, in 2011 I did not feel their presence in helping protect the freedom of speech and media independence. It was as if they had lost their effectiveness." Challenges in legitimizing decisions by the Commission on Media Complaints among editors and journalists led to that organization's demise. At the same time, a new social organization, TV Club, was very active in the past year; it helped organize two parliamentary hearings on media issues and carried out the groundwork for lobbying for pro-media provisions in the concept for the switchover to digital broadcasting.

Nothing has changed for many years in the process of training journalists in the Kyrgyz Republic. A total of 13 journalism schools produce media specialists, often in the complete absence of technical training and weak instructors. It is obvious that after "higher education" of that kind, graduates do not meet the requirements of the media market and stand little chance of being hired. A not insignificant factor in the quality of the vocational training of graduates of journalism colleges is the low prestige of the journalism profession and the low level of wages in the media sphere.

Only two universities have a strong technical base for training journalists: the American University of Central Asia (AUCA) and the Kirghiz-Turkish Manas University. However, graduates of the AUCA Department of Mass Communications and Journalism are more focused on working in PR and advertising, or abroad in English-language media. Within Kyrgyzstan, the most highly rated are graduates of Manas University.

Under the auspices of the Soros-Kyrgyzstan Media Support Fund, long-term work was carried out with the staff of the journalism departments of state universities and institutes on the development of modern curricula and standards. Instructors used a model curriculum developed by UNESCO and were able to see the curriculum at work as part of a study tour to Georgia. The curriculum is under administrative discussion and approval at each of the universities.

Parallel to this, the Ministry of Education worked actively on a Concept for Higher Education in the Kyrgyz Republic that formulated market categories and criteria for the vocational training of students in various fields, including journalism. The project specified qualification requirements for graduates of journalism schools to optimize the learning process once the Concept is adopted.

There is no state or alternative system to upgrade journalists' qualifications in Kyrgyzstan. However, various short-term courses and training programs exist for various target groups, and training services are offered by various

media organizations. For example, twice yearly Internews selects students at journalism faculties and departments by competitive examination. The online journalism schools organized by the founders of the Kloop online platform—with support from international organizations, such as the Eurasia Foundation, and with the participation of foreign media experts—have already become a tradition. Also, a series of seminars on various topics took place based on the OSCE Academy, initiated and supported by the OSCE Center in Bishkek.

In the past year, Internews held several residential teaching courses: at the Osh newspaper *Bashat* and at OshTV, at Channel 7 in Jalalabad, and at the Domzhur (the Journalists' Center) in Karakol. A major theme in Internews trainings in 2011 was talk-show production. On the initiative of the Door Media Association, master classes were held in photography, television journalism, directing, and the art of the cameraman in documentary. A number of media organizations and media outlets, including the analytical portals tazar.kg, region.kg, and Kabar news agency—supported by the Ministry of Youth, Labor, and Employment, the Public Department of Sport and Physical Education, and the Soros-Kyrgyzstan Media Foundation support programs—ran training courses in analytical skills for young journalists.

Opportunities for training in media management technologies and media design and layout are provided on a fee-paying basis through the independent printing press of the Media Support Center.

Printing facilities are diversified and not political. The presence of multiple alternatives in print production deters political pressure. Printing facilities are gradually developing, not only in the capital but also in the regions. At the same time, the optimal combination of service quality and pricing policy in the independent printing house of the Media Support Center encouraged many regional media outlets, despite the transport costs, to take their printing to the capital. The state printer, Uchkun, cannot compete with private or public printers in either their technical equipment or in terms of their customer-service culture. Competition in the printing industry and a corresponding improvement in service quality have been noted with the emergence of the new Rubicon printing house in the Vecherniy Bishkek media group.

Other resources for producing printed materials, including paper and consumables, are also not monopolized. In the past year, in connection with the entry of Russia and Kazakhstan into the customs control zone, supplies of paper and stacking equipment from these countries became infinitely more expensive. In the future, planned accession of Kyrgyzstan to the Customs Union will most likely impact this area of media activity positively, allowing local suppliers to buy paper from

Russia on a duty-free basis. Joining the Customs Union will be a challenge for the domestic printing industry because the markets offering printing services in Kazakhstan and Russia will put very strong pressure on demand in the local market. Technological advantages may be a very important factor in the upcoming competitive struggle for small printers in Kyrgyzstan.

The distribution system for the periodical press and the system for delivering media to regional consumers in the Kyrgyz Republic are monopolized by the state companies Kyrgyzbasmaz and Kyrgyzspochtasy, respectively. Both companies are financially unprofitable and owe other state bodies and their own clients huge debts for energy, communications, and other things. In the case of Kyrgyzspochtasy, legal action by the media to demand the money for media products that have been sold is unthinkable. However, the situation does not change from year to year. Print editions with local distribution (e.g., in the capital and suburbs) have a great alternative in the form of private individuals: wholesale buyers. However, the delivery and distribution of the press in the country's regions is fraught with serious difficulties.

Last year, City Hall in Bishkek once again began to put pressure on private entrepreneurs providing services as an alternative to Kyrgyzbasmaz. First in line are the companies Periodika (Periodicals) and Bereke Press.²¹

Relay services in the television broadcasting system for OTRK and EITR are monopolized and very expensive. The difficulty is that the RPO RMTR Company, which provides the services, is part of the Kyrgyztelecom closed joint stock company. The state share in Kyrgyztelecom is not transparent, and payments for services are very high. Future prospects in connection with the switchover to digital broadcasting will be very negative if RPO RMTR remains part of a non-state agency with the ability to monopolize the multiplexes.

In the past year, a public debate was initiated about how the programs put out by OTRK and EITR could not be seen by citizens of the country throughout the Republic, since the frequencies have been taken by Russian channels, such as First Channel (ORT), RTR (Russian Television and Radio Broadcasting Company), and RTR-Planeta. OTRK and EITR managers began fighting for the use of these frequencies to broadcast state television programs rather than foreign broadcasts. The matter is unresolved, and the disputes continue among OTRK, EITR, RPO RMTR, and the SCA.

The Kyrgyz Internet market is at a dynamic stage of development. The Internet, especially in its mobile version,

²¹ "Have the capital's authorities declared war on the kiosks?" See (in Russian): www.msc.kg/index.php?option=com_content&view=article&id=411%3A2011-10-04-11-09-22&catid=14%3A2011-03-01-12-04-52&Itemid=20&lang=ru.

has become part of the daily lives of at least half the people living in Kyrgyzstan. The increasing territorial coverage of the providers is contributing to the growth in the number of Internet users and also to the increase in the number of local resources on the global Internet. In mid-2010, according to data from the SCA, Internet penetration stood at 40 percent—the highest penetration rate in Central Asia.²² The main providers in the country are Kyrgyztelecom, Elcat, Saimanet, and Aknet. Moreover, they are long-distance operators and also work with retail clients using a variety of technologies: dial-up, ADSL, Metro Ethernet, WiFi, and EV-DO and LTE mobile Internet technology.

All Internet functionalities—both in terms of technology and in terms of choice of provider—are concentrated in Bishkek. In the regions, there is still a monopoly by individual providers, most often Kyrgyztelecom. Moreover, the quality and speed offered for Internet traffic are very poor and do not contribute to the development of the media sphere or citizens' journalism. In addition, the low level of competition and the state of monopoly keep prices for Internet traffic in the regions very high. Nevertheless, the development of the Internet in the Kyrgyz Republic has a very upbeat tempo. Among Internet users, file-sharing resources, video portals, social networks, and other WEB 2.0 technologies are the most popular.

Data from the webomer.ru Internet consumption site provide consumer ratings: in first place is mail.ru, followed by the social network Odnoklassniki (Classmates). Third in line is the search engine Google (google.kg), and in fourth place is namba.kg—the first 100 percent Kyrgyzstani resource.

The most powerful impetus to the development of local resources, in the panelists' view, came from the cost of "external" Internet. For a long time it was kept high, generating a rise in demand for Kyrgyz sites. The fact that internal traffic was cheap stimulated the development of local resources. In that context, in the Kyrgyzstan area Kyrgyz-language Internet resources developed the most. The very rapid development of the Kyrgyz-language Internet in 2011 occurred thanks to people living in the regions of Kyrgyzstan, especially in the south, and also thanks to Kyrgyz migrants abroad (Russia, Kazakhstan, Turkey, USA), who make 32 percent of all visits to Barakelde.org.

Compared with the Russian-language audience, the "Kyrgyz Internet" is more consolidated and politicized. On average, readers are 30 percent more likely to leave comments, look for more news, and return more often to the site after every visit.

There was remarkable growth in the mobile Internet over the past year. According to the research group Promotank

HQA LLC, mobile traffic grew 400 percent. Mobile networks and the mobile Internet are also the best alternative to wired and wireless Internet in the regions. Even now, according to Promotank HQA LLC, 48 percent of all Internet users can access it using cellphones. Saginbaeva said, "Mobile communications are working well, and there are some mobile-communications operators who because of the competition are constantly improving their communications quality and making it accessible. One of the problems, though, is the lack of Internet coverage in rural areas and also slow Internet service, which makes it difficult to play streaming audio or video over the Internet."

Cable networks are widespread only in Bishkek and Osh. Consequently, there is a substantial gap between the capital and the major cities and the country's regions in ensuring access to information and communication technologies.

List of Panel Participants

Aibek Baratov, managing partner, BandA creative agency; blogger, Bishkek

Alexandr Kulinskiy, executive director, TV-Club youth association; program presenter, *At Bashat*, Kyrgyzstan National Television and Radio News Corporation, Bishkek

Adel Laishewa, program director, Internews-Kyrgyzstan, Bishkek

Almas Ismanov, publishing editor, online Radio Liberty-Kyrgyzstan, Bishkek

Alina Saginbaeva, director, Central Asian news service, CA-News at AKIpress, Bishkek

Askerbubu Sakybaeva, editor-in-chief, *Zhany Agym*, Bishkek

Gulnura Toralieva, chair of Mass Media and Journalism Department, American University of Central Asia, Bishkek

Daniyar Sadiev, program coordinator, Batken Media Resource Center, Batken

Marat Tokoev, chair, Journalists Association, Bishkek

Muzaffar Tursunov, freelance journalist, Osh

Moderator and Author

Gulnara Ibraeva, chair, Agency of Social Technologies, Bishkek, Kyrgyzstan

The Kyrgyzstan study was coordinated by, and conducted in partnership with, Innovative Solutions Inc., Bishkek, Kyrgyzstan. The panel discussion was convened on January 10, 2012.

²² Internet World Stats

Despite constitutional support for a free press, there are many confusing and conflicting laws, some dating back to the Soviet era, and implementation is poor.



TAJIKISTAN

Visits from foreign heads of state brought deals between Tajikistan and foreign partners in 2011, with many countries vying for influence in this small and poor, yet strategically important, country. During a visit from Iranian President Mahmoud Ahmadinejad, Tajikistan and Iran forged an agreement to extend their cooperation in the fields of hydropower energy, transportation, and communications. The launch of the first unit of the Sangtuda-2 hydropower plant, which Iran is currently constructing, is a centerpiece political and economic event. Russia displayed interest in Tajikistan as well; the two countries signed the Border Cooperation Agreement, implying that Russian Border Control officers will deepen their presence in Tajikistan. In addition, Russia inaugurated the Russian Center of Science and Culture in Dushanbe and established two more faculties at the local branch of Moscow State University. Belarus signed cooperative agreements with Tajikistan as well, on joint mechanical engineering ventures and on migrant workers. Tajikistan and Afghanistan launched a 200-kilometer electric power line linking Sangtuda in Tajikistan with Pul-i-Kumri in Afghanistan.

During her visit, U.S. Secretary of State Hillary Clinton raised concerns regarding the state of media freedom in Tajikistan, saying, “We believe journalists should be free to perform their function without fear of reprisals; that is why I stress the importance of an independent judiciary system and establishing civil-society organizations.” Meanwhile, Russian television stations launched a campaign to invoke fear among Tajik citizens that democracy-building efforts threaten to lead to brutal conflict, as seen in the Arab Spring.

Tajik officials continue to show concern over Islamic militants, and the government’s January to April campaign of elimination of hard-line Islamic opposition militants in the Rasht Valley stirred controversy internationally. The Islamic Movement of Turkestan (formerly called the Islamic Movement of Uzbekistan) and Al-Qaeda, as well as the ultra-religious Hizb ut Tahrir party, have increased their activity in the region. The authorities detained and convicted more than 60 members of these organizations in 2011. After President Emomali Rahmon’s appeal in 2010 that parents of students illegally studying in foreign Islamic religious schools bring their children back, students began to return from Iran, Pakistan, and Egypt en masse. Tajik authorities are encouraging more study-abroad exchanges between Western Europe and the United States.

Despite constitutional support for a free press, there are many confusing and conflicting laws, some dating back to the Soviet era, and implementation is poor. Just as in 2010, this year’s campaign by civil society—especially NGOs that support the mass media and media associations—has failed to pass the Mass Media Law, even though two alternative sets of amendments to this law have been drafted and a joint working group of MPs and heads of media associations has been organized. The media community’s struggle for the decriminalization of slander and libel has failed as well. Nonetheless, despite its purely declarative nature, the MSI panelists believe that the law itself—when it is applied—is quite liberal and reflects the intentions of the country’s authorities.

TAJIKISTAN AT A GLANCE

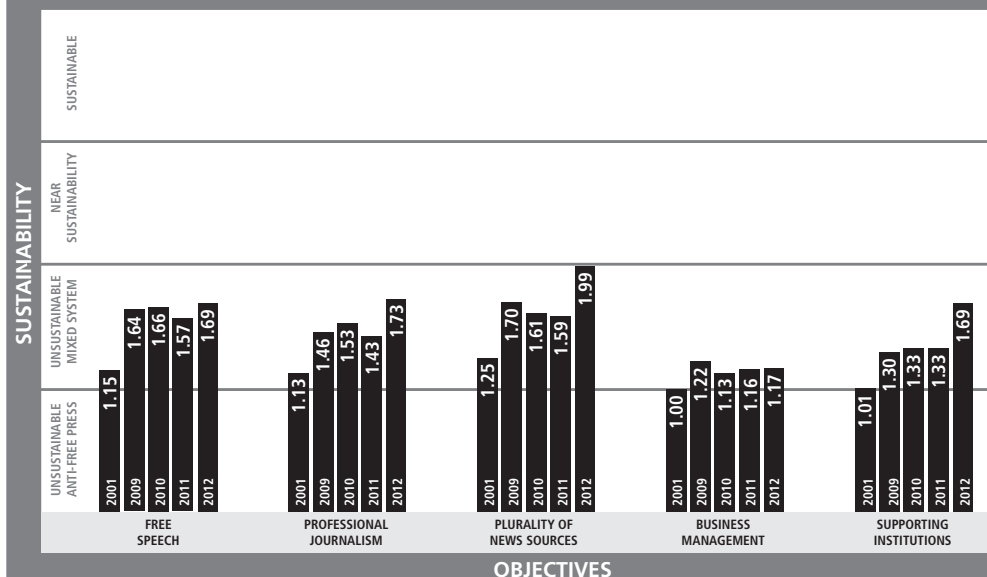
GENERAL

- > **Population:** 7,768,385 (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 (2010-Atlas):** \$ 5.512 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$ 2,060 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 99.5% (male 99.7%, female 99.2%) (2000 census, *CIA World Factbook*)
- > **President or top authority:** President Emomali Rahmon (since November 6, 2006)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 268 newspapers, 136 magazines; Radio Stations: 19; Television Stations: 25 (Ministry of Culture and NANSMIT)
- > **Newspaper circulation statistics:** The top three newspapers by circulation are *Oila*, *Asia Plus*, and *Charkhi Gardun*
- > **Broadcast ratings:** Dushanbe's top radio stations are Radio Imrüz, Radio Vatan, Asia Plus, and Orieno (Russian-language); in Khujand Tiroz and SM-1
- > **News agencies:** Asia Plus, Avesta, Tojnews, Pressa.tj (private); ruzgor.tj (private) Khovar (state-owned); 4 more are registered but inactive
- > **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_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

Tajikistan Objective Score: 1.69

The Tajik information sector is still governed by a number of laws and regulations, including the Constitution of the Republic of Tajikistan, 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 criminal codes—nine laws in total.

Freedom of speech in the country is guaranteed by the Constitution of the Republic of Tajikistan (article 2.30), which provides for freedom of the press and prohibits censorship. There are also special laws on the media and television that guarantee freedom of speech and access to information. However, on a practical level, they do not guarantee freedom of expression. And although the criminal code does govern prosecutions for libel or slander, there are supplements to the articles of the criminal code (articles 135, 136, 137, 330) that address the defamation of public officials. Also, at the end of July 2007, the parliament passed, and the president signed, a decree on criminal liability for defamation on the Internet.

The fundamental Tajik Law on Press and Other Mass Media, adopted back in the Soviet era (December 14, 1990), is

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

FREE-SPEECH INDICATORS:

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

clearly outdated, despite numerous amendments and supplements made over the past 20 years. A number of laws concerning mass media and their activities have been drafted and adopted.

Many independent experts and civil-society representatives claim that a new draft Media Law, initiated by the members of the Majlisi Namoyandagon Majlisi Oli (Parliament) of the Republic of Tajikistan and written by the head of the Parliamentary Committee for International Relations, Olim Salimzoda, and his deputy, Akramsho Felaliev, fails to meet the needs of the times. It is not in line with democratic standards of human rights and freedom of speech, it does not aspire to increase the independence of journalists, and it does not establish a legal framework for the free expression of citizens' views, beliefs, or opinions.

Following heated debates in the press on the necessity of radical changes to the Media Law, the Council of Ministers created a working group affiliated with the Parliamentary Committee on Media, which includes two representatives of civil society (and 2012 MSI panelists): Nuriddin Karshibaev, the head of the National Association of Independent Mass Media in Tajikistan (NANSMIT), and Kironshokh Sharifzoda, chair of the Journalists' Public Association. The working group is currently discussing the draft law, which has not yet been finalized, and is trying to integrate as many of the media's proposed adjustments as possible.

Articles 148 and 162 of the Criminal Code of the Republic of Tajikistan allow punishing those who impede journalists in their legal and professional activities, as well as officials who refuse to provide information to citizens. Even though such charges appear never to have been recorded during the entire history of independent Tajikistan, a *de jure* possibility of defending journalists' rights does exist.

Yet, all panelists agreed that the implementation of laws and regulations is still rather low. Contributing factors include low legal awareness among journalists themselves, the impunity of government officials who do not enforce the law, and the failure of journalists to hold officials accountable for illegally refusing to provide information (even though article 27 of the Tajik Law on Press and Other Mass Media grants that right).

Turko Dikaev, a media holding company's correspondent in Kulyab, believes that media laws are not without merit; they are just at odds with international norms. He noted that laws are often amended and supplemented, but the laws regulating media activities remain confusing. "Reading and comparing all nine laws that govern media activities could drive a person crazy," said Dikaev. "Our debates on their harmonization, and our efforts to adopt at least a framework law, are carried on from one year to another," Dikaev added.

The panelists noted that public opinion is currently divided. There are those who claim that a free press would benefit the state and society and those who maintain that free media accelerate tensions in society and may provoke an armed conflict similar to the one that took place in Tajikistan in the 1990s. "Following a large information campaign by several Russian television channels on the possibility of conflict due to excessive democracy in the Commonwealth of Independent States (CIS) countries in view of revolutions in Arabic countries and Northern Africa, the attitude of Tajik society to free press has deteriorated, fueled by government authorities," said Ravshan Abdullaev, executive director of the Eurasia Foundation in Tajikistan.

According to Dikaev, Tajik journalism has entered a period of court proceedings and lawsuits. "The judiciary system punishes journalists as if they are killers or terrorists," he added. The panelist referred to the verdict of Northern Tajikistan journalist Urunboy Usmonov, who was accused of membership in and aiding the prohibited ultra-religious Hizb ut Tahrir organization. Security officers detained Usmonov in June, and he spent a month in jail. Later on, he was released after local and international organizations protested. In the course of the court trial in the Sughd Province, Usmonov asserted that he was strong-armed by security officers who detained him. On October 14, the court of justice of Sughd Province sentenced Usmonov to three years in jail, but he was released directly from the courtroom due to the amnesty law. Nevertheless, a BBC reporter considered this sentence "unfair" and demanded that the Supreme Court of Tajikistan decriminalize him.

Khurshed Niyozov, director of the Center for Investigative Journalism, said the authorities attempt to detect the source of information, applying pressure on journalists to reveal who had commissioned the article and who had paid for it, rather than investigating its truth. All panelists agreed that almost all articles criticizing the authorities and individual officials are considered "commissioned."

Dikaev recalled that he had written an article on misappropriation of funds allocated for the construction of schools in the Kulyab Region. "About TJS 2 million had been allocated for this purpose, but these funds were stolen by people who are close to the president of the country. Having come to their senses, they (for the second time!) repaired the school, in which the head of state had studied, instead of building 20 new schools," he said. "The new repairs were conducted with violations of sanitary norms: the walls were covered with gypsum plaster, which is harmful to children's health. In my article, I wrote that if a child wants to study, he or she must be born in Dangara, our president's birthplace," reported Dikaev. "At first, I was praised for watchfulness,

and then they started demanding that I reveal my sources of information, but I refused," he added.

The Media Law explains how to protect the sources of confidential information: there is an article on "Specific Cases of Non-Divulging Information," which states that a journalist shall have no obligation to name a person supplying information with an agreement to not divulge his or her name, except as required by a court of law." However, the criminal code has an article that contradicts the Media Law, saying that if a person is called as a witness, he or she must testify.

In view of the above, all panelists agreed that there is an urgent need for a law on the protection of sources. The authorities continue to ignore requests for such a law, along with demands from NGOs and media associations to cancel four criminal code articles on defamation and slander.

According to Zinatullo Ismoilov, SMT TV director and the head of Media Council, licensing broadcast media is another sore spot. "The licensing procedure itself, as well as the work and composition of the State Licensing Committee, require dramatic changes. For example, there are neither civil-society representatives nor journalists among the committee members—all are the heads of state-run radio and television companies," he reported. According to him, the licensing procedure is extremely murky; for instance, Khovar radio received its license quickly and effortlessly, whereas independent media have been waiting for years.

In all, six nongovernmental electronic media outlets are still waiting to be licensed, and the panelists were unanimous that the process of licensing electronic media outlets is not conducted within the framework of the current law. In the north, licenses to television and radio companies are considered a political tool. "Stations licensed there are expected to interfere with the signals and broadcasting from neighboring Uzbekistan," claimed Dikaev. Shonavruz Afzalshoev, editor of the independent newspaper *Kalam*, in Khorog, provided an example. Two or three years ago, JSC Pomir and the association of entrepreneurs and mountain farmers decided to create an independent radio station in the Gorno-Badakhshan Autonomous Province but faced continuous delays on various pretexts.

Lola Khalikjanova, editor-in-chief of the IWPR branch in Tajikistan, reported that authorities categorically prohibited the creation of independent media in the Rasht Region in the east of the country.

Sharifzoda mentioned that the licensing procedure does not depend on the State Licensing Committee members but is mainly determined by the Television and Radio Broadcasting Law, which puts licensing under the auspices of the State Committee on Television and Radio Broadcasting.

"The situation will change only if the law is amended so that licensing is taken away from the State Committee on Television and Radio Broadcasting, and the responsibility is imposed on an independent body affiliated with the parliament or president," he opined.

Entering the mass media market is as easy as establishing any other type of business: any citizen, even one without an education in journalism, can start up a newspaper. People with no education in journalism frequently head newspapers; however, their publications are characterized by low quality or tabloid-style content, incompatible with international journalistic standards.

While it might be easy to launch a media outlet, it is extremely difficult to stay afloat and become independent in the current market, especially since political aspects of mass media activities have gained momentum in the past year. The authorities have been paying much more attention to media than to any other kind of business.

There are no special tax incentives for media businesses, except VAT (value-added tax)-free printing. The panelists also would like to see VAT on paper, printing plates, and print media distribution waived. At the same time, state-run media outlets are better off due to permanent budget funding, regularly upgraded equipment, advertising from the State Property Committee, and a so-called compulsory subscription in all public institutions. Instead of creating normal conditions for the development of printed press, panelists said, the state authorities create barriers that hinder it, with unequal conditions for state-run and independent media outlets. "State-run media outlets receive subsidies and are engaged in advertising and PR; they receive aid with subscriptions, while independent media receive nothing more than VAT-free printing," reported Karshiboev. Furthermore, the government still uses the tax authorities to pressure independent media.

The August 2011 monitoring report of the National Association of Independent Media of Tajikistan marked a number of violations of journalists' rights. The principal violations in 2011 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; public affronts to journalists for their professional activities, etc. 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.

Nazarali Pirnazarov, a reporter for ca-news.org news agency, noted that a violent attack in March on Khikmatullo Saifullozoda, the editor-in-chief of *Najot*, of the Party of

According to Dikaev, Tajik journalism has entered a period of court proceedings and lawsuits. "The judiciary system punishes journalists as if they are killers or terrorists," he added.

Islamic Revival of Tajikistan, has not yet been investigated, nor have the attackers been found.

Khalikjanova believes that civil society ignores issues concerning pressure on journalists and violations of the right to expression. "Nowadays, many independent media outlets, which criticize the country's government, are considered instigators and troublemakers; therefore, court hearings of their cases do not have any significant impact inside Tajikistan," she said.

Since the beginning of the year, practically all independent media outlets have fallen under some degree of government pressure for publishing critical materials. "Undesirable" journalists were barred from press conferences on the grounds that their names were not on an approved list, their cameras and dictation machines were taken away, information was deleted, and authorities demanded retractions. The president's executive office still works according to the "pool" principle, which means that only a very small group of selected journalists—no more than 10 to 12 people—can attend press conferences of the head of state.

Abdullaev added, "Public opinion is currently divided—some people claim that free media are extremely beneficial for the state and society, whereas others maintain that free media accelerate tensions in society and may provoke an armed conflict similar to the one that took place in Tajikistan in the 1990s." He noted that this latter feeling is reflected in calls by some politicians for restrictions on freedom of expression in order to prevent violence. Vera Kulakova-Brannerud, director of independent Radio Vatan, believes that if journalists themselves do not unite and do not make an effort, civil-society and human-rights organizations will be ignorant of such persecutions and trials of journalists.

Nargis Boyahmedova, the first vice director of the national information agency Khovar, raised the issue of editorial independence in mass media. "Editors and editorial board members in the state-run media outlets are political appointees, while the editorial boards of public media outlets are appointed by their publishers and are, thus, relatively independent," she said.

All panelists agreed that they would like President Rahmon to express more political will to stop the divide of mass media outlets into state-run and independent media. The law prohibits mass media monopolization; however, more than 90 percent of electronic media outlets are state-owned. Editorial independence is protected by the law as well; however, independent media outlets that raise political issues are persecuted and threatened, noted Zarina Ergasheva, manager of an NGO training project for young journalists and a reporter for the Asia-Plus information agency.

As noted earlier, the treatment of libel under the criminal code is one of the most serious points of concern for the media. The panelists pointed to many incompetent court decisions resulting from the biased judiciary, including groundless lawsuits against *Faraj*, *Asia-Plus*, and *Ozodagon* and against journalists Ramzia Mirzobekova, Urunboy Usmonov, and Makhmadyusuf Ismoilov.

Karshiboev confirmed that officials are not using legal civil reclamation proceedings but are directly appealing to the prosecutor's office, where cases are being treated as criminal proceedings and the journalists have fewer chances to prove their innocence.

In one case, Sughd Province law-enforcement authorities detained Makhmadyusuf Ismoilov, of *Nouri Zindagi*, in November 2010. He was accused of defamation (article 135 of the Criminal Code of Tajikistan), slander (article 136), ethnic, racial, regional, or religious enmity (article 189, part 2), and extortion (article 250). In October 2011, the Taboshar city court acquitted Ismoilov of extortion, and he was released directly from the courtroom. The court imposed penalties for the other three articles at the rate of TJS 50,000 (\$10,500), but since the journalist had already spent 11 months in prison, the fine was reduced to TJS 35,000 (\$7,300). The public prosecutor demanded that Ismoilov be imprisoned for 16 years, with two years' reduction according to the amnesty law. Juma Mirzo, editor-in-chief of *Nouri Zindagi*, emphasized that the journalist was arrested for his professional activities, specifically critical articles authored by Ismoilov and published in *Nouri Zindagi* and *Istiqlo*. Both Ismoilov and Usmonov disagreed with the court's verdict and appealed to the Supreme Court of Tajikistan, which decided to leave Usmonov's verdict unaltered.

The deputy minister of the interior filed another lawsuit, against *Asia-Plus*, over an article by Ramziya Mirzobekova ("Investigation or Inquisition?"), published in December 2010. Referring to witnesses and medical-legal investigations, the article reported that the personnel of the Tajik Interior Ministry's Department for the Prevention of Organized Crime, and its branches in Sughd Province, use torture against people on remand.

In response, Anvar Tagoimurodov, then the head of the Tajik Interior Ministry's Department for the Prevention of Organized Crime, filed a lawsuit on January 20, 2011, with the Dushanbe Firdavsi District Court seeking to recover damages inflicted by *Asia-Plus* on the honor, dignity, and reputation of the law-enforcement agency he heads. The plaintiff demanded TJS 1 million (\$210,100) in compensation.

The media community took a stand in that case. In March, the NGO Coalition, in a report to a UN committee against the use of torture came to *Asia-Plus's* defense, noting, "The civil society of Tajikistan is seriously concerned about the growing number of persecutions of journalists and mass media concerning the protection of honor, dignity, and business reputations, which might lead to self-censorship in mass media and have a negative impact on the level of freedom of speech in the country."

The National Association of Independent Media of Tajikistan monitoring report also highlighted the unjustified restrictions on the provision of information of public importance, or refusal to provide such information at all, as a serious stumbling block for Tajikistan's media. Pirnazarov said that government authorities do not share all information; the priority is still given only to the state-run media outlets. "Corrupt authorities are trying to conceal their activities from the public by limiting access to information," added Khalikjanova.

On the one hand, journalists are required to provide objective and timely information; on the other, their access to socially important information is restricted. Due to the 2008 Law on the Right of Access to Information, information has become more available. Governmental bodies are now given 30—or, if necessary, 45—days to prepare their response to citizens' requests.

However, Murod, editor of *Paem* in Kurgan-Tube, described the difficulty that journalists in the regions face trying to access information. "Government bodies often refuse to provide us with information, requesting written applications. However, this requires time, and meanwhile information becomes obsolete and loses its significance," he said.

Afzalshoev expressed frustration over how much effort it takes to get access to information in the Gorno-Badakhshan Autonomous Province. Clerks often say they must obtain approval from higher management. Boyahmedova added that journalists find it extremely difficult to obtain access to government documents, and the officials, who are afraid of losing their jobs, create all types of limitations in supplying information, giving interviews, and providing comments.

The panelists noted that one of the prerequisites for access to information is the journalist's professionalism. Experienced

journalists have their own sources of information, but if the authorities want to conceal something, it is impossible to receive information even from reliable sources.

Another factor limiting access to information is the cancellation of quarterly conferences, which are now only held semi-annually. "These press-conferences are the only places where a journalist can meet a head of a ministry or department in person and ask questions directly," said Ergasheva.

Dikaev believes that restrictions on access to information are thriving and the right to information access is violated, but no one is held responsible. To illustrate, state ministries and departments used to give quarterly press conferences, but the management of the Mass Media Department of the president's administration declared the press conferences "formal and inefficient," and the president issued a decree reducing them to semi-annual events.

The panelists noted that under Tajik law, officials can be held liable for failing to provide information; however, it has never happened in practice. Although this year, the Avesta news agency filed two lawsuits against the Barki Tojik Energy Holding and the Tajik Air State Unitary Aviation Enterprise for refusing to provide requested information, but the court dismissed both suits.

Each ministry keeps its own list of information to be shielded from the media, and bureaucratic procedures for relaying requests up the chain of command complicate the journalists' efforts significantly.

Pirnazarov illustrated this with an example: When security forces carried out the anti-terrorist operation in the Rasht Region in early 2011, they provided minimum information and with a significant delay. "Video coverage was supplied only by press services of security forces themselves, and it was quite subjective," he said. In another example, key officials avoided complying with the president's verbal instructions to publish tax declarations on income and property in mass media.

According to Abdullaev, journalists also failed to obtain any information about the owner of the IRS off-shore company, 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, and in response to any article the company promptly accused journalists of distorting information on IRS. Soon the media stopped writing about it," he said.

The panelists were unanimous that foreign correspondents in Tajikistan continue to have privileged access to information. Niyozov recalled that in the course of the antiterrorist operation in the east of the country (Rasht region), the

foreign media—ITAR-TASS, RIA Novosti, BBC, and Svoboda—broke the news.

Journalists' access to international news remains relatively open, though there are obstacles. The authorities sometimes restrict access or completely block opposition websites that publish critical materials about Tajikistan, such as with Fergana.ru, Centrasia.ru, and Arianastorm.com. Karshiboev noted that Deputy Minister of Transportation and Communications Beg Zahurov sends letters to Internet service providers, flouting Tajik law by requiring them to block certain websites.

Other obstacles include a limited electrical supply in some Tajik regions from November to February and the price of Internet services (\$25-60—quite high relative to the population's average income). Niyozov reported that he received Internet services from a provider in exchange for advertising in *Faraj*, adding, "This is great, because otherwise it would be too expensive for me to pay for the Internet."

Pirnazarov commented on blogging, noting that nothing has changed with online journalism and no blog platform has been blocked. "Nonetheless, two or three Internet service providers block access to LiveJournal and Twitter until their subscriber personally asks for access, which requires writing an application letter," he reported.

Ergasheva said officials are already taking notice of what is going on in social networks. Abdullaev noted that social network members tend to threaten those who post challenging publications and comments. "For example, three local journalists told me in November that they had received threats via Facebook from people with anonymous nicknames, e.g., 'Watch what you are writing, or else you will regret it,'" he said.

Practicing journalism does not require licensing; even professional training is not compulsory in order to start working as a journalist. "Anyone with a press card is considered a journalist. There are restrictions for nongovernmental media in terms of inclusion in the president's pool. Representatives of independent media outlets are not allowed to attend events with high-ranking officials," noted Zinatullo Ismoilov.

The state does not interfere with the selection of journalism students or their training, though Tajik National University (TNU) journalism students are not allowed to obtain work internships or jobs in the independent media. Niyozov recounted how the dean of the TNU Faculty of Journalism once entered a lecture hall and warned students not to work for *Faraj*, as the editor of that newspaper is an "enemy of the Tajik people."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.73

Professional journalism in Tajikistan is hindered by multiple obstacles, especially the limited access to various governmental sources of information—although access has improved somewhat—and editorial interference. Obtaining interviews and comments on important issues of the day from government officials of any rank ranges from difficult to impossible, although the law protects only state secrets. The Ministry of Defense, as well as the State Committee for National Security and Central Directorate of Border Control, still consider their activities to be state secrets. Only the state-run media outlets receive information and press releases from these agencies, and only in irregular and small doses. Risks incurred from criticizing any aspect of public life make journalists resort to anonymous sources of information.

However, media outlets have started quoting experts' and analysts' opinions in their materials more often, in keeping with international standards. "Journalists are trying to write materials that comply with international standards; however, the editorial policy of their media managers often prevents them from doing so," said Pirnazarov. The panelists noted that journalists often fail to receive their source's approval for an interview before its publication, and then often distort it. "The best interviews of 2011 were published by Kayum Kayumzoda from radio Ozodi, who tackled very sensitive issues," said Kulakova-Brannerud.

Adherence to professional ethics is an extremely important problem in Tajikistan. Last year, 35 journalistic organizations

adopted the Media Code of Ethics; this year their number has grown to 53. Most notably, "The Journalist and Media Alliance organizations, which previously objected to its norms, adopted the Media Code of Ethics," reported Zinatullo Ismoilov. The Code has not been adopted by the major Tajik-language opposition newspapers *Nogoh* and *SSSR*.

He also said that the Media Council conducted 14 meetings in different regions of the country with representatives of state-run media outlets, including television, which came under heavy criticism concerning news coverage and excessive glorification of the government that contradicts the Code of Ethics.

One of the major goals of the Media Council, according to its member Karshiboev, is the struggle for more active observance of journalistic ethics and solidarity among journalists when they are persecuted. "Not all media outlets that have signed the Code are really observing it—for example, *Oila*, whose reporter Lenura Mustafaeva falsified an interview with the detained BBC journalist Urunboy Usmonov," according to Karshiboev. Zinatullo Ismoilov commented that the head of *Oila*, Sharif Khamdamov, is a member of the Media Council.

The panelists noted that many journalists still violate ethical norms, and overall, this year the Council has examined 14 cases, five of which involve plagiarism. Plagiarism, as well as hidden public relations, is thriving. "The volume of advertising, commissioned articles, and hidden PR in mass media is growing from one year to another," said Afzalshoev. Zinatullo Ismoilov added that the creative activity of journalists should differ from the business side, as written in the Code of Ethics, and if such materials exist, they should be marked. "There are cases in the regions, especially in the Sughd Province, where journalists request information from commercial entities and are invited to come at the end of the month when there is money or food so that they can be paid for the information," he added.

Dikaev said he had visited the Shuroabad Region, along with reporters from the state television, and after the shooting was over, each of them was given a sack of apples, meat, and money. "Officials, especially low-ranking ones, enjoy being shown on television and are ready to pay for that," he said.

Both overt censorship and self-censorship stifle reporting. For example, regional authorities disapprove of local journalists' working for central media and monitor their publications, as seen in Ismoilov's case from Sughd Province; his critical articles were published in an independent newspaper in the capital city," said Sotiev. The panelists also recalled the case of *Paikon*, which was closed because it published critical materials. In another case, when *Faraj* published a critical

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

article on cotton growing in Tajikistan that mentioned Deputy Prime Minister Murodali Alimardon, Alimardon's team simply bought out all 5,000 copies of the paper.

There are many motivations for self-censorship, though. Sharifzoda claimed that editors will censor critical articles on the activities of tax authorities, for fear of inviting an audit. "Even if all the documents are fine, the tax authorities will find something to pick at," he noted. Businesses also exert power over the media. "A media outlet will never criticize its own advertiser or sponsor," reported Pirnazarov, describing a case when a founder fired a journalist who dared to criticize an advertiser—one of the biggest banks in the country.

The panelists noted that Tajik media are wary of publishing critical articles about the president and his family, the speakers of Houses of Parliament, activities of TALCO, the State Committee for National Security, tax authorities, and corruption in the higher echelons of power. State-run television also tries not to show accidents, military clashes, and natural disasters.

According to Niyozov, the situation worsened after a lawsuit against three newspapers (*Asia-Plus*, *Faraj*, and *Ozodagon*). "There are some topics that I, as an editor, either delete or change considerably because they are dangerous. And this is because during those three months when the newspaper was not published, since publishing houses refused to do so, no one wrote an 'obituary' about us. No one came to our defense except for the 'September 29th Committee,' which we founded ourselves. And there are topics we do not touch on at all," he said, including the president's family, his relatives, and the Ministry of Defense.

However, the panelists noted that social networks have played a significant role in making journalists much braver. Kulakova-Brannerud said that Facebook overturned the notion of freedom of expression in Tajikistan. "People actively speak and express their opinions only in closed and secret groups, and this will impact further development of the freedom of expression in journalism," she added. The panelists noted that many newspapers started to quote Facebook discussions, whereas local political analysts began conducting online conferences on the Internet.

Another problem related to the development of professional journalism is the pay level. According to data presented by the panelists, salaries and royalties in the state-run media are especially low and have not changed since 2009-2010 despite the severe financial crisis and a sharp rise in prices for food and sources of energy. Dikaev and Sotiev noted that regional journalists accept meat, flour, rice, and vegetable oil as a fee for regional press coverage.

"Not all media outlets that have signed the Code are really observing it—for example, Oila, whose reporter Lenura Mustafaeva falsified an interview with the detained BBC journalist Urunboy Usmonov," according to Karshiboev.

For state-run and private media outlets, salaries differ. "Salaries in the Khovar National Information Agency are paid from the state budget, and this is definitely not enough. Reporters usually earn \$140, but royalties and bonuses are not paid," reported Boyahmedova, who said that is why three of the agency's 11 staff members have left. She added that the director himself now quietly allows them to look for supplementary income in other media outlets. On the other hand, state-run media employees sometimes receive favorable housing benefits, and those living in the periphery sometimes receive a plot of land free of charge.

"State television journalists receive \$100-150 for shooting a 30-second coverage for a news broadcast, while other cameramen earn a bit on the side at private shootings, such as weddings, concerts, and banquets. All regional branches of television have become independent legal bodies and work on a self-supporting basis," Zinatullo Ismoilov said.

Niyozov, in turn, said that at *Faraj*, a journalist's salary depends on his or her work. "There are journalists who earn \$100, but there are those who earn \$350 as well. Some accept payments from advertising and paid journalistic investigations," he reported.

The panelists noted that all journalists, including those from independent media outlets, work in two or three places and also write for Internet portals. On average, a journalist in the independent media earns \$150-500. The panelists noted that, due to good salaries and working conditions, the best Tajik journalists work as local correspondents for foreign electronic and print media in Tajikistan.

In terms of the balance between news and entertainment, Sharifzoda noted that musical entertainment dominates radio and television, with concerts lasting for two to three hours. "Information and analytical programs are made only to cover the president's administration. News coverage includes such standard, safe topics as preparation for the winter, cotton harvest, and anti-drug war," he said.

On state-run television, news programming occupies no more than 25 percent of airtime, and that figure dips to 20 percent for private radio and television. "Our television channels

Dikaev said he had visited the Shuroabad Region, along with reporters from the state television, and after the shooting was over, each of them was given a sack of apples, meat, and money. "Officials, especially low-ranking ones, enjoy being shown on television and are ready to pay for that," he said.

lose the battle for viewers to satellite television, since Tajik television programs do not interest the Tajik public," Zinatullo Ismoilov said.

From a technical standpoint, the panelists noted that most of the media outlets in Tajikistan are poorly equipped. Pirnazarov reported that not only local but also foreign media accredited in Tajikistan lack modern recording equipment. "Most reporters, working for both foreign and local media, take pictures with cheap digital cameras or mobile phones," he added.

Sotiev reported that in the Khatlon Province, journalists have no printing equipment, such as scanners, printers, and risographs, and they have to buy photo cameras at their own expense. The panelists noted that the shortage of equipment results in delayed information, though some media outlets, which have their own websites, are trying to work around the clock. For instance, two *Asia-Plus* journalists have round-the-clock Internet access paid for by their employer so that they can promptly post news even from home," reported Ergasheva.

Kulakova-Brannerud reported that practically all FM radio stations use obsolete equipment. "Only the central state-owned radio stations regularly receive modern broadcasting equipment, and no expense is spared for it by the government," she said.

As for specialized coverage, Khalikjanova said there are journalists who specialize in certain topics. "However, as a rule, no editorial board and no media outlets try to train their journalists in that. Perhaps they do not have the time or resources for this, and this remains a problem for Tajik journalism. Specialization is not emphasized while they are studying at the university, and sponsoring organizations do not pay attention to this, either," she said. The panelists noted that the Tajik media desperately need training for multimedia journalists, economic analysts, and legal education experts, with further internships with their colleagues in other countries.

Abdullaev pointed out that the lack of high-quality specialized journalism in Tajikistan also stems from the education of other specialists. For example, in his view, economists, who graduate from the institutions of higher learning, do not possess enough theoretical knowledge to provide media with high-quality comments. The panelists believe that specialization is further hindered by the fact that there are no more than three to five journalists on each editorial staff.

Still, Tajikistan's journalists produced more than 15 investigative reports on social topics, economics, and human rights in 2011. The panelists noted that the most daring socially significant materials, particularly in the genre of investigative reporting, are published in Tajik-language newspapers *Nigokh*, *Faraj*, *Ozodagon* and the Russian-language *Asia-Plus*. Quite a few investigative articles addressed such problems as torture, religious freedom, and politics. Niyozov added, "Our Center for Investigative Journalism turns to a topic only after having thoroughly researched all of its aspects. This year we have conducted 10 economic investigations—such as apartments, plots of land, corporate raiding. There is a demand for political issues, but we are trying to be careful about it."

Five or six years ago, Niyozov continued, his staff conducted investigations for free; however, journalistic investigations are quite expensive, and the staff has to be paid. "For many people offended by the law, we are the last resort after their fruitless appeals to the head of state and courts of all levels," noted Niyozov. According to Karshiboev, though, paid investigations and commissioned articles cannot be called journalism. "There are funds, including international ones, that support journalistic investigations," he said.

Finally, the panelists said that journalistic investigations are not always conducted according to ethical norms, nor do journalists always check the facts; this leads to conflicts with the law and authorities. The panelists called for more training in proper investigative techniques as a way to address these shortcomings.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.99

Tajikistan's media community expanded this year, including the launch of a new informational website—ozodagon.com. Two radio stations have been registered, one of which is affiliated with the National Information Agency Khovar, and *Asia-Plus* radio has received a license for broadcasting all over the country. The north of the country now has Sadon

Khujand and Sadon Jamol radio in Khujand, as well as TV-5 television station in Kanibadam. In print, the Ministry of Culture has registered 10 newspapers and five magazines. Five newspapers are trade; the rest are private. Two are published in Dushanbe, two in the Sughd Province, and one in the Gorno-Badakhshan Autonomous Province.

Only one newspaper, *Imruz News*, is published daily, while all others are issued weekly. The overall circulation of all newspapers published in Tajikistan does not exceed 150,000 to 200,000 copies. According to the Press Department of the Ministry of Culture of the Republic of Tajikistan, 65 state-run newspapers are regularly published in the regions. Their circulation does not exceed 500 to 1,000 copies. As in 2010, only *Dieri Tursunzoda* (Tursunzoda city) with a circulation of 4,000 to 4,500 copies, *Haqiqat Sughd*, from Sughd Province, and *Kulyab Pravda* each with a circulation of 3,000 to 5,500 copies remain profitable. At the same time, there is an enormous demand for news in the country, and newspapers are popular.

As for broadcast media, most residents of big cities possess satellite dishes, and television—both broadcast and satellite—has opened up awareness of foreign news. “Satellite dishes have become commonplace, even in the most remote regions of the country, because local television is too boring to watch,” said Afzalshoev. There are five independent television stations in Tajikistan: three in the Sughd Province, one in Tursunzade city of the Khatlon Province, and one in Dushanbe. The state-owned regional television and radio

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

“Later on, I was told that intelligence agencies had studied these video materials, and it is known that Facebook activities are being monitored,” he said, adding that he suspects that the authorities plant spies connected with the state authorities to be active in social media.

studios have weak and obsolete technical equipment in comparison with these independent stations.

Despite the popularity of newspapers, the panelists noted that in sheer quantity online information sources overshadow all other sources of information, and the news-hunting public resorts to the Internet more and more often. According to the Tajik Association of Internet Service Providers, there are about 1,600,000 Internet users in the country. There are 10 mobile-phone companies and the same number of Internet service providers. Six million people are mobile-phone service subscribers, and 20–25 percent use mobile Internet.

And yet, the panelists noted a reduction in the level of news sources that provide the population of Tajikistan with timely and objective information. “Today, only a few newspapers and Internet sites are trying to present opinions of all the interested parties in their materials. However, even in those cases when a journalist has collected enough evidence, the editor might reject the article due to self-censorship—either for personal reasons or that of the newspaper,” said Sotiev. The panelists did point to a couple of examples where the independent media gave diversified coverage of socially significant events. “For example, *Faraj* presented Putin’s idea concerning the Eurasian Union as beneficial for Tajikistan, whereas *Nigoh* expressed the opposite opinion in its articles,” Sharifzoda added.

Furthermore, during the past year, the role of social networks has grown, and if in 2009 they were mainly using *odnoklassniki.ru*, now most are using Facebook. An estimated 25,000 users from Tajikistan are now registered in this network, and about one million Tajiks per day enter various international networks. Although this trend is still weak, it exists: social networks have begun affecting offline life. Active Internet users turn to Facebook and other social networks to express their civic-mindedness, as well as social and economic problems disturbing Tajik society.

News is not yet distributed by SMS. However, many media outlets encourage their readers to report newsworthy events

that they see via SMS and have opened a special section, “Public Reporter,” on their websites and pages.

Despite multiple declarations by the state authorities on the necessity of actively developing the “electronic government,” the government sites do not yet provide governmental services online. “Their sites are mostly static, not informative enough, seldom updated, and filled with information that is relevant only to a narrow circle of specialists in this or that field,” said Ergasheva. As a result, common users from Tajikistan do not visit those websites, because they cannot receive any online governmental services and feedback. “Nevertheless, Internet-savvy Tajiks feel the need to contact the authorities via social networks,” said Niyozov.

Civil society, with support from international organizations, is trying to expand public access to a broad spectrum of information. News resource centers, offering periodical publications and Internet access, have opened up in the regions. With the support of the Organization for Security and Co-operation in Europe (OSCE), information access centers have been established in the regions. The Republican Press Center is very popular among journalists. Due to financial problems, the Media Resource Center in Dushanbe, which used to offer free Internet access and had a library on journalism, newspaper archives, and access to news feeds from various news agencies, was closed by the OSCE at the beginning of the year.

Additionally, Internet service providers are still restricting access to the oppositional websites centsraia.ru, tjknews.com, and Fergana.ru. The panelists noted that during the past two years, Internet blogs and social networks have become a more and more popular platform for journalists, politicians, and other politically active citizens to present their alternative opinions to those of the government. “However, during the past year the authorities have started to pay more attention to civil journalism and social networks and have tried to limit the flow of online information,” reported Pirnazarov. “So far, these attempts do not go beyond declarations of a potential threat; however, in the near future, access to some social networks is likely to be either blocked or severely controlled,” noted Abdullaev.

Karshiboev noted that people in social networks are less careful than those in print media. “During the trial of the pilots Sadovnichiy and Rudenko, there were comments on Facebook calling for the overthrow of the government and insulting the president of Tajikistan, which is legally punishable according to article 189 of the criminal code,” he said.

Abdullaev reported that during a flash-mob, which gathered near the building of Barki Tojik Energy Holding in February 2011 to protest energy shortages, 10 out of 15 participants

had photo and video cameras and recorded everything that was happening there. “Later on, I was told that intelligence agencies had studied these video materials, and it is known that Facebook activities are being monitored,” he said, adding that he suspects that the authorities plant spies connected with the state authorities to be active in social media.

Furthermore, Internet access, especially in remote regions, also depends on technical issues, especially on the electrical supply schedule. That affects television as well; panelists noted that satellite television has become more popular in rural areas, but due to electrical outages, only newspapers remain a reliable source of information there.

A low standard of living—over half of the population is considered poor—means that not every family owns a personal computer. Furthermore, Internet services in Tajikistan are expensive because the Internet service providers rent satellite channels; the monthly cost, which varies from \$25 to \$70, depending on the provider and mobile-telephone operator, is beyond the financial reach of most residents. The price of Internet services may increase after the authorities introduce a 3 percent value-added tax (VAT), which customers will paid for.

According to the panelists, no more than 18 percent of the population (1.6 million) has access to the Internet, and that includes those who visit Internet cafés. “Another problem is the lack of content in the Tajik language. It is very scarce and is mainly presented on the governmental sites as regulatory and part of a legal framework or is generated by news agencies,” said Zinatullo Ismoilov. According to Kulakova-Brannerud, the information gap between young people, who know Russian and English, and those who understand only Tajik, is growing.

While literacy rates improve every year, not everyone can afford to buy newspapers because their price went up several times this year (15 percent during 2011). The price of newspapers is relatively high—TJS 1.5 to TJS 2.0 (\$0.35–0.40)—and Zinatullo Ismoilov added, “The further from the capital, the higher the price; for instance, in Garm (in the east of the country) newspapers published in the capital are TJS 2 to TJS 3 [\$0.40–0.63] more expensive than in Dushanbe.”

Afzalshoev reported that newspapers from Dushanbe are delivered to Khorog with a two-day delay and are sold for TJS 1 (about \$0.22) more than their retail price. “The national newspapers are delivered irregularly—two to three times a month, even to subscribers,” he said. Russian and other foreign newspapers are generally unaffordable because of their exorbitant cost, “except for *Argumenty i Fakty*, *AIF-Zdorovie*, and *Komsomolskaya Pravda*, which are printed in Tajikistan by Oila media company,” reported

Kulakova-Brannerud. Given that the minimum pension and wage is about \$15.00 a month, people still choose necessities over newspapers.

Furthermore, Karshiboev noted that the rise in prices of paper, plates, and printing dropped circulation of even the most popular newspapers about 15–20 percent. In the regions, due to technical and financial constraints, most of them come out two or three times a month.

Abdullaev believes that Tajikistan's state-run media fail to meet the standard in terms of providing the public with access to objective information. "These media reflect only one viewpoint, that of the government and state authorities, and reject any alternative information," he said. Afzalshoev agreed, commenting, "The viewpoints of the opposition are seldom presented. Although independent media do express various opinions, they are often very careful in commenting on events," he added. Dikaev agreed, noting, "The state-owned media publish one and the same viewpoint, just one truth—the government's—and if you open one of those newspapers, you will see exactly the same as in any other state-owned paper."

On the broadcast side, Abdullaev said that the Tajik national radio and television present information from the government's point of view. "The 20th anniversary of Tajik independence was celebrated by showing a television series about those years—everything from President Rahmon's viewpoint," he added. Broadcasting of all local television channels is still regularly interrupted to show important political events, especially those related to the president's travels and speeches.

Zinatullo Ismoilov added that during the president's official speeches and visits, all four channels of the state-owned television show nothing but these events. "Then, these programs are rebroadcast for several days by all four channels in turn," he said. According to Sharifzoda, "Viewers call the first national channel of the Tajik TV 'The State Philharmonic Society,' Safina channel is a mix of culture and entertainment, Jahonnamo is a clone of Russian Vesti-24, and only the children's channel, Bahoriston TV, fulfills its mission of educating and the upbringing of children."

Ten information agencies are registered in Tajikistan: the independent Asia-Plus, Avesta, Varorud, Interpress-Service, Zarafshan-Times, TOJNEWS, Simonews, Paem, Pamir-Media, and the state-run Khovar. However, only Asia-Plus, Avesta, TOJNEWS, ruzgor.tj, and pressa.tj are really working, some panelists said, and Asia-Plus is a leader among them, as it is trying to cover news from the whole country. However, regarding Khovar, Boyahmedova noted, "Although our agency, Khovar, is state-owned, we do not engage in PR

Afzalshoev reported that newspapers from Dushanbe are delivered to Khorog with a two-day delay and are sold for TJS 1 (about \$0.22) more than their retail price. "The national newspapers are delivered irregularly—two to three times a month, even to subscribers," he said.

of the ruling People's Democratic Party of Tajikistan and are independent of it." Three agencies—Pamir-Media, Khatlon-Press, and Varorud—were shut down due to financial problems (their grant funding came to an end).

Currently almost all newspapers receive news from local information agencies either free of charge or for a nominal fee. On the other hand, BBC and Ozodi subscribe to information from agencies' news feeds. In this context, Pirnazarov noted that all newspapers reprint the same news, but often without references or hyperlinks. "This is especially true for information obtained from newsfeeds of the leading international agencies, such as Reuters, BBC, RIA News, and ITAR-TASS," he added. Zinatullo Ismoilov noted that when electronic media cover international events, they use the services of such international information agencies as Reuters, RIA News, ITAR-TASS, BBC, and Ozodi, whereas print media prefer to obtain information from the Tajik services of BBC, Ozodi, and IrNA (Iran).

Electronic media produce few programs of their own, except for brief news, entertainment programs, concerts, and talk shows. Zinatullo Ismoilov added that independent television channels have few original news programs because they are extremely expensive to create.

All four channels of the national television station use only information provided by the state-run Khovar agency, but while preparing international news coverage, they use fragments of news shown on Russian channels, Euronews, and CNN.

The panelists noted that all FM radio stations in Tajikistan have a similar broadcasting format and can be distinguished only by the anchor's voices during short news programs. Most of the airtime goes to music (including that ordered by the public), congratulations, and quizzes. Only Radio Imruz, which broadcasts in Tajik, specializes in news and analytical programs.

However, Karshiboev mentioned the wonderful work of television and radio stations in the Sughd Province. "They are much better than television broadcasts from the capital. They present interesting, analytical programs and their own news

round-ups, though they do not devote enough time to the life in the region," he reported.

Regarding the transparency of ownership, the panelists noted that information consumers, except for a certain circle of media employees, do not seem to care who owns media outlets; rather, they are interested in receiving timely information on current events.

The panelists believe that the openness of information on who owns print media is confirmed by references to the founders in the newspapers' logos. For example, readers and journalists are well aware of the fact that Orieno-media holding company, which includes a newspaper and radio station with the same name, belongs to Oriyon Bank's chair, the president's brother-in-law Hasan Asadullozoda. And, last year, an obscure media magnate emerged in Tajikistan—Umed Sattorov, who allegedly owns seven newspapers. Officially, he has a publishing house, Mushfiqi, that prints more than 25 newspapers, invitations, postcards, business cards, *Caravan Megapolis* newspaper, and *Dilkusho* magazine—with a total circulation of more than 25,000 copies," reported Niyozov.

According to Tajik law, foreign nationals are not allowed to found media outlets. Large commercial media corporations still avoid showing themselves and their interests openly in Tajikistan, while foreign capital is present in media in the form of grants from international donor organizations.

As far as coverage of social and minority issues is concerned, the panelists believe that such problems as gender, sexual minorities, and religious minorities receive either no or very little media attention. "Perhaps one of the reasons lies in the Islamic mentality, which sometimes considers these topics dirty and taboo," added Abdullaev. Sharifzoda believes that interests of national minorities are not represented in either the media or parliament. "If newspapers do write about national minorities, they do not mention problems but rather focus on cultural events," said Abdullaev.

Due to the poverty of the population and, to a lesser extent, a lack of information, there are almost no media outlets in the minority languages (except for Russian). There are very few national minority media outlets and only about 20 newspapers—mainly local publications in the Russian, Uzbek, Kyrgyz, and Turkmen languages. In addition, the first national and Jahonnamo channels present news in Uzbek, Arabic, and English.

Uzbek ethnic groups have a wider choice of information in their mother tongue: in addition to local media, there is a national governmental newspaper in Uzbek, *Halk Ovozi*, as well as the nongovernmental newspapers *Dustlik* and

Zamondosh. Besides, those living close to the Uzbek border can easily view television programs from Uzbekistan, as the signal is stable there. Most residents of Sughd Province prefer to watch Uzbek television. There is also a popular Uzbek-language newspaper, *Tong*, and two magazines in Uzbek.

Tajiks with satellite antennas prefer to watch Iranian and Russian television programs, as well as Euronews and BBC. *Karategin*, in Tajik, Russian, and Kyrgyz, has been published in the Rasht region since 2009. However, the panelists mentioned that this year, a newspaper in Turkmen language stopped being published in Jilikul, in the south of the country, where Turkmens comprise almost 100 percent of the population. "There is a biweekly newspaper in Kyrgyz in Murgab, but it is published in Kyrgyzstan; there is also a newspaper in Shugnan (one of the languages of the Gorno-Badakhshan Autonomous Province)," said Afzalshoev.

According to the panelists, national minority media are absolutely free and can develop without any limitations in Tajikistan. However, discrimination does exist in the higher echelons of power and parliament, where neither Russians, nor Uzbeks, nor other nationalities are represented. As for media, Khalikjanova mentioned that Russian-language newspapers do not reflect the problems of the Russian-speaking population of Tajikistan.

The panelists also commented on the low level of interregional information exchange. People in Dushanbe are often unaware of what is going on in neighboring cities and villages just a few kilometers away. And, neither state-run nor independent print and electronic media post correspondents in central Tajikistan or abroad (except for Asia-Plus in Washington, Moscow, and London and Khovar in Moscow, Ankara, and Istanbul).

All panelists agree that the division of media outlets into state-run and independent has polarized opinions. They believe the time has come to create a nationwide public radio and television, which will present information from all the provinces and regions of Tajikistan.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.17

The mass media in Tajikistan are transitioning to better-quality journalism, satisfying the demand of the market for diverse information, and becoming more successful businesses. Nevertheless, the panelists think that it is too early to claim that media outlets have already become efficient businesses.

Private media are too strapped financially to spend on efficient business management. More than half of the population lives below the poverty line, and the market is dominated by the state, which makes it harder for private media to compete in the market. Corruption is widespread; it is believed that most businesses still conceal the real volume of their sales and revenues to increase the appearance of profits. Concealing income has become a universal strategy of Tajik businesses, and the print media are no exception, often masking their revenues by publishing hidden advertising, understating their circulation in tax reports, and printing unrecorded copies.

The state-run media, meanwhile, live comfortably on government support, with a bloated workforce, and do not feel the need to draft business plans, plan capital investment, and engage in marketing. The panelists feel that for the most part, the state-run media show little regard for taxpayers' money.

Regional media outlets do not have business plans whatsoever; they subsist on the state budget, advertisements of state-run enterprises, or subscription, which is often compulsory. Subscriptions to two governmental newspapers, *Jumhuriyat* and *Sadoi Mardun*, cost TJS 50,000 (\$10,500), while subscription to the newspaper of the ruling People's Democratic Party of Tajikistan (PDPT), *Minbari Khalk*, costs only TJS 35,000 (\$7,350).

The panelists believe that under such circumstances, it is too early to speak about compliance of the media outlets' accounting and financial policy to international standards, although some private media come closer than others.

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.

Niyozov reported that his advertisers claim they are often afraid of advertising in the oppositional Tajik-language media, including his Faraj newspapers. "They often just give me money as financial aid, record it as advertising, but ask me not to publish it," he said.

"Although Asia Plus does have its own management and marketing service, its activities are not efficient enough," said Ergasheva. She noted that this media holding company successfully sells subscriptions to analytical materials, reviews, and photographs. Niyozov said that some newspapers, including his own *Faraj*, do make business plans. However, as he noted, they cannot afford to employ a manager, as their means barely cover the price of printing.

Most private media subsist on circulation revenues as well as advertising, ever-declining grants, non-journalistic activities (such as printing, or selling photo and video coverage to foreign news agencies and newspapers), and support from their founders. Only one large financial corporation, Oriyon International, has its own media business. It owns two radio stations, a daily newspaper, a monthly economic magazine, and an advertising unit. Asia-Plus media group has two newspapers, an FM radio station, a production studio, and the first glossy magazine in the country, *VIP-Zone*; it also provides publishing services. Oila has two newspapers, a publishing house, and an information and advertising agency. Charkhi Gardun owns a publishing house and four newspapers. All of them successfully work in the media market and turn a healthy profit.

Regional media draw their main income from publishing personal ads and commissioned articles. Print media also draw funds from advertising and paid commercials of governmental bodies, banks, and business enterprises allied with the government, as well as a "voluntary-compulsory" subscription in all state-run institutions, enterprises, establishments, schools, and universities, mainly at the expense of governmental funds. This is ultimately a minor contribution, though; by way of comparison, *Faraj*, a popular independent socio-political newspaper, has about 600 subscribers, whereas *Minbari Khalk*, the press organ of the ruling PDPT, has about 35,000 subscribers.

Although advertising is the main source of media revenue in other countries, it has not yet become a pillar for Tajik media. For most media, especially those in remote areas, advertising is not the most important source of income, as advertisers

“Circulation figures for independent newspapers do not always correspond to reality, as the owners commonly disguise income and real circulation figures,” said Niyozov.

are deterred by the low circulation and lackluster potential for profits. Very few independent newspapers and television channels post advertisements. In contrast, advertising is highly profitable for state-run media, which lure advertisers with their high circulation.

Three national television channels, two governmental newspapers, and four to five private newspapers sport the largest volume of advertising. One of these newspapers, *Asia-Plus*, is one of the most profitable print media outlets in the republic. The newspaper is issued weekly and has 48 pages, 12 to 14 of which are devoted to advertising.

Advertising flows mostly to media outlets that publish and broadcast in the capital and large provincial cities, and at any rate, it is declining. According to a survey conducted by the Zerkalo (Mirror) NGO in September 2011, Tajik enterprises' investments in advertising have declined by \$160,000 and now comprise about \$1.17 million. The volume of advertising on television and radio has decreased by 16 percent and has increased by 1 percent in print media.

The top advertisers in the market are mobile-phone operators (18 percent), followed by food (13 percent) and pharmaceuticals (13 percent). The most prominent advertisers, including a handful of mobile-communication companies, TALCO Aluminum Company, and the Board of Trade, do not place advertisements according to the principles of a market-driven economy but rather in compliance with the political will of governmental authorities. Niyozov reported that his advertisers claim they are often afraid of advertising in the oppositional Tajik-language media, including his *Faraj* newspapers. “They often just give me money as financial aid, record it as advertising, but ask me not to publish it,” he said.

Tajik media usually work with advertisers directly, without employing advertisement agencies. There are only six advertising agencies in Tajikistan, and they charge high fees for their services; therefore, advertisers prefer to deal directly with the media. There are advertising departments in all four channels of the national television as well as in Oila, Charkhi Gardun, Oriyon-Media, and Radio Vatan,” reported Kulakova-Brannerud. At the local level, although panelists expressed concern that local goods and services are not advertised enough, the quality of advertisements produced by

local television stations is extremely low. Therefore, it mostly broadcasts advertisements from Russian, Turkish, and Iranian television channels translated into the Tajik language.

The panelists noted that advertisers prefer television, as it is more accessible than newspapers and other media. However, well-known foreign brands prefer advertising on banners and billboards. Outdoor advertising is also widely used in the regions, and it is especially popular since the TV and Radio Committee increased advertising broadcast prices in 2010. Mobile-phone companies are currently attempting to tap the new market of SMS advertising, sending adverts and greetings.

The Law on Advertising, which governs advertising in the media, has been in effect since 2003 and presents a different attitude to state-run and private media outlets. State-run electronic media may devote no more than 10 percent of their daily broadcasting time to advertising, whereas the cap for private media is no more than 30 percent. The volume of advertising in the state-run print media should not exceed 25 percent, with no more than 40 percent in nongovernmental periodicals.

Although most regional media outlets are not profitable and subsist on international grants, dying out when the grants dry up, two radio stations in the Sughd Province, Tiroz and SM-1, are profitable enterprises due to advertising and commercials—but the price is that advertising takes up to 50 percent of their broadcasting time.

The government continues to support all four national television channels and the state-run print media, providing them with funding and upgrading their technical infrastructure, while judicial opportunities granted by Tajik law on providing the mass media with government subsidies (article 4, The Mass Media Operation; The Law of the Republic of Tajikistan on the Press and Other Mass Media) have not been realized in practice. Nongovernmental regional television stations and print media, however, often receive small subsidies from the budget of their local administrations.

Advertising and marketing surveys do not take readers' needs and interests into account, as print media measure their success only in terms of circulation and sales. The panelists also mentioned that Internet meters and website hit counters are not always accurate, as they count the number of clicks instead of the number of unique visitors to the website itself. Some Internet media, however, conduct polls of their readers' opinions on various political and social issues.

Most advertisers are not able to determine the optimal advertising partners among media outlets and typically just choose the best-known media that boast the biggest circulation. However, all panelists noted that circulation figures of the print media are often underestimated in

order to reduce taxes. "Circulation figures for independent newspapers do not always correspond to reality, as the owners commonly disguise income and real circulation figures," said Niyozov.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.69

There are no well-established trade associations in the media sphere, although there are several media holding companies that defend the interests of their own publications. As noted in last year's MSI, there is an Association of Entrepreneurs of the Republic of Tajikistan, but no media companies belong.

However, there are signs of growing interest in media trade associations, with two new organizations forming. In mid-December 2010, the leaders of the independent print media, supported by OSCE, founded the Association of Media Publishers and Distributors (Matbuot); however, this association has not yet begun working because of disagreements among the founders. In addition, the Association of Audiovisual Production Distributors, which includes 15 television and radio companies and production studios, was founded in August 2011 to protect the interests of private electronic media and production studios. These associations are built on membership fees and grants for special projects.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

"Apart from giving legal advice, NANSMIT has provided legal assistance to the journalists Mirzobekova and Ismoilov, who faced lawsuits this year," said Kulakova-Brannerud.

The number of professional associations for journalists has grown to 14, as well as one creative union, up from 11 reported in last year's MSI. Current associations include the Union of Journalists, NANSMIT, the Media Council, the Media Alliance, the Society of Independent Electronic Media, the Fund for the Defense and Remembrance of Journalists, the Journalists' Public Association, 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 Association of Television Journalists. Journalists do not have their own trade union.

The participants noted a significant interest in the activities of media-support institutions, especially this year, when the pressure from the government on the oppositional media has increased—as the lawsuits against *Asia Plus*, *Faraj*, and *Ozodagon* demonstrate.

The Media Council, in accordance with its statutes, dealt with issues related to violations of ethical norms and plagiarism, in a bit to keep the cases out of the courtrooms. "NANSMIT, the Media Alliance Association of Tajik journalists, and the Journalists' Public Association conducted several joint events aimed at the legal education and protection of journalists, access to sources of information, and actions for the protection of freedom of speech," reported Sharifzoda. "All of these associations efficiently protected their colleagues who faced problems with the authorities, including lawsuits," said Pirnazarov. "Apart from giving legal advice, NANSMIT has provided legal assistance to the journalists Mirzobekova and Ismoilov, who faced lawsuits this year," said Kulakova-Brannerud. The organization also monitors violations of journalists' rights, freedom of speech, and access to information. Niyozov added, "The Union of Journalists, which clearly used to be under the government's control, has lately become more independent of their opinion and started signing applications defending journalists persecuted by the authorities and demanding freedom of expression and access to information," said Niyozov.

The Union of Journalists of Tajikistan, NANSMIT, and the Media-Alliance also initiated a series of roundtables to discuss

“It is virtually impossible to change the state-approved programs and standards of journalists’ education under current circumstances. The standards used here now are those of the second generation of the MSU Faculty of Journalism, whereas MSU itself is already teaching with fourth-rate standards—we are falling far behind,” said Sharifzoda.

the Draft Law on the Right of Access to Information and amendments to the Law on the Press and Other Mass Media.

However, the panelists expressed concern that this year, not all journalists showed solidarity with their colleagues, who were persecuted by the authorities, and not all of them signed petitions in their support. “This especially concerns those who work for the state-run media,” said Boyahmedova.

As for NGOs and international organizations that support media freedom and provide journalists with legal aid, the panelists mentioned Khoma, the Bureau for Human Rights and Rule of Law, Nota Bene, and the TajFEN network. In addition, an NGO network has united around the goal of promoting the freedom of expression in Tajikistan, including 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, NGO Khoma, the Journalists’ Public Association, the IWPR representative in Tajikistan, and the Tajik Association of Independent Electronic Media. However, the activities of NGOs are mainly directed toward centers of provinces and seldom deal with the regions of central Tajikistan.

The panelists also confirmed that local NGOs are cooperating with international organizations that support freedom of speech, including the European Union, embassies of the United States and the United Kingdom, Internews Network, the Eurasia Foundation, the National Endowment for Democracy, the Department for International Development, and the Soros Foundation.

However, despite their attempts, a number of NGOs have not succeeded in establishing an independent trade union that would protect journalists’ rights. All panelists agree with the opinions expressed in previous years that Tajik journalists urgently need to organize an independent trade union to ensure the protection of journalists and resolve their conflicts with employers, including problems within editorial offices.

Karshiboev noted that the government’s reluctance to cooperate with media associations impedes the protection of independent media and promotion of freedom of speech. At the same time, there are unofficial levers of pressure on media associations and NGOs, mainly tax audits. “In May of this year, the authorities closed an NGO, the Bureau of Journalistic Investigations and Linguistic Expertise, only because in [the director’s] registration documents he failed to indicate the floor of the newspaper-magazine complex where his organization was located,” Niyozov said.

The participants expressed their concern about the professional education of journalists, which they feel has stagnated for several years. Every year, more than 200 journalists graduate, but the level of their training is low. There are eight institutions that educate journalists, three of which are in the capital city, but so far there are no private institutions for journalists. “It is virtually impossible to change the state-approved programs and standards of journalists’ education under current circumstances. The standards used here now are those of the second generation of the MSU Faculty of Journalism, whereas MSU itself is already teaching with fourth-rate standards—we are falling far behind,” said Sharifzoda. “More than 80 percent of their education is theory,” he added.

However, the panelists noted that the qualifications and technical competence of the graduates are extremely low. “Many of them cannot use computers; their literacy level is low—I just wonder how they managed to get accepted and to study for all these years,” added Sharifzoda. As noted in last year’s MSI, there are concerns that their training does not include enough basic computer skills or specific software and training for online journalism (just 36 hours in a year). “Some schools and regional universities still teach with MS-DOS programs, which were used before Windows in the 1990s,” reported Abdullaev. Dikaev thinks that another problem is the absence of textbooks and learning aids; Sharifzoda said that only the faculties of journalism at RTSU, TNA, and Khujand State University are more or less technically equipped and have basic educational facilities.

Nazarali expressed concern over the adequacy of training, given the trend toward multimedia journalism, noting that it is extremely difficult to shoot video and take pictures at the same time; therefore, journalists need special training to become multimedia reporters, he said.

Kulakova-Brannerud said that the Faculty of Journalism of the Russian-Tajik Slavonic University does have a specialization for broadcast and print journalists. “These subjects are taught by experienced journalists who work in the newspapers, on television and radio; however, students find it hard to find a job after graduation,” she added.

The panelists also noted a negative trend, which is growing from year to year: practically all institutions of higher education that teach future journalists are trying to prevent them from working with the independent media. “Students cannot meet with independent journalists and international experts unless they have written permission from the dean of the faculty,” said Niyozov.

Ergasheva added that her organization, Dast ba Dast (Hand in Hand), which trains young journalists—students and schoolchildren—also faces problems with the internship of students in the faculties of journalism. “One of our course attendees, a senior student, was about to be expelled from the Faculty of Journalism of the National University because he was attending our school and because his article was reprinted by the *Faraj*,” she reported. She added that the problem was solved only after a lawyer’s intervention.

The panelists noted that the same practice exists in the Sughd Province in the north of the country, though independent journalists are already being invited to teach there. Moreover, there is a certain balance between theory and practice (about 60 percent to 40 percent).

The panelists reported that the number of short-term trainings has decreased sharply, but Khalikjanova reported that two- to three-day-long IWPR trainings are being attended by students of the faculties of journalism not only from Dushanbe but also from the provincial centers. “After the training, they tell me that they have learned as much during those two to three days as they did in four to five years of studying in their schools,” she added. Boyahmedova added that the NGO Khoma conducted a two-day training session on photo journalism for reporters both from the capital and the regions in November.

The panelists noted that government media journalists seldom attend seminars and training courses because they would not have any chance to apply such knowledge in practice. Besides, government media CEOs rarely support their employees’ desire for professional development. Consequently, there is a big gap between the level of professional training of state media journalists and that of independent media journalists in terms of international standards.

The panelists also mentioned the popular website reporter.tj, developed by Internews, which publishes news as well as announcements on grants and training programs and offers access to a blogging platform.

Short seminars (one to two days), on-the-job trainings, and additional classes in online journalism and using social networks, as well as investigative journalism, are the most popular forms of training among journalists. Editors are often

The issue of transition to digital broadcasting is extremely difficult, as only the four governmental channels are included in the multiplex. “Thus, the population is denied the opportunity to access alternative information, and private radio broadcasting business is hindered,” said Kulakova-Brannerud.

reluctant to grant their staff a study leave for a longer period. All the courses and additional classes are free of charge, and access to them is unlimited. However, the panelists stressed the necessity of longer training, training by specialization, and training in convergent journalism.

“It was very difficult to attract practicing journalists to our trainings—we had to get in touch with the editors we knew or RTSU—until we opened our own page in Facebook,” said Khalikjanova. She reported that now they accept course participants on a competitive basis.

Although journalists sometimes go abroad for training, the students of journalism do not, mostly because of their poor knowledge of English. So far, students can study abroad only privately, in various programs in the United States, Turkey, and Iran. Officially, students can study abroad in just a few CIS countries: Russia, Kazakhstan, Ukraine, and Belarus, according to quotas of the Ministry of Education of Tajikistan. Three students a year can study at the University of Montana, in the United States, at the expense of the state, but the program does not include journalism. Unfortunately, journalism graduates from foreign institutions generally do not return to Tajikistan.

There are vacancies for graduates in the media outlets, but media CEOs are not always satisfied with the quality of their professional training, and the potential candidates are not happy with the salaries they are offered. And, the panelists noted that no more than 5–10 percent of graduates stay in the profession.

According to Khalikjanova, international donors contemplated establishing a permanent school of journalism in Tajikistan. “At the beginning of this year, a number of donors met in Dushanbe to discuss this issue. However, everything came to a halt when NGOs failed to agree over which organization would receive the grant for the school—each NGO started lobbying its own interests, and the donors told us to sort it out ourselves,” reported Abdullaev.

Only staff of the Asia-Plus media group benefit from formal in-house training, as it has its own independent school of journalism. Sharifzoda and Sotiev spoke about the necessity of conducting trainings and seminars for journalists in the regions.

As for the quality of printing and access to equipment, the panelists noted that access to printing facilities is subject to political restrictions and depends on the authorities' will. There are no restrictions on access to newsprint and equipment, though Niyozov mentioned that since mid-November the Sharki Ozod complex has been short of newsprint, which goes to government newspapers first.

Almost all private publishing houses are profitable businesses and purchase paper and plates themselves. However, the panelists noted that there are no really independent publishing houses in Tajikistan, only private ones, and even they stop printing undesirable newspapers on government orders. "There are 10 districts in the Kulyab Region, and only five of them issue their own newspapers; there are no local publishing houses, and all the newspapers are printed in Dushanbe," reported Dikaev.

The panelists were unanimous that it is useless to talk about the freedom of expression in Tajikistan until there is a private and independent publishing house under the auspices of one of the international organizations. "Until then, all publishing houses may stop printing an undesirable oppositional newspaper by a phone call from any official from the president's administration," claimed Niyozov.

They did note, however, that the CEOs of private publishing houses in the Sughd Province are much less dependent on the authorities in terms of whether to print a certain newspaper. The discussion of the quality of printing led to the topic of publishing houses and consumables. The panelists noted that so far, the best quality is provided by Oila and Intoshod. However, the prices for services in the private publishing houses Oila, Intoshod, and Mushfiki are 10 to 15 percent higher than those in the state-run Sharki Ozod.

All the panelists agreed on the need to establish printing and typesetting facilities to serve the independent media in Dushanbe and in such provincial centers as Khujand, Kurgan-Tube, and Khorog.

The panelists believe that the channels of print media distribution are politically controlled as well. "The Dushanbe mayor has officially prohibited selling newspapers on the main roads," reported Niyozov. The authorities also exert influence on the distribution of independent print media; the Tajikmatbuot (Tajikprint) state-run distribution agency is interested only in selling government publications. Opposition

publications can rarely be found in Tajikmatbuot kiosks; they are sold only by public distributors—often by elderly women and men past retirement age.

The Intishod Association of Media Distributors, which was founded in 2011, has not yet begun operating. According to Pirnazarov, one of the reasons for this is the fact that media magnates failed to reach an agreement on who would lead. "They rented a luxurious office, bought a sport-utility vehicle, and swelled the administrative staff, but they have not done anything, although the project cost \$70,000," said Sharifzoda.

Nowadays each television and radio station buys its own transmitters independently, and their capacity is quite low, although four years ago they used to be supplied by the Internews Network. Practically all software the Tajik media use is counterfeit and pirated.

The government monopolizes distribution of broadcasting frequencies. This can prevent independent media from going on air because nongovernmental media rent their frequencies from the state. There is no independent channel in Tajikistan that broadcasts throughout the country, though the technical capacity exists.

The issue of transition to digital broadcasting is extremely difficult, as only the four governmental channels are included in the multiplex. "Thus, the population is denied the opportunity to access alternative information, and private radio broadcasting business is hindered," said Kulakova-Brannerud.

The government is also trying to limit access of the public and media to alternative information on the Internet. Several websites have been blocked, and there have been attempts to break into the accounts of the most active users of social networks. The government has not blocked blog platforms yet, but it does monitor them. Three panelists—Abdullaev, Pirnazarov, and Khalikjanova—have their own blogs.

Although mobile Internet exists, it does not cover the whole country, and as soon as the electrical supply shuts down, 3 and 4G transmitters cease working, too. All television towers belong to Tajik telecom, which is under the auspices of the Ministry of Transportation and Communications.

Overall, the media situation in Tajikistan has deteriorated since 2010. There were more attacks against journalists, the level of self-censorship has increased, and the professional level of most media outlets leaves a lot to be desired. The government shows strong commitment to restricting access to information.

The panelists concluded that certain assistance from international organizations and donors, as well as political

freedom, strict adherence to the rule of law, and amendment of the current legislation, might help mass media in Tajikistan overcome their technical and professional backlog. The panelists feel that more support from international donors in the area of journalism training, particularly the establishment of a formal journalism school and technical assistance, could be especially valuable.

Summarizing all the objectives discussed, the panelists noted that the level of self-censorship has somewhat increased after the lawsuits against the journalists Ismoilov and Usmonov, and some newspapers still violate ethical norms and international standards. Nevertheless, the level of professional journalism has grown in terms of highlighting pressing socio-political problems. The level of journalistic education in the institutions of higher education is still low, and there is also no progress in solving the problem with licensing. Society is still indifferent to persecutions and lawsuits against journalists. Professional associations of journalists have started to consolidate to a certain extent, although media outlets do not unite to defend their interests. Technical facilities still lag, and this is especially felt in many regions. The panelists stressed the need to restart IREX and OSCE media projects and to continue Internews Network trainings for journalists, with an emphasis on specialization and coaching multimedia journalists.

List of Panel Participants

Ravshan Abdullaev, executive director, Eurasia Foundation in Tajikistan, Dushanbe

Shonavruz Afzalshoev, editor, *Kalam* newspaper of the Civil Society Support Center, Gorno-Badakhshan Autonomous Province, Khorog

Nargis Boyahmedova, first vice editor-in-chief, Khovar, Dushanbe

Turko Dikaev, reporter, *Asia-Plus*, Kulyab

Zinatullo Ismoilov, director, Media Council; director, SMT TV, Dushanbe

Nuriddin Karshiboev, chairperson, National Association of Independent Media of Tajikistan, Dushanbe

Vera Kulakova-Brannerud, director, Radio Vatan, Dushanbe

Khurshed Niyozov, director, Center for Investigative Journalism; editor-in-chief, *Faraj*, Dushanbe

Nazarali Pirnazarov, reporter, ca-news.org news agency, Dushanbe

Murod Sotiev, director, Paem information agency, Kurgan-Tube

Lola Khalikjanova, editor-in-chief, Institute for War and Peace Reporting-Tajikistan, Dushanbe

Kironshoh Sharifzoda, director, Journalists' Public Association, Dushanbe

Zarina Ergasheva, manager, Dast ba Dast NGO training project for young journalists; editor, Kloop.tj Internet portal; reporter, Asia-Plus information agency, Dushanbe

Moderator and Author

Lidiya Isamova, correspondent, RIA News, Dushanbe

The MSI panel convened on November 25, 2011.

Being recognized as an “enemy of the Internet” by Reporters Without Borders, the Turkmen government continues to control mass media outlets in the country, exercising strict censorship and pressure to control those who persist in working independently.



TURKMENISTAN

Turkmenistan could become a major global energy supplier if it indeed holds the world's second largest gas field. British independent auditor Gaffney, Cline & Associates reported Southern Yolotan-Osman and Yashlar gas deposits might be a "super giant," as the field is 75 kilometers long and 35 kilometers wide. The Associated Press and Reuters reported that it is more than enough for any potential demand over the foreseeable future, whether from China, Russia, Iran or Europe. Turkmenistan is determined to become one of the world's key natural gas sources; President Gurbanguly Berdymukhammedov stated that energy exports to Europe are "the most important aspect of Turkmenistan's foreign policy."

Although Turkmenistan's constitution declares the country a secular democracy, it is an authoritarian nation. President-for-Life Saparmyrat Niyazov ruled until his sudden death in December 2006. During his presidency, he named cities, airports, and streets after himself and members of his family. People were required to know his book "Ruhnama" by heart; mandatory exams to prove this were administered as part of applications for jobs, university admission, even to get a driver's license.

The former health minister, Berdymukhammedov was elected as president in 2007 in an election that observers deemed neither free nor fair. Berdymukhammedov made some improvement to the country's pension system, education, and healthcare system and ordered Turkmenistan's constitution and legal code rewritten to meet international standards, however, some critics say the changes are only "cosmetic."

In 2010 Berdymukhammedov suggested the establishment of another political party. In 2011 he said he was ready for a dialogue with groups that call themselves "the opposition," while the ambassador of Turkmenistan to the OSCE has reportedly stated that the opposition would be denied access to upcoming presidential election in 2012.

Being recognized as an "enemy of the Internet" by Reporters Without Borders, the Turkmen government continues to control mass media outlets in the country, exercising strict censorship and pressure to control those who persist in working independently. For example, Berdymukhammedov once again tasked editors on July 22 to exercise effective control over print media. Previously, he called on the Ministry of National Security to fight those who "defame our democratic, law-based secular state and try to destroy the unity and solidarity of our society."

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.

TURKMENISTAN AT A GLANCE

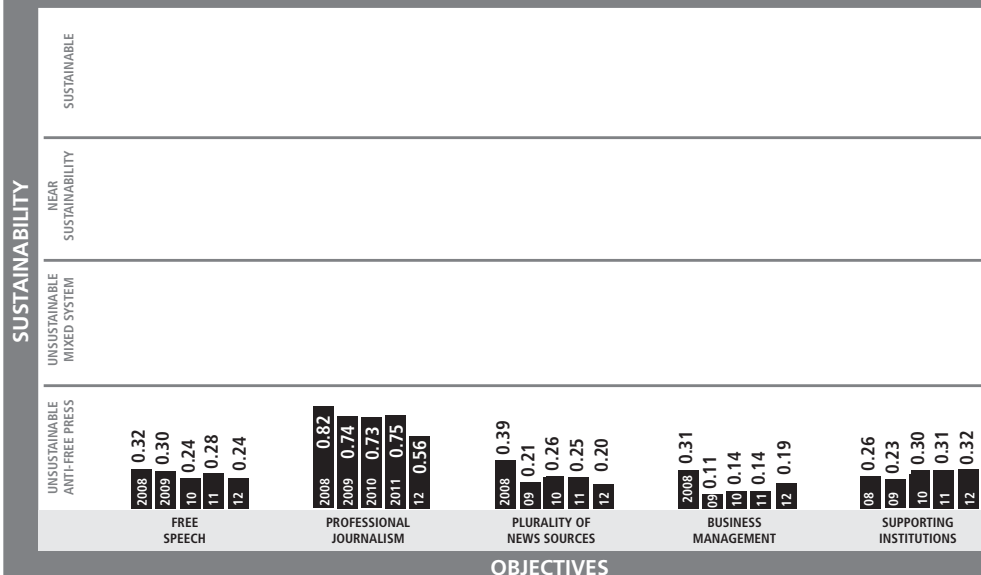
GENERAL

- > **Population:** 5,054,828 (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 (2010-Atlas):** \$19.159 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$7,160 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 98.8% (male 99.3%, female 98.3%) (1999 est., *CIA World Factbook*)
- > **President or top authority:** President Gurbanguly Berdimukhammedov (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_msiscores.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

Turkmenistan Objective Score: 0.24

Turkmenistan's score for Objective 1, 0.24, remained almost the same as last year's 0.28, reflecting a dangerous country for freedom of speech.

Turkmenistan's laws provide comprehensive protection for freedom of expression and of the press; however, the consistent practices of the authorities reveal such laws are not honored. The new constitution, adopted in 2008 by President Berdymukhammedov, reaffirmed such rights and the government has announced plans to reform its media related laws. In 2011, Turkmen government websites reported holding roundtables with international legal experts (such as BBC World Service consultant Mark Becherman, an expert from UNESCO, and Russian and German academics) to discuss mass media regulation systems, the legal aspects of the establishing commercial television stations, and allowing private print media. However, any concrete outcome of such roundtables has yet to be witnessed.

The new constitution, adopted on September 26, 2008, gives Turkmen the right to freedom of conviction and expression as well as freedom of information, barring state secrets. The existing law "On the Press and Other Mass Media 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 of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

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.

The spirit behind these laws is certainly not observed in practice. "All journalists have the 'duty' to refer to the president in the first paragraph of each article and to praise his policies," one source familiar with the situation in Turkmenistan reported. This person added that journalists are routinely punished arbitrarily, or the severity of punishments is often out of proportion with events. For example, "One such case is when a printing mistake happens the entire newspaper staff is forced to pay for the cost of reprinting. Such a case was when *Turkmenistan* newspaper once reported 'Turkmenistan sells its daughter (*gyz*) instead of saying its gas (*gaz*)," said the source.

E-mail correspondence is monitored and censored, and phone conversations of "black-listed" individuals are tapped, according to a briefing paper issued by the International Partnership for Human Rights, a coalition of European and Central Asian human rights groups. One contributor to the MSI study said, "According to remarks...by Turkmen reporters with contacts inside the national telecom, Altyn Asyr, intelligence services are keenly monitoring all voice and ordinary SMS traffic. They are also actively trying to figure out how to more effectively filter mobile phone access to banned websites." Especially after the Abadan explosion, the MSI respondents report an uptick in the authorities' efforts to monitor and obstruct Internet and other alternative media channels.

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 a newspaper in Turkmenistan. Turkmen individuals or corporations, on other hand, must pay 100 times the size of the estimated monthly wage, which is almost \$30,000. 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. Due to the secretive environment of Turkmenistan, it is difficult to know whether any outlets applied for a license in the past year.

Turkmenistan is a dangerous place to be an independent journalist. Turkmen authorities regularly detain, harass, and intimidate independent journalists and their families. The president issued a severe reprimand and warning in 2011 against Yusup Bayramov, the director of the television channel Turkmen Ovazy (Turkmen Melodies) and against Amanmuhamet Repov, editor of *Turkmenistan*, for

“All journalists have the ‘duty’ to refer to the president in the first paragraph of each article and to praise his policies,” one source familiar with the situation in Turkmenistan reported.

“unsatisfactory performance of duties.” A Turkmenistan government news agency reported the reprimand and warning, however, it did not mention any specifics other than general deficiencies in the organization and leadership of these media. Furthermore, the president directed editors on July 22 to exercise more control over publications, while criticizing Yazmuhammet Yazlyev, the chairman of the Committee for the Protection of State Secrets in Press and Other Media, for “shortcomings” in his work. This committee is the government agency responsible for censorship in Turkmen mass media outlets.

In 2011, Turkmen journalist Dovletmurad Yazguliev was imprisoned for five years over allegedly inciting a relative’s suicide attempt. It is believed, however, he was imprisoned for his independent reporting of the deadly explosion in Abadan, near Ashgabat, in July, which official media initially reported as a minor incident. He was later amnestied by presidential decree apparently due to international outcry, including from United States Senators.

Another Turkmen activist, Amangelen Shapudakov, 80, was confined to a psychiatric hospital after accusing a local government official of corruption in an interview with Radio Free Europe/Radio Liberty. Posters accusing him of being a criminal were put up in public places according to Reporters Without Borders.¹

Annamamed Myatiyev, a former correspondent for the state-run newspaper *Neitralniy Turkmenistan*, suffered an attack on November 11, 2011 when vandals threw rocks into his home, breaking a window and a mirror in his bedroom, the Chronicle of Turkmenistan reported. Earlier in 2011, an unknown young man in sunglasses came up behind Myatiev on the street, punched him in the face, and ran away. He suffered a split lip, but did not go to the police at the time, EurasiaNet.org reported. In June 2010, Myatiyev was supposed to fly to the Netherlands for an eye operation, but he and his wife were not permitted to leave the country. At that time, human rights defenders, including the late Russian human rights leader Elena Bonner, protested and he was finally allowed to leave. He later returned home

¹ “Confined To A Psychiatric Hospital For Talking to a Radio Station.” Reporters Without Borders. April 5, 2011. See <http://en.rsf.org/turkmenistan-confined-to-a-psychiatric-hospital-05-04-2011,39955.html> (Available as of December 12, 2011).

to Turkmenistan, but there are signs that the authorities continue to target him on suspicions that he collaborates with foreign mass media outlets. Myatiev worked for 30 years as a journalist, and was dismissed from the state newspaper in 2009 ostensibly for health reasons, although he had not submitted a resignation.

“You cannot predict what will happen to you for reporting or taking a picture. The authorities may fabricate any accusation and open a criminal case against you. They may interfere into your private life and use your family problems against you,” Oguljamal Yazlyeva, director of Radio Azatlyk was quoted as saying.² Previous MSI studies detailed how editors and media directors deemed a threat have been fired or otherwise harassed by the authorities, but there were no public dismissals along those lines in 2011.

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 the media are so strict; journalists have little chance to publish or air critical content. No sources mentioned any libel cases against journalists in 2011.

“All media is devoted to one mission: glorifying the government. Television and radio are devoted to the exploits of the presidents or mythological heroes from the past, and newspapers, despite their different titles, routinely run the same content verbatim—a veritable echo chamber. State-sanctioned journalists are the only ones tolerated in the country, but they must undergo a rigorous training in state ideology,” said the editor of a website that covers Central Asian news.

In terms of access to official information, government officials control the release of all information. The presidential administration or specially designed officials from the regions must approve in advance all interviews with government officials. Mass media outlets do not have Internet access in Turkmenistan and thus do not use the Internet as part of their reporting. Mass media outlets are not allowed generally to reprint or rebroadcast foreign news programming, but will to do so only if the news is favorable to Turkmen government ideology.

² “Turkmenistan: Citizen Journalism Emerges in a Silence Country.” Sampsonia Way, October 27, 2011. See <http://www.sampsoniaway.org/blog/2011/10/27/turkmenistan-citizen-journalism-emerges-in-a-silenced-country/> (Available as of December 12, 2011).

Turkmenistan does not have a consistent, well-defined standard for fair use that protects intellectual property.

The Turkmen government does consider journalists as only those working for state owned news outlets in the country. The government holds exclusive oversight of press accreditation. It grants visas to foreign journalists only to cover specific events, such as international oil and gas conferences and other summits, where authorities can monitor their activities.

Theoretically, people are free to choose their profession, however, many obstacles exist in Turkmenistan to prevent people from choosing a profession, such as requiring bribery and/or a connection with high-ranking officials to get accepted into the relevant academic program. The Ministry of Foreign Affairs has overall control over who gets selected into its international journalism program.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.56

Turkmenistan's score for Objective 2 fell moderately from last year's 0.75. Most indicators scored just as poorly as the objective score would suggest, however indicator 7 (facilities and equipment) scored nearly a full point higher.

Journalism in Turkmenistan is highly manipulated and cannot be considered fair, objective, or well sourced. Working journalists do not conduct background research to a story, as that might reveal a potential conflict in what a government official is saying now and what was said in

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

"Take for example the mysterious armory explosion in Abadan on 7–8 July, 2011, which, according to many eyewitnesses and YouTube video posts, produced significant tremors throughout the Ashgabat area... Yet, the cataclysm went completely unreported by the Turkmen mass media until well afterward," said one of the MSI's contributors.

the past. Journalists working for the state media produce pro-government reports highlighting the president's accomplishments and success stories, barely quoting anyone except the president.

"The purpose of journalism in Turkmenistan is to affirm, defend, and promote the government, particularly the person of the President, who is often identified as the source of all the country's achievements (the outside world, by contrast, is often identified as the source of all the country's difficulties, and it is not uncommon for Turkmen officials who have fallen out of favor with the president to be vilified by the press, as well)," said a contributor to this year's MSI research.

Journalists can and are imprisoned for their independent reporting. "I was given an official warning and told that If I did anything similar again, I would be prosecuted under articles 132 and 177 of the criminal code: for dissemination of defamatory information in the media, and 'incitement on social religious or ethnic grounds,' and sent to prison for five years," freelance journalist Dovletmyrat Yazgulyev said, referring to his questioning at the regional police department a week after his independent reporting on the explosion in Abadan.³

Turkmen journalists have no opportunities to improve their professional skills, as neither government agencies nor NGOs offer many training opportunities. However, there were several professional trainings held in Ashgabat in 2011 for working Turkmen journalists organized by the United Nations Development Program (UNDP) and the European Union. OSCE has conducted training for spokespersons and press officers of government agencies. In addition, Turkish experts trained directors, sound engineers, operators, designers, and working journalists, Turkmenistan.ru reported on December 2. The Turkish International Cooperation Agency organized the weeklong training.

³ "Internet Paranoia in Turkmenistan." Institute for War and Peace Reporting, July 29, 2011. See <http://iwpr.net/report-news/Internet-paranoia-turkmenistan> (Available as of December 12, 2011).

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 decree of the president. None of the state-run media outlets offer quality niche reporting or investigative reporting. “Investigative reporting is banned,” said one contributor to the MSI study. However, Turkmenistan is starting to see blogs run from abroad offering insights on Turkmenistan, with few such blogs inside the country.

Journalists limit their coverage to issues that please government ears. In 2011, Turkmen mass media outlets picked up that Turkmenistan has one of the world’s largest gas fields and reported about it for almost a week. Similar coverage was given to the world’s largest carpet made in Turkmenistan or Ashgabat’s new television tower being included in Guinness World Records. Local mass media outlets continue to ignore covering such issues as the government’s refusal to let some Turkmen students continue their studies in Tajikistan in summer of 2011, or the report by the United Nations Committee Against Torture calling on Ashgabat to address systematic human rights abuses, or Turkmen doctors being barred from leaving the country to visit the United States on an U.S.-government-sponsored exchange program. Turkmen media outlets failed to report about 50 demonstrators in Ashgabat by citizens complaining about, for example, their homes being destroyed to make way for new government buildings, among numerous other reasons.

“Take for example the mysterious armory explosion in Abadan on 7–8 July, 2011, which, according to many eyewitnesses and YouTube video posts, produced significant tremors throughout the Ashgabat area, a massive plume of smoke visible for miles around, and some sources say even a hail of munitions upon the capital. Yet, the cataclysm went completely unreported by the Turkmen mass media until well afterward; indeed, it is my understanding that as the event unfolded, in a twist on the Soviet-era tradition of playing Tchaikovsky’s ‘Swan Lake’ during a crisis, Turkmen television and radio blared pop music instead of their regularly scheduled programming,” said one of the MSI’s contributors.

There was a mixed perspective on pay levels for Turkmen journalists among sources who contributed to the MSI study. Some stated that the salary rate is low and thus Turkmen journalists work in multiple jobs to meet the basic costs of

living while others stated that salary rates for journalists are relatively high compared to other professions.

Since coming to power in 2007, President Berdymukhammedov has instructed media outlets to purchase the latest technologies such as printing facilities, cameras, and editing equipment. In 2011 the president opened a new television tower in Ashgabat. The 31-store tower includes more than 100 editing rooms, 10 on-air booths, and other facilities for journalists.

Entertainment programming dominates local media, and in particular Turkmen television programs are filled with entertainment. If President Berdymukhammedov 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.

Journalism is not a popular profession in Turkmenistan, because it does not allow coverage of international news and critical analysis of any situation. There is also a high risk of losing one’s job due to the system of patronage and promotion of relatives. Though, skilled journalists, with long working experience, are in better positions than newcomers, as they are seen as more reliable and skilled in proper techniques of news writing. Serious beats as such politics and economics are mostly assigned to experienced journalists, while social issues and culture go to newly hired college graduates. “The major criteria for [a journalist] are to be fluent in Turkmen and/or to have connections to high ranking officials,” another contributor stated.

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.20

Turkmenistan’s score for Objective 3 remained essentially unchanged compared with last year. No indicator scored much different than the objective score.

The Turkmen government funds all media outlets in the country, and controls newspapers, magazines, radio, and television stations tightly. “There are no independent media in the country. All TV stations and papers are under the authorities’ control. Internet access is a luxury for a few,” said Daniel Kislov, editor-in-chief of Ferghana Information Agency in an interview to *Sampsonia Way*, a U.S.-based online magazine.⁴

⁴ Turkmenistan: Citizen Journalism Emerges in a Silence Country.” *Sampsonia Way*, October 27, 2011. See <http://www.sampsoniaway.org/blog/2011/10/27/turkmenistan-citizen-journalism-emerges-in-a-silenced-country/> (Available as of December 12, 2011).

People are less aware about what is happening around them. Because information is power, by lacking information the people can be manipulated easily, which affects the people's ability to think, predict, and make decisions for themselves. On top of it, the country's isolation is breeding intolerance, nationalism, and religious extremism," said Anna Soltan in an interview to *Sampsonia Way*.⁵

"Citizens have no opportunity to check sources against each other, as all media outlets in Turkmenistan present only one point of view: that of the government. SMS news alerts or similar news sources do not exist in this highly oppressive country. Word of mouth is considered one of the means of getting information," Oguljamal Yazlyeva, director of Radio Azatlyk said.⁶ People get most of their information through television and satellite television. In August the president ordered the removal of satellite dishes from apartment blocks in Ashgabat in a move that could restrict access to foreign television channels. Satellite television is one of the few means by which residents of Turkmenistan can access independent channels in a country dominated by state media. "The government is seeking to curtail the consumption of satellite broadcast television by clearing satellite dishes from apartment blocks, ostensibly to 'beautify' the Ashgabat skyline," said one contributor to this study.

Currently, Turkmenistan has seven state television channels, one national radio service, 26 national and local newspapers,

⁵ Ibid

⁶ Ibid

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

"The government is seeking to curtail the consumption of satellite broadcast television by clearing satellite dishes from apartment blocks, ostensibly to 'beautify' the Ashgabat skyline," said one contributor to this study.

and 16 magazines. The government will launch two new television channels, Ashgabat and Sport, in January. Sport will reportedly broadcast 24 hours per day. The president also instructed the establishment of a new weekly *Oil and Gas* newspaper intended to cover various aspects of energy policy and related accomplishments in Turkmenistan.

All official information is disseminated through the state's only news agency, Turkmen Dovlet Habarlary. Neither newspapers nor other media outlets struggle to win readers, as the government compels government employees to subscribe. Those working in the state prosecutor's office, the Ministry of Internal Affairs and the Ministry of Defense are required to subscribe to the newspaper *Adalat (Justice)* and *Esger (Military)*, respectively. Those working in the medical profession must subscribe to *Saglik (Health)*, etc.

"My journalism colleagues in Turkmenistan agree that newspapers are basically there not to inform but to propagate or to misinform, because negative news are never reported. Statistics are treated as state secrets and independent research by scholars is discouraged. Access to YouTube, Facebook, and Twitter is blocked. Recently, in some Internet cafés in the cities Mary and Lebap the number of computers have been reduced under the explanation that if there are many users the speed of the Internet slows down," one contributor stated.

Turkmenistan has the slowest Internet in Central Asia, Ferghana Information Agency reported, citing Pando Network, a company specializing in delivering large quantities of online information to other companies. The Pando Network reports Turkmenistan's Internet speed is at 72 KBps.⁷ It is difficult to know the exact number of Internet users in Turkmenistan due to a lack of accurate information, however, reports range between 80,400 to 127,000 users, roughly 1.5 to 2 percent of the population. The Vienna-based Turkmen Initiative for Human Rights (TIHR) reports that the Turkmen authorities employ a variety of means to prevent its citizens

⁷ "Turkmenistan has got the slowest Internet in Central Asia" Ferghana Information Agency. November 18, 2011. See <http://enews.ferghananews.com/news.php?id=2149> (Available as of December 12, 2011).

from using the Internet freely to obtain information, interact with other users, and communicate with the outside world. French news agency Agence France-Presse (AFP) reported in 2011 that unlimited Turkmen Internet access costs nearly \$7000 per month, making it one of the most expensive in the world.

Two students were evicted from the Transportation Institute in 2011 because of their critical remarks in one of the Turkmen language chat forums. The authorities use IP tracking to locate Turkmen students abroad, Anna Soltan said in an interview.⁸

On July 18, TIHR's website was attacked and disabled by hackers. The hackers also made public information about website users including individuals inside Turkmenistan who could be in danger for having read and commented on material posted on a dissident website. The website could not be restored but was later re-launched in a new format, with archive materials gradually being added. While the hacker's identity is unknown, there is reason to believe that Turkmen security services may have been behind the attack given the fact that it came at a time when TIHR had just published a series of reports challenging the official account of the Abadan events. In connection with the Abadan events, TIHR head Farid Tukhbatullin's mother, who resides in Dashoguz city, also received visits by representatives of local authorities and noticed signs of being under surveillance.⁹

Turkmen blogs, especially within the country, are not yet common, but awareness of blogging is growing. A citizen journalist's footage of a female teacher beating a student in a Turkmen school with the heel of her shoe received many views on YouTube. In 2011 Turkmenistan experienced the emergence of citizen journalism, an unprecedented instance for the world's most isolated country. Numerous citizens dared to film the massive explosions at the military munitions depot in Abadan on July 7 and upload them to the Internet despite heavily-restricted access. A Facebook group, "The Green Revival" ("Yashyl Galkynysh"), called for a revolution in Turkmenistan, stating, "The group was created in hope that Turkmen people will someday be free from the endless dictatorship... I am calling all Turkmen students around the world to stand up against these endless rules of reckless dictators..." This Facebook page was shut down mysteriously at a later time. The *Washington Times* reported the Turkmen

⁸ Turkmenistan: Citizen Journalism Emerges in a Silence Country." Sampsonia Way, October 27, 2011. See <http://www.sampsoniaway.org/blog/2011/10/27/turkmenistan-citizen-journalism-emerges-in-a-silenced-country/> (Available as of December 12, 2011).

⁹ "Central Asia: Censorship and Control of the Internet and Other New Media" Chronicles of Turkmenistan. Turkmen Initiative for Human Rights. November 2011. See <http://www.chrono-tm.org/en/wp-content/uploads/ENG-Internet-briefing-paper-Nov-2011.pdf> (Available as of December 12, 2011).

government's crackdown social networking websites, as such Facebook, Twitter, YouTube, and other regional sites as Vkontante.ru, etc.¹⁰

Nearly all mass media coverage is in the official Turkmen language. *Neutral Turkmenistan* and one magazine, *Revival*, are in Russian. *Economic News* is published in three languages (Turkmen, Russian and English). No other newspaper is published in any other minority language.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.19

Turkmenistan's score for Objective 4 remained unchanged compared with last year's 0.14. No indicators scored particularly different from the objective score.

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. Circulation figures 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 guidelines to determine whether

¹⁰ Soltan, Anna. "Turkmen chat sites worry parents, teachers." *Washington Times*: October 21, 2011. Available at: <http://www.washingtontimes.com/news/2011/oct/21/turkmen-chat-sites-worry-parents-teachers/?page=all>

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.

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 reportedly developing due to an increasing number of international oil and gas companies entering the market, but specific figures are not available. If a foreign advertiser intends to access the Turkmen market, it needs to be approved by the Turkmen government. In many cases the work is done slowly and requires a 50 percent pre-payment. Sometimes it looks like Turkmen agencies are not interested in letting foreign advertisements in. Therefore, those foreign agencies that are patient enough to go through all the bureaucratic procedures get benefits from placing their advertisements on local television channels, as they are broadcast in every region of the county. Anyone can advertise in newspapers, but citizens are limited to advertising on state-run television stations. Reportedly, some international organizations have had difficulties airing some 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. Transparency International, the global civil society organization leading the fight against corruption, placed Turkmenistan in 177th place among 182 countries in the global index measuring corruption. "The really, I would say, dark situation [is] in countries like Uzbekistan and Turkmenistan, where there is hardly any accountability whatsoever. The governing elites have practically no accountability," Miklos Marschall, the deputy managing director, said. "There is no political opposition. There is no civil society. There is no free press. So these are basically almost closed societies, and that's why there is no improvement."¹¹

Heritage Foundation stated that "[Turkmenistan's] government restricts foreign investment to a few handpicked partners, while the state-controlled financial system limits credit access to political favorites. Burdensome and opaque regulatory systems, the nearly complete absence of property rights, pervasive corruption, and rigid labor regulations further limit private-sector activity."¹²

¹¹ "Survey Finds Corruption Becoming Increasingly Entrenched." Radio Free Europe/Radio Liberty. December 1, 2011. See http://www.rferl.org/content/corruption_index_transparency_international_/24407918.html (Available as of December 12, 2011).

¹² 2011 Index of Economic Freedom (Turkmenistan). Heritage Foundation. See <http://www.heritage.org/index/country/turkmenistan> (Available as of December 12, 2011).

As the state guarantees their budgets, media outlets do not feel pressure to use more advertisements to generate revenue.

The broadcast media sector has no ratings system, and market research is non-existent.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.32

Turkmenistan's score for Objective 5 did not change compared with last year. Rights to free association are restricted to the same degree as press freedoms; starting and operating an independent association is out of the question.

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 Turkmen National Institute for Democracy and Human Rights functions on paper only, with a mission of playing an ombudsman's role in resolving petitions on human rights related issues and supporting democratization. Opened in 2011, this center, funded by the European Union and the UNDP, is open to the public to support research on human rights.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

The media sector has no need for an association of media owners, since the government is 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 media sector has no need for an association of media owners, since the government is 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. In any case, these unions would be unable to offer any kind of protection to journalists working inside the country.

Although the constitution and law provide freedom to form associations, the government restricts this right in practice. Radio Free Europe/Radio Liberty reported that Lithuanian Foreign Minister Audronius Azbulis, whose country currently holds the rotating OSCE chairmanship, visited Turkmenistan in July of 2011 and urged Turkmen officials to lift restrictions for registering NGOs. The source reported quoting Azbulis as saying “There is no prospect of building democracy in Turkmenistan unless there is cooperation between the state and activists.”¹³ The law requires all NGOs to register with the Ministry of Justice and the Ministry of Economics and Development, coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property. The government continues to deny registration to NGOs and private organizations, using subjective criteria.

¹³ “OSCE Calls On Turkmenistan To Lift Barriers For NGOs,” Radio Free Europe/Radio Liberty. June 02, 2011. See http://www.rferl.org/content/turkmenistan_osce_ngos/24213793.html (Available as of December 12, 2011).

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. One of the faculty members of the International Journalism program stated at the Central Asian Media Conference, held in 2009 in Bishkek, that this international journalism program offers an internship opportunity either in Russian mass media outlets or in Turkish news outlets during the summer. Yet, the MSI respondents feel it is mostly about covering international affairs through the government’s lens. The program does include foreign language training.

The government does not necessarily limit its citizens to study abroad, including getting journalism degrees; however, the last several years revealed that the authorities increased restrictions on those intending to study abroad, including those planning to study in journalism. For example, the authorities prevented citizens from studying abroad, including at the American University of Central Asia in Bishkek in 2009, at Tajikistan’s higher educational institutions in 2011, U.S.-sponsored academic exchange program participants, and other instances. “Officials from the MOE and provincial authorities sought to prevent students who were not ethnic Turkmen from entering exchange programs,” according findings in a report by the U.S. State Department.¹⁴

“Many...[Turkmen journalists] received their initial training in Turkmen institutions, either during the late Soviet period or after independence. There is much to be desired in terms of the quality of education, much to their own admission. Nevertheless, their academic programs did at least instill a certain idealism in them concerning the power of information, as well as a spirit of patriotism,” said one contributor to the MSI.

Short-term training opportunities exist, but are possible only with the support of international organizations, such as OSCE and UNDP. Some of the trainings entirely or partially focus on digital media technologies, international experience in election coverage, and human rights issues. However, it is difficult to know whether these short-term trainings involve working journalists from outside of capital city.

The Russian cell phone operator MTS was forced to leave the country in December 2010 as the Turkmen government declined to renew its license, leaving almost 2.5 million subscribers without service. Since then, state-owned Altyn Asyr (Golden Age) Turkmen Telecom remains the only cell phone service provider. “The sudden influx of a large number

¹⁴ “2010 Human Rights Report: Turkmenistan,” U.S. Department of State April 8, 2011. See <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154488.htm> (Available as of December 12, 2011).

of migrating MTS subscribers strained the limited capacities of Altyn Asyr. As a result, the sale of SIM cards was temporarily suspended and law enforcement troops were brought in to maintain order in the lines that formed outside the company's office."¹⁵ Later, the government reportedly signed network expansion contracts with both Huawei and Nokia Siemens Networks for an urgent upgrade of the Altyn Asyr network. Details about the network contract for Altyn Asyr have not been released.

The government owns all printing production facilities, print distribution facilities, and media distribution channels. Only some kiosks are in private hands.

List of Panel Participants

Note: Due to the repressive environment in Turkmenistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.

¹⁵ "Central Asia: Censorship and Control of the Internet and Other New Media" Chronicles of Turkmenistan. Turkmen Initiative for Human Rights. November 2011. See <http://www.chrono-tm.org/en/wp-content/uploads/ENG-Internet-briefing-paper-Nov-2011.pdf> (Available as of December 12, 2011).

A striking example of such selectivity is the Uzbek media's silence on the upheaval in spring of 2011 in the Arab world.



UZBEKISTAN

D

Despite continuous calls from Uzbekistan President Islam Karimov for journalists to be more courageous and critical and for government to pass media reforms, in practice the government works to stifle independent journalists. Uzbekistan has no media plurality, due to unceasing pressure on freedom of speech and expression and the escalation of restrictions since the tragic events in Andijan city in 2005, when the Uzbek government open fire and killed several hundred demonstrators. Media organizations in Uzbekistan are completely under governmental control, and subject to self-censorship in covering a broad range of topics deemed sensitive. A striking example of such selectivity is the Uzbek media's silence on the upheaval in spring of 2011 in the Arab world.

Uzbekistan banished official censorship in 2002, and today a set of legal documents, purportedly aimed at protecting media and the freedom of speech, guides the country's media. However, the laws contain articles that are used often against independent journalists.

For the past several years, international human rights watchdogs have criticized the Uzbek government severely for its tightening grip on independent journalists, activists, and opposition members. The year 2011 brought more official pressure on the media and the freedom of expression in the country. In one particularly critical blow in 2011, the government shut down the Tashkent office of Human Rights Watch (HRW), which had been the only remaining major international human rights group and supporter of freedom of speech in Uzbekistan.

In 2011, Jamshid Karimov, independent journalist and nephew of President Karimov, was discharged from the psychiatric facility where he was forced to stay for six years for criticizing his uncle's government. His release coincided with U.S. Secretary of State Hillary Clinton's visit to Uzbekistan, and few hold much hope that this is a positive signal, as many political prisoners still remain in Uzbekistan. According to human rights organizations, at least 10 journalists are currently being held behind bars as a result of their professional work.

Prior to 2011, the Internet was the least-controlled media domain, enjoying a little more breathing room compared with print or broadcast media. However, the government took notice in 2011, and began exerting more control over websites, blocking dozens of online media. In January, Uzbek authorities arrested several users of www.arbuz.com, an online platform popular among educated youth; the government alleged that they conducted political, financial, and religious activities online. Social networks such as Facebook and Twitter are open, but they are not popular among Uzbek netizens. Even so, the government-supported Uzbektelecom launched an alternative Uzbek social network, muloqot.uz ("Dialogue"), in an apparent bid by the government to counter any influence of Facebook.

Note: Due to the repressive environment in Uzbekistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the state of media in the country.

UZBEKISTAN AT A GLANCE

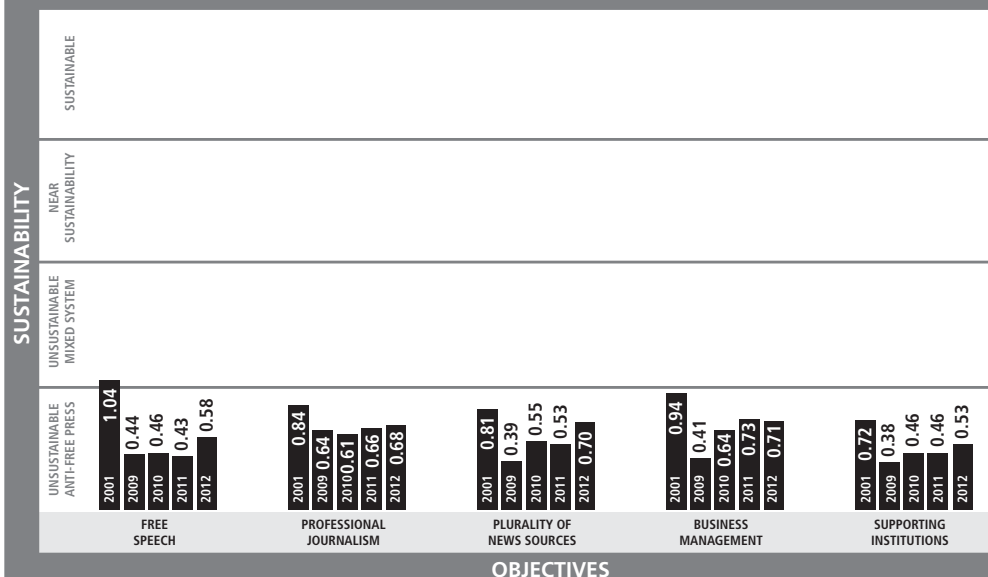
GENERAL

- > **Population:** 28,394,180 (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 (2010-Atlas):** \$36.09 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2009-PPP):** \$3,090 (World Bank Development Indicators, 2010)
- > **Literacy rate:** 99.3% (male 99.6%, female 99%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Islom Karimov (since March 24, 1990)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 663 newspapers, 195 magazines, 13 periodical bulletins; Radio 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_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

Uzbekistan Objective Score: 0.58

On June 27, 2001, Media Workers' Day in Uzbekistan, President Karimov shared these words in a congratulatory letter to media professionals: "I want to reiterate: we absolutely do not accept the establishment of any walls, limitations in the information world, leading to isolation."

Even though the president's annual speeches addressed to media continue to tout freedom of speech and the importance of free media for the country, the on-the-ground reality remains quite opposite. As noted in previous MSI studies, legal and social protections of free speech exist in the abstract, but rarely are enforced in Uzbekistan's authoritarian political climate.

In the Constitution of Uzbekistan, Article 67 has enshrined the inadmissibility of censorship since 2002, guaranteeing equal access to information for all citizens. In addition, Uzbekistan's legislative framework contains a set of regulations (the Law on the Media, the Law on Protection of the Professional Activities of Journalists, and the Law on Principles and Guarantees of Freedom of Information) aimed at protecting the freedom of speech, media, and journalists. The third law, which replaced the Law on Guarantees and

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

FREE-SPEECH INDICATORS:

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

On paper, the procedure is fairly straightforward and impartial, and the law does not impose serious restrictions on media registration or licensing. But in practice, only trusted people close to the inner circle of the government receive licenses; other applicants and opposition interests may find their applications denied unjustifiably.

Freedom of Access to Information, was adopted in the same year that censorship was banned.

However, these laws contain many loopholes that often lead to the imposition of significant restrictions on the freedom of information. Provisions with vague definitions and referential laws are twisted into tools to impede free speech and access to information. As a result, these laws are never enforced with the intent to protect media and journalists in Uzbekistan, but rather create practical grounds for the authorities to exert rigid control over the editorial policies of mass media and to censor any information interpreted as critical of the regime.

The Law on Principles and Guarantees of Freedom of Information is tricky. Along with articles that guarantee the freedom of information, this law introduces the concept of "security of person, society, and state," which is used widely in legal cases against independent journalists. The law's Article 14, "Information Security of the Society," uses blurry phrasing to address the potential for information to influence or manipulate the public consciousness, and create an opposition system that could damage national self-identity, detach society from its historical and national traditions and customs, destabilize the social and political situation, or lead to discord between ethnic or religious groups.

Furthermore, Article 15, "Informational Security of the State," speaks against "threats to security in the information sphere." Legal scholars describe this section of the law as a legacy of the Soviet era, reminiscent of the Cold War legal system and the struggle against unknown forces abroad. Moreover, both Article 14 and Article 15 contain unclear terms and phrases that are not explained in any supporting legislation.

When Oliy Majlis (the Uzbekistan parliament) passed the Law on Principles and Guarantees of Freedom of Information in 2002, international media and human rights watchdogs reacted critically, viewing it as the Uzbek government's expression of will to keep tight control on the media.

However, an Uzbek social network, muloqot.uz (“dialogue”) was launched with support from Uzbelecom. Some experts speculate that the government launched the network to counter any influence of Facebook.

As noted in last year’s MSI, Karimov, who exercises total control over the government despite constitutional division of powers, has ruled the ostensibly democratic Uzbekistan country since the fall of the Soviet Union by continuously ignoring or revising the constitutional limits on presidential terms. On paper, private as well as state media are editorially independent, but in practice, all media in the country—especially the government media—are subject to editorial influence and direct regulation by the administration. As a result, Uzbek media are viewed as government propaganda tools. Any media or independent journalists that dare to speak out against the government are taken to court, usually for slander or for threatening the regime and public order.

Over the past few years, the government has also used the pretense of combating Islamic extremism to crack down on any opposition and repress freedom of speech. Karimov’s speeches, official publications, and the website www.press.uz.info (widely believed to be under the control of the president’s Security Council) all mention Islamic extremism and international terrorism periodically, and the Interior Ministry keeps close watch over human rights defenders. However, the pretense of combating Islamic terrorism is not openly used to crack down on media specifically, with the exception of justifying the events in Andijan in May 2005.

Although human rights activists abroad demonstrated in response to violations of rights in Uzbekistan, the country is too closed to permit any outward signs of dissent within its borders.

The Law on Mass Media sets terms for the compulsory procedure to register and license all media in Uzbekistan. On paper, the procedure is fairly straightforward and impartial, and the law does not impose serious restrictions on media registration or licensing. But in practice, only trusted people close to the inner circle of the government receive licenses; other applicants and opposition interests may find their applications denied unjustifiably. The State Inspection of Communication, the agency in charge of mail and telecommunications systems, manages licensing of broadcast media. The Uzbekistan Agency for Press and Information is tasked with registering other media entities,

including advertising agencies. Occasionally, during sensitive political events such as presidential elections, the government imposes unofficial bans on registration of new broadcast and print media.

The respondents to the MSI survey were unaware of any media that had attempted and failed to secure licenses in 2011; apparently, no media outlets were denied registration of media on political or ideological grounds. Applications are rejected, ostensibly at least, for failures in preparing the registration documents.

From an economic standpoint, mass media in Uzbekistan face no major barriers to competing in the media market. Once a print or broadcast outlet launches, it has every opportunity to access media consumers. However, political motives severely limit their chances to enter the market in the first place.

In December 2011, Karimov signed a decree extending additional tax benefits and preferences to the media. The changes took effect on January 1, 2012, and exempt media services from VAT and lift limits on staff members from 50 to 100 for small editorial, publishing, and printing enterprises. Purportedly, the decree is aimed at developing the country’s media; however, independent experts have said that without political will, the decree will not have much effect on freedom of speech or pluralism.

International human rights organizations report that in Uzbekistan, at least 10 journalists sit in prison for their professional work. Although outright crimes against media and journalists in Uzbekistan are rare, journalists are under strict control and severe pressure, which serve as deterrents from publishing critical materials or materials that diverge from the official stance.

This year saw several pivotal moments concerning freedom of speech and expression in Uzbekistan. In March 2011, a decision of the Supreme Court of Uzbekistan closed the Tashkent office of HRW. Uzbek authorities failed to provide any information about the alleged grounds for its decision. Kenneth Roth, HRW executive director, expressed the belief that “with the expulsion of Human Rights Watch, the Uzbek government sends a clear message that it isn’t willing to tolerate critical scrutiny of its human rights records.”¹ HRW had been operating in Uzbekistan since 1996, continuously reporting about the violation of human rights, and particularly the routine clampdowns on freedom of speech and expression. The organization was among the first to call

¹“Uzbekistan: Government Shuts Down Human Rights Watch Office.” Human Rights Watch website, March 16, 2011. Available at: <http://www.hrw.org/news/2011/03/15/uzbekistan-government-shuts-down-human-rights-watch-office> (Accessed March 2, 2012.)

for an independent investigation of the events in Andijan in 2005.

Last year's MSI highlighted the cases of Saodat Omonova and Malohat Eshankulova to illustrate that some journalists still dare to speak out publicly against censorship and corruption in the mass media of Uzbekistan. In December 2010, Omonova and 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 television for what they said is an unlawful dismissal. On May 31, 2011, a district court for civil cases made a decision in favor of the public television station, upholding the dismissal of the two journalists as legal.

Nevertheless, Omonova and Eshankulova continued their struggle. As Radio Free Europe/Radio Liberty (RFE/RL) reported, from May to July of 2011, the two journalists sent more than 50 letters to Karimov, detailing examples of censorship at Yoshlar and requesting a meeting with him. Karimov's administration did not respond. On June 27, Media Workers' Day in Uzbekistan, Omonova and Eshankulova tried to launch a hunger strike in front of president's palace in Tashkent. The police quickly detained them and arraigned them in district court, which fined them UZS 2.94 million (approx. \$1,600) for holding an unauthorized protest.

The two journalists then took their hunger strike home, actively using a Twitter account to inform the public about the progress of their protest. The Uzbek authorities remained silent on the journalists' appeal, and the journalists stopped their hunger strike after 19 days due to health problems.

In August, independent journalist Yelena Bondar, upon her return from a journalism training at the OSCE Academy in Bishkek, Kyrgyzstan, was detained in the Tashkent airport and interrogated for several hours. Bondar was accused of breaching customs regulations for not declaring CDs and flash drives in the customs office. She was released with instructions to not leave the country. International media and human rights watchdogs criticized the Uzbek government for pressuring Bondar, and soon enough, interrogators returned Bondar's electronic media devices, stating they "did not find any illegal information," but gave her a verbal warning.

Jamshid Karimov, President Karimov's nephew and an independent journalist and a member of Human Rights Society of Uzbekistan, had been hospitalized at a psychiatric facility after publishing articles criticizing the actions of the government. Although his release from forced treatment raised hopes briefly that the Uzbek government's policy toward freedom of speech and human rights might ease,

other media observers were skeptical and said that they viewed the release as a political gesture timed to coincide with U.S. Secretary of State Hillary Clinton's visit to Uzbekistan in October 2011.

As noted in last year's MSI, Uzbek authorities often use the criminal code's Article 139, on libel, in cases against independent journalists that report on forbidden social issues or criticize the government. The 2010 case of Abdumalik Boboyev, a stringer for the US-funded Voice of America, clearly illustrates the Uzbek government's efforts to keep tight control on independent journalists. Charged with defaming and insulting the Uzbek people and threatening public order (a charge used widely against independent journalists), the court found Boboyev guilty and fined him \$10,000.

Even though his politicized trial wrapped up in 2010, the government continued to pressure Boboyev in 2011. In March, Boboyev won a scholarship from the Hamburg Foundation for the Politically Persecuted, and was set to travel to Germany for a year-long program, but the Uzbek government barred him from traveling abroad, refusing him an exit visa. After an outcry from international organizations, such as HRW and the Committee to Protect Journalists, the Uzbek government caved finally and granted Boboyev the visa in May 2011. Uzbekistan is the only government among the former Soviet states to require exit visas for its citizens.

The government controls access to state information, as well. In rare cases, with requests involving less risky stories that are not overly political or critical of the government, lower or mid-level officials can communicate with the media without prior approval from supervisors. However, generally officials prefer to shift the burden of responsibility to higher authorities when asked to release information to the media. Typically, journalists need to provide questions in written form, on official letterhead from their editorial office, and in most cases, replies are sent in writing.

As noted in earlier MSI studies, the Internet is the least-controlled media format in Uzbekistan. Nevertheless, as the Law on Mass Media indicates clearly, all mass media websites, Internet websites in the .uz zone, or websites of organizations registered in Uzbekistan are still subject to tight governmental control. The Uzbek government goes to complex lengths to patrol online information, and blocks websites of independent mass media organizations providing what it considers "undesirable information." The Centre for Monitoring Mass Communications (CMMC) is responsible for monitoring the content of Internet websites. It reports its findings to the Communications and Information Agency of Uzbekistan (UzACI), which is authorized to block the IP addresses of sites or articles. The government has blocked

Ferghana News Agency (www.ferghana.ru), the Uzbek service of RFE/RL (www.ozodlik.org), the BBC's Uzbek service (bbc.co.uk/uzbek), and www.uznews.net. Websites such as www.centasia.ru and www.ca-news.org are blocked partially. Articles containing critical information about Uzbek authorities are inaccessible from within Uzbekistan. The blog platform wordpress.com is also not available for Internet users in the country.

Social networks such as Facebook and Twitter are open, but have not gained popularity. Last year's MSI reported that Facebook has been blocked temporarily on occasion, but in 2011 the Uzbek authorities did not block social networks. However, an Uzbek social network, muloqot.uz ("dialogue") was launched with support from Uzbektelecom. Some experts speculate that the government launched the network to counter any influence of Facebook.

Websites registered in Uzbekistan tend to self-censor in order to avoid possible pressure from state agencies. One exception was arbuz.com, which had been the only online platform for many intelligent Uzbek youth to discuss sensitive topics such as politics and religion. The Uzbek service of RFE/RL reported that in January 2011, several arbuz.com users were arrested in Tashkent, allegedly on charges that they conducted political, financial, and religious activities online. Following these arrests, in February, site administrators announced the closure of three threads: "Uzbekistan: Problems and Solutions," "Religion," and "Tragic Events in Kyrgyzstan." In December 2011, its administration totally shut down arbuz.com.

On March 5, 2011, the Uzbek authorities officially banned Internet providers in Uzbekistan from connecting to the Internet via satellite technology, thus leaving only one option: accessing the Internet through the government-controlled Uzbektelecom, which now holds a firm monopoly.

On August 5, 2011, the Cabinet of Ministers of Uzbekistan adopted a resolution, "On additional measures to improve monitoring systems in the field of mass communications."² The document mandates creation of an expert committee that will work on implementing "effective monitoring and improvement of the formation and dissemination of information by the media, and information security of individuals, society, and state." The expert committee is responsible for monitoring all mass media, including satellite systems and the Internet, and it will report any violations to government agencies for further action.

Five days after the resolution was adopted, on August 10, dozens of websites in the .ru domain zone (including the websites of Russian newspapers like *Pravda*, *Izvestiya*,

² http://lex.uz/Pages/GetAct.aspx?lact_id=1847332&search_text=i (in Russian)

Kommersant, and *Parlamentskaya gazeta*) became inaccessible for Uzbek netizens. Most of the blocked Russian websites became accessible again within several days. Due to continuous control over the Internet and attempts to block critical information online, Uzbekistan regularly appears in the annual report, "Enemies of Internet," by Reporters Without Borders.

Regarding entry into the journalism profession, Uzbek journalists must obtain one-time accreditation to cover plenary sessions of the Senate (the upper house of Oliy Majlis). Long-term accreditation is required to cover the plenary sessions of the Oliy Majlis legislative chamber. Generally, to enter parliamentary buildings (as well as most executive and judicial buildings), authorities require a pass, which only government-friendly journalists tend to obtain.

One-time accreditation is required also for any event involving the president, prime minister, or officials with the rank of minister or deputy minister. Journalists must also obtain accreditation (one-time or continuous) to cover the activities of the Ministry of Internal Affairs, the National Security service, the Ministry of Defense, or the Ministry of Emergency Situations.

The trend in recent years is that journalists need accreditation for more and more events—even, for example, the opening of international exhibitions or engineering presentations—perhaps because officials such as deputy prime ministers are involved in such ceremonies.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.68

Most often, Uzbekistan's media report from the standpoint of official Tashkent. Heightened over the last year, control and pressure have almost completely deprived the media of any independence in assessing the truth behind events or choosing topics to cover. Information presented by print media, news websites, radio stations, and television stations closely resembles official government reports.

One of the most striking examples of poor professionalism in the past year was a controversy surrounding a Tajik aluminum plant and the construction of the Rogun hydropower plant. Coverage presented only one perspective—that of the Uzbek government—although the issue cried out for another side to be heard.

The National Association of Electronic Mass Media (NAESMI) has its own code of ethics, which basically echoes international professional standards. However, no one is

tasked with the practical implementation of the code. The respondents to the MSI questionnaire were unaware of a similar code of ethics for print media.

Corruption is a common ethical violation. In most cases, editorial offices and individual journalists accept gifts freely from various parties in exchange for favorable coverage. Often, journalists—particularly from the main state television channel “Uzbekistan”—accept bribes to report the work of an organization or business in a positive light.

Another frequent ethical violation is plagiarism. Although generally bloggers respect intellectual property rights, the same cannot be said about many journalists (both in public and private media).

By necessity, self-censorship is deeply ingrained in absolutely all media in Uzbekistan. Prior to 2011, online media enjoyed less pressure to self-censor than print or broadcast media. However, as the government is exerting more control over websites, online media are suddenly worrying about keeping their licenses, and now are subject to self-censorship on almost the same level as other media. The magazine *Economic Review*, published by the UNDP in Uzbekistan, is still considered the least self-censoring outlet in Uzbekistan.

Many topics, such as mass protests and conflicts, are strongly taboo in Uzbek media. A ban on reporting clashes between the government and the people extends to events in other countries as well. For example, the media almost totally neglected to cover the 2011 uprisings in the Arab world.

Critical information about high-ranking government officials and their families is another sensitive area for

However, as the government is exerting more control over websites, online media are suddenly worrying about keeping their licenses, and now are subject to self-censorship on almost the same level as other media.

media. The president and his family members are always portrayed positively. All Uzbek media were silent when Lola Karimova-Tillayeva, the president’s daughter, lost a libel case against the French newspaper *Rue89* after it described her as the “daughter of a dictator.” Similarly, Uzbek media did not cover the fact that pressure from human rights organizations and the Western media forced organizers of New York’s Fashion Week to drop the fashion show of Gulnara Karimova, the president’s eldest daughter.

Despite legislative assurances that information on environmental conditions or emergency situations should be openly accessible, state agencies hide such information from the media and the public. For example, in July 2011, after a devastating earthquake in the Ferghana region, the Uzbek government temporarily blocked the site of the U.S. Geological Survey (<http://earthquake.usgs.gov/>), which provides timely information about earthquakes around the world.

While the list of topics to avoid is extensive, and self-censorship is widespread, the MSI survey respondents were not aware of any journalists losing their jobs in 2011 for failing to uphold the unofficial list.

Journalist wages are so low that most journalists feel compelled to work on several editorial boards at the same time, and accept gifts from individuals and organizations interested in buying coverage. Only journalists from *Economic Review* and the parliamentary weekly *Narodnoe Slovo/Khalk Suzi* earn relatively high wages.

Despite the fairly clear delineation between news reporting and entertainment media, the popularity of the latter is growing each year. Over the course of 2011, no new major news-oriented media emerged, while the number television stations and private tabloids focused on lightweight publications and broadcasts increased.

Only a few media organizations are equipped with modern facilities. Most print, online, and broadcast media use out-of-date or obsolete equipment. Private broadcast media, under the umbrella of NAESMI, regularly receive modern equipment, but this in turn makes them indebted

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

to NAESMI, and pressures them to adhere to its absolutely pro-government orientation.

A few specialized publications exist in Uzbekistan, and most of them are fairly low quality. The genre of investigative journalism simply does not exist in the country. The other specialized publications are sector-specific publications and are produced by relevant ministries and enterprises. They include magazines such as *Krilya Rodiny (Wings of Motherland)*, dedicated to the civil aviation industries. There are magazines dedicated to the mining and oil and gas industries, as well.

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.70

Uzbekistan might boast a large number of private (non-governmental) mass media, but plurality of information does not exist, as all media express a single point of view—that of the president. Publications are expected to avoid reporting negatively on Uzbekistan’s economy; only *Economic Review* provides information that veers from the official government standpoint. Its independence is due largely to the fact that it consults experts that are exposed to little or no state influence. And because *Economic Review* is under the protection of the UN umbrella, it gets away with a little more. For example, it announced that Uzbekistan’s economy loses \$2.115 billion a year because of the low efficiency of

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

heating systems and the low energy efficiency of buildings. However, *Economic Review’s* audience is relatively confined to a small group knowledgeable on economic issues.

Online media in Uzbekistan are also very cautious about publishing critical information. However, unlike print media, some Internet news websites have online multimedia resources available to diversify their content, which makes them more interesting to readers.

The number of Internet users is rising in Uzbekistan. According to UzACI, the number of Internet users in Uzbekistan was 7.9 million as of October 2011. The most popular websites are mostly entertainment-oriented (uz-kino.uz, mytube.uz, torg.uz, lyrics.uz). The most visited news websites are olam.uz, gazeta.uz, afisha.uz, and mtrk.uz, and all of them are subject to self-censorship. Most Uzbek netizens use online social networks, but not for purposes of information consuming. The most popular social networks are odnoklassniki.ru (“classmates”) and Moy Mir (“my world”), which are focused mostly on entertainment features.

Uzbek law officially grants access to any media, local or foreign. However, a large number of foreign media are unofficially banned. In addition, many international and foreign newspapers and magazines are not imported largely due to their high prices in-country. Examples of publications that are available and popular in other Central Asian countries but cannot be found in Uzbekistan include the print editions of Russian newspapers *Kommersant* (especially *Kommersand Dengi*) and *Merchant Vlast, Izvestiya*, and *Nezavisimaya Gazeta*. This is not simply due to the government; some Uzbeks consider such material “too serious” and many are more interested in entertainment media than analytical and news material. Foreign websites that offer critical information about the Uzbek authorities are blocked in-country.

Similarly, the government bans re-transmission of several foreign television channels, mostly Russian. Only the owners of satellite dishes (which are fairly inexpensive and common) can bypass this censorship. For example, Ren TV, TVC, STS, and TNT are available to owners of satellite dishes. However, the resolution “On additional measures to improve monitoring systems in the field of mass communications,” adopted in August 2011, empowers the government to control satellite systems, thus satellite dish owners can be forced to take down their equipment.

In November 2011, the National TV and Radio Company of Uzbekistan (NTRC) and the UzACI announced the launch of the first terrestrial television channel in HD format. As reported, the high-definition channel Uz.HD started operating in Tashkent, but its range will widen in the

coming years. NTRC representatives stated that the channel will broadcast 24 hours a day, 7 days a week, and include programs based on audience needs. The representatives said it will air mainly educational and entertainment programs prepared by Uzbek television channels, both private and government-owned.

In most cases, public and private media reflect only certain aspects of social and political life of the country, and only from the stance of the government. Public media, as such, do not exist in Uzbekistan. State media air only one educational program, *Zakovat*, which is considered fairly decent in quality—but there are not many programs like this.

Uzbekistan has only one formal independent news agency, Turkistan Press. It focuses mainly on economic issues, and its principal customers are foreign embassies in Tashkent, representatives of international organizations and foreign companies, and a few foreign media. Uzbek media outlets are not Turkistan Press clients, due partly to the high cost of its information products and partly to the lack of interest in such information.

Private media rely almost entirely on information provided by the public media and the press services of state agencies. The one exception is entertainment news: some non-state media (e.g., *gazeta.uz*, *uzdaily.uz*, *podrobno.uz*) provide readers with such news produced in-house, but even these examples are rare.

As media serve exclusively all interests of the executive branch, consumers are not aware of who owns the media in most cases. Public perception is that all media, except for entertainment, are state-owned.

In Uzbekistan, some newspapers publish in the languages of national minorities. For example, newspapers are available in Tajik (*Ovozi Tojik*), Kazakh (*Nurly Jol*), Karakalpak, and Tatar, in addition to Russian media, which are widely available. A Korean newspaper, previously published by the Korean Cultural Center, is now out of print due to financial difficulties. All minority media, however, are subject to governmental control. General news media cover national minorities' stories on a case-by-case basis.

Similarly, the media's approach to foreign and domestic events is highly selective. Newspapers, television and radio channels, and online media cover only events that show the government and the president in a favorable light. Information is often distorted, and negative events are not covered at all. Citizens are able to obtain foreign reports on national and international developments as well as local and regional news, but not news of a critical nature. Generally, international news accessible to Uzbek citizens is screened

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to correspond to the foreign and internal policies of the government.

The media sometimes cover news related to religion—mostly religious extremism and terrorism. Typically, the only social topics covered are minor issues that do not affect high-ranking officials.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.71

Quite often, mass media organizations in Uzbekistan are managed poorly, largely due to the low wages paid. As media enterprises are rarely sustainable in Uzbekistan, most media depend completely on subsidies from either the government or private owners. This, in turn, renders media editorially dependent on the interests of their sponsors.

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.

Uzbekistan's media market is most developed in large cities, especially Tashkent. The consumer market in the capital city is considerably more developed than regional media. As a result, media organizations in Tashkent earn more revenue, and can afford to engage more qualified specialists in management positions.

Among the print media, only two news outlets can be considered self-sustaining: *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka*. Their exceptional situations are due to two factors: comparatively high circulation around the country, and high prices for advertisements. Although these media outlets are more financially independent from the government than other media, they are equally (and in some cases, to a higher degree) subject to the political influence of the executive branch.

Entertainment print media are fully self-sustaining, largely because demand runs high for their products. In contrast, few broadcast and online media could likely survive without government subsidies, grants from public organizations, and owner investment.

Advertising revenue constitutes the bulk of the profits for state-owned media. At the same time, private social and political media suffer from a lack of advertising revenue and subscriptions. Despite the fairly well developed advertising market, placements are most often driven by political, rather than economic, considerations. Online media, as an emerging domain in the country, still does not earn enough revenue from advertising. Despite the imbalance of income sources between public and private media, their editorial policies are equally susceptible to the influence of the state, and advertisers are not powerful enough to influence the content of any publication.

Almost all regional state-owned media receive government subsidies. However, government advertising or other financial incentives are not used as leverage to influence the media.

No marketing research has been conducted recently to guide Uzbekistan's mass media offerings. One main reason is the lack of healthy competition among media organizations, and another is that private media would have little freedom to cater to audience interests unveiled by any marketing research, as the government essentially dictates their coverage as well. The state-owned media, which enjoy the largest audience, are not oriented to satisfy the needs of consumers.

As reported in previous MSI studies, in 2009 SIAR-Uzbekistan research and consulting group won a tender of the Tashkent Advertising Association to undertake the country's first significant media marketing research project. SIAR-Uzbekistan's 2009 research consisted of a People Meter analysis of Uzbekistan television channels. According to

its findings, the most popular television channels among capital city residents were the state channel O'zbekiston and the public channel Yoshlar. The company also identified the 20 biggest television advertisers, most of which are mobile network operators and manufacturing companies. SIAR-Uzbekistan also planned to evaluate print media and radio in Uzbekistan, but this research has not yet taken place.

Internet publications use hit counters, but in most cases, their information concerning visits is unreliable, as they artificially increase the number of visits. Independent websites, such as www.uzrating.com and www.uz, list popular websites based on statistics generated by sophisticated analytical tools.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.53

After the tragic events in Andijan city in 2005, when independent mass media reported on the severe violations of human rights, the Uzbek authorities adopted a very harsh approach to independent journalists as well as the organizations that support them. Gradually, over the past few years, the presence of international organizations and NGOs that support journalists has dwindled. As noted earlier, in 2011 the government shut down the Tashkent office of Human Rights Watch, the only major international human rights watchdog and supporter of freedom of speech left in Uzbekistan.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Currently, only NAESMI is representing the interests of private Uzbek broadcasters. Founded in 2004, and bringing together 90 to 95 percent of non-state television and radio stations, NAESMI purportedly aims to establish an equal market for broadcasters, encourage their active participation in civil society building, represent common interests, and protect the rights of association members. However, NAESMI does not represent the interests of the owners of electronic media; instead, it facilitates the government's efforts to impose its official stance. Its leverage is the allocation of grants to purchase equipment, which regional electronic media desperately need. Despite the stated voluntary nature of NAESMI, membership is unofficially required for all outlets that wish to keep their licenses.

Uzbekistan has a journalists' union and a labor union, but journalists do not count on their support. The unions cannot defend the rights of their members, as the unions are dependent completely on the government, and the country no longer has civic organizations that would actually fight for the rights of journalists.

Journalism school programs in Uzbekistan are outdated and ill equipped to train journalists to meet modern international standards of journalism. The Academy of State and Social Construction, under the president's administration, has specialized journalism courses, but they prepare ideological workers. Many graduates find employment in the press services of state agencies or in the Department of the Security Council, also under the president. Schools suffer from a huge shortage of qualified teachers and textbooks; in some cases, journalism courses still use Soviet-era textbooks. Tight finances have made the media very reluctant to hire student interns for part-time jobs, leading theoretical studies to greatly outweigh practical, hands-on training.

The Center for Retraining of Journalists, NAESMI, and other state-sponsored initiatives offer short-term journalism training programs to support the print media and news agencies. However, all these courses are ineffective and fall short of modern standards. Since the expulsion of the NGO Internews, no more quality courses for journalists exist in the country, according to respondents to the MSI questionnaire.

Typically, young journalists, who are more often willing to work for independent media organizations, prefer to apply for training courses held abroad—such as those offered by Transitions Online, Deutsche Welle, Institute for War and Peace Reporting, Internews, and others. But the government often controls these journalists closely.

The sources of media equipment and newsprint are in private hands. Access to multiple printing houses is not limited, except for state-owned media.

Newsstands and kiosks are under a state monopoly, but access is not restricted. In June 2011, the Uzbekistan Agency for Press and Information announced that the government is to create a new company to disseminate print media across Uzbekistan. The new company will compete with an existing state-owned media dissemination company, Matbuot Tarkatuvchi, whose kiosks pepper the country. The reason for the effort is the record-low circulation of newspapers such as *Narodnoe Slovo/Khalk Suzi* and *Pravda Vostoka* (one of the main propaganda newspapers of the government).

The government strictly controls access to cable television networks, television and radio waves, and online space to disseminate information. Often authorities grant access to those with close connections to the government.

Cellular operators in Uzbekistan do not use SMS as a means for information dissemination. However, in 2011, a leading cellular operator, Beeline, introduced a new feature to receive and send "tweets" to Twitter accounts using SMS. This feature of the operator is not popular yet, as not many Uzbeks are registered Twitter users.

Digital television has been developing in Uzbekistan in the past few years, although the airwaves are tightly controlled and limited. On January 21, in a cabinet meeting on priorities for 2011, Karimov noted the particular importance of implementing a program to transition the country's television to a digital format by 2015. UzACI is carrying out this program, which aims to introduce digital television in all regions of Uzbekistan.

The Internet audience continues to increase. Uzbektelecom is decreasing Internet traffic prices for providers, but a high-speed Internet connection is still too costly for most customers. Internet infrastructure is developed only in big cities; it remains poor in smaller cities, remote regions, and rural areas.

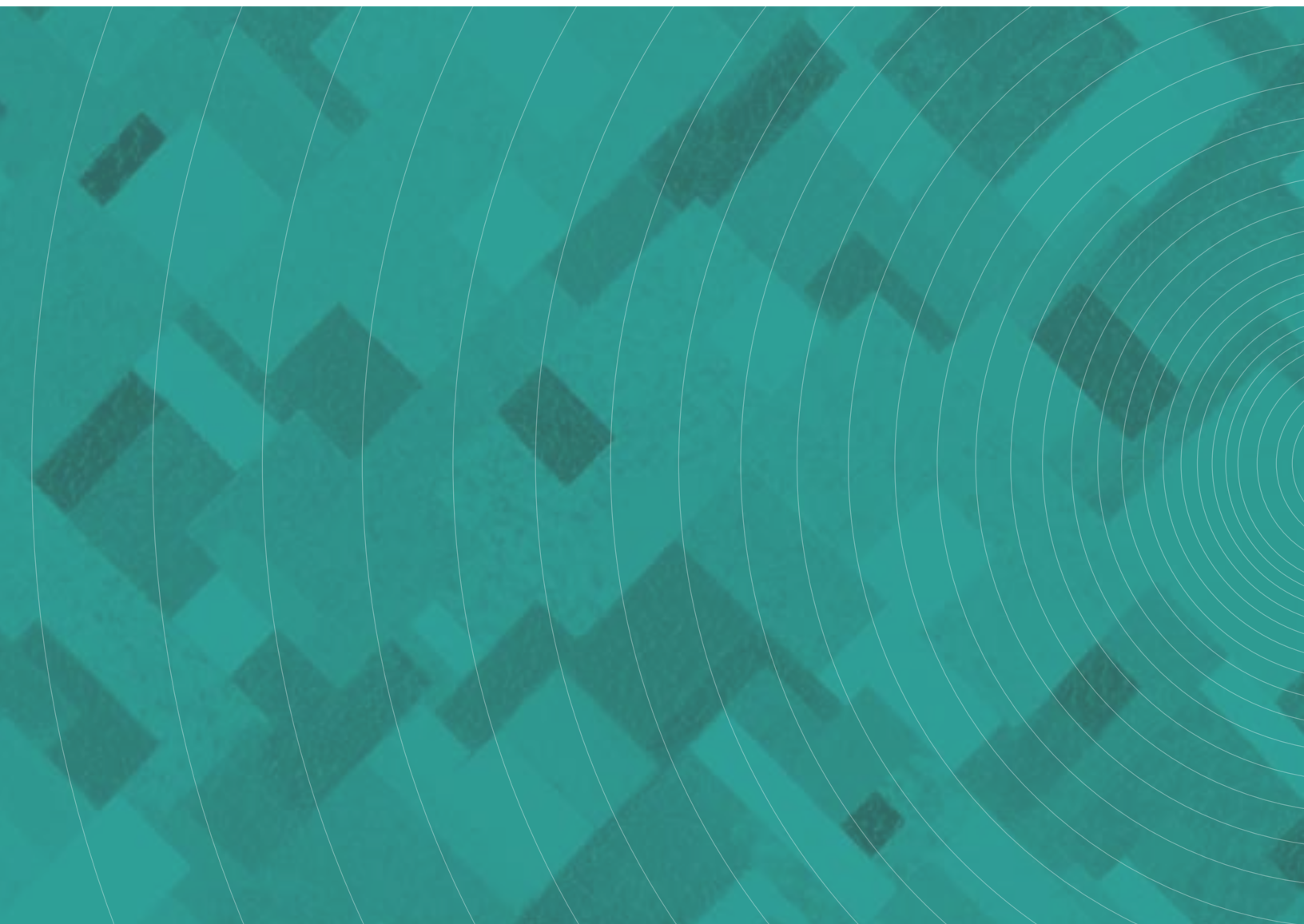
List of Panel Participants

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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