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bulgaria bosnia & herzegovina
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russia kyrgyzstan
turkmenistan montenegro
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kosovo serbia
macedonia
belarus ukraine
moldova georgia
armenia

MEDIA SUSTAINABILITY INDEX 2017

DEVELOPMENT
OF SUSTAINABLE
INDEPENDENT MEDIA IN
EUROPE AND EURASIA

MEDIA SUSTAINABILITY INDEX

2017

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



USAID
FROM THE AMERICAN PEOPLE

MEDIA SUSTAINABILITY INDEX 2017

The Development of Sustainable Independent Media in Europe and Eurasia

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Founded in 1968, IREX has an annual portfolio of over \$80 million, offices in 20 countries, and a global staff of 400. We work in more than 100 countries worldwide.

Implementing Partners

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

Mediacentar Sarajevo (Bosnia & Herzegovina) <http://www.media.ba>

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

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

Legal Media Center (Kazakhstan) <http://lmc.kz>

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

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

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

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



ES&E
EUROPE
& EURASIA

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Apart from Belarus, there is not much in the way of positive news in this year's MSI. Taken together, only nine objective scores, scattered among six countries, showed any meaningful improvement.



It is my pleasure to introduce the 2017 edition of the Media Sustainability Index (MSI) for Europe and Eurasia. Once again the MSI provides unparalleled depth of information about the state of the media in 21 countries from Croatia to Kazakhstan. Local media professionals offer an inside view of the barriers they face in their day-to-day work. In particular this year, they pointed to the rise of shady websites pushing fake news and inadequate media literacy among the audience as key impediments keeping quality news and information from creating accountability of political forces that are attempting to prevent or roll back democratic gains.

The MSI, now in its 16th year, is one of the world's most trusted recurring studies of media health. IREX developed the MSI to provide an international development approach to measuring media sector performance. Looking beyond issues of free speech, the MSI aims to understand the degree to which news and information from both traditional and non-traditional sources serve its audience reliably.

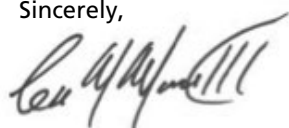
The MSI measures a number of contributing factors of a well-functioning media system and considers both traditional media types and new media platforms. This level of investigation allows policymakers and implementers to analyze the diverse aspects of media systems and determine the areas in which media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

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

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

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

Sincerely,



Leon Morse

Managing Editor

In the past media consumers were typically anonymous in terms of their interaction with information that was provided to them by the media; it was a one-sided communication for the most part. Their thoughts were generally private. Now, the musings of any individual are on display for governments to harvest and monitor—and punish.



While a few much-needed improvements can be reported for the 2017 Europe & Eurasia Media Sustainability Index (MSI), overall there are signs of continued and worsening challenges facing those who wish to create and support a vibrant information system in the 21 countries studied in this volume.

There was good news from Belarus over the past year: across the board the five objectives improved their scores, with an overall score increase of 0.44. While this still places Belarus solidly in the “unsustainable, mixed system” scoring category, moving up to 1.55 from 1.11 represents a significant difference in the state of the media and information environment there. The largest objective score increase came in Objective 1, Freedom of Speech, and panelists noted that the Lukashenka government allowed much more breathing space for independent-minded journalists and media to operate. In particular, offshore media that focus on Belarus had a much easier time reporting on events in the country.

However, recent arrests of protestors there, which happened as this edition of the MSI went to press, may cast doubt on whether this score—an all-time MSI high for Belarus—will hold. Additionally, panelists there are all too aware that this sort of breathing space typically lasts so long as the Lukashenka government is looking west; the collapse in oil prices and international sanctions on Russia have meant that the Kremlin has been unable to keep up the levels of financial support to Belarus that previously kept Minsk more closely aligned with Moscow.

Apart from Belarus, there is not much in the way of positive news in this year’s MSI. Taken together, only nine objective scores, scattered among six countries, showed any meaningful improvement: Romania, Serbia, and Ukraine experienced improvement in two objective scores while Bulgaria, Kosovo, and Uzbekistan each had one objective show improvement. Belarus was the only country whose overall score improved by a tenth of a point or more. Five other countries showed only marginal overall improvement.

Further, if the improvement by Belarus is not considered—if its score had remained unchanged from last year—as a whole the Europe & Eurasia region would have averaged a score of 1.79 (as opposed to 1.81 with the improvement). That would have been the second lowest regional overall average score, tied with 2010 and only surpassed in poor score by the initial year of the study, 2001.

The only other good news is that Romania experienced minor improvement, regaining some of the points it lost beginning in 2010. Moldova and Ukraine, recently identified as two of the few cases for hope in the region maintained their progress. Armenia, also identified as a source of hope, unfortunately lost nearly a quarter of a point and showed how quickly media freedom and the ability of the media to contribute positively to society can be threatened should political forces decide they are not interested in allowing the media to act as “the Fourth Estate.”

Tajikistan, which last year gained nearly a fifth of a point despite serious threats to the media, found itself this year back where it was in 2015: right around 1.50. Unfortunately events there turned against freedom of expression and political plurality thanks to the government’s reaction to challenges to its authority in 2015.

What's Inside the 2017 MSI

IREX has pulled together prevailing themes that surfaced in multiple chapters in this year's edition. Panelists across several countries independently pointed to the danger of fake news, a resurgence of extremism in reporting and media content generally, and media capture by governments and moneyed interests.

Again this year is a summary of panelist and chapter author recommendations organized into several themes: 1) Improving Freedom of Information Mechanisms; 2) Media Literacy; 3) Better Observance of Ethical Standards; 4) Work in Closed and Closing Spaces; 5) Ratings and Research Reform. IREX hopes that these will be useful to MSI users.

Scoring charts providing all scores for 2017 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.

Fake News, Media Literacy, and the Autocrat's Playbook

Skewing facts and disseminating them through the media; bullying political opponents or critical journalists through contrived scandals; and controlling the flow of information are nothing new when one looks back through the pages of past MSI editions. Indeed, the existence of such practices shaped the design of the MSI methodology. What is new is the effectiveness of such efforts today, and the deftness displayed by those deploying these methods.

The effectiveness of such efforts is in part due to the rise of social media and the vast number of people now able to access and regularly use digital information tools. A decade ago Internet news sources and discussion forums were generally considered safe spaces for political discussions and dissenting opinions. Governments often ignored digital space because it was the realm only of students and urban elites. Activists who kept their opinions online were generally left alone and not dragged into court on libel, or more serious, charges.

More commonly now governments have instituted laws aimed specifically at the use of online communications. This year's Russia chapter, for example, notes that comments posted to social media accounts are receiving scrutiny of the authorities: a journalist in Saratov was charged with libel after making comments about criminal ties of a regional legislator. The head of the Russian Glasnost Defense Foundation commented to Radio France International in May 2016 that recent changes to Russian law "limit free speech not only for journalists, but for bloggers and regular Internet users—mostly those with social media accounts. Now they have to keep in mind legal provisions

that prohibit extremist statements, [and] statements that promote hostility and division, as well as untraditional sexual relations, or offend feelings of religious people..."

Other countries are following suit: this year's Kazakhstan chapter reported that legislative changes seem to be geared toward monitoring citizen use of foreign websites. Further, one panelist there reported, "The publication of material on the Internet is an aggravating factor in a trial, and not only the article, but also discussion in the comments section, is being taken into consideration in cases. There are also cases where people are being charged for posts, as well as re-posts."

In the past media consumers were typically anonymous in terms of their interaction with information that was provided to them by the media; it was a one-sided communication for the most part. Their thoughts were generally private. Now, the musings of any individual are on display for governments to harvest and monitor—and punish. Or, the government or political parties may choose to target that individual and sway (or reinforce) his or her opinion with advertising and other content based on these musings or what media content social media users post or re-post. For now, MSI panelists have not reported that this is happening in their countries.

Such an ability to monitor and reach individuals through digital means is also manifested in the increasing capture and control of media, both real and fake, through financial and other means. Media content emanating from many of these outlets has, as stated by the author of this year's Croatia chapter, blurred "the line between 'normal' and 'extreme.'"

That such a sentiment is heard from an established member of the European Union, and not one of the more obviously troubled countries in the region is a cause for concern regarding the direction media and information is headed globally. Yet even there, as reported:

"The new government treated media as an election prize," said one panelist. The minister, in his very first decision, called off the

The Croatia MSI chapter author wrote, "By missing the point—to give the audience accurate information and different views—these talk shows often serve as a platform for extremists to access the general audience. This lends them a false sense of legitimacy and belonging to the mainstream."

well-established system of financial support to the non-profit media and culture projects, disqualifying them en masse as 'leftist' or even 'traitorous.' Before long, the minister dismissed the general manager of the public service broadcaster HRT, and executed a massive reshuffling of key editorial positions."

The changes at Croatia's public broadcaster resulted in an immediate and dangerous re-orientation of talk shows and interviews. The Croatia MSI chapter author wrote, "By missing the point—to give the audience accurate information and different views—these talk shows often serve as a platform for extremists to access the general audience. This lends them a false sense of legitimacy and belonging to the mainstream."

Croatia was not alone among EU members in joining the post-truth era. As the author of the Bulgaria MSI chapter wrote this year:

"According to a 2016 survey carried out by the Media Democracy Foundation, only 17 percent of Bulgarians trust the independence of the media. The main threats to the public's trust in the media are the huge growth of fake news, a campaign against Bulgaria's pro-Western orientation, the visible political pressure on the leading national media, and the growing impact of the media described in Bulgaria as 'truncheons': tabloid newspapers, online news sites, and television channels used by local oligarchs to exert influence, ruin the reputations of political and business opponents, and manipulate public opinion. 'The media are being used to hack people's minds and to hijack reason. That's above all the online media, which have sent us to the post-truth era when a connection to the facts becomes impossible and even undesirable,' said popular columnist and free-speech activist Yassen Boyadjiev."

When considering MSI scores in relation to media's performance and the rise of fake news, the numbers reinforce the perception that journalism quality is suffering. No country this year, other than Belarus, which experienced across-the-board improvement, experienced an increased score of more than 0.10 in Objective 2, Professional Journalism. In fact, 11 of the 21 countries received scores for that objective that were 0.10 lower than last year. The all-Europe & Eurasia average for Objective 2 of 1.67—solidly in the "unsustainable, mixed system" score range—is the lowest since 2002.

Elections and government-sponsored referenda are one reason that political actors seek control of information, both to promote their achievements and batter opponents. Eight of the 21 countries covered by this MSI experienced elections, either national or local, and three others had key referenda to change important articles of their constitutions.

In Azerbaijan, a government-sponsored referendum was proposed in July 2016 and put to a vote in September. It asked voters to consider changing the constitution to allow

The author of the Azerbaijan chapter reported, "Because of media bias, citizens are often uninformed. One panelist mentioned that during the September 2016 constitutional referendum, no balanced talk shows were held on any of the television channels in the country. People were left to vote in the referendum without much knowledge of what was being proposed."

for a seven-year, instead of five-year, term for the president and create two new vice president positions to be appointed by the president. The new post of first vice president would take leadership of the country should the president become incapacitated (replacing the prime minister, who is chosen by parliament). It also cut the age minimum for members of parliament from 25 to 18 and abolished the 35-years-old age minimum for president. Observers believed this was a way for President Ilham Aliyev to keep power within, and promote, his close family members.

Given Azerbaijan's tight grip on media in the country, opponents and proponents of the changes did not square off on television debate programs or in editorials. The author of the Azerbaijan chapter reported, "Because of media bias, citizens are often uninformed. One panelist mentioned that during the September 2016 constitutional referendum, no balanced talk shows were held on any of the television channels in the country. People were left to vote in the referendum without much knowledge of what was being proposed."

The referendum passed overwhelmingly and Aliyev appointed his wife to the post of first vice president.

How governments come to control media has been reported over the years by the MSI. Direct control as state media, licensing and re-licensing schemes that shut out critical owners, court battles over ownership, forced insolvency of political opponents who have media holdings, government control over advertising, sales by foreign investors to local—and connected—tycoons all are ways that sometime critical and/or quality media wind up becoming political mouthpieces. However, this year, three country chapters reported a way that, while not new, seems to be a trend that cash-starved media are falling into, to the detriment of editorial independence: contracts to publicize the accomplishments and proceedings of local government or national ministries.

As the author of the Bulgaria MSI chapter wrote this year: “Only 17 percent of Bulgarians trust the independence of the media. The main threats to the public’s trust in the media are the huge growth of fake news, a campaign against Bulgaria’s pro-Western orientation, the visible political pressure on the leading national media...”

In Bosnia, the chapter author noted that the contracts for coverage of local government proceedings are “marked by a lack of transparency.” A panelist in Bulgaria reported, “Almost all media outlets in Russe have ‘information services’ contracts with the municipality. This has a very categorical influence on their editorial policy and on the self-censorship of journalists working there. The news related to the local authorities is mostly positive.”

In Georgia, such contracts seem almost commonplace. A Transparency International report, cited by the Georgia MSI author, found that “in 2015 and 2016, different Georgian municipalities signed contracts with a local television station worth almost GEL 1 million (approximately \$400,000) on the provision of services such as the acquisition of airtime and the production of programs and news items.” The education, culture, and defense ministries, as well as the office of the president, contract for reporting services with media outlets. One panelist concluded that “several news outlets are even ready to air and promote certain content if they are paid for it, even if the content is not newsworthy,” referring to government agencies and political parties as the clients for such services.

Arrangements such as these would not be as troublesome if they are transparent and the public understands the implications of such arrangements and can also discern content that is paid for or obviously influenced. It is also important that the public cares about such issues or has not become completely disenchanted with the role of media. However, MSI panelists from several countries pointed out that these are not to be taken for granted.

The Bulgaria MSI author wrote: “Panel participants noted that the public has grown less concerned about free speech, as this right has been abused by populist politicians and tabloid media, fake news has increased, and the media generally traffic in sensationalism. Public trust in the media is declining, and distaste for the behavior of the tabloids has spilled over to media that adhere to professional standards.”

In Romania, a similar cynicism has taken hold. That chapter reported, “The public is not very interested in ownership transparency though, and does not sanction the media outlets. Following to arrests of certain television station owners, the station ratings did not drop a bit. ‘You can’t change their perception. We took opinion polls and the answers were clear: ‘yes, they stole, but this doesn’t mean that what they say on television is not correct,’ was the usual answer,’ Moraru said.”

In Ukraine, the MSI chapter author noted, “The panelists expressed the most concern with the quality of journalism, compliance with professional and ethical standards, and low media literacy of the population, which is susceptible to manipulation through Internet and new media.”

Such cynicism or lack of ability to discern high-quality media content from poor-quality or downright misleading content plays into the hands of those who seek to manipulate public opinion for ill and maintain authoritarian control over a country. It also serves the ends of those who seek to take a democracy like Croatia or Bulgaria backward to protect corrupt aims.

The collected testimony of MSI panelists—in this year’s edition as well as previous editions—provides a trove of information and anecdotes on how media have struggled against, and been used by, anti-democratic forces. Those stories provide cautionary tales and important lessons for a wider audience wishing to shore up democracy everywhere, not just those looking to strengthen the vibrancy of media and information spaces in Europe & Eurasia.

Recommendations

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

Below are some of this year’s recommendations based on a few of the recurring themes, with a designation of the country of origin. Many of these have more universal application, however.

Improving Freedom of Information Mechanisms

- Belarus: Oblige state institutions to disclose information on requests of independent media and to react on cases of public importance raised in all media, not only state outlets.
- Bosnia: Government should reform the media sector by adopting and fully implementing the Freedom of Information Act, including regulations on transparency

of media ownership, anti-concentration rules, and transparency of government funding for media.

- Bulgaria: Improve the implementation of the legislation for access to information by government agencies and public institutions by funding independent monitoring and increasing sanctions for non-compliance.
- Kosovo: Access to public information should improve. Media should not be denied access in covering court cases involving high officials charged for corruption.
- Moldova: Central and local authorities should ensure public access to information by designating persons responsible for the transparency of public documents and by promptly and effectively responding in cases of non-compliance.

Improving Media Literacy

- Armenia and Ukraine: Promote media literacy among the population, along with quality journalism.
- Bulgaria: Develop and implement a nationwide strategy to increase media literacy and counter fake news, limiting the impact of deliberate manipulation of public opinion.
- Moldova and Romania: Special compulsory courses for media education should be developed and taught in high schools and universities as a protective measure against disinformation, manipulation, and propaganda.

Observing Ethical Standards

- Belarus, Bosnia, Kazakhstan, Romania, and Ukraine: Journalistic ethics and quality journalism should be made a strategic goal of relevant state institutions, civil society, donor community, media organizations and individual media.
- Bosnia: Journalists should be incentivized to abide by ethical norms. These incentives may include funding and awards for quality journalism, education for specific journalistic skills and knowledge, and motivating journalists to conduct high quality work by offering competitive salaries and adequate protection of labor rights.
- Kazakhstan: Discussions on the ethics of journalists should not take place in the parliament, but in collaboration with local universities, representatives of the industry, and those familiar with international standards.
- Kosovo: The Code of Ethics should be properly implemented by all media organizations, especially the new online media that often violate professional

standards in their reporting, especially in relation to use of intellectual property.

- Montenegro and Romania: It is necessary to establish a single self-regulatory journalism ethics body, which will be composed of reputable journalists and media law professionals.

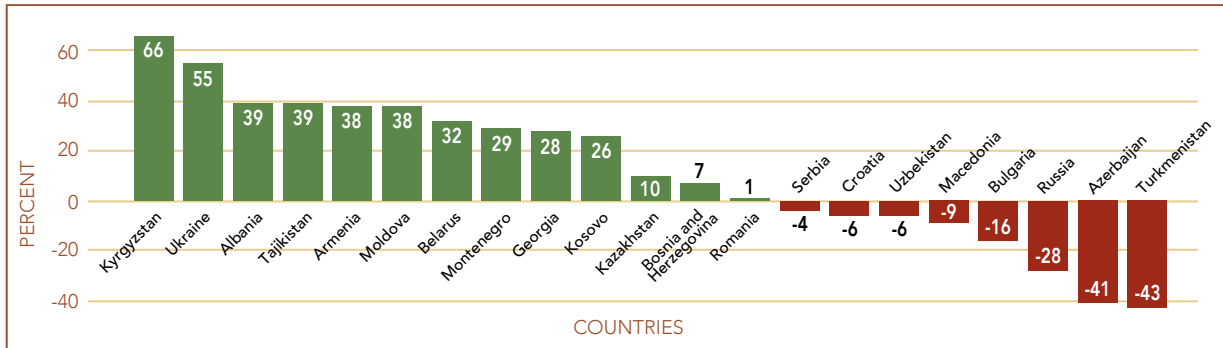
Working in Closed and Closing Spaces

- Turkmenistan: International donors, both governmental and non-governmental, should reverse their ongoing withdrawal from closed spaces and should instead provide support for citizen journalism training. Funders must resist the temptation to deem closed spaces a “lost cause” and realize that even a minimal increase in financial and material support for free media in such countries is both practically significant and increases morale of champions of reform.
- Tajikistan: Donors should conduct regular training programs to improve professional practices, legal protection, and digital security of journalists. In addition, journalists need training in psychosocial support.
- Turkmenistan: International journalism training programs must show more courage in closing spaces. For example, these programs should consider expanding professional training not only to government-approved journalists but also to citizen-journalists.
- Tajikistan: International donors should give special attention to strengthening aid in closing spaces, particularly those spaces that are also overcoming financial crisis.

Ratings and Research Reform

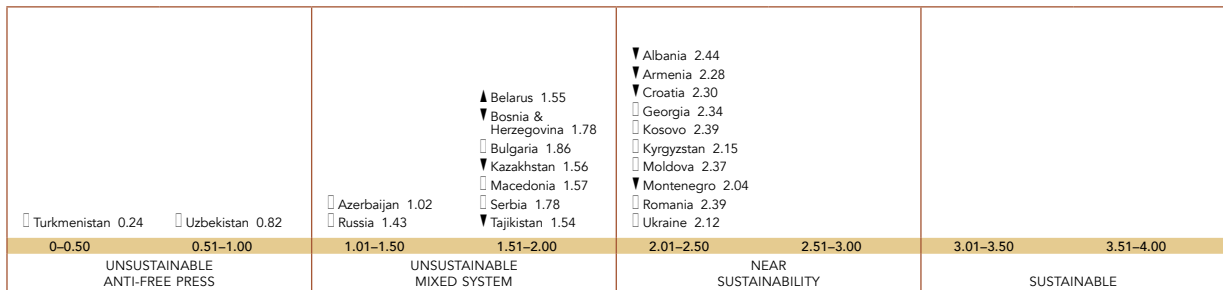
- Bosnia, Bulgaria, Georgia, Serbia, Ukraine: State institutions should put an end to unreliable and controversial audience measurement systems, print media circulation measurements, and online user statistics, thus protecting the advertising and media industry from corrupt practices and financial losses.
- Kosovo: Market research should improve. Broadcast ratings and circulation figures should be conducted on a regular basis.

PERCENT CHANGE IN MSI 2001–2017: EUROPE AND EURASIA



* Data for Turkmenistan is since 2008

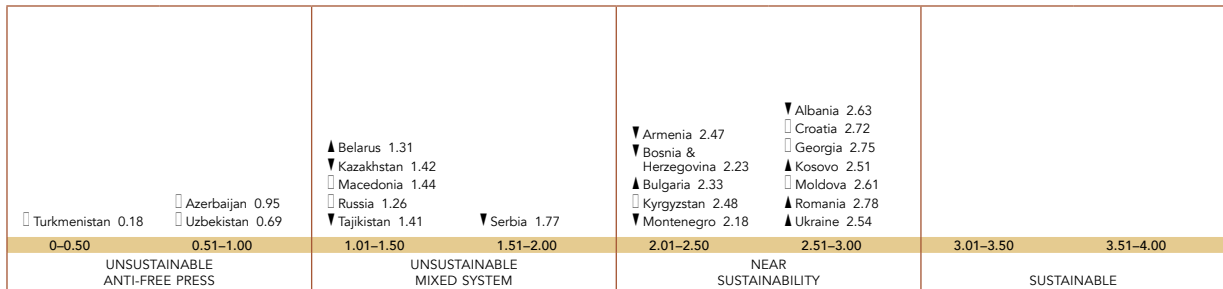
MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

MEDIA SUSTAINABILITY INDEX 2017: FREE SPEECH



CHANGE SINCE 2016

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

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

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

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

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

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

MEDIA SUSTAINABILITY INDEX 2017: PROFESSIONAL JOURNALISM

		<ul style="list-style-type: none"> ▲ Belarus 1.72 ▼ Bosnia & Herzegovina 1.56 ▼ Bulgaria 1.53 ▼ Croatia 1.68 ▼ Montenegro 1.75 ▼ Romania 1.96 ▼ Ukraine 1.85 	<ul style="list-style-type: none"> ▼ Albania 2.39 ▼ Armenia 2.18 ▼ Georgia 2.35 ▼ Kosovo 2.24 ▼ Kyrgyzstan 2.05 ▼ Moldova 2.20 				
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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 2016

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

MEDIA SUSTAINABILITY INDEX 2017: PLURALITY OF NEWS SOURCES

		<ul style="list-style-type: none"> ▲ Belarus 1.77 ▼ Kazakhstan 1.78 ▼ Macedonia 1.61 ▼ Serbia 1.90 ▼ Tajikistan 1.76 	<ul style="list-style-type: none"> ▼ Armenia 2.36 ▼ Bosnia & Herzegovina 2.03 ▼ Bulgaria 2.04 ▼ Croatia 2.37 ▼ Georgia 2.50 ▼ Kosovo 2.43 ▼ Kyrgyzstan 2.36 ▼ Montenegro 2.25 ▼ Romania 2.48 ▼ Ukraine 2.36 	<ul style="list-style-type: none"> ▼ Albania 2.53 ▼ Moldova 2.62 			
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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 2016

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

MEDIA SUSTAINABILITY INDEX 2017: BUSINESS MANAGEMENT

		<ul style="list-style-type: none"> ▲ Belarus 1.30 ▼ Bosnia & Herzegovina 1.23 ▼ Bulgaria 1.44 ▼ Kazakhstan 1.27 ▼ Macedonia 1.26 ▼ Russia 1.38 ▼ Tajikistan 1.37 	<ul style="list-style-type: none"> ▼ Armenia 1.92 ▼ Georgia 1.62 ▼ Kyrgyzstan 1.55 ▼ Moldova 1.87 ▼ Montenegro 1.80 ▲ Serbia 1.64 ▼ Ukraine 1.55 	<ul style="list-style-type: none"> ▼ Albania 2.10 ▼ Croatia 2.18 ▼ Kosovo 2.16 ▲ Romania 2.14 			
<ul style="list-style-type: none"> ▼ Azerbaijan 0.74 ▼ Uzbekistan 0.86 	<ul style="list-style-type: none"> ▼ Turkmenistan 0.19 						
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 2016

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

MEDIA SUSTAINABILITY INDEX 2017: SUPPORTING INSTITUTIONS

		<ul style="list-style-type: none"> ▲ Belarus 1.64 ▼ Bosnia & Herzegovina 1.86 ▼ Bulgaria 1.95 ▼ Kazakhstan 1.88 ▼ Russia 1.78 ▼ Tajikistan 1.67 	<ul style="list-style-type: none"> ▼ Armenia 2.48 ▼ Georgia 2.46 ▼ Kyrgyzstan 2.30 ▼ Macedonia 2.17 ▼ Montenegro 2.20 ▲ Serbia 2.35 ▼ Ukraine 2.32 	<ul style="list-style-type: none"> ▼ Albania 2.56 ▼ Croatia 2.54 ▼ Kosovo 2.61 ▼ Moldova 2.57 ▼ Romania 2.58 			
<ul style="list-style-type: none"> ▼ Azerbaijan 0.91 ▼ Uzbekistan 0.76 	<ul style="list-style-type: none"> ▼ Turkmenistan 0.13 						
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 2016

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

While this still places Belarus solidly in the “unsustainable, mixed system” scoring category, moving up to 1.55 from 1.11 represents a significant difference in the state of the media and information environment there.



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

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

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

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

Scoring: A Local Perspective

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

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

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

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

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

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

I. Objectives and Indicators

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

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

FREE-SPEECH INDICATORS:

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

Objective #2: Journalism meets professional standards of quality.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

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

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

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

MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

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

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

II. Scoring System

A. Indicator Scoring

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

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

B. Objective and Overall Scoring

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

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

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

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

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



**SOUTHEAST
EUROPE**

The major story was the Constitutional Court's nullification of Article 62/3 of the Audiovisual Media law, which had prohibited any single owner from holding more than 40 percent of an outlet's shares.



ALBANIA

More than two years after becoming a candidate for membership in the European Union, Albania began entry negotiations with EU officials in November 2016. That delay was due largely to the country's sluggishness in reforming its judiciary and tackling widespread corruption—both priorities of Brussels. Complicating the reform process is bitter and longstanding political conflict within the country.

At the urging of European and U.S. officials, the government gathered foreign and Albanian experts to craft a vetting process for judges, prosecutors, and employees of the judiciary. The screens include an examination of assets and an assessment of professional integrity. Albania's deep political divisions, however, threatened to derail the process, which the opposition parties boycotted. Eventually, parliament passed the centerpiece of this reform in July under pressure from the country's Western allies. Nevertheless, the reform was held up again by the opposition's objections as it unsuccessfully tried to have the Constitutional Court overturn the vetting requirement.

In late 2015, parliament banned those convicted of crimes from serving in public office for certain periods of time. In December, two members of parliament and a mayor became the first officials to be ejected from office for having concealed criminal convictions. Another member of parliament is on trial in Belgium on murder charges, and yet another is serving a prison sentence for assault.

The political feuding has overshadowed debate on the country's economy, and consequently it is difficult to get a clear picture of Albania's economic health. The government declared that growth has picked up, even in the absence of major investments. Central bank governor Genti Sejko said that the economy grew by 3.1 percent in 2016.

Ahead of general elections set for June 2017, the government increased salaries and pensions for educators, members of the military, and some other civil servants.

Far from improving over the past year, Albania's media environment has degenerated in some respects. The major story was the Constitutional Court's nullification of Article 62/3 of the Audiovisual Media law, which had prohibited any single owner from holding more than 40 percent of an outlet's shares. The decision, which was blasted by the Independent Union of Journalists, the Institute of Media, and independent experts, paves the way for the rich and well-connected to tighten their grip on the country's broadcast media. Meanwhile, *Shqip* newspaper, one of the country's biggest, ended its print version, becoming an early casualty of online media's emerging dominance and plummeting print circulation trends.

Reflecting these developments, Albania's MSI score indeed fell slightly, losing 0.11 points compared with last year. All objectives fell somewhat, led by Objective 1, Freedom of Speech, which dropped from 2.82 to 2.63.

ALBANIA at a glance

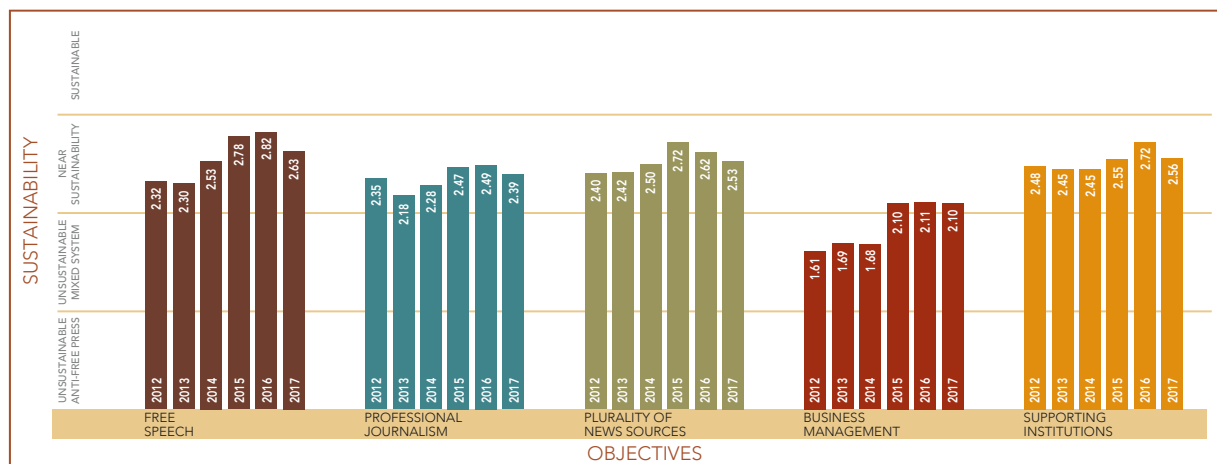
GENERAL

- > **Population:** 3,038,594 (2016 est., *CIA World Factbook*)
- > **Capital city:** Tirana
- > **Ethnic groups (% of population):** Albanian 82.6%, Greek 0.9%, other 1% (including Vlach, Roma (Gypsy), Macedonian, Montenegrin, and Egyptian), unspecified 15.5% (2011 est., *CIA World Factbook*)
- > **Religions (% of population):** Muslim 56.7%, Roman Catholic 10%, Orthodox 6.8%, atheist 2.5%, Bektashi (a Sufi order) 2.1%, other 5.7%, unspecified 16.2% (2011 est., *CIA World Factbook*)
- > **Languages:** Albanian 98.8% (official - derived from Tosk dialect), Greek 0.5%, other 0.6% (including Macedonian, Roma, Vlach, Turkish, Italian, and Serbo-Croatian), unspecified 0.1% (2011 est., *CIA World Factbook*)
- > **GNI (2015-Atlas):** \$12.36 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2014-PPP):** \$11,090 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 97.6% (2015 est., *CIA World Factbook*)
- > **President or top authority:** President Bujar Nishani (since July 24, 2012)

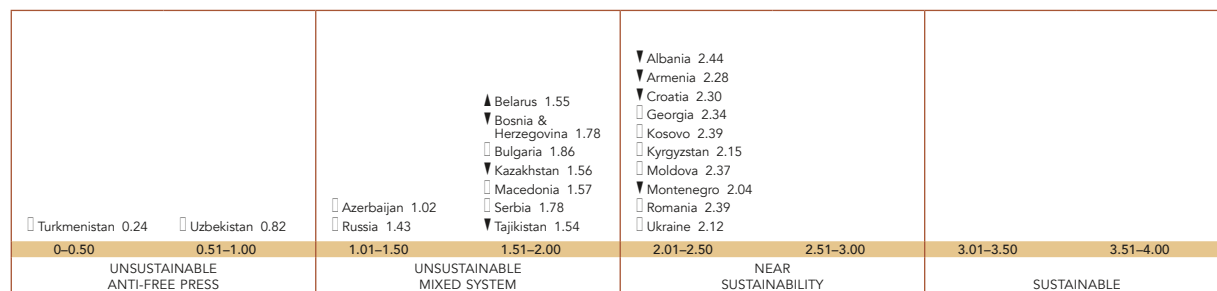
MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 25 daily newspapers (2015, Albanian Media Institute); Radio Stations: 2 national, 69 private (2016, Audiovisual Media Authority); TV Stations: 1 public, 2 national, 67 private, 5 satellite, 113 cable (2016, Audiovisual Media Authority)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** N/A
- > **News agencies:** Albanian News Agency (state)
- > **Annual advertising revenue in media sector:** €38 million (2015, *Monitor*)
- > **Internet users:** 1,916,000 (2015 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ALBANIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.63

Albania's constitution guarantees freedom of speech and its laws safeguard human rights. Journalists are not forced to divulge their sources. The media have no legal obstacles to investigative reporting on corruption, organized crime, or other wrongdoing.

Several panelists cited the loss of Article 62 as the most serious threat to free speech. Remzi Lani, director of the Albanian Media Institute, called the decision a step backward, and his colleague Ilda Londo said that it conflicts with other laws that protect freedom of speech.

The slow licensing of digital platforms was another problem taken up by the panel.

Albania is among the last countries to complete the process of switching from analog to digital transmission. The delay is due to legal challenges, political flux, and the late introduction of the public broadcaster, Radio Televizioni Shqiptar (RTSH), into the process. RTSH will host local and regional broadcasters on two national digital networks, while regulators will issue five additional licenses to private operators.

Those broadcasters who opt to use RTSH's network will have to pay a tariff that, by one report, was first proposed to be as high as €2,700 per month. Luftim Vani, owner of the local Mati TV station, said that local media owners are concerned about

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Ilir Yzeiri, a journalist and lecturer at the University of Elbasan, said that Albanian media have investigated cases connected to criminality, but other panelists said that the press has been reluctant to confront organized crime.

how much they could have to pay under the new broadcasting regime.

The panelists agreed that no political restrictions apply to starting new broadcast outlets, although the government issued no new licenses in 2016. Zylyftar Bregu, a member of the broadcast media regulatory body, said that local operators will not have to request new licenses to complete the conversion to digital transmission.

Albanian tax law eases the way to opening new media outlets. In 2016 the government reduced the tax rate on small businesses, thus lessening the tax burden on most media. Aleksander Çipa, who leads the Union of Albanian Journalists, said that compared with other business sectors, the media industry enjoys more privileges and fewer financial constraints. The breaks include VAT exemptions for media equipment, newspaper sales, and advertising services. Vani said that local media nonetheless face a tax rate that—given their financial means—is still problematic.

Albania has a plethora of newspapers and television stations, most of which are subsidiaries of other businesses. The media market is reckoning with competition from online media. Internet outlets are taking market share and pushing aside traditional print and broadcast media.

The media environment is relatively restive and marred by occasional violence, fed by a long and difficult transition and political enmity. The media's approach to organized crime has been bolstered by the Balkan Investigative Reporting Network (BIRN), which has reported on corruption; and *Monitor* magazine. Ilir Yzeiri, a journalist and lecturer at the University of Elbasan, said that Albanian media have investigated cases connected to criminality, but other panelists said that the press has been reluctant to confront organized crime. Alqi Koçiku, deputy editor-in-chief of the *Dita* newspaper, said that the media have limited themselves to reporting events instead of conducting thorough investigations.

Private media editorial independence suffered a potential blow with the demise of Article 62. As for public media, changes to the law on RTSH's steering council threatened its independence. As a result of the amendments, RSTH elected for its general

director the former editor-in-chief of the ruling Socialist Party's official newspaper, Yzeiri said.

After the government's unsuccessful attempt in 2015 to recriminalize libel, no journalists faced libel accusations in 2016.

Lawyer Iva Seseri said that the government is working to create a legal framework to regulate online media. Lani commented that Albania's media legislation is among the best in Europe, but the country needs a law to address problems that have arisen with the development of Internet media outlets and social networks—particularly insults and attacks in online comments sections.

Albania has a robust law on the release of public information, but Anila Basha, editor-in-chief of the News Bomb website, said that journalists face bureaucratic obstacles in obtaining documents. Some agencies make up their own regulations, regardless of what the law states. Freelance journalist and lecturer Enerestina Halili said that government workers often drag their feet in responding to journalists' requests. The law's permitted 10-day response time is not useful for most reporters working on a deadline.

Albanian law does not restrict the consumption of information or news from outside the country. Indeed, the real problem is domestic media's use of foreign news without compensation, according to Milton Nushi, a media expert with the Office of the People's Advocate.

Albania has no legal or financial bars to entering the journalism profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.39

The middling quality of reporting in Albania did not improve in 2016. The European Commission annual report on the country's progress toward EU membership stated that Albania made no marked progress in the areas of freedom of speech and media.

Reporting tends to be superficial and somewhat unprofessional. Multi-sourced reports on social, safety, education, or technology issues are missing from the media sphere.

Albania's traditional and public media are in crisis, but the panelists said they have observed a slight improvement in the quality of online media and social forums. They lamented that the insults fly freely on online media, but noted that this problem is hardly unique to Albania.

The panelists estimated that 80 percent to 90 percent of reports in the print media are unattributed. Several panelists commented on the problem of reporters not writing strictly original content. Bregu, who lectures on journalism at the

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

University of Tirana, said, "Editors-in-chief I've talked to told me that journalists don't write their names because they're just writing down an elaboration of the institutions' press announcements." Yzeiri agreed, saying, "The print press, in most cases, doesn't put out its own product, but it prints out ready-made reports. We continue to not have specialized journalists. Even the big media, such as public TV or other television channels, don't have specialized reporters and professionals." Halili said TV stations' lack of resources essentially forces overworked reporters to be little more than spokespeople.

"I think that reporting suffers from the mirror syndrome," freelance journalist Lutfi Dervishi said, explaining that the media do not report but rather reproduce ready-made materials served up by the political parties. "Politics reports on itself," he added.

There was debate in the panel about the preparation of journalism students, with Halili saying that Albanian students are specialized, but Lani saying that this is only partly true.

The deficiencies in news reporting will become more acute in the run-up to the elections this year, Nushi said. The political parties have fed the unprofessionalism by not allowing media to cover their events, and instead preparing materials on the events themselves and distributing them to outlets.

Journalist ethics are in a critical state. The Albanian Media Institute has drafted a code of ethics, Çipa said, but considering that some journalists do not get paid for up to four months at a time, compliance with the code is low. The broadcast regulator has a functioning ethics council.

Journalists in Albania suffer from the industry's faulty business model. Private media ownership by a relatively small group of entities has led to widespread self-censorship, and RTSH is beholden to the party in power. "Although we keep paying

Bregu, who lectures on journalism at the University of Tirana, said, “Editors-in-chief I’ve talked to told me that journalists don’t write their names because they’re just writing down an elaboration of the institutions’ press announcements.”

taxes, the public RTSH doesn’t fulfill the mission of providing accurate, prompt, and impartial information,” panelist Koçiku said. Londo agreed that RSTH is falling short of serving the public. “If the public media were better managed, it would be a big source of employment for journalists and it would help them in their professional growth,” she said.

Panelists said the development of online media and the expansion of social media have lessened slightly the problem of self-censorship. Still, according to Lani, “The problem of self-censorship has long been a plague on the Albanian media. The Albanian media find it difficult to broach dangerous topics.” All the panelists agreed that Albanian media do not produce independent reports about organized crime because the journalists lack financial and editorial independence.

The crisis in journalists’ compensation was on full display in 2016, when the A1 TV station opened and closed without paying its journalists for months. As the Union of Independent Journalists frequently notes to no avail, editors and reporters in Albania typically work without contracts.

As in the previous year, in 2016 broadcast programming was imbalanced, with news and political shows crowding out cultural programs. Generally, broadcast journalists have the necessary equipment to do their jobs, and the quality of media productions is satisfactory.

The panelists agreed that the media sector has seen a slight improvement in the investigation of economic, social, and sports news. It is broadening also with the innovation of online media and BIRN, an increase in satirical-investigative programs, and the addition of Top Channel’s *Fiks Fare* and TV Klan’s *Stop*.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.53

Albania’s communications technology is well developed and covers much of the country. About one-third of the population lives in the central Tirana-Durres-Kruja area, while other big

cities such as Shkodra, Korça, Vlora, and Gjirokastra have blanket Internet coverage.

Indeed, the panelists said Albania is overloaded with Internet services. Basha said that it is in the vanguard of communications technology in the region, although Nushi underscored that the technology is too expensive for some residents. Still, most Albanians have access to various information sources. As Lani described, “There is a diverse assortment, starting with new media, blogs, online newspapers, television. We can say that we have a variety of viewpoints, too.”

However, the panelists said there is a gap between the rapid development of communications technology and the content provided.

The traditional media are some steps behind and no longer have a monopoly on information.

Albania is an open society and its citizens are free to access domestic or foreign media or use the Internet. Digital platforms and satellite antennas are available to everyone and they have never been subject to censorship, restriction, or signal interference. The government does not block Internet pages of the Albanian diaspora. Voice-over-Internet-protocol services such as Skype and social networks such as Facebook and YouTube are used without restriction, and the government has liberalized the market for Internet service providers. As stated, most people have access to the Internet.

The main problems in electronic media have to do with RTSH, according to the panelists. They questioned its independence and relevancy for Albanians. “Considering the way the general director and the steering council were elected by the government, RTSH was put into the hands of a certain group that does not reflect the public interest,” Yzeiri said. “This is obvious in its product as well. No one can see themselves in that

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

“Considering the way the general director and the steering council were elected by the government, RTSH was put into the hands of a certain group that does not reflect the public interest,” Yzeiri said.

product. The selection of programs or staff does not represent the public interests.” Nushi attributed the low quality of public television productions to the politicized hiring process for journalists there.

Halili also noted RSTH’s shortcomings, saying, “Public TV doesn’t offer quality information or programs; it hasn’t served the public interest and its ratings are very low. Emigrants keep their Albanian language alive thanks to [private digital channel] DigitAlb. So it’s the private media that have performed the public functions, whereas the public media are not. If no one is watching it, what purpose does it serve?”

The panelists noted that RTSH has not even broadcast international sporting events in some cases. “It’s amazing that the public TV doesn’t transmit a national match,” Koçiku said.

Panelists said public TV abuses the fees collected from every household; all of the revenue goes to RTSH.

Albanian media widely use the products of foreign news agencies, with or without permission. The panel noted that the state-owned Albanian Telegraphic Agency has stagnated and plays a limited role in the domestic media market.

There has long been public debate and speculation about media ownership in Albania, especially in cases where outlets’ financing is difficult to determine. “Theoretically the owner can be found on the National Center for Registration website... But it all depends on the way it has been registered and to what degree the registration is fictional,” Londo said.

The spread of social networking and online media has reinforced the public’s perception that well-connected groups of financial interests stand behind them. “It’s more difficult to identify the ownership of the blogs because they’re informal. However, they continuously produce information and news,” Nushi said.

Bregu commented that one argument used by opponents of Article 62 is that its limitations on ownership encourages real owners to hide their identities, and that with the provision now abandoned, “according to them, transparency will increase.”

The media in Albania shed little light on social issues or those connected to gender or social conventions. Even though the country enjoys a centuries-old tradition of religious harmony, public speech has recently become harsher and less tolerant of difference. This phenomenon is not political and does not arise from any governing policy; it is mostly a result of traditional Balkan machismo.

Even though there has been an increase in inter-Balkan exchanges, the media sometimes take on a fractious, national-romantic tone. One example is the clash that took place at a football match for the qualifying phase of the European Championship between Serbia and Albania. The media’s language about minorities, however, has not regressed.

Except for programs by Radio Tirana, minority media do not exist in Albania and the government invests nothing in this sphere.

With regard to Albanians abroad, panelist Bajram Peçi, director of the *Shqip* newspaper, said Greeks frown upon the many Albanian immigrants using their own language there. But according to Lani, “In Greece and Italy, the government finances journals of the Albanians, who don’t even belong to a minority but to an immigrant community; whereas we don’t finance [media for] the minorities.”

The media in Albania cover local, national, and international news.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 2.10

The media business in Albania has long been a paradox. During the long transition period, it has been a puzzle that such a small and poor country would produce so many newspapers and television stations.

Last year saw a marked expansion of online social networks. An online version of the *Tema* newspaper became the country’s most popular media outlet, founding its own Internet TV channel. However, the print media’s daily circulation declined. Even though most have created online versions, their influence is waning steadily.

A notable business success in Albanian media is the Top Media company. It owns Top Channel, Top News, and DigitAlb, although in 2016 its *Shqip* newspaper, one of the country’s largest print outlets, closed in bankruptcy. Meanwhile, the print

newspaper *Dita*, which entered the market in November 2012, has achieved respectable circulation thanks to its hiring solid professionals.

In television, the media groups Klan, Vizion Plus, and Top Media dominate. In recent years, however, other companies have become contenders. They include the regional Ora News channel, the media group that owns the Report TV regional channel and the Shqiptarja.com online newspaper, and the owner of the major newspaper *Panorama* and the regional News24 TV station.

In contrast, RTSH, which receives 70 percent of its funding from the television tax and has more staff than private channels, has the lowest ratings.

Some daily journals, such as *Sot*, *Telegraf*, *Mapo*, and *Standard*, are financed by their owners' other businesses. In the case of *Sot*, its owner is also editor-in-chief.

Lani said he thinks none of the Albanian media outlets "operates as an efficient enterprise. This is due to the fact that we are a country with a small market that doesn't sell much and surviving is difficult. Management also leaves much to be desired."

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Peçi, who has worked for more than 20 years as finance director in daily newspapers, said daily sales have fallen by 75 percent in the past 25 years, from 200,000 or 220,000 to no more than 50,000. "That means one-fourth of the income," he said. "The advertising market has seen a drastic fall, too. The [drop in] income from advertisements has severely damaged the income structure. Newspapers go bankrupt if there's no financial support from some conglomerate or some specific business person propping them up." Vani, the Mati TV owner, said, "It's difficult to survive just counting on the TV business. You can't make it if you're not being supported by other business incomes."

The panelists said these various media income sources have not canceled out free speech. The Top Channel and Vizion Plus and, to a lesser extent, Klan media groups have achieved a fragile editorial independence, while online media such as Tema and the Internet-based Tema TV derive incomes from their products and maintain independence. The most regressive model remains the public broadcaster, RTSH, which uses its considerable guaranteed income stream to toe the political line of the government in power.

Bregu said more media should be liquidated, citing a study by the University of Tirana's journalism department that showed many make no profit. Bregu said media owners told him "they could benefit from the television station. As a conclusion, they use the television station as a way of protecting their business."

That approach appears to work sometimes. The panel mentioned that the government had turned a blind eye to illegal construction in a tourism resort by the owner of TV Klan, even as it prosecuted others for the same offense. Likewise, they noted, the previous government had given a public building to the owner of the *Panorama* newspaper for private use, when critics said it could have been converted to a school to ease crowding in Tirana's classrooms.

Albania has a small advertising market, which shrank further during the past year. Koçiku, of *Dita*, said that the market generates "no more than ALL 40 to 42 million in turnover per year," which Lani said amounts to one-sixth the value of Croatia's market—while Albania has three-quarters of Croatia's population.

The panelists agreed that most advertisements are bought by businesses that are seeking to forestall critical coverage. The panel mentioned the case of a deadly fire in July at the private Spitali Amerikan hospital. Initially, all the media reported on the

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

tragedy, but then most began to omit the name of the hospital and later stopped reporting on it and removed mentions of the fire from their websites. Only Report TV continued to report on it fully. According to Shqiptarja.com, hospital officials then threatened to remove their advertising from Report TV if it did not stop covering the fire. When Report TV officials refused, the hospital's advertising disappeared.

And then "on the other hand, the media blackmail in order to get advertising," Dervishi said.

Peçi said that advertisements come primarily from service businesses, such as banks, which are also having a difficult time. "Therefore, the banks aren't buying ads anymore. The mobile phone operators have started to decrease their advertisements and they are now advertising selectively," he said.

The panel mentioned that some broadcast media violate rules on the allotment of advertising time. Instead of the 12 minutes of advertising time allowed per hour, Bregu said an analysis showed that two national private stations have gotten away with showing 24 minutes each hour.

During the last year, the government did not seem to use direct or indirect financing in order to pressure critical media or reward favorable coverage. "The public funds for advertising have been gradually diminishing and actually make up a negligible share of total income," Koçiku said.

Instead, there has been a rise in "new mediators," Londo said: "Marketing agencies or agencies that produce publicity campaigns that dedicate a part of their budget to the media. But we don't have any kind of information about the way it gets transferred to the media."

Yzeiri pointed out that the government does channel billions of lek from the state budget toward broadcast media in order to produce concerts or festive events serving the government propaganda.

The panelists said that two companies measure ratings, and companies plan their advertising based on these measurements. However, Koçiku characterized these as unreliable, and said that media buys are made based on perception.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.56

In Albania no law hinders the registration and activity of associations of publishers or media owners. Albania does have a few associations. The groups' focus has not been on professionalization or safeguarding media independence. They lobby for or against government actions that affect their businesses.

And according to Koçiku, "The low level of organization and the absence of such institutions for journalists have led to the fact that journalists are not protected and sometimes their dignity is threatened."

Panelists are also skeptical of their professionalism. "I was appointed vice chairman of one of the associations in 2003, but I've never been called to a meeting," Bregu said. And according to Koçiku, "The low level of organization and the absence of such institutions for journalists have led to the fact that journalists are not protected and sometimes their dignity is threatened."

Media owners, and one or two hosts of political shows who are close to the owners, are paid handsomely, whereas the rest of the journalists remain unprotected from job loss. Most journalists continue to work in newspapers and televisions without contracts, and no collective bargaining agreements are in place.

The Union of Albanian Journalists is the only organization that defends journalists' jobs, compensation, and professional rights, but Yzeiri said the group has not been able to formalize labor arrangements. Although its membership has expanded nationwide, the union's finances are precarious, as only a small percentage of members pay their dues, which are in any event minimal. The union has most impact when reacting to violence or threats against journalists or wrongful firings.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

In private media, different programs establish their own criteria for hiring journalists, whereas the public broadcaster uses political criteria in recruitment, the panelists stated.

With regard to journalism education, universities such as those in Tirana and Elbasan offer academic journalism programs that teach basic skills. In the past three years, more students of journalism are pursuing graduate and postgraduate courses; these now include practical exercises.

Training opportunities are financed primarily by international organizations, though Halili said universities also organize postgraduate training. RTSH has also started to offer academic training for its journalists. Lani said the Albanian Media Institute organizes short-term training for journalists, although fewer than in the past, as the number of donors has fallen. The panel agreed that staffing limitations and large workloads keep many journalists from attending training programs.

Albanian media print many newspapers and magazines, and the market in general is liberalized. The government places no limitations on the import or purchase of necessary materials for the work of media and journalists. Printing houses remain the weakest link in the distribution chain because of their outdated technology.

Peçi said most printing houses in Tirana are held by one owner, and only the *Shekulli*, *Tema*, and *Mapo* newspapers have their own presses. As a consequence, printing fees for media are high.

Albania's press distribution is antiquated. "Newspapers are still sold on the street just like 20 years ago, even in Tirana," Peçi noted.

The panel discussed plans by the Tirana municipality and Durrës to build news kiosks. Lani praised the idea but warned that the kiosk concessions must be awarded in a transparent process. That standard would be important for overall media conditions, but "nevertheless, the newspapers won't ask whether there is transparency or not. The conditions in which the newspapers sell and their prices are crucial to them," he said.

List of Panel Participants

Aleksandër Çipa, chairman, Union of Albanian Journalists, Tirana

Alqi Koçiko, deputy editor-in-chief, *Dita*, Tirana

Bajram Peçi, director, *Shqip*, Tirana

Erenestina Halili, freelance journalist and lecturer, Tirana

Genci Demiraj, owner, Amantia TV, Vlorë

Ilda Londo, specialist, Albanian Media Institute, Tirana

Ilir Yzeiri, journalist and lecturer, University of Elbasan, Elbasan

Iva Seseri, lawyer, Albanian Parliament, Tirana

Luftim Vani, owner, Mati TV, Mat

Lutfi Dervishi, freelance journalist, Tirana

Milton Nushi, media expert, Office of the People's Advocate, Tirana

Remzi Lani, director, Albanian Media Institute, Tirana

Zylyftar Bregu, member, Audiovisual Media Authority; lecturer, University of Tirana, Tirana

Moderator & Author

Andrea Stefani, project coordinator, freelance media analyst, Tirana

The panel discussion was convened on November 11, 2016.

However, journalists in both entities remain vulnerable to threats and hate speech, and several journalists have reported leaving the country because they feared for their safety.



BOSNIA & HERZEGOVINA

Politicians in Bosnia and Herzegovina (B&H) show an ever-growing lack of consensus regarding the adoption of reforms required by the EU, even though the country submitted its membership application in February 2016. As for B&H's two entities, the government of Republika Srpska (RS) continues to resist strengthening state institutions, while political decision-making in the Federation of B&H (FB&H) is also based on national interests rather than citizens' needs.

In 2016, the Constitutional Court of B&H ruled as unconstitutional the use of January 9 as the RS National Day. The ruling resulted in a September referendum on National Day in RS, which was considered illegal by state-level institutions and many observers in the international community. It sparked ethnic and social divisions and reopened dialogue on unresolved political issues in post-war B&H. Media coverage of the referendum was heavily sensationalist and biased, inciting hatred, panic, and fear among citizens. January 9, 1992 was the day that the Bosnian Serb Republic was declared.

The verdict of the International Criminal Tribunal for the Former Yugoslavia on former RS leader Radovan Karadžić also split B&H society across ethnic lines. Citizens in the two entities had radically contrasting reactions to Karadžić's prison sentence of 40 years for his role in the 1992-1995 war. Unfair media reporting and hate speech across the country fueled the clash.

Local elections, held in October 2016, were marked by aggressive and divisive political campaigns, rhetoric on possible new armed conflicts, and claims of irregularities during the election process in some municipalities. The results fortified the dominant position of the main nationalistic parties. One particular controversy arose concerning the first election of an ethnic Serb—who denies that the 1995 murder there of 8,000 Muslim men and boys was genocide—as mayor of Srebrenica. The election was problematic because displaced persons could not easily vote. Srebrenica had been the only municipality in RS with a Bosniak mayor in the post-war period.

After years of lobbying by civil society organizations, FB&H amended its criminal law to define "hate speech" as a criminal act. The amendment harmonizes the law with already existing legislation in RS and Brčko District. However, journalists in both entities remain vulnerable to threats and hate speech, and several journalists have reported leaving the country because they feared for their safety.

According to the EU Progress Report 2016 and the Alternative Progress Report 2016 conducted by B&H's civil society organizations, the key problems that media members face are inadequate action on attacks on journalists, poor funding of public broadcasters, and insufficient media transparency. In the 2017 MSI, the overall score for B&H (1.78) dropped by one-fifth of a point compared with 2016, reaching one of the two lowest scores in the past eight years. All five objectives moderately dropped in comparison to last year, confirming the increasingly negative trends in the media sector. Panelists identified the same problems from the previous year, then emphasized that the increased threats and attacks on journalists, low professional standards, and business difficulties are the most crucial hurdles facing B&H's media.

BOSNIA & HERZEGOVINA at a glance

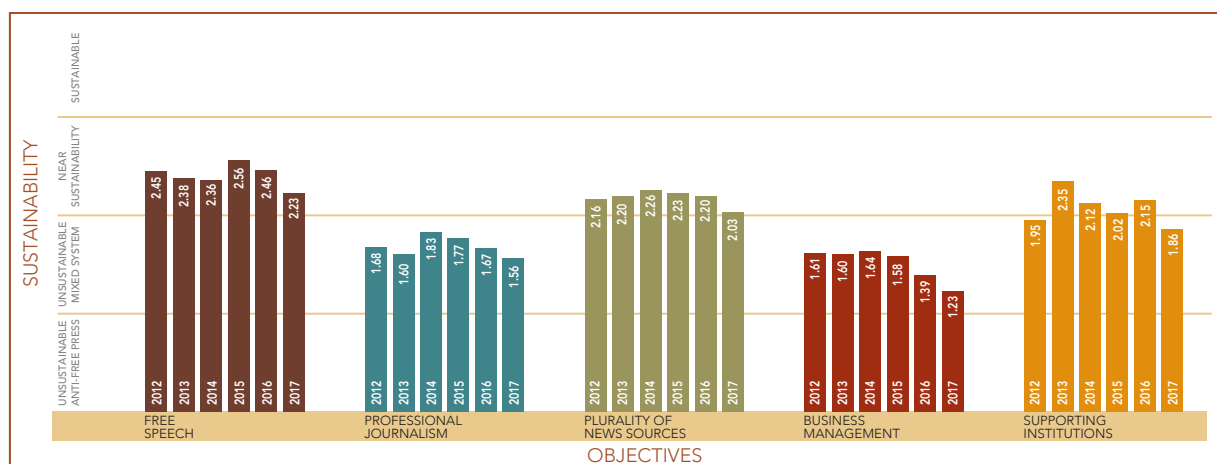
GENERAL

- > **Population:** 3,861,912 (July 2016 est., CIA World Factbook)
- > **Capital city:** Sarajevo
- > **Ethnic groups:** Bosniak 50.1%, Serb 30.8%, Croat 15.4%, other 2.7%, not declared/no answer 1% (2013 est., CIA World Factbook)
- > **Religions:** Muslim 50.7%, Orthodox 30.7%, Roman Catholic 15.2%, atheist 0.8%, agnostic 0.3%, other 1.2%, undeclared/no answer 1.1% (2013 est., CIA World Factbook)
- > **Languages:** Bosnian (official) 52.9%, Serbian (official) 30.8%, Croatian (official) 14.6%, other 1.6%, no answer 0.2% (2013 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$17.80 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$10,680 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 98.5%; Male 99.5%, Female 97.5% (2015 est. CIA World Factbook)
- > **President or top authority:** Members of BiH Presidency: Bakir Izetbegović (since November 10, 2010), Milorad Dodik (since November 17, 2014), Dragan Čović (since November 17, 2014)

MEDIA-SPECIFIC

- > **Number of active media outlets:** 10 daily newspapers, 189 other print periodicals (Press Council of B&H, 2015); Radio stations: 144; Television stations: 43 (Communications Regulatory Agency, 2014)
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** Top three television stations: RTVFBiH (11.96%), OBN (10.18%), Pink BiH (9.75%) (PeopleMeter between January and November 2015 by Audience Management, Fabrika)
- > **News agencies:** FENA (state-owned), SRNA (state-owned), ONASA (private), NINA (private), MINA (Islamic Community in B&H), KTA BK B&H (Conference of Bishops of B&H), Anadolu Agency (owned by Turkish government), Patria (private) (Press Council of B&H, 2015)
- > **Annual advertising revenue in media sector:** \$52.3 million in 2014: television 69.34%, print 12.66%, out-of-home 9%, radio 5%, online 4% (est. Fabrika)
- > **Internet usage:** 2.516 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: BOSNIA & HERZEGOVINA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.23

The score for Objective 1, Freedom of Speech, dropped from 2.46 in 2016 to 2.23 this year. Panelists noted many longstanding unresolved issues affecting most indicators, even without specific deteriorations in 2016. However, indicator 4 (crimes against media professionals) scored more than half a point lower compared with last year, signifying worrying trends of decreased safety for journalists and bloggers.

B&H is a potential candidate for entering the EU, with freedom of expression and the media part of the Copenhagen Criteria for EU membership. The 2016 *World Press Freedom Index* of Reporters without Borders ranked B&H number 68 worldwide, based on its media freedom in 2016. The index pointed out that B&H has some of the world's most liberal media freedom laws, but implementation is held back by a saturated judicial system.¹

In 2016 alone, the Association of BH Journalists (BHJ) registered 13 physical attacks on and threats to journalists—by far the largest number in the last six years. Several journalists and bloggers (e.g. Vuk Bačanović, Lejla Čolak, Slobodan Vasković) left the country, noting that their lives were in danger after publishing stories or sharing opinions that are against the political elites or dominant ideologies.

¹ World Press Freedom Index 2016. *Reporters without Borders*, 2016 <https://rsf.org/en/bosnia-herzegovina>

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

According to Emir Habul, BHRT journalist and editor, “Public broadcasting services are facing shutdown. Funding hasn’t been resolved; the influence of those in power on the election of steering boards is evident.”

State-level Security Minister Dragan Mektić allegedly threatened SRNA news agency’s editor-in-chief, Milica Džepina, in April 2016 over the phone and via text messages, saying: “When we come to power, you will vanish from the face of the earth.” While it was noted that the threats came after an article written by SRNA questioned the details of Mektić’s official biography, both the SRNA content and the minister’s reactions were seen as politically motivated reflections of clashes between two political camps in Republika Srpska.²

In July 2016, Salmir Kaplan, a parliament member and former minister of culture of FB&H, accused BHJ’s general secretary, panelist Borka Rudić, of being a “pro-Gülen” lobbyist. The government of Turkey has claimed that Muhammed Fethullah Gülen was responsible for the failed coup that month in Turkey. The accusation came after Rudić’s criticism of the crackdown on media in Turkey after the coup. Also in 2016, two men that Rudić did not know confronted her on the street, accusing her of defending Gülenists and Chetniks (right-wing Serb nationalists). She filed a complaint with police and prosecutors.

The Council of Ministers of B&H has admitted that journalists are often targets of threats and political pressure. The council made an official recommendation to the Institution of Ombudsmen for Human Rights of B&H to compile a report on the status of journalists and cases of threats targeted at journalists. The report is slated to be completed in 2017.

After years of negotiations, FB&H legislators amended the criminal law and defined “hate speech” as a criminal act, and adopted the Declaration Condemning Hate Speech. Similar declarations were adopted by RS and are being discussed by the state-level Parliamentary Assembly. While RS decriminalized defamation more than a decade ago, lawsuits under civil law jurisprudence are frequent.

The Communications Regulatory Agency of B&H (CRA) regulates electronic-media licensing, which is based on the principles of transparency and non-discrimination. For radio and television broadcasts via terrestrial broadcast, licenses are issued on the

² Hodžić, Sanela. The Editors’ Role in Media Integrity Protection in B&H: Between Strong Interference and Weak Support. *Media Integrity Matters*, 2016 <http://mediaobservatory.net/sites/default/files/Between%20Strong%20Interference%20and%20Weak%20Support.pdf>

basis of public tenders; while permits for broadcasting via other electronic communication networks (cable, satellite, IPTV, and Internet) are issued to everyone who meets the prescribed requirements. A new CRA director, Predrag Kovač, was approved by the Council of Ministers of B&H in April 2016. The decision finally ended an eight-year-long deadlock and confirmed that political reasoning mainly determined the appointment. CRA agents did not formally discuss further the 2013 Draft Law on Electronic Communications—which, according to some media experts, could have diminished the CRA's independence.

Print and online media do not have to be licensed. They are self-regulated, with the Press Council of B&H in charge of monitoring self-regulation of their content.

B&H media are not granted tax relief. Various lobbying initiatives to decrease value-added tax (VAT) on media have so far been unsuccessful, and the 17-percent tax is still a legal obligation. Some print media representatives advocate for VAT to be paid only on sold copies of newspapers, but the legal framework has not changed. According to Mehmed Halilović, independent media expert, the media sector is “formally equalized with other industries. However, for media, this is not a mitigating but an aggravating circumstance, because it's hard to [run] media today—and particularly to create new media—unless you are paid from Istanbul or Ankara. That's why they are shutting down.”

The different political interests of the parties in power influence the founding of public service broadcasters (PSBs) and interfere with crucial decisions and leadership. The steering boards of all three PSBs (BHRT, RTRS, and RTVFBiH) are known to be influenced politically in the wake of many scandals concerning nominations and resignations. Another attempt to nominate members of the Steering Board of RTVFBiH failed in 2016. It still has only one member and a director “in a technical mandate,”³ which is an indicator of the ruling parties' neglect of these broadcasters. The PSB system is severely damaged by the current license fee collection process, which becomes increasingly inefficient as political interference continues. According to Emir Habul, BHRT journalist and editor, “Public broadcasting services are facing shutdown. Funding hasn't been resolved; the influence of those in power on the election of steering boards is evident.”

The process of obtaining information through the country's Law on Freedom of Access to Information can be burdensome, and government bodies do not always respect the law. These complications discourage journalists from requesting official information. Rubina Čengić, editor-in-chief of *Start B&H* magazine, shared her experience with information access.

³ “BHRT prolongirao gašenje programa, najavili smanjenje obima usluga koje pružaju FTV-u.” *Klix.ba*, Jul. 2016 <http://www.klix.ba/vijesti/bih/bhrt-prolongirao-gasenje-programa-najavili-smanjenje-obima-usluga-koje-pruzaju-ftv-u/160630115>

“When you ask institutions for an explanation for something, they refer to the law. And after 15 days, they send you a conclusion that they cannot give you a particular document, [although you are actually] seeking an explanation on why a particular decision was made, and things like that. To me, that's a very serious and grave abuse, and a way of making journalists' work more difficult.”

The non-governmental media organization Center for Investigative Reporting (CIN) Sarajevo has so far filed seven lawsuits against B&H institutions unwilling to provide requested information. Five of the cases have been settled positively. The court decisions demanded that respondent institutions provide information to CIN's journalists. But the journalists said that in some cases, they still had to wait for years before the information was delivered. Panelists noted that, in order to avoid giving requested information, public institutions sometimes refer to the Law on Salaries of Civil Servants or Law on Protection of Private Data. “Institutions use all possible means of rejecting journalists' requests,” said Azhar Kalamujić, journalist at CIN. “As we at CIN have a lot of time and are able to ‘play tag’ with them, they use that opportunity with other media that don't even have time to wait for the 15-day legal time limit. Therefore, thanks to administrative silence and responses in which they quote other laws...they gain time and people give up on requesting information.”

The new Draft Freedom of Information Law, created by the Ministry of Justice of B&H, is considered more restrictive than the current law. The new law does not oblige institutions to conduct a “test of public interest,” but it requires a person who submits a request for information to elaborate on the reason for asking, and it does not specify how the overall implementation of FOIA should be monitored. It remains unclear what the mandate and duties are in this matter for the Ministry of Justice, which should act for the Institution of Ombudsman for Human Rights B&H. Public consultations were organized in December 2016 and some civil society actors have reacted negatively to the proposed law's provisions.

Media in B&H have no government-imposed restrictions on access to or use of news and sources. Journalists and editors can use the Internet freely to reach all available national and foreign news sources. The government places no restrictions on working as a journalist and does not require official requirements or licensing procedures for journalists. However, as panelists said last year, some reporters do not have permits to attend certain government events (e.g. at the Presidential Palace of RS). According to Rudić, despite the appeals made by national and international journalists' associations, officials at the Presidential Palace still deny access to journalists from BN TV and Beta Agency.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 1.56

The ethics of reporting is neglected, and journalists apply professional standards inconsistently. Journalism as a profession is underappreciated by the public, and the typically low salaries and irregular pay for journalists sometimes allow for political pressure and even self-censorship. The MSI showed no improvement in quality of reporting in the last year, and thus the average score for Objective 2 amounts to 1.56. That score shows a slight decrease from 2016, when the objective score was 1.67.

Despite the finely developed and widely recognized Press Code of B&H, many media follow professional standards insufficiently. Journalistic reports are often subjective and biased, and often both sides are not presented in news stories. Panelists noted that published articles sometimes rely on an inadequate number of sources and are not well balanced. Čengić recounted an experience that exemplifies the poor standards. "I was once a member of a journalist award selection jury, and I was tasked with reading at least 40 works of journalists, from both radio and TV; these were works proposed for the award. The competition requirements clearly defined that the number of sources, importance of sources, and everything was being evaluated. None of the works I read had more than one source."

As a self-regulatory body for print and online media, the Press Council of B&H supervises the application of the press code and mediates for citizens that are unsatisfied with reporting of print and online media. However, the council's professional principles of self-regulation continue to be exercised only by a few journalists and editors who are willing and empowered to

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

"Underpayment of media staff is a major problem," said Marijan Primorac, assistant professor at University of Mostar. "Amounts are often inadequate... And journalists, due to their insecure position, succumb more easily to newsroom politics, which can result in adaptation and self-censorship."

do so. The 2015 Ethical Journalism Network's report titled "Trust Factor" noted that, "while the acceptance of self-regulation has 'more or less' been achieved, the structures of self-regulation at national level, at enterprise level and at the level of the individual journalist are severely restricted."⁴ Since the council's principles are recommendations and not legally binding, journalists, and sometimes even editors, ignore them.

Broadcast media outlets, on the other hand, are monitored by the CRA. It has a mandate to respond to complaints on breaches of professional standards with warnings, fines, and even license suspensions. One of its most radical recent decisions was to limit broadcasting of reality shows to the period between midnight and 6 a.m., due to their sometimes-violent content. In 2015, CRA received a total of 72 complaints, most of them regarding failure to publish a denial of published information, and presentation of false information and hate speech. Fines usually range between \$16,000 and \$26,000, and all previous fines have been issued because of broadcasted hate speech.

Even though some media producers have their own ethical standards (e.g. CIN, Radio Free Europe/Radio Liberty, etc.), panelists noted that the vast majority of media organizations do not put enough effort into publishing fair and objective news. Some panelists stated that the majority of media lack good editorial work, and few editors insist that their reporters thoroughly explore their stories or apply professional standards. A well-known case of a public poll of *Dnevni avaz* daily newspaper of March 2016 indicated that such breaches are sometimes part of editorial policies. According to media reports, during a court trial implicating *Dnevni avaz* Director Fahrudin Radončić of obstruction of justice, correspondents of *Dnevni avaz* were instructed to prepare public polls asking citizens for their opinion on the trial. While all citizens in the published polls were supportive of Radončić, it was later discovered that correspondent Adnan Džonlić from *Zenica* had used photos of random people found on different web sites (even one of a

⁴ The Trust Factor. Ethical Journalism Network, 2015 <http://ethicaljournalismnetwork.org/assets/docs/142/118/79dd78e-837b376.pdf>

British celebrity actor) and matched them with supposedly fake statements.

Copyright laws formally protect authors' rights, but most remain in a gray zone. Public and professional awareness of authors' rights is low, and sometimes even reporters do not recognize violations of their rights or rights of their colleagues. Abuses of photojournalist rights are most common, especially by online media, which often republish photos without crediting the source.

According to some informal comparisons, average salaries for journalists and editors are generally lower than in other countries of the Western Balkan region. Unofficial data of journalists' associations reveal that journalists are paid approximately \$360 a month and that only reporters and editors working for foreign-funded media entities (e.g. Al Jazeera, TVN1, CIN) have higher monthly income. Thus, some reporters take jobs in more profitable sectors, such as public relations. Bloggers usually have other primary jobs and treat blogging as their unpaid hobbies (except fashion or beauty bloggers, who can earn money from advertising). In general, blogging and citizen activism in B&H are underdeveloped. A few bloggers that write about political and social issues have some influence on public opinion (e.g. Srđan Puhalo, Slobodan Vasković, or Hana Kazazović - Cyber Bosanka).

Editors are employed mostly based on indefinite work contracts. Short-term contracts, or engagement on an occasional and task basis, are common in media organizations, but are mostly limited to journalists. "Underpayment of media staff is a major problem," said Marijan Primorac, assistant professor at University of Mostar. "Amounts are often inadequate, while short-term work has become a widespread occurrence. In such circumstances, the institutional sphere has strong influence. And journalists, due to their insecure position, succumb more easily to newsroom politics, which can result in adaptation and self-censorship."

Low salaries, jeopardized security, and an increased number of threats to journalists are some of the main reasons for self-censorship, noted Media.ba's research report from May 2016.⁵ Self-censorship also occurs because journalists are unmotivated to write stories that can cause them problems.⁶ The media sector overall provides broad and varied coverage of key events, but reporters often do not explore topics beyond their daily duties, and limit their reporting to press conferences or use of press releases. Kalamujić said that news outlets do

⁵ "Politički pritisci i ekonomska nesigurnost najveće prepreke slobodi medija u BiH i regiji." *Media.ba*, May 2016 <http://media.ba/bs/magazin-novinarstvo/politicki-pritisci-i-ekonomska-nesigurnost-najvece-prepreke-slobodi-medija-u-bih>

⁶ Unkić, Hilma. Autocenzura novinara u BiH: Odabir teme u skladu s uređivačkom politikom. *Media.ba*, Oct. 2016 <http://www.media.ba/bs/magazin-novinarstvo/autocenzura-novinara-u-bih-odabir-teme-u-skladu-s-uredivackom-politikom>

cover events, "but in a professionally poor way...in the sense that they don't explain to people what happened somewhere. For example, if parliament passed a law that concerns citizens, I never heard in the last 100 years that an editor or journalist explained why it was important for them. Stories are [written] about conflicts in parliament, whether someone swore at someone else. Things that are important for the people are not covered at all—not just in this segment, but in every other segment of news reporting."

In terms of representation of news and entertainment programs, B&H follows global trends. According to the panelists, consumers find news programs less and less attractive. Even public broadcasters such as FTV, which are legally obligated to balance entertainment and news shows, sometimes offer predominantly entertainment programs. PSBs and local public television and radio stations all have outdated equipment, which is reflected in the quality of the programs broadcast. Al Jazeera and TVN1, on the other hand, use advanced, new technologies in program production.

Investigative reporting is esteemed by a small number of media entities (e.g. CIN, *Žurnal*, *Mreža Magazine* of FTV), most of them funded by foreign donors. Their reporters are the only ones that can explore topics of personal interest and become experts in certain fields. Other journalists do not have that privilege, and need to cover various topics on a daily basis, with insufficient time to explore or educate themselves on particular topics.

B&H has several regional and national awards programs established to promote professional reporting. They include the USAID SGIP Award, the EU Regional Award for Investigative Reporting, and the ACCOUNT Journalist Award. They seek high-quality investigative journalism stories for consideration, but due to the limited number of such stories, reporters from CIN or *Žurnal* are usually the winners or top candidates.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia & Herzegovina Objective Score: 2.03

In B&H, only a few media offer fair representation of independent sources and various opinions, while many public and private media are influenced politically. Small media outlets often do not produce their own news content, but rather republish news produced by other media. Bigger media outlets tend to increasingly commercialize their content. Therefore, the average score of 2.03 for Objective 3, Plurality of News, dropped somewhat in comparison to last year, when it was 2.20.

According to data of the Press Council and CRA, B&H has a high number of print, radio, and television media outlets, with nine daily newspapers, 189 periodicals, 139 radio stations, and 43 television stations. Internet-based news sources are numerous

and impossible to track down and count. Despite the numbers, the offered content is far from pluralistic. Different views and interests are represented all around the media sphere, but they are fragmented, so it is extremely difficult for citizens to compare and contrast information and reach a balanced view. Many media are influenced by politics so their reporting is one-sided, or they have insufficient capacity to produce comprehensive news. An overall increase of Internet users and higher consumption of online content has resulted in broader outreach of local and regional social and political blogs (e.g. Frontal.ba, News.net, etc.).

After 20 years, the influential weekly magazine *Slobodna Bosna* stopped publishing its print version and now exists only on the Internet. Management of lesser-known *Novo vrijeme* magazine, established in 2012, made the same decision to switch to electronic format, as did the daily newspapers *Faktor* and *Press RS*. All of them stated they were motivated to make such moves due to financial unprofitability and decreased readership of print newspapers. Senad Zaimović, general manager of Marketing Agency Fabrika, said that the switchover is part of the global movement, but in B&H "... it's a little more radical, because here print died before anywhere else in the region... you have to adapt to trends."

B&H municipal governments impose no legal restrictions on citizens' access local and international news. But limitations exist that are purely economic, in circumstances of low socio-economic status. In particular, use of international print sources is limited, and international television outlets are limited by local distributors' affordable offers.

The percentage of Internet users is steadily growing, with connections reaching 72 percent of the entire population in 2015. Citizens rely increasingly on online sources of information.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Boro Kontić, director of Mediacentar Sarajevo, said that municipal and cantonal media "are all in the hands of politics. [Politicians] choose them, they give them money, and they control them. As soon as the government changes, they immediately change the editor, director."

This is an outcome of the growing tendency of print media to go digital, as well as the higher number of Internet users in B&H, which increased by 14 percent between 2014 and 2015.⁷ One and a half million Facebook profiles in B&H implies that almost half of the entire population uses Facebook, with a 39 percent penetration rate, according to Internet World Stats.⁸ Aside from Facebook, Internet users in B&H often visit Kljix.ba and Dnevni avaz news portals. Dnevni avaz, together with Haber dnevne vijesti and Al Jazeera Balkans, has the largest Facebook audience of all media.⁹

In March 2016, BHRT announced that it would cease broadcasting by the end of June 2016, as a direct consequence of its aggravating financial crunch. The decision was later postponed, but a solution for continuous commercial struggles of PSBs has still not been found. Because of these struggles, broadcast of the 2016 Summer Olympic Games and UEFA Euro 2016 were uncertain until the last moment, and B&H's participation in the Eurovision Song Contest was canceled. Additionally, in December 2016, the European Broadcast Union cut off BHRT's access to international news exchange.

Political interference with public service broadcasters continues. In particular, RTRS has been criticized for political bias, while BHRT is considered the most balanced among the three broadcasters. Monitoring of RTRS content in 2016, on the eve of local elections, suggested notable favoritism towards the ruling party SNSD.¹⁰ Implementation of programmatic requirements (airing educational programs, for example), is questionable, given the overall lack of reporting or monitoring. The issues with content are affected even more by the current financial

⁷ In 2014, 58 percent of the population was using the Internet and in 2015 the percentage was 72, according to CRA Annual Reports 2014 and 2015

⁸ Internet World Stats. Data from Jun. 2016. Accessed on Dec. 16, 2016 <http://www.internetworldstats.com/europa2.htm>

⁹ Statebakers' Facebook stats – Media in B&H. Accessed on Dec. 16, 2016 <https://www.socialbakers.com/statistics/facebook/pages/total/bosnia-and-herzegovina/media/>

¹⁰ Dizdarević, Zija, Monitoring uređivačke politike TVRS, Foundation Public Law Centre, 2016 http://www.fcjp.ba/templates/ja_avian_ii_d/images/green/Zija_Dizdarevic1.pdf

crisis. For example, BHRT has reduced its programming mainly to news production.

Panelists also pointed out that government institutions finance local public media, which makes them subject to political whims and often biased and one-sided. Boro Kontić, director of Mediacentar Sarajevo, said that municipal and cantonal media “are all in the hands of politics. [Politicians] choose them, they give them money, and they control them. As soon as the government changes, they immediately change the editor, director.”

Of B&H’s 43 local television broadcasters, 12 local stations are founded and directly funded by local governments. Sixty-one of the 139 local radio stations are funded by the government. A similar notion of bias applies to B&H news agencies, with some financed by governments and others connected to political and religious elites.

Due to financial limitations, some media outlets cannot afford subscriptions to news agencies, particularly international agencies. Media outlets often have limited personnel, so they take news from other media, which limits the plurality of provided information. Many online media, which have only one employee, copy other outlets’ news, often without giving any credits to original sources.

To attract audiences, private media tend to produce multiple entertainment programs (very often singing contest shows) at the expense of news programs. Reuf Herić, director of Novi Radio in Bihać, and president of Steering Board of Association of Private Electronic Media of B&H, confirmed that heavy entertainment content is affecting media integrity. He said that the large number of broadcasters should result in more news and fewer entertainment shows, but the balance has stayed the same. He added, “The amount of money a media outlet can invest in the programs is decreasing. This leads to people being fired, news being copied, news completely being thrown out of the schedule, and so on.”

Like other businesses, B&H media companies, have to be registered in court. Still, there is an overall lack of public information on media businesses’ ultimate owners. Numerous online media do not register in courts and their ownerships are often nontransparent. Very often not offering basic information on management and contacts, online media take no responsibility for the information they distribute (sometimes propaganda and hate speech) and cannot be called out for accountability.

Concentration of media is regulated only by the Law on Competition of B&H. The law prohibits concentration from potentially distorting competition, or if the concentration creates or strengthens the dominant position of a company or individuals. However, the effectiveness of the law is

questionable, because the Competition Council acts only in cases of appeal and its preventative role is weak. The “Media and Public Credibility” project, funded by the EU and coordinated by BHJ, has started an initiative that gives some hope for improving legislation on media transparency.

In the meantime, B&H has no major concentrations, but political and business influences on media content remain nontransparent. At the end of November 2016, the state parliament obliged the Council of Ministers of B&H to within 120 days submit a proposal for a law on transparency and concentration of ownership over media. That mandate provided institutional confirmation that the issue has finally been put on the public agenda.

Public broadcasters are obliged by law to produce programs for national minorities and in languages of national minorities, but often they do not meet the requirements. B&H has online media focused on reporting on minority groups (e.g. *Diskriminacija.ba*; *LGBTI.ba*, *Manjine.ba*), but they are financed by foreign donors and lack sustainability. The situation is similar with media in languages of national minorities (e.g. *Crno-bijeli svijet*, magazine for Roma), which are established within non-profitable projects and thus depend on foreign funds. Once a week, BHT1 broadcasts *Govor tišine*, a compilation of weekly news with gestural interpretation into sign language for persons with hearing and speaking impairments. *Mostovi* magazine is available for persons with impaired hearing, and *Zvučne novine* for persons with impaired sight.

Affirmative coverage of LGBTI-related topics in mainstream media has increased. This is mostly due to targeted media campaigns of civil society organizations (e.g. Sarajevski otvoreni centar’s support of same-sex marriages). Civil society organizations sometimes organize workshops and training programs for journalists on minority reporting (e.g. on women, LGBTI, persons with disabilities). Still, media have an obvious lack of strategic orientation to integrate a multitude of voices and interests in their regular reporting. The media’s limiting of coverage to rare specialized issues could possibly lead to further ghettoization of particular groups.

Local media most regularly report news from local communities, but the reporting quality is questionable, as local media lack resources and editorial independence. Public broadcasters do not have a sufficient number of field correspondents, so local news from small communities does not regularly reach national audiences. Large private media (e.g. TV Hayat, PINK BH, OBN, ATV, BNTV) report on topics from local communities when some events are being held, but usually not on a regular basis. Social networks are the most efficient tool of distribution of information. Users post more often when the information is entertaining and less often when the content is political.

International events are part of news programs of all media, but usually reports are supplied from news agencies or international media outlets. Some of the panelists pointed out the problem of a lack of political diversity among the media sources used for international news. One of the participants mentioned that the coverage of the U.S. 2016 presidential election was based on reporting of several U.S. mainstream, mainly pro-liberal, media. This resulted in stories being somewhat one-sided and giving false impressions of possible election results.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 1.23

As in previous years, the overall score for business operations of media is the lowest among the five objectives and continues to drop (compared to 2016, it dropped by 0.16, to 1.23). Panelists said that the advertising market is suffering from further impoverishment. These conditions are conducive to increased influence on media's editorial policies by their few remaining sources of revenue, including political actors.

Although no precise data on the advertising industry are available, the advertising firm Agency Fabrika estimates that overall revenues for the advertising market in 2016 amounted to around \$39 million (including outdoor). That represents a drop by almost a third compared with the previous year, and leaves the media market far below the needed minimum. At the same time, the number of media outlets is not declining. As panelist Asja Rokša Zubčević of CRA noted, "It is hard to explain how these broadcasters survive on an already small market." Remaining sources of revenue are gaining more power, and with limited funding sources for media, they are in a position to influence editorial policies. Among them, the government has become more dominant in recent years. Major advertisers, mainly public telecommunication companies, are affiliated closely with the ruling political parties.

Cost-cutting strategies do not affect the overall number of media or even the amount of news and information programs, but rather their quality, which panelists said they perceive to be declining. The non-profit media sector remains underdeveloped, with only four registered radio stations of limited reach and mostly of humanitarian or religious content.

As indicated by last year's panelists also, tax debts of many media still have not been made public. Authorities are not initiating bankruptcy processes, possibly to avoid unpopular moves, or to put these media in a position of servility. Only a few media outlets are truly sustainable; among them are some international broadcasters, several online media, and a few large television broadcasters based in major cities. Business savvy is of secondary importance for most media; even the most

cleverly designed business models can hardly ensure revenues in the small, largely corrupt, and financially devastated market. According to Herić, the majority of media managers are not focused on investment in their enterprises and "only know how to be a little cheaper than the competition, not thinking...to send journalists to seminars, to buy new microphones, filters, etc."

International donor support is pivotal for the survival of several media outlets that engage in critical and investigative journalism. Some of these outlets do not even try to raise revenue in the local commercial market.

The un-economical organization of public service broadcasters is exacerbated by their increasing funding difficulties. Their revenue, obtained by subscription fees collected through Telekom's landline accounts, remains problematic with so many mobile customers dropping landlines. The government did not set up an improved model for fee collection in 2016; the old model formally expired at the end of 2015 with increasing migration of landline users to other platforms. Parliament and management of PSB have since failed to deliver a solution for collection but continues with two telecommunication companies. The third, HT Eronet, has chosen to abandon fee collection.

With the failure to adopt a new model of collecting RTV license fees, and with a further drop in landline usage, the already-low rate of collection is estimated to have fallen below 50 percent.¹¹ State-level BHRT is particularly suffering, with unprecedented financial troubles jeopardizing even reduced production. The station cannot be sustained much longer if the problem is not solved promptly.

¹¹ Some sources suggest that collection dropped by BAM 2.5 million (\$1.6 million) in 2014 and that the decline continued in 2015, but for 2016 no estimates are available.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Two public telecommunication companies, BH Telekom and HT Mostar, are among the few remaining major domestic advertisers, and are believed to be influenced by major political parties. Recent accusations of funneling public money from HT Mostar into private accounts ended with dropped charges against HT Mostar and the director of the agency SV-RSA. Still, the events cost many of the implicated persons their reputations and raised additional doubts about the capacities of the judiciary to put an end to corruption in similar cases.

Major international brands still have interest in the B&H audience, but they are increasingly reaching out through Google ads, media from neighboring countries, major global media, or non-news platforms that are cheaper or more reliable options. In 2016, leading international advertisers continued to include Henkel, Procter & Gamble, Coca-Cola, and Beiersdorf. Local media outlets, covering mainly municipalities or small regions in the country, are of least interest to big domestic and international advertisers, so local advertising markets are underdeveloped.

As panelist Asja Rokša Zubčević of CRA noted, “It is hard to explain how these broadcasters survive on an already small market.”

The role of advertising agencies in B&H remains mostly comparable to previous years. A few agencies suffered damage to their reputations as a result of the 2014 “Gibraltar” police investigation, in which nine advertising agency professionals were charged with money laundering, tax evasion, and illegal material gain. Agency S.V.-RSA was closed as a result of the charges.

Foreign owners’ domination of advertising agencies goes hand in hand with migration of advertisers from domestic to foreign media distributed in B&H. As in previous years, relations between advertisers and outlets are corrupted, involving conditions on political support and/or illegitimate financial gains. The corruption is likely intensifying against the backdrop of shrinking resources.

Public and local media alike continue to lower the price of advertising as a strategy for ensuring revenue, as indicated in the previous MSI report. Advertising time on public television stations is limited to four minutes and on radio stations to six minutes per hour. But the limits are considered only a formal protection of commercial media, given the circumstances of declining advertiser demand—even these minutes can hardly be filled.

Government funding for media, around \$16.4 million per year, is marked by lack of transparency, decisions being made by political bodies, lack of rationale and criteria of public interest, and no guarantees that funding is not used for political control over media. They disburse through several funding models, including direct funding for public media, and different contracts with media for coverage of certain proceedings and events.

Entity governments continue to fund media, primarily through supporting the two public news agencies SRNA and FENA. Municipalities and cantons directly finance local public broadcasters. Panelists said that they consider non-transparent financing the main factor in media sustainability, as well as the cause of decreased integrity in the face of shrinking revenues. They questioned the legitimacy of government fund allocation, given the scarce transparency and the questionable criteria. Accountability is not ensured, and ultimately public interest is neglected in these funding models. Even less transparent are the advertising practices of public companies that are major buyers of domestic advertisements. Those transactions are also believed to be similarly misused.¹²

Only rare media outlets use market research results for strategic planning and programming responsive to audience interests. Zubčević described the experience that she and her CRA colleagues had in conducting research. “We carried out a round of consultations with our licensees and, among other things, we specifically asked them if they do these things, and we received a disastrous result.”

Similarly, the public’s interests are not at the center of public media functioning, nor are they substantially considered or strategically promoted in practice. The majority of media go in the direction of reducing costs rather than investing in programmatic developments. Media outlets are further discouraged from using measurement data due to its questionable reliability in the television media sector and lower quality of measurement in other sectors. Only a few online media use paid audience measurement with more substantial audience data, while the majority use data from Google analytics and Alexa only. Print media in B&H have never showed an interest in developing a measurement system. In the radio sector, the use of audience data is more the exception than the rule, while the television sector still uses audience data widely. They are based on people meters as nominally the most developed method, but the reliability of television audience measurement has been questionable for the past five years.

The market is largely affected by previous controversies surrounding television audience measurement. The controversies

¹² See more in Hodžić, Sanela. Media Integrity Report: State-Media Financial Relations in B&H. *SEE Media Observatory*, 2015 <http://mediaobservatory.net/radar/media-integrity-report-state-media-financial-relations-bosnia-and-herzegovina>

over ownership of the measurement provider, its entry in the market, and alleged issuing of false data on broadcasting of advertisements were never resolved, and a new controversy has followed. In March 2016, the Council of Competition of B&H ruled that the television audience data provider, Audience Measurement, violated rules of competition by forming different prices for same or similar services, as well as illegitimately conditioning access to data from previous years with new contracts.

While this ruling could be viewed in a positive light, panelists have considered it only a formal satisfaction because nothing has yet changed in practice, and panelists do not expect any changes in the future. They would like to see a media/advertising joint advocacy platform, through which they could resolve these problems, but have seen no progress in this area. A previous initiative to restore the role of the Association of the Media Industry, which would balance the interests of different actors on the market through a new audience measurement contract, has so far proven to be fruitless. State institutions did discuss some of the controversies, but so far have failed to bring any definite decisions, thus leaving the concerned parties in the lurch. Meanwhile, the integrity of television measurement remains poor and the market is now a muddy pond of uncertainties.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 1.86

The average score for Objective 5, Supporting Institutions, dropped from 2.15 in 2016 to 1.86 this year. While scores for most of the eight indicators remained mostly static, indicator 1 (trade associations) and indicator 8 (ICT infrastructure) each dropped significantly. Panelists noted that the decline in media infrastructural support is manifested in media owner associations and journalist organizations, which play weakened roles in protecting journalist interests. The long-awaited digitalization process is still in its initial phase, and its completion, though imminent, is not set firmly.

Even without legislative barriers, trade associations do not adequately represent the media industry. Some formerly active media associations have lost their powers, while others are fragmented, representing deferring interests and becoming mostly inactive.

The Association of the Media Industry, which had united the main broadcasters and advertising companies in B&H and had been a contractor for audience measurements until a few years ago, has never restored its role. Its membership decreased and the task of audience measurement was given to the company Audience Measurement, which media outlets contract directly.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Panelists shared the impression that publisher associations are not relevant, while associations for the advertising industry and online media do not exist. In May 2016, broadcast media associations (the Association of Private Electronic Media, known as PEM, the Association of Electronic Media, and the Association of Radio Stations of RS) formed an agreement with author rights associations for protection of payment procedures for use of copyrighted music. However, commitment to full implementation of the agreement remains to be seen.

Panelists noted that PEM is mentioned as the most active among broadcast media associations, but this collective organizing fails to unite the interests of the entire industry, while also struggling with scarce internal capacities. "It's a drop in the sea," said Herić, president of the PEM Steering Board. "It's basically impossible for one association to solve problems in the whole media industry." He said that the media sector has a large number of managers that lack managerial know-how, and are not focused on what they are supposed to do to drive the industry forward or themselves forward. He added that his association has internal problems and expressed concern about what would happen "if it became more massive."

Similarly, B&H has several journalist associations that were established in the post-war period across the country, but most are not active and rarely speak out for their members. These include Association of Croat Journalists of B&H, Union of Journalists of B&H, Union of Journalists of RS, Independent Union of Professional Journalists, Association of Reporters from the Court of B&H, and BHJ. Sarajevo-based BHJ is an exception, and is often the only organization that publicly reacts on behalf of its members and journalists in general. BHJ belongs to the International Federation of Journalists and European Federation of Journalists. It currently has 780 members, which represents one-third of the total number of journalists working in the country, according to some informal statistics. The

number of members is increasing: it had 87 new members in 2015. BHJ delivers services such as legal aid, counseling, and training programs. It has so far established journalists' clubs in eight locations (Zenica, Mostar, Banja Luka, Brčko, Bihać, Goražde, Srebrenica, and Tuzla) to support journalists in local communities.

B&H has several active journalism trade unions, whose members work for public broadcasters. They include the Trade Union of Media and Graphic Workers of RS; Union of Publishing, Graphic and Media Workers; Independent Trade Union of RTRS; and Independent Trade Union of Public Service Employees. Panelists said that some unions are perceived as financially and politically influenced by political structures, and expressed doubts regarding their independence. Thus, many journalists do not affiliate with their activities and do not participate in their work. Trade unions at the entity level have branch unions of graphic, media, and publishing workers, but panelists did not mention any relevant results of such organizing.

The panelists had a consensus that civil society organization support for journalists and their work is scarce. Panelists could not name any organizations that regularly react to pressure against journalists. They gave the example of the case of CIN journalist Selma Učanbarlić. She wrote a critical story about Emir Talirević, a doctor and owner of a private healthcare institution. Talirević launched a nasty verbal attack against Učanbarlić, but it did not gain much attention from civil society organizations. Panelists mentioned another case, in which former Klix.ba journalist Lejla Čolak was a victim of brutal speech inciting to violence. An online group of women's civil society organizations, Women's Network, published a statement condemning the attack,¹³ but no further action was taken. Several civil society organizations reacted to proposed retrograde changes of FOIA in December 2016, which is a positive example of engagement in defense of the right to information, but without visible support of wider civil society their advocacy efforts remain limited.

Journalism schools teach students across the country. Journalism departments are at public universities in Sarajevo, Mostar (at two universities, Univerzitet u Mostaru and Sveučilište u Mostaru), Tuzla, Istočno Sarajevo, and Banja Luka. Journalism programs are offered also at the private College of Communications in Banja Luka and at the Department of Computer Science and Communicology of the Faculty of Humanities of Međugorje. According to Media Plan's research "Two Sides of the Same Medal," the eight schools enroll a total 465 students each year. Such a high number of journalism schools is not a result of actual needs of media outlets and communication institutions, but is rather a consequence of the

country's division into entities and cantons—and even more of the country's ethnic fragmentation.¹⁴

Journalism programs sometimes fund small-scale student newspapers and magazines to enhance the practical skills of their students. Their readership is very limited, with the exception of the student magazine of the University of Mostar, which is published in the *Večernji list* daily newspaper.

But overall, the quality of university journalism education is considered rather poor and does not comply with the needs of the industry. Journalism graduates usually do not get sufficient practical experience at universities, so newsrooms must teach them the trade. Outlets will take students or graduates for unpaid internships or probationary work, during which they train them with the goal of selecting the best. Tatjana Sekulić, multimedia producer for TVN1's web portal, said that universities are losing their knowledgeable professors to retirement, and schools are not stirring young students' interests. She has observed journalism graduates as having poor basic education and cultural knowledge.

In the last couple of years, the number of in-service training programs, previously provided by media associations and foreign organizations in B&H, decreased significantly due to lack of funds. Fully funded fellowship programs, such as BIRN's Fellowship for Journalistic Excellence and RFE/RL's Jiri Dienstbier Program, are still available to B&H journalists. Training programs abroad are expensive and journalists usually cannot afford them, while the offer of free-of-charge programs in the country has become very limited. But neither journalists nor their editors see continuous education as a professional priority. According to Boro Kontić, director of Mediacentar Sarajevo, "There is no interest, at media outlets for example, in this kind of training. We are committed; we mainly work with students. Students come to us for a while, we send them to web portals to do practical work, and that's it. What we once had here was almost an industry; it virtually no longer exists."

In 2016, BHJ organized workshops on freedom of speech, labor rights, and trade unions, and continued with its Journalists' Academy program for students and young journalists. Mediacentar Sarajevo delivered a training for students on freedom of speech and multimedia production. The program included internships at CIN, Žurnal, and RFE/RL (funded by Civil Right Defenders), as well as four training classes for 40 journalists on the topic of media and peace-building (funded by USAID). It also coordinated two United Nations Population Fund programs for journalists on reporting on sexual violence in mass conflicts and on sexual and reproductive health.

The government places no restrictions on access to material and equipment for media production, and sources of equipment

¹³ Osudujemo svaki oblik nasilja! Javno reagovanje protiv nasilja. *Zenskamreza.ba*, Aug. 2016 <http://zenskamreza.ba/osudujemo-svaki-oblik-nasilja-javno-reagovanje-protiv-nasilja-2/>

¹⁴ Udovičić, Radenko. Two sides of the media medal. *Mediaonline.ba*, Nov. 2016 <http://www.mediaonline.ba/en/pdf.asp?ID=3416&n=TWO%20SIDES%20OF%20THE%20MEDIA%20MEDAL>

and printing facilities tend to be apolitical. Contracts are market-oriented and are based on quality of services and financial offers rather than on media editorial policies. Printers cannot monopolize their positions to prevent media pluralism given the multitude of printing options.

Channels of media distribution are mostly free of state control and the country has various distributors of print, television, Internet and mobile phone services. A total of seven mobile phone operators (BH Telecom, Telekomunikacije Srpske, Hrvatske Telekomunikacije, IZI Mobil, Logosoft, Blicnet and Telrad Net) offer increasingly varied services at lower prices. The percentage of Internet users reached 72 percent of the entire population in 2015.¹⁵ Similarly, mobile penetration in B&H is increasing, and at the end of September 2016 climbed to 89.55 percent, from 84.84 percent at the end of the previous quarter.¹⁶ Internet and mobile services are used widely, and the law places no restrictions on access. However, some cable TV providers claim that the company Telemach has monopolized the market. Telemach has bought several cable operators, making exclusive deals with several media outlets and offering popular channels only to users of their cable television packages, thus hurting their competition. The Council of Competition of B&H has warned the United Media company (of which Telemach is part) that it should offer its channels to all cable providers based on same terms and conditions.

The years-long process of digital switchover is still far from being completed. Even though digital signal has been tested since October 2016, the testing phase began more than a year after the deadline for complete digital switchover (June 2015). Panelists expressed skepticism about its finalization, which caused the score for ICT infrastructure to drop in comparison to last year. The test signal is being transmitted only in Sarajevo, Banja Luka, and Mostar. The quality of current analog broadcasting in remote areas is far from adequate, and citizens living in rural areas are sometimes left without access to information. Zupčević commented that some rural populations do not even receive public broadcasting signals, let alone have an Internet connection or 4G network capacity.

While generally consumers have multiple choices for purchasing ICT devices from foreign or local distributors, options for people living in rural areas are sometimes limited. However, media outlets are following global trends and increasingly using the Internet and mobile services to reach their audience through websites, podcasts, and social media.

¹⁵ CRA Annual Report 2015, <http://rak.ba/bos/index.php?uid=1272548129>

¹⁶ Bosnia's end-Sept mobile phone subscribers rise 5.6 q/q. SeeNews.com Accessed on Dec 24, 2016 <https://seenews.com/news/bosnias-end-sept-mobile-phone-subscribers-rise-56-q-q-548256>

List of Panel Participants

Senad Zaimović, general manager, Fabrika advertising agency, Sarajevo

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

Reuf Herić, director, Novi Radio; president, Steering Board of the Association of Private Electronic Media, Bihać

Emir Habul, journalist and editor, BHRT, Sarajevo

Gordana Šarović, director, Technical Information Center, RTRS Istočno Sarajevo bureau, Istočno Sarajevo

Mehmed Halilović, independent media expert, Sarajevo

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

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

Hana Kazazović, blogger, Zenica

Nataša Tešanović, director, ATV, Banja Luka

Rubina Čengić, editor in chief, *Start B&H*, Sarajevo

Sanja Čović, journalist, Bljesak.info, Mostar

Azhar Kalamujić, journalist, Center for Investigative Reporting, Sarajevo

Tatjana Sekulić, multimedia producer, TVN1 web portal, Sarajevo

The following participant submitted a questionnaire, but did not attend the panel discussion:

Marijan Primorac, assistant professor, University of Mostar, Mostar

Moderator

Sanela Hodžić, researcher of Mediacentar Sarajevo, Sarajevo

Authors

Lidija Pisker, independent researcher, Sarajevo

Sanela Hodžić, researcher, Mediacentar Sarajevo, Sarajevo

Kanita Halilović provided proofreading and quote translation assistance.

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

The decade of EU membership has been disappointing for development of the media market, as MSI studies have shown over the years. Even though Bulgaria's media perform better than in some neighboring countries, experts and the general public are not satisfied with the overall quality of the media in the country.



BULGARIA

Bulgaria celebrated 10 years as a member of the European Union (EU) on January 1, 2017. During that time, the country has witnessed stable economic growth, with per capita gross national income rising from \$14,848 in 2007 to \$17,880 in 2015, according to the World Bank (using adjustments for purchasing power parity). This growth, however, has not registered in the way Bulgarians feel about their lives: according to Eurostat, 54 percent of Bulgarians were unsatisfied with their standard of living in 2016.

Dissatisfaction has led to a series of government ousters in the past few years and, most recently, to the resignation of the government after the ruling center-right GERB party's candidate lost the presidential elections in November 2016 to a political novice supported by the opposition Socialists. The new president, Rumen Radev, has been frequently described as a supporter of closer links with Russia, even though he insists that he favors deeper integration of Bulgaria in the EU. Bulgaria is a parliamentary republic, and real executive power lies with the government, which is appointed by parliament. Whether Bulgaria's changing political climate will lead to significant policy changes will depend on the results of the early general elections to be held in March 2017.

The decade of EU membership has been disappointing for development of the media market, as MSI studies have shown over the years. Even though Bulgaria's media perform better than in some neighboring countries, experts and the general public are not satisfied with the overall quality of the media in the country. As one panelist in the 2016 MSI survey, university lecturer, rock star, and former media manager Constantine Markov, put it, "The media in Bulgaria don't meet the expectations and standards established in the more developed part of the world. They may be better than in Moldova, but they're not where they should be after so many years of democratic development."

Many Bulgarians share those sentiments. According to a 2016 survey carried out by the Media Democracy Foundation, only 17 percent of Bulgarians trust the independence of the media. The main threats to the public's trust in the media are the huge growth of fake news, a campaign against Bulgaria's pro-Western orientation, the visible political pressure on the leading national media, and the growing impact of the media described in Bulgaria as "truncheons": tabloid newspapers, online news sites, and television channels used by local oligarchs to exert influence, ruin the reputations of political and business opponents, and manipulate public opinion. "The media are being used to hack people's minds and to hijack reason. That's above all the online media, which have sent us to the post-truth era when a connection to the facts becomes impossible and even undesirable," said popular columnist and free-speech activist Yassen Boyadjiev. For these reasons, the 2017 issue of the MSI for Bulgaria marks the lowest level recorded since the survey launched in 2001, with a slight decrease in score compared with last year's previous low.

BULGARIA at a glance

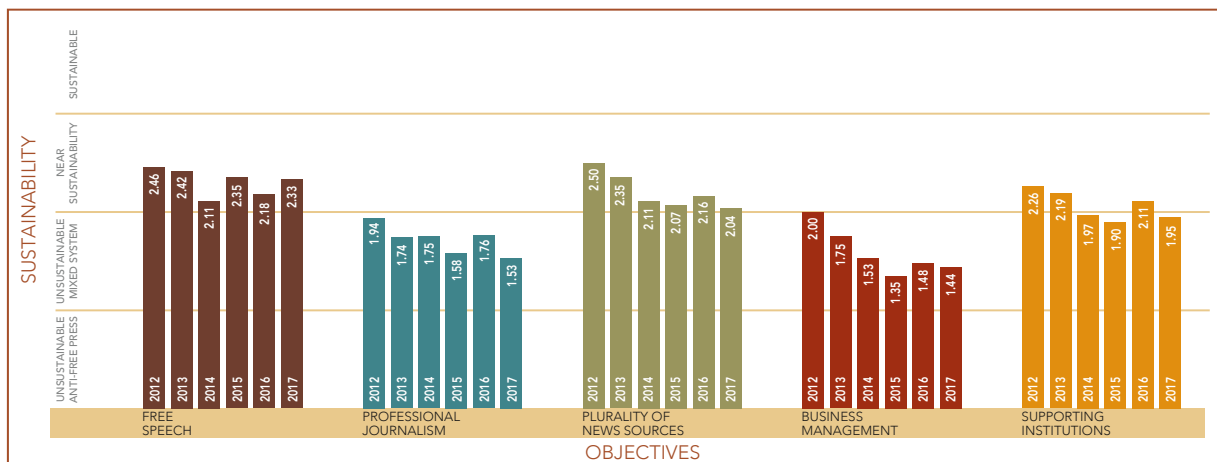
GENERAL

- > **Population:** 7,144,653 (July 2016 est., CIA World Factbook)
- > **Capital city:** Sofia
- > **Ethnic groups (% of population):** Bulgarian 76.9%, Turkish 8%, Roma 4.4%, other 0.7% (including Russian, Armenian, and Vlach), other (unknown) 10% (2011 est., CIA World Factbook)
- > **Religions (% of population):** Eastern Orthodox 59.4%, Muslim 7.8%, other (including Catholic, Protestant, Armenian Apostolic Orthodox, and Jewish) 1.7%, none 3.7%, unspecified 27.4% (2011 est., CIA World Factbook)
- > **Languages:** Bulgarian (official) 76.8%, Turkish 8.2%, Roma 3.8%, other 0.7%, unspecified 10.5% (2011 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$53.69 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$17,880 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 98.4%; male 98.7%, female 98.1% (2015 est., CIA World Factbook)
- > **President or top authority:** President Rosen Plevneliev (since January 22, 2012)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 295 newspapers, 635 magazines (National Statistics Institute 2014); Radio Stations: 85; Television Stations: 112 (Council for Electronic Media)
- > **Newspaper circulation statistics:** Total annual circulation: 324,310,000 (National Statistics Institute 2014)
- > **Broadcast ratings:** bTV, NOVA, BNT1
- > **News agencies:** Bulgarian Telegraph Agency (state), BGNES (private), Focus Information Agency (private)
- > **Annual advertising revenue in media sector in 2014:** \$107.6 million net (MA Pierrot 97)
- > **Internet Usage:** 4.072 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: BULGARIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.33

Bulgaria has an established legal environment that protects and promotes free speech and access to public information. Regulations in this sphere were set up in the early 1990s and have been gradually improved and expanded; however, they are not vigorously enforced, and the public puts less and less value on free speech. Some experts say the radio and television law is long overdue for revision. Nikoleta Daskalova, of the Media Democracy Foundation, has counted 44 amendments to it since its adoption in 1998, most made in the last moment to serve a short-term business or political purpose. “We don’t need any more piecemeal changes, but a total reform of the legislation,” she said.

Free speech is protected by Bulgaria’s constitution and legislation on broadcast media. At the same time, Bulgaria suffers from an overall weakness of the rule of law, and these norms and protections are not always enforced. Panel participants noted that the public has grown less concerned about free speech, as this right has been abused by populist politicians and tabloid media, fake news has increased, and the media generally traffic in sensationalism. Public trust in the media is declining, and distaste for the behavior of the tabloids has spilled over to media that adhere to professional standards.

The licensing of broadcast media is done by the Council for Electronic Media (CEM), which started 2016 in limbo, as the terms of three of its members, including the chairperson, had

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

expired. In April, parliament elected two new members, and a candidate who had earlier been nominated by the president took her seat. The council’s revocation of the license for TV7 in 2016 was an example of why some believe its actions are politically motivated. TV7 is owned by Bulgarian oligarch Tzvetan Vassilev, who fell out of favor with his political and business partners and lives in self-imposed exile in Serbia. The former banker regularly gives interviews in which he accuses the prime minister and the prime minister’s alleged business partner, member of parliament and media tycoon Delyan Peevski, of corruption. TV7 was forced to stop broadcasting as it was preparing to air such an interview; the CEM, however, said the move was motivated by the channel’s bankruptcy and multiple violations of the broadcasting law. Panel members said the license of TV7 was taken away in the same political way it had been awarded a few years earlier.

Panelists also noted the CEM’s unwillingness to start the election of a new director general for BNT, the Bulgarian public television broadcaster. The incumbent’s final term ended in July, but parliament changed the law on radio and television to allow the term to be extended until a new director is elected. “This decision is very controversial, made at the last minute, lacking in details, purely aiming to legalize the current situation and as a reaction to the fact that there is no agreement on a new candidate; new candidates aren’t even being discussed,” Daskalova said.

Conditions for entering the market and the tax structure for media are fair and comparable to other industries; Bulgaria has a simplified VAT of 20 percent and a flat 10 percent revenue tax for all industries. Media industry associations have tried repeatedly to have the VAT reduced or abolished for their industry. “We benefit from favorable taxation—there are very few professions where you can automatically deduct 40 percent of your income,” said Vladimir Yonchev, director of OFFNews. However, according to Vessislava Antonova, media editor of the *Capital* weekly, the state can use tax authorities to pressure uncooperative media: “When they want to threaten a media outlet, they send the taxmen.”

Crimes against media professionals, including citizen reporters, and media outlets happen occasionally and have been on the rise. Stoyan Tonchev, an investigative reporter from the Black Sea town of Pomorie, was badly beaten by a group of men that included the personal driver of a city councilor from the town. One attacker was arrested and is awaiting trial, while the others have not been identified. During the attack, the men shouted, “When will you stop writing?” Another member of the criminal underground received a suspended sentence of five months for attacking a journalist in the nearby regional center of Burgas. In several other cases of threats and physical violence against journalists, police have launched serious investigations. In another disturbing incident, Bulgaria’s greatest football star and

national icon from the late 1990s, Hristo Stoitchkov, attacked reporters for taking pictures at a wedding he was attending. He is now awaiting trial. Similar cases involving powerful people are happening more often, especially in the countryside.

Bulgarian law protects the editorial independence of public media, but it is not always enforced. In a widely discussed case, the culture minister accused publicly the anchor of the country's public television daily culture program of being too critical and "forgetting who feeds him." The journalist and the management of BNT responded with a defense of free speech and criticized the minister, but it is widely believed that BNT and BNR (the public radio broadcaster) are under pressure to provide favorable coverage of the government. Both organizations have rigorously defended their editorial independence. For some members of the public, this independence goes to extremes, as with a controversial weekly talk show on BNR taken off the air in 2016. The program, known for its pro-Putin and anti-EU stance, was suspended after CEM started imposing financial sanctions on BNR for violating pluralism requirements for public media. BNR's new director general has started to deal with programming problems that have accumulated over the years but is facing internal opposition and limited political support for the much-needed reforms.

Libel in Bulgaria remains criminalized, although sanctions do not include imprisonment. Increasingly, public figures and journalists successfully sue the media for libel and defamation. Antoaneta Tzoneva and Assen Genov, prominent civil-society activists, are among those winning cases against one of the "media truncheons." The *Monitor* newspaper, one of the "Peevski" group, had accused the two of paying people to protest against the prosecutor general, a claim it was unable to prove in court. Disputes often arise over social media postings, and courts have delivered varying verdicts. Bojidar Bojkov, a journalist from Burgas, successfully defended himself against a defamation case brought by a local businessman after proving that his posting was based on fact; local activist Bojidar Sandov, though, was found guilty in the same city for offending another local businessman on Facebook. It is usually more difficult for public officials to prevail in such cases, and the offended party must prove falsity and malice.

Public information laws have been strengthened for all media, journalists, and citizens, although enforcement is sometimes lacking. According to the annual report of the Access to Information Program, a civil-society group, public institutions are getting better about publishing and responding to requests for information but sometimes drag their feet or bury the information in obscure sections of their websites.

"The first problem is that publicly available information is not well organized and is published on the wrong part of the website," Yonchev said. "The second problem is the naming of

the files, which makes them difficult to find, and the biggest problem is that most documents are in unsearchable PDF format. I'm sure this is done on purpose—to fulfill the legal obligation to publish but make it difficult for people to find the information... As a general rule, if there's a lot of money involved, the documents are impossible to find. That's a scandal."

As has been the case for many years, media outlets' access to and use of local and international news and news sources is not restricted by law or in any technical way; however, there are concerns that the reduced financial and professional capacity of some media is resulting in less regional and international news.

Entry into the journalism profession is free, and the government imposes no licensing or restrictions for journalists—which, given the declining level of professionalism in Bulgarian media, some MSI panelists quipped is not such a good thing.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 1.53

With an objective average of just 1.53, this is the second-lowest-scoring part of the MSI for the year. The panelists acknowledged significant differences among different segments of the media that could make the low average misleading. The work of journalists at the three mainstream television channels and a handful of print and online publications is significantly more professional than at the "media truncheons," yet the overall trend even in the more professional media is not encouraging.

Reporting is not seen as fair, objective, or well-sourced. The mainstream media show a bias for the government while sidelining the opposition or alternative points of view. The tabloid media are not committed to professional and fair reporting at all, and the number of fake-news portals and stories is growing fast. The panelists said mainstream media may disregard a fake-news story initially, but once it appears in the bigger tabloids, they feel free to include it in their own programs for comments and further distribution. The "Peevski" group of media, including several print and online outlets and the well-funded Channel 3, which government members favor over mainstream outlets for interviews, does not abide by professional standards and is used for pro-government propaganda and attacks on any who oppose those in power. Biased reporting is finding its way into the mainstream media as well, particularly on talk shows on BNR and on the two main commercial channels, bTV and Nova TV.

The mainstream media have accepted codes of professional behavior and a media complaints commission that reviews potential violations. The most flagrant violators, however, are media that do not participate in the self-regulatory mechanisms.

In a paradox then, the media community regulates those who perform better but is unable to take measures against those outlets that commit the worst violations of professional standards.

Antonova, a member of the National Council for Journalism Ethics, said that most recent complaints concern the “very essence of journalism.” For instance, one complaint said a major channel had used archival footage of another place and time to substantiate allegations of corruption in an investigation. “What is worrying is that the complaints have now reached the serious long journalistic formats of the media, where the facts should be straightforward. Moreover, many of these investigations get results—people are being fired,” Antonova said.

The lowest indicator score for Objective 2 arises from widespread self-censorship, which all panelists said prevails even in publications with relatively high standards. In the case of the tabloids, self-censorship is the rule; these media do not write anything on domestic political, social, or business matters that is not in line with the private interest of the publisher. In the mainstream media, self-censorship is the combined result of external political pressure and a weak advertising market that makes managers wary of scaring off advertisers with coverage of controversial issues related to their businesses. “Self-censorship is cruel,” Yonchev said. “Self-censorship is when you want to say something, but you’re scared. It’s worse now—you don’t want to say anything anymore.”

While the panelists agreed that journalists generally cover key events and issues in the country, there are growing concerns that the news agendas are driven by specific interests and not by the desire to inform the public about important events. The angle of coverage of these events is also problematic—even the mainstream professional media tend to select less controversial

angles or accept the spin developed by government, political, or corporate public relations.

Pay for journalists and other media professionals has been falling amid the financial difficulties in the advertising market, and keeping qualified people within the media profession is becoming difficult. Some media and journalists have been caught semi-officially offering their services to politicians and companies in exchange for positive coverage. Recently, Deputy Prime Minister Ivailo Kalfin condemned what he called “fake news” about him produced by Valeria Veleva, a well-known journalist and website editor. “Unfortunately, financial problems make some journalists do anything for a few bucks,” Kalfin said. Veleva, who was exposed as a former informant for the Communist secret services, had earlier shocked the professional community by posting on her site special tariffs for giving prominent placement to stories and for producing a “promotional analytical publication.” Panelist Ivo Draganov, a professor at the New Bulgarian University, said journalists “with high material status, their fast rise to wealth, the luxurious villas and the expensive cars...the demonstration of close links with the people in power known for their unscrupulous attitude toward the media are indicative of these issues.”

BNR producer Irina Nedeva recalled that tabloids had fabricated a story about reporter Maria Cheresheva, a board member of the Association of European Journalists Bulgaria. Tabloids said Cheresheva had interviewed the Syrian refugee who had registered in Bulgaria and later killed himself in a July suicide attack on a wine bar in Germany—and then that the tabloids had asked her about the interview. Cheresheva is suing the newspapers.

Despite the important political and economic developments in 2016, entertainment continues to eclipse news and information programming, and it is increasingly creeping into even more serious formats; pop divas, footballers, and reality-TV stars are being invited to comment on serious political, security, and social issues alongside experts and politicians. While panelists said this is meant to boost ratings, they also said it trivializes serious debates and damages the quality of the public discussion. Another trend seen in 2016 is celebrities’ increasing willingness to use their status to directly interfere with politics. *Slavi’s Show*, a popular late-night entertainment program, initiated a referendum on the elections system and used its daily programming to gather the necessary signatures to have the referendum officially registered. The program also exposed critics of the referendum to indiscriminate attacks, including the public tearing of a portrait of the president and hours of smear campaigns against members of parliament and public figures, including respected journalists who did not approve of the changes in the electoral system promoted by the showman.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Rozita Elenova, a member of the CEM, said the regulator does not have legal power to interfere. “We’ve asked the European Regulators Group for Audiovisual Media Services, ERGA, for advice on what to do in this situation. There is no tool in our law allowing us to regulate this unprecedented situation,” she said.

The only bright spot in the measure of professionalism remains the technical level of facilities and equipment for gathering, producing, and distributing news. The panelists agreed that most media can afford good equipment and that the technical quality of the content is improving. Not all are pleased with the final product, however. Draganov said video has not improved much, graphics are poor, and pictures are not dynamic. “Television in Bulgaria disregards the importance of the image. Well-trained cameramen and studio directors able to work the studio’s setting professionally are missing,” he said.

Quality niche reporting and programming in Bulgarian media is becoming rarer and remains limited to a few outlets. These include the three main television channels; publications, such as *Bivol*, that specialize in investigative reporting; the group of publications around *Capital*; and some smaller online media, such as BIT TV, which launched in 2015 with investment from Bulgarian nationals in the United States. “There are entire beats that are dead,” Yonchev said. “Tell me one reporter who knows anything about regional development, about municipal budgets, about local budgets.... The reasons are financial—reporters don’t have the time to develop beats because they have to bring in information every day.”

Daskalova warned of the rise of hate speech. “It’s no longer limited to fringe media—websites and political party TV channels, which have a political agenda behind their intolerance to minorities and ethnic groups—but is being developed by leading TV stations as a sort of a commercial nationalism. The victims are numerous—not only minorities, but also politicians and the liberal media, citizen activists, and NGOs. This is becoming the rule,” she said.

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.04

While there is a plurality of public and private news sources and a large and diverse media scene, including print, broadcast, online, social, and mobile media platforms, they offer a relatively narrow range of viewpoints. The “media truncheons” are generally seen as distributing via multiple channels the same messages, covering the same selection of events and people from the same angle, even sharing the same fake-news stories across multiple platforms. A growing number of anonymous online platforms cross-promote one another to multiply fake news and Kremlin propaganda and attack and discredit

politicians, institutions, and civic activists. More pluralism exists in the mainstream media, which are themselves attacked by the rest of the media when presenting points of view that do not correspond to certain propaganda lines.

“The media in Bulgaria in the 1990s were more pluralistic than now. There were clashes of ideas among them,” political analyst and blogger Ivo Indjev said. “Since then, it’s been all smoothed over by corruption. Bulgarian media were corrupted by the government with European money, which is absurd. This is selection by virtue of obedience. The more obedient you are, the more you get, the more you’re on screen... The Bulgarian media refuse to focus on whole segments of reality that are important to society. All the big international media saw it very clearly—that the battle in the presidential elections in Bulgaria was between East and West. Our media refuse to see it,” Daskalova said.

Bulgaria has a large number of media outlets, but little actual pluralism, thanks to concentration of ownership. It is difficult to prove who controls the “truncheon” media, as ownership is spread among companies that have no formal connection to the media tycoon Peevski. However, a scandal involving three of the leading tabloid-style outlets in 2016 shed some light on their links to him. The editor of the PIK news agency, an online tabloid, and the owner and editor of the *Trud* newspaper entered into a public debate about their financial dependency and links to the Peevski media empire. A similar scandal involved PIK and another tabloid, *BLITZ*. Despite blatant violations of media standards, PIK managed to receive registration as an online television channel, which prompted the protest resignation of CEM Chairman Georgi Lozanov. Some of these media are among the biggest beneficiaries of EU funds distributed by the government.

Citizens’ access to domestic or international media, unrestricted by law, economics, or other means, is traditionally among the highest-rated indicators of the MSI in Bulgaria. Free terrestrial television and radio are available across Bulgaria, with few areas where the coverage is bad. Cable television is widely available and affordable; more than 63 percent of households have Internet access, a 4 percent increase over 2015.

The public media of Bulgaria, BNT (television) and BNR (radio), enjoy a relatively high level of trust and tend to reflect a wide spectrum of political views. Except for a few talk shows, they are widely seen as nonpartisan and in the public interest. There are, however, serious concerns about political interference by the government, which directly intervenes in the two stations’ programming and tightens its purse strings in an effort to keep them in line.

Stoyana Georgieva, editor-in-chief of the Mediapool website, said the culture minister’s unobvious reminder that the government “feeds” BNT journalists “is indicative of the way

politicians imagine the role of journalists in public media—that they are on a state salary and should serve the government.”

BNR went through a difficult period in 2016, with disagreements over internal financial regulations between the management and the editorial staff, and with the decisions to cancel the controversial *Dekonstrukcija* talk show and to send into early retirement a popular independent-minded presenter, Lilly Marinkova. A new director general will be appointed at BNT in 2017; new management is in place at BNR. For several years, there has been talk of merging the two broadcasters, but there is little internal support for the move and governments have avoided radical changes. In the case of BNR, there are serious concerns that the station’s new management, like its predecessor, has little editorial control over some programming, which is run by powerful producers who impose their own editorial and financial policies.

According to BNT’s chief producer for current affairs, Boyko Vassilev, some cases, especially at BNR, raise the question of whether pluralism can be abused and “whether under the guise of free speech the journalists have the right to drive their own political agenda or directly propagandize.”

With the growth of the Internet there are few strong, independent news agencies serving media outlets. The state-owned BTA depends entirely on its government subsidy, and the private alternatives are used as propaganda tools. Most media do not depend on news agencies and receive information from a variety of their own and free online sources. Copyright violations are common. Private media produce their own news. The radio and television law requires broadcast media to produce their own news, and external production of current-affairs programs is limited.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

“The Bulgarian media refuse to focus on whole segments of reality that are important to society. All the big international media saw it very clearly—that the battle in the presidential elections in Bulgaria was between East and West. Our media refuse to see it,” Daskalova said.

The ownership of media, especially print and online, continues to be opaque and does not allow consumers to judge the objectivity of news. Despite legal requirements and numerous attempts to increase transparency, it is still difficult to find reliable information about the actual owners of some print outlets and impossible to do so for the sea of new websites. “We have better transparency now in the ownership of print media, but the online [sphere] is completely out of control,” Antonova said.

Owners of broadcast media, on the other hand, must identify themselves in order to obtain a license, and there is clarity about who owns the major television channels. Media ownership is increasingly concentrated among a few conglomerates; the groups of bTV (owned by Central European Media Enterprises and Time Warner) and Nova TV (owned by Swedish media group MTG) dominate the television market and hold a very strong position in the online market. Peevski is the assumed man in control of the biggest print network, with a significant presence in online and television platforms.

The diversity and number of media outlets also does not translate into a broad spectrum of social interests reflected in the media. Most news content is centered around the government, and there are limited citizen alternatives. Minority-language information sources practically do not exist. For Bulgaria’s significant Turkish population, the main information sources remain television channels broadcasting via satellite or included in local cable networks from Turkey.

The Bulgarian media provide news coverage and information about local, national, and international issues, but limited finances restrict the number and depth of stories most media outlets can cover outside their area. Only the public broadcast media have regular correspondents in the countryside or abroad, whom they find increasingly difficult to sustain; all other national broadcast media work with freelancers in the country and abroad, often sharing the same correspondent, who usually also works for an independent local outlet. This adds up to partial and superficial coverage of events outside Sofia.

Information about international events is freely available but most is taken from foreign sources.

“The same private team delivers the same reports to several national channels, which is a recipe for one-sided coverage,” said Dimiter Lipovanski, director of the Arena Media news website in the northeastern city of Russe. “The national media rely less and less on correspondents in the regions—the newscasts are full of similar issues in Sofia. They’re no longer national, but rather Sofia-centered.”

Local media remain relatively weak and financially unstable. “The media practitioners in the local media, especially at the lower levels—reporters, editors, cameramen—are mainly people without a professional education who have to learn as they work,” Lipovanski said. They tend to rely on official press centers and the public-relations agencies, which results in poorer-quality information and a narrow set of issues being covered, he said. Lipovanski said 60 percent of managers at private local media in his region do not recall even signing an ethics code. With few exceptions, there is no quality coverage of beats, mainly due to the minimal staffing of the local media. “It’s common for the same journalist to cover the police and culture. This has a negative impact on the reporters’ competencies and is reflected in the quality of the content produced,” Lipovanski said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 1.44

With a score of 1.44, Objective 4 received the lowest score this year; this is also the lowest objective score for the entire MSI in Bulgaria since the survey launched in 2001.

There are four distinct groups of media in the country in terms of efficiency and profitability: One is the large, foreign-owned broadcast networks of Nova Broadcasting Group and the bTV Media Group; the second consists of the two large public broadcasters, BNT and BNR, and their regional bureaus, which operate local stations; a third group is the independent commercial media, which sustain themselves from a variety of sources, including significant donor support; and the last group is the “truncheons,” which are sustained from external business sources related to their owner. These groups have different business models and fare differently in the current environment.

The two national broadcast groups owned by international investors operate several channels—one main television channel each plus other digital and cable channels with niche programming, such as film, sports, and entertainment. The two national broadcast groups also operate radio stations and, in the case of Nova, a vast network of websites. These companies are efficient and profitable. According to national statistics published in 2016, Nova surpassed bTV in revenues for the first

time in 2015: Nova made BGN 130 million (about \$71 million), compared with BGN 124.6 million (\$68.15 million) for bTV. A year earlier, bTV made BGN 124.9 million (\$77.6 million), compared with Nova’s BGN 114.6 million (\$71.2 million at the time).

Even so, profits are declining, and Antonova said the international investors who own the big Bulgarian channels are thinking about leaving. “The moment they decide to leave, they might need a big investor [to purchase their holding]—someone like Vivacom, a mobile phone company, which already owns a multiplex and would become owners of content as well.” She noted that Vivacom is Russian-owned, which could add a new wrinkle to the geopolitical information war being waged in Bulgarian media.

Bulgaria’s advertising market is well-established but suffers from monopolization, as the same people control the local operations of major international channels, major advertising agencies, and audience-measurement companies. Advertising revenue as a percentage of total revenue is in line with accepted standards only for the group of self-sustainable highly efficient media with national coverage and a variety of distribution channels. As a general trend not unique to Bulgaria, advertising revenue for online and mobile media is growing fast, revenue for television is slowing down, and print and radio advertising revenue is shrinking. Antonova said the gross amount of advertising sold in 2016 has increased, but falling prices are dragging down revenues. “The prices for advertising on TV are the lowest since 2008, but there are expectations that this will start changing,” she said.

State-owned BNR and BNT and their networks of bureaus are highly dependent on state subsidies, which are among the smallest in the EU. BNT was to receive BGN 65.1 million (\$35.6 million) from the budget in 2016, and BNR was to receive BGN 43.1 million (\$32.2 million). Both media attract some commercial revenues from advertising. While the state subsidy for BNR is sufficient, BNT faces constant shortfalls, has cut staff, and has been forced to share rights to key programs, such as the EURO 2016 football championship, with other broadcasters.

The third group of media with a different financial model are outlets and such groups as the Economedia Group, which publishes the weekly *Capital* newspaper and other print and online outlets. It also operates popular independent websites, such as Mediapool and OFFNews, which have mixed revenue sources that might include advertising, sponsorships, and subscriptions. All are experiencing problems directly related to their independent editorial policy, which often criticizes the government. Economedia Group has been the target of investigations and media attacks largely related to its criticism of the government and the judiciary. Many of these media receive support from donors, such as the America for Bulgaria

Foundation, and to different extents rely on this philanthropy to continue operating.

Finally, the “truncheons” media group receives revenues from oligarchs and what many view as public “extortion”—companies and wealthy individuals placing advertising to pay for “media comfort,” meaning positive or no coverage.

Concentration of ownership allows major media to monopolize the advertising market, squeezing out small, independent outlets. “Nova TV and its whole group of sites offer huge discounts on TV ads if the advertiser invests his whole Internet budget with the sites,” Yonchev explained. “The discounts reach up to 60 percent. What’s left for us are the crumbs—the advertising money of companies that don’t work through agencies. Our revenues are less than half what they were last year, and that was a bad year itself. Our Google revenues are bigger than our advertising revenues this year. For the independent websites, it’s a tragedy.” He said that in November 2016, OFFNews made one-third of the revenue it had earned in November 2015 “despite the bigger number of impressions we’re generating and despite the net growth of online advertising budgets.”

Draganov, who is a former CEM member, said the regulator is not adequately promoting diversity in the media market. “The licensing doesn’t fulfill its role to protect the market from oversaturation,” he said. “The market is full of Top 40 radio stations playing the same music. No one has lost their license for format violations yet.”

The distribution of government advertising has seriously distorted Bulgaria’s media market. Most of this advertising is part of campaigns to find applicants for EU structural funds and to promote projects financed by those funds. The government bypasses the public tender process for placing these advertisements and distributes them in a way that is seen as subverting editorial independence and distorting the market. Besides the significant funds that go to the main broadcasters without proper tendering, some of the advertising money also goes to the “truncheon” media and is seen as buying media compliance and paying for smear campaigns against political opponents.

Lipovanski said small regional media’s straitened circumstances make them vulnerable to manipulation. “Almost all media outlets in Russe have ‘information services’ contracts with the municipality. This has a very categorical influence on their editorial policy and on the self-censorship of journalists working there. The news related to the local authorities is mostly positive. The business model of local cable TV is different—they own the distribution networks and make money from subscriptions, which allows them to produce some limited content on their own cable channels.”

Most financially viable media outlets use advanced market research to formulate their strategic plans, boost advertising revenue, and tailor their products to the needs and interests of the audience. A serious problem, though, is the dearth of reliable broadcast ratings for television and circulation figures for the print media. Bulgaria has two parallel people-meter systems, each working with one of the two main commercial television channels and producing different ratings. Printing and distribution figures for newspapers are not reliable and are widely viewed as inflated.

Yonchev said online audience measurement is only somewhat more trustworthy and suggested that some sites use bots to generate artificial traffic. For instance, he said, the online version of the *Blitz* tabloid claims to have 38 million impressions per day from 200,000 unique users. “This means they’re all spending the entire day clicking on all possible stories. These are comic figures—one site’s daily average time spent is 23 hours and 59 minutes per user. There was a bigger joke yet—one site had fewer impressions than unique users. How is that possible?”

As for a printing market in Bulgaria, Antonova said there is none. “Print distribution is completely monopolized, proven, and recognized. Only one company sells newsprint, and everyone is in debt to it. All the big dailies are printed in this one printing house.”

Markov, a former chairman of the Association of Bulgarian Broadcasters and Radio Managers, said the radio market is “looking for buyers.” Even established and big radio chains do not pay copyright fees and are looking for new investors. “The radio stations from the bTV media group have not paid royalties for music for five years; the group has now been reorganized in a new structure that refuses to take up the debt of the previous one,” Markov said.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 1.95

Two opposing trends in this objective counterbalance each other in the overall assessment. On the one hand, the country's fast-developing physical and technological infrastructure supports opportunities for media development; on the other hand, weakening institutional support means less professional development for the media.

Bulgaria has traditionally had strong trade associations representing the interests of media owners and managers and providing member services; in recent years, however, these associations are less visible and focus more on the interests of the large media conglomerates than on those of the smaller regional media, which are slowly disappearing.

Existing professional associations are not seen as working to protect journalists' rights, and the only trade union offers few professional journalism activities and has few members outside the state-owned media. Trade unions still play a limited role in industry and professional disputes in BNR and BNT but are practically nonexistent in private media. While the Union of Bulgaria Journalists has tried to reinvigorate its role, many younger journalists and those whose careers started with the birth of independent media in Bulgaria in the 1990s see it as a relic of the Communist past.

Several NGOs support free speech and independent media in Bulgaria by raising awareness of violations, but they lack funds and operate on project-specific grants or as volunteer organizations around a few prominent media figures. The strongest remains the Access to Information Program, which, among other things, provides free legal advice and some legal representation to investigative reporters. However, it depends almost entirely on donor funding, which is coming to an end.

Elenova, the panel's CEM member, called for more active involvement of civil society in the council's critical decisions and in promoting dialogue on professional issues. For instance, she said she would like to see these groups take a more visible position on the politicization of *Slavi's Show*. "In situations like this, when the law does not allow us to do much, if the NGOs were more active, including toward us, we could do more—start a debate, provoke discussion, etc.," Elenova said.

Likewise, she said, she would have welcomed more input from civil society on the forced retirement of BNR star Marinkova, which spurred a group of highly respected Bulgarian journalists and public figures to unsuccessfully petition the CEM to reinstate her. "This time, the majority decided we didn't have a right to meddle with the BNR director's decisions about staff changes," she said. "I don't share this opinion. We [CEM] can't interfere

with such decisions in private media, but when dealing with public media one should expect a much more robust response to questions about key journalist appointments and firings."

With the withdrawal of international donors, short-term training programs have all but disappeared. The training institutions of the past have diversified in search of funding and are more involved in production and communications training than in the provision of professional training, which the market does not support.

Antonova said the most active journalism organization is the Association of European Journalists – Bulgaria, but usually it can offer only moral support. It is also the only professional group that still offers some training and professional tools, such as a recent handbook on covering natural disasters. Daskalova, of the Media Democracy Foundation, said it is difficult to find funding for, and even more difficult to implement, professional development programs, mostly because of lack of interest from media outlets. Echoing this point, Antonova said, "In the strong years of the media, when there were better profits, the owners of the media could invest more in professional training, with in-house training at the top with external experts on professional issues. This is now gone." The two big media groups, which used to organize occasional in-house training for their new staff, rarely do so now and rely entirely on on-the-job practical learning.

The minimal requirements and financial terms set by media managers for starting reporters also signal a lack of interest in professional development. Daskalova said the major television channels take unpaid interns for up to 18 months with very limited, occasional pay, which contributes to lowering professional qualifications and depresses pay for everyone else.

"Every now and then, there are some courses targeting the small media—the occasional MoJo or guerilla-reporting

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

courses—but that’s not happening often enough,” Lipovanski said.

Numerous universities in Bulgaria provide journalism education, but few offer quality journalism degree programs. The proliferation of journalism faculties and the relative scarcity of university lecturers with practical media knowledge combine to lower the quality of journalism education. Some universities recruit media professionals as guest lecturers to provide practical experience, but media employers complain that well-prepared journalism graduates are hard to find. The impression of the panelists is that most journalism students are attracted to communications and public relations, lured by the higher pay.

There are no short-term qualification or extracurricular courses, especially for the local media, Lipovanski said. In the universities in the countryside, professors teach journalism and mass communications using methods from the 1990s. “The people teaching it have no current connection to the media world,” he said.

Bulgarian media have adequate access to equipment and production infrastructure but lack the money to keep up with technical upgrades.

As mentioned, the channels of distribution for print are limited and largely monopolized, but with the free distribution of broadcast media, cable, Internet, and mobile, this does not represent a significant restriction for readers. Hamstrung by distribution costs, print does not reach too deeply into the countryside.

The information and communications technology infrastructure meets the needs of the media and citizens. Free terrestrial television and radio are available throughout the country; direct-to-home television and mobile communications have good coverage networks.

“Good legislative framework, excellent human potential, and a sore failure as far as observing professional principles and striving for excellence,” said Vassilev, summing up the media situation in the country.

List of Panel Participants

Vladimir Yontchev, board chair, *Offnews*, Sofia

Rozita Elenova, member, Council of the Electronic Media, Sofia

Constantine Markov, media lecturer, Sofia University, Sofia

Yassen Boyadzhiev, editor, *Mediapool.bg*, Sofia

Ivo Indjev, blogger, Sofia

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

Irina Nedeva, board chair, Association of European Journalists, Sofia

Vessislava Antonova, reporter, *Kapital*, Sofia

Nikoleta Daskalova, media analyst, Media Democracy Foundation, Sofia

The following participants submitted a questionnaire but did not attend the panel discussion.

Dimiter Lipovanski, owner, Arena Media, Russe

Ivo Draganov, professor, New Bulgarian University, Sofia

Galina Spasova, senior correspondent, *Zhivotat Dnes*, Sofia

Boyko Vassilev, senior producer, *Current Affairs*, Bulgarian National Television, Sofia

Moderator

Bistra Ivanova, project coordinator, BTC ProMedia, Sofia

Author

Petko Georgiev, director, BTC ProMedia, Sofia

The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on December 16, 2016.

By appointing a pronounced extreme right-winger to the helm of the Ministry of Culture, announcements materialized on radical changes for media policy—which many observers had treated as only excessive pre-election talk.



© Petar Glebov/PIXSELL

CROATIA

Croatia had a turbulent 2016, indeed. Events unfolded at such a pace—and magnitude—that even an alleged attempt on the life of the Croatian Journalists' Association (CJA) president in October seemed almost logical, and defining of the year, rather than shocking. "Smear campaigns and hate speech have become part of the mainstream, supported by leading public figures," one media expert commented. The president and other political leaders issued disturbing messages regarding cases of open verbal or physical attacks on journalists, warning them that they should be aware of the consequences of what they report. The line between "normal" and "extreme" has become blurred.

The parliamentary elections in November 2015 resulted in a virtual tie between two major political parties: Social Democrats on the center-left political spectrum, and the Croatian Democratic Union on the right and far right. Post-election maneuvers brought a fragile parliamentary majority to the Croatian Democratic Union.

The new government, formed in January 2016, made its media agenda clear. By appointing a pronounced extreme right-winger to the helm of the Ministry of Culture, announcements materialized on radical changes for media policy—which many observers had treated as only excessive pre-election talk. "The new government treated media as an election prize," said one panelist. The minister, in his very first decision, called off the well-established system of financial support to the non-profit media and culture projects, disqualifying them *en masse* as "leftist" or even "traitorous." Before long, the minister dismissed the general manager of the public service broadcaster HRT, and executed a massive reshuffling of key editorial positions.

Simultaneously, parliament launched an official initiative aimed at revoking the mandates of all members of the broadcast regulator, the Electronic Media Council (EMC). Lawmakers stated that they perceive councilmembers as "the exponents of the former government" or even as "anti-Croats." It took a swift response from the international community, primarily the European Independent Regulators Group, to stop the move. They sent Croatian lawmakers an unambiguous message: the independent council should be just that—independent.

In less than six months, the government coalition cracked under its own weight. A new moderate and conciliatory minister of culture has been appointed. But according to the panelists, it will take time to restore citizens' confidence, and a lesson has been learned: progress towards free speech and inclusive public discourse can be reversible.

CROATIA at a glance

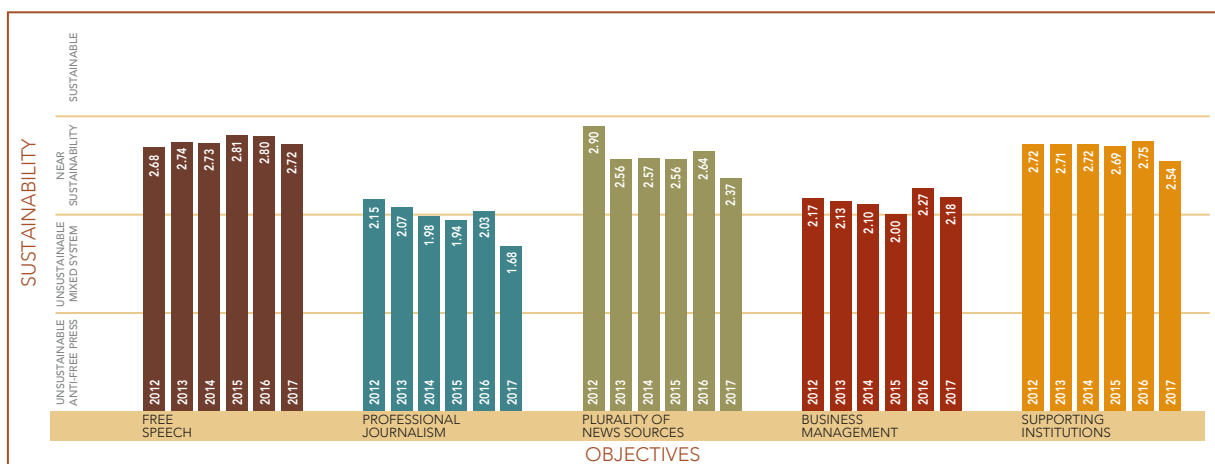
GENERAL

- > **Population:** 4,313,707 (July 2016 est., CIA World Factbook)
- > **Capital city:** Zagreb
- > **Ethnic groups (% of population):** Croat 90.4%, Serb 4.4%, other 4.4% (including Bosniak, Hungarian, Slovene, Czech, and Roma), unspecified 0.8% (2011 est., CIA World Factbook)
- > **Religion (% of population):** Roman Catholic 86.3%, Orthodox 4.4%, Muslim 1.5%, other 1.5%, unspecified 2.5%, not religious or atheist 3.8% (2011 est. CIA World Factbook)
- > **Languages:** Croatian (official) 95.6%, Serbian 1.2%, other 3% (including Hungarian, Czech, Slovak, and Albanian), unspecified 0.2% (2011 est. CIA World Factbook)
- > **GNI (2015-Atlas):** \$53.65 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$21,750 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.3%; male 99.7%, female 98.9% (2015 est., CIA World Factbook)
- > **President or top authority:** President Kolinda Grabar-Kitarović (since February 19, 2015)

MEDIA-SPECIFIC

- > **Number of active media outlets:** 10 major daily newspapers; 6 major political weeklies; Radio Stations: 147, 6 of which are national; TV Stations: 30
- > **Newspaper circulation statistics:** *24 sata* (circulation 55,000), *Večernji list* (circulation 45-50,000), and *Jutarnji list* (circulation 35-40,000); *Telegram* (16,000 copies)
- > **Broadcast ratings:** Top 3 television stations: Nova TV (private/commercial), RTL Croatia (private/commercial), HRT 1 (public TV)
- > **Annual advertising revenue in media sector:** approximately \$315,000,000
- > **News agencies:** HINA (public), Media Servis (private), IKA/Croatian Catholic News Service
- > **Internet usage:** 3.117 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: CROATIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.72

The previous year's developments again underlined the dichotomy between the legal framework and implementation. In transitional countries such as Croatia, regardless of EU membership status, problems in interpretation of media policy often are traced to the lack of democratic tradition, rather than the norms. Croatia has not experienced the neo-conservatism of Hungary or Poland, for example. The worrisome and dramatic *reconquista* in the first half of 2016 ultimately turned against its leaders. It inflicted deep wounds on independent media, but the legal foundations of free speech were not affected.

"I would give a high score to this indicator," said panelist Vesna Alaburić, one of the best-known media law attorneys in Croatia and in the region. "The constitution and other key legislation [are] in line with the highest international standards. [Because] of Croatia's EU admission, the national legislation and legal practice are legally subordinate to the EU *acquis communautaire* and the EU legal norms," she said. Although this hierarchy is not a guarantee of freedom of speech in itself, Alaburić emphasized that Croatia has had no cases that indicate any serious discrepancies between its judicial practice and the standards of the European Court of Human Rights.

The end of January 2016 saw a far-right protest in front of the EMC, which had temporarily revoked the license to a local television station over hate speech. "It was an inversion of values, said Vesna Roller, an EMC member. "Instead of

"The public does not always understand that a verbal threat should also be treated with the utmost seriousness. Sometimes, they see it as an overreaction," Leković said.

supporting us in sanctioning a clear case of hate speech, the politicized interpretation wanted to present it as a restriction of free speech." The demonstration was a pretext for the aforementioned parliamentary move to terminate the mandates to all the EMC members.

Panelists agreed with Roller's interpretation that the political pressure and overall environment in 2016 resulted in steps backward in EMC's efficiency and independency. "These events had an obvious negative impact on the EMC's position and work. We could not quantify it, but something was in the air. The sense that 'we are watching you' has been created," said Toni Gabrić, the founder of the independent web portal H-Alter and a civil society activist.

EMC reached high scores in recent years, thanks to its professional and depoliticized stand. This is in sharp contrast to its predecessors in the late 1990s and early 2000s, when EMC was merely a tool to regulate the frequency spectrum within a clear political agenda. "Let me put it this way: 2016 was not the best year for us. We are still performing better in comparison to five or six years ago, but the setback in relation to, say, 2014 and 2015 is visible," Roller said.

The market entry and the tax structure for media that do not use a limited public good is free, fair, and comparable to other industries. Croatia has no specific capital or other requirements or restrictions. In fact, the print media sector enjoys a substantial tax break: a VAT rate of 5 percent, while the standard rate is 25 percent. Although the rate was not amended during the comprehensive tax and VAT reform in November 2016, "there is a price tag for that," said Helena Puljiz, a freelance journalist. "I have not seen any criticism of the tax reform in print media, because the print media sector was spared of the restrictions."

Other panelists pointed out that indirect support to the print media sector, such as the reduced VAT rate, is common in most EU member states. One noted, "The main criteria is to use it indiscriminately, as a tax break for the whole industry sector considered too important to be regulated only by the market itself."

Attacks on journalists are on the rise. In 2016, there were eight registered attacks, including three physical assaults and one case officially reported as "an attempt on life." In that case, from October 2016, the front right-hand wheel of CJA President Saša

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Leković's car dislocated from the axle while on a highway, due to two screws having been removed forcibly. Due to heavy rain, the speed was relatively low and the only consequence was damage to the car. "The minister of the police contacted me immediately and offered 24-hour protection, which I declined," Leković said.

The police responded more efficiently in another case involving a verbal threat against Leković. The perpetrator was arrested and is now in detention awaiting trial. The panelists have taken this as an indication that the police do not consider verbal threats as less real. At the same time, an efficient "zero tolerance" approach by the police would contribute to raising the awareness about the problems related to attacks on journalists, panelists said. "The public does not always understand that a verbal threat should also be treated with the utmost seriousness. Sometimes, they see it as an overreaction," Leković said.

With regard to indicator 5, which measures how well the law protects state or public media independence, 24 *sata* journalist Boris Rašeta commented, "The law on the public TV is a boon for the election winners." Indeed, it was the former government that amended the Public Media Act in 2012, and opened the possibility to appoint the HRT general manager with a parliamentary vote. In February 2016, the center-right government immediately seized this opportunity to replace the general manager, which was followed by a mass repositioning of some 75 to 80 key editors and journalists. "We have tried almost all the avenues suggested by the EU experts to make a good and efficient Public Media Act," Alaburić said. "The current law as a norm guarantees editorial independence, but then the 'one captain on the board' approach was marred by giving the parliament the power to elect and replace the general manager with a simple majority," she said.

Until early 2016, journalists in Croatia had to work under the threat of the criminal code definition of "vilification." In legal practice, vilification even criminalizes publication of verified facts, if a person involved finds it "offensive" or "harmful." These charges were brought against Slavica Lukić, an investigative reporter and a 2016 MSI panelist.

As of spring 2016, the criminal code has been amended. It now excludes the responsibility of the journalist if the subject is of public interest, even if the facts published would prove to be false, but taken with "good faith." Panelists said that the logical next step is vilification being decriminalized altogether.

According to Alaburić, the judiciary is now enforcing the amendments. "Problematic verdicts may happen at the first instance, either as the result of the lack of experience, corruption, or political pressures on judges. But courts of the second instance are almost always rejecting such verdicts."

Nataša Božić, a journalist at N1 (a CNN affiliate), said that some media outlets have more privileged access to government sources. "The public service usually has an advantage to get an interview with, say, a minister or another public official," she said. "It is only because they know that they won't face tough questions on the public service."

The general public has a rising awareness of the right of access to information, according to Jelena Berković, vice president of GONG, one of the most respected NGOs in Croatia. "Citizens are asking us for advice on access to information more often," she said. "The information commissioner and her office are very helpful in that regard." Puljiz agreed but pointed out that full access has not yet become a general practice. "Some ministers are open and very cooperative in terms of providing us with information. The Ministry of the Interior, for example. But it depends so much on who the spokesperson is, rather than on a stable and functional model," she said.

Access to local and international news sources is open and unrestricted. Intellectual property rights are gaining more respect, primarily thanks to implementation of the EU regulations in the sector. Still, a direct copy/paste approach is standard practice in online media. Internet writers are taking advantage of the deregulated cyberspace and the elusive legal status of many web content providers.

The media act provides a definition of "journalist," but this is not used to restrict entry into the profession. No licensing is needed. The state government does not attempt to influence enrollment in journalism schools or hiring of entry-level journalists. However, local authorities do prefer to see journalists of their political affiliations hired by the local media. With regard to the general conditions for job opportunities, Leković commented, "Journalists are exposed to the market. Or, better to say, they are at the mercy of the market."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 1.68

The panelists agreed that indicator 1, "reporting is fair, objective, and well-sourced," has been impacted most directly by the negative synergy between the financial and advertising market crisis and the shift in media consumer habits. "The quality of reporting has been degraded," Puljiz said. "What matters is to be the first, not the most accurate and balanced. Most often, there is no time for background research." Panelists said that journalists consult experts, although they call repeatedly upon the same people with well-known political positions.

Trivialization of content is used as a deliberate editorial policy, in order to hold the audience's attention and avoid confrontations

with the main political and business lobbies. "There are examples of quality journalism, for sure. But in the bigger picture, they are more indicators of what journalism should be, rather than what journalism nowadays is," Leković said.

Croatia's Code of Ethics, developed by CJA, has been regarded for many years as a point of reference for media communities in other transitional countries. It is well elaborated, in line with standards developed by international professional journalist associations. The core group of media professionals actively adhere to the accepted ethical standards. Any violations are more a matter of interpretation on some issues (for example, the application of the ethics code to satirical content), rather than an open or even intentional breach of the basic rules. However, Nada Zgrabljic-Rotar, a professor of journalism at the University of Zagreb, pointed out one emerging negative trend: "This is all fine, but the surge of online and print media that do not adhere to the ethical standards is changing the game."

Under the umbrella of free speech, and following the pattern of "inverted values" that Roller mentioned under Objective 1, smear campaigns have been orchestrated against prominent civil society activists and journalists. They have been labeled "traitors," "anti-Croats," "communists," etc. A few media members in particular have come under pressure, including the CJA president, journalists at *Novosti* weekly and *Nacional* weekly, and writers for Index.hr and H-Alter.org. The activists targeted include staff from GONG, Documenta, human/minority/LGBTI rights organizations, and transparency/good governance/reconciliation groups.

A significant number of web portals have not disclosed data on their owners and publishers, and Alaburić said that they are under suspicion as the orchestrators. "It is not only about the lack of transparency," she said. "There is also a strong

"There are examples of quality journalism, for sure. But in the bigger picture, they are more indicators of what journalism should be, rather than what journalism nowadays is," Leković said.

impression that they have been created solely for defamation and smear campaigns against their opponents."

Another open issue is the blur between news content and advertising and/or product placement. "Native advertisement" has found fertile soil in local web platforms, additionally confusing readers when distinguishing between genuine and paid content. Plagiarism is omnipresent, according to the panelists. Articles that were produced at significant expense soon make their copy/pasted way to myriad portals, and even to the public television station.

"Ethical standards are stretched to fit the interests of editors or owners," said Ante Gavranović, a veteran media expert who served as president of CJA and the Association of Publishers for years. This flexibility is an easy merging point for the connected problems of ethics code violations and self-censorship. The situation with self-censorship has reached alarming proportions, the panelists agreed. Given the current situation in the media labor market, self-censorship has become a survival tool, according to Božić. "Self-censorship is not even perceived as something that is intrinsically against the very basic definition of journalism. It has become a part of the daily routine in many newsrooms," she said. "Many of our colleagues are desperate to keep their jobs. Even if not asked, many of them will perform some type of soft or open self-censorship."

The panelists questioned how efficient censorship or self-censorship can be in "burying" stories and issues, given that a story omitted from one outlet will surely appear in a matter of days or even hours on some other media platform. Still, according to the panelists, some strategically important information never makes it to the general audience. A notorious example is the lack of coherent critical articles on Agrokor, the biggest company and advertiser in Croatia.

Božić described another, recent example. "The prime minister went to Germany [in December 2016], met Chancellor Merkel, and discussed a billion-plus deal on the involvement of Deutsche Telekom in upgrading the fiber-optic network in Croatia. The former government wanted to keep control over this infrastructure and provide citizens fast Internet access by itself, rather than to give control over it to a private company. We aired info on that. No one followed it," Božić 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.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

actuality, one of Croatia's leading news portals published the story, only to withdraw it in less than an hour.) For the public to understand the relevance of stories such as Deutsche Telekom, background information is necessary. "The problem is that only a few media have the resources to present the story with the background it needs to be comprehensive," Rašeta said.

In a journalist's daily routine, there is no separation of indicators 3 ("journalists and editors do not practice self-censorship") and 4 ("journalists cover key events") as different fields and problems. Self-censorship reflects the improbability that a journalist or editor will place a story. It would be logical to assume that the media sector has a list of taboo issues, or persons not to be subjected to public scrutiny. However, publishers and media owners have no consensus on what should be the untouchable areas. As a result, consumers can read more than one daily paper and most likely find key stories. "It would be impossible to sweep any important information under the carpet," said Dražen Klarić, the editor-in-chief of *Večernji List*. "But, we can argue about quality, impartiality, and balance of the published information."

Newsflashes by citizen reporters and social media platforms are useful, "but they have not reached the mainstream media and their audience," Zgrabljic-Rotar said. "We have not yet created a critical mass of social media activists to transform them into real media power."

In the early 2000s, journalists belonged solidly to the middle class. During the most lucrative years in the media business (2006 and 2007, for example), the leading journalists' salaries skyrocketed up to 15 times the average Croatian salary. Nowadays, the social status of most journalists is much closer to the precariat. "The average salary paid in the media industry is lower than the national average," Leković said. While the national average in 2016 was about \$840, the equivalent for media industry was only around \$820, mostly due to low (and irregular) salaries paid by local media. Considering all the facets that make journalism one of the most stressful professions, the pay rates are a reminder of the market valuation of the media.

State media salaries are higher than private outlets only for a limited number of editors and staff. "There is no big difference in the entry-level salaries in the public service and commercial media. The salaries at HRT are regular and there are no delays in payments. But that is the only, although important, difference," said Tena Perišin, an editor at HRT and professor of journalism.

Despite the trivialization of content and the consequences of infotainment, Croatian media still broadcast a large number of news and information programs. Commercial broadcasters are obliged to produce their own news programming, but beyond that mandate, the leading private national television companies have understood since their very first days in the Croatian market that the news sells. Of course, the market is more about

the quantity of news programming, not necessarily the quality. Panelists commented that audiences can get information when they need it, but they have to take an active approach to filter the news, and consult more media outlets to get the news plus the contextual background.

Gavranović said that entertainment does not eclipse news programming, and noted the shift into new media. "Even 'infotainment' as a concept is obsolete," Gavranović said. "Rising interactivity calls for new definitions."

The facilities and the equipment for gathering, producing, and distributing news are modern and efficient. A substantial part of news production depends on the infrastructure that all outlets use (transmitters, fiber-optics, ADSL and VDSL, satellite links, etc.). The existing infrastructure makes market entry easier even for a low-budget electronic media project—for better or worse.

Introducing indicator 8 on niche reporting, the panel moderator said, "I used to work in a newsroom that had three journalists with PhDs, specializing in economics, financial systems, and theatre. What is left in niche reporting? Hundreds of biweeklies, monthlies, and special editions covering the whole spectrum of fashion, design, real estate, sports, hobby, DIY. But what about more substantive content?"

A number of investigative projects are funded by international donors (most often the European Commission), but the content has not been published in the mainstream media. Among media outlets, Božić said, "Investigative reporting is very rare. There are no resources or editors actively interested in it."

According to the panelists, specialization is giving way to the "generalist" type of writer, which, article by article, is degrading the image of journalism. "We are ever more confronted with situations where even average media consumers know more about the subject than the journalist who wrote about it. This is devastating our profession and public trust in the media," Klarić said.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.37

If the only criteria for indicator 1 was "the plurality of public and private news sources," then this indicator could get high scores easily. With 151 radio stations, 30 television channels, seven daily papers, three major political weeklies, more than 600 specialized print media outlets, and hundreds of web portals, the population of four million is well served in terms of quantity. "The advent of social media has enabled a plurality of news sources that never existed before," Roller said. "Literally every village has its own news portal," she said.

However, the problem lies with the friction of merging plurality with multiple viewpoints. A European Commission survey in 2015 showed that 64 percent of the distributed material is “secondary content”—taken from its original source and then re-distributed with some minor alterations. The trend is global, but its consequences are more visible in smaller markets, such as Croatia. “In the communications sense, we are living in a ‘post-factual’ society,” Rašeta commented. “The sources of information are blurred; the accuracy of news as well. The problem is that the audience is consuming content without questioning its reliability.” That cuts down to the very basics of the profession, as noted by Denis Romac, a journalist for *Novi List* in Rijeka. “You can hardly find examples of good on-location reporting, or a search for a reliable and competent source of information,” he said. “Most of the standard forms of practicing journalism have been replaced by copy/paste or distributing ‘secondary’ information.”

Klarić agreed that professional standards are falling. “The reliability of the raw, initial information, as well as the quality of its journalistic processing, have deteriorated. Superficiality, sensationalism, and the activist’s bias in presenting the news are corroding the reputation of our profession. The media still trying to perform old-school journalism—meaning checking and double-checking the information, and giving a voice to all the relevant actors—are considered almost obsolete,” he said.

Summing up the consensus on the first indicator, multiple sources of information are available, and multiple points of view as well, but their reliability and accuracy are cause for serious concern.

Citizens’ access to domestic and international media is not restricted in any way. The only issue is affordability. For example, the monthly subscription to a decent flat-rate Internet and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

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IPTV channels package would take up to seven percent of the average salary.

The HRT case offers a convincing example that the lack of a democratic culture could make any legal framework dependent on political will. According to Klarić, “Every new round of elections results in a change in the editorial and management structure of HRT. As a consequence, the substance of the public service is eroding.”

As mentioned, the appointment of the new (acting) HRT general manager in March 2016 resulted in reassignment of more than 70 editors and journalists—generally to lower-profile positions. The changes resulted in an immediate increase in nationalistic and, especially, religious content. “By its own statistics, HRT produced almost 2,000 religious productions in 2016,” said Berković. “In a secular society, this would be nonsense. After all, the Catholic Church has its own television channel.”

Changes in HRT have resulted in apologetic interviews, or talk shows moderated by far-right journalists, where so-called balance is confused with inviting guests of radically opposing opinions. By missing the point—to give the audience accurate information and different views—these talk shows often serve as a platform for extremists to access to the general audience. This lends them a false sense of legitimacy and belonging to the mainstream.

HRT’s third television channel was known as one of the most-watched art and culture and educational channels in Europe in 2015. In 2016, it was subjected to a politically motivated reshuffling and, as a consequence, reduced to a negligible audience share. The shakeup prompted public reactions locally and internationally, including a statement issued by the ad-hoc Joint International Mission in June 2016. The response was not enough to save the integrity of the channel, but it did contribute to the critical mass that resulted in the government’s dissolution soon afterwards.

The Croatian News Agency (HINA) is the only national agency with a full newswire service. HINA is legally defined as a public

medium, although it is financed only partially with public funds. The panelists agreed that HINA produces decent and quality news services, available to all media at a reasonable price. Still, the number of clients is relatively limited. Local radio stations, which had used the agency's services regularly, have turned more to radio networks (Media Servis, for example) as the sources of information for applying the "news for airtime" model. The law places no restrictions on using foreign news services, but most publishers have found them too expensive, panelists said.

Local and national commercial broadcasters are obliged by law to produce their own news. But for national television broadcasters especially, it is more than just a legal obligation. Heavy losses in audience share and an obvious political bias of HRT towards conservative nationalism have helped the commercial television stations (Nova TV, RTL) to take the leading positions in news and informative programming. "This is not only because of the negative public perception of the HRT," said Rašeta. "The commercial television stations are investing significant effort in improving news production." Indeed, some stations, such as N1, have almost taken the proper role of public media in providing accurate and unbiased news. "Too bad they [N1] do not have terrestrial national coverage," said Tamara Opačić, the executive editor of the Serbian-language *Novosti* weekly.

The issue of media transparency provoked a debate and probably the most divided opinions among the panelists. "The lack of the media ownership transparency is one of the biggest problems in Croatian media," said Romac. "The media are on sale, like any other commodity. Transactions are usually non-transparent, along with the origins of the money," he said.

There are still many unanswered questions about the 2015 takeover of the biggest publisher in Croatia (Europapress Holding, now Hanza Media). And the recent acquisition of the Novi List Group by a Slovak company, JOJ, will probably bring even more uncertainties. "We should not mix our thoughts about the owner with the transparency of the ownership. From the legal point of view, media ownership in Croatia is transparent," said Alaburić.

The EMC website provides information on the ownership structure of electronic media, while print media have to report annually on their owners' structures and any changes to the Croatian Chamber of Commerce. Owner interference in the editorial policy is subtle, but efficient, according to the panelists. They expressed disbelief that the JOJ group bought *Novi List* because it cares about the outlet. They said that more likely, JOJ would use it to again instigate a hostile takeover of one of Croatia's biggest private companies, Adris group. JOJ failed in a takeover attempt in 2015.

The neo-conservative editorial policy on HRT has affected the presence and public debate of a wider spectrum of social topics. "LGBTIQ issues, as well as any other minority issues, be it ethnic, political or sexual, are almost always presented in a negative context," said Berković. The variety of media keep the public debate open on these minority issues, but the panelists' overall impression is that the mainstream media have become more conservative.

Minority-language media have a long tradition in Croatia. Some specific legal provisions (multiple sources of public financing, for example) have helped them gain relevancy beyond the limits of their minority communities. *Novosti*, published by the Serbian National Council, is probably the most relevant weekly paper in Croatia. The media sector has more than 200 outlets in the country's minority languages. Given that they are financed mostly from public sources, many have reason to be concerned about the consequences of the former culture minister's decision to stop what he called "financing of the ethno-business."

Most of the national media, including HRT, have closed their local corresponding offices, or reduced staff to the minimum. "There were days when each major national daily paper had a number of local editions," said Klarić. "We cannot afford that anymore." But hundreds of local news portals have intensified the coverage and accessibility of local news. "This is how we keep our portal afloat—by selling our news to the national media," said Goran Gazdek, chief editor of the local portal *Virovitica.net*.

A high penetration rate of IPTV and cable service has allowed for an instant access to local television and radio news, and is another way to compensate for the relatively low representation of the local news in the national media. Panelists expressed more concern over the coverage of international events—and the concern is about quality rather than quantity. The panel moderator, a former foreign policy journalist, said: "It is not enough to put out a photo of the barbed wire and of desperate migrants in freezing temperatures. It takes an in-depth analysis to understand it. I have not seen it yet."

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.18

Seven consecutive years of recession, coupled with the global economic crisis reflected in the traditional media, profoundly and irreversibly impacted Croatian media. Once proud enterprises, some media leaders in the region, of respectable size even by European standards, are now struggling to survive. Mild economic growth in 2016, primarily thanks to an excellent tourist season, will boost the media sector only marginally. "Media owners and managers were not prepared for such a

protracted crisis. They did not have any elaborate business plans on how to weather the crisis, although they saw it coming,” said Gavranović.

The media community in Croatia has lost more than 40 percent of jobs since 2007, with the ongoing downward spiral. Romac explained the connection between the economic slump and the media’s deterioration. “The financial crisis has reduced the public function of the media,” he said. “In the process of devastation of all the values with the ‘public’ prefix, the impression is that the media suffered most. The only answer of the media owners was ‘cutting costs,’ which was a corporate euphemism for ‘cutting jobs.’ They did not realize that the result would be the erosion of quality and professional standards, further loss of circulation and income, and then back to square one—‘cutting the costs’ again.” This was probably possible in the earlier phases of the crisis, but the magnitude is such that space to maneuver is now almost nonexistent. “There is no margin to cope with the continuation of negative trends. Any loss in the sold circulation or advertising income translates directly into the loss of jobs,” said Klarić.

The media in Croatia receive revenue from multiple sources, although the volume has contracted severely. One estimate says, for example, that the advertising market is expected to reach pre-crisis (2007) figures only after 2022. However, the panelists pointed out that allocation of these funds will be very different, and particularly affect the print media sector. “Can we survive without print?” Klarić commented. “I doubt it. The consequences of the complete marginalization of print to the concept of the ‘informed citizen’ would be drastic. The print media should be treated as a public good, and receive indirect subsidies and tax breaks like in [any other] EU member state.”

Public HRT has a firm and guaranteed income (1.5 percent of the average monthly salary), which makes it financially stable despite the continuous decline in advertising income and quality of programming. Responsible spending of taxpayer money remains a problem, according to Roller. “HRT has a strict legal obligation to maintain separate bookkeeping for the budget alimented from the mandatory fee, to allow for more public control over spending. But they have not started to implement that yet,” she said.

Somewhat paradoxically, the shrinking of the advertising market increases the power of advertisers to influence editorial policy. “Less advertising income means that the owners will depend more on the politics, which still controls the financial leverage. It also means that owners will refrain from investigative reporting or critiquing the biggest business conglomerates, in fear of losing advertising income,” commented Drago Hedl, a senior journalist, investigative reporter, and editor, now with the news portal Telegram. Krešimir Dominić, director at the Komunikacijski laboratorij advertising and public relations

agency, noted the same problem. “The media are so desperate to get even a small share of advertising that they would do anything to get it. Advertorials have become a standard practice,” he said.

Local media are even more susceptible to the influence. According to Hedl, “Many local radio stations depend directly on financing from their municipalities. The side effect is that there is no criticism of the local government in the programming at all. It goes against the very reason for their existence.”

Since January 2016, the Ministry of Culture’s financial support of non-profit and minority media has become utterly politicized. Outlets such as the Italian-language daily *La Voce del Popolo* and the Serbian-language *Novosti* are being especially scrutinized. “The [former] minister was presenting us in the public almost as profiteers who are promoting ‘leftist’ and ‘anti-Croatian’ editorial policy at the expense of the Croatian taxpayers,” said Opačić. The ministry’s actions are affecting many other media projects, and the non-profit web portals in particular. “More than 270 jobs and the whole non-profit media scene are under a serious threat due to this policy,” said Gabrić.

The Fund for Pluralization of the Media is yet another source of revenue for local commercial electronic media and non-profit web portals. The fund functions within the EMC and is alimented by a three-percent deduction of the HRT subscription fee (about \$5 million per year). The direct financial support is aimed at supporting “productions of public interest” by commercial electronic media and non-profit portals, with an advantage given to minority-language programs. The fund has proven essential in keeping some of these outlets alive. “We had often criticized the EMC for a lack of criteria and transparency in allocating these funds,” said Gabrić. “But, after experiencing 2016, these objections sound far too critical.”

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Gavranović commented on the print media advertising market. “The fact is that the print media suffered losses, both in terms of circulation and advertising income. So, the ratio is about the same, and in line with accepted standards. But television and web media are consuming a higher percentage of the advertising market than dictated by international standards, even up to 80 percent, which makes the market position of the print media more complex,” he said.

The senior panelists recalled the early 1970s and the arrival of American products to the Yugoslav market and the advertising campaigns that introduced those commodities to

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still-unsegmented consumers. “It was beyond belief. One would find in a serial political weekly, side by side, ads for Coca-Cola, Marlboro, BMW, and Chris-Craft yachts,” one panelist said. Anecdotes aside, such an early start helped major international advertising agencies gain a firm hold in Croatia during the 1980s. Contraction of the market did not change the posture of service to their clients. But as explained, the consequence on the media end is self-censorship, in the absence of elaborated media freedom standards. This practice is far from being Croatian-specific, however, and is not a comment on the advertising industry.

The law places no restrictions on the percentage of advertisements in print or web media content, while the radio and television market is more regulated. Commercial broadcasters are allowed up to 12 minutes of advertising per hour of programming; while the public service is restricted to 9 minutes per hour in standard time, and up to 4 minutes in prime time (6 p.m.-10 p.m.). Non-profit radio stations are allowed to sell advertising, up to 3 minutes per hour, but only a few are actually capable of doing that. Aside from public sources, some outlets receive funds from international (mostly EU) sources, as project-based grants.

According to the panelists, neither government advertising nor subsidies distort the market, as in some neighboring countries.

(For comparison, the European Commission’s 2016 Progress Report stated that the government of Serbia controls an estimated 60 percent of the advertising market.)

As elaborated under indicator 2, editorial pressures exist primarily in the preferential allocation of funds at the municipal level. Government-generated advertising is placed by advertising agencies, which is at least a basic precondition for its fair distribution. There is also a stipulation that public companies spend at least 15 percent of advertising budgets on the local media, although the mandate is not yet fully implemented. But according to Gabrić, all of this is of minor importance when compared with the regulation to abolish state subsidies for the non-profit media, announced in January 2016. “This decision alone is enough to define the whole year negatively,” she said.

Sophisticated advertising, especially in national media, goes hand-in-hand with market research, when products are tailored the product to the needs of the audience. The research does not necessarily result in meeting the needs of more demanding audiences (actually, more often it goes against their interests) but this is also the industry trend. Local media have more limited options, given that market surveys are usually too expensive for them to conduct. But the automation of the process, play lists, and networking news have reduced most of them to a single format anyway, with the choice of music being the only difference.

Ratings, circulation figures, and Internet statistics are reliable and produced independently, and not compromised by any political or special interest agenda. Leading international providers (such as AGB Nielsen) collect and analyze the data, which advertising stakeholders use on a daily basis.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Croatia Objective Score: 2.54

Croatia has a long and mainly successful history in trade association activities. Almost all the media sectors are covered. Print publishers have their own association, and local print, radio, and television media are organized under the Croatian Association of Local Radio and Print (HURIN). Local television stations are also represented by the National Association of Local TV Stations. Web publishers and non-profit media have their own associations as well.

All of these associations are independent of the government, although not necessarily immune to political interests. As Alaburić explained, “There is always a line of division. For example, when the daily *Večernji List* asked for the annulment of the government’s decision to exempt from the reduced VAT ‘media with less than 25,000 characters in a single edition,’ which was clearly a discriminatory and unsustainable decision,

other publishers from the association refrained from supporting the *Večernji* move, simply because they did not want to be involved in any argument with the government.”

Trade associations are usually fee-based, although some operate on a volunteer and pro-bono basis. Most of them cooperate actively with their international counterparts.

It would be safe to say that the CJA, with 107 years of tradition and continuous activity, is the most respected association of its kind among transitional countries and “new” democracies. In critically important moments in the 1990s, CJA managed to keep an efficient unity within the media professionals in Croatia, avoiding divisions along political or ideological lines.

After a certain period of “hibernation” in recent years and searching for a new identity in the changed environment, CJA is setting the agenda again. It recently launched the Freedom of Expression Protection Center, which offers pro bono representation and defense of journalists in all cases against them. The service is provided by Croatia’s leading lawyers, panelist Alaburić included. The center also offers educational programs and is running a constant campaign to raise awareness about the importance (and fragility) of media freedoms in general.

After years of a slight but continuous decline, CJA membership is on the rise as of 2015. “My understanding is that the journalists are recognizing CJA as an association that speaks for the interests of media professionals more than before,” said Puljiz. CJA is an active member of the International Federation of Journalists and the European Federation of Journalists, among others. It would be simply impossible to imagine any move to draft or amend any media legislation or bylaws without an active CJA role, according to the panelists.

Some media experts and panelists might say that 2016, especially the first six months, proved worse for media freedoms and the freedom of speech than the authoritarian 1990s. However, that would be an overstatement, given the incomparable media and communication platforms, a different international political environment, and the current overall audience and market challenges.

In November 2015, Tomislav Karamarko, the leader of the then-strongest opposition party, announced during the election campaign that he would not tolerate any dissenting voices. “One may think privately whatever he or she wants. But the public domain should be open only for those who support Franjo Tudjman (the first Croatian president) and his legacy and the homeland war,” he said. As previously described, when his party came to power, Karamarko appointed a person with well-known ultra-nationalistic positions to head the Ministry of Culture. In a matter of days, protesters marched in front of the EMC seat, some shouting pro-Nazi salutes, and demanding the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

resignation of the EMC president and the termination of the councilmembers’ mandates, on the grounds of “communist-style suppression of free speech.” In the following weeks, the president warned journalists and public figures that “they should be aware that their words have consequences.” The very first decision of the former minister was to terminate the model of supporting the non-profit media and cultural projects.

These assaults on free speech and the hostile climate they created sparked a massive reaction from civil society. “It would not be accurate to say that this reaction brought the coalition government to its end after only six months, but the contribution was significant,” said Leković. In a way, the neo-conservative *reconquista* has shaken and intensified the non-governmental sector. “Suddenly, we have realized that the non-governmental sector comprises conservative, even radically conservative, organizations as well,” said Berković. The assertive approach of the conservative and far-right organizations brought new dynamics to the non-governmental sector and the consolidation of positions on some important issues. As Alaburić said, “An open dialogue, even when you strongly disagree with the other end, is always better than building an illusion of unity by keeping part of the population out of the debate.”

As Alaburić said, “An open dialogue, even when you strongly disagree with the other end, is always better than building an illusion of unity by keeping part of the population out of the debate.”

Croatian law imposes no restrictions on registration of NGOs. The only requirements are three founders with a valid ID and a bit of patience for the paperwork.

Opening the discussion on indicator 4, regarding the quality of journalism degree programs, Perišin said, "There are many quality journalism studies programs, but the main question is: who needs them anymore? The media labor market is literally hyper-saturated." Public and private journalism programs offer attractive curricula, teach modern techniques, and open up opportunities to earn a degree abroad. The Study of Journalism at the Faculty of Political Science in Zagreb has an excellent practice-oriented training, thanks to a well-equipped television studio [donated by USAID] and a licensed on-air radio station.

Still, given that the media labor market is constantly shrinking, Perišin's question seems to be well placed. She commented further: "Even during the study of journalism, at least half of our students are thinking about their careers in public relations, rather than in journalism." The panel moderator, a lecturer in journalism studies for many years, told the group that he recently ran into one of his best former students, who now works as a waitress. As another panelist concluded, "We started our work in the media under the slogan 'once a journalist—always a journalist.' Now it is more about finding a way to another profession and never coming back to journalism again." Puljiz, who had just been laid off at the time of the panel convening, said, "The editors do not need young and educated journalists. They need a person to do what he/she is asked to do, without too many questions."

Croatian groups offer a variety of short-term training opportunities, but usually the problem is getting permission from editors and owners to participate. The local media, where the newsrooms are composed of one or two journalists, can be excused, but usually not staff from big national outlets. "We are offering training for journalists to improve their professional skills and knowledge, but only a few are willing to participate, even when it is about an attractive program abroad," said Anja Picelj-Kosak, a media specialist at the U.S. Embassy to Croatia. Božić explained, "Journalists are reluctant to leave their newsrooms even for a couple of days. They are afraid for their jobs."

An additional problem is the lack of interest for a mid-career training. "We are planning to organize around 70 trainings in 2017," said Leković. "But it is not easy to convince our colleagues to get involved. This is even more disturbing given the changes in communication platforms and the increasing number of layoffs in the media industry."

At least for the past 15 years, indicator 6 has been an easy one to evaluate. The sources of media equipment, newsprint, and printing facilities are not restricted or controlled in any way.

They function on the market business model, in which the profit and the solvency of a client is the only criteria.

However, print distribution is a persistent issue. Panelists said that the problem has not escalated yet, but it could happen at any moment, given the financial difficulties of Tisak, the most important national print distributor. Tisak is owned by the largest private company and biggest advertiser in Croatia, and covers almost 90 percent of the market, which makes it an indispensable player in the supply chain. There are no reports on restrictions or preferential status for any publication, but Tisak's monopolistic position allows it to charge a 40 percent commission on print cover prices. As Klarić confirmed, "This is excessively high. As far as we know, this is one of the highest commissions in Europe."

At the beginning of the digital conversion, Croatia was the third transitional country, measured by per capita income. In 2016, Croatia was third again, but from the bottom of the list. The same is true with Internet speed, which lags behind many regions. As one panelist commented, "Why would one expect more in a country where elementary school classrooms are still equipped, if at all, with outdated 486 processor computers?"

List of Panel Participants

Vesna Alaburić, lawyer, media legislation specialist, Zagreb

Jelena Berković, civil society activist; executive director, GONG, Zagreb

Nataša Božić, journalist, N1 TV, Zagreb

Krešimir Dominić, planning and development director, Komunikacijski laboratorij, Zagreb

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

Ante Gavranović, media analyst; founder and former president, Croatian Associations of Publishers; former president, Croatian Journalists' Association, Zagreb

Goran Gazdek, chief editor, Virovitica.net, Virovitica

Drago Hedl, journalist, investigative reporter, and publicist, Osijek

Dražen Klarić, chief editor, *Večernji List*, Zagreb

Saša Leković, investigative reporter; president, Croatian Journalists' Association, Zagreb

Tamara Opačić, executive editor, *Novosti*, Zagreb

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

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

Helena Puljiz, freelance journalist, Zagreb

Boris Rašeta, journalist and columnist, *24 sata*, Zagreb

Vesna Roller, member, Agency for Electronic Media, Zagreb

Denis Romac, journalist, *Novi List*, Rijeka

Nada Zgrabljic-Rotar, professor of journalism and communications, Center for Croatian Studies, University of Zagreb, Zagreb

Moderator & Author

Davor Glavaš, independent media consultant, Zagreb

The panel discussion was convened on December 14, 2016

Most media laws are aligned with EU standards; however, although the laws are sound, implementation and enforcement remain poor and the situation is not helped by ongoing political setbacks described above.



KOSOVO

Three phrases sum up Kosovo's political scene in 2016 pretty well: "tear gas," "border demarcation," and "visa liberalization." All three are interconnected. One of the preconditions for the visa liberalization agreement with the EU is clarification of Kosovo's border line with Montenegro, and the border agreement signed by the two governments in 2015 requires a two-thirds majority from the Kosovo parliament to become effective. Three parliamentary opposition parties united to oppose the legislation, claiming that the new border line cedes too much of Kosovo's land to Montenegro. They displayed their opposition through street protests and by releasing tear gas inside the parliament.

Just when, in a bid for calm, the assembly decided to postpone the border agreement's ratification, tear gas scenes returned with the assembly's election of former Prime Minister Hashim Thaci as the new president. Many opposition lawmakers were forcibly removed from the hall for releasing tear gas during the plenary session. Despite the scene, Thaci became Kosovo's fifth president, replacing Atifete Jahjaga, who was the first president to finish a full term as head of state. The border agreement was never ratified, leaving Kosovo's citizens the only ones in the Western Balkans unable to travel freely to EU countries.

These developments spoiled success stories in the sporting world, including Kosovo's first Olympic gold medal in Rio and FIFA membership.

The overall MSI country score of 2.39, down only slightly from last year's 2.46, at first glance implies little or no change in Kosovo's media development sector. However, in a sign of possible trouble ahead, scores for both Objective 2, Professional Journalism, and Objective 3, Plurality of News, both experienced modest drops (0.22 and 0.30, respectively). A majority of panelists who also participated in the 2016 study awarded lower scores for both of these objectives, indicating that they perceive a worsening situation year-on-year.

Other familiar problems persist. Most media laws are aligned with EU standards; however, although the laws are sound, implementation and enforcement remain poor and the situation is not helped by ongoing political setbacks described above. Problems also persist at the organizational level. Last year, the labor inspectorate examined at least 34 media organizations and uncovered such issues as missing work contracts, payment irregularities, and uncompensated overtime work. The lack of legal regulation for online media strains the overall professional standards of journalism; the public media remain under the government's direct control as long as they continue to be financed through the state budget; access to public information is limited; and the authorities fail to vigorously prosecute threats against journalists.

KOSOVO at a glance

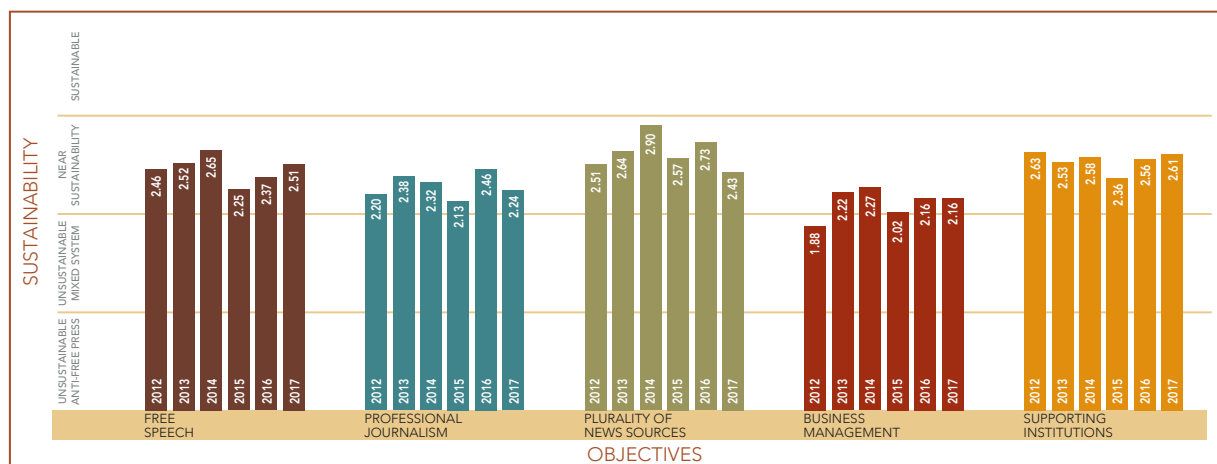
GENERAL

- > **Population:** 1,833,018 (July 2016 est., CIA World Factbook)
- > **Capital city:** Prishtina
- > **Ethnic groups (% of population):** Albanians 92.9%, Bosniaks 1.6%, Serbs 1.5%, Turk 1.1%, Ashkali 0.9%, Egyptian 0.7%, Gorani 0.6%, Roma 0.5%, other/unspecified 0.2% (2011 est., CIA World Factbook)
- > **Religions:** Muslim 95.6%, Roman Catholic 2.2%, Orthodox 1.5%, other 0.07%, none 0.07%, unspecified 0.6% (2011 est., CIA World Factbook)
- > **Languages:** Albanian (official) 94.5%, Bosnian 1.7%, Serbian (official) 1.6%, Turkish 1.1%, other 0.9% (includes Romani), unspecified 0.1% (2011 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$7.129 million (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$9,900 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 91.9%; male 96.6%, female 87.5% (2003 est., CIA World Factbook)
- > **President or top authority:** President Atifete Jahjaga (since April 7, 2011)

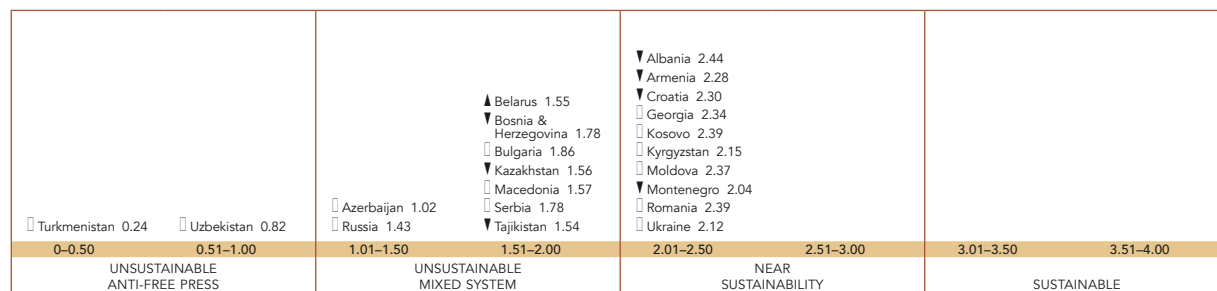
MEDIA-SPECIFIC

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

MEDIA SUSTAINABILITY INDEX: KOSOVO



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.51

Legal protection of free speech is guaranteed, backed by a significant number of media-friendly laws, but challenges with implementation and enforcement carry over from previous years. These include a lack of response from the authorities when journalists are threatened, an increasingly litigious approach to quieting journalists, an unsatisfactory degree of respect for public access to information, and a lack of understanding and appreciation by the judiciary for the spirit of free press laws.

Although Kosovo's constitutional and legal protections of free speech are harmonized with most EU regulations and international standards, it is difficult to obtain full information on practical enforcement of legal protections. For example, courts do not provide any details regarding the number of lawsuits related to freedom of expression, or cases that involve journalists. The data are missing from police departments as well; they tend to treat crimes against journalists just like any other incident, with no special attention.

The law on confidentiality of sources is respected, and tested by individual media outlets—such as the Balkan Investigative Research Network (BIRN), which was asked by a local prosecutor to hand over all video recordings following a violent protest. Insajderi, another online investigative medium, never revealed the source behind leaked wiretapped conversations involving Adem Grabovci and other high officials of the ruling party;

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Flutura Kusari, an e-media law expert, said that she has counted at least five times that journalists were barred from covering court cases involving a high official charged with corruption. They were denied access on the grounds of protecting the privacy of the defendant, and public interest in this matter was not taken into consideration.

Insajderi published a series of the leaked conversations in 2016. The recorded phone calls revealed his influence in employing people in public institutions and in appointing party members in key positions. Although he sued Insajderi for damaging his reputation and breaching his privacy, the Basic Court in Prishtina ruled against him.

The Independent Media Commission (IMC), the body responsible for registration and licensing of television, radio, and cable providers, is also responsible for managing the transition from analog to digital broadcasting. Apart from organizing a public hearing on certain regulations related to the digitalization process, the commission missed the international deadline for switching to digital broadcasting. The panelists highlighted the IMC's adoption of a new regulation on the Code of Ethics for Media Service Providers in Kosovo as an achievement; however, the politicization of its board, whose members are appointed by the Kosovo Assembly, continues and constitutes a major setback that the MSI panelists point to almost every year.

Licensing is not mandatory for print and online media. Nevertheless, each media organization must go through an official registration process. They are registered as a business enterprise under the Kosovo Business Registration Agency within the Ministry of Trade and Industry or as a NGO within the Ministry of Public Administration. Media outlets face the same registration process as other businesses, and they are not burdened with heavier taxes. However, they still have to pay corporate taxes.

Threats are the most common form of crimes against media professionals; no deadly crimes were committed against journalists in 2016. Among the most serious incidents that occurred last year were hand grenade attacks against Radio Television of Kosovo (RTK)—one on the property of the general director and one on RTK's main studio office, although there were no casualties or arrests for the attacks. Police investigations into the case of Adriatik Kelmendi, a KTV television host whose car was damaged by unknown people, also proved unsuccessful.

Another investigative reporter claimed that the prime minister personally called him and threatened him after he reported that the prime minister's brother requested asylum in Germany for medical treatment.

Although each year around 20 cases of threats against journalists are reported, the perpetrators never face legal repercussions. The Association of Kosovo Journalists is quick to condemn any threats against its members, who often enjoy the public's sympathy. But public outcry is usually confined to social networks. Furthermore, the panelists say that direct threats against journalists are being replaced with a more sophisticated form of intimidation: lawsuits that impose a huge financial burden on the media. For the panelists, when politicians or businessmen sue journalists, it is obvious that they want to influence the media and impoverish them, because the court cases are too expensive for most media outlets to fight for a long period, especially so for individual reporters.

The judicial system treats cases involving the media or journalists no differently than other cases. The panelists suggested that this should change, believing that judges should be trained regarding the sensitivity of media freedom. Kreshnik Gashi, an editor with BIRN, pointed to the example mentioned above, a local prosecutor asking BIRN to hand over the original filming of demonstrations, as a case where judicial actors are not aware of the law.

Furthermore, when the freedom of speech is under attack, journalism associations rely on international institutions present in Kosovo, expecting them to exert pressure on the offending institutions. On the other hand, citizens also rely on the Kosovo Press Council, a self-regulatory body, which rules on citizen complaints against the media.

The Law on Public Broadcasting protects the editorial independence of the public media; however, the ruling political parties heavily influence RTK. The panelists believe that direct state funding is the main hindrance to full editorial and institutional independence. Each year, RTK is allocated around €10 million from the state budget in addition to the revenue it generates through marketing. Although the law says that government funding is only a temporary mechanism, and not a replacement for subscriptions, no subscription mechanism has been found yet. Some RTK board members and representatives of the trade union have criticized the government's interference in employment and editorial policies, and the RTK board and the IMC board is regarded as highly politicized overall. The panelists believe that all members are appointed based on their political support in parliament. One panelist suggested that the law be changed to require a two-thirds majority rather than a simple majority, believing this could bring more democracy and professionalism to the RTK board.

Libel is a civil code issue in Kosovo. However, Kosovo courts have repeatedly ignored libel cases, which often go unsolved. In fact, there are not enough court rulings to allow a proper analysis on implementation of the civil law against libel and defamation.

The law guarantees access to public information. However, one panelist referred to a study showing that only 30 percent of requests for public information have been answered. Citizen requests are more easily ignored than those from established media and civil-society organizations. Last year, several focus groups were organized with journalists from local and national media outlets. According to Besa Luci from Kosovo 2.0 blog, an organizer of the focus groups, poor access to public documents was one of the main problems raised by the participants. The law on access to public documents specifies that certain information may be limited or denied, especially in matters of national security, business secrets, or matters of privacy. However, this is not further explained, leaving the officials to judge the sensitivity of the information.

Access to information is particularly limited with regard to the Brussels Agreements—decisions reached in negotiations by the Kosovo government and the Serbian government. Very often, the negotiating teams from Kosovo and Serbia provide contradictory explanations to their respective media about specific agreements.

Most government institutions have internal regulations that bar officials from speaking to the media without obtaining permission from the highest levels. Flutura Kusari, an e-media law expert, said that she has counted at least five times that journalists were barred from covering court cases involving a high official charged with corruption. They were denied access on the grounds of protecting the privacy of the defendant, and public interest in this matter was not taken into consideration.

In September, BIRN won a case on appeal against the prime minister's office for access to financial details about spending by the prime minister's cabinet on official trips. Regardless of this decision, the government has not yet provided BIRN with the requested documents. This case has been in courts since 2012, showing the slow progress of Kosovo's judicial system.

Language barriers present another problem, especially regarding the translation from Albanian to Serbian during government events.

The law does not restrict access to international news and news sources. Entry into the journalism profession is free, and the government imposes no licensing restrictions. However, the government limits the number of journalists from each outlet to cover government events. This is troublesome, as it forces the same reporter to attend the government events all the time, and no one else can fill in when the registered reporter is not available.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.24

Giving Objective 2 low scores, the panelists emphasized major concerns, such as the threat that online media pose to the quality of journalism. Many news portals display unfair, subjective, and single-source reporting, they said, and many lack basic editorial or ownership information, sowing confusion on who is behind the new media.

The panelists expressed concern about the new trend of reporting in newly established online portals that falls shy of fairness and objectivity. Very often, these outlets publish news that is based only on superficial sources, without any background information about the story. In many cases, the Facebook status of a politician or a Tweet from a public figure becomes the story. And if that message is directed toward a political opponent, usually one will not find a comment from the other side. The online media have created an expectation that news should be short and quick. The race to speed leaves a lot of room for error, sometimes even about basic facts. Due to the blanketing of smart phones, many Kosovars prefer to get their news online and often end up more misinformed than informed, the panelists fear.

However, a growing number of online media are applying for membership at the Kosovo Press Council, which the panelists view as a positive sign, as members are bound to adhere to the council's code of ethics. However, online plagiarism runs rampant. Very often online media copy-paste the exact article from one medium and share it, sometimes with a very brief line mentioning the original source, and sometimes without even that. Gazmend Sylja, the news director of Klan Kosova TV,

Due to the blanketing of smart phones, many Kosovars prefer to get their news online and often end up more misinformed than informed, the panelists fear.

mentioned an article written for Klan Kosova's website that seven other online portals copy-pasted in a matter of a few minutes, without even mentioning the source. Some panelists said, however, that they blame employers and chief editors, not the journalists, for the massive ethical breaches in online media.

In traditional media (print and television), reporting is more balanced, incorporating opposition and citizen views. Still, even traditional media fall short when it comes to in-depth reporting, explaining the context and finding a human angle to the story, according to one panelist. They also tend to rely on the same technical experts across different subjects. Other panelists cited a lack of inter-ethnic reporting, considering that Albanian media rarely present reports on the lives of Kosovo Serbs, and vice versa.

Both the IMC and the Kosovo Press Council have developed written codes of ethics—and RTK has its own code of ethics, too—but implementation is poor. It has not been proven that media professionals accept payments or gifts in exchange for certain types of coverage; however, online media do not inform the public when a particular article is advertorial or sponsored marketing.

Self-censorship is present in most media outlets in one way or another, but it is linked more to financial interests than perceived threats to safety. The panelists link the media's choice to avoid reporting on some of the biggest advertisers (such as insurance companies, telephone companies, private banks, and public companies) to self-censorship. The panelists suspect that media owners often dictate editorial policies, a trend that is compromising objective reporting and contributing to self-censorship. The panelists say that editors use a softer approach on self-censorship toward their reporters, by discouraging them to take on certain topics.

Self-censorship may also result from the poor working conditions in most private media. Labor inspections of 34 Kosovo media organizations confirmed missing work contracts, payment irregularities, and uncompensated overtime work. Junior reporters often complain about discrimination at work. In the first two years, most junior reporters in private media work on three- or six-month trial contracts, before being offered annual contracts. One journalist complained to the Association of Kosovo Journalists that her contract was not extended for the next year because her employer found out that she is pregnant.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Her case drew broad sympathy in online media. According to the law, the employer is required to pay 70 percent of the salary for six months of maternity leave; a typical monthly salary in her position is €200.

Pay levels for journalists are relatively low overall in private media, unlike the public media, which compensate their staff generously thanks to their secure financial funding from the state budget. Journalists receive lower pay than civil servants and teachers. However, even within the private media there is quite a difference in income between entry-level journalists and editors. Despite the low income, and no compensation for overtime work, which is typical in Kosovo media organizations, the panelists believe that overall corruption among journalists is not widespread. “Why corrupt a journalist when you can easily corrupt the media owner,” one panelist commented.

Journalists usually cover key events and issues. The situation, however, differs in the north, an area dominated by Kosovo Serbs who reject the Kosovo institutions. The panelists say that their reporters travel to the north only if accompanied by the Kosovo police.

Entertainment programming does not eclipse news and information programming in television. News editions contain sufficient information on daily local, national, and international news. The problem, however, is that most quality niche reporting is scarce and most media organizations do not provide investigative stories.

The public media—and those media that receive international grants—enjoy more modern and efficient facilities and equipment for gathering, producing, and distributing the news than their private counterparts. For example, the number of television stations offering programming in HD is increasing. The local media, however, are less developed in terms of technology, a fact reflected in the quality of their programming.

Most journalists do not specialize in covering specific kinds of issues, especially in investigative reporting, although there are exceptions—such as the Grabovci wiretapping scandal mentioned above, which revealed a public official’s distribution of jobs in public institutions to party members. But one panelist blames media owners for the lack of long-term investigative journalism, saying they have little interest in investing more in training their staff to specialize in specific kinds of issues, especially education, health, and security. In general, reporters and editors are educated, but the overall poor quality of education at the national level is reflected in the quality of reporting.

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.43

Kosovo is a small country, yet it is rich in terms of media outlets. A variety of public and private media allows citizens to check news sources against each other. The public media consist of four television channels, in addition to two radio stations and a web portal. Direct funding from the government, however, casts a shadow over their objectivity. Cable providers have created new opportunities for new television stations to open. Tribuna channel, for example, switched from a daily newspaper to a television station.

A plurality of news sources exists, and citizens’ access to national and international media is unrestricted. In fact, the most popular media, the online media, have created mobile user-friendly websites, and with the widespread embrace of the Internet, they are available even to rural audiences. Limitations exist in terms of cable services, and despite the broad reach of cable providers even in rural places, the financial constraints pose an obstacle for many families, especially in rural areas and small towns. There are many cable service providers in the country, with basic service including cable and Internet starting at €15 per month, and they carry hundreds of local, national, and international television channels. The main problem is still in the northern part of Kosovo, a territory mostly dominated by Serbs and heavily under control of the Serbian government. RTK 2, for example, which is a public television station in the Serbian language, is not available in the north because cable providers there reject the prospect of carrying a television station financed by the Kosovo state budget.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Around 88 percent of households are connected to the Internet, and 3G and 4G services are on the rise. This has increased the people's reliance on social networking tools, especially Facebook and YouTube, for their daily news. Even traditional media now offer an online version and are very active on Facebook and YouTube. Television programs are posted on YouTube, and many media now provide a live stream of their news and other important activities. Some blogs enjoy a solid reputation and strong readership. Sbuker, for example, continues to attract commentaries by academics and public figures on issues of national importance. Kosovo 2.0, which started as a magazine, now operates as a blog with its own reporters, as well as several guest contributors of different nationalities.

Public media have faced heavy criticism by opposition parties for turning into a government mouthpiece, and the panelists believe that state funding is jeopardizing public media's editorial and institutional independence. Although RTK tends to balance its coverage on government and opposition evenly in terms of time, news on the government and ruling parties always seems to be placed at the top of the news, even when other stories seem more significant (such as, for example, the street protests organized by the opposition parties). The quality of social programming is also very poor in the public media; one panelist explained that RTK's educational and cultural programs are unintentionally funny and invite public sarcasm.

Ekonomiaonline, another newly established news agency, joins the traditional independent news agencies Kosova Press and Kosova Live. Ekonomiaonline, which focuses on economic news, launched in 2010 as an online medium but developed into a news agency in 2016. The panelists believe that the agencies offer solid service; however, they focus mainly on daily and protocol news and rarely on investigative reporting. In general, they tend to be independent in their reporting, and many local media subscribe, paying a subscription fee. However, most private media produce their own news, with the exception of online news portals, which produce their own news occasionally but mostly copy-paste from other media. For instance, one portal might offer you all the major headlines of the morning newspapers.

This is not to say that online media never produce groundbreaking news. Insajderi.com and kallxo.com are two online media that specialize in investigative journalism; Insajderi originally published the wiretapped conversations of Grabovci that almost all other media picked up and republished.

In terms of transparency, people do not generally know the owners of various media. Nevertheless, private broadcast media are required to register their owner's data at the IMC. The list is not fully transparent but can be accessible. That is not the case with online media, which do not provide any information at all regarding ownership. Most do not even present any

However, Luci pointed to the modification of the Statute of the Kosovo Press Council, which now makes it mandatory for each council member to provide editorial data on its website, as a positive step taken this past year.

sort of information regarding the names of their journalists, editors, or directors. However, Luci pointed to the modification of the Statute of the Kosovo Press Council, which now makes it mandatory for each council member to provide editorial data on its website, as a positive step taken this past year. The other good news is that the number of online portals registering at the council is increasing.

Although the mainstream media are based in the capital, they do offer local news as well—some even employ local correspondents. Additionally, the daily news editions always include international news. But some panelists expressed concern that in general the media fail to represent all branches of the society, such as children, youth, women, LGBTI, and ethnic minorities. Women are less likely to be presented in the media as experts or voices on politics, which is still seen as the realm of men. Reporting on minorities is mainly limited to their political situation and rarely touches on their social and cultural life.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.16

Ongoing financial strain is the reason that the panelists gave Objective 4 the lowest score of the five objectives. The majority of media are suffering financially. Even the public media, which receive a generous income from the state budget, have added to their debt. While accusations of mismanagement cloud the public media, private media suffer from low advertising revenues. This is especially true of local television and radio stations.

Nonprofit media enjoy slightly better financial status, as they operate based on grants from the European Commission and other international sources. There are no government subsidies for private media. The case with online media is mixed, as some are very efficient and self-sustaining enterprises, due to the high number of page clicks they attract, while others can barely generate any income.

Public broadcaster RTK prepares business plans, but private media are not legally required to do so. The same goes

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

for marketing, which is not very transparent, especially in private media, while by law the public media are obligated to provide audit reports. Public media receive their funds from the government in three-month cycles, and at the same time they report on their financial plans and expenditures to the Parliamentary Committee on Media. The opposition parties have criticized RTK for inappropriate planning and expenditure reports; however, private media are secretive about their own business plans, as well as all audit and financial reports. Overall, media management falls short of generally accepted levels of good governance.

Typically, the same slew of companies provide advertisements to most of the media. As a result, it is rare to see any criticism toward those advertisers, such as private banks, insurance companies, etc. Again this year, the panelists flagged as a problem the fact that private media, which rely solely on advertising, must compete with RTK for the same advertising opportunities, although RTK receives state funds as well.

Local media tend to be editorially favorable toward local governments, which they depend on for advertisements. The panelists believe that local reporters are often affiliated with local public officials or local political parties.

Subscription fees are a major income source for cable providers, and more and more online media produce video content as a revenue-generating activity. There are no government subsidies for the media, hence advertising remains the main income. Although Kosovo's advertising market is limited, the number of advertising companies is increasing and the quality of advertisements depends on the client. International companies operating in Kosovo, such as banks and insurance companies, produce advertisements superior to those of local companies. Nevertheless, all commercial spots must comply with the rules

established by the IMC and related laws. Nonprofit media that obtain international funding do not face such market pressure and can report without any political or economic obstacles.

Market research is underdeveloped and rarely used to enhance advertising revenues. The same goes for broadcast ratings and circulation figures, which are mostly conducted individually by media organizations and mostly reserved for internal use and attracting advertising companies, despite their inherent unreliability. Some private marketing agencies conduct such research, but other media often dispute their data, insisting that those who pay the service always come out on top. The most-visited online media cite online circulation numbers. However, they present only the number of clicks.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.61

Traditionally for Kosovo, Objective 5 has received the highest score, and this year is no exception.

There are two well-established, active organizations that influence the positive evaluation. The first is the association that represents the interests of private broadcast media owners (the Association of Kosovo Independent Electronic Media), and the second, the Association of Kosovo Journalists, represents the interests of Kosovo journalists and is very quick to react when freedom of media is concerned. Media outlets and NGOs tend to cooperate; very often NGOs provide good sources for journalists who are seeking third-party comments on various political and economic issues. NGOs, too, use the media to make their voices heard.

The Association of Kosovo Independent Electronic Media is the main body representing broadcast media, including Serb community media. It operates as an NGO and depends on subscription fees. The Association of Kosovo Journalists, on the other hand, is the main body representing the interests of Kosovo reporters. Although the association has over 470 members, it is not a trade union; only RTK has its own trade union. Apart from the Association of Kosovo Journalists, there is also the Association of Serbian Journalists, which represents journalists working for local and national media in the Serbian language in Kosovo.

As private media do not have trade unions, their journalists and editors take any complaints to the Association of Kosovo Journalists, which is funded by international donors rather than through membership fees. The association is now a member of the International Federation of Journalists and the European Federation of Journalists. Its main mission is to organize journalists to promote and protect rights surrounding the freedom of expression. Apart from different trainings

organized for Kosovo journalists, the association has published a guide on staying safe while reporting on protests and unrest—an essential document, considering the number of protests, sometimes very violent ones, in recent years. Last year, the Association of Kosovo Journalists organized internal elections for a new board and a new director. In contrast with previous elections, it went very smoothly; the journalistic community did not contest the newly elected director and board members. The organization also became a partner of the regional online platform safejournalists.net, which advocates for media freedom and the safety of journalists.

Local and international NGOs organize a number of short-term trainings, including some that address sensitive topics, such as how to report on gender equality and the LGBTI community, stereotypes on ethnic minorities, and organized crime. These free trainings often bring high-profile and very experienced international experts to Kosovo. Despite the availability of training opportunities, many journalists find it difficult to attend, blaming management for not allowing them to leave the office for a few days.

NGOs support free speech, especially in cases where the government is trying to impose restrictions on the freedom of expression. However, there are no NGOs that focus exclusively on free-speech issues.

At least three different universities in the country offer journalism degree programs, mostly focused on theoretical and inefficient practical training. Universities often face criticism for their teaching methods, which have not kept pace with new media and evolving technology. Many fresh graduates in journalism start their careers in online media, as interns or full-time employees in short-term contracts.

There are no restrictions on importing and purchasing the materials that media and journalists need to do their work,

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

apart from financial constraints. Transmitters are not politicized, but many private media have criticized the digitalization process, saying the process has handed public media more privileges.

There is also no government pressure to control or monopolize media distribution. A problem, however, arose over the channel numbers on cable providers when private television station KTV, one of the three national television channels, disputed its placement with a cable provider. To resolve the issue, the IMC passed a regulation that shows which channels should be in the top 10. Otherwise, the existing information and communications technology infrastructure meets the needs of the media industry.

List of Panel Participants

Kreshnik Gashi, editor, Balkan Investigative Research Network, Prishtina

Shkelqim Hysenaj, president, Association of Kosovo Journalists, Prishtina

Besa Luci, editor-in-chief, Kosovo 2.0 blog, Prishtina

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

Anamari Repic, manager for international relations, RTK, Prishtina

Remzije Shahini-Hoxhaj, journalism lecturer, University of Prishtina, Prishtina

Flutura Kusari, media law expert, Prishtina

Gazmend Syla, news director, Klan Kosova TV, Prishtina

Zijadin Gashi, journalist, Radio Free Europe, Prishtina

Goran Avramovic, editor-in-chief, Radio Kim, Gracanica

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The Kosovo chapter was coordinated and conducted in partnership with the Institute for Advanced Studies GAP. The panel discussion was convened on December 20, 2016.

One new cable television station, TV Nova, entered the already congested broadcasting market; however, several traditional media outlets downsized.



MACEDONIA

Beginning in April 2016, Macedonians gathered every day at 6 p.m. in front of the Special Prosecutor's Office to protest government corruption. Spurred by the opposition's release of illegal wiretaps that revealed the depth of the degeneration, the "Colorful Revolution" further erupted when President Gjorge Ivanov announced his decision to pardon all persons involved in potential investigations. Activists pelted the walls of government institutions and the drywall and Styrofoam-clad *faux Baroque* facades in downtown Skopje—symbols of the hated "Skopje 2014" Project—and demanded resignations, justice, and reforms.

After being postponed in April and then June, the early parliamentary elections were finally held on December 11 after another European Union and United States brokered deal: the Pržino II Agreement. The election results saw the parties in the incumbent ruling coalition, the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE) and the Democratic Union for Integration, losing ground in Parliament, although they still managed to win the plurality of Macedonian and Albanian voters, respectively. Despite a fierce fearmongering nationalist campaign by VMRO-DPMNE, a significant number of ethnic Albanians voted, for the first time, across ethnic lines to support the Social Democratic Union of Macedonia. Nevertheless, with close results and uncertainties as to who will form the next government, the political crisis is far from over and may extend well into 2017.

European integration for Macedonia seemed to be falling back into place in 2016, with the European Commission again conditioning the recommendation to start accession negotiations in its annual progress report. The progress report focused on the prolonged political crisis and demanded that Macedonia make progress in implementing "urgent reform priorities" and hold credible elections.

Macedonia managed to maintain overall macroeconomic stability, but economists voiced serious concerns over the growing public debt, which reached 52.3 percent of GDP at the end of 2016. The government has borrowed actively both domestically and internationally. Its growth rate of 2.4 percent in the second half of the year was solid and one of the highest in Europe, but well below early predictions of 3.7 percent. It is also short of the 6 percent annual growth rate necessary for improved standards of living, which in Macedonia remain among the lowest in Europe. Shrinking economic prospects and falling living standards have led to the continued migration of Macedonia's young population.

Macedonian media were an important item on the agenda of the Pržino II Agreement in July 2016. Macedonian political parties accepted an obligation to engage in serious reforms of the media sector; to eliminate political, economic, and judicial pressures on media and journalists; and to ensure independence of the public broadcasting service and broadcast regulatory body. One new cable television station, TV Nova, entered the already congested broadcasting market; however, several traditional media outlets downsized.

MACEDONIA at a glance

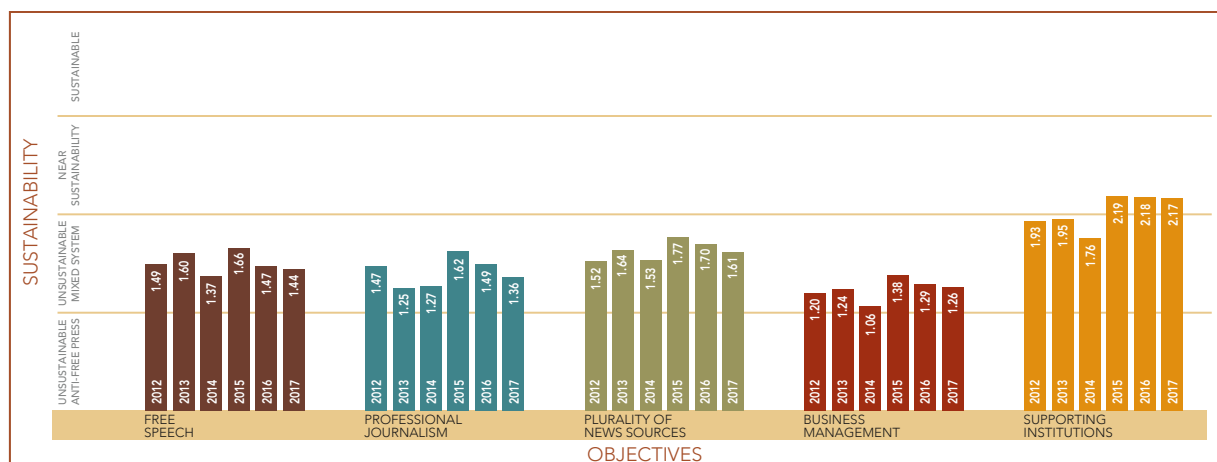
GENERAL

- > **Population:** 2,100,025 (July 2016 est., CIA World Factbook)
- > **Capital city:** Skopje
- > **Ethnic groups (% of population):** Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma (Gypsy) 2.7%, Serb 1.8%, other 2.2% (2002 est., CIA World Factbook)
- > **Religion (% of population):** Macedonian Orthodox 64.8%, Muslim 33.3%, other Christian 0.4%, other and unspecified 1.5% (2002 est., CIA World Factbook)
- > **Languages (% of population):** Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$10.67 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$13,570 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 97.8%, male 98.8%, female 96.8% (2015 est., CIA World Factbook)
- > **President or top authority:** President Gorge Ivanov (since May 12, 2009)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 10 daily newspapers (one specialized sports daily), 3 weeklies, 20+ other periodicals; Radio: 3 public radio channels and 4 commercial radio stations broadcast nationally, 17 radio stations broadcast regionally, 53 radio stations broadcast locally; 3 non-profit university/student radio stations; TV Stations: 5 state channels, five DVB-T national broadcasters, 9 national cable stations, 16 regional DVB-T stations, 12 regional cable stations, 24 local cable stations (Agency for Audio and Audiovisual Media Services)
- > **Newspaper circulation statistics:** Top three by print circulation (data on copies sold is not available): *Vest* (32,000), *Dnevnik* (25,000), *Sloboden pečat* (14,800)
- > **Broadcast ratings:** Top 3 by share of audience: Sitel TV (23.21%), Kanal 5 TV (16.31%); AlsatM TV (6.01%) (AGB Nielsen Macedonia, December 2015)
- > **News agencies:** Macedonian Information Agency, Makfax; online news agencies NetPress.com.mk and Meta.mk
- > **Annual advertising revenue in media sector:** €30 million (est., marketing365.mk website)
- > **Internet Users:** 1.1 million (2009, CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: MACEDONIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.44

Freedom of expression and media freedoms retained their prominent positions in the public discourse in Macedonia in 2016. As in the 2015 Pržino Agreement, a deal brokered by the EU that aimed to help resolve a prolonged political crisis, the need for reforms in the media sector were a main feature of the July 2016 agreement. The agreement helped establish December 11 for the elections, but also included some agreements on media. The leading parties in the Macedonian and Albanian political blocs accepted reforms in the media sector to eliminate all forms of political, economic, or judicial pressure on media and journalists, and to remove instruments for the corruption of media.

In general, media legislation in Macedonia is consistent with international standards. However, the panelists and the general public feel legislation is implemented selectively and falls short of meeting and achieving its aims and purposes.

Constitutional and legislative protections and guarantees for freedom of expression and media are of little value in Macedonia's deeply divided society. Among pro-government and independent/pro-opposition media, tensions remain, with the two sides continuing to accuse each other of propagandist reporting, the use of hateful and unacceptable speech, the betrayal of professional standards, and working for the highest bidder. The same political divisions prevail in Macedonian society, with both sides actively denying the other, or anyone

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

“The fact that those who asked for a license got it is a serious indicator that something is wrong with the whole approach to licenses. I don’t think we can protect or promote public interest in broadcasting with such an approach. Our approach to licensing doesn’t take public interest into consideration at all,” Klime Babunski, a media analyst and researcher with ProMedia, said.

expressing some form of dissent, the very right to freedom of expression. Those who support a more open, democratic, and inclusive society remain in the minority, albeit a minority that seems to be growing. Panelists say the situation has improved over previous years, with a growing number of people publicly protesting the situation in the country, including abuses and restrictions in freedoms of expression and media.

In Macedonia, only broadcast media are subject to licensing requirements, which are managed by the Agency for Audio and Audiovisual Media Services. Although the same criteria and requirements apply to both broadcast and Internet or cable channels, terrestrial digital broadcasting licenses have to be allocated through a public tender procedure, while the licensing of cable and Internet-protocol television broadcasters requires no such procedure, and licenses are awarded automatically. In addition, for digital terrestrial broadcasting, the Agency is required to conduct a feasibility study to determine if there is a need for a new broadcaster and its proposed programming format.

Panelists say the body that allocates the licenses is politically dominated. Those outlets that apply tend to receive licenses, but then face an expectation that their editorial policies will be favorable to the government in return. Some oppose the approach to license allocation and actually feel it is too liberal. “The fact that those who asked for a license got it is a serious indicator that something is wrong with the whole approach to licenses. I don’t think we can protect or promote public interest in broadcasting with such an approach. Our approach to licensing doesn’t take public interest into consideration at all,” Klime Babunski, a media analyst and researcher with ProMedia, said.

After past accusations of the ruling party politically dominating it, the Agency did make some efforts to “clean up its act” and perform its duties in a seemingly more independent fashion. However, the appointment of governing/steering body members and legally authorized nominators remains questionable, and

there continues to be calls to the legislature to remedy the process.

Other media, including print and online media, are not subject to licensing, but the Agency keeps a register of print media and maintains some oversight. The regulations include registering as either a commercial company or civil association. The registry does not include online media. The proliferation of online media that created havoc in the market has largely subsided, but proposals that they, too, should enter some form of registration process continue.

The law stipulates free and fair entry into the market for all media. That market, however, is small and shrinking, yet still oversaturated—a situation that makes the media vulnerable to economic pressure and influence. The regulatory body fails to use licensing procedures to intervene in that regard. Last year, there was one initiative to open a public call for a national Digital Video Broadcasting–Terrestrial (DVB-T) license, and a feasibility study showed that there is a need for one general format or one specialized education programming service, but the whole process was postponed by the elections. The process is expected to continue in 2017. TV Nova, a new cable station, began broadcasting in 2016, and the Agency also issued several licenses for local radio broadcasting. However, one of the two Roma language television stations lost its broadcasting license in 2016 over its inability to pay the annual license fee.

Tax regulations are impartial and objective. However, while there were no cases in 2016, media critical of the government fear they are more likely to get a visit from tax authorities than their pro-government counterparts are. It has been suggested that this past year, tax authorities were far too interested in civil society organizations involved in the Colorful Revolution to bother journalists. Panelists feel that some form of tax relief or privileged taxation rates should be introduced to help the media, which has been hit hard by the current advertising crisis. To secure the right to broadcast music, outlets are charged 4 percent of media outlets' gross income (pre-tax) instead of net income, which, in the view of panelists, constitutes another de facto type of taxation.

The Association of Journalists of Macedonia reported more than a dozen attacks on journalists and media professionals in 2016. Incidents included verbal and physical assaults, preventing journalists from reporting on events, and destruction of professional equipment and personal property. Unlike previous years, panelists observed some progress and praised the readiness of fellow journalists, human rights defenders, and civil society activists to react strongly and immediately to such incidents. Buoyed by the atmosphere of protests that took place for the better part of the year, the support for journalists turned into another cause for mass protest. However, panelists said such incidents still fail to produce proper reactions from

law enforcement or the judicial system, and perpetrators remain unknown and at large.

One example panelists cited is the case of journalist and blogger Zoran Božinovski. After spending a year in detention in Serbia, he was extradited to Macedonia and is currently in custody awaiting trial on charges of espionage, extortion, and criminal association. Human rights organizations, journalist associations, and media outlets are convinced the charges against him are trumped up, and his past reporting of abuses of power by security and intelligence services is the real reason for his persecution.

The political divisions between the media run so deep, several panelists commented, that pro-government outlets go so far as to claim attacks on journalists have not taken place and are simply false accusations to smear the government or ruling parties. Other outlets even claim that attacks against reporters are justified.

The guarantees of editorial independence for the public broadcasting service, Macedonian Radio and Television (MRT), suffer from poor implementation and often are not adhered to. The systems and procedures for appointing members of the Programming Council of MRT, its governing body, allow the government to circumvent the law and ensure strong control over its programs. Nominations for the Programming Council are typically from groups reliant on government funding. The same is true of appointments for top editorial positions in the public service broadcaster; editors are selected because they are certain to do the government's bidding and view the MRT not as a public broadcasting service but as state television. Additionally, the Programming Council does not reflect and represent the diversity of Macedonian society and its distinct groups: ethnic, religious, youth, and disabled groups are not represented properly.

Defamation and libel have been decriminalized since November 2012. The Law on Civil Liability for Defamation provides special treatment for journalists and media and sets limits to the amount of compensations/fines they may be ordered to pay. Even with such limits, which are set at amounts that are rather insignificant based on Western standards (\$2,150 for the journalist, \$10,750 for the editor, and \$16,100 for the publisher), the costs are potentially devastating for the impoverished media in Macedonia. Outlets fear every defamation lawsuit because one maximum fine may force them to close shop. *The Priebe Report*, an independent analysis conducted at the behest of the European Commission, strongly recommended reforms in defamation legislation in an effort to limit the judicial pressure that the threat of lawsuits placed on journalists. Defamation was not a common topic among public discourse, primarily because of a lack of high-profile cases and also a prolonged strike by the court clerks and administration that limited courts to hearing

only urgent criminal cases. One panelist stated that judges still apply double standards and noted the case of his own editorial office, which had two defamation lawsuits against other pro-government media and journalists dismissed by the court.

Problems with the transparency of government and public administration and institutions are alive and well, with many institutions remaining closed to the public and the media, despite clear legal obligations to make information available upon request. Authorities limit access to information by either abusing legislation on classification and confidentiality or by relying heavily on stall-and-delay tactics, hoping that whomever requested the information will get tired of waiting and give up. The information that is released, according to panelists, is incomplete, heavily redacted, or not related to the actual request. Panelists noted that pro-government media are more likely to receive information because the government and supporting institutions are certain to get a positive spin. Panelists noted other unexpected problems with their requests for information, such as finding a story they pursued suddenly being published by the competition. "It happened to us when we sought information on travel and transportation costs reimbursed to members of the State Election Commission. They tried everything, delayed the whole process. It took weeks, only for us to see another TV station break our story," Gordana Duvnjak, an editor with the daily newspaper *Utrinski vesnik*, said.

In general, the government is keen on controlling all information released to the public. Government ministers and officials usually talk to pro-government media, outlets that are expected to publish the information without critical thought. Panelists also said government ministries and other officials inform independent media about upcoming press conferences only 10 or 15 minutes in advance. Formally, everybody will have been informed and invited, but only pro-government outlets will be there to lob easy questions. Government officials often refuse to answer or outright ignore questions asked by media and journalists they do not see as friendly.

There are no legal or practical restrictions to the access of local and international news and news sources, and we have not seen any efforts at filtering foreign online news sites. The only legal requirement regarding media content is the obligation to black out screens of foreign channels available on Macedonian cable providers when they carry programs held by a local Macedonian broadcaster.

Most traditional print and broadcast media have agreements with at least one international news outlet. Smaller media, especially online, are rarely able to afford the services of international news outlets and rely mainly on foreign Internet news sites as major sources of international news, especially infotainment that attracts large audiences, with little regard for

intellectual property and copyrights. While some of them may apply principles close to the "fair-use" doctrine, fair use is not part of East European legal tradition (although some countries have their own versions) and systems, and is not part of the copyright legislation.

Entry into the journalistic profession is completely open and without restrictions, subject to occasional protestations by reporters and analysts who actually hold university degrees in journalism. Periodically, there are renewed calls, usually by pro-government media and journalists, for the creation of some sort of official journalistic license, although nobody knows which body or institution would issue such licenses. The Law on Media does not view bloggers and citizen journalists as official reporters, and professional reporters and analysts do not view them as peers; rather, professional journalists perceive bloggers as unwanted and unfair competition for scarce advertising revenue. Still, many ethnic communities, especially the Roma, remain underrepresented in the ranks of national mainstream media. Other minorities are also underrepresented, including the LGBTI community.

A regular press identification card issued by an editorial office or by the Association of Journalists of Macedonia is sufficient to secure access to events or press conferences. Only a handful of institutions, such as Parliament, issue their own special credentials to cover their work and activities.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.36

The prevailing political divisions in Macedonian society are evident in the way media approach and treat the facts and information in their reporting, and the extent to which they observe the accepted professional and ethical standards of the journalistic profession.

As a general rule, independent media and media critical of government policies do a better job in presenting fair and objective reporting, although some exhibit positive bias toward the opposition. While internal fact-checking departments are virtually unknown because of cost, these critical outlets make an effort to confirm and verify their information. They tend not to mix personal opinions or editorial positions in their reporting and try to provide all actors involved in an issue ample space to present their views. Often, however, they do not get any comments from government or ruling-party officials, although not for a lack of effort to secure those comments.

Journalists in pro-government media are seen primarily as instruments of the government's propaganda, and some even venture into the realm of fake news and false or fabricated information in their attempts to smear political

opposition, independent journalists, or, increasingly, civil society organizations and activists of the Colorful Revolution. Both independent/critical and pro-government media rely on their respective pools of experts to affirm or strengthen the positions presented by journalists, although independent media are more likely to seek comments from all sides of the political divide.

Online media, pressured by the demands of the 24-hour news cycle, rarely have the time or inclination for things such as fact-checking and verification. However, several online media outlets, with foreign support, remain the last bastions of investigative journalism, which, as panelists noted, has been largely expelled from the pages and airwaves of traditional mainstream media.

Macedonian media, in general, lack internal self-regulatory practices, codes, style guides, or proper statements of editorial policies. A self-regulatory body at the industry level, the Media Ethics Council was established in 2013, and it deliberates and reviews complaints based on provisions of the International Federation of Journalists' Declaration of Principles and the Macedonian Code of Ethics. The Code of Ethics is today, for all practical purposes, an internal ethical code of the Association of Journalists. Their counterparts from the Macedonian Association of Journalists have yet to declare any such set of principles. The Media Ethics Council makes an honest effort to increase its profile and standing in the media community, but its authority or competence is challenged constantly by all media found in violation of professional standards, leading to a lack of confidence. Additionally, some media, despite helping to found the Code of Ethics, do not accept its jurisdiction and refuse to accept its rulings and decisions.

Panelists said journalists in general have no qualms accepting gifts, usually presented as part of promotional campaigns from

major companies and corporations. Advertorials, including commercial and more recently political, are increasingly common, both in traditional and online media. Journalists in Macedonia view plagiarism as a necessary evil. In general, this concerns sources of international news. While all outlets see international news as a need, very few outlets have the financial means to secure the services of major outlets and newswires that provide such news. In general, both online and mainstream media provide adequate attribution of source material they have republished, but they rarely, if ever, ask for permission to use such material, and the scope and amount of material used goes well beyond what is generally seen as fair or acceptable.

There is a constitutional ban on censorship in Macedonia, but that does not mean self-censorship is not a problem. As noted by panelists, through many years of political and economic pressures, journalists have honed their skills to recognize immediately what they can and cannot report. Media owners impose self-censorship and selective reporting in an effort to avoid any conflict that could jeopardize or undermine their other businesses. The Law on Media allows journalists to resist requests to act in violation of professional standards and to refuse to sign articles that have been changed without their knowledge, but panelists said there has yet to be an editor or owner sanctioned for what they see as a rather common violation.

Media owners are especially sensitive to the needs of major advertisers, who often get full exemption from any and all coverage or interest in their shadier practices. Suzana Nikolić, owner/editor-in-chief of the local news site Kumanovonews.com and correspondent for several national media outlets, offered her own example. "In Kumanovo, I had this case with a citizen who bought a new car from a company that regularly buys advertising space from the media that I worked for at the time," she said. "He had a traffic accident and noticed that, although the car was sold to him as new, it was repainted, so he suspected that it was a secondhand overhauled car. When I went to my editors with the story, they refused it, saying we can't go against our financiers."

Key events and issues are covered, but the scope and depth of coverage depends largely on actual capacities of individual media. Small editorial offices focus on republishing and digesting reports published by media with the personnel and technical ability to provide more comprehensive coverage. Some media, including some traditional or mainstream offices, increasingly rely on social networking and blogging sites to fill their commentary and op-ed pages. Most citizens browse numerous stories, from different types of media—broadcast, print, or online—to gain a better understanding of the given story. Another cause for concern, visible across the board owing to shrinking newsrooms, is the growing trend of relying on

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“We see that it is the most corrupt journalists and editors who get the highest salaries, and it is because they are corrupt that they get such salaries, not vice versa,” said Žarko Jordanoski, journalist/editor at Sloboden Pečat.

“churnalism”—carrying press releases of political parties and other entities without any critical or analytical approach.

Journalists’ salaries are below the national average, certainly well below other professions or civil servants, and are far from sufficient to cover even the bare necessities for a minimal standard of living. The average salary in broadcast media is about \$280 per month and much lower in other types of media. Panelists generally agree that salaries are well below any level of propriety and decency. For online media that specialize in investigative reporting with the assistance of foreign donors, the situation is somewhat better. Reporters and photographers who have secured positions as correspondents or stringers for foreign media or news outlets are also better able to secure a decent monthly income. At the other end of the scale, there are several well-paid editors or journalists who essentially serve as external public relations departments for the ruling party, gigs that may land them lucrative moonlighting engagements as public relations experts and consultants. In general, journalists feel forced to take side jobs, or leave the profession entirely for better salaries in the public relations or advertising sectors.

As panelists noted, the correlation between low wages and susceptibility to corruption is not all that straightforward. “We see that it is the most corrupt journalists and editors who get the highest salaries, and it is because they are corrupt that they get such salaries, not vice versa,” said Žarko Jordanoski, journalist/editor at *Sloboden Pečat*.

The great number of media, including broadcast, print, and online, allow citizens to get the news when and where they want. As a rule, people tend to watch regularly the main newscasts aired by at least two television stations. Television remains king, with surveys finding that it continues to be the primary source of news for about 85 percent of citizens. The Internet is gaining ground, while print media and radio lag far behind.

Pressed by the need to attract as many viewers or readers as possible, most media continue the steady move toward more entertainment programming. Broadcast media do have to follow legally prescribed quotas for education, entertainment, and information programs, depending on the format of their

licenses. Most of them broadcast under general format—predominantly an entertainment license. Generally, between 20 and 30 percent of total aired programming is dedicated to news. Primetime slots on the leading television stations are reserved for reality programs, which are inexpensive to produce or acquire broadcasting rights. Most shows such as these, panelists said, originate from a single neighboring country. Turkish soaps and serial dramas still dominate the airwaves, and as such, most television stations sandwich their main daily newscasts with popular soaps, drama serials, or reality programs to ensure audiences also watch the news.

Print and especially online media also opt for trivial show-biz and sensationalist news, and various “click-bait” tactics, in an effort to maximize advertising revenue. The political crisis has, however, resulted in a somewhat greater focus on news and information, and several new political debate and talk shows began airing in 2016.

The biggest national broadcast and print outlets have solid technical capacities for the collection, production, and distribution of news. Several national television broadcasters have recently made significant investments in new studio facilities and equipment. Smaller media, especially local broadcasters, have to work on much older and sometimes outdated equipment, as they cannot afford any upgrades. Online media have benefited from the cheap technological platform they use and the availability of new handheld video- and audio-recording devices.

The synergy of traditional and new media has not necessarily gone smoothly. Some feel, for example, that traditional media do not use the Internet enough by taking advantage of content-related and news- and information-gathering advantages that their online extensions have to offer. Online media, depending on the previous experiences of their owners or journalists, have yet to use the full multimedia potential that the Internet offers for the integration of text, audio, and video in a full interactive news experience. Only specialized investigative journalism websites use new forms, such as data journalism, regularly and with actual effect and impact.

As a part of its legal remit, the public broadcasting service leads the way in providing diverse and specialized programs. Commercial traditional media have mostly downsized their newsrooms because of financial reasons, and journalists are now expected to cover whichever topic or event comes next. Lack of investment in proper training and education also makes it difficult to specialize.

Specialization and investigative journalism have moved primarily to the Internet, with many excellent business and economy, sports, information technology, and cultural websites, as well as websites with dedicated coverage of local issues and affairs in several cities and townships outside of the capital of Skopje.

Investigative journalism, panelists observed, has largely been expelled from mainstream media and has moved to the online realm, where several fine operations exist, thanks to foreign assistance and funding. Panelists did note the tendency to declare most long-form reporting to be investigative journalism. “Some of the so-called investigative journalism still leaves much to be desired in terms of quality,” said Biljana Bejkova, a journalist and public relations expert with the NGO Infocenter—an organization that offers public relations consultations and advice to civil society organizations.

Bloggers and citizen journalists have expanded their focus from just commentary and opinions on current political or economic issues and affairs, to providing, for example, some excellent coverage, especially through social networks of the Colorful Revolution protests.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.61

The Macedonian media market has been oversaturated and congested for years, so it does offer a multitude of different outlets. Unfortunately, numerical pluralism never translated into true media pluralism of opinions and positions. Overall, the media represent the variety of political views and opinions in the country, but the government has managed to establish, through political pressure and economic incentives, relatively firm control over most influential major broadcast media. Views and positions critical to the government have been pushed mostly online. All pro-government media seem to have their news written or produced in a single center, with many people suspecting that the center is located inside the office of the prime minister.

While surveys show that more than two-thirds of the population now use mobile devices as their primary access point to the Internet and other information, media are slow to take into consideration the possibilities mobile technologies offer and what they can do to better serve a huge audience. In line with global trends, the role of social media and social networks as providers or facilitators of news and information is constantly growing.

In general, prices of all services—cable television, mobile telephony, broadband Internet—have adapted to the purchasing power of Macedonian citizens and are cheap compared with the prices of similar services abroad. On average, cable operators offer a package of about 60 television channels, telephone service, and fairly fast broadband Internet for about \$15 per month. There are no systemic or legal obstacles for access to any type of media, although one panelist noted that Albanian and Kosovar newspapers are still not available on

Macedonian newsstands. “I don’t really know why. It used to be that there were some administrative problems—problems with the collection of customs dues. I don’t know if that was resolved or not, but the fact is that Albanian language newspapers from Albania are not available on the newsstands,” said Petrit Saracini, a journalist and activist from Civil Media. However, the government does not filter foreign websites, except for online betting sites.

The urban-rural divide remains, however, and citizens living in remote rural and mountainous areas can access only a limited number of television stations that air through the digital terrestrial multiplex, most of which have strongly pro-government positions and biases. Community media are nonexistent, with the exception of three student radios working under the auspices of three state universities, but they hardly function in line with standards applicable to nonprofit and community media.

During the 100 days before the elections, in line with political agreements brokered by the EU and the United States, the opposition appoints the editor of news and information programs at the public service broadcaster. This has brought some improvement to the way public service presents different political views and opinions. Those changes, however, did not come without strong resistance from the staff of MRT’s editorial office. Because of the sustained efforts of the government to fill all positions—editorial and reporting—with loyal members and supporters of the ruling party, many people at the public service broadcaster feel that their main task is to protect the interests of the state and government and not to tend to the interests of the public.

Panelists said such an ad hoc solution is not really a solution, and the public service broadcaster needs systemic and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

lasting solutions to help curb the pro-government bias. “The monitoring of the campaign shows that inconsistencies and problems were very much present in the representation of different actors in the political spectrum. Therefore, such ad hoc solutions don’t truly move us toward an increase in pluralism in the public broadcasting service’s programs,” Bejkova said. The major difference in the style or content of news depends primarily on the political affiliation of the editorial office, and in that sense—apart from the 100-day period before the elections—the public broadcaster is not an exception.

There are three news agencies working in Macedonia, each with different capacities for collecting and distributing news. Macedonian Information Agency, the official news outlet, is not seen as independent. Rather, it is perceived as an important cog of government public relations efforts. It does have the greatest technical capacity in terms of personnel, and most media subscribe to its services. The two independent news outlets, Makfax and Meta, function more like regular news sites. The capacity of the media to afford the services of news outlets differs: national television networks are the most likely to use these wire services, while smaller online media rarely have sufficient funds. One problem, panelists said, is that existing news agencies are focused on text and do not offer video or photographic service.

Private media typically produce their own news and information, depending on their capacities, particularly the sizes of their editorial offices and newsrooms. Again, and this is especially evident with pro-government media, part of their national politics coverage is produced, or at least dictated, by a single entity and then the footage or materials are redistributed to the media to broadcast or publish.

Ownership of broadcast media is strictly regulated, and a broadcast regulatory body maintains an official registry that lists the names of the owners. This does not prevent hidden ownership through proxies: the real ownership of many media is a matter of speculation to the public. One outstanding issue with media ownership is that companies and businesspeople with very diverse portfolios own most of the influential national television networks and cable television stations, and broadcasting is not their main business. In today’s unsustainable market, owners use their broadcast media primarily to support their other businesses and often meddle in editorial policies, even to a micromanagement level, to prevent reporting that could jeopardize other ventures or opportunities to win a lucrative government contract.

Ownership of online media is not regulated in any way or fashion, and investors tied to known tax havens throughout the world established many of the pro-government websites. One investigative unit, Mediapedia, has tied, through laborious research and investigation, the ownership of several

“I don’t really know why. It used to be that there were some administrative problems—problems with the collection of customs dues. I don’t know if that was resolved or not, but the fact is that Albanian language newspapers from Albania are not available on the newsstands,” said Petrit Saracini, a journalist and activist from Civil Media.

pro-government websites to bank accounts in Belize belonging to people with strong ties with the ruling party. Journalists who lost their positions in mainstream legacy media for political or economic reasons established a large number of online news sites. Print media also suffers from concentration in ownership: out of the six Macedonian-language daily newspapers, a single publishing company owns three.

Because of the political crisis, prolonged protest campaigns, and efforts to resolve the crisis, media have largely focused on national and political topics. Local issues and affairs are covered less extensively, and financial concerns have pushed most media to seriously downsize their networks of local correspondents. Nikolić said, “It is unacceptable, really, that the public service broadcaster has not had a local correspondent from Kumanovo for more than 10 years, but there it is.”

Media and broadcasters rarely send journalists to cover important events abroad, even in neighboring countries, instead relying on international newswires to cover foreign events and international affairs. There are some exceptions: TV Nova sent a reporting team to cover the U.S. presidential elections. Overseas correspondent networks are nonexistent, and even the public broadcasting service relies on public servants, such as the staff of Macedonian diplomatic representative offices abroad, to fill the role of correspondents and reporters.

National terrestrial television and networks have set quotas of music—in Macedonian or in the languages of other communities living in Macedonia—that they have to air weekly. In September 2016, the Macedonian Music Copyrights Society, also known as ZAMP, in protest of the prolonged pressure by the Ministry of Culture to cut its fees, introduced a total ban, prohibiting Macedonian radio and television broadcasters from airing music produced or performed by its members. Other collective copyright protection associations from the region (Serbia, Montenegro, Bosnia, Croatia) joined the ban in solidarity with ZAMP. The media protested, because the ban impedes their ability to meet the legal quotas of Macedonian music and makes

them vulnerable to possible sanctions from the regulatory body. The situation remained unresolved and the ban has proceeded into 2017.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.26

Most broadcast media are part of greater corporations with diverse business interests. All decisions regarding operational planning, investments, and human resources, as well as how those media fit in the greater structure, are made at a higher corporate level. Only the biggest mainstream media have the capacity to hire marketing or advertising experts, or to set up marketing and advertising departments. In smaller media with only a few employees, such as local broadcasters or online media, all those tasks may be divided between the members of the editorial staff or, more commonly, the founder/owner/ editor-in-chief manages advertising and administration. Panelists noted the especially worrying absence of any type of human resources operations. Several online media operate as nonprofits established by civil society organizations with the intent to access foreign funding—one of the few sources of income not controlled by politics.

The Macedonian advertising market is very limited and, since government advertising used to make up a huge chunk of total available advertising revenue, shrank further with the introduction of a moratorium on government advertising in mid-2015. Combined with the congested market, the situation is unsustainable. Despite the moratorium, panelists said the government manages to find ways to circumvent the ruling and continues to pump funds into friendly media. “Although the government doesn’t directly engage in media buying, it has managed to find a loophole to finance friendly media. There are six regional TV stations outside of the capital, with ownership tied, directly or indirectly, to the incumbent government. They don’t have to sell any advertising, and their operational costs are fully covered. Any advertising time they sell is profit for them,” Violeta Gligorovska, media analyst with the Metamorphosis Foundation, said.

While most media report that more than 90 percent of their revenue comes from advertising sales, a recent report prepared by the broadcast regulatory body shows only a handful of outlets reported a positive balance on their annual balance sheets for 2015. Outlets rely heavily on internal subsidies provided by owners, resulting in a negative effect on editorial independence, as owners attempt to prevent their media from reporting on issues that could undermine business relations or chances to win lucrative government contracts.

Last year, foreign donors invested heavily in the production of debate programs, the lack of which was detrimental for Macedonian democracy. The three student/university radio stations, the only stations that would fit the label of community media (although they are not registered as such), are financed by the respective higher education institutions they serve, which also actively sell advertising. In online media, technology and social media companies command nearly one-third of the total available digital advertising revenue. This is consistent with global trends.

The industrial output in the country is focused on “loan” manufacturing, semifinished products, and components for the automotive industry and mining and mineral resource exploitation—all products that are not sold on the domestic market or do not require advertising because they are produced for a known buyer. Among Macedonian companies, food and dairy companies and travel and tourism services are the leading advertisers. Overall, the leading advertisers consist mainly of foreign-owned telecommunications companies, car dealers, and pharmaceutical and personal hygiene manufacturers. Agencies, mainly local branches of major regional or international advertising agencies, dominate the market. The prices for advertising time and space are low and dictated by the agencies, but the media have played a role in cutting down the prices. Although elections are usually a great earning opportunity because of political advertising, official price lists submitted by the broadcasters to the State Election Commission were even lower than in 2014. Prices were an average \$1.40 per second of advertising time (the highest rate being set at approximately \$2.20 and the lowest at \$0.80).

Political concerns exert a great influence on the advertising market, because editorial policies critical of the government can mean that advertisers that plan to compete for government

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

contracts would avoid those media. Local media find themselves in an especially difficult situation because most local companies do not feel the need to advertise, and they get only a fraction of national campaigns' budgets.

Most advertisements are professionally produced, especially the campaigns of international corporations present in the Macedonian market. However, Macedonian advertising companies are more than competent, and several of them have won important international awards for their advertising campaigns.

Broadcast media must adhere to strict limits on the amount of advertising time they can sell, which is set by law as 12 minutes per every real hour of broadcast. The limit for the public service broadcaster is eight minutes per real hour of broadcast, and it cannot sell advertising during prime-time hours (5:00 pm to 9:00 pm for TV and 9:00 am to 2:00 pm for radio). Selling advertising during newscasts is prohibited. Because people are so eager to hear news on the government's positions and policies in the current climate, television stations are not cutting news or informational programs simply to secure more advertising time. Newspapers dedicate about a quarter of available space to advertising. The three nonprofit student radio stations sell advertising, to the dismay of the commercial radio stations.

There is no official system of subsidies to purchase printing paper or equipment, apart from a government program to subsidize the production of domestic drama or documentary series/serials or made-for-television films. Panelists voiced several objections to that program, saying the supported programs are of low quality, and the commission that allocates the money is too unqualified in content production to gauge production-worthy material.

Because the government dictates, through "client" relations or by political pressure, the spending of advertising budgets, market research and planning seem unnecessary. Outlets themselves approach advertising agencies with total numbers of audiences, and few of the mainstream media outlets pay attention to the demographic data provided by the people-meters system. Agencies try to apply market research methods and targeted advertising for websites, mainly apolitical ones.

The panelists said while media may try to approach everything professionally, ultimately, advertisers' decisions about where to buy advertising space or time are motivated by political, not economic, reasons. "The whole thing is turned on its head. We could say that there are strategic plans in place and strategic goals. The goal, however, is to get the money from the budget, from public coffers. In the whole affair, the interests of the audience or the public are irrelevant; therefore, market research activities prove to be irrelevant, too," Babunski said.

The law requires print media to publish their circulations in their mastheads. They are not required to give their sold circulation and instead offer print circulation. Media owners of daily newspapers do not release the numbers of copies sold, and there is no independent self-regulatory body that would keep and release the data on newspapers' circulation. Panelists believe this confirms the suspicions that sales of newspapers have dropped below sustainable levels.

For the second year in a row, there were no official broadcast ratings figures, because the joint industry committee, established in 2014, has yet to sign the deal with the selected ratings company (AGB Nielsen). The broadcast regulatory body publishes regular quarterly and annual reports on the reach and ratings of broadcasters based on data provided by Nielsen. However, Nielsen faces accusations that the company rigs the figures on demand to misrepresent the ratings of individual broadcasters. Despite several attempts, there remains no official way to measure Internet traffic. Advertising agencies rely on Google Analytics data.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 2.17

There are several media trade associations in Macedonia: the Macedonian Media Association (MMA), a group established under the auspices of the Macedonian Chamber of Commerce, which brings together the five national DVB-T broadcasters; the Association of Private Media of Macedonia (known by the local acronym ZPMM) represents the privately owned local and regional media; and the Association of Macedonian Internet Portals (AMIP), which groups pro-government Internet portals. AMIP was formed in 2013 with the specific goal of endorsing the regulation of online media proposed by the government and has been inactive since its inception.

Of the three, only MMA, whose members make up the largest and most influential media in Macedonia, has power to negotiate with the government and promote the interests of its members. While ZPMM is active, regularly offering initiatives for issues concerning the media, it possesses little negotiating power, and the government largely ignores it. Media owners are not invested in the work of associations, and the organizations are only able to stay active with the continued influx of donor money. The Association of Private Electronic Media of Macedonia exemplifies this problem. While they still exist on paper and have not been officially disbanded, they have been dormant for the 10 years after the grant money was spent. Panelists said none of the current associations work or cooperate with any international organization.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

The Association of Journalists of Macedonia (AJM) is the oldest and most active professional association of journalists in the country and, together with the Independent Trade Union of Journalists of Macedonia (known by the local acronym SSNM), fights for the advancement of professional and working standards, the elevation of journalists' social status, and the improvement of the political situation in Macedonia. AJM and SSNM are partners with the European Federation of Journalists and the International Federation of Journalists. Although AJM and SSNM collect membership fees, their activities largely depend on the availability of foreign funding. Another group, first formed in 2001 by journalists not satisfied with the work of AJM, the Macedonian Association of Journalists, is now composed of pro-government journalists with the specific goal to counteract the work of AJM. In 2016, rumors floated around that the ruling party was working to create a trade union of journalists of its own to support pro-government media.

A number of NGOs work in the media sector and cover various aspects of its functioning. The Macedonian Institute for the Media works to advance the standards of professional journalism and training. The Media Development Center focuses on media legislation and media policy, monitors the implementation of media legislation, and, in cooperation with foreign partners, provides free legal assistance and in-court representation for journalists sued in defamation cases or prosecuted for their reporting. Several other organizations are active in areas of media consultancy and research, including ProMedia; the Metamorphosis Foundation, which focuses on Internet and online freedom; and the Center for Civil Communications, which defends freedom of access to public information. The NGO Infocenter and Helsinki Committee for Human Rights both support watchdog and monitoring efforts, and several organizations work to prevent hate speech. Most NGOs working in media collaborate to draft and present

recommendations, in line with *The Priebe Report*, on necessary reforms and interventions in the media system and legislation.

Panelists said various NGOs and civil society organizations have had a positive effect on media freedoms and freedom of expression. "These organizations are among the most outspoken and loudest defenders and advocates for freedom of expression and freedom of media. They are even more outspoken advocates for freedom of media than the media themselves," Babunski said. However, in the context of both the political and funding crises, the media also view NGOs as competition for international funding. Media outlets believe they should get priority in funding because they are the strongest barrier against authoritarian rule. With the exception of Štip-based Media Plus, most associations are based in the capital city of Skopje.

Several higher education institutions offer degrees in journalism or related fields, such as communications studies. In general, the journalism programs at state universities in Skopje, Tetovo, and Štip are known for producing undertrained journalists with little practical hands-on skills or knowledge of how newsrooms work. They focus on theory with little practical training. The School of Journalism and Public Relations and its affiliate, the Institute for Communication Studies, offer both undergraduate and graduate programs in journalism and media. Because the public standing of journalism is so low, young people have very little interest in studying or entering the profession. The School of Journalism, for example, has not enrolled new students for several academic years in a row.

Short-term trainings are available only on an *ad hoc* basis, usually provided by NGOs that have managed to secure funding and fit training workshops or seminars for journalists working on their projects. Panelists noted that such programs do not always fit media outlets' priorities, but rather the priorities and agendas of the organizations that prepare them. The U.S. Embassy also offers several programs for study visits and short education programs in the U.S., most of which do not charge any participation fee. Some donor organizations also have limited funds to cover fees for journalists to participate in training programs abroad.

In-house or on-the-job training is almost nonexistent, although some organizations, most notably the School of Journalism and Public Relations, offer custom training programs on demand that are tailored to meet the needs of the media that commission them. However, media owners are not prepared to invest money and resources in training, arguing that journalists change employers frequently. In general, journalists are left to fend for themselves and approach organizations that offer short-term trainings on their own. "I believe the reason existing training opportunities are refused is because of the newsrooms. First, some journalists think they know too much already, and

there is nothing new they can learn. Second, some media can't afford to give a journalist a day off to go to a training, because there would be no one to replace him or her and produce the news for that day," said Saracini. Some mainstream media outlets, such as Macedonian Radio and Nova Makedonija, had internal schools that produced successful journalists. Unfortunately, those schools have since closed.

There are no restrictions on the import of materials or equipment needed for media production. Recording equipment and editing software is increasingly accessible and affordable, thanks to rapid technological progress and the advancement of digital technology. There are enough printing companies to cover the needs of the market, and most dailies have learned that the best way to avoid possible refusal to be printed is to invest in printing facilities of their own.

Distribution of print media is not centralized, and all publishers have their own fleets of vehicles. Also, while there is no actual monopoly in the technical sense, the largest publishing company in the country, Media Print Macedonia, owns the biggest network of newsstands. Panelists noted one major supermarket chain, Tinex, refuses to carry certain publications on political grounds.

In terms of broadcast media, a single telecommunications company operates the two commercial multiplexes. "If that company decided to close its Macedonian operations, pack up, and leave the country, then there would be no one to distribute the signal of the [DVB-T] broadcasters," Gligorovska said. Cable television broadcasters face the problem of the inexistence of a must-carry provision in the Law on Audio and Audiovisual Media Services, leaving them at the mercy of cable operators who charge what respective local markets can bear to carry their programming services. Panelists also noted cable operators often refuse to carry individual broadcasters, especially Albanian language channels in Eastern Macedonia, under the pretext that there are very few Albanian speakers in that part of the country.

Macedonia has a good broadband Internet infrastructure, and the latest surveys show Internet penetration figures hovering at 65 percent. Furthermore, the penetration of mobile telephony has increased significantly, with surveys indicating that more than 40 percent of citizens are covered. For many Macedonians, mobile devices are their main channel to access the Internet. Media have not yet adapted to the increasing importance of mobile technology both in terms of specialized contents and as a source of advertising revenue. Panelists have not noticed any attempts by the state to filter websites or meddle in the registration of websites and news portals.

List of Panel Participants

Zoran Dimitrovski, editor and journalist, *Fokus*, Skopje

Žarko Jordanoski, editor and journalist, *Sloboden pečat*, Skopje

Vasko Maglešov, journalist, TV 21, Skopje

Violeta Gligorovska, media analyst, Metamorphosis Foundation, Skopje

Klime Babunski, media analyst and researcher, ProMedia, Skopje

Vesna Krsteva, editor-in-chief, Kanal 77 Radio, Štip

Petrit Saracini, journalist and activist, *Civil Media*, Skopje

Biljana Bejkova, journalist and public relations expert, Infocenter, Skopje

Gordana Duvnjak, editor, *Utrinski vesnik*, Skopje

Suzana Nikolić, owner and editor-in-chief, Kumanovonews.com; national media correspondent, Kumanovo

Dejan Andonović, editor-in-chief, Radio Slobodna Makedonija, Skopje

The following participants submitted a questionnaire but did not attend the panel discussion.

Ubavka Janevska, owner and editor, Duma.mk; national media correspondent, Veles

Nenad Ristovski, digital advertising specialist, Publicis Macedonia, Skopje

Marina Tuneva, executive director, Council of Media Ethics of Macedonia, Skopje

Arta Tahiri, journalist, political talk-show host, Rruga Drejt, AlsatM TV, Skopje

Moderator & Author

Dejan Georgievski, president and 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 23, 2016.

Journalism remains a battleground, with deep divisions rooted in commercial and political problems. Few of Montenegro's 73 media outlets distance themselves from political polarization.



MONTENEGRO

In 2016, Montenegro was marked by political instability, a government crisis, and a parliamentary election. Economic growth at 3 percent was promising but high public debt and 19 percent unemployment still dog the country's recovery. The European Union (EU) and NATO accession process continue to unfold: Montenegro has opened 24 out of the 35 Accession Negotiation Chapters required for admission to the EU and it is quite realistic to expect that next year Montenegro will be the 29th NATO member-state. While two-thirds of citizens support accession to the EU and a narrow majority also in favor of joining NATO, Serbian nationalists, bolstered by strong Russian support, oppose the process along with the influential Serbian Orthodox Church.

Conflict within the ruling coalition, between the dominant political party (the Democratic Party of Socialists, or DPS) and its long-standing ally (the Socialist Democratic Party) resulted in an election on October 16. The DPS won again and, with allies from minority parties, the ruling bloc won 42 seats, while the opposition got 39. The election boasted a 73-percent voter turnout but also saw the arrest of 20 Serbian nationals. They were suspected of preparing a post-election terrorist attack in Montenegrin capital of Podgorica, abetted by two Russian nationals. Subsequently, the opposition still has not conceded the election, although a majority of local electoral observers and the Organization for Security and Cooperation in Europe said that the election was fair, democratic, and free.

Negative trends in the media sector persist, prompting the EU to request improvement as part of Montenegro's advancement. Little, if any, progress has been achieved with regard to solving old cases of violence against media actors. Montenegro also has issues with public media independence, and clashes between private media and public media. The public media support Montenegrin authorities nearly unequivocally, and private media deal with a climate where outlets struggle for advertising dollars. Perennial confrontations between influential media are absent any self-regulation, demonstrated by huge gaps in journalistic professionalism and enforcement of the country's code of ethics. This past year, national public broadcaster Radio and Television of Montenegro (RTCG), was under immense political pressure. It resulted in the dismissal of both the television director and the general director. Politicization and destruction of the national public broadcaster is particularly problematic because, in line with the law, it is supposed to act on behalf of Montenegrin citizens and in the interest of a pluralistic and democratic society.

Despite the rise of digital platforms, media are experiencing an overall deterioration. Journalism remains a battleground, with deep divisions rooted in commercial and political problems. Few of Montenegro's 73 media outlets distance themselves from political polarization. It is reflected in a lack of professionalism, unacceptable political pressures, and a discrepancy between the expectations of citizens and information provided them by the media.

MONTENEGRO at a glance

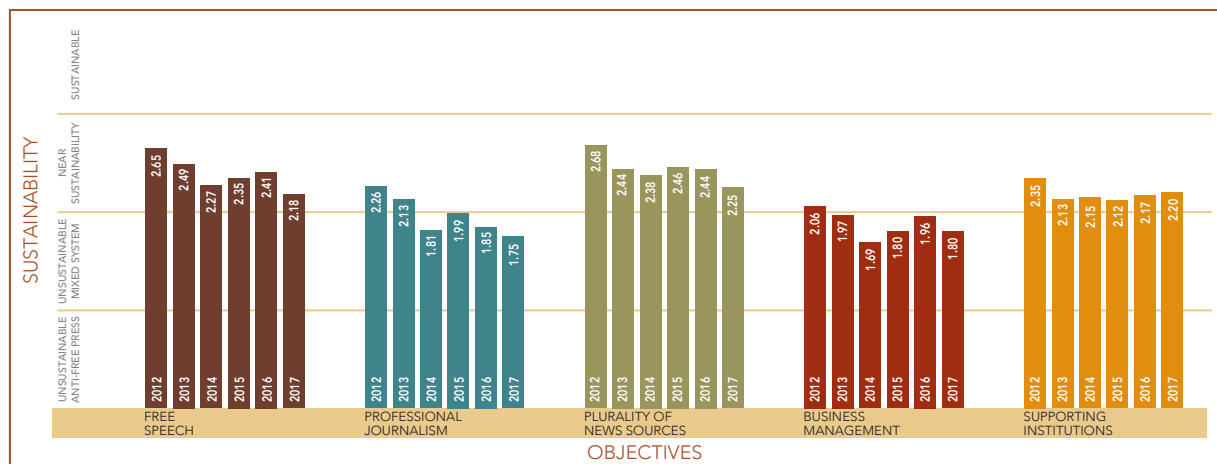
GENERAL

- > **Population:** 644,578 (July 2016 est., CIA World Factbook)
- > **Capital city:** Podgorica
- > **Ethnic groups (% of population):** Montenegrin: 45%, Serbian: 29%, Bosniak: 9%, Albanian: 5%, Serbo-Croat 2%, other 3.5%, unspecified 4% (2011 est., CIA World Factbook)
- > **Religions (% of population):** Orthodox 72%, Muslim 19%, Catholic 3.4%, 1.2% atheist, 3% unspecified (2011 est., CIA World Factbook)
- > **Languages (% of population):** Serbian 43%, Montenegrin (official) 37%, Bosnian 5.3%, Albanian 5%, Serbo-Croat 2%, other 3.5%, unspecified 4% (2011 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$4.495 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$15,860 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 98.7%; male 99.5%, female 98% (2015 est., CIA World Factbook)
- > **President or top authority:** President Filip Vujanovic (since April, 2008)

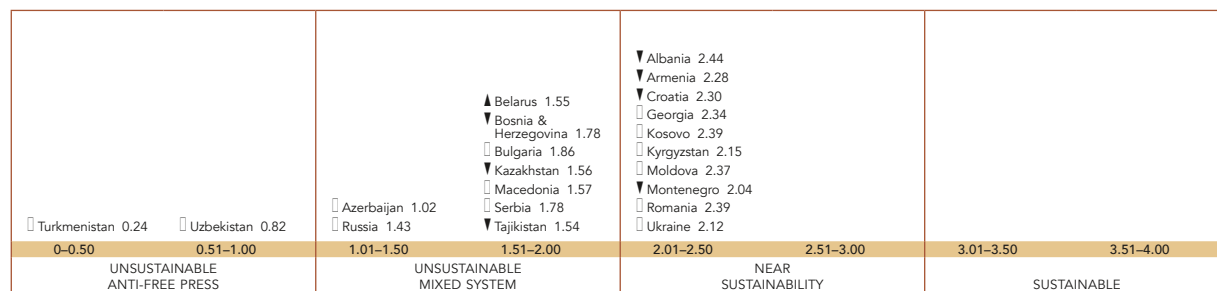
MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 5 dailies, 3 weeklies, 30 monthlies; Radio Stations: 57; Television Stations: 18; Cable operators: 8 (2016, Agency for Electronic Media of Montenegro)
- > **Newspaper circulation statistics:** *Vijesti* (circulation 3,300, private); *Dan*, (circulation: 8,500 private); *Dnevne Novine* (circulation: 2,800, private); *Pobjeda*, (circulation 3,000, state-owned); *Informer* (circulation 1,700, private), (2016, est., Direct Media Ltd.)
- > **Broadcast ratings:** N/A
- > **News agencies:** Mina News Agency (private)
- > **Annual advertising revenue in media sector:** €9.5 - €10 million
- > **(2016, est.:** Direct Media Ltd.)
- > **Internet usage:** 418,000 (65% of population) (2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: MONTENEGRO



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.18

Media legislation in Montenegro has not changed significantly for years. Overall, regulations are aligned with international standards and the spirit of democratic and free societies. The only significant legislative move this year was an amendment to the Law on the National Public Broadcaster. The changes have set additional regulations on its legal and commercial status. Article four of the law states, "RTCG core activity is to provide broadcast services, i.e. production of radio, broadcast and multimedia programs; musical production; provision of audio, broadcast, and multimedia services; and electronic publication services as a form of public services."

Panelists nearly unanimously stated that media legislation in Montenegro is well drafted, and that the adopted norms contain international professional standards. As such, the panelists identified no major issues with the regulations in and of themselves. Media regulations do enable and protect free speech and, at the same time, represent a fair legal framework for the operations of media companies. With regard to print and electronic media, relevant media regulations are clearly founded on international experiences that enable free establishment and operation. However, problems occur in enforcement, which is clearly visible in daily media practice as well as in the number of limitations that result from political interferences. Duško Vuković, an independent media analyst and researcher, said, "Regulation is fair, especially bearing in mind

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

the alignment with international legal frameworks. Actually, our journalists' community wrote the media law. However, for years, the national parliament has not performed regulation enforcement monitoring, so we have no clear insight into how media legislation is enforced."

Other laws include the regulation of website registrations, which journalist Pedrag Zečević of Portal Analitka said has contributed to reducing hate speech online. Aneta Spaić, a media law professor at the University of Montenegro said, "Montenegrin media regulation deserves high marks... On top of that, the Montenegrin constitution additionally emphasizes the supremacy of international legal documents, while media law relies on the European Convention on Human Rights. Furthermore, European case law plays an important role when it comes to media regulation enforcement in Montenegro, and consequently, the creation of a quality media framework."

Some of the issues in enforcement may emerge from interpretation. Vladan Mićunović, director of the Montenegrin Media Institute, pointed out, "Media laws were drafted in a different social and political climate. There was a kind of intimacy within media community. Today, we can't agree even on what constitutes a freedom of expression violation. National regulations are quite solid, but we have problems in the enforcement area."

While Montenegro has good and sustainable legislation, as in previous years, there are concerns regarding the discrepancy between media laws and journalistic practice. Panelists expressed nearly unanimously that journalists are under the influence of media owners or editors, external commercial interests, and political interests, and thus are prone to ignore controversial topics, despite public demand. Although 2016 had no significant cases of attacks on journalists, shadows linger from unsolved cases from the past and lead to self-censorship. Vuković said, "Journalists do not feel free to investigate cases of organized crime and corruption, and especially those where there is a potential link between people in power and criminal groups. Fear is additionally reinforced by the unresolved murder of the editor-in-chief of *Dan*, Duško Jovanović, as well as many other attacks on journalists and their property."

Panelists criticized law enforcement's inability to prevent violence against media actors. According to Mićunović, "There are still numerous cases of attacks on journalist and media companies. Government bodies are not trying hard enough to protect journalists and media companies' assets, although they are working to create a social environment in which attacks and perpetrators would be strongly condemned." The general impression is that the police and judiciary are still not efficient or competent enough to resolve cases of violence against journalists. In these cases, the rule of law must be applied fully in order to bring justice.

Vuković said, “Journalists do not feel free to investigate cases of organized crime and corruption, and especially those where there is a potential link between people in power and criminal groups. Fear is additionally reinforced by the unresolved murder of the editor-in-chief of *Dan*, Duško Jovanović, as well as many other attacks on journalists and their property.”

Defamation is also not adequately addressed by the rule of law. In reference to slander and libel laws, Mićunović said, “Judges and courts do not apply, in a uniform manner, international case law in defamation cases. A standard in which the general public holds public officials accountable for their actions is still not fully accepted.” Jadranka Rabrenović, a journalist with *Pobjeda*, added a positive attribute of the legal system: “Internet providers and bloggers have never been held accountable for the contents they are publishing; for example, readers’ comments.”

Libel is not a criminal offense in Montenegro, with cases heard by civil court. However, this issue is controversial among the general public, and some believe civil courts enforce soft sanctions in cases of libel, enabling the abuse of the journalistic profession and discrediting free press. A debate on the criminalization of libel has emerged, with arguments that Montenegrin society is not advanced enough to decriminalize libel.

Individual journalists are not required to obtain a license or permit, and media companies are free to set their own rules and criteria to recruit journalists. There are no major issues in media licensing or in other general licensing. Any criticisms usually refer to complex procedures and the lengthy time needed to obtain appropriate licenses. Two national regulators, the Electronic Media Agency and the Electronic Communications Agency, manage licensing. Rabrenović said, “In Montenegro, only electronic [broadcast] media are submitted to licensing procedures. These licenses are issued by Electronic Media Agency, but their operations are regulated by law.”

One problem that panelists did identify is the regulations for Montenegrin media versus international media. Rajka Raičević, a journalist with *Dan* daily newspaper, explained, “In Montenegro, we have a paradoxical situation in that so-called imported media, such as TV Pink, TV Prva, and the daily *Informera* [all from Serbia] do not help improve the quality and objectivity of

reporting. Instead, they are at the service of the ruling political groups, and they have national frequency licenses. Regulators are to be blamed, because their decisions in most of the cases go in favor of these media companies and to the detriment of others.”

Dailies and periodicals all pay a tax rate of 7 percent, lower than most businesses. Some advocate for additional allowances for media entities, based on the social importance of media.

Marijana Bojanić, director of television station *Vijesti*, placed the responsibility for success on media businesses themselves. “What media regulations are missing is actually incorporating some solutions that would foster media viability,” she said. “We lack a media sector development strategy, and the business viability of media is an obvious problem in Montenegro.”

In general, while Montenegrin law establishes a good framework and allows for editorial independence, problems stem from practice. Despite a new code of ethics in 2016, issues remain with implementation. As Raičević observed, “Generally speaking, legislative framework is good. But traditionally, regulations are not enforced in practice, and therefore laws are just dead letter.”

Often, media members struggle to access what should be legally public information based on selective enforcement of Freedom of Information laws. According to Mićunović, “The public does not have easy access to public information. Journalists still have a hard time accessing documents of government bodies in controversial cases. There is still no awareness among representatives and heads of administration bodies that the results of their work belong to taxpayers.” Raičević added, “The Freedom of Information Act implies that upon request, civil servants should provide requested information. Generally speaking, we can say that in this facet, minimal progress has been recorded, and in sensitive cases, the administration provides poor and incomplete information. An additional problem is that we do not have joint and uniform reaction [to the lack of information] in the media community, although these are issues relevant for all media in Montenegro.”

Just as in previous years, panelists concluded that experiences differ regarding enforcement of the Freedom of Information Act. They depend on the individual agency, political will, and often the inefficiency of national and local administration bodies. Representatives of the media community and NGO sector are the biggest critics of problematic enforcement of the act.

Panelists said that they view the programs on public media as not serving the public interest and not consistent with the rules and needs of social pluralism. Despite national and local media receiving public funding, they are largely dependent on

ruling political structures, resulting in repercussions on editorial independence.

Montenegro has no legal or practical limitations on accessing international or local news, with news from international, national, and local sources uncensored. In recent years, the media sector has witnessed an upward trend of online journalism (websites, bloggers, social networks, etc.) that is putting pressure on classic media. More than 400,000 Montenegrin citizens have Internet accounts, a clear sign of dynamic development of online communications.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 1.75

As in previous years, panelists held the view that the journalistic profession is being downgraded. The economic status of journalists is low, their trade unions are weak, and the quality of their profession is under threat, and as such Montenegro has few reputable journalists. According to Damir Ramović, a journalist and the editor of RTVCG, “Journalists in most media companies are reporting on events by putting them either in positive or negative context, depending on their editorial policies. In addition, financial insecurity affects journalists and the quality of their reporting.”

Impartiality is often a struggle for Montenegrin outlets, as journalists are influenced both internally and externally. The political beliefs of owners and editors influence the slant of reporting. Rabrenović elaborated and gave an example. “In Montenegro, we have deep division within the media sector, which goes along with political aspirations of the owners of private media. On the eve of recent elections, the opposition requested dismissal of the TV Montenegro director, and their request was accommodated. Furthermore, some printed media reported in line with political interests of their founders, which didn’t have to do anything with the journalistic profession.”

Mićunović agreed, saying, “The quality of journalism in Montenegro is decreasing. It is clear that the media community cannot agree on the basic journalistic standards. For example, we have huge differences in the application of professional and ethical standards between so-called pro-government and critically-oriented media. The Montenegrin market has numerous sources of news, both local and international, making it unlikely any important political or social event goes unreported. However, although events are covered by most of the media, we are witnessing diverse interpretations of the same event, depending on understanding of professional standards, editorial policies, external political interferences, or commercial interests of the media companies.”

Additionally, because media owners often look for the correct slant in reporting, self-censorship remains a problem in Montenegrin journalism. As Rabrenović confirmed, “Self-censorship is very much practiced. This phenomenon is becoming more frequent among journalists, because they are expected to advocate the editorial policy of their media companies, even on their personal Facebook or Twitter profiles.”

Self-censorship is even more present in public media, which are under government or local councils’ influence. Weak enforcement of professional standards, the poor economic status of journalists, ineffective trade unions, divisions on institutional methods to protect the profession, numerous internal and external pressures—all of these foster self-censorship and limit professional credibility.

Extremely low salaries have made journalism an unattractive profession. Few journalists have monthly salaries more than €1000, while the average salary in journalism is below the national average of €500. In conjunction, the number of unemployed journalists is rising. According to Vuković, “Incomes of journalists and other media professionals are low, and their real value is continuously decreasing. For some time now, journalism has been seen as a profession unable to attract talented and brave people.”

Editor-in-chief of TV Prva Sonja Drobac added, “A key problem regarding remuneration policy in media companies is a small and financially weak Montenegrin market, making it difficult to achieve operational viability of companies and consequently an adequate living standard for journalists.” This kind of remuneration policy will have long-term effects on the outflow of quality journalists from this profession to others. Media owners are not interested in investing additional funds 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.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

training or improved wages—something partly attributed to weak trade unions.

The lack of investment in journalists has led to a dearth of investigative reporting. The media sector has few examples of specialized journalism, and obstacles are economic, educational, and professional in nature. Most media do not have financial capacities to support the development of specialized journalists, and media owners have not expressed an interest in investing in this type of journalism. “A lack of staff in editorial rooms and their limited skills and knowledge have resulted in the type of journalist who does anything and everything, instead of having journalists specialize in certain areas,” Radio Antena M journalist Zerina Ćatović said. “Therefore, we don’t have enough of specialized media and we can’t have viable specialized journalism in Montenegro.”

Ilmira Lika, manager of TV Teuta, noted that not many professional education programs or workshops are available to help young journalists develop these skills. As such, only a few print and electronic outlets offer truly investigative articles and programs, according to Mićunović. “Faced with ever-tougher business environments and economic difficulties, media owners

As Rabrenović confirmed, “Self-censorship is very much practiced. This phenomenon is becoming more frequent among journalists, because they are expected to advocate the editorial policy of their media companies, even on their personal Facebook or Twitter profiles.”

are not investing in professional journalism or in journalists’ specializations. Investigative journalism is fostered by a handful of media, usually those critical of the government,” he said.

Many outlets focus on entertainment shows instead of hard news. According to Vuković, “Electronic media, and in particular TV stations, favor entertainment programs, usually of very poor quality. Public media are less prone to broadcast this kind of content, but are still not immune from the need to promote entertainment programs.”

Montenegro has 73 active media outlets, and predominantly they produce commercial, entertainment, musical, or sports programs. Few have the sustainable organizational, financial, and professional capacities needed for producing news segments, educational programs, or cultural programs. Private media in particular are focused on entertainment content,

including reality shows; over-commercializing media space; and forgetting the principles of free press and socially responsible editorial policies. Public media have more educational and news programs. However, the degradation of media professionalism in recent years is resulting in more lightweight entertainment content, and editorial policies that ignore deeper social and national issues.

In 2016, the media community adopted a new code of ethics, representing a step forward in professionalism. The new solutions improve the rules of professional ethics and essentially standardized the journalistic profession in Montenegro with modern international rules of liberal democracies. Problems in ethical standards do not stem from the regulatory framework, but rather from practice, in ignoring code rules. “Our profession failed to respond to new socio-economic phenomena and to create specialized professional codes,” Ćatović said. “Standards, such as protection of privacy, presumption of innocence, and similar values are being violated on a daily basis—especially in online media.”

Similar problems emerge in enforcement. While the code is monitored by a self-regulatory board, the board itself is divided, further hindering professionalism. According to Vuković, “The code of ethics has been silently accepted by all media and journalists, but we do not have a single credible and respectable self-regulatory body to monitor the application of ethical norms.” Mićunović provided further details on the issues with implementation. “The Media Self-Regulatory Council is biased and not objective, using one criterion for pro-government media and a completely different one for those critical of the government. Most of the leading media have their own ombudspersons but they are not sufficiently active. The code of ethics has been revised, and in terms of its quality, it is in line with European practice, but the application of ethical standards is at a very low level.” As such, the public has low expectations of the new code, panelists said.

Technical capacities, including those for production and distribution of news, have been significantly modernized, on par with international counterparts, allowing for more complex operations.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.25

Montenegro’s 73 national and local media outlets translate to roughly one outlet per 8,500 citizens—well above the European average. In the Montenegrin market there are five national dailies (*Vijesti*, *Dan*, *Pobjeda*, *Dnevne Novine*, and *Informer*) and four national television stations (TVCG, the public broadcaster; *Vijesti*; PRVA; and PINK). There are also two national radio

stations (Radio Montenegro, the public service; and Antena M, a private station) and around 50 electronic media sources at the local and regional levels.

Montenegro's media digitalization process is in the final stages. The national public broadcaster is currently transitioning to digital, while the leading private broadcasters have gone digital already. Online media are increasingly influential. In 2017, four web outlets are dominant: Vijesti, CDM, Analitika, and Antena M. They are also the leading broadcast media companies. Websites such as these are pushing out printed media.

Beyond traditional media, social networks exert a strong influence, with more than 400,000 registered Facebook accounts in Montenegro. The country also has numerous cable operators, so the majority of the population is able to access cable programs from Montenegro and abroad. Čatović confirmed that Montenegro has a plurality of voices. "Different media groups, local media, [and] blogs and social networks offer the possibility to access conflicting or simply different positions," she said. But the panelists also assessed that the quality and strength of media is still lacking.

National and local public media alike are under strong pressure or even control of the ruling parties and influential politicians. In this way, they are stultifying the concept of public media, while ignoring modern legislative solutions and vulgarizing the social needs of media consumers. "Public media are not neutral," Rastoder said. "They often do not serve public interests and they do not provide balanced reporting. These problems were present in the past and they are still very topical, but they are also the subjects of political divisions. This is clearly seen if one reads European Commission Progress Reports on Montenegro."

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

But according to Čatović, Montenegro's "own media production is poor, and even if media outlets do have it, this production is subject to private interests and sources of funding [donors and advertisers], but not to the citizens."

Radio Cetinje director Ivan Mijanović described conditions in municipalities. "The position of local broadcasters is downgraded and reduced to the needs of local councils. For example, in Cetinje the impact of local politics is quite visible, because the local administration is funding the radio and therefore has influence on editorial policy. We also have the phenomenon of self-censorship, which is additionally degrading local public media."

While panelists noted a slight improvement in the public national broadcaster after the recent dismissal of the broadcast team, they still find the content lacking. As Čatović pointed out, "The public national broadcaster is not offering its viewers a plurality of different positions, especially not on important socio-economic issues. The second major problem is the trivialization of media content, so citizens are unable to view educational and cultural programs, which should be an integral part of a standardized and quality media offering."

In Montenegro, citizens' access to local and international media is not legally limited and in this respect, Montenegro can be deemed as a free country. The only limitations are related to prices for Internet services and cable programs, while Internet portals largely allow free access to their news. Additionally, state registries are accessible online to all interested parties, and as such, consumers can check the ownership structure, investment capital, and company managers of various media companies. Furthermore, agencies monitor ownership to prevent monopolization, and that situation has not yet occurred in Montenegro.

The panelists did note a case of government imposition on media freedom. During the October elections, the government blocked access to Internet services for a period—an act Mićunović called a "rigid form of censorship." Raičević explained the events. "On election day, October 16, 2016, the Agency for Electronic Communications decided to block citizens' access to Internet services (Viber and WhatsApp) for two hours. This proves that we are living in an authoritarian society, where is possible to block Internet access and mobile telephony if the government wants."

Although the government has proven that it can limit access, Montenegro has international telecommunications companies that contribute to the development and improvement of Internet services, cable television, mobile technology, social networks, and an overall pluralistic environment.

Leading electronic and printed media, as well as websites, have their own news production. A few electronic media produce their own political or culture shows, documentaries, and research programs. Social networks have brought about a type of democratization in the media environment, and a stronger presence of different forms of online journalism.

As for local media, limited financial and human resources sometimes worsen news production. Teuta television station director Ilmira Lika described the outlet's sources for news. "We, as a local media, have our own information. But we do broadcast news from other media sources that refer to events in the country, region, or the world," she said. But according to Čatović, Montenegro's "own media production is poor, and even if media outlets do have it, this production is subject to private interests and sources of funding [donors and advertisers], but not to the citizens."

Montenegrin media make the effort to cover news of local, national, and international relevance. Rabrenović said, "Most of the leading media outlets have correspondents in all bigger towns. So the local interests are covered by the national media, but also by the local ones that are exclusively focused on local issues."

Still, media do not adequately report on a wide spectrum of socially important subjects. Lika said, "Local media are covering different social interests, but there are topics less talked about." Editorial policies in Montenegrin media are in the hands of political and economic centers of power, resulting in the marginalization of poorer social groups. NGOs and outlets that operate in the languages of ethnic minorities help report on problems facing different social groups. But overall, news media do not address such issues sufficiently. No comprehensive research on the state of media has been conducted in years, leaving a large gap in social needs, citizen interests, and actual media policies.

With regard to media drawing on outside sources, Rastoder said, "Montenegrin media use information both from local or foreign news agencies or wire services, tending to rely heavily on reputable regional services. Montenegro has a deficit when it comes to proper news agencies; for years, there was only one private wire service, MINA, but it lacks the capacity and a cadre of journalists to be truly successful."

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 1.80

Media businesses have free access to the market. The sector does not enjoy any privileges compared with other businesses in Montenegro. National corporate legislation gives equal opportunities to all forms of business entities and eventual benefits are not related to specific industries. However, printed media, dailies as well as periodicals, pay a lower tax rate of 7 percent. Some advocate for additional allowances for media entities, based on the social importance of media.

The number of media outlets does not prove that media is profitable or even economically viable in the long run. Numerous electronic and print outlets are recording losses, with salaries owed to journalists, taxes paid late, and/or mounting debt. Many outlets have responded by cutting costs to the minimum, paying low salaries, and limiting production. Others rely on cash injections from owners or donations from national or local budgets for survival. Just 1.5 percent of employed Montenegrins work in the media, with numbers shrinking yearly and poor wages largely the cause. Mićunović confirmed, "Most of the media in Montenegro is not economically viable. The national public broadcaster is the only media with stable funding because it is financed by the government. Other media outlets are sustainable only if the government or public companies are pumping money into them through different forms of advertising, usually through non-transparent means." Vuković agreed, adding, "It is very difficult for media in Montenegro to be self-sustainable due to the small market and the competition from regional media players, which enjoy either direct or indirect support from Montenegrin authorities."

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Marijana Bojanić, the director of TV Vijesti, said, “What media regulations are missing is actually incorporating some solutions that would foster media viability. We lack a media sector development strategy, because the business viability of media is an obvious problem in Montenegro.”

Media outlets, particularly local news organizations, are seeing reduced advertising revenues. “The situation in the media market is bad,” Bojanić said. “Global advertisers do not advertise in Montenegro. Even big regional advertisers consider the Montenegrin market as marginal. On top of that, we are facing the issue of a poorly regulated market. The government has allowed cable operators to broadcast advertisements without any limitations. However, the TV advertising market is only €4 million.” Mijanović added, “Our market advertising revenues are almost zero.”

Advertising revenues are insufficient to make a viable income base, so outlets must also turn to other sources of revenues in order to survive. The media business in Montenegro has been unprofitable for years and hovering on the brink of closure. Some panelists said that, in order to survive, the media industry needs assistance from the government; other panelists warned about potential further degradation of media with more government interference.

Market trends from recent years have continued. The Montenegrin advertising market depends on the wider regional advertising market, and its average valuation of around €10 million covers all commercial advertisers. Observers also note that beyond this commercial market is another advertising market, created by national and local administrations and state-owned public companies. They are advertising their institutional needs, and annual valuation of this market is approximately €2 to €3 million.

As in previous years, more than 80 percent of advertising budgets are contracted by dominant advertising agencies, with the remaining 20 percent direct contracts between private companies and media companies. The main advertisers are focused on private national media, neglecting local media outlets. Again this year, public media services are supported from national and local budgets but also enjoy undisturbed access to advertising markets. They compete with private outlets and violating basic standards of fair competition, to the detriment of commercial broadcasters.

There is fierce competition among media companies in the advertising market. Key advertisers are motivated to advertise solely based on media ratings, and this favors national broadcasters. More than 90 percent of commercial advertisers’ budgets go to four television stations. Less than 7 percent of the overall advertising budget goes to online media. Mićunović described other flaws in the advertising system. “Procedures implemented by government institutions and public companies for their advertising are non-transparent, with no marketing logic, and statistics on spent money are either non-existent or poorly updated and unclear,” he said.

Some assessments indicate government and local administration bodies, as well as public (state-owned) companies spend in excess of €2 million annually, with all of these funds directed toward media not critical, and actually supportive, of the government. In this way they are practically suspending the freedom of press, developing clientelism, and promoting private media that are friendly towards ruling structures, or at least do not pose a threat to holders of political and economic power.

No one in the Montenegrin media sphere has conducted market research in recent years due mainly to an inability to finance it. The absence of data leaves media companies with no sense of social demand, and, further hinders the development of business plans to help increase advertising revenues and improve long-term sustainability. Marijana Bojanić, the director of TV Vijesti, said, “What media regulations are missing is actually incorporating some solutions that would foster media viability. We lack a media sector development strategy, because the business viability of media is an obvious problem in Montenegro.”

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.20

The perennial problems in Montenegro’s media industry are due in part to the lack of business associations and trade unions. While some associations exist, their impacts are small and sporadic. Furthermore, conflicts within the media community are preventing some media owners from effectively joining forces to protect common interests.

While journalist organizations exist, most are inactive and have no influence. Only around 20 percent of journalists are members of professional associations. Raičević elaborated on the issues with media support groups. “Polarization within the media sector brought about duality in terms of professional associations. We have two journalists associations and two trade unions, but we don’t have common organizations that would advocate for rights of all the journalists in Montenegro. To

make things worse, there are no indications that something will change in this respect in the near future.”

Mićunović mentioned one organization of note. “There are several associations but only on paper practically, although I would single out the Independent Trade Union of Journalists, which is demonstrating a solid level of interest for the status of journalists and their protection.”

Montenegro does have a strong NGO sector. Several thousand NGOs operate in the country and have built a strong social standing throughout the past decade. They participate in parliamentary committees and electoral processes, and show an active interest in free press. NGOs and media generally have a cooperative relationship, with journalists utilizing NGOs as article sources and also covering NGO activities. This is particularly true with NGOs that address corruption, human rights, promoting democracy, media freedoms, environmental issues, the protection of minorities, and advocating rule of law. “There are several respectable NGOs that play an important role in supporting free media and freedom of expression,” Vuković said. “The activities of NGOs are important for the democratic development of society, free press, and the empowerment of the entire civic community.”

Though the majority of journalists in Montenegro have university degrees, the quality of education is often poor. Schools have seen an overall deterioration, with academic problems as well as practical. Mićunović said, “Journalistic studies at the state university are very conservative, and students lack opportunities to obtain practical skills during their studies. Furthermore, the quality of studies is not enviable... The Media Institute currently does not have capacity to organize a journalism school, [but] in previous years played an important role in the practical training of journalists.” Vuković called

Raičević elaborated on the issues with media support groups: “Polarization within the media sector brought about duality in terms of professional associations. We have two journalists associations and two trade unions, but we don’t have common organizations that would advocate for rights of all the journalists in Montenegro.”

journalism programs today “old-fashioned,” with unqualified lecturers.

Additionally, there is no cooperation between the Department of Journalism at the School of Political Sciences, the Media Institute, and media companies, which disempowers young journalists and students from succeeding. According to Raičević, “At the Political Sciences School Department for Journalism, some 50 students graduate every year, but they have a hard time finding a job due to the poor economic situation in the media industry. Therefore, many of these graduated journalists are forced to work in other professions.” The problem is two-fold: many journalism graduates are unable to find work, and media companies have no journalists with adequate training or skills.

Practicing media members also lack opportunities for continued education or on-the-job training. With the tough financial situation, many media owners do not pursue these sorts of investments. “Apart from occasional seminars organized by NGOs and several training programs funded by foreign embassies, journalists have few chances to improve their skills because their media companies have no funds to pay for their vocational training,” Raičević said. Mićunović had a similar view. “There are some possibilities for the short-term training of media professionals, but nothing systematic or continuous, only on an ad-hoc basis. These are usually courses lasting several days, organized by foreign or local NGOs. Unfortunately, journalists, other media professionals, or media for that matter, are not very interested in this type of vocational training,” he said.

Bojanić, the director of Vijesti, has attempted to rectify the lack of training in her own organization by working with foreign colleagues. “My news team is trying to compensate for these systemic gaps in terms of journalists training by implementing in-house training,” she said. “Occasionally we organize 15-day trainings with the help of U.S. experts, although we are aware of our own gaps in terms of in-house capacities to implement more quality trainings.”

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

In Montenegro, the growth of IT infrastructure and communication technologies is coming close to European standards. Almost all Montenegrin households are now covered with a digital signal. Panelists said that they predict with certainty a further development of IT infrastructure and an increasing number of users. Internet and mobile services are growing. Almost all of Montenegro is covered by telephony, and nearly all adults and many youth have cell phones. Montenegrins increasingly use mobile phones to access websites, advertisements, applications, and social networks.

List of Panel Participants

Damir Ramović, news editor, RTVCG, Podgorica

Marijana Bojanić, director, TV Vijesti, Podgorica

Sonja Drobac, editor-in-chief, TV Prva, Podgorica

Zerina Čatović, journalist, Radio Antena M, Podgorica

Predrag Zečević, journalist, Analitika.me, Podgorica

Branimir Mandić, columnist, *Vijesti*, Podgorica

Jadranka Rabrenović, journalist, *Pobjeda*, Podgorica

Rajka Raičević, journalist, *Dan*, Podgorica

Ilmira Lika, director, TV Teuta, Ulcinj

Ivan Mijanović, director, Radio Cetinje, Cetinje

Samir Rastoder, journalist, *Dnevne Novine*, Podgorica

Vladan Mićunović, director, Montenegrin Media Institute, Podgorica

Aneta Spaić, professor, Faculty of Law, University of Montenegro, Podgorica

Duško Vuković, independent media analyst, Podgorica

Moderator & Author

Rade Bojović, executive director, Media Ltd., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd, Podgorica. The panel discussion was convened on December 9, 2016.

Most of the electoral competition played out in social media, not only by candidates, but also by staff and “postaci”—people paid to comment under false names.



ROMANIA

With local elections in May and general elections in December, 2016 proved complicated for Romania. The Social Democrat Party (PSD) won both elections, bringing it back to power after its departure—under the pressure of street protests—in November 2015. At that time, people blamed PSD for fostering and covering up the corruption that allegedly led to the Colectiv nightclub fire that killed 64 young people.

The government that came to power in December 2015 was formed of “technocrats,” experts with no political affiliation. Dacian Cioloș, the former European Commission Agriculture Commissioner, assumed the head of the government as prime minister. Their mandate was limited in time to 11 months, and in scope, to the general running of the country and preparing the two rounds of elections. Still, the Cioloș cabinet initiated a comprehensive move toward openness and transparency, which may prove to be its most important legacy.

For the mass media in Romania, it was yet another year of stagnation. Despite the two electoral campaigns, the media atmosphere was rather dull, with no real debates. Most of the electoral competition played out in social media, not only by candidates, but also by staff and “*postaci*”—people paid to comment under false names.

Two media owners made headlines for their criminal activity. In May, Dan Adamescu, the publisher of *România Liberă*, was convicted and sentenced to four years and four months in prison for bribing the judiciary. He died in January 2017, in a private hospital, while serving his sentence.

In December 2016, just days before losing his parliamentary immunity (he failed to be re-elected as a member of parliament), Sebastian Ghiță, the *de facto* owner of România TV, went missing after being placed under criminal investigation for money laundering. He is currently on Europol’s, the European branch of Interpol, most wanted list.

Several journalists left the corporate media and joined smaller operations, or decided to continue working as freelancers. Those leaving the field often cite the failure of their former newsrooms to consistently follow ethical norms.

On a more positive note, 2016 also saw a revival of investigative reporting, with the publication of several in-depth reports dealing with corruption, money laundering, plagiarism, and collusion. Notably, they were mostly generated by independent journalists or media projects.

ROMANIA at a glance

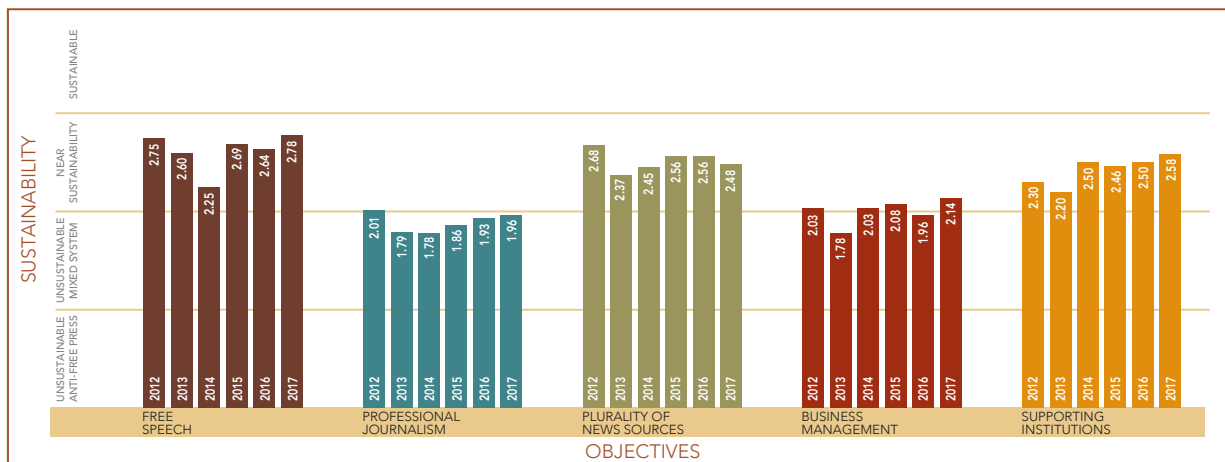
GENERAL

- > **Population:** 21,599,736 (July 2016 est., CIA World Factbook)
- > **Capital city:** Bucharest
- > **Ethnic groups (% of population):** Romanian (official) 85.4%, Hungarian 6.3%, Romany (Gypsy) 1.2%, other 1%, unspecified 6.1% (2011 est., CIA World Factbook)
- > **Religions (% of population):** Eastern Orthodox (including all sub-denominations) 81.9%, Protestant (various denominations including Reformed and Pentecostal) 6.4%, Roman Catholic 4.3%, other (includes Muslim) 0.9%, none or atheist 0.2%, unspecified 6.3% (2011 est., CIA World Factbook)
- > **Languages (% of population):** Romanian (official) 85.4%, Hungarian 6.3%, Romany (Gypsy) 1.2%, other 1%, unspecified 6.1% (2011 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$188.4 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$20,900 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 98.8% (male 99.1%, female 98.5%) (2015 est., CIA World Factbook)
- > **President or top authority:** President Klaus Iohannis (since December 21, 2014)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: number unknown, 95 publications audited by BRAT; Radio Stations: 573 licenses for terrestrial broadcasting, 23 satellite broadcasting, 1 cable broadcasting; TV stations: 312 licenses for cable broadcasting and 95 for satellite) (CNA Report 2016); Internet news portals: number unknown, 219 websites audited by SATI, out of which 93 are news or current affairs sites
- > **Newspaper circulation statistics:** Top three by circulation: Click (circulation 79,678, daily private tabloid), Sibiu 100% (circulation 70,000, regional weekly private newspaper, free), Libertatea (circulation 46,410, daily private tabloid)
- > **Broadcast ratings:** Top three television stations: PRO TV (8%, national), Kanal D (6%, national) Antena 1 (5.7%, national), (paginamedia.ro, January 2017)
- > **Main news website traffic:** Top three by unique visitors/day: www.libertatea.ro (607,538), www.adevarul.ro (565,378), www.stirileprotv.ro (492,479).
- > **News agencies:** Agerpres (state-owned), Mediafax (private), News.ro (private).
- > **Annual advertising revenue in media sector:** estimated €366 million (€14 million print, €240 million TV, €20 million radio, €64 million digital, €28 million out-of-home) (Media Fact Book 2016)
- > **Internet Usage:** 12.1 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: ROMANIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.78

The Romanian Constitution guarantees the freedom of expression, which is also protected by the civil code and other laws that apply to mass media. The few freedom of speech restrictions are meant to protect some legitimate aims—such as national security, defamation, privacy, and the right to one’s own image—enshrined in the constitution and detailed in dedicated laws. The constitution explicitly prohibits defamation of the nation, incitement to war of aggression, incitement to discrimination, territorial secession or public violence, obscene conduct, and hatred based on nationality, race, social class, or religion. But although it is mentioned in the constitution, the defamation of the country is not punishable under any law in force. The senate tacitly adopted a draft law incriminating the offense in April 2016; it is now pending debate in the Chamber of Deputies.

Media analyst and panelist Iulian Comănescu notes that the Romanian legislation is, in general, in line with European laws. But Alexandru Giboi, panelist and director of the public news agency, Agerpres, draws a distinction between the guaranteed freedom of the press as a legal principle, and the obstacles—financial or social—faced by journalists attempting to exercise of this right. These can be imposed from outside, by an employer or through societal pressure, or self-imposed, such as self-censorship.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

The panelists highlighted several attempts to pass restrictive legislation in 2016. For example, Răzvan Martin from the NGO ActiveWatch points out several bills affecting the privacy of citizens, like the cyber security law.

Public media financing stood out as one of the most important changes in legislation, with the potential to affect public media’s independence in the medium and long-term. Since their creation, the public broadcast services have been funded mostly via household fees tied to radio or television set ownership. A law introduced just days before the December elections scrapped this fee, along with 101 other taxes. Under the law, eventually adopted in January 2017 (after the president asked the Constitutional Court to check its legality), the two institutions will be fully and directly state-funded. The panelists agreed that marks the end of their financial independence, and potentially compromises their editorial independence as well.

Regarding court decisions, Martin noted that these are generally favorable to journalists. The highest amount offered as compensation for damages inflicted by media is €10,000, an amount that was not disproportionate with the offense. However, some court decisions could set a dangerous precedent; for example, when courts force media outlets or journalists to publish the court decisions (which are sometimes 18 pages long) in up to three newspapers, at their own expense, or to delete already-published materials from their websites, or to write public apologies. Yet Cristi Godinac, MediaSind’s president, reinforced the idea that court decisions typically protect freedom of expression: “Last year, we did not lose a single case in court and we also managed to win a big case in which the president and general director of Romanian Public Radio accused the unions of defamation, asking for €60,000 as compensation.”

The only regulator for Romania’s audiovisual sector, the National Audiovisual Council of Romania (CNA), is an autonomous body—formally under parliamentary control—that oversees broadcast licensing and enforces the legal obligations of broadcasters. According to CNA officials, its role is to “ensure that Romania’s television and radio stations operate in an environment of free speech, responsibility, and competitiveness.” The government appoints its 11 members with staggered mandates, so that their terms do not coincide with the general elections. But despite the legal guarantees for autonomy, all the panelists agree that the CNA is still heavily politicized, which erodes its credibility with the media sector and the public. Some of its members vote according to the interest of the parties or entities that nominated them, rather than a consistent philosophy respectful of the public interest. Journalist and panelist Teodor Tiță feels that corruption taints the licensing process—an opinion backed by all the panelists.

The CNA discussions hit a nerve with all the panelists. Ioana Avădani, panelist and executive director of the Center for Independent Journalism (CIJ), labels CNA one of the most dysfunctional institutions in Romania. Martin reinforces this view, noting that the influence of the political actors is not new, but up until 2016 the CNA at least reacted minimally. "CNA still exists, but it does not really function. In 2016, almost half of the regular CNA meetings could not be held due to lack of quorum. It is an institution sabotaged by its own people. There were cases in which Council members left the room at the moment of the vote, making it impossible to reach a quorum..." Martin said. Last year, it discarded more than 1,600 public complaints, as they could not be addressed within the legal term of six months, Avădani said. The situation became acute during the electoral campaign for general elections, when the Council met only four times, allowing violations to continue unsanctioned, she added.

In 2014, CNA Chair Laura Georgescu fell under criminal investigation, accused of taking bribes to favor a television station belonging to a political actor. In response, Parliament passed an amendment of the Audiovisual Law in 2015, allowing it to sack the Council's chair if the annual activity report is rejected. Previously, the law protected Council members from any parliamentary intervention, for the duration of their mandates. Many in the media community viewed the amendment as a step back and a further politicization of the institution. As bad as it was, the new law did not deliver any practical results: the Parliament did not discuss the 2014 and 2015 CNA activity reports, and Georgescu still chairs the Council, although she delegated some of her duties to other members.

The panelists agreed that there are no special market entry conditions for media companies in Romania. The VAT for the media sector stayed at 20 percent, the typical level applied in Romania (down to 19 percent as per January 2017). Only the VAT for print media distribution was reduced to nine percent. Unlike commercial companies, public media institutions cannot reclaim their VAT, resulting in significantly higher operating costs.

Public perception of the journalism profession, and support for the media, wore thinner in 2016. Martin believes that the media's behavior justifies this erosion of trust, but Tiță said this trend should be viewed in an international context, as this occurred in all markets, not just in Romania.

Journalist and panelist Cătălin Striblea said that in Romania, however, physical threats against journalists are not a serious problem. Instead, he decried the feeling that "you live, as a professional, in a post-atomic landscape," adding that he knows a lot of formerly professional people who now work in all sorts of shady media outlets, feeling they have no alternative. Generally, crimes against journalists are rare, but when they do happen, they do not generate public outcry or reactions from state institutions. Instead, many Romanian media outlets

participate actively in smear campaigns and character lynching of other journalists, as well as CSO leaders and politicians.

Laws of the public radio SRR, public television TVR, and the state news agency AGERPRES protect the editorial independence of the public media. While the politically appointed board members maintain control over these institutions, the effect on the content is not necessarily very visible. As mentioned before, if the parliament rejects their annual reports, the boards can be dismissed. This provision turned into a very efficient instrument of political control. In the case of TVR, over the last 27 years, only one board finished its four-year mandate.

Parliament discussed and rejected the 2014 annual report in September 2015, and the board and its president were subsequently sacked. It took until March 2016 to validate a new board. The newly appointed board elected a president from among the members, as per the law, but the Parliament voted against the candidate. After rejecting another proposal, in April 2016, the Parliament finally agreed to validate Irina Radu as president and director-general of TVR in May 2016. In was the first time that Parliament disregarded a public television board decision, according to Comănescu.

All the panelists agree that direct funding from the state budget would prove disastrous for public media. "This change essentially transforms public media into a foot rug for politicians," said Maria Țoșchină, panelist, vice-president of Clubul Român de Presă, and a public radio board member. She added, "Over the years there have been a lot of initiatives to change the law, but what we witnessed last year was a total disappearance of public dialogue on these initiatives. In the past, there were consultations with stakeholders: organizations, individuals, even the public institutions were consulted; now we read in the media about changes taken overnight." Avădani said it is also important to mention the declaration of Liviu Dragnea, president of the Social Democratic Party (the initiator of the law scrapping 102 taxes), who bluntly dismissed criticism regarding state influence over the public media: "Let's be serious, the public television was never independent... We all knew that politicians don't see public television as an independent body, but it was the first time that a politician admitted that so candidly," Avădani said.

Libel is no longer a criminal offence in Romania, and human dignity is protected under the civil code. Both civil and criminal laws protect privacy. In defamation cases, plaintiffs are exempt from taxes required with other types of reparations. Avădani said that, judging by the public statements and legal initiatives submitted in the Parliament, she feels there is an obvious intention to further limit the freedom of expression. Attempts to regulate social defamation (beyond the existing anti-discrimination laws), re-incrimination insult and calumny, the existence of state-controlled gatekeepers, and persistent

verbal attacks against media are proof of that intent to limit freedom of expression, she said. On the other hand, Cătălin Moraru, panelist and editor-in-chief of *Monitorul de Botosani*, said that even if there is political interest in restraining the freedom of expression, it is much diminished from previous years or it can be stopped very fast. He believes it is very important to also discuss abuses by journalists, and to educate the people to take court actions when they occur.

Access to public information is governed by Law 544/2001, which grants access to information produced or held by public institutions. Journalists enjoy special treatment, as their questions must be answered on the spot or within 24 hours. The new government as of November 2015 made transparency and access to information a priority. Prime Minister Dacian Cioloș created a new Ministry for Public Consultation and Civic Dialogue, appointing long-time NGO leader and transparency advocate Violeta Alexandru as its chief. Although the panelists appreciate the government's transparency, especially on access of public information, they agree that this era of openness will likely remain an isolated episode in the history of the relationship between media and public authorities in Romania.

Another point all the panelists agree upon is that there are discrepancies between the law and practice, and there are obvious differences between the *modus operandi* of the local and central authorities. During 2016, the ministries promoted more transparency and offered, sometimes proactively, critical public interest information (such as the expenses of the Health Ministry, information about public procurement contracts, and the biggest beneficiaries of the Ministry of European Funds). At the same time, Martin underscored the fact that the openness of the public institutions is directly related to the type of information one is asking for. More 'sensitive' requests do not receive immediate responses. For example, investigative journalist Emilia Șercan had to sue several institutions to receive information about the PhD theses of important politicians—even though all PhD theses are in the public domain in Romania.

In some cases, good practices were followed at the local level. Hannelore Petrovai, panelist and editor-in-chief of *Hunedoara.ro*, said that at least in her county, the freedom of information law is being enforced to a higher degree. "The authorities began to understand that public information does not belong to them, but to citizens, mainly because they lost a lot of court cases," she said.

But the situation is not so strong everywhere. Moraru explained, "As a journalist, I was impressed by the transparency of the Cioloș government. But, at the local level, it is almost impossible to obtain information. We need to extract it, to threaten the authorities that we will write about it and that we will sue and, if, in the end, they relent, there is a big possibility that it will be incomplete or will come too late for meaningful reporting."

Journalist and panelist Silvia Vrînceanu Nichita, editor of the local *Ziarul de Vrancea*, agreed and said that in her county, there are shady deals between some media and local authorities regarding access to certain information of public interest provided only to certain media. Basically, if you write critical materials about the leadership of the county, the city council or the mayor, you will not receive the information you requested, or at least you will not receive it in time. "Although the law guarantees access to public information, in reality, access is limited... It is very bureaucratic. I once received a denial of access to information signed by seven people," continues Vrînceanu Nichita.

Anca Spănu, panelist and deputy editor-in-chief of the local *Viața Liberă* in Galați county, said that, in most cases, spokespeople block the information, rather than facilitate access. In addition, countless times, instead of responding to the request for information from a particular publication, they organize a press conference and provide the requested information to all the journalists. This is not done for the sake of transparency, but to kill the editorial edge of the independent media. Another problem is that the communicators change with the new administration: basically a communicator's competency matters far less than political affiliation, family connections, etc. In many cases, the searches for such jobs have pre-established winners. For example, one search specified that applicants should have no more or less than six years and six months of experience in the field, to automatically exclude all other candidates willing to apply for the job, Spănu added.

Natalia Milewski, panelist and associate professor at the Journalism Faculty of the University of Bucharest (FJSC), said that now, by law, public universities must make all information about the institution publicly available, including activity and financial reports, which books they hold the copyrights for, etc. Now, they have to post all this information on the website, she said.

Comănescu said it is very important to also mention open data and Romania's progress in that direction. "It's something that will be hard to stop even if the new government wants to," he believes. Romania joined the Open Data Partnership in 2011. On the official site, data.gov.ro, 50 entities (ministries, agencies, state-owned companies, etc.) placed over 900 sets of open data, free for anybody interested to use and transform. The data are machine-readable files that can be processed, transformed, or combined into applications, but they are not immediately understandable or ready-to-use for the regular reader. Despite the number of data sets available, their conversion into applications or solid investigative reports is limited. Few people are aware of the open data process, and those who tried to use the available data found it lacking in quality or relevance.

Access to information from foreign sources is in no way restricted; the restrictions are mostly economic, as foreign news

agencies services are quite expensive. Most of the time, media companies quote the television stations that quote Reuters, for example. Copyright infringement is still a norm and almost nobody discusses plagiarism in journalism, according to Milewski.

There are no legislative or political restrictions related to access to the media market or to the journalism profession. On the contrary, Milewski explained, affirmative action exists for minorities, as all schools have separate places for Roma young people. But the panelists agree that as an independent journalist it can be harder to obtain information because, in some cases, the authorities or the institutions do not recognize the status of freelance journalist.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 1.96

The panelists agreed that even if the general situation continues to worsen, and public interest journalism and mainstream media encounter problems due to economic strain or political interference, there are pockets of quality journalism that continue to grow, creating a healthy space in the Romanian media landscape. For example, *Gazeta Sporturilor*, led by Cătălin Tolontan, published a long series of articles investigating the weak sanitation in Romanian hospitals, a story that broke after several people injured in the Colectiv Club fire in October 2015 died of nosocomial infections. It revealed a deeply rooted network involving private companies and state institutions, rigged auctions, over-priced public procurement, and alleged money laundering. “In 2016, we had some big investigations done by Tolontan and his team and, from that point on, more people started to follow—especially given the reactions to Tolontan’s materials. An investigation published today was followed the next day by an investigation on the part of the authorities, a new investigation, a new reaction from the authorities. I really believe it is important to highlight this evolution,” said Petrișor Obae, a panelist, Pagina de Media blogger, and media analyst.

Martin agreed that the relevance of the quality content grew and had a massive impact on the public agenda, but he thought it was important to also mention the electoral campaign, marked by near-daily editorial misconduct. “This year, the stakes of the elections were very high and because of that, the pressure on editorial independence was also very high. Those who watched only certain television channels or followed only certain news outlets had no idea what was really going on,” said Ina Voinea, panelist and editor-in-chief of the local *Gazeta de Sud*. Moraru added, “In Botoșani, there were 32 news websites during the election campaign. Some disappeared immediately after. The mayor had a website, the president of the county

council had a website, every major local political figure had, or still has, a news website. The stakes were so important, that the fight was without gloves.” Obae disagreed, saying, “At least in Bucharest, what happened in this campaign was much softer than what happened four years ago. It was a dull campaign, nothing sensational happened.”

Țiță said, “more or less, we have all the information, but it is complicated for the regular reader to find it and to choose from among all the sources of information.” Striblea agreed and said that he is not sure how many people in the general public are really able to find quality materials and relevant investigations among all this multitude of sources.

The panelists feel that the situation did not improve compared to 2015, with much biased and one-sided reporting. Some journalists continue to publish unverified, or even invented news, failing to check the information against several sources, and often the “experts” that are invited to talk about a topic are not experts at all in that field. Artists or astrologers are still given a platform to talk about earthquakes and vaccinations, for example. A large part of the media does check the information they publish, but there are a lot of newspapers, websites, and even television stations that publish false news on a regular basis. For example, in December 2016, România TV broadcast a tape claiming to present a hacker from the group Anonymous saying that the Colectiv Club fire in Bucharest, which killed more than 60 young people and injured over 100 others on October 30, 2015, was intentionally set and that George Soros was one of the masterminds. Anonymous denied that they released the video. Still, several online newspapers known for publishing fake news reposted the story. “Fake, or exaggerated, news is really a problem for us, because it is read and believed, often more so than the work of honest journalists, who write with a contained,

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

sometimes boring tone. So, we're in unfair competition with the 'trumpets,'" Spănu said.

But there is hope in this somber landscape. The journalists who could not bear the pressures or the lack of ethical standards in their newsrooms left to create their own alternative media. The panelists agree that 2016 brought an increased number of public interest materials, especially investigations, most generated independently.

When it comes to professional standards, all the panelists agree that although ethical codes do exist and are harmonized with international standards, neither journalists, nor editors observe them consistently. Petrovai said that few journalists practice their profession correctly and obey ethical norms. Moreover, the journalists who do not perform their job ethically promote themselves as being ethical, using this concept to gain image capital and, thus, power, but also polluting the very idea of ethics.

Vrînceanu Nichita said that without financial independence, one cannot talk seriously about freedom of expression. She added that ethical standards are being eroded every day, especially in the local media. Another panelist said that lately, they need to close their eyes at the unethical conduct of some journalists from the newsroom, because it becomes harder and harder to create internal opposition. Journalists are leaving their jobs and it is impossible to find new good journalists, and the pressure on journalists has also increased tremendously. "Advertising clients have become very sensitive; if they do not like material written about them, or if you are critical, they will immediately withdraw their advertising," the panelist added.

All the panelists agreed that the practice of failing to properly signal advertorials exists, and that this is also becoming the norm in the blogging business. "Advertisers are pressuring us not to mark the advertising as such," said Obae. Moraru agreed and said that during every electoral campaign they must find new ways to show readers that material is paid for without mentioning the word "advertising." "For example, we are saying, 'this material represents the point of view of X' or 'this material was paid by Y.' The marketing department doesn't talk to us anymore. They say we are chasing away the advertising clients," Moraru added. Clearly and unequivocally signaling ads and paid-for content is a legal obligation under the Romanian Advertising law.

Plagiarism also stands out as a strong concern for the panelists. There are media outlets, especially online, that re-run stories published by others without mentioning the source. Many young people seem to think that if it is on the Internet it is free to use. The panelists believe that even if the journalists do not respect the rules against plagiarism, they know them all too well and that the practice persists because there is no sanction against it. Milewski added that it is a matter of concern in

journalism schools, but no serious discussion has yet occurred on the topic.

The panelists also believe that self-censorship is common. Striblea believes that this is the biggest problem currently in the newsrooms. "This new generation of journalists set this self-censorship as a rule. It is shocking. The first question they ask themselves is what happens if they cover a story. This is the culture at this moment," said Striblea. Martin agreed. "The older generations had different DNA. They were fighting more for their materials, they weren't so afraid to upset their bosses," he said. Moreover, the editors were much more engaged in protecting the journalists. "They told us to present honestly all the facts because they would protect us from the owners," added Petrovai. "The honest journalists are scared they will lose their jobs; over the years, they witnessed a lot of discretionary decisions and they have learned that it is better to ask beforehand in order to avoid having problems later on," said Striblea.

Comănescu said, and the rest of the panelists agree, that in some situations journalists internalize the agenda of their medium and start to defend the interests of the owner as their own. "Some people who keep working for media that have a clear agenda really believe they own the truth. They don't differentiate anymore between the political discourse and the facts," concludes Comănescu.

The panelists agree that no story could be hidden from the public agenda, and there are not any taboo subjects. What really makes a difference is the way the journalists select and report stories for their outlet. The public needs critical thinking capabilities, not only to read news and absorb information, but also to think about who transmits information with a certain angle and why, said Vasile Hotea Fernezan, a panelist and journalist with the Cluj branch of the public TVR.

Obae said, "For us (media professionals), it is easier to ignore the garbage, because we are not the general public, we know how to separate the facts from opinions and to distinguish the manipulation. But the regular reader doesn't follow many media outlets, has one or two preferred outlets and those are his or her main, or only, sources of information...a press conference of the president will be covered by most of the television stations, except for România TV, for example. Or, if they cover it, they broadcast only the question their reporter asked," he added.

Comănescu believes that it is in times of crises when the most important problems faced by the media surface, because in days like these a lot of the reporters don't get out of the newsrooms due to the lack of resources. "I am old enough to remember the times when the reporter ventured out to find the news, as opposed to today's situation, when the news finds the reporter. Most of the news is produced from press releases, so it's not about the public's agenda but the one of the public institutions,

private companies, or political parties... a big part of what we see the media churning out are official statements packaged as news. If you take away this layer of opinion pieces, you will find a very narrow public agenda. Most of the news is about institutions," he concludes.

Discussing the study "Media and corruption,"¹ which she participated in, Milewski shares the same conclusion: "Most of the news contains only official sources, and there were not many investigations about corruption in the mainstream media." The lack of resources is one obvious reason. Media institutions with sufficient budgets are either enslaved or irrelevant to the public interest, focusing more on entertainment or tabloid stories. The media that are interested in covering relevant public interest topics are struggling financially and cannot afford a lot of journalists, decent salaries, or up-to-date technologies.

The panelists agree that journalists remain underpaid.

Confirming that salary levels are low for all journalists, Giboi said that nonetheless, "There are big differences between national and local media, where we can talk about 'subsistence journalism.' There are also major differences between the salaries of journalists from public and private outlets." As a rule, salaries in the capital city are higher than those in the provinces, and television salaries are higher than in print. The online media is hardly economically sustainable, and apart from some 'stars,' bloggers cannot live off of the proceedings of their blogs. The salaries of journalists do not appear to be lower than last year; they stayed around the national medium wage (\$450-500 in Bucharest). In many situations, in the local media, even the minimum salary is a relatively large at around \$250, said Petrovai. In mainstream media, the salaries may be reasonable, but they are often paid after long delays of around two to three months. Because media salaries are lower and less secure than those of public servants, many journalists decided to migrate to other fields. Sometimes they become spokespeople for the local authorities; others find jobs in public relations, advertising, or as political consultants. Some of them complement their media revenue with other activities on the side, which sometimes lead to conflicts of interest.

According to Tiță, "Some salaries grow higher and higher every year (for one percent of the staff), and then there are the salaries of the reporters, which shrink smaller and smaller. What is missing is the middle class in the newsrooms. The reporters are more and more burned out; they work as field reporters only for three to four years, in most cases. After that, they become bosses or they leave the profession. They don't have time to learn, to grow," concludes Tiță.

Moraru said that the departure of journalists from the newsroom brings another problem: "You don't have anyone to replace them. Good people don't enter the profession, especially

¹ "Media and corruption." AntiCorrp. http://anticorpp.eu/work_packages/wp6/

in the local media...there is a lack of models in the newsrooms. Basically, the young reporters do not really have anyone to learn from, as the professionals are migrating, in massive numbers, to other areas. In this context, the beginners lack knowledge of standard practices; they often bring unrealistic ideas about the profession from school and they are insufficiently prepared, even sometimes incorrectly trained. It is hard, in these conditions, to bring them to up to standard. And after you teach them, there is a big chance you will lose them to the competition, which may pay better," Moraru explained.

Comănescu also said that the biased media and entertainment media pay more. If you want to pursue another type of journalism, you need a fellowship or you do it without being paid. But Milewski said that journalists are not paid less than other professions, noting that some experienced teachers earn around \$400 a month.

Reporting on minorities has not improved since last year; such topics are still marginalized and reports are marred with stereotypes. The Roma minority is still depicted in mostly negative terms, while the LGBT community is almost absent from the public discourse. Moreover, even when the topics are addressed in a balanced and fair manner in online media, the public comments are dripping with derogatory terms, hate speech, and instigation to violence.

Although entertainment programming has a very important role, the news still represents a big part of the Romanian broadcasting market, the panelists believe. There are several all-news television stations, and all the general television stations produce at least one main news journal. But the panelists agree that many of these news programs follow a tabloid format, with serious ethical and professional violations. Tiță considers the quantity of news satisfactory, but questions the quality. Comănescu said that compared to entertainment programs, the impact of news is lower, if one looks at copies of newspapers sold or at ratings. But the panelists agree this situation is not unique to Romania.

In Romania, access to technology is easy, but it does not come cheap, and most newsrooms cannot afford to keep up. Modern technology is available in some of the larger newsrooms, but the rest are struggling too much to invest in new technologies, software, or skilled technical staff. All the panelists agree that there is a big difference between the national and the local media, where a lot of the newsrooms do not have even money for gas, and reporters go out to the field with their own cars or use public transportation and their personal mobile phones.

Niche articles and specialized programs do exist in Romania. Some reporters who left traditional newsrooms launched their own media outlets, and their numbers are growing. In 2016, the best news stories came from investigative journalism, which has strengthened its presence. All the panelists say that more major

investigations were published in 2016 than in the last few years combined, and that their efforts have become more visible and more relevant—albeit less so in local media than mainstream and alternative outlets. Moraru explained the challenges from a local media perspective: “The investigations are too expensive, I can’t afford to have a journalist who does only investigations. Second, the public is not that interested in this, for example Tolontan from *Gazeta Sporturilor* published some of the best investigations from last year, but saw no increase in the number of copies sold. Yes, he went viral on Facebook, his brand grew, but not the revenues. Third, advertisers are not very willing to give money to investigative media. They don’t want problems with the authorities,” Moraru concluded.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.48

The Romanian media market has numerous outlets, but this does not guarantee a plurality of news. The media outlets that really impact the public agenda actually number three or four, according to Tiță. Comănescu said, “There is a pluralism of points of view, but these are not the views of the public, but of different politicians or political spin-doctors.” Moraru said, jokingly, that the Romanian media’s biggest problem is that they are independent. “Most of the media play the game of their owners, but they claim independence. They present different political orientations as facts. We can discover the truth, if we want and know how, but this isn’t something that comes naturally for the general public,” he explained. Martin agreed, and said that for most media, editorial policies do not allow for the presentation of different viewpoints.

Petrovai said, “Locally, where I know the situation best, the news is well covered, but the angle varies from newspaper to newspaper or television to television, depending on the media owner. The public already knows who owns what, especially in small communities, so they have almost completely lost their confidence in the independence of the media. They have less information about media owners from Bucharest, so they follow the national media, whose points of view they share.”

Țoghină believes that the pluralism of opinions in Romanian media is rather formal. The national minorities have, for example, programs in their national languages, but whether many people follow them or not is not well known.

Vrînceanu said that, in Romania, the production of hard news is problematic due to the problems we encounter in the society: financial crises, lack of education, etc. Giboi thinks that improving media education of consumers is vitally important.

In Romania, social media, especially Facebook, are powerful channels. At the end of 2016, Facebook had 9.6 million users in

Romania, 8.7 million of which are over 18 years old. According to a 2016 ISense Solutions² study, most people online use Facebook as their main source of information, 89 percent, followed by news websites at 64 percent.

Although the law does not limit access to national and international media, all the panelists agreed that it is limited by economic status. For example, the minimum service package of the cable providers does not include enough programs to expose people to sufficiently diverse programming. Also, aside from access to television, people in rural areas or small communities are isolated in terms of information access. The distribution of print media is almost dead; in most cases newspapers do not reach people from villages or remote areas.

Some restrictions stem from the lack of access to technology, for example in rural areas where Internet penetration is lower. But, in recent years, Internet penetration is growing. According to the 2014 CIA World Factbook estimate, 11.2 million people use the internet in Romania. On the other hand, around 99,000 households still lack electricity, according to the government of Romania’s press release approving the 2012-2016 National Electrification Program, leaving their inhabitants (one percent of the population) with very limited access to information.

Scheduled for June 17, 2015, infrastructural shortcomings severely delayed the transition to digital terrestrial television broadcast, posing an operational threat to the 170 television stations with analog licenses. The National Audiovisual Council (CNA) agreed to amend the licenses in order to allow the television stations to operate via cable or satellite. Thus, the television stations became dependent on other platforms, such as cable and Internet providers or satellite operators. Moreover, while the analog license was free, they must now pay these operators to carry their programs—an additional economic burden for the local televisions.

Thus, cable operators became key players in the access to information for a major part of the population. Telecommunication operator RCS&RDS dominates the Internet and cable market, operating a network of all-news television stations across the country, three sports channels, one pay-per-view movie channel, three documentary channels, and a music channel, as well as four radio stations and is a mobile phone service provider. In 2016, RCS&RDS extended its presence on the energy market. It provides energy to key players such as the public television, the interior and defense ministries, the National Bank and the telecom regulator.

Public radio and television services exist in Romania, functioning under the same law, but with rather different economic results. The public television station, TVR, reported major financial problems in the 2015 Activity Report, accumulating debts of

² “Trends in Market Research Today,” ISense Solutions. December 2016. <http://www.isensesolutions.ro/category/communicate-isense-solutions/>

over \$153 million. The public radio, SRR, is in better shape, with a financial surplus of some \$2 million.

Public television's heavy debt has affected its operations. In April 2016, TVR became the first member ever expelled from the European Broadcast Union (EBU) for unpaid dues. The transmission of the 2016 Olympic games in Brazil was also threatened as the public television station complained repeatedly of under-funding. Moreover, TVR cannot reclaim the 20 percent VAT, unlike commercial operations. The 2017 state budget law provided approximately, \$235 million for TVR, thus doubling the 2016 budget. At the same time, the public radio, SRR, received an approximately \$95 million budget, \$5 million lower than the previous year.

Public television has often been accused of serving the interests of power. Thus, they cannot always offer objective and impartial information. Obae considers that an important problem with journalists working for public media is that they do not see themselves as fighters for the public interest, but workers in a state institution. On the contrary, Comănescu said he feels that the public television station is more balanced than the private media companies.

Avădani underlined the different reputations of the public radio and television. "Public radio is loved by its public, no doubt about it. But I rarely meet a person who loves public television," she said. Tiță, who had worked previously with the public television, said, in terms of public reputation, "the radio pays for the sins of television."

The situation of the news agencies in Romania is deteriorating every year. "It is a business model crisis; the environment is very volatile," said Comănescu. Mediafax, formerly the most important private news agency in Romania, continued to suffer economic distress in 2016. A new agency, news.ro, founded by the former editorial team of Mediafax, emerged in 2016, but its situation is also complicated. "From my point of view, there is only one functional news agency and that is news.ro. It is an expensive service and not many newsrooms can afford it. I think that in Bucharest, there aren't more than 10 newsrooms that subscribe to news.ro. The rest can't afford it. The newsrooms are poor; they take the information from television. They watch the news journals and live feeds and, for example, if the president says something, they write notes and make news," said Tiță. The new news agency has a smaller team and can't produce the same amount of information that Mediafax was producing in the old days. In 2016, Mediafax was insolvent, without enough people to cover all the stories.

The state-owned news agency AGERPRES is continuing its comeback, modernizing and diversifying its services. It has the unbeatable advantage of rich historical archives of stories and photos that it can monetize. It also has the most extensive network of local correspondents across Romania and can

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

provide, via partnerships with other national news agencies, global news. AGERPRES's general director is appointed by parliament and its employees have public servant status. The panelists agree upon the evolution of the state-owned media agency and say that AGERPRES is not independent from the political parties—yet having so much power in terms of people (correspondents in every county in Romania), with more power than TVR or SRR, they should strive to be more relevant and visible.

The managers on the panel added that declining content quality is one of the reasons they stopped paying for news agency subscriptions.

Broadcasters produce their own news, but newscast quality varies greatly from company to company, and from the national to local level. Obae said, "The broadcasters produce their own news, but with information obtained by others. For example, newspapers or alternative media started all the big investigations from last year. To produce news involves more than reproducing what some other journalist discovered. News production involves added value."

Avădani said, "This is particularly relevant when you talk about local radio stations which, in most cases, read as yesterday's stories published by the newspapers as today's news. For me, this is a denial of the nature of the radio."

The law mandates transparency of media ownership of broadcasters, and the CNA regularly publishes a list of the shareholders in any media company owning a license. There is no similar provision for print media, but most newspapers declare their publishers. The situation is more difficult for online publications and blogs, where anonymity is the rule. "For television stations, the information is in the public space, but I see little interest from the public to access the information.

There are also people who do not have Internet access or are not aware that you can find online information about the owners of the television stations,” said Avădani.

The public is not very interested in ownership transparency though, and does not sanction the media outlets. Following to arrests of certain television station owners, the station ratings did not drop a bit. “You can’t change their perception. We took opinion polls and the answers were clear: ‘yes, they stole, but this doesn’t mean that what they say on television is not correct,’ was the usual answer,” Moraru said.

Knowing the owners may not be enough in some cases, because other people exerting control over the media might be hiding behind the owners that appear in the papers. “We know, for example, that Sebastian Ghiță is the *de facto* owner of România TV, but on paper the media institution is owned by another person,” he added. Ghiță, a former MP and former head of the parliamentary committee for the civil control of the Romanian Intelligence Service, is under criminal investigation for alleged money laundering. He failed the terms of his parole in December 2016 and has been missing, and on Europol’s, the European branch of Interpol, most wanted list ever since.

One of the panelists, who requested anonymity for this quote, said that in local media the involvement of public actors is also done in various creative ways. “In my county, an officer who works for National Authority for Fiscal Administration (ANAF) launched his own newspaper and asked for advertising.” You can’t say that’s bribery exactly, but it certainly gives the impression.

Politicians own most local and national media, directly or through intermediaries, have total control through economic levers and don’t appreciate or stimulate professionalism and editorial independence of journalists. “They don’t want to have professional journalists. They want people who obey their orders,” said Voinea.

Țoșchină decried this situation: “I wish it were clearer for everybody what interests hide behind the media. Too often, behind the weakening of the public media one can find a hidden business interest. It should be visible to what extent the legal initiative of an MP is related to his or her local media interest.”

Silviu Ispas, panelist and president of the Romanian Transmedia Audit Bureau (BRAT), concludes on a grim note: “There is widespread trans-party political control, even control of the criminal milieu over the media companies, implicitly on the agenda of the most important news television channels. Convicted felons or people under criminal investigation for serious crimes own or control the media with the highest audience rates.”

The national minorities have, by law, media outlets in their national languages, supported by the state budget, through the Ministry of Culture. Still, the funds are insufficient and the publications are very low profile. The Hungarian community has the most outlets (print, radio, television, and online), functioning as commercial or community operations, followed by the German community. The Hungarian government finances some of the Hungarian publications, according to Martin. Accusations of censorship in favor of the Orban government have been voiced in the Hungarian-speaking media community, but they have not made it to the mainstream media. The Roma community does not have a sustainable outlet in their language, as all the attempts at that died very soon after launching due to a lack of funds. It is also true that such a publication would face huge difficulties reaching its intended audience, as Roma people do not live in concentrated communities, nor do all of them speak Romani.

The media generally reports on social issues, but the reporting is opportunistic and sensationalistic. The biggest social issue—poverty—is rarely and shallowly covered. The media equally ignores other important social topics, such as gender equality, said Martin.

The community media is undeveloped and to the extent that such initiatives exist, they come mostly from the local authorities. In general, the national media allocate very little space to information from rural areas, although 43.6 percent of Romanians live in rural areas, according to the 2015 Romanian National Institute for Statistics. “The local news runs more toward entertainment or human interest stories; it is not about real and important issues,” said Obae. “We learn about the performance of a local authority, if the problem is already a big issue, but, in general, there are counties from where we almost never see news,” said Tiță. On the other hand, with some notable exceptions, the international events are equally rare and unprofessionally reflected in the Romanian media. “In a lot of the cases, the international news are videos with animals from YouTube,” said Avădani. Also, Vrînceanu Nichita noted that another relevant aspect is the lack of European issues in Romanian media, even if many of the public policies in the country are based on EU decisions.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.14

A majority of Romanian media companies are not self-sustainable, and turning a profit is the exception in the media business. The string of insolvencies continued in 2016. When it comes to the management of the media business, all the panelists had the same conclusion, similar to previous years: the media organizations are poorly managed. This,

combined with the social and disruptive context in which the industry functions, leads to layoffs, shrinking newsrooms, lack of investments, and drops in circulations.

Petrovai feels that most local media managers do not understand the media business because they are there only to obey the agenda of their politically-driven owners. She added that, usually, the sources of funding are public or European Union project budgets or companies that “owe” something to the political leaders of the counties. The media that receive advertising money from municipalities and county councils budgets are fully subordinated to the will of those who secure the budget, because they know that at the first critical article, the money will stop. “The bottom line is that a business that is functioning like this can’t be profitable,” said Petrovai. Moraru agreed and said that you can count on your fingers the media outlets with professional managers, especially in the local media. The situation is not much different for the national media.

The local media hasn’t recovered from the fall of revenues triggered by the economic crisis back in 2009, which forced them to downsize—50 to 60 percent, in some cases. The national media fared slightly better; they have access to a bigger audience, and thus more money from the advertising companies. “The entertainment side of the media lives well off of advertising money. Also, some media survive because the owners bring a lot of money into the business. They don’t care about advertising revenues, so they list dumping prices. This also affects the market,” said Comănescu.

Media income sources are not yet stable; there are still few and they are unpredictable. For print media, sales are constantly falling. Subscriptions are unprofitable, as they are sold at a price below the real costs. On top of everything, the distribution is slow, costly and unreliable.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Public advertising money remains one of the most important revenue sources, especially for the local media. The public contracts are allocated under the rules of public procurement, with some additional transparency requirements introduced back in 2005 to curb the arbitrary use of advertising funds. A new public procurement law, adopted in 2016, maintained these provisions. Public authorities can allot contracts under \$30,000 through direct allocation mechanisms, and larger contracts can be issued to the lowest bidder, without any criteria related to the number of people reached or cost/person ratio. According to a 2013 Center for Investigative Journalism (CIJ) study, 90 percent of the public money advertising comes via European Union-funded projects, therefore they are no longer directly controlled by the public authorities. While this may sound like a good thing, the civil control over these expenditures is decreased, as private entities do not have any obligations for transparency.

“The growth of the advertising market in recent years is reflected only partially in the advertising budgets of the media groups. The increases in revenues of the television stations are brought by the entertainment area, while additional money in online media go to Google and Facebook,” said Comănescu. According to Media Fact Book Romania’s Media Market Evolution, 2016 was a very good year for television, with an estimated growth of 13 percent, at €240 million by the end of the year. The advertising agencies are well developed at the professional level, but budgets they manage simply cannot support all the media on market. After the first three television stations received their advertising budgets, little money remained for the rest.³ Because online advertising is very cheap, all the websites are full of banners and other forms of very invasive advertisements and advertorials, continues Comănescu. The print market was the only one shrinking, ending the year with advertising revenues an estimated \$2 million less than in 2015, according to the Media Fact Book Romania.

The big advertising agencies show a clear preference for the national media. The local media are rarely getting any attention. “The advertising agencies give us, if they still consider local media, only small bites of the advertising budgets,” said Vrînceanu Nichita.

Market studies are more common for the national media, but most of the local media do not conduct such studies at all. Obae said, “At the central level, if you don’t have data, you can’t be part of the discussion. The advertisers will not even consider you.” The publishers of some of the local media are not inclined to invest in them, as they do not conduct their business seeking profit, but influence and clout. On the other hand, those that would like to conduct such studies can’t afford them because

³ “The market shares of TV advertising groups consumed between January 1-December 18 2016.” Infogr.am. <https://infogr.am/5fb65705-9bbe-4d23-b27a-fe92fed505dc>.

“The entertainment side of the media lives well off of advertising money. Also, some media survive because the owners bring a lot of money into the business. They don’t care about advertising revenues, so they list dumping prices. This also affects the market,” said Comănescu.

they are very expensive. “I was commissioning them very often and I gained a lot of benefits from them, but I can’t afford them anymore,” Moraru said. Some studies regarding media consumption habits or access to new technologies are conducted by international organizations, as part of their European or global research.

The Romanian Transmedia Audit Bureau (BRAT), a long-established industry organization, monitors print circulation. The bureau performs circulation audits once a year and data are publicly available. BRAT has 182 members (publishing houses, advertisers, agencies) and audits 95 titles and 219 sites of various content. The National Readership Survey (SNA) is an in-depth study containing socio-demographic figures of readers per publication. There is also the Study of Internet Audience and Traffic (SATI), as well as a Monitoring of Investments in Advertising Study (MIP), whose results are available to members and third parties who pay.

The Romanian Association of Audience Measurement (ARMA) measures television audiences. Panelist Costin Juncu explained that audience figures for national outlets are measured independently, and the methodology is in line with international standards. The company performing the measurement is selected via public bid every four years, by a commission composed of five representatives of the television stations, five representatives of the advertising agencies, and five of the National Audiovisual Council (CNA), with an audit performed by foreign independent companies. “In 2016, the measurement service was verified by an external independent auditor, Ernest and Young, a US company. According to the audit, the service complies with the technical specifications decided by the Romanian market as well as international standards. They also stated the service is trustworthy and offers reliable information to the market.”

When it comes to online media, many publications prefer the less expensive traffic.ro measurement to the professionally done but expensive SATI, or even internal measurement done with Google Analytics.

Once again, the local media are disadvantaged. BRAT only audits 17 local publications, and the audience measurement for the local television stations is very costly, therefore is not performed, and the radio stations do not even think of doing it. Only the local online outlets have data, but they use them mostly to attract advertising from GoogleAds.

According to Spănu, though, all the efforts at media or circulation measurement turn out to be useless. “It’s more like a bad joke. Nobody actually respects it. Your competition can claim at any moment that its unaudited circulation is ten times bigger than it is in truth, and for the state authorities that is just enough. They win the advertising public contracts on this false assumption,” Spănu said.

The business of the media is also affected by the ever-changing fiscal legislation, the politically-influenced market and the sometimes arbitrary attitude of the authorities, which may include lenience for unpaid debts or fines of the friendly media and excessive controls for critical media.

“In this country, as good as your business plan may be, the risk of failure is always there. One cannot think strategically in the medium term,” Avădani concludes.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.58

In 2015, media professional associations started to revive. The Convention of Media Organizations (a loose alliance of around 30 associations of media professionals, owners, and trade unions) picked up its activity, encouraged by a CIJ project. The Convention shared public positions regarding flawed media legislation and found some limited success in blocking it from adoption. However, the panelists believe that the professional associations are small, inefficient, and even irrelevant; also, the larger groups, like Romanian Association for Audiovisual Communication (ARCA), represent the interests of the major broadcasting corporations rather than local stations. Petrovai blames the lack of cohesion on the idea that it is impossible for honest journalists to associate themselves with those less honest. “I cannot stand in solidarity with the crooks, just because they claim they are journalists,” said Petrovai.

Trade unions of media professionals exist; MediaSind is the largest and most active. It is also well connected to European and international platforms. These external organizations have voiced their concern over Romanian journalists on various occasions.

The trade unions of journalists received a massive blow back in 2014, when the collective work agreement for mass media expired. Due to changes in the legislation, the media sector

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

was assimilated to "Culture," signifying that journalists and trade unions should negotiate along with actors, librarians, and musicians. Even if a federation of media and culture trade unions has been formed, no collective contract was ever negotiated. Many of these professionals are state employees, making it very difficult to find a common denominator in terms of labor conditions. Giboi concludes: "I can tell you, from my own experience, that is difficult for trade unions to function within the journalistic profession." There is no interest from the owners' associations, weak as they are, to negotiate a contract for the media workers.

There are just a handful of NGOs defending the rights of journalists; CIJ and ActiveWatch - Media Monitoring Agency are the most relevant in Romania. In 2016, they continued protecting the freedom of speech by stopping or changing bad legislation and protecting journalists from abusive authorities. "They are efficient and vocal, but every year they have fewer journalists to work with or protect," said Petrovai. Giboi believes that the NGOs, which protect the freedom of speech, are the only entities that really support journalistic quality. Another organization, the Union of Professional Journalists (Uniunea Ziaristilor Profesionisti or UZP) was successful in its advocacy for special pensions for journalists. According to a law adopted in 2016, the journalists who are affiliated to a professional organization of public utility and registered as a "union of creators" will receive an additional 50 percent of their pension. UZP happens to be the only organization meeting all the criteria provided by the law. The law was received with quite vocal criticism on the part of journalists themselves, who claimed that it puts them in an awkward situation, as they fiercely criticized the special pensions that the MPs voted on for themselves, for police, for military, and for other privileged professional categories.

One panelist said, in his view, the NGOs fight more than the media themselves for the freedom of speech. Tiță considers that what the NGOs are doing is fine, but that they are few and what they manage to do is too little. Another problem signaled by Obae is that the general public does not have a chance to hear about what these organizations are doing and to learn about their critical reactions towards the media, because in most of the cases mass media do not report about the topic. The problem of available, steady, and predictable funding for these NGOs grew worse during 2016.

Over 2,500 young journalists graduate every year from Romania's 20 journalism programs, offered by both state and private universities. "The number of students who want to attend a journalism program is dropping every year. We see more candidates for the public relations and advertising program than for journalism," Milewski said. The quality of the journalism programs did not improve during 2016, the panelists agree. "We need a new curricula for the journalism schools, and we also need to invest in research about media business needs. At this point, we still do not have a curriculum adapted to the new necessities of the profession; we do not know what the media employers want from their employees," Milewski added. In the end, the results are quite poor; the students are not very well prepared and most do not understand what a journalist's job is all about. On top of this, different schools have different curricula, producing graduates with very different understandings of journalism. At the same time, media institutions express little serious interest in hiring competent young journalists. "For a lot of the managers, students represent, at best, cheap, expendable labor," said Striblea. Avădani added that there are initiatives aimed at improving the quality of journalism education. For example, UNICEF Romania and CIJ invested in a program aimed at developing a children's rights curriculum in universities. Bureaucratic obstacles and a certain academic inertia made for rather slow progress, but young faculty interest is definitely encouraging.

Few short-term courses or training programs for journalists still exist. There are some private schools for television journalism, started by media organizations, but the panelists agree they are "Money factories... The students go there because they have the impression that at the end of the program they will be hired by the television stations, but this isn't happening to all of them," notes one panelist.

A few years ago, NGOs such as CIJ delivered this type of service on a larger scale. The lack of funding for such projects from private donors and the lack of interest from most media owners to pay for such trainings led to a significant decline.

Owners and managers often seem more interested in trading in influence than training their staff. Journalists are not encouraged to participate as the acquisition of additional skills

is not necessarily appreciated by the public or by the employers and do not attract increased salaries. According to Avădani, some CIJ trainees are asked to take days of leave of absence to attend professional courses. "There is a very limited appetite for professional advancement. We at CIJ organized a course on data visualization and a hackathon open to students and young journalists. The response was rather disappointing, with young people disconnected from what the future of the profession may hold," she said.

The sources of media equipment, newsprint, and printing facilities are apolitical, unrestricted, and not monopolized. But distribution remains one of the biggest problems of the Romanian print media. According to an October 2016 *Paginademedi.ro* article on the reduction of newsstands across Romania, in 2016, there were only 3,500 newspapers kiosks, a considerably smaller number than almost 10 years ago, when there were around 8,000. The distribution companies also lose money. According to a report of the Association of Owners of Press Distribution Networks, half of the press distribution companies went bankrupt or are insolvent. As for the other 50 percent, more than two-thirds are losing money, according to the previously mentioned *Paginademedi.ro* article. In some cases, mayors prohibited the placement of kiosks owned by "unfriendly" publications or withdrew the licenses of street vendors. Every year, there are fewer printing houses, so newspaper printing prices inch higher. This can also delay newspaper distribution.

The cable operators play an equally important role in securing access to media products, and the panelists deem the major operators politically neutral. Two major players: RCS-RDS, with a 53 percent market share, and UPC, with 30 percent market share, dominate the cable market. These companies can decide what local television stations to carry, and how prominently to place them in programming lineups. Thus, some local television stations complained of RCS-RDS's refusal to carry their programs, as it favors its own local stations (Digi TV) and does not want to encourage competition. Similarly, UPC does not broadcast Digi TV channels, or, if it does, it hides them at upper numbers in the channel list, between pornography and religious channels.

Internet infrastructure is developing rapidly, fueled by the large penetration of mobile in Romania. In the first quarter of 2016, mobile Internet covered 95 percent of Romania's territory. Internet penetration is growing, reaching 4.3 million fixed broadband connections and a total of 18.8 million mobile connections, out of which 14.8 million are broadband.⁴

⁴ "The Electronic Communications Market in Romania." Ancom. 2016. https://statistica.ancom.org.ro:8000/sscpds/public/files/130_ro.

List of Panel Participants

Alexandru Giboi, director, Agerpres, Bucharest

Anca Spănu, deputy editor-in-chief, *Viața Liberă*, Galați

Cristi Godinac, president, Mediasind, Federation of Journalists' Trade Unions, Bucharest

Costin Juncu, managing director, Romanian Association for Audience Measurement, Bucharest

Cătălin Striblea, freelance journalist, Bucharest

Cătălin Moraru, editor-in-chief, *Monitorul de Botosani*, Botosani

Hannelore Petrovai, editor-in-chief, HunedoaraMea.ro, Hunedoara

Iulian Comănescu, freelance journalist and media analyst, Bucharest

Ina Voinea, editor-in-chief, *Gazeta de Sud*, Craiova

Maria Țoghiță, vice-president, Clubul Român de Presă, Bucharest

Natalia Milewski, lecturer, University of Bucharest, Faculty of Journalism and Communication Studies, Bucharest

Petrișor Obae, blogger and media analyst, *Paginademedi.ro*, Bucharest

Răzvan Martin, program coordinator, FREEEX Active Watch, Bucharest

Silvia Vrînceanu Nichita, editor-in-chief, *Ziarul de Vrancea*, Focsani

Silviu Ispas, president, Romanian Transmedia Auditing Bureau, Bucharest

Teodor Tiță, freelance journalist, Bucharest

Vasile Hotea Fernezan, journalist, TVR Cluj, Cluj-Napoca

Moderator

Ioana Avădani, executive director, Center for Independent Journalism, Bucharest

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The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on January 10, 2017.

The grim media situation has produced one new phenomena: in the last 24 months, around 50 serious independent analyses of different aspects of the Serbian media sector were prepared; all point to an unsustainable media situation.



SERBIA

Serbia marked 2016 with an overbearing government, poor economic performance, and what many consider the worst year for media in Serbian history. The Savamala neighborhood in Belgrade was mysteriously demolished, with law enforcement refusing to ask how. Protesters viewed the destruction as evidence of the government's lack of respect for human rights. "We did not protest because of destroyed buildings; we protested because in one night, rule of law ceased to exist," one protester said. As of the end of 2016, the perpetrators and ordering party are still unknown. Lastly, political relations with neighboring countries continue to worsen.

In contrast to government propaganda on economic success, Serbia's economy is among one of the worst in Europe. It is the only country in the West Balkans with a GDP still under the level reached in 1990, and it has the lowest average salary in the region. Despite a relatively low 2016 fiscal deficit of 1.6 percent of GDP and a competently planned budget, public debt remains 74 percent of GDP and is a permanent problem. As a condition of a \$1.27 billion loan from the International Monetary Fund, Serbia must sell or shut down remaining loss-generating state-owned firms that have enjoyed state protection. This represents an enormous fiscal risk for the future.

The media sector still suffers from the miserable application of laws. Many privatized or closed media are still under control of ruling authorities (e.g., Tanjug News Agency and Radio Temerin); regulatory agencies and the Ministry for Media are incapable of ensuring the fair application of media laws and maintaining a competitive media market. Independent journalists still face constant pressure from pro-government outlets and government representatives.

Most journalists, media owners, and editors assessed 2016 as the worst in Serbian media history. The MSI panelists gave more individual marks of "zero" this year than total number of zeroes in the previous seven years. Several research studies showed that as many as 70 percent of journalists think their economic status has deteriorated dramatically, and one in two journalists fear censorship. The grim media situation has produced one new phenomena: in the last 24 months, around 50 serious independent analyses of different aspects of the Serbian media sector were prepared; all point to an unsustainable media situation.

SERBIA at a glance

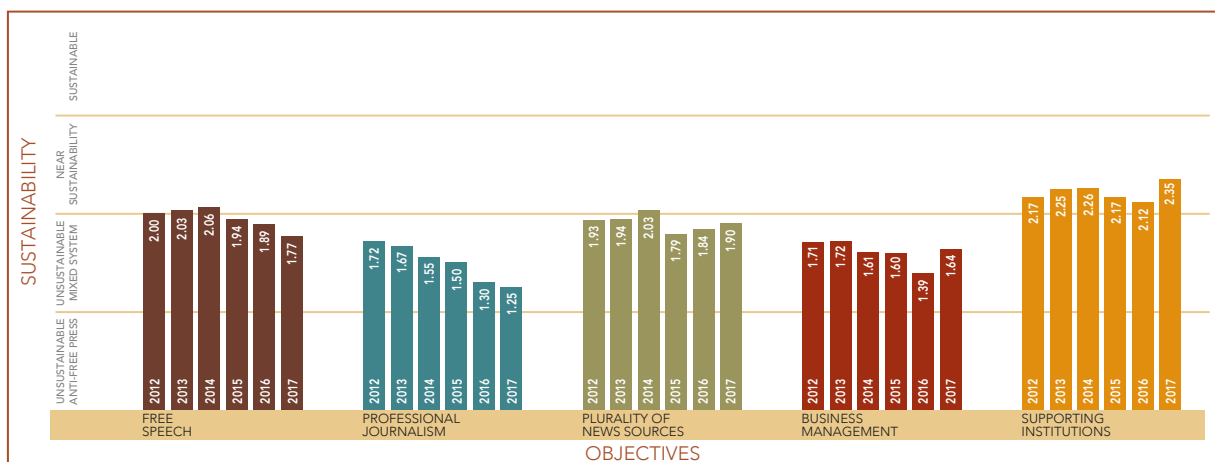
GENERAL

- > **Population:** 7,413,921 (July 2016 est., CIA World Factbook)
- > **Capital city:** Belgrade
- > **Ethnic groups (% of population):** Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, Unknown 3.4% (2011 est., CIA World Factbook)
- > **Religions (% of population):** Serbian Orthodox 84.6%, Catholic 5%, Muslim 3.1%, Protestant 1%, atheist 1.1%, other 0.8%, Unknown 4.5% (2011 est., CIA World Factbook)
- > **Languages:** Serbian (official) 88.1%, Hungarian 3.4%, Bosnian 1.9%, Romany 1.4%, other 3.4%, Unknown 1.8% (2011 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$39.32 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$13,040 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 98.1%; male 99.1%, female 97.2% (2015 est., CIA World Factbook)
- > **President or top authority:** President Tomislav Nikolić (since May 31, 2012)

MEDIA-SPECIFIC

- > **Number of active print outlets:** Print: 170; Radio Stations: 364; Television Stations: 250+; Internet News Portals: 20+ (Ipsos estimates), (Several other sources estimate total number of registered media at 1,800+)
- > **Newspaper circulation statistics:** N/A; top three dailies: *Blic* 37%, *Večernje novosti* 31% and *Kurir* 29%; top political magazines: *Nin* 9%, *Nedeljnik* 5%, *Vreme* 4%. (Source: Ipsos)
- > **Broadcast ratings:** top three television: RTS 74%, Prva 55%, Pink 54% (Nielsen); Radio 5 15%, Play Radio 10.2%, Hit Fm Radio 8.5% (Ipsos)
- > **News agencies:** Beta and FoNet (private), Tanjug
- > **News Internet portals:** top three: blic.rs 26%, kurir.rs 13%, B92.net 11% (Source: Ipsos)
- > **Annual advertising revenue in media sector:** €160 million (Nielsen estimate)
- > **Internet usage:** 4.689 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: SERBIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 1.77

Most independent analyses and public discussions, as well as surveys and reports on freedom of speech, agree that 2016 offered the worst year in Serbian media history. While the Serbian Constitution and 2014 media laws guarantee freedom of speech, once again, implementation was poorly enforced. Panelists agree that the media situation is dramatically bad, but do not concur on the degree. Most panelists, especially those directly involved in media production, such as journalists, editors, and owners, feel the situation explicitly worsened in 2016, while others feel the situation in 2016 is of the same magnitude as the prior year. In Serbian media, the atmosphere of fear, censorship, and self-censorship is prevailing. Society does not value the constitutional right to free speech and media, and when rights are violated, it is often challenging or impossible to get legal help. Serbian authorities use different tactics to silence investigative reporters and media critical of the government, for example unleashing tabloids they control to malign media outlets and individual journalists.

Laws are consistent with international standards of human rights and freedom of expression, but the laws are not always enforced. Tamara Skrozza, a journalist with *Vreme* weekly, said, "Unfortunately, freedom of speech has become practically a nonexistent category. During all of 2016, anybody who tried to speak critically about the government and prime minister found him or herself on the front pages of authority-

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

controlled tabloids with serious accusations of destruction of the constitutional order, with no reaction from state authorities or institutions, even the Ministry for Media was silent. By allowing the violation of basic human rights, the state is stimulating the suppression of freedom of speech."

Srđan Bogosavljević, the regional public affairs research director for Ipsos, said, "Laws, even when they are ideal, are always much better in theory than in practice. Occasional scandals around media leave far stronger effects than normal media activities. Self-censorship is often practiced, and, most likely, it is directly connected to the desperate position of media. Breaking of norms does not occur often, but it is easy to suspect that in such cases political or personal interests stay behind. The laws in implementation are a disaster, and outside pressures are highly informal and cannot be proven because formal state mechanisms are not used." Vladimira Dorčova Valtnerova, the editor-in-chief of *Hlas Ludu (HL)*, said, "Constitutional norms in Serbia guarantee freedom of speech, but the state does not actually tolerate the practice of freedom of speech. Legal provisions do not defend or promote freedom of speech because their application is limited to a level that meets the government's interest."

Marina Fratucan, a television production editor for UrbaNS studio, offered, "The way RTV [Radio Television of Vojvodina] Public Service's management were dismissed proves that media laws enable such practice. The Regular Authority for Electronic Media elects the management board of the public service, which is fully controlled by the politicians in power. So everything is done according to the law, and we got a ruling-party public service instead of citizen's public service. The research done by the Independent Journalists Association of Serbia [NUNS] has shown that instead of a public service, we have a public service of the ruling party, worse than last year. Freedom of speech is inversely proportional to the length of [Prime Minister] Vučić's rule. We've gone from a relatively free media, earned after a hard struggle, to mostly non-free media." Stevan Dojčinović, the editor-in-chief of KRIK, added, "The situation is worsening compared to last year, and authorities are strengthening pressure on media."

There were several negative developments in the legal environment in 2016. Siniša Isakov, councilor of the International Department for RTV, said, "The negligence of the media sector is seen from the fact that for more than half a year, there was no assistant minister for the media nor a secretary of state for media. The Ministry, in almost an entire year, had only six people dealing with daily tasks, and they were not able to prepare a new media strategy. The old media strategy expired on September 30, 2016."

In 2016, there were neither formal signs of any new four-year media strategy preparation by the Ministry nor an evaluation of

Marina Fratucan, a television production editor for UrbaNS studio, offered, "Freedom of speech is inversely proportional to the length of [Prime Minister] Vučić's rule. We've gone from a relatively free media, earned after a hard struggle, to mostly non-free media."

Predrag Blagojević, the editor-in-chief of *Južne Vesti*, said, "At the beginning of the year, two men were charged for threatening journalists. The prosecutor's office later dismissed the criminal charges because saying 'the journalists should be set on fire' falls under freedom of speech and is not a threat."

the completed one. Media institutions and associations missed initiatives regarding a new strategy. Only the Organization for Security and Co-operation in Europe's Mission in Serbia initiated an analysis of previous achievements and worked on developing proposals for a new a strategy.

State authorities also directly opposed laws previously enacted. The state-owned news agency, Tanjug, had previously been closed, but remains active on the market. Additionally, authorities have announced their intention to reassess state ownership. Shortly after the April election, the director of RTV was fired, prompting the resignation of the editor-in-chief and general director. Later, dozens of journalists were fired, and several shows were taken off the air. The RTV board of directors, a group that consists of ruling-party members and sympathizers, initiated the dismissals and placed acting leaders in place of those dismissed or who were fired. While acting leaders at public service media are supposed to remain no more than six months, managers and editors remain "acting" for years, which is another means of pressure on media.

The activities of the broadcast regulator, the Regulatory Authority of Electronic Media (REM), are not compliant with the media laws passed in 2014, so all decisions can be challenged. With manipulations in the election process of council members, the REM Council is nearly an arm of the ruling party. There were two small positive changes as it relates to minority media: the editor-in-chief and director of minority-language media are

no longer appointed by the National Council of Minorities, a political body, but rather by a minority media managing board. The second important move forward in 2016 was the adoption of a new law on advertising.

In 2016, REM finally became the focus of criticism. At several domestic and international media conferences, critics pointed to REM as the weakest aspect of Serbian media. The European Commission's evaluative document assessing 19 indicators, including transparency, efficiency, and impartiality of the regulatory body, determined that REM fulfilled almost none of them. REM is not even fulfilling basic tasks of analyzing electronic media-sector development or solving operational problems, and it does not regulate the market to ensure fair competition. Instead, REM deflects responsibility by claiming it is not in charge.

Isakov said, "Our regulator, REM, does not make decisions in a matter that is responsible." REM is not even publishing obligatory reports and is essentially not present in media problem solving, despite the fact that 14 pages of the 49 total pages of the Electronic Media Law are devoted to REM activities. Specifically in 2016, REM was in the spotlight for not publishing the long-awaited report on media behavior during the election campaign. REM is obligated by law to ensure all participants in the election campaign advertise under equal financial and technical conditions. The obvious political interests prevented REM from publishing the report, despite urgings from media associations and the public. During the year, a third Radio Television of Serbia (RTS) channel appeared, as well as Antenna Plus TV, the joint venture of the two public companies ETV and Telekom Serbia without any inclusion of REM in the process. Additionally, 26 television channels and 5 radio channels were introduced without permission. Isakov said, "The role of REM is completely unclear in assessing the multiplex for terrestrial broadcasting of the newly formed company Antenna Plus. In particular, it is doubtful whether it is in the public interest to fulfill this platform for the distribution of media content."

The farce regarding the election of REM Council members continued in 2016. Immediately before the dissolution of Parliament, the members of parliament, without debate, decided not to elect one of the two proposed candidates from the NGO sector. Zoran Sekulić, the owner and editor-in-chief of Fonet News Agency, said, "Media licensing is biased by the nonactivity of REM, the so-called independent body whose members are elected outside given procedure. REM decisions are nontransparent and are not in line with public interest."

As in 2015, national broadcasting licenses in 2016 were extended without any analysis of the profile or behavior of the media in previous periods. REM also extended the licenses for local media. All of the given licenses last until 2024. Milorad Tadić, the owner and editor-in-chief of the radio station Boom 93,

said, "The extensions of all broadcasters' permits for eight years was done practically incognito, without any analysis of media performance in previous periods and even without checking whether the program is broadcast in practice. I remind you that one national-coverage TV station has a license to broadcast children's programs, but this station only produces reality programs." In some cases, digital broadcasting licenses are imposed on local television stations to cover an area that is much larger than they wish to have; this increases their expenses without providing much benefit.

Skrozza said, "Until the government clarifies the situation with REM, we cannot talk about any kind of legitimacy and legality in the process of granting licenses and electing members of the REM Council. Even the Parliament has prevented the election of two representatives of civil organizations in the council. When REM is in question, no one can talk about legality."

The registration of media in the Serbian Business Registers Agency is also confusing, and it is impossible to detect how many media are active. Sekulić said, "The paradox in the registry is that news agencies are not treated as media units, so we are obligated to register every news agency service as separate. So today, we have two private news agencies and one phantom agency [Tanjug] active on the market, but in the registry, they are listed as 25 different media. I myself am registered seven times as the editor-in-chief in my news agency."

The market entry and tax structure for the media are formally the same as for other industries. Although various tax incentives were strategized, they did not happen in practice. Civil society media have some form of relief, and print media and agencies have a lower value-added tax rate than regular outlets (10 percent vs. 20 percent). Most media pay regular tax liabilities, but pro-government media are often allowed to be late with tax payments, and some even receive resources from the state to settle their tax obligations. Tadić said, "What brings this indicator [Indicator 3] in doubt is the uneven treatment of media units."

One reason for the enormous number of media in Serbia is the inefficiency of bankruptcy procedures. Bogosavljević, said, "Bankruptcy law is not working. There are companies that cannot pay taxes and do not go bankrupt."

Crimes against media professionals are increasing and threats happen more often than are reported. NUNS registered 69 physical and verbal attacks, threats, and acts of pressure or intimidation against journalists in 2016, including 9 death threats. The state response to threats is weak. Although police react, prosecution is often weak or inactive. Dojčinović said, "There is high selectivity in state reactions; they react immediately to threats against politicians and slowly to threats against journalists. This, in fact, is a practical message to journalists that they are not subject to state protection."

In many cases, journalists have been publicly marked as suspects for serious crimes or even as "destructors of the constitutional order." Skrozza said, "Journalists in Serbia feel insecure. They don't know where to expect a new attack, but they know it will come." More threats are coming from citizens mobilized by authority-led campaigns and loyal media against independent journalists. Dojčinović said, "The government influence is directly increasing the threats to journalists, and the number of threats was higher [in 2016] than in previous years." Similarly, there are growing threats to the editors and journalists in the national minority media. The Slovak minority weekly *HL* and its editor-in-chief faced serious threats in an effort by the opposition to shift editorial policy. Both journalists and the editor faced denigration during a weeklong campaign by the opposition.

Tadić offered, "A good example is the journalist Uroš Urošević from Radio Boom 93, who was investigating the quality of drinking water and the water supply in Požarevac. When he announced that the water was faulty, authorities pressed criminal charges. The process is still underway. He published information two weeks before the local government announced that there was an emergency situation concerning the water supply. Press and media solidarity and support from colleagues in other media is absent."

There are two key problems with threats. First, there are no efficient protective mechanisms from online persecution. Attacks against online journalists are orchestrated similar to efficient public relations campaigns. The second problem lies in the criminal justice system. Authorities rarely pursue criminal charges in threats against journalists. Predrag Blagojević, the editor-in-chief of *Južne Vesti*, said, "At the beginning of the year, two men were charged for threatening journalists. The prosecutor's office later dismissed the criminal charges because saying 'the journalists should be set on fire' falls under freedom of speech and is not a threat."

Threats are dealt with only in private litigation. Tadić said, "Journalists, photographers, and bloggers do not feel safe, which produces self-censorship. Journalists who are engaged in investigative journalism are not safe, and we have six journalists in Serbia who have constant police escorts. Several journalists have been beaten, and a journalist in Vršac left the profession after threats and being hit by a pickup truck."

The situation regarding the RTV Public Service in 2016 demonstrates the inability of the law to protect the independence of public media. As noted above, RTV's management and editors were dismissed, and the managing board of RTV, composed of members of the ruling party or people close to the ruling party, cut political shows. REM, whose own ruling council is appointed by the parliament board, which is completely under the Serbian Progressive Party's (SNS)

control, appoints board members. In such a situation, there are no laws that can protect editorial independence. Isakov added, "No conditions are prescribed for board members to have media references or experience, and the only condition is that a member has 10 years of practice anywhere. Such conditions open the possibilities for the ruling party's members to become program controllers with a ruinous effect on editorial independence." Additionally, public services are financed from the state budget. Skrozza said, "The board of directors of RTS and RTV were formally elected according to law but numerous and difficult-to-prove irregularities prevailed: almost all members of both boards are linked to individuals in the REM Council and therefore are automatically under the direct influence of political rulers."

Serbia has decriminalized libel and abolished criminal sentences for defamation. However, libelous statements in media are abundant and often directed toward journalists. Those statements are considered in the civil courts, and while journalists are often ordered by those same courts to pay damages to the other side, the inverse rarely occurs. Skrozza said, "Legal proceedings for libel by journalists are always a year long at minimum. In the recent lawsuit filed by the Minister of Police against the weekly *Nin*, the first judgment has taken place already at the first session, which is extremely uncommon in Serbian courts." This is unique, as most judgments take at least a year to materialize, although an appeal is still possible.

The availability of public information is worsening, as an increasing number of journalists state that institutions refuse to submit information of public importance. The number of complaints has grown from around 6,000 to 7,000 per year. With the increased complaints, the Commissioner for Information of Public Importance is overrun with requests, which further extends the time that needed information can be accessed. Now it is even difficult to get court judgments. Such a practice is essentially putting the Law on Public Information out of function.

Tadić said, "Public information, according to the law, should be readily available to the public and distributed under the provisions of the Law on Free Access to Information that applies equally to all citizens. Journalists know the procedures. The government is legally obligated to dispense public information to the people, but in practice, it's very difficult." Skrozza added, "Although the availability of legal information is formally open equally to all, information from police investigations regularly appears in two or three tabloids and nowhere else. In August, NUNS requested a REM report on media coverage of election campaigns but received no answer until November, when NUNS sent a request through the Commissioner for Information of Public Importance. After the commissioner's intervention, REM responded that no such report existed. They sent a hypocritical

answer despite the fact that such reports had been published for all previous elections and the existence of the report was confirmed by an employee at REM."

In practice, information from public and governmental sources is not equally available to all media and journalists in Serbia. Valtnerova said, "The availability of information from state institutions exists, but when it comes to the availability of 'controversial' information, experience suggests that journalists find it very difficult to receive information of public interest, despite the fact that institutions pay penalties for not giving requested information. Journalists are familiar with the procedures for obtaining information of public interest, but institutions do not respect their rights." The legislation is also inconsistent when minority media is involved. For example, in the Slovak community, because candidates in the National Council elections did not receive money from the state budget, they were not obligated to release reports. As such, the public was deprived of information regarding campaign financing.

The media are not restricted in their access to and use of news or news sources. Media are also allowed to transmit and retransmit foreign and local news programs and information from news agencies. Ferenc Berček, vice president of the Radio Advertising Bureau Association (RAB), said, "There has been progress in this area, but many media outlets still use copy/paste practices without labeling information or sourcing images. The situation is better in the larger cities." Sekulić said, "The use of foreign media sources is not limited by law, but a lot of important foreign news stories are ignored."

Entering the journalistic profession is free, and a license is not required. However, authorities recently tried to introduce definitions of who is and who is not a journalist to turn some people away from reporting. Sekulić noted, "Entering the media profession is free, but there are constant attempts to introduce licensing for journalists. Opinions vary on the matter." Sometimes journalists need permission to report from special events.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.25

Of all five objectives, the objective regarding professional standards received the lowest score. The consequences of a collapsing media sector in Serbia are most clearly manifested in the area of professionalism and quality. Although some traces of the impartial and objective journalism, based on facts and quality sources, can be found in several media (such as TV N1 and Danas, as well as several magazines and Internet portals), an increasing number of journalists and media outlets do not report in a professional or ethical manner. Articles

deviate from the basic rules of journalistic genres, and political or economic interests influence more articles and reports. Journalists and editors practice self-censorship and cover only minor issues instead of major problems. Entertainment obscures news. Journalists' salaries are essentially insufficient for a basic standard of living. Technical facilities are insufficient and outdated. Quality niche reporting is sporadic and isolated.

While some professional journalists verify information with relevant sources, consult experts, and investigate the background of stories, the number of professional reporters is extremely small compared to 10 years prior. Many outlets demonstrate extreme bias. Dojčinović said, "In Serbia, there are two media worlds: print and broadcast, with low-quality reporting on one side and Internet media with lower readership, but improving quality, on the other side. Internet outlets are professional, and they are practicing investigative journalism. Their readership is growing. In the last 18 months, the website KRIK was accessed by 300,000 visitors. The online world is the optimistic side of the media in Serbia." Still, some panelists said television maintains the largest reach and highest influence.

Serbia has a journalistic code of ethics and recently adopted a code of ethics for online media. Both codes are in accordance with recognized international standards, but there is a pronounced trend of noncompliance with ethical standards. Skrozza, who also serves on the board for the Appeals Commission of the Press, said, "Monitoring done by the Press Council on eight daily newspapers registered a dramatic increase in the number of ethical code violations. From March until the end of 2016, there were a total of 5,472 texts in which the code was violated in either one or multiple provisions. In 2015, from April to the end of the year, there were significantly fewer: 3,357." Certain media do not care about journalism ethics: the *Informer* and *Serbian Telegraph* are the absolute leaders in violations. Most often violations involve making assumptions, presenting opinions as facts, and violating the presumption of innocence. There is also an increase in violating people's rights to privacy. Tadić said, "Journalism organizations and associations have developed ethical norms, but standards are not widely accepted and applied in practice. A large number of media very seriously undermine those standards."

Self-censorship is a deeply rooted phenomenon and is therefore difficult to reduce. It is a direct and logical consequence of the media's financial situation. Journalists and editors are forced to practice self-censorship in fear of losing their jobs or in fear of their outlets losing clients, local government support, or even marketing agency support. Editors often put pressure on journalists and photographers to practice self-censorship. Self-censorship is difficult to prove, but it is evidently increasingly present. Fratucan said, "A lot of self-censorship cases are done in order to preserve employment. In the 32 years of my journalistic career in Serbia, I have never agreed to self-censorship. I have

lost jobs several times and have been out of work for long periods."

Key events are reported sporadically, and some topics, such as citizen protests, are present only on social networks and alternative news sites. There are reports on different issues but almost always from a biased point of view. Some events are in general not reported at all. Fratucan said, "There are no stories about situations critical of the government, like protests in May, June, and July in Belgrade and the Novi Sad citizens support of RTV; there are no stories about topics like hunger, unemployment, emigration of the young, corrupt activities of ruling-party members, student protests in Novi Sad, or an objective presentation of the situation in Kosovo." Tadić said, "Journalists are covering key events and issues, but there are cases where editors have prevented journalists from covering an event. The country does not have enough freedom to report on developments regarding security, supporters' group activities, corruption, or the situation in Kosovo, etc. There are certain events that are not covered by the media themselves, but are covered on social networks by citizen journalists or networked social groups."

Media salaries are insufficient for a decent life and are not appropriate for the invested working hours. Generally, journalism is among one of the worst paid professions. Many journalists work for several media companies or other businesses because of low salaries. There is an outflow of people from the journalism profession. A large gap exists between the salaries of professionals in government-controlled public media and private media. Isakov said, "Journalists' salaries in RTV have stagnated since 2008. The government's measures to limit public-sector payments reduced all wages, including editors, who should be independent. Key people, journalists and editors, are paid so little that it is a source of self-censorship."

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Some panelists note that low salaries make journalists susceptible to poor ethical decisions. Skrozza said, "Journalists, both male and female, are bribed, and that is a problem that goes beyond a mere trade union social issue. With a monthly salary of RSD 20,000 [\$172], being a reporter is a wretch in one's own and other people's eyes. Therefore, journalists are very susceptible to corruption. With humiliated journalists, editors can do what they want—give them a task contrary to ethics, standards, and common sense."

There was one point in 2016 when 16 hours of reality programs were broadcast daily on a national television station, leaving very little time for the news. Space devoted to entertainment is dramatically longer than for other media contents. Beside broadcast, print media is also filling space with news about starlets. Serious news is losing ground in all forms of media. The people-meter data shows television viewers are increasingly moving toward entertainment programming. Mainstream media, besides the main daily news, no longer have any informational content, contrary to previous years. There are no debates. A new popular practice is in the radio industry, where one dominant station produces a program and distributes it to a number of other local stations. Local stations simply become instruments to transmit other outlets' stories, losing their individuality.

By transmitting radio news created by other media, they are not responsible for the content anymore and no longer have a need to generate news programs or to hire a large staff. Berček said, "Short messaging formats are attractive to listeners. The news is spread without quoting sources. The media is a generic site. Such radio networks exist in the United States and in other regions. This is a legitimate method. The desire is that the radio will sound like a huge national radio and have short bits of local information." Valtnerova noted that her outlet, *HL*, still emphasizes informative content.

Only certain media have modern and efficient technical facilities and equipment. Many media want to modernize but lack financial resources. Decades of struggling financially have essentially stagnated technical improvements. Tadić said, "There is a lack of capacity and equipment. A lack of proper equipment affects the quality of journalism, but this is not the country's biggest problem." In 2016, purchases of new technological equipment were almost nonexistent. During the analog switch off, when the analog television signal was replaced by digital, there was an opportunity to introduce HDTV programming for the public services, at a minimum, but it was not taken advantage of and the introduction of this service was postponed indefinitely, despite Serbian citizens being equipped with HD receivers. HDTV was introduced in Europe 10 years ago and is now the modern standard. Isakov said, "In 2016, the government again missed the opportunity to help public service

broadcasters procure the modern equipment necessary for direct broadcast of major events."

Specialized journalism and niche reporting continues to suffer and decline. All major media used to have specialized staff covering foreign policy, economy, culture, etc. The vast majority of media today no longer have niche reporters. Two television stations, N1 and Al Jazeera, make some efforts to specialize young journalists. Fratućan said, "When it comes to specialized forms of reporting, two-and-a-half or three decades ago, it was the rule. Today, specialized journalists and programs are very rare." The lack of specialized reporting is evident in the national minority media too. The reasons are the same as in mainstream media: a lack of funding and staff, and sometimes a lack of understanding in the need for niche reporting in specific areas. To some managers/owners and editors, it seems too expensive, or they think their audience does not care for those issues or for investigative journalism. Tadić said, "Some journalists are specialized to cover certain issues, such as health, business, or education, and some investigative journalism exists in the country. There are media that are doing a better job at specialized reporting than others."

OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 1.90

Multiple sources provide reliable and objective information to citizens, in part because citizens have access to foreign media, two independent news agencies, and free Internet portals. And while access to foreign media is not restricted, the technological and financial limitations impede the ability of many Serbians to obtain these sources. Another challenge is the lack of diverse opinions within Serbian outlets. Most newsrooms and their editorial policies do not allow for multiple opinions, political or otherwise. The impact of blogs and new media platforms is growing, but most people still view them only as supplemental alternative sources. The plurality of news sources exists but not the pluralism of media content. Public media do not reflect the entire political spectrum, are not neutral, and do not serve the public interest to the extent necessary. Independent agencies collect and distribute news for media companies, but most outlets cannot or do not want to pay for this service. Although media may report extensively on formal events, they do not reflect the wide range of social interests in Serbia.

There are not enough news sources that differ from each other. Editorial policies that allow the expression of different attitudes or insist on multiple sources are rare because editors are unwilling to cover different political standpoints. Citizens can choose any media type, including private, local, or public, but a number of outlets simply copy content from other sources. Websites and social networks, including Twitter, YouTube,

and Facebook, have become common sites to follow news. Bogosavljević said, "Formally and essentially, there is a whole range of sources that provide reliable and objective information. The problem is not the availability of news sources but a 'noise' that is produced by too much media and, among them, those who produce unreliable and poor quality information. This creates difficulties in identifying reliable and objective sources of information instead of deficient sources."

Citizens have free access to domestic and foreign media sources and are able to watch, listen, and read domestic and foreign media content. Both entertainment programs and specialized news programs are at their disposal. Tadić said, "Basic literacy and especially media literacy is the only obstacle to access media content." However, while there are no legal or formal restrictions, low buying power limits access to both domestic and international media.

At the beginning of 2016, in addition to Pickbox, the first over-the-top content platform with localized video content in Serbia, Serbians also gained access to Netflix, the world leader in streaming services with a vast range of foreign media content.

With regard to public media, there are two public services, but they do not reflect the range of the political spectrum. They are not neutral; they favor one political option and the ruling SNS party. Research by the Novi Sad School of Journalism showed that after the May dismissal of editors and journalists, the RTV public service is presenting news dominated by the ruling party and only in a positive light. Programs are not showing the public any existing social, economic, or political problems and have turned into public relations officers. The public outlets avoid serious topics, debates, and broadcasts of parliamentary sessions. The public media outlets, and many private media, spend far more time reporting about the authorities, especially the prime minister, compared with time devoted to other political options.

Skrozza said, "Public services and their programs are under the direct influence of the political elites. That can be seen every day in the program schemes of both public services. One example is a popular morning program of the RTS public service, where every guest is a 'carefully selected' person or analyst who essentially agrees to act as a government spokesman."

Panelists cited the private news agencies Beta and Fonet as satisfactory performers as it relates to gathering and distributing news to media outlets. However, media companies find it difficult to pay for their services. On the opposite side of the spectrum, the ex-state-owned news agency Tanjug is still mysteriously active. By force of law, Tanjug was erased from the register of the active companies, but the state still seems to be financing and enabling Tanjug to offer and charge for services. Tanjug formally stopped working on October 31, 2015,

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

in accordance with Article 146 of the Law on Public Information and Media.

Sekulić said, "It's all true that the two private agencies are professional, but they are not paid regularly for services rendered... Big media customers blackmail, threaten, and exaggerate the pressure, as agencies cannot afford the loss of big media subscribers. The Serbian news agency market is marked by lawlessness and banditry." Sekulić also added that many smaller outlets simply copy/paste content from news agencies. Tadić said, "Tanjug is another case of incomplete implementation of law. At the end of 2016, we have an active state news agency that was removed from the register in October 2015, and even today, it still exists, sells, and invoices its services. The money allocated to Tanjug by the state is practically destroying equality on the market since the two private agencies do not have access to the same budget sources."

Private media produce their own news and content, but most news is based on information that is not in the public interest or is simply entertainment at best. Some exceptions exist, but they are dependent on limited funding. When private media produce their own informative programs, it often does not differ significantly from public media news. Isakov said, "Only a few of the media in Serbia, in addition to public services, produce their own news content on a very small scale. A lot of media, especially radio stations, only transmit short news items retrieved from news portals, or from other media." Isakov said that many stations download and broadcast wild and unverified information. While not expressly forbidden, the question remains, who is really responsible for the published content? In general, radio news is disappearing. Radio B92, an iconic station that used to boast some of the top news programming

in the country, is now Play Radio, which has only entertainment programming and a high number of listeners.

Despite new media laws, the transparency of ownership in the media is not satisfactory. Tadić said, "Ownership in the media is not transparent enough, because the planned enrollment into the media registry did not bring the expected ownership transparency. There are legal solutions and regulations that require a public statement on the ownership of media outlets, but it is poorly visible in practice. The Serbian Business Registers Agency's information about the owners is not fully accessible to the public. The privatization of media has brought even more confusion, as a number of entrepreneurs have seemingly appeared from nowhere and bought a large number of media outlets in Serbia. The impression is that the state got out of media ownership and gave way to political parties to become media owners."

Ownership in electronic media is clearer than it was a few years ago. Ownership of print media, especially for the dailies *Politika* and *Večernje Novosti*, remains a major problem. A lot of attention, perhaps too much, is given to who owns media outlets, and people often choose what media to consume based on the owner. This distracts people from content and, in general, the importance of media content is given far less attention. Sekulić said, "The law allows international owners from foreign territories. Illegal concentration is a problem, not who is the owner. In Serbia, illegal media concentrations in electronic media are regulated in one way, and in print media, they are regulated in another way. In both cases, the Agency for Protection of Competition refuses to deal with the matter. Today, we have a problem of so-called media pluralism, which should be guaranteed by the Ministry of Culture and Media, but the Ministry does not have the expertise or the resources for that. The protection of electronic media pluralism is entrusted to the famous REM, which has no capacity to do it at all: no tools or knowledge."

Skrozza said, "The media report on gender equality, ethnic discrimination, and various vulnerable groups, but we have more and more 'hidden discrimination' in media contributions produced in good faith with drastic cases of discrimination." Tadić said, "Reporting on a variety of social issues as well as on gender, age groups, ethnicities, religions, and sexual orientations is not often present. Only a few local media cover a wide range of social interests at the local level. It is interesting that in competitions for projects with public interest funding, most proposed projects were about ecology, child creativity, preservation of monasteries and cultural heritage, return of life in villages, population growth, minority cultural heritage... Serious public topics such as crime, corruption, LGBT rights, budgetary spending, strengthening of the rule of law, and violations of human rights were omitted."

While there are many minority groups in Serbia, their respective percentages of the population are low, with Hungarians constituting the largest minority ethnic group at 3.5 percent. That means there is no media market for minority languages, and media outlets cannot survive without state support. During the privatization process, many programs in minority languages disappeared, and the public service RTS consistently does not fulfill its obligations toward minorities and minority-language programming. National minority councils, acting as an extended hand of strong minority political parties, attempt to exert pressure on programming. The most drastic example is a case of the Hungarian national minority daily *Magyar Szo*, whose journalists resisted direct interference of the political party Alliance of Vojvodina Hungarians in their editorial policy—a rare occurrence given the professional standards of many outlets.

Citizens are able to get news and information at a local, regional, national, and international level. There are media, such as TV N1, covering the entire country/region that report professionally on significant news from the whole region. Public services devote little time to local issues. There are some local media (radio and Internet portals) and some independent productions that are bright examples of this. While media can cover news at all of these levels, there are still problems in the quality of the reporting. There is a tendency to publish nonobjective information on international events.

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.64

Panelists assessed Objective 4 poorly because of the poor economic environment experienced by most media outlets. Only successful media companies have independent editorial policies, and those are rare. Media generate income from several sources but nearly an insufficient amount for normal operation and especially for development. Professional advertising agencies are active on the market and work primarily with television stations with wide territorial coverage. Revenues from advertising in print media continue to drop, while revenue for online media grows. Panelists have different opinions on state subsidies and state advertising; most of them think state advertising is used as a means of placing pressure on editorial policy, although others denied the existence of state advertising. There is some media market research meeting international quality standards, but most media cannot afford to buy results. There is no independent market audit, so market data tends to be less reliable, particularly when compared to broadcast ratings.

Media largely depend on project funding from municipality budgets, something that is not properly organized and can malfunction in different ways. Some media outlets have seen funding systematically blocked. Skrozza said, "From the

beginning, I have seen scandalous organized project financing as a mild form of corruption. The newly established media were given money for completely meaningless projects, and some media were funded for programs that already existed for years." Because media focus simply on survival in a saturated market, professionalism is often left by the wayside.

The research company Ipsos found total media revenues are insufficient to cover costs, as the gross profit per employee in Serbian media is about zero. This opens the door for corruption and self-censorship. Additionally, the media market lacks regulation, further preventing sustainability on the business side of media. Sekulić said, "The media market does not exist. There is a media scene and there is business in that scene, but it has nothing to do with the media market because the rules are not determined by quality, price, or competitive content, but by political and financial centers of power."

Financial flows are fully controlled. Participants are either privileged or marginalized without any connection to the quality of media content or business management. Bogosavljević said, "The media in Serbia have a total advertising budget of an estimated \$160 million, and it is largely disbursed through public tenders or from international companies." Such a small and stagnating budget for 1,800 registered media outlets disables the sustainability of most media.

Both unclear and unstable financing for public services leaves open the possibility of pressure on public broadcasters' editorial policies. Isakov said, "Public service financing was unevenly disbursed from the budget. In the first three months of 2016, both public services got three-quarters of all funds for the year 2016, obviously because of the elections in April." Bogosavljević said, "Too much media, or a shortage of money for so many media, makes media behave in a way that often resembles

trafficking: they do anything to survive." Tadić added, "With too small and unregulated a market, no development planning is possible, and sustainability is an unknown category for most media."

While media have several sources of revenue, so many outlets pushes the demand beyond the quantities at their disposal. The main source—advertising budgets—has been stagnating for several years in a row. Foreign donations have almost disappeared. Lastly, the number of print media consumers is falling, so state budget funds are most attractive, especially after the introduction of project financing for media content that serves a public interest. However, those resources are not disseminated equally: most advertising money goes to television, traditionally the most influential media in Serbia.

Since approximately 2002, Serbia has had a high-quality set of data, comparable to most developed countries, to plan media advertising and for companies to practice a highly profiled budget allocation for advertising. In 2016, according to Ipsos, the average weekly reach of television was 6.9 million, while radio and Internet reached 3.5 million and 4.2 million, respectively. Print media had the lowest reach at four million. Agencies are considered more professional than most media, and they are continuously developing and improving. Vanda Kučera, the chief governance officer with the McCann Erickson Group, said, "The important event for advertisers, the Law on Advertising, was finally adopted and applied May 6, 2016. The profession has seriously progressed." Measurability is of good quality and decisively important for agencies. A yearlong absence of a print media circulation audit has left advertising agencies unhappy, however.

The surplus of registered media influences advertising. For years, advertising budgets stagnated. However, 2016 saw several new developments, including large individual advertisers looking to the region as a unique market. Additionally, advertising is beginning to put in more resources to IT and digital media, although classical media still tends to dominate. Lastly, there was an increase in international clients. All three changes affect the choice of media for advertising.

The participation of different media in actually spent money was as follows: according to Ipsos, the television budget is still 56 percent of total advertising spending, while print is declining at 19 percent and the Internet is at 11 percent and growing. Out-of-home advertising and radio also accounts for 11 percent of spending. A viewership is increasing outside of the home, for example in coffeehouses and bars, thus biasing the people-meter data.

Bogosavljević said, "Most media advertising money is determined according to research data. A major reason why local media have smaller advertising revenues is the fact that there is no data on their performances, and they have a modest

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

reach. Serious research in local areas is more expensive than the potential benefits for advertisers." Kučera said, "All local media in the region have the same problem. If there is no data, media buyers don't want to advertise. Only local advertisers go to the local media." Up to 40 percent of media revenues come from advertising. If public services are excluded, then this percentage is significantly higher, especially for television media.

Although state financial pressure on private media was mentioned above, it is important to note that panelists did not agree on its significance. Berček said, "The state is still an important advertiser in media and such advertising is used to pressure the media." Kučera said, in contrast, "State advertising doesn't exist...A very small portion of revenues comes directly from state subsidies, excluding both public services, and the distribution of advertising money is always done according to the rules of effective advertising." That said, panelists nonetheless scored indicator 5, covering the state's influence on the media market, as one of the lowest scoring in Objective 4.

Project financing competition is often nontransparent and biased, but without those budget subsidies, most of the local media outlets would be extinguished. While project financing helps local outlets stay afloat, it also makes them susceptible to government influence and pressure. Fratucan said, "The project financing for media, which was introduced by law, is supposed to allow privatized and all other media to remain on the market, but it did not provide planned economic results. It lacks transparent distribution of state budget money, including cases of directing money exclusively to media close to the ruling party, which happened recently with local media competition in Novi Sad." Most panelists argued that in spite of all shortcomings attributed to project financing, without subsidies allocated through this system, most local media would disappear.

Media market research is based on modern, verifiable methodologies and technologies, and it is available on commercial terms without any other restrictions. Audience measurement continues to provide representative results for all of Serbia, but it is insufficient for television broadcasting on the provincial, regional, and local levels. Results indicate that there continues to be an increase in foreign audiences and foreign localized channels. There are no radio ratings measurements; researchers simply use survey estimates.

Tadić said, "Market research available to local and smaller media is very rare and is used more for business planning, but rarely to increase advertising revenue. Journalists and editors 'tailor' their products according to market demands." Market research results are useful for creating media policy, especially for media with national coverage, but this is rare in regional and local media. Fratucan said, "Concerning research results, one serious question arises: How should the professional media follow the requirements of the market and audience desires if research

results show that by far the largest percentage of viewers want to watch *Grand Stars*, *Couples*, or Spanish series? If management and editorial staffs blindly follow the ratings results, the question arises whether serious programs and themes should be excluded from program schemes, because their ratings, certainly in Serbia, would not be high."

Broadcast ratings and Internet statistics are done by experienced and well-known research agencies of high professional standards. The main problem is coverage, because funds are insufficient to research all outlets in a media market of 1,800. Small samples are due to funding, not incompetence or inability on the part of researchers. Ratings reliability is controlled by independent auditors to confirm the research results. Still, many in Serbia believe the research companies are under the influence of the government. Tadić said, "All companies or organizations involved in media ratings and circulation measurement are under pressure from the government, certain media outlets, state institutions, or other interest groups." Serbia has not had a mechanism to measure print media circulation for decades, but Ipsos attempts to measure readership via extended polls.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.35

Supporting institutions are traditionally a brighter side of the Serbian media environment. There are associations of owners/publishers, journalists, and industry for those in online, electronic, and print media. In 2016, the need to reestablish cooperation between all journalistic associations was highlighted. NGOs support freedom of speech and independent media, but not to the extent reached in previous periods. There is quality education for journalists, but it does not provide practical experience, and journalists' trainings in the workplace are rare and insufficient. The procurement of media equipment is not politicized, but prices and other conditions of purchase may be a problem. Distribution channels are prone to monopolization, cartelization, and politicization. Information and communication technologies sufficiently meet the needs of media that can afford them.

In Serbia, several associations represent the interests of media owners and managers, including the RAB, the Association of Independent Electronic Media, Lokal Press, and Media Association (for publishers). The organizations mainly propose initiatives to improve media's economic position as it relates to government regulations (for example, tax reductions, reduction in import cost, etc.). The Media Association is continuously organizing seminars, professional and business education opportunities, media literacy courses, and debates on media reform problems all around Serbia. Some other associations organize similar activities. However, some panelists think trade

Fratucan said, “Supporting institutions function in the professional interests of the media, but the intensity of their commitment to media professionalism, the protection of journalists, and the social protection of journalists differs.”

associations still could do more. Sekulić said, “Trade associations representing the interest of media owners and managers in fact insufficiently represent their interests and should be more active.”

The journalists’ associations provide services to their members, offer support, and represent their interests by lobbying and promoting media independence and professionalism. In Serbia, associations are not in the position to be self-sustainable through membership fees or income. Therefore, they cooperate with donors and international associations, and some have support from the Ministry of Culture and Media. Fratucan said, “Supporting institutions function in the professional interests of the media, but the intensity of their commitment to media professionalism, the protection of journalists, and the social protection of journalists differs.” The lack of an effective journalists’ syndicate is a serious long-term problem in the Serbian media sector. In Serbia, there are journalists’ associations, but no other associations of media professionals. There is also no association of editors.

In 2016, two of the largest associations of journalists, UNS and NUNS, failed to agree on a media candidate for the REM Council. Skrozza said, “In my opinion, the responsibility of not having the candidate for the REM Council is not on the two associations but on the political background of the event and

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

the authorities’ interests.” Tadić said, “The authorities used the radio association RAB to proclaim a candidate for REM Council who is known to be a favorite of authorities. Media associations must avoid competition for primacy and must find common ground to fight in favor of the media and journalists.” Berček added, “Media associations need to overcome the conflicts because their disunity is used by authorities to intensify pressure on the media.”

The associations, especially NUNS and the Independent Journalists’ Association of Vojvodina, are often under attack by tabloids. Because of the current political, economic, and media situation in Serbia, including permanent pressure on media and journalists, associations concentrate all their capacities and activities exclusively on daily “firefighting” and on the resolution of daily problems. Such an environment keeps media associations from executing strategic activities in media and journalism development.

NGOs traditionally support the freedom of the press, and a number of them cooperate and actively support the media sector. Bogosavljević said, “NGOs provide support to independent media, but their impact is limited.” Some NGOs are good partners and are effective in representing media interests, but mostly in the largest cities. Fratucan said, “Interestingly, a large number of nongovernmental organizations complain of weak support to civil society by independent and professional media.”

There is an increase in the number of private media schools but a decrease in overall program quality. Two or three decades ago, there were no media schools outside Belgrade; some schools outside the capital offered occasional journalism classes. Now there are numerous journalism programs through both government-operated and private schools and colleges. Isakov said, “There are high-quality professional journalistic programs, both private and public, but they are not providing practical training to prepare young people to enter the profession. There is no media that routes students to practical activities, and they can’t learn how to control editorial content because student media doesn’t exist anymore.” After leaving school, many young journalists require further training.

Less attention is paid to in-house training for journalists and media professionals already in the industry, in part because of the economic situation and highly commercial media content. Young journalists in Serbia often finance their education and training out-of-pocket, with some attending training courses facilitated by foreign organizations. Bogosavljević said, “Lately, education by traditional schools or through courses offer increased learning possibilities for journalists but without clear indicators of training quality.” Panelists say it is not just young people who need additional training. Isakov said, “There is a large deficit in additional training for editors in light of their

position in the media after laws passed in 2014. The editorial position comes as a logical consequence of successful journalism work, but new editors are often without sufficient knowledge of other topics...the critical issue is the complete absence of education for editors.”

Both trade and media associations organize some educational and training programs, in addition to trainings offered by international organizations. In theory, media support the desire of their employees to participate in training, particularly weekend sessions. Some panelists even argue that there are too many external training opportunities—many of which are out of date. Another problem is that many journalists receive education and training and then leave the industry.

According to the Serbian Telecommunications Agency, one operator, Serbia Broadband (SBB), still dominates the market distribution of television, giving it significant market power with a share of over 50 percent. SBB is also a major provider of Internet access. Broadband Internet, arguably the most important infrastructure for the media’s future, is available for only two-thirds of households in urban areas and 44 percent of rural homes. Isakov said, “In Serbia, the ‘digital gap’ is not diminishing, but on the contrary, it is actually extending with new media that exists only on Internet platforms.”

The largest communication companies on the market invest in both Internet and other media distribution. These companies invested three times more money in the distribution of media content (\$83 million) than in Internet infrastructure (\$27 million). Investments were used more to improve the performances of existing networks instead of expanding the geographic area of networks, especially to rural areas. In 2016, more than one million households in Serbia lacked access to the Cable Distributive System and Internet protocol television or broadband Internet.

Tadić said, “The control of media content distribution is used to pressure media at the state and local levels by authorities, political parties, or businesses. For example, local TV stations do not have fair access to cable networks and digital TV, or sometimes certain newspapers do not appear on newsstands of the distributor ŠTAMPA. Business monopolies that have the potential to control different aspects of media distribution create problems for media houses and journalists.”

Sources of media equipment and printing capacity are apolitical, and there are no monopolies on the market or any restrictions, but prices are sometimes beyond the reach of outlets. Outlets can purchase equipment without any legal barriers. Serbian media offer citizens products such as digital broadcasting, Internet streaming, audio or video, and podcast content via mobile networks (short message service and/or audio-video multimedia messaging service), but they face barriers because of low ICT capacity, including slow Internet connections and

overloaded mobile networks. There are significant differences between ICT capacity in cities and rural areas. Tadić said, “Infrastructure, information, and communication technology meet the needs of media industry, but sometimes there are cases of discriminatory behavior.”

List of Panel Participants

Vanda Kučera, chief governance officer, McCann Erickson Group; president, Advertisers Association, Belgrade

Vladimira Dorčova Valtnerova, editor-in-chief, Hlas Ludu (Slovak minority weekly), Novi Sad

Marina Fratucan, production editor, UrbaNS (independent television production studio), Novi Sad

Tamara Skrozza, journalist, Vreme; member, Appeals Commission of the Press Council, Belgrade

Predrag Blagojević, editor-in-chief, Juzne Vesti (on-line daily); board president, Online Media Association, Niš

Siniša Isakov, counselor, Radiotelevision Vojvodina; professor, Art Academy, Novi Sad

Srđan Bogosavljević, regional public affairs director, Ipsos, Belgrade

Slobodan Kremenjak, lawyer, Živković/Samardžić Law Office, Belgrade

Zoran Sekulić, chief executive officer, FoNet; president, managing board, Media Association, Belgrade

Milorad Tadić, chief executive officer and owner, Radio Boom 93; president, Association of Independent Electronic Media, Požarevac

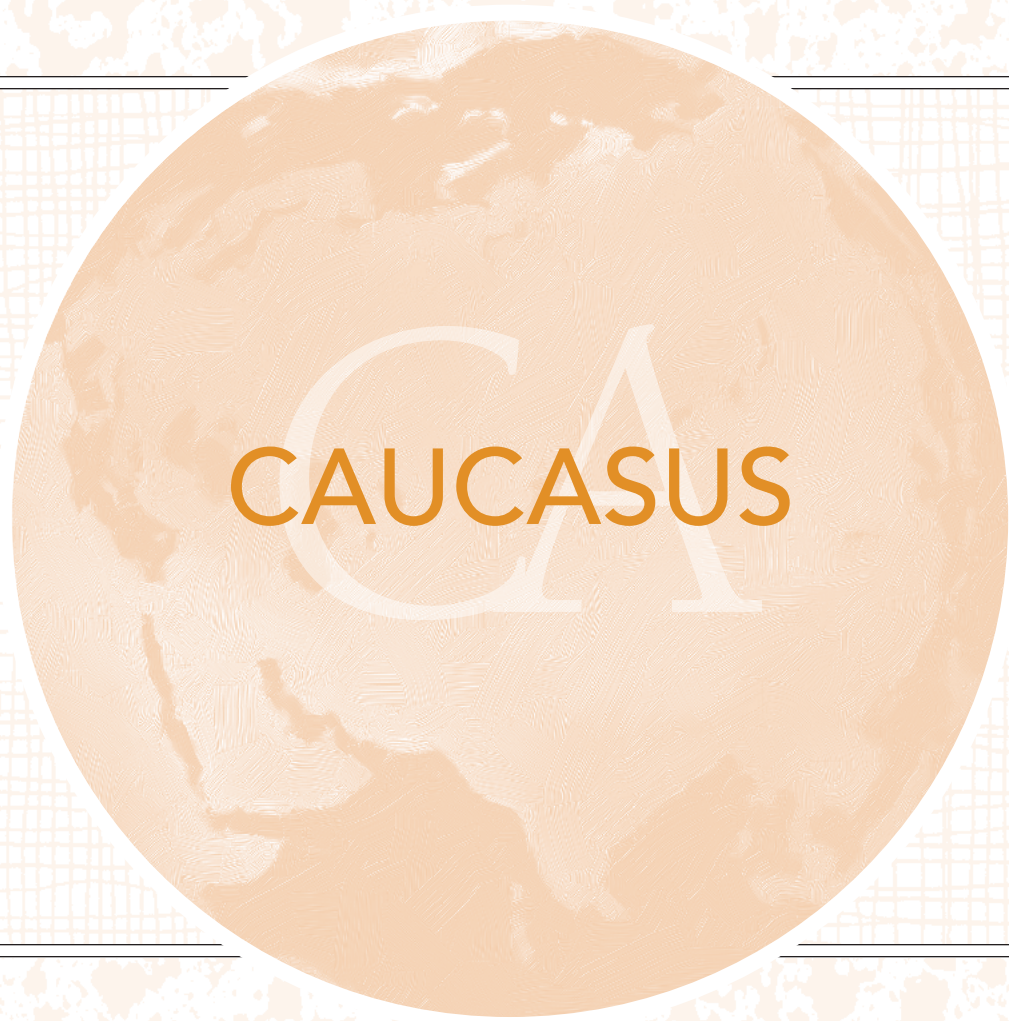
Ferenc Berček, vice president, Radio Advertising Bureau Association, Belgrade

Stevan Dojčinović, editor-in-chief, Crime and Corruption Reporting Network, Belgrade

Moderator & Author

Goran Cetinić, independent consultant, Belgrade

The panel discussion was convened on December 8, 2016.



CAUCASUS

Most of the panelists felt the state of journalism declined significantly and that free speech was dealt dramatic setbacks compared with previous years, especially given the deplorable treatment of journalists during protests.



ARMENIA

The extra day in 2016, a leap year, afforded more opportunity for the situation in Armenia in general—and that facing Armenian media and journalists in particular—to worsen. Most of the panelists felt the state of journalism declined significantly and that free speech was dealt dramatic setbacks compared with previous years, especially given the deplorable treatment of journalists during protests. The previously modest, although palpable, progress reported in recent years has eroded: four of five objective scores and the overall score all lost about a quarter point or more in this year's study.

On July 29, a demonstration coalesced in support of a group of armed gunmen who seized a police station in Yerevan. The group, called "Sasna Tsrer" ("Daredevils of Sassoun," named after an Armenian epic poem), demanded the release of an opposition figure, Zhirayr Sefilian, arrested in mid-June for alleged illegal acquisition and possession of weapons, and the resignation of Armenia's president, Serzh Sargsyan. After describing their actions as "the beginning of an armed coup" aimed at "eradicating corruption and restoring justice," the standoff ended when the gunmen surrendered on July 31. Two policemen were killed and several members of the armed group were wounded in the siege.

Sargsyan later addressed journalists assaulted during the events, apologizing and urging them to "forget" the occurrences. While the state has not clearly admitted that police were behind the assaults, local and international journalism advocates including Reporters Sans Frontières (RSF), Human Rights House Network, and the Organization for Security and Co-operation in Europe condemned the excessive force against peaceful protesters and journalists. "During both last year's Electric Yerevan and this year's protest, free speech was shattered," said Avetik Ishkhanyan, the Helsinki Committee of Armenia president. Police deliberately targeted clearly identified journalists carrying cameras. Johann Bühr, head of the RSF Eastern Europe and Central Asia desk said, "We urge the authorities to end the impunity for police violence against journalists and to give the police clear instructions not to do it again."

The U.S. Embassy reacted as well, noting in a statement, "The U.S. Embassy is deeply concerned by the shocking images and credible reports of violence and excessive use of force by the police to disperse protestors during the night of July 29–30. We are just as concerned by credible reports that journalists were specifically targeted by the police during these operations in what appear to be clear violations of the freedom of the press."

Upcoming parliamentary elections in April 2017 will mark the first elections following constitutional reforms that made the prime minister the head of the country. This has brought about legislative changes some panelists consider a setback to media freedom. After the finalization of digitalization on November 26, 2016, 12 stations are left in the lurch without digital broadcast licenses until a private multiplexer emerges. The station owners express concern that because people—and advertisers—have mostly switched to digital, audiences will ignore their broadcasts and they could go bankrupt.

ARMENIA at a glance

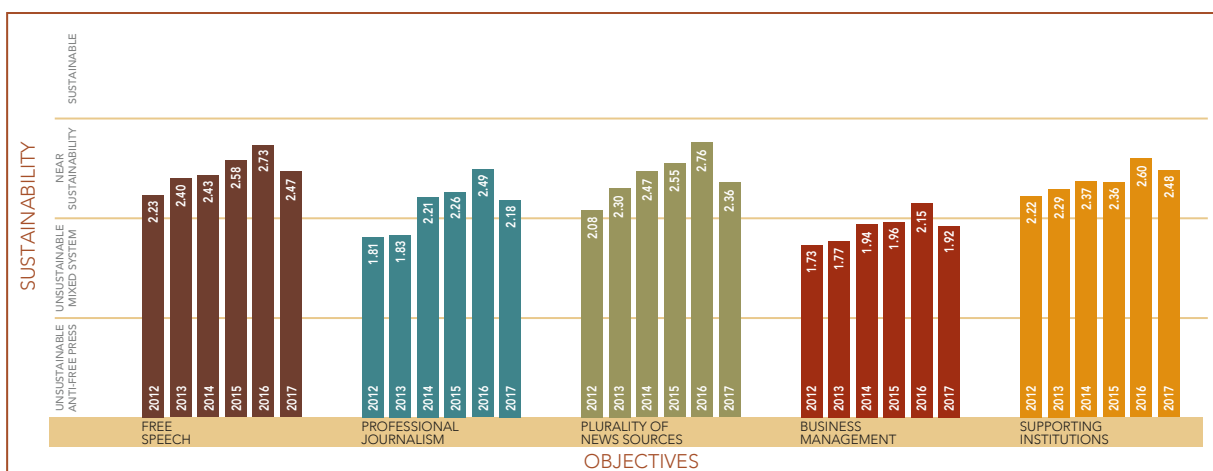
GENERAL

- > **Population:** 3,051,250 (July 2016 est. *CIA World Factbook*)
- > **Capital city:** Yerevan
- > **Ethnic groups (% of population):** Armenian 98.1%, Yezidi (Kurd) 1.1%, Russian 0.5%, other 0.3% (*CIA World Factbook*, 2011 est.)
- > **Religions (% of population):** Armenian Apostolic 92.6%, Evangelical 1%, other 2.4%, none 1.1%, unspecified 2.9% (*CIA World Factbook*, 2011 est.)
- > **Languages (% of population):** Armenian (official) 97.9%, Kurdish (spoken by Yezidi minority) 1%, other 1% (*CIA World Factbook*, 2011 est.)
- > **GNI (2015-Atlas):** \$11.72 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$8,770 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.6% (*CIA World Factbook*, 2015 est.)
- > **President or top authority:** President Serzh Sargsyan (since April 9, 2008)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: over 36; Radio Stations: 20; Television Stations: 7 channels with nationwide coverage, 9 local stations in Yerevan, 22 regional stations (including 12 still broadcasting on analog); Internet news portals: over 200
- > **Newspaper circulation statistics:** Average reported circulation is between 1,000–3,000
- > **Broadcast ratings:** Most popular television stations are H1 (public), Shant TV (private), Armenia TV (private), A TV (assessed by the panelists)
- > **News agencies:** ARKA, Armenpress, Arminfo, MediaMax, Photolur
- > **Annual advertising revenue in media sector:** \$40–50 million, estimated by panelists
- > **Internet Users:** 1.78 million (2016 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ARMENIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 2.47

Over the years, panelists have agreed that constitutional provisions in general guarantee free speech. However, enforcement is very poor, and the disturbing events of 2016 targeting media professionals covering public protests—which resulted in many injuries and damaged media equipment—made it vividly clear once again how easily constitutional protections of free speech can be set aside during public unrests and emergency situations. “The majority [of people] do not consider [protection of free speech] a priority; their vital problems are different; their major area of discontent is still socioeconomic issues,” observed Edgar Vardanyan, a freelance journalist and political analyst. Gegham Baghdasaryan, a freelance journalist, compared the situation to the Soviet era, when “pre-agreed, preapproved” criticism was allowed, yet any real criticism outside of that system elicited lamentable consequences. “This façade, these decorations are among the cunning guiles of recent years,” he said.

From a legislative viewpoint, the panelists singled out two recent changes as setbacks. One change is an addition to the criminal code (subclause 8 was added to article 154: false filing of claims about double-voting—a situation where a voter finds out that someone else has already voted for him) was deemed by panelists as a potential way to subdue reporters who might think twice before reporting on double-voting to avoid potential penalties of AMD 200,000 to AMD 800,000

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

“Let’s just state that we do not have public media,” G. Baghdasaryan said. Martirosyan added, “And the public has put up with that; they no longer demand [public media].”

(\$413–\$1,650), or even a sentence of up to two years in prison (if it turns out that double-voting did not take place). The other change involves new electoral code provisions (article 65.7) that limits the number of media professionals and observers who are allowed at polling stations at the same time.

Armenian society places a high value on free speech, but while people react to violations and crimes against media professionals with indignation and outrage, they are not prepared to get heavily involved in the fight against these violations; they are simply too preoccupied with social and economic problems. The panelists also pointed to the politicization and political bias of the journalists/outlets as yet another reason for the public’s inertness. Samvel Martirosyan, blogger and IT security expert, suggested that it is also due to the low social status of journalists in Armenia, unlike in other countries where their status is comparable to that of political figures. “During my trainings, I always ask ‘Can you name me some journalists?’ And other than those who appear on television, they cannot,” he said.

Again, this year, all the panelists agreed that the courts are not independent, and even if the media wins occasional cases, these are either because of external pressures from the international community or for some internal far-reaching reasons, or a combination of both. “In a rule of law country, this [external pressures from the international community] should not be necessary, and the courts should be able to rule independently,” Ishkhanyan said. There have been no cases of imprisonment for withholding sources used in reporting; although such attempts took place during previous MSI reporting years, so far, these cases have not led to any prison terms.

As in previous years, the panelists agreed that licensing (needed only for broadcast outlets) is neither fair nor apolitical and that the licensing body, the National Commission on Television and Radio, is and has always been under factual control of the government and can in no manner be considered independent. Those in power unofficially approve officials, or the decisions they make, within the licensing institution. Speaking in terms of legislative deficiency, Vardanyan said, “The current legislation for licensing might be functioning perfectly in Sweden, but for Armenia it is deficient.” G. Baghdasaryan agreed with him: “In Sweden, it [the licensing institution] might even be a state agency, but any bias or unfair treatment would be out of the question; it’s just a matter of different cultures.”

Aside from licensing, market entry and tax structure for media are comparable to other industries, with no additional conditions for becoming a media outlet. Print media, although courting the brink of extinction, still enjoy value-added tax exemption for distribution.

As mentioned earlier, 2016 saw dramatic free speech setbacks because of unprecedented crimes against journalists and media professionals who were targeted even more severely and ferociously than during the previous year's "Electric Yerevan" protests against electricity hikes. While dispersing protests in Yerevan on July 29, men in plainclothes, who appeared to be police officers armed with batons and steel bars, attacked journalists and camera operators. A number of media professionals were assaulted and/or injured by smoke and stun grenades fired by the police, including three Radio Free Europe/Radio Liberty (RFE/RL) Armenian service reporters—clearly identified with badges—who were recording/live streaming the events and reporters and camera operators from A1+, CivilNet, 1in.am, Panorama.am, Lragir.am, Life.ru, and Armenia TV. Some journalists, including Hovhannes Movsisian of RFE/RL, continued to be chased and beaten even after promising to stop recording. One of the assaulters punched Movsisian, smashed his camera, and tore off his badge. Several journalists were hospitalized with burns and other injuries.

Those assaulted filed cases; however, none of the panelists expressed optimism about any real verdicts or punishments, assuming that, per usual, the perpetrators would go unpunished.

Describing what it is like to work under the constant threat of physical harm, Melik Baghdasaryan, the owner of Photolur photo news outlet, said that this would not keep them from covering such events in the future. "Quite the contrary. It seasons and tempers them," he said.

As during all previous years, the panelists expressed no doubts about appointments in public media. As is the case with licensing of broadcast media, the authorities tightly control public media management and decision making, and the public media can in no way be considered apolitical and/or independent and serving the true public interests. In short, it does not belong to the public. "Let's just state that we do not have public media," G. Baghdasaryan said. Martirosyan added, "And the public has put up with that; they no longer demand [public media]."

Libel is a civil issue in Armenia. Last year's MSI covered the case of *Aravot*, which was sued for libel. The plaintiff demanded AMD 3 million (\$6,230). To recap, the article published in *Aravot* in August of 2014 implied that a nightclub in one of Yerevan's underground passages was a strip club. This year, the court ruled in favor of *Aravot* and obliged the plaintiff to pay AMD 50,000 (\$104) to cover the defense attorney's fees.

Over the years, the panelists have noted an improvement (albeit with some reservations) in terms of access to public information: "Now there is even a positive 'competition' as to who [of state agencies/officials] will be more open and swift in answering queries over Facebook," Martirosyan said. Pap Hayrapetyan, editor-in-chief of *Sevan*, noted that the situation is different in marzes (regional administrative units, provinces), where it is very difficult to extract information.

However, this indicator is expected to suffer in the coming year, as the panelists consider the new amendment to the "Law on State Procurement," which is a legislative setback in terms of access to public information. The amendment, passed in the National Assembly on December 13, 2016, and set to take effect in 2017, made the protocol-related expenditures of the top-three officials (president, prime minister, and National Assembly speaker) a state secret. The authors cited national security to justify the amendment.

The law does not restrict media access to and use of local and international news and news sources. Language barriers, however, serve as a natural restriction, forcing many outlets to lean heavily on Russian news sources. The majority of Armenians understand Russian, and as a result, journalists cover many events through the Russian prism.

There are no restrictions for entry into the journalism profession. There are certain restrictions for covering parliamentary sessions; journalists must be accredited, and, according to accreditation terms, they must represent a certain media outlet(s), signaling challenges for freelance journalists. Additionally, print outlets must maintain a circulation of 1,500 copies for dailies and 1,000 for weeklies and magazines, while online outlets are expected to draw at least 2,000 daily visits.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 2.18

Little has changed recently in terms of the quality of journalism. Again this year, the panelists said that although there are a few professional journalists and media outlets, the broader outlook is quite gloomy. The race to be the first to "break the news" overrules any fact-checking impulses. Often, the online outlets cannot resist posting sensationalist news pieces, which are a boon for ratings. The "click" and "like" race turns many outlets to yellow journalism.

G. Baghdasaryan maintained that the recent plague of fake news has thwarted the true flow of facts: "Information, little by little, cedes its place to opinions. Opinions, little by little, become information, opinion devalues information, rendering it meaningless, and opinion pieces are very tempting—you don't have to fact-check; there is no responsibility whatsoever,

and they are easier to control,” he said. *Aravot* reporter Nelli Babayan concurred, stating if an editor pushes for tens of stories per day, which robs reporters of time to consult a wide variety of sources and to conduct background research, it turns them into “collectors of opinions and comments.” Ishkhanyan also agreed: “A month ago I was conducting a seminar on religious tolerance that also had a component for journalists and, during the practical exercises, all of the reporters told me that they can’t afford to verify sources, find more than one source, or get different sides to a story because the editor demands a ‘quick’ story—and if they don’t come up with one, [competing outlets] will have published it.” Babayan said, however, that *Aravot* always tries to verify sources regardless of the urgency.

Media outlets usually present different viewpoints, however, often not within the same article. Sometimes they cannot track down the other side of a story and rush to post the arguments of the first side before they hear back from the opposing side.

“The election years of 2013–2014 brought in a huge quantity of low-quality outlets and journalists, which later dispersed, but with the 2017 upcoming elections, another spike is expected,” Martirosyan said, adding, “The competition is not between different outlets, but between yellow and quality journalism, and the sad thing is that the yellow journalism influences and deteriorates the high-quality journalism, rather than vice versa.”

Many journalists do not conduct professional interviews; frequently, interviews entail a set of prewritten questions, and the interviewers are often ill informed. “They don’t ask follow-up questions, which could reveal inconsistencies [in theory] and/or contribute to their preset hidden ‘agenda,’ but they just don’t do that,” Vardanyan said.

There are some ethical journalists, but according to the panelists, most journalists lack the slightest idea about ethical standards. Journalistic organizations have developed ethical standards, which mostly align with those of international professional journalist associations, but these are not widely followed. Several media outlets have developed their own ethical conduct codes as well; however, these are mostly implied and not written, and there were violations of these standards this year, according to the panelists.

“In the UK, you shouldn’t be able to determine a journalist’s political views from his Facebook profile, posts, comments, and even ‘likes’; if you are able to, that journalist could be fired,” Martirosyan said. However, in Armenia, many reporters explicitly share their views and opinions, and many do not even suspect that this could be a matter of ethical standards. Other violations include failing to blur photos of crime victims or posting their names.

“Sometimes, there are no agreed upon conventions on what is ethical and not, even among the members of the journalistic

community,” Martirosyan said. G. Baghdasaryan added, however, that any discussions or debates related to ethics could be taken as a sign of progress.

Plagiarism cases were not rare this year either, despite some signs of improvement. Gayane Saribekyan, a *news.am* reporter, recalled her own case when another online outlet posted her video story. When confronted, the plagiarist not only refused to own up, apologize, and remove the content but also insisted that other reporters made the video—but Saribekyan was the only reporter present.

Another outlet, Saribekyan said, stole one of her stories, copying it entirely, down to some typos carried over from the original. This time, the outlet apologized and removed the content. For that progress, she credited a 635-member-strong Facebook public group called “For Fair Journalism,” which includes acting journalists, media professionals, legal experts, media experts, and journalism students. The group serves as a shame board, where any journalist can post information about plagiarized content and demand either reference to the original story or removal.

M. Baghdasaryan shared that his photos are often lifted without permission, as well. Additionally, most media fail to distinguish clearly between news reporting and unmarked “advertorial” placements.

Nothing has changed dramatically in terms of ever-present self-censorship, which afflicts reporters, editors, and owners alike. As stated, for many years now, political figures, state officials, members of parliament, etc., have indeed owned (informally) many media outlets. “How can there not be self-censorship if the majority of outlets depend on a certain party or oligarch?” Ishkhanyan asked rhetorically. “There is an [informal] line, and the journalists self-censor themselves

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

“Self-censorship has achieved a systematic, institutional level whereby there’s no need to tell [the reporters] what to say,” agreed Gayane Abrahamyan, reporter and moderator for eurasianet.org and Yerkir Media TV.

accordingly,” Ishkhanyan added. “Self-censorship has achieved a systematic, institutional level whereby there’s no need to tell [the reporters] what to say,” agreed Gayane Abrahamyan, reporter and moderator for eurasianet.org and Yerkir Media TV.

Different types of media cover almost all key events and issues. Events once taboo for television now appear on screens as well, although often from a different angle. The difference lies in the manner in which an event is covered online as opposed to broadcast media: its prominence in the news block, the length, the bulk, and the depth of coverage. Abrahamyan noticed, for example, that a recent draft bill (later adopted by the National Assembly) was covered differently in online and broadcast media; it was mostly criticized online and mostly embraced on television.

The broadcast outlets also differ with their “delayed” coverage. If urgent issues are covered online in a prompt manner, it takes the television broadcasters some time to chime in. Aside from the slower nature of television production, broadcast outlets sometimes wait for further developments and probably directions (from “above”) on how to (or at all) cover a given event.

Returning to the Yerevan police station siege in July 2016, the panelists noted that television stations took hours to begin covering the incident. “The siege exposed the degree and level of [government] control of media outlets—not only television but some online outlets too,” said one panelist, who wished to remain anonymous. “Silence is the default reaction [for broadcast outlets]...possible instructions, directions come later,” Suren Deheryan, chair of Journalists for the Future, a nongovernmental organization (NGO), observed

Regarding pay levels, G. Baghdasaryan suggested that a distinction should be made between editors and reporters; if editors are better off, then ordinary reporters are poorly remunerated, with rare exceptions. Most reporters work or cooperate with multiple outlets to make ends meet. The high turnover rate also indicates low pay levels, and Vardanyan believes that low pay levels deter many highly intelligent people from venturing into journalism.

On the whole, however, the pay levels in the media are comparable to those of most other professions in Armenia, and Saribekyan maintained that no matter how low a salary, a journalist with a high degree of integrity would never engage in corruption.

Entertainment programming does eclipse news, more and more. Abrahamyan brought her own example: a station bumped her social-political show out of its primetime slot, replacing it with a soap opera. “I believe it’s a special tactic designed by smart people,” G. Baghdasaryan claimed, adding that some news and information programming has morphed into entertainment—rendered ridiculous by the issues elevated to news and the (unserious) manner in which they are covered.

Facilities and equipment for gathering, producing, and distributing news are sufficient. However, while it is not considered a major obstacle at this point, the digitalization process has troubled some broadcast outlets that already air digitally but lack the up-to-date equipment they need to air (or produce) in high definition.

Quality niche reporting exists, and there seems to be slight improvement with this indicator, but the general picture is still not reassuring. Martirosyan said there are no specialized reporters to cover parliament and IT topics, for example. “I often get contacted for expert interviews, and these reporters don’t have a clue about their questions or my answers,” he observed. “Often, they aren’t even listening to the answers...I jump ahead, and anticipating their questions, I answer those as well, but they don’t realize this and ask those questions again,” he added.

“The information should also be presented in a popular and easily digestible way, and there are very few professional niche reporters capable of this. Especially lamentable is the situation with sports reporting, where the commenters are not only unprofessional in terms of sports terminology and knowledge but also possess poor [native] language skills,” Ishkhanyan said. The same is true of reporters specializing in politics. “Just by reading the name of the reporter, I know who he will blame for an earthquake in New Zealand—the Russians or the Americans,” Ishkhanyan said.

OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.36

As in previous years, a multitude of private news sources exists, but this does not necessarily translate into a diversity of viewpoints. G. Baghdasaryan said, “Multiple sources haven’t grown into alternative sources. This multitude [of news sources] is turned into a sea through which more savvy readers, professionals from this field, can navigate, but for an ordinary consumer, it is practically impossible,” he observed. “If you try

hard, research thoroughly, you can find different viewpoints in different outlets, sources—you can do that. I can do that, but a regular consumer can't. I think this is also by design," he added.

People's trust in online outlets has increased significantly, swapping places with television. For some layers of the population, information presented online is perceived as absolute truth. "If previously people considered television the most credible source, now they say, 'It's true, because the Internet says so.' This, however, is a different extreme, because now the government manipulates the minds of people through the Internet, flooding the Internet with information to serve their ends," Abrahamyan said. "The Internet is no longer the alternative [source of information] it used to be, because those in power have swiftly and successfully penetrated it," G. Baghdasaryan lamented.

Digitalization, which happened at last after many previous unsuccessful attempts and procrastinating, posed a problem to citizens' access to domestic and or international media. Although some digital converters were distributed to socially vulnerable groups, some people still do not possess these converters (which can be bought for as low as AMD 7,000 (\$15)), let alone new generation digital television sets. From November 2016, the parallel analog broadcast was shut down in the capital and in some regions. The analog broadcast of most channels in regions will be kept until the next licensing competition in the region, according to the National Commission on Television and Radio website. These stations were not included in the state digital broadcast network (a multiplex) and are at risk of extinction unless private multiplexes come into play, but it is not yet clear when and how, if at all, these are going to emerge.

There are no restrictions of any kind on foreign media. CNN and two Russian channels, Channel One and Russia-K (Kultura),

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

"If previously people considered television the most credible source, now they say, 'It's true, because the Internet says so.' This, however, is a different extreme, because now the government manipulates the minds of people through the Internet, flooding the Internet with information to serve their ends," Abrahamyan said.

are freely broadcast and available in Yerevan, while one more Russian channel (RTR Planeta) is available countrywide. According to panelists, people turn to Russian news sources more than Western sources, out of habit and because of the language barrier.

As reiterated by panelists for many years, public media cannot be considered independent of the state or ruling party, and it does not follow a traditional public-service model. Moreover, if there has been some improvement during recent years, and public media is now more open to alternative views and comments than before, there is still a "blacklist" with people forbidden from public broadcasting, according to some panelists. "Maybe it shrinks sometimes, maybe it is modified, but it exists," G. Baghdasaryan said. Vardanyan suggested that there is no proof that it exists, but a simple logical analysis suggests that if during key events that shake the society we do not see on public television knowledgeable people with differing views as we see on Facebook and online media, we can conclude that there *is* a list, at least during "emergencies." If the public television service has a need to block the opposing views completely, at trying times, or if they feel that a public or political figure could influence mass opinion unfavorably, the limitation will be imposed. If they feel that a person is dangerous in general, but does not pose any specific threats, they might allow that person to go on the air. "But during state of emergencies, a political decision will be made immediately to shut out those people and start counterpropaganda," Vardanyan said. "In contrast with years ago, today, oppositional figures are invited to appear on public television more often, and the criticism of opposition [on public television] has also diminished," he added.

While news agencies may be considered extinct and/or obsolete, at least for the internal market, they have been rendered meaningless, and those that remain work on rare orders from clients abroad. Photolur is an exception; it sells original photographs both to local and international clients.

Most of the private media, predominantly television, produce their own news programming; the quality varies, but the content is mostly the same.

The public and regular viewers are largely in the dark when it comes to outlet ownership. They might make guesses or assume the ownership of television outlets, but online media ownership is more mystery than fact. Only a very small segment of society has at least a slight idea about who controls blogs or other online media, but average citizens do not. “Even we don’t know the ownership of many online outlets,” Vardanyan said. Ownership sometimes can be guessed from the content, but this has also changed: the presence of critical content does not rule out the possibility that it belongs to pro-government circles.

The media freely reports on ethnic minorities; no artificial obstacles are imposed. Public radio broadcasts programs in 14 minority languages, including Kurdish, Assyrian, Greek, Ukrainian, and Russian. Russian, Ukrainian, Kurdish, and Yezidi minorities also have their own newspapers in those languages.

“In my opinion, for the most part, television stations avoid covering [sexuality, gender, and religion] minority issues, and when they do, there’s no diversity, and alternative views are not presented—just a one-sided cut of press conferences,” Ishkhanyan said. “There’s no public discourse on these types of issues,” he added. According to Ishkhanyan, the reasons behind this lie both in the government’s and society’s mentality. Compared with previous years, the situation has improved, especially in print and online media. “A lot has changed in print media after our persistent work with them [referring to the organization chaired by Ishkhanyan, the Helsinki Committee of Armenia], after our seminars, which resulted in many stories printed in participating newspapers,” Ishkhanyan said. “The [majority of] reporters haven’t overcome intolerance toward religious and sexual minorities; so how can they provide balanced coverage on this?” Saribekyan asked.

Citizens are able to get news and information about their hometowns and national issues, and sometimes also about other regions of the country. There are local television stations (at least one for each region), and some regions also have print outlets and provide news and information about local developments. The news flow from regions to the capital is still underdeveloped. Anahit Nahapetyan, the editor-in-chief of *Tufashkharhi Arorya*, offered the example of a flood in Artik caused by faulty drainpipes, which was very poorly covered in the capital and the national mainstream media, with almost no follow-ups on the disaster; eventually, the story sank into oblivion.

International developments, of course, are also covered, but with delays deriving from the nature of producing international news in Armenia. For the most part, they are just translations of international news pieces from Western or Russian sources.

Readers/viewers who know foreign languages prefer to watch international news on international channels, because the delayed coverage is at best the same, and at worst, some of the meaning is lost in translation or altered by the interpretation of the person preparing the international section. “I hardly know any outlet that produces its own news programming about international events,” Vardanyan said. The panelists assumed that this is because mostly translators, rather than journalists, cover the international news. “That is why, when we have trainings abroad on covering international news, we don’t know who to select [to attend],” Deheryan said. Very few outlets post correspondents abroad (and in very few locations), and those that have them cannot afford the luxury of covering every key international event. These events, as a general rule, must pertain to developments concerning Armenia/Armenians. Overall, although they show some improvements in their international sections, a majority of outlets, especially television, still depend heavily on Russian news sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 1.92

The panelists agreed that there are very few, if any, self-sustaining media outlets. The situation has worsened alongside the general economic decline and the resulting drop in advertising revenue. On top of that, perhaps advertisers are coming to realize that traditional television advertisements are becoming less and less effective—especially as Internet Protocol television (IPTV) providers allow viewers to fast-forward past advertisements during commercial breaks, and viewers can also bypass advertisements by watching shows on the Internet. This has forced advertisers to seek product placements within the shows instead. Many broadcasters deny the fact that their viewership has plummeted, but the more sophisticated advertisers have identified the problem.

Media outlets receive revenue mostly from one or two sources: advertising and/or owner support. As noted by panelists over the years, most media outlets, at the very stage of inception, are neither meant to become self-sustainable nor designed to serve as commercial, profit-generating, and competing entities, but rather to service various political forces, figures, or oligarchs, and therefore their sources of future revenue are set from the very start. “Some outlets even manage to receive funds from different political/business circles,” said one panelist.

“The main source of revenue for outlets is the advertising. If there is a normal [healthy] advertising market in a country, the key cornerstone for independent media is guaranteed. However, as we know, our [advertising] market is politicized... In these conditions, an independent media outlet cannot be self-sustainable or independent at all,” G. Baghdasaryan said.

Sources of revenue from advertising clearly influence editorial policies, management, and content of media outlets. They not only avoid negative coverage about their advertisers but also coverage that could potentially affect their advertisers, their sales, or their reputations unfavorably. One panelist admitted, on condition of anonymity, that they typically would not cover a complaint from customers about one of their advertisers.

Public media has an adequate, guaranteed source of revenue from the state budget, but according to the panelists, this has never been a factor in guaranteeing immunity from political interference or government control.

The number of advertisers has also decreased in broadcast media. This is, in part, due to the aforementioned decline in the number of traditional, live-broadcast television viewers, who have switched to alternative sources to watch television shows off the air, such as podcasts. Most probably, these are predominantly employed people with higher purchasing power, who view their favorite shows not when they are first aired but at their convenience thanks to the Internet and IPTV providers (which also offer the “catch-up” function, which, in turn, lets viewers fast-forward through advertising). “A lot of advertising has ‘migrated’ to Facebook,” said Deheryan. “Even billboards have suffered from this; years ago, we could see a lot of outdoor advertising on billboards, now many are just empty and are just preoccupied with elections.” Facebook advertising is more affordable and a lot more targeted, thus allowing for higher efficiency. “When a television manager or ad agency presents me with data about their audiences, demographics, statistics, I highly doubt them, because it’s just their words. Here [on Facebook] I see real people ‘liking’ the [advertising] posts, real engagement, and real results,” Deheryan said.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

“However, as we know, our [advertising] market is politicized... In these conditions, an independent media outlet cannot be self-sustainable or independent at all,” G. Baghdasaryan said.

The main advertisers are banks, telecommunications providers, dairy producers, and mineral water and wine manufacturers. According to the panelists, the market has been monopolized with the advent of a few players that, although self-proclaimed as independent entities, have ties to the big names. These players are the only media sales house in Armenia, Media International Service (which has the exclusive right to advertising inventory with five Armenian television channels that are also considered to have the highest ratings—Armenia TV, ArmNews, A TV, Shant TV, and Yerkir Media); the only television audience measurement organization—Admosphere Armenia; and the advertising agency PanArmenian Media House. The sales house and advertising agency for the online outlets is a relatively new player, DG Sales, which owns exclusive rights for advertising space in online outlets with a high number of visits (tert.am, news.am, panarmenian.net, lragir.am, etc.).

Advertising is poorly developed outside of the capital. Aside from the two next largest cities—Gyumri and Vanadzor—it is close to nonexistent. Instead of local buys, advertisers funnel the advertising through channels with national coverage, and that often means excessive use of product placement-style advertising—sometimes in a ridiculously blatant manner. Quite often, whole parts of the scripts (e.g., in sitcoms) are written and/or modified to embed the advertised products, which degrades the overall quality of the shows.

Advertising has started taking up less broadcast programming time; the average advertising block now is two to four minutes instead of the previously outrageous lengths of up to 25–30 minutes. However, not all panelists remain content with the overall bulk of advertising on television. “Three-minute advertising blocks within 40 minutes are still excessive,” complained Abrahamyan.

Pages for the highest visited online media are heavily plastered with all sorts of advertising—directly placed advertisements from advertising networks such as Yandex Direct (the Russian version of Google AdSense), Google AdSense, content discovery platforms, etc.

In addition to advertising, many media outlets also try to receive grants from international donors and organizations; according to Deheryan, sometimes the outlets even overcome the fear of

running the “wrong” (risky) content. *Tufashkharhi Arorya* has found success with grant projects on gender issues, Nahapetyan said, thus enabling the paper to increase the circulation through inserts.

Taking a different strategy, Arevhat Amiryan, editor-in-chief of *Vorotan*, said *Vorotan*'s revenue is now solely from subscriptions.

Government subsidies, governed by law, are provided to independent regional and/or minority-language print outlets. The amounts are insignificant, around AMD 500,000 (\$1,030), and have remained steady over the years.

Few outlets use market research widely and consistently. When used, typically, it is conducted by the media outlet itself rather than a third-party professional research company, primarily because of financial constraints. There are not many outside market research companies, and they are costly and not highly trusted by the outlets. Furthermore, many media managers claim that they know the market needs without research, having seen that the more horrible the news and the more scandalous the headlines, the higher the number of visits and viewers.

The only television audience measurement organization—Admosphere Armenia—currently produces broadcast ratings. This is a new organization in the market, but essentially carries over the same core staff who worked for the previous organization, Telemediacontrol (which worked under the license of GFK). Telemediacontrol was measuring the analog audience, and with the digitalization switch in effect since January 2016, the company had to either invest in new equipment capable of measuring the digital network or leave the market—they chose the latter. Admosphere, partnered with the Nielsen Admosphere Czech TAM company, claims to be able to measure not only free terrestrial digital broadcast but also IPTV channels. The new company claims it will place 375 people meters in 20 cities, instead of the previous 300.

As mentioned earlier, the panelists believe that this company is an informal part of the larger group of media organizations (a sales house and an advertising agency) engaged in the monopolization of the advertising market.

Abrahamyan mentioned another factor: “U!Com (one of the IPTV providers) has set its default channel to Armenia TV (to be more exact, a different feed of Armenia TV, Armenia TV Premium, which airs without advertising and airs television series episodes one ahead of the regular Armenia TV free feed), which means that this is the default channel that appears when you turn on the service—and that can distort the ratings.”

The only more or less usable public Internet statistics for Armenian online media at present come from similarweb.com, which basically provides the same data as Google Analytics and only works if the website owner chooses for the data to be attached to similarweb.com's public display of statistics.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 2.48

Although there are no legal restrictions that would prevent the registration or functioning of trade associations, still, there are no widely accepted, effective organizations known to the panelists.

Professional organizations, in contrast, work to protect journalists' rights and promote quality journalism, and the government imposes no legal restrictions that would prevent their registration or operations. These associations, which include the Gyumri-based Asparez Journalists' Club, the Yerevan Press Club, the Association of Investigative Journalists, the Vanadzor Press Club, and others, provide training, legal advice, journalists' rights advocacy, etc.

Asparez Journalists' Club, in cooperation with Transparency International and with funding from USAID, will continue implementing the five-year project “Engaged Citizenry for Responsible Governance,” which includes a component to boost citizen access to independent and reliable information by setting up online live streaming of public discussions.

There are no membership fees to join these associations, which depend heavily on international donor funding. Providing legal assistance is quite costly, and outside of grant periods, it is very difficult for these organizations to provide legal support to journalists and media professionals. Martirosyan noted that ever since Armenia joined the Russia-designed Eurasian Economic Union, international donor funding to support traditional media has diminished dramatically.

NGOs work in cooperation with the media sector to support freedom of speech and media independence. They include the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Open Society Foundation, the Eurasia Partnership Foundation Armenia (EPFA), Media Initiatives Center (MIC), and Journalists for the Future (JFF). EPFA and MIC will continue to implement USAID's five-year media project, "Media for Informed Civic Engagement," which launched in March 2015. The project aims to increase citizen access to independent and reliable sources of information about the government's policies and planned reforms as well as create a demand for public awareness as a necessary mechanism for participation and involvement through improved quality of journalism.

In addition, other NGOs in Armenia, not specifically media related, every now and then embed media components in their advocacy grants projects. Helsinki Committee of Armenia just recently completed one such project, with support from the Norwegian Helsinki Committee and Norwegian Ministry of Foreign Affairs, to advocate for human rights and monitoring of freedom of information in Armenia. The project, which aimed to encourage a tolerant attitude toward the representatives of religious organizations among representatives of civil society organizations and journalists, included trainings by experienced experts in the field. The participants were introduced to acting religious organizations in Armenia, discussed main methods of combating intolerance, and became acquainted with legislative aspects of the freedom of conscious and religion. As a practical component, the participants conducted small journalistic investigations and then prepared stories on acting religious organizations in their communities and presented true stories of people representing various religious organizations.

Another organization, JFF, translated the German Press Code into Armenian and published it within the framework of the "Cross Border Observations: Reliable Coverage of Local Elections in Lower Saxony and Armenia" project implemented by the Berlin Journalism School and JFF. The source was the full version of the German Press Code approved by the German Press Council on March 13, 2013.

There are many journalism degree programs both at private and public institutions, but according to the panelists, they are not high quality. "The programs existing at the moment in Armenia don't differ dramatically from each other. The [lecturers and instructors] might not be bad, but they cannot achieve greater results if the system is lame with poor technical equipment, imperfect curriculum, and also low pay levels," Deheryan said.

Most journalism degree programs do not provide substantial practical experience. "At the university, we have only one class per week for practical journalism, and to get something accomplished, I have to keep working after class hours through Facebook. And that's also why I encourage students to start cooperating with a media outlet as soon as they can," Deheryan said.

"Years ago, when I was teaching journalism, the students were more like philology department students rather than journalism students; they knew everything about literature but nothing outside it. Now things have improved; they show better knowledge of the discipline; however, the curriculum is not yet comprehensive or complete," Martirosyan said.

Still, although generally unsatisfactory, the situation has improved compared with previous years. "Years ago, when I was teaching journalism, the students were more like philology department students rather than journalism students; they knew everything about literature but nothing outside it. Now things have improved; they show better knowledge of the discipline; however, the curriculum is not yet comprehensive or complete," Martirosyan said.

Technical equipment, classrooms, student newsrooms, and student-run media are either nonexistent, minimal, or outdated. The quality of students has also declined, because the universities need paying students, if they see that there are not enough applicants who adhere to strict standards and high scores, "they just fill the gap with students with the next highest scores," Deheryan explained. According to Saribekyan, "Media outlets ruin, degrade college grads right after they are first hired by forcing them to perform all the grimy and petty tasks, such as press conferences, trivial interviews, daily routines that don't develop the reporter but rather stagnate their growth." Babayan agreed, "New grads are very convenient for outlets because they are obedient, and the editors can ride them with low to no salary, instead of dealing with seasoned folks who can resist covering this or that event."

Short-term trainings to upgrade skills or acquire new skills do exist; they are mostly set up by international organizations or local organizations with international funding and are free of charge. However, the problem remains the same: actively practicing journalists and media professionals find it difficult to attend these trainings because of a lack of time and editor resistance. Editors need active journalists to keep generating stories.

Abrahamyan shared a recent example: "I recently organized a training featuring Dave Bloss, Georgia's regional editor for Organized Crime and Corruption Reporting Project who is the author of investigative stories exposing offshore companies [associated with public officials], and this should have been

very interesting to many practicing journalists, especially those covering economic crimes. However, I don't believe that the actual attendees of the training were among the active practicing journalists fit to cover these issues. But I don't blame them, because I know that their editors didn't let them leave work to attend. The editors don't realize that in the long run, these trainings are for their benefit too."

According to Deheryan, some types of trainings have not been offered lately. "I haven't seen classical journalism training for the last couple of years, but the demand is great indeed," he said.

Martirosyan noted that no trainings are held on conducting Internet research through Google on a bit more sophisticated and in-depth level. "It's a very essential skill, but few reporters possess it," he said.

The panelists agreed that over the years, there have been no undue restrictions on importing and/or purchasing materials needed for reporting/content production.

The switchover from analog to digital broadcasting was accomplished when the analog broadcast was almost completely shut down on November 26, 2016. Some 12 regional outlets appeared on the brink of extinction because a 2010 amendment to the Law on Television and Radio stipulated that there should be just one television station in a given region, and the digital licensing competitions were held accordingly. Later, analog licenses of those regional outlets that did not win the digital license competitions were extended until the advent of private multiplexes, because a 2015 amendment to the Law on Television and Radio allowed the entry of a private multiplex, which would enable more digital television stations to be aired in regions. However, a competition announced by the National Commission on Television and Radio for a private multiplex yielded no results because of the absence of interested applicants. As an interim solution, the regional television stations wish to be temporarily included in the state-run multiplex before a private multiplex finally emerges.

Aside from the digitalization challenges described earlier, overall, Armenia's ICT infrastructure today more or less meets the needs of the media industry. The rural areas, and smaller towns outside of the capital, have fewer options in terms of high-quality, fiber-optics, reliable Internet. Vardanyan also noted that the cost of the Internet is still quite high as compared with Russia, to which Martirosyan answered that this is rather due to the fact that the Armenian market is a lot smaller, and to support the existing infrastructure, the companies cannot cut the prices further, because that would lead to a collapse in the future.

List of Panel Participants

Gayane Abrahamyan, reporter and moderator, eurasianet.org and Yerkir Media TV, Yerevan

Suren Deheryan, chair, Journalists for the Future NGO, Yerevan

Gegham Baghdasaryan, freelance journalist, Yerevan

Nelli Babayan, reporter, *Aravot*, Yerevan

Edgar Vardanyan, freelance journalist and political analyst, Yerevan

Samvel Martirosyan, blogger and IT security expert, Yerevan

Avetik Ishkhanyan, founder and president, Helsinki Committee of Armenia, Yerevan

Pap Hayrapetyan, editor-in-chief, *Sevan*, Sevan

Gayane Saribekyan, reporter, news.am, Yerevan

Arevhat Amiryan, editor-in-chief, *Vorotan*, Sisian

Melik Baghdasaryan, owner, Photolur, Yerevan

Anahit Nahapetyan, owner and editor-in-chief, *Tufashkharhi Arorya*, Artik

Moderator & Author

Artashes Parsadanyan, independent media consultant, Yerevan

The panel discussion was convened on December 20, 2016.

In addition, a series of legislative changes quickly approved by the parliament supported the government's oppressive actions. These changes include criminal charges for defamation against the president on social media; approving the use of censorship during martial law; and restricting media access to information on private property and businesses.



AZERBAIJAN

With the release of 14 political prisoners, 2016 started with hope for improvements in human rights and media freedom; however, the optimism was short lived. Several journalists and bloggers, including Zamin Haji and Mehman Huseynov, received formal warnings from law enforcement agencies to be “careful” with their social media activity, while others received threats from unidentified sources. Some of the political prisoners released in March, such as Khadija Ismayilova, cannot exit the country and have lost numerous court appeals. More activists were arrested during the summer months on various trumped-up charges. Twelve journalists and bloggers remain behind bars, while Gabala Football Club player Javid Huseynov, who was convicted as an accessory to murder after the fact in the death of journalist Rasim Aliyev, was released in October after serving just one year of his four-year sentence.

In April, armed conflict erupted between Azerbaijan and Armenia in the disputed Nagorno-Karabakh region with the highest casualties—more than 300—since signing the ceasefire in 1994. Media covering the situation, with a few exceptions, displayed poor reporting, airing multiple pieces of unverified information.

In July the president’s office announced a September 2016 referendum to modify the constitution. Proposed amendments included adding two vice presidents appointed by the president, extending the president’s term from five to seven years, and lowering the age requirement for president and members of parliament. European Commission experts predicted that these changes would further concentrate power. The reporting on the referendum campaign was kept under tight government control, with only positive discourse and reporting about these changes allowed on television and radio. Honest criticism and discussions took place exclusively on social media like Facebook.

These changes, 29 in all, were accepted by voters, each receiving between 89 and 94 percent “yes” votes. Monitors from the Parliamentary Assembly of the Council of Europe did not report serious irregularities. In February 2017, the president appointed his wife as first vice president.

In addition, a series of legislative changes quickly approved by the parliament supported the government’s oppressive actions. These changes include criminal charges for defamation against the president on social media; approving the use of censorship during martial law; and restricting media access to information on private property and businesses.

The July coup attempt in Turkey had far-reaching consequences in Azerbaijan, including the shuttering of the only television channel not connected to government officials.

AZERBAIJAN at a glance

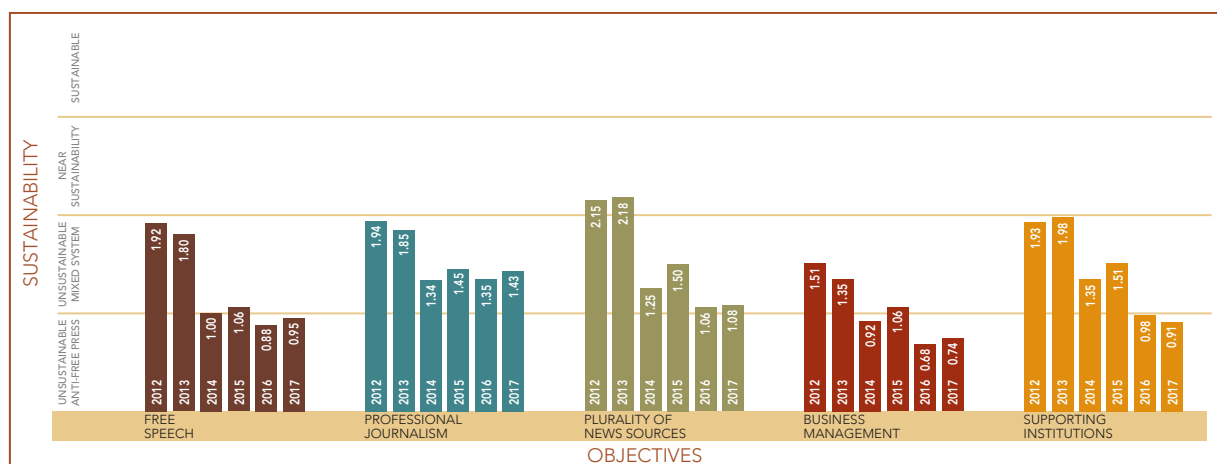
GENERAL

- > **Population:** 9,872,765 (July 2016 est. CIA World Factbook)
- > **Capital city:** Baku
- > **Ethnic groups (% of population):** Azerbaijani 91.6%, Lezgian 2%, Russian 1.3%,
- > **Armenian 1.3%, Talysh 1.3%, other 2.4% note:** almost all Armenians live in the separatist Nagorno-Karabakh region (2009 est. CIA World Factbook)
- > **Religions (% of population):** Muslim 96.9%, Christian 3% note: religious affiliation is still nominal in Azerbaijan; percentages for actual practicing adherents are much lower (2010 est. CIA World Factbook)
- > **Languages (% of population):** Azerbaijani (Azeri) (official) 92.5%, Russian
- > **1.4%, Armenian 1.4%, other 4.7% (2009 est. CIA World Factbook)**
- > **GNI (2015-Atlas):** \$63.33 billion (World Bank, 2017)
- > **GNI per capita (2015-PPP):** \$17,710 (World Bank, 2017)
- > **Literacy rate:** 99.8%; male 99.9%, female 99.8% (2015 est., CIA World Factbook)
- > **President or top authority:** President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 36 dailies, 100 weeklies, 85 monthlies; Radio Stations: 9 AM, 17 FM; Television Stations: 23 (9 broadcasting nationwide, 14 regional)
- > **Newspaper circulation statistics:** Most widely read publications are the opposition newspapers *Yeni Musavat* and *Azadliq*
- > **Broadcast ratings:** Top three television stations: ANS-TV, Azad TV, and Khazar TV (AGB/Nielsen)
- > **News agencies:** Turan, Trend, APA, Day.Az, and 1news.az (all private);
- > **Azertag (state-owned)**
- > **Annual advertising revenue in media sector:** \$53.2 million total (State Statistics Committee 2016 Yearbook)
- > **Internet usage:** 7.5 million (July 2015 est. CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: AZERBAIJAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 0.95

The Azerbaijani Constitution and legislation lag behind European standards in several facets, and the latest referendum in September 2016 did not raise the standards. While the Azerbaijani Constitution protects basic freedoms on paper, these freedoms are increasingly restricted each year by regulatory and legislative changes. Society is hungry for information, but has limited access to information. Highly restrictive regulations on news media funding, adopted in previous years, remain in force.

On paper, there are legal mechanisms that protect journalists' safety and sources of information, however, they are poorly observed. In theory, interfering with a journalist is criminally punishable, including imprisonment. However, according to one panelist, there have been an estimated 500 cases of attacks on journalists and the Criminal Code has not been applied even once.

Prosecutor General Zahid Garalov initiated a change in criminal code 148-1 to punish social network users who anonymously criticize the government. Press Council chairman and MP Aflatun Amashov supported the initiative. He also initiated a draft law to regulate activities of bloggers and social media users.

In recent months, several MPs and officials have publicly spoken about regulating online media through standalone legislation, mentioning the law "Of Hardening the Procedures for Registering Online Media and Increasing Responsibility,"

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

a result of the further politicization of television and radio licensing. The National Television and Radio Broadcast Council still does not issue information about vacant frequencies, and the bidding and application processes are not transparent. According to one panelist, in 2012, two groups of independent media professionals filed applications in the open tender by the Broadcast Council, but their bids were returned without clarification or justification.

During 2016, two changes to the Law on Mass Media were introduced, one on April 24 and the other on October 29. Both changes primarily aim to put even further limitations on freedom of the press. The change adopted with Article 3.1 of the law now prohibits the publication of a full photocopy or scan of a prosecution's paperwork in criminal cases. The agency that leads operations against religious extremism now controls the "activity of mass media personnel" in region subject to its operations. The agency will also approve the extent to which the public will be informed of the "format and volume" of these special operations, as dictated by the expanded law "On the Struggle Against Religious Extremism."

The National Assembly also passed draft legislation regarding martial law. In contradiction to Article 50 of the Constitution, which states that "state censorship of mass media outlets is prohibited," the new law allows for mass censorship when martial law is declared; in the territory or territories where martial law is introduced, a special "working regime" is applied to mass media outlets and where there are grounds supported by the law, orders will be given to relevant authorities to limit the media's activity or halt it completely. The draft law also allows military censors to scan information and materials from mass media outlets, establish a military censorship body, and control social media, electronic correspondence, telephone traffic, and radio programs.¹

A lawyer on the panel said the heaviest blow to journalists in 2016 was the introduction of a new article in the Criminal Code that protects the president's honor and dignity and criminalizes insult and libel by Internet users with fake names. Passed quickly on November 21, 2016, the law kills any hope of decriminalizing defamation and further distances Azerbaijan from international standards. The law proposes a fine of AZN 1,000 to AZN 1,500 (\$580 to \$870), compulsory public service of 360 to 480 hours, and up to one year in prison or two years in jail. It is unclear when or how the law will be invoked and panelists predicted negative consequences.

There were some positive events for media in 2016. In clarifying a section of the Administrative Violations Code about restricting access to information, the government affirmed a provision to protect whistleblowers by the principle of "non-persecution of functionary for disclosing the publicly-valuable information

¹ <http://azpolitika.info/?p=267920>

Rural, independent media critical of local problems are automatically labeled as “opposition media.” “As a journalist from a province, I can say rural media personnel are getting old and disappearing,” one panelist said. “For the entire country, I can count a handful of rural journalists or newspapers.”

about the legal violations,” added to the Article 6.1.11 of the Law on Access to Information. Now there is an administrative responsibility for the protection of a functionary who has disclosed “publicly-valuable” information about the violation of law.

There was no high-profile crackdown on news media in 2016 compared with previous years, but the atmosphere of fear remains as the government continues to initiate more restrictive laws. The government pressures the relatives of investigative journalists to try to stop their work. It has become a tradition of sorts to arrest journalists for drug possession—typically with planted evidence—and other charges. In 2015, a group of journalists who collaborated with Meydan TV, a non-profit media organization headquartered in Berlin, have faced restriction of movement. These journalists have been interrogated at the Chief Department of the Fight Against Organized Crime and by the General Prosecutor’s office multiple times and have gone through tax audits. Even after this scrutiny, they are still not able to travel outside of the country.

Khadija Ismayilova, a former Radio Free Europe/Radio Liberty correspondent and notorious critic of President Ilham Aliyev has been released on probation, but is unable to leave the country. Additionally, RFE/RL’s Azerbaijani service bureau has remained closed after being raided by police and tax officers in 2015. While Azerbaijani authorities freed 17 human rights defenders, journalists, and political activists, at least 24 government critics remained in prison, including 12 bloggers and journalists.

According to a local media representative, provincial governments do not particularly care about the freedom of speech and press. There, independent media face double the pressure faced in Baku. Rural, independent media critical of local problems are automatically labeled as “opposition media.” “As a journalist from a province, I can say rural media personnel are getting old and disappearing,” one panelist said. “For the entire country, I can count a handful of rural journalists or newspapers.” Another participant said if four or five years ago

publishing an independent newspaper in the region was risky, “today it is becoming suicidal.”

For the first time in years, the government attempted put some light restrictions on the Internet. Certain websites and articles from foreign press are blocked for certain periods of time, accessible only via VPN. As one panelist noted, despite a worsening situation, coverage of various issues on social networks expands every day.

In September, Farahim Ilgaroghlu, a journalist from the pro-government APA News Agency, was fired after engaging in an argument on Facebook about a photo from an opposition rally, disputing another pro-government journalist’s low number of attendees. Since his dismissal, he has been seeking asylum in Germany.

The ruling elite strictly control mainstream news media, both state and privately owned channels and companies. The privately-owned ANS TV lost its broadcast license due to demands from the Turkish government and the company was suddenly shut down in July 2016. Washington DC-based ANS journalist Ganira Atashova was attending press conference organized by Fethullah Gulen, a Turkish preacher and political figure who lives in Pennsylvania. Turkish President Tayyip Erdogan accused Gulen and his followers of launching the July 15 coup in Turkey. Although ANS never aired an interview with Gulen, there were claims one was announced, and rumors hold that the Turkish Ambassador asked the Azeri Foreign Minister to bar the interview from being aired and to “take measures” against the media company.

The Azeri government subsequently shut down the channel and its sister outlets, abolishing their licenses under the guise of promotion of terrorism. The process did not follow existing legal procedures and ANS TV, Radio, and Press offices were all sealed. The Grave Crimes Unit of the Prosecutor General’s Office launched a criminal investigation, interrogating senior managers and journalists for hours and barring them from leaving the country. Atashova was asked to return to Baku and was thereafter prevented from leaving the country. Despite the ANS Press Office filing a case disputing its closure, thus far the closure has been upheld.

Azadliq, the country’s leading print outlet known for criticizing the government, stopped publishing. The distribution company, which has close government ties, was not paying *Azadliq* sales of its copies. The newspaper was unable to pay salaries, nor was it able to pay its other debts. At nearly the same time, Azerbaijani law-enforcement launched its own “anti-terrorism” operation and arrested the newspaper’s finance director, Faig Amirli, for alleged links to the Gulen Movement. The investigation is still ongoing, however, because Amirli is the co-signee of *Azadliq*’s bank account, the newspaper cannot access the money.

Licensing remains extremely challenging in television and radio. No independent entities are allowed to get a license. There is no licensing for other media; for example, in order to start a newspaper, a simple note to the Ministry of Justice will suffice.

The government keeps full control over its media assets and there is no expectation of editorial independence in newsrooms there. This control includes both national media and local ones; in some provinces, governors' offices have tri-monthly newspapers printed with circulations between 500 and 1,500.

Defamation is still a criminal act and four people were arrested under this law in the last year. One of those arrested, Ikram Rahimov, is a journalist while the other two, Elgayit Karimov and Rahman Novruzov, are not; Karimov and Novruzov helped online media collect information on local governors. The fourth is former political activist Elsevar Mursalli, arrested for using derogatory words about a popular singer. Mehman Huseynov, a famous videoblogger, claimed he was tortured during a period of detention and was sued by a police chief. On March 3, 2017, the court sentenced Huseynov to two years' imprisonment.

While the government harasses and arrests journalists trying to do honest work, there are "racketeer" journalists who write and publish blackmail materials to extort money. They are justifiably prosecuted, one panelist said. According to him, in recent years, about five journalists have been arrested with these charges.

Access to information remains problematic. Restrictive provisions about access to information that were first introduced into legislation a year earlier have now been tailored to the Constitution. For example, Article 32 of the Constitution titled "Right to privacy" was revised as follows: "With the exception of cases defined by the law, the access to the electronic and paper-based data about third persons with the purpose of gaining information is prohibited."

According to the law on obtaining information, each government agency must have a website with all their produced information. However, journalists are unable to access information related to the "State Registry for private property" and "State Registry/Registration of Juridical Bodies." In the provinces, governors' websites have no legal information and are not updated for weeks. It is nearly impossible to get any information from municipalities or from law enforcement agencies in the provinces.

No formal licensing of journalists exist, but controls nonetheless exist. In one recent restrictive change, local journalists who write for foreign media outlets are required to get accreditation from the Foreign Ministry in order to be invited to special events. Azerbaijan has declared 180 international journalists persona-non-grata for visiting the disputed territory of Nagorno-Karabakh. One such journalist, Aleksandr Lapshin, a Russian-Israeli blogger, was detained in the Belarusian capital

of Minsk on an extradition request from Azerbaijan and was handed over to Azerbaijan on February 7.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.43

According to most panelists, there are not high standards of professionalism for Azerbaijani journalists. This can be attributed to a variety of factors, including poor quality education and a lack of opportunities for young journalists to work at professional media institutions. High standards have been forgotten in recent years with the spread of fake and low quality news. News is often used to blackmail people or institutions, sometimes for purely personal reasons. Many Azerbaijani editors simply do not have proper training and, because of the language barrier, do not have direct access to Western media that show higher standards.

While there are independent journalists who can produce professional interviews, many officials are unwilling to participate, and will only give interviews to biased television channels.

Because independent media struggle in Azerbaijan, there has been a rise in Azeri-language media based outside of the country, funded by external donors. Social media has helped fuel their popularity. However, many of these outlets are reliant on citizen journalism and may lack quality and analytical content, one panelist noted.

The Turan News Agency, based in Baku, has been a refuge for journalists that refuse to work for state media. However, they are underfinanced and unable to attract a broader group of journalists. Many outlets, including Turan News Agency, also lack access to the government sources of information, which leads to lower quality and less informative news.

Years ago, the Press Council, in conjunction with the Organization for Security and Cooperation in Europe's Baku office, developed a Code Professional Ethics for Azerbaijani Journalists. However this document, as one participant said, is made of basic concepts, like not plagiarizing or committing libel. Despite the Press Council's ethics code, none of its members, including the ones owned by its Board of Directors, follow the code.

The authorities use the ethical codes to strike against independent media. Only truly independent media outlets care about ethics, in part because they know that they can be dragged into court if they commit even minor violations, while state media do not observe a code of ethics. Individually, media outlets themselves either do not have ethics codes of their own or they are poorly observed.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Partisan media represent either the government or opposition views, both in interviews and news content. Many outlets, one panelist said, feel that they are participants of a political process. This is true even for Meydan TV, based in Berlin. This approach obviously fails to meet professional standards of quality.

There is a significant amount of plagiarism in the media sector. Baku-based outlets often steal information from regional media outlets that do not have the resources to defend themselves from plagiarism.

With the exception of a few online news sites, self-censorship is at its height. Even posting on social media can lead to arrest. Although journalists from pro-government sources sometimes overcome self-censorship, it often ends poorly for them. A year ago, journalist Natig Javadli was fired from the newspaper *Bizim Yol* a day after his interview with Gubad Ibadoghlu, an expert critical of the government's economic policy, was published. Lider TV's Moscow-based journalist who asked a "wrong" question to Russian Foreign Minister Sergei Lavrov is among other journalists fired for deviating from the state narrative.

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Some independent media outlets in Azerbaijan have succeeded in bringing up skilled reporters, even though there are few of them. However, because their access to information is limited, they struggle to publish objective information. Information about public services, senior government official's commercial activities, and corruption is kept especially closeted in Azerbaijan. The handful of media outlets that break this "unwritten rule" get severely punished. Video-blogger Mehman Huseynov produced a short YouTube video about several senior officials' properties and was kidnapped by police and tortured according to a filmed interview conducted after his release. As noted above, when Huseynov complained he was accused of libeling the police and jailed. Given this difficulty speaking with officials or even covering events, journalists struggle to highlight major news events.

Because of media bias, citizens are often uninformed. One panelist mentioned that during the September 2016 constitutional referendum, no balanced talk shows were held on any of the television channels in the country. People were left to vote in the referendum without much knowledge of what was being proposed.

Journalists have seen a significant loss in income due to devaluation of the currency and salaries that are barely sufficient for daily living expenses. Salaries in print journalism are particularly low, which may fuel corruption and a lack of transparency as outlets are taken over by oligarchs and racketeer journalists. For 10 to 12 hours of work a day, journalists receive approximately \$400 per month. Outlets also do not help cover medical expenses and many do not offer paid vacations. This turns journalists into a loyal and financially dependent group. "Dual accounting" practices and hiring journalists without a proper employment contract is widespread among news media outlets.

Censorship on social and political programs require traditional mainstream media to fill in the time gaps with entertainment programming. Entertainment programs dominate television and are, as one panelist said, banal and produced with a lack of taste.

There is very little programming on political issues, except a few where government officials or pro-government experts praise the government's foreign and internal policies. However, one participant said, independent monitoring of the media outlets show that even those limited and orchestrated shows pique interest among Azeri viewers. While most viewers watch Turkish or Russian channels for better quality entertainment programs, they switch to local programming for news.

Because of recent economic hardship, government funding of media has declined. Independent media outlets have been most affected by financial hardships. One panel participant said it is therefore impossible to talk about modern production facilities or equipment.

For many outlets, the same reporter covers everything from agriculture to sports, limiting the ability to develop expertise in any one beat. Current specialization areas include national budget and revenues, the shadow economy, criminal news, education, labor, entertainment, sports, and cultural news. However political censorship, the persecution of independent journalists, and the scarcity of independent media outlets can counteract that growth and rise in professionalism as outlets limit the type of specializations allowed. State and pro-government media slightly touch on some social issues, while taking sides to further guard the ruling elite's interests. Journalists do not tend to cover these issues without permission or instructions from their editors or owners.

After years of oppression, investigative journalism is almost absent from all the in-country television and radio stations. Any investigative programs are either one-sided or cover insignificant topics. Only Meydan TV and Azadlıq Radiosu (RFE/RL) regularly publish investigative materials. Meydan TV's investigation on Pasha Holding's investments and closure of new factories was based on publicly available materials and hard to classify as true investigative reporting, one participant argued. Both Meydan TV and Azadlıq Radiosu published an investigative report on a crackdown on religious groups in Nardaran, a small town near Baku considered the bastion of conservative Islam in Azerbaijan. The piece provided many details, which local media avoided.

Azadlıq Radio's investigative report on the embezzlement of state funds by high-ranking officials was confusing. The radio discovered that the president's Chief of Staff Ramiz Mehdiyev's wife Galina Mehdiyeva received a AZN 5,566 (around \$3,000) subsidy for her agricultural business. Many social network users ridiculed this investigative report, due to the insignificant amount of money. Previously, in 2012, a videotape surfaced with negotiations for selling parliamentary seats for millions of dollars and Azadlıq Radio published Ramiz Mehdiyev's refutation, without providing context and omitting initial accusations against him. In a later report, details about the claims against him were noticeably omitted.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.08

Similar to past years, no new licenses for television or radio stations were issued. The only resource that people partially trusted, the ANS news agency, was shut down this year. The

Likewise, state media only criticize the government or identify mistakes when the relevant ministry is abolished or the minister is dismissed or arrested after political clashes.

country finally switched to digital broadcasting signals in November and December, ending the use of analog signals. This left a large portion of the population without news, since many people do not have television sets that can receive digital signals. The Broadcast Council recommended citizens purchase decoders for analog televisions that would enable their devices to receive digital signals. For comparison, in neighboring Georgia the government distributed these decoders for free to qualifying families after the switchover.

While people still primarily get their news from television and radio, the Internet is gradually starting to take over. People feel Internet news sources are more trustworthy, with more balanced coverage and an interactivity that allows consumers to levy criticism and commentary. Print media, in turn, has lost its previous influence and sales. One panelists noted that all surviving newspapers with circulations between 10,000 and 12,000 copies a day are controlled by the government, which has led to print media's decline. The newspapers distribution system also has been hijacked by the ruling elites not only for monetary reasons, but also to control content.

In the provinces, people who read opposition newspapers publicly face pressure from local authorities. Furthermore, the low speed of the Internet in the provinces prevents user access to certain news websites.

On a positive note, in 2016 there were a few newly launched in-country media projects. Although some of them try to avoid the coverage of core political issues, it still inspires hope in independent media. One of them, Toplum.tv, tries to cover all major news topics and strives to be impartial and professional. There have also been individual attempts to launch educational and scientific projects online such as Yasilem.com, Rezonans.com, and Odin.az, but they remain underfunded.

Access to web portals that distribute alternative news is being blocked, especially in recent months; this includes the RFE/RL Azeri service, Voice of America, and Meydan TV. All three mobile phone companies are not allowed to transmit breaking and political news.

What is noteworthy about 2016 is the expansion of Azerbaijani-language media aired from outside the country, which has been gaining new followers daily. Citizen journalists help these outlets

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

by sending local videos. Still, the government tries to repress those who collaborate with these outlets.

No laws prohibit access to international media, even if in practice barriers, described below, do exist. Citizens can subscribe to international channels and print media, although it is often not affordable. This "freedom" was challenged when the *Fox Türk* channel was removed from cable packages, allegedly on orders from the National Broadcast Council, after an anchor criticized the Azerbaijani President for appointing his wife as his first vice-president.²

New regulations in anticipation of digital broadcasting propose changing the way foreign television is aired. These regulations require Azerbaijani citizens to pay for all foreign television channels except for TRT1, the public television of Turkey. Under these same regulations, foreign radio stations must get a frequency to be aired in the country. In 2009, the Azerbaijani services of RFE/RL, BBC and Voice of America were taken off the air from their FM frequencies, and no talks are currently being held to re-open them.

The National Television and Radio Broadcast Council (NTRBC) must approve the full list of cable television channels. Channels that can serve as a source of independent news are purposefully taken off the list, one panelist emphasized. Of the 260 channels approved by the NTRBC, 163 are Russian-language channels, of which 125 are of Russian origin.

There is no restriction of Internet usage, but website owners, editors, and reporters are regularly called to the prosecutor's

² FOX TV's Broadcast in Azerbaijan Ceased after Critical Video on Mehriban Aliyeva's Appointment as Vice-President <https://www.irfs.org/news-feed/fox-tvs-broadcast-in-azerbaijan-ceased-after-critical-video-on-mehriban-aliyevas-appointment-as-vice-president/>

office or to the Interior Ministry for conversations or direct warnings.

Government-controlled media portray the activities of state and governmental institutions positively. Such outlets do not invite people with opposing views to their programs or talk shows, airing only those politicians who show loyalty to the government. Their invitation to such shows ends when these politicians "abuse" their "trust" and start to criticize the government. Likewise, state media only criticize the government or identify mistakes when the relevant ministry is abolished or the minister is dismissed or arrested after political clashes.

Media outlets rarely produce their own news, and websites often copy each other's materials without any changes or references to the original source. News on television and radio cover the same news or topics in such similar ways, it is hard to tell the difference among them. ANS TV unsuccessfully tried to appease the government while simultaneously attempting to deliver a relatively wider point of view than state-owned media, but failed and consequently lost its broadcast license. During the April skirmish on the frontline between Azerbaijani and Armenian troops, ANS TV engaged in open propaganda, rather than reporting. Additionally, there are few news agencies in Azerbaijan and according to one panelist, only one—Turan News Agency—distributes objective and balanced news.

The majority of mainstream news resources, nationwide television stations, and radio stations are owned either by senior government officials or their close relatives, except a few remaining regional stations. Information about the founders and owners of private media outlets is usually open to public scrutiny, but information on media revenues, sources of funding, and taxes is either completely or partially hidden.

Diversity remains a major problem for many media outlets. This is especially true when it comes the media's ignorance of LGBTI issues, religious freedom, children's rights, gender equality, and other major social issues. Provincial media are no exception and almost never write about these topics. Unfortunately, neither the NTRBC nor the Press Council conducts monitoring in this area. State and private broadcasters only produce programs in, apart from Azeri, Russian and Armenian; the latter programming is beamed into Nagorno-Karabakh as propaganda.

Azerbaijanis can get national and international news both from pro-governmental and independent media, however since the provincial television and radio stations are under the even harsher control of local governors, media outlets in the capital city are not able to get alternative and independent news from the provinces.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 0.74

The management of media outlets is undeveloped in Azerbaijan. With the exception of a few newspapers and websites, the independent media outlets cannot piece together suitable staff. In the provinces, a newspaper staff may consist of just one or two employees. A weak market economy and the government's intolerant approach to independent media development are the main factors affecting the financial independence and sustainability of media outlets. As a result, independent media see little reason to invest in better management or business plans for self-sustainability and advertising strategies.

Independent media are not financially self-sustainable. Outlets must either be almost entirely reliant on official or unofficial government funding or dependent on foreign grants. Newspapers that receive grants from international donors often face problems with authorities, so this option is relevant now primarily for exile media. No provincial media outlet is capable of sustaining itself for a long period of time. While local grants and limited local advertising previously helped keep these outlets afloat, it is becoming increasingly difficult to continue operations with government restrictions on media and civil society.

An advertising market simply does not exist for independent and pro-opposition media: no local firms pay independent newspapers for advertising, only foreign organizations, embassies, or companies do so. Advertising via independent media is still unofficially forbidden. Many of the independent media outlets survive off multiple small donations from private sources, which helps them maintain some editorial independence. These outlets are not immune from bias, however, and sometimes show sympathy to certain political leaders or parties.

The government largely controls which media gets advertising. Non-government outlets claim that even large multinational corporations present in the country are reminded by the government not to advertise in independent newspapers. Even when newspapers get some advertising from large corporations, they try to avoid publishing any negative or critical article about these companies.

Smaller businesses, particularly private medical practitioners and clinics, used to feel relatively free to advertise in independent media to reach larger audiences. However, because of pressure imposed on them not to support outlets that may oppose the government, their advertising has starting to wane. One of the private clinics is currently facing such pressure for its advertisement placed in early 2016 in *Azadliq* newspaper, even though this newspaper no longer publishes. The owner of this

clinic has been interrogated by the Grave Crimes Department of the Prosecutor General's Office several times.

With government funding from the state budget and corrupt officials, pro-government media face few financial difficulties. Pro-government media command privileged advertising prices compared with independent media. On the eve of the elections, national television channels charged exorbitant amounts for airtime, and few candidates utilized it, including wealthy pro-government members of parliament. Still, television and radio channels still earn the brunt of advertising revenues.

According to official statistical data obtained by one of the panelists, the advertising market shrunk by 16 percent in the past year to reach only AZN 30 million (\$17.4 million). Television earned about \$11.3 million, radio earned \$1.76 million, while the Internet and print media earned about \$890,000 and \$800,000 respectively. With approximately 300 active online media outlets in Azerbaijan, this means each outlet earns an average of just \$8,500 per year and \$708 per month. In reality, the majority of them do not get any advertising, earning a couple thousand dollars a year, insufficient for a small-sized staff and payroll. One participant said the best indicator for the growth of independent media is an advertising market that is above 1 percent of total GDP. In Azerbaijan, the advertising market is just .047 percent of GDP.

The State Support Fund to Mass Media Outlets announces requests for applications twice a year and allocates grants to print outlets to cover certain areas or projects the government chooses as appropriate. There are no laws to regulate financing media in this format. Some of the beneficiaries of this initiative are state-owned media already funded by the national budget, like the newspapers *Azərbaycan* and *Xalq*. Current mainstream print media rely heavily on this funding. According to the

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

selection criteria, the grants are allocated to newspapers with large circulation size and good sales at kiosks. However, there is no publicly available information regarding the actual circulation and sales statistics of the newspapers selected to receive these grants. Most provincial outlets cannot receive funding as they are unable to meet the minimum eligibility requirements. Grants under this mechanism range from AZN 30,000 to AZN 50,000 each (\$17,000 to \$28,000).

As one participant noted, the independence of editors is a relative term in Azerbaijan, and there is no editor who can say he or she is fully independent. There is no media outlet in Azerbaijan that completely preserves its independence from the government and opposition.

No independent research is conducted to understand the market and offer strategies to help improve media programming and content. There are also no trustworthy local firms to measure ratings. There are some small groups or firms that conduct ratings, but their objectivity is questionable. Even though they may be contracted by major firms such as AGB Nielsen, they are controlled by the authorities and will change results upon request. The government, however, may use real results for their internal decision making and the division of advertising money among the entities they control.

With no widely recognized statistics produced, each independent outlet defines its own ratings using various indicators. With many outlets also boasting online sites, they utilize tools and analytics to measure the number of visitors daily, weekly, and monthly.

One panelist believes independent ratings and research of media would probably work against media outlets with direct or indirect ties to the government. According to data provided by the NTRBC, 70 percent of television viewers prefer watching foreign channels broadcast via satellite. This almost proves government funding is wasted, as Azerbaijani-based media is not the main source for local news.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 0.91

Unfortunately, there are no professional associations or trade unions for publishers, newspaper editors, and television and radio broadcasters in the country. A union once brought together editors-in-chiefs of major independent newspapers, but with the overall decline in freedom of speech and general attacks on media businesses, it no longer exists. An initiative to recreate the group to fight the monopolization of advertising that has been forcing out independent newspapers was foiled after a series of crackdowns on civil society organizations in 2013 and 2014.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Professional associations in Azerbaijan, including those for journalists, are not independent and have been under direct control of the government for many years. The founders or activists from those unions, such as Azer Hasrat of the Journalist Trade Union of Azerbaijan (founded in 1997), are now among the most vocal pro-government activists. His successor, Mushfig Alasgarli, was appointed to the Supervisory Board of the State Fund for the Support of Mass Media Development by President Aliyev. Aflatun Amashov, the first head of the Committee to Protect Journalists RUH, then another independent journalists' union, now heads the Press Council, which reports to the president. Amashov also serves in the parliament and recently proposed a draft law to limit the activities of bloggers and social media users.

A handful of dedicated lawyers defend journalists in court. With limited financial means, all cases involving violations of journalists' rights are recorded and shared with public via media, in addition to the defense provided in the courtroom.

The current situation in Azerbaijan does not allow CSOs or civil society leaders to implement projects that defend freedom of speech and media independence. In 2014, NGO laws became stricter and led to arrests and increased pressure on NGO and CSO leaders and staff, many of whom defended media freedoms and interests. These include Institute for Reporters' Freedom and Safety and Media Rights Institute. Although some activities have been restored and persecution is softening both in and out of the country, there are not full-fledged operations as before.

There are currently open criminal cases against some 20 local and international NGOs, and tax fines and travel bans against a number of human rights defenders. Neither the NTRBC nor the Press Council and Journalist Trade Union have taken any action to lift these barriers.

In the southern portion of the country, home to close to 1 million people, there are only five or six registered NGOs, and only half of them active.

By law only state universities may have journalism programs and several do have a faculty of journalism; many experts believe that the quality of education provided by these institutions does not meet modern standards. Azerbaijan has a dire need for long-term modern education programs to train journalists, but given the struggles with NGOs, the development of these programs in the near future seems unlikely. However, sometimes organizations host short, two- to three-day training sessions for journalists.

Universities have recently implemented “talent examinations” for journalism school applicants, in addition to regular entrance exams. Because of this, 2016 saw a significant decrease in the number of students admitted to journalism programs. Fewer than 100 students were admitted to the Faculty of Journalism at Baku State University. With no applicants at Baku Slavic University, the journalism school was shut down. Because applicants would have had to take the talent examination several months earlier than entrance exams, some panelists theorize students simply missed the deadline.

Journalism training remains weak, keeping newspapers understaffed. Many training programs that equipped journalists with modern standards and institutions which protect journalists’ rights were shut down and have still not been able to restore activities in full after the crackdown on civil society groups. Baku School of Journalism was able to restore its long-term training programs in summer of 2016. Another course has started at the end of 2016 and will end in early 2017, after nearly a three-year freeze. Additionally, the Journalism School of the Democratic Initiatives Institute began operations and was able to conduct its first long-term training in journalism. However, a lack of resources and restrictions on foreign grantmaking limit further developments in this field.

Government entities control most media equipment and printing machines. Private printing facilities are hesitant to publish any newspapers, magazines, or materials that criticize the government or openly refuse to publish in fear

Facebook Live continues to gain popularity; one panelist said this is teaching people to film and become citizen journalists for online media outlets such as Sanjak, RFE/RL Azeri Service, Channel 13, Meydan TV, and others.

of government retribution. Only one printing facility, Çap Evi, remains independent, but recently took a hit after tax authorities fined them AZN 130,000 (\$75,000) for tax evasion. The owner believes this a response to printing opposition candidate and political prisoner Ilgar Mammadov’s pre-election posters. Regardless, the financial burden has severely limited their activities. Further hampering printing, at the end of 2016, when the Tax Code was being reviewed, the government restored an 18 percent VAT on imported newsprint.

ICT, digital audio, and video equipment brought into the country is charged a 40 percent VAT and customs duty at the border, much higher than the average world prices. While equipment is scarce, the lack of computers is the biggest issue in media outlets.

The number of kiosks in large cities is not proportional to the populations. Moreover, those which exist have been turned into or used as small convenience shops that sell everything from cigarettes to candies; one panel participant saying these stores accept only 30 papers per morning to sell.

The distribution of papers in the provinces is even more difficult, according to one panelist. Not only is the sale of these papers problematic, but the distribution of major independent media for free is prohibited.

While the Internet penetration rate has gone up every year, only one company in Azerbaijan provides Internet access, allowing it to control the Internet by reducing speed, limiting access, or blocking websites during rallies or times of political turmoil. On paper, a private firm issues domain names with the suffix “.az.” but it is clear that this firm leans towards the government or is in some way affiliated, as one panelist believes.

Facebook Live continues to gain popularity; one panelist said this is teaching people to film and become citizen journalists for online media outlets such as Sanjak, RFE/RL Azeri Service, Channel 13, Meydan TV, and others. Another popular Facebook page owner who served on the panel said, based on his own analysis of the data provided by Facebook, there is huge gap between the people who join his page from capital Baku and the rest of the country. Ten times more people in Baku join and engage on his page compared with the second and third largest cities of Sumgayit and Gandja.

List of Panel Participants

Due to the restrictive media environment, participants in the Azerbaijan study will remain anonymous. An Azerbaijani journalist developed this chapter after a series of structured interviews in January 2017 with colleagues having first-hand knowledge of the media sector.

Political agendas continue to permeate the media—a trend that became even more overt last year. Religious and social values buttress journalists' self-censorship. Ethical challenges pervade the mainstream media.



GEORGIA

The parliamentary elections were the main theme in Georgia's political and media discourses in 2016. The ruling Georgian Dream Party won the majority of seats in parliament, followed by the United National Movement (UNM), and, shocking Georgian elites, the Alliance of Georgian Patriots. In addition, the country's two largest telecommunication companies, Magticom and Caucasus Online, merged. Reflecting these developments, the state of media, having enjoyed relative freedom and progress during the past few years, became increasingly shaky. Obiektivi TV, notorious for spreading hate speech and phobic narratives, was in the background of these developments, largely determining the Alliance of Georgian Patriot's successes in the elections. The year ended with the announcement of a merger of three television stations: Imedi, Maestro TV, and Georgian Dream Station (GDS).

The panel members lambasted the Georgian National Communications Commission (GNCC) for imposing only vague sanctions on broadcasters in the pre-election period. The political battle for the seats of the two members on the board of trustees of the Georgian Public Broadcaster (GPB) fizzled out, and after nearly three years of deadlock, the parliament elected the missing board members nominated by the opposition, UNM.

Audience measurement of Georgia's television market is split between ABG Nielsen's licensee TVMRGE and Kantar Media's licensee Tri Media Intelligence. Conflicting data from the two groups, however, left prospective media advertisers confused. Continuous legal battles and accompanying uncertainty over ownership prevented the largest player on the market, Rustavi 2 TV, from attracting advertising money.

Many of the previous year's challenges persisted or even worsened in 2016. Political agendas continue to permeate the media—a trend that became even more overt last year. Religious and social values buttress journalists' self-censorship. Ethical challenges pervade the mainstream media. News outlets' editorial independence is undermined because of their suspicious contracts with the government, with some outlets' news saturated with Kremlin propaganda.

On the positive side, the constitutional court ruled that legislation allowing a security agency to have direct, unrestricted access to telecom operators is unconstitutional, and international donors' efforts continue to favorably impact the field of journalism and youth media education.

Against the backdrop of all these issues, the overall country score slipped slightly from 2.42 last year to 2.34. The bulk of this loss in score is a result of lower scores for Objective 3, Plurality of News, and Objective 4, Business Management. While most objective scores remained squarely in the "near sustainability" score range, Business Management's further fall placed it, worryingly, in the middle of the "unsustainable, mixed system" score range.

GEORGIA at a glance

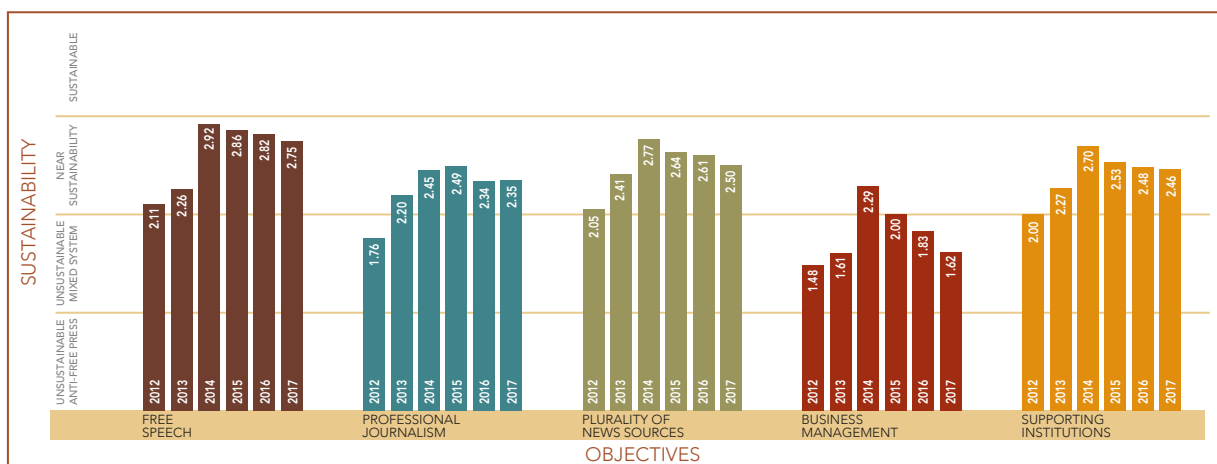
GENERAL

- > **Population:** 4,928,052 (July 2016 est., CIA World Factbook)
- > **Capital city:** Tbilisi
- > **Ethnic groups (% of population):** Georgian 86.8%, Azeri 6.3%, Armenian 4.5%, other 2.3% (includes Russian, Ossetian, Yazidis, Ukrainian, Kist, Greek) (2014 est., CIA World Factbook)
- > **Religion (% of population):** Orthodox (official) 83.4%, Muslim 10.7%, Armenian Apostolic 2.9%, other 1.2% (includes Catholic, Jehovah's Witness, Yazidi, Protestant, Jewish), none 0.5%, unspecified/no answer 1.2% (2014 est., CIA World Factbook)
- > **Languages (% of population):** Georgian (official) 87.6%, Azeri 6.2%, Armenian 3.9%, Russian 1.2%, other 1% (2014 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$15.30 million (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$9,430 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.8%; male 99.8%, female 99.7 % (2015 est., CIA World Factbook)
- > **President or top authority:** President Giorgi Margvelashvili (since October 27, 2013)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 313 newspapers (National Statistics Office of Georgia, 2015); Television: 41 satellite, 54 digital terrestrial and 76 cable channels; Radio Stations: 76 (Georgian National Communications Commission, 2015)
- > **Newspaper circulation statistics:** *Rezonansi* (4,000–5,000 daily), *Kviris Palitra* (55,000 weekly) (individual newspaper claims)
- > **Broadcast ratings:** Rustavi 2 (4.94%), Imedi (3.89%), Comedy Channel (1.09%), Maestro (1.03%), Chanel 1 (0.66%) (TV MR GE, 2015)
- > **Annual advertising revenue in the media sector:** Television: approximately \$30 million; Radio: \$4.5 million (Georgian National Communication Commission, GNCC analytical portal, 2015)
- > **News agencies:** info 9, Black Sea Press, Iveroni, NovostiGruzia, Sarke, Interpressnews, Iprinda, ItarTass, Kavkazpress, Media News, Prime Time News, Pirveli, Georgian Business Consulting News, Georgian HotNews, GeoNews, Expressnews, World Sport, ambebi.ge, Business Press News, Droni.ge, epn.ge, Aianews.ge, Kakheti Information Center, Primetimenews.ge, Kvemo Kartli Information Center, Mtkheta-Tianeti Information Center, for.ge, Frontnews, civil.ge, agenda.ge, economic.ge (www.yellowpages.ge)
- > **Internet subscribers:** 2.23 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: GEORGIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

Unstable, 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.

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 2.75

The slight decline of this objective from 2.82 to 2.75 can be attributed to the obscure media regulatory framework in the pre-election period, the inability of the court and the state to ensure the functioning of free media throughout the election year, the ownership dispute over Rustavi 2, and turmoil within Maestro TV.

Panelists still agree that media legislation in Georgia is one of the best in the region and complies with international standards. "The standards are high and freedom of speech and expression are secured. There is the law on broadcasting, which is good enough, and the legal changes implemented in the past few years are not intended to limit or control the media's freedom," Zviad Koridze, an independent media expert, said. Natia Kapanadze, the director of Adjara TV and a practicing media lawyer with the Georgian Young Lawyers Association (GYLA), said that what matters is the implementation of these laws, noting that some religious and social norms may hamper proper implementation of these laws.

Panel members who represent broadcasters complained about the provisions in the election code pertaining to media regulation in the pre-election period. Nino Jangirashvili, a director of Kavkasia TV, said that despite the general legislation securing freedom of expression most of the time, pre-election regulations are full of complications. "One article in the election code contradicts the other... I have to sit at GNCC and wait for

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

explanations since I don't want to get sanctioned." Established in 2000, GNCC is the regulatory authority of the broadcast media and electronic communication field under Georgian law.

The pre-election period saw contentious decisions by GNCC in which the commission took "selective and inconsistent" approaches against several broadcasters for violating the procedures of publishing opinion polls in the run-up to the elections.¹ According to the Media Development Foundation's (MDF) report, the GNCC imposed fines on several television stations, including Rustavi 2 and Tabula, as well as two regional broadcasters, Trialeti and Argo. All those outlets were critical of the government. Meanwhile, GPB, GDS, and Obiektivi received only administrative warnings.

Natia Kuprashvili, executive director of the Georgian Association of Regional Television Broadcasters said that the regulations about broadcasting the pre-election opinion polls are so obscure that many regional channels abstained from broadcasting on-the-street interviews just because they feared sanctions amid confusing standards. "Some TV companies were so afraid that many TV channels stopped their news programs."

The policy brief prepared under the framework of the Open Society Georgia Foundation (OSGF) project called "Monitoring Implementation of the EU-Georgia Association Agreement by Coalition of Civil Society Organizations" revealed that the Georgian government, despite its obligations to strengthen the capacity and independence of regulatory authorities, has proposed no specific activities to strength the GNCC.

Kuprashvili is concerned about the unequal treatment of national regional broadcasters under the current laws. "I think the legislation should become more lenient with regional broadcasters when it comes to authorship rights, advertising, and some other aspects. This matters a lot, especially in the pre-election period. Putting strict regulations on small regional broadcasters means exerting strong financial pressure on them."

Secret recordings of private lives and their subsequent release is a lingering issue for Georgians. Earlier this year, several government and opposition politicians, as well as one journalist, Inga Grigolia, were blackmailed with the release of secretly recorded videos of their private lives. Calling the event a case of "terror," Grigolia said on live television that she was not afraid and would not be silenced. To protest the surveillance, civil society restored the campaign "It Affects You Too" after a small break.² Prime Minister Giorgi Kvirikashvili condemned the case as a "blow to the state" and "blackmail of the entire society." He vowed that those who released the film would be "punished in an exemplary manner," Civil.ge reported.

¹ Practice of Imposing Administrative Sanctions on the Coverage of Public Opinion Polls in the Pre-election Period http://mediameter.ge/sites/default/files/practice_of_imposing_administrative_sanctions_eng.pdf

² Secret Surveillance in Georgia: 2015 – 2016 <https://idfi.ge/ge/regulating-secret-surveillance-in-georgia>

Soon after these developments, the constitutional court ruled the sections in the law on electronic communication, which allow security services to have direct and unrestricted access to telecom operators, unconstitutional. The lawsuit was lodged in 2015 by the public defender's office.

Earlier in June, the Tbilisi Court of Appeals upheld the judgment of the Tbilisi City Court in the case of Rustavi 2 TV, in which the court ruled 100 percent of the stake in Rustavi 2 was the property of Kibar Khalvashi, a fugitive from ex-president Mikheil Saakashvili's government. Just prior to finalization of the 2017 MSI, the Supreme Court of Georgia, the country's highest, upheld this decision. Khalvashi alleges Rustavi 2 was forcefully taken from him. Panel members say the Rustavi 2 events indicate a political struggle, not one of ownership.

Nino Danelia, journalism professor from Ilia State University and independent media expert, said that the court ruling in the Rustavi 2 case was unfair, and she speculated that political interests were behind the process, citing a few reasons for suspicion: one judge was trained only in criminal law, not administrative law, and refused to recuse herself; another judge, who chaired the three-judge panel, was given a permanent seat in the court soon after the indictment in the Rustavi 2 case was announced.

In the beginning of 2016, Tbilisi-based Maestro TV, known for a history of disputes among its owners and journalists, found itself involved in a battle between shareholders, resulting in several court disputes, the redistribution of shares, and the firing of a top manager. The former singer Giorgi Gachechiladze, known by his stage name Utsnobi, and a staunch activist against the Saakashvili government, gained a controlling stake (55 percent) of Maestro TV. Media activists and NGOs expressed concern in a statement that the case was politically motivated and felt such turmoil in the television company leading up to the election was suspicious. "The case of Maestro intensifies the fears of civil society that the government wants to establish control over the media prior to elections. In the summer of 2015, similar events occurred around ownership of the TV company Rustavi 2. The private dispute there also bore political undertones," the statement reads.³ A couple of years ago, the mass departure of journalists from the station and statements by the channel's top management about the need to pursue values other than typically Western ones raised concerns among media professionals and the public.

Digital switchover continues to be one of Georgia's most successful achievements, despite the technological challenges it poses to broadcasters, some panelists say. In 2016, GNCC made changes to the Law on Electronic Communications and defined the access criteria to multiplexes for broadcasters. These amendments stipulate that those broadcasters with high-quality

³ <http://www.transparency.ge/en/post/general-announcement/statement-ngos-tv-company-maestro>

broadcasting or programming geared toward the general public will be given priority to access multiplexes.

Another amendment in the law on broadcasting required that broadcasting through open satellites be in the Georgian language. Until 2016, lenient legislation enabled any person of any nationality to broadcast in Georgia. Kuprashvili said this would attract foreign citizens whose agenda was to reach out to audiences other than Georgian audiences. "There are numerous requests from Russia, China, and Middle Eastern countries to broadcast through open satellites. The language limitation was done for the purpose of security. Only public broadcasters and small regional and community broadcasters are exempt from this requirement," Kuprashvili further explained.

Panelists say pressure on journalists is now more subtle. "Beating up a journalist in the street is a visible felony; pressuring a journalist covertly is a big crime," Tamar Kintsurashvili, executive director of MDF, said, citing cases of secret surveillance, threats toward journalists, closing of television programs, and dismissals of journalists by some television stations. According to a report released by Transparency International, a few months before the elections, journalist Nana Lezhava replaced Maia Tabagari as the head of the news service at Imedi TV. The executive director of Maestro TV dismissed Giorgi Isakadze, host of several programs (*Business Morning*, *Business Contact*, and *Analytics*), citing the intention to outsource his jobs. Isakadze reported that disagreement about salaries was ultimately the reason for his dismissal. Contracts for staff members of *Business Contact* and *Business Morning* were also suspended. In July, the programs *Business Contact*, *Business Morning*, and *Analytics* were removed from Maestro. Currently, all three programs air on TV Pirveli. Transparency International and some NGOs note the rights of journalists, stating, "Private companies are free to make their own decisions about their staff; however, the directorate of the channel and its owners bear the responsibility to ensure the editorial independence and professional freedom of its journalists. Such actions demonstrate that the owners and leadership of the channel do not acknowledge these responsibilities."

Monitoring conducted by MDF on Election Day, October 8, and the next day, October 9, revealed three instances in which journalists were prevented from carrying out their work. On Election Day, the journalists of GDS, Rustavi 2, and Iberia were assaulted at the electoral district in Kutaisi, a city in western Georgia. According to the source in the report, the first deputy governor led a group of aggressors. The attackers verbally abused the journalists and damaged cameras. For panel members, investigations are difficult to conduct. Gela Mtvilishvili, the editor of Kakheti Information Center, said such cases are rarely discussed under Article 154 of the Criminal Code, which criminalizes acts that prevent journalists from doing their jobs. Instead, if investigated, they are primarily addressed by

other provisions in the Criminal Code about physical assaults or the threat of violence in order to circumvent being classified as attacks on free speech.

There was a breakthrough in the filling of two vacant board seats for the GPB, which has been an ongoing problem since 2013. The parliament elected two members nominated by the opposition party, UNM. Additionally, the director of GPB, Giorgi Baratashvili, resigned. Panel members said that his resignation coincided with the political cycle of the parliamentary elections. On November 21, a member of the board of trustees, Ketevan Mskhiladze, announced that Baratashvili resigned because he had other “job offers,” but provided no additional details. Most panel members were doubtful and speculated that the release of pre-election polls from pro-government leaning Maestro TV and GDS, which GPB cooperated in conducting, cast doubt on his impartiality. The results of the polls diverged considerably from the ones released by the Central Election Commission and put “the credibility and reputation of the GPB at risk,” according to Transparency International.

Nata Dzvelishvili, executive director of Georgian Charter of Journalistic Ethics (GCJE), said, “Baratashvili has fought for these exit polls, and he was determined to execute them, despite the resistance from the civil society organizations. All their arguments were unacceptable to him, and he also mentioned that he got tired and was planning to leave for quite some time. Nevertheless, his decision to resign at the end of the elections raises suspicion.” Koridze added, “It seems to me that his resignation can be related to certain political dimensions.”

Ia Mamaladze, the publisher of *Guria News*, said the coverage of the 2016 parliamentary elections on GPB was politically charged, and media experts also speculated about the government’s interference in its editorial independence.

On a positive note, GPB started a structural reorganization at the end of 2015, hoping to update various management units and transitioning the newsroom into a more multimedia-based facility. Also, a study carried out by Transparency International found that professional freedom for GPB journalists has been gradually improving. According to GPB employees, unlike previous years, they have not heard about cases of interference in the process of preparing content.

Elections of the director for the Adjara Public Broadcaster, based in Batumi, were transparent, panel members noted. Mamuka Andguladze, a joint officer from the Council of Europe, said, “Elections in Adjara Public Broadcaster are remarkable because the person elected as the director is not linked with any political party. The chances have increased that the new director and the team will make something happen. It is one thing that she has potential and another thing when considering to what extent she will be allowed to do what she intends to.” Kapanadze

credited this election to the relentless work of civil society members.

In Georgia, neither slander nor libel are criminal offenses; if either is proved, a civil award for damages is applied. Occasionally, some defamation cases end up in court. In 2016, the court ruled in favor of Mamuka Khazaradze, president of one of the largest private banks in Georgia, TBC Bank, against the Georgian tabloid *Asaval Dasavali*. The newspaper will have to pay GEL 6,000 (approximately \$2,500) to the bank for continuing to spread defamatory allegations since 2015 despite a previous legal intervention.

Public institutions frequently withhold public information under the guise of personal data protection and privacy rights, and this remained true in 2016. The Georgian Administrative Code regulates citizens’ access to public information and obligates a public institution to release requested information no later than 10 days following the request. Mtvlishvili said that sometimes state agencies refuse to release public information, claiming they lack sufficient human resources to search and process large amounts of data, or they cite the protection of privacy. Nestan Tsetskhladze, editor of the online newspaper *Netgazeti.ge*, recalled that the Ministry of Interior responded to her publication’s request, which was lodged in 2013, in 2016. The request concerned the salary bonuses of the Ministry of Interior staff members. “We submitted a complaint in court against the non-release of the public documents, and it took us three years to resolve the case. The information released in 2016 is of very little value,” Tsetskhladze said. She also mentioned the difficulty journalists have with access to court rulings. “The institution, which is responsible for ensuring fair decisions on such cases, is transgressing itself,” Tsetskhladze added.

In 2016, the Institute for Development of Freedom of Information submitted 7,430 information requests to 294 public institutions. Of the requests, 73.94 percent were completed—a significant fall from last year’s 86 percent. The Ministry of Justice was named as the most closed institution in 2016. Dzvelishvili believes that one of the major drawbacks in 2016 for this indicator has been the stagnation in the enactment of the Freedom of Information Act, which was expected to be carried out in 2016.

Access to foreign sources of information is free for the Georgian media and is not prohibited by any regulation. After sex tapes were released online, YouTube was blocked from some of the country’s largest Internet service providers—a move that worries panelists. “It can turn into a habit,” Koridze warned.

There are no restrictions applied by the government to the journalism profession in terms of entering university. “Even though prospective students are not restricted in any way to choose journalism as a profession, still, it is not among those

fields that are supported and encouraged nationally, like sociology or economics,” Nino Zhizhilashvili, a talk show host at TV 1, said.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 2.35

Fairness, balance, and ethics in the Georgian media fall short of the panel’s expectations. Panel members said that the overall quality of reporting is still poor despite improvements that the Georgian media has seen in the past few years. Contributing factors include political affiliations of the media outlets, lack of credible sources, and low professional standards.

“This was too obvious in the run-up to the elections. The anchors of the political talk shows and the journalists were unprepared and had difficulty leading and moderating the respondents; the journalists struggled with probing and putting forth counterarguments when it was expected. Instead, the representatives of the political parties were given the freedom to say whatever they had on their agendas. Sometimes, the pro-Russian and anti-Western politicians were providing information about NATO and the EU that was false,” Dzvelishvili said, adding that such cases prove that Georgian media is not immune from spreading false news if journalists lack professional competencies.

The *Study and Research on Election Media Coverage for 2016 Parliamentary Elections in Georgia*, carried out by the GCJE revealed instances of unbalanced reporting on all television channels as well as stories based on a single source. According to the report, some stories were broadcast without double-checking the sources.

Kintsurashvili said it is easy for some political forces to instrumentalize the Georgian media because of the low professionalism and insufficient training of journalists. She added that sometimes one can find a high-quality product with balanced and objective reporting in the regional media outlets.

Georgian media is plagued with sensationalism, plagiarism, and hate speech. Political talk shows of TV Pirveli, TV Maestro, and Iberia aired programs where political opponents swore at each other and used crude language, and in one instance, opponents engaged in a violent brawl. In most cases, the journalists attempted to defuse the tension but they did not stop broadcasting until the last moment. Dzvelishvili claims, “This was done on purpose to attract the viewers with the scandalous material.” *Asavali Dasavali*, *Alia*, *Sakartvelos Respublika*, *geoworld.ge*, and *Obieqtivi TV* are among the outlets using hate speech and language.

On a positive note, panelists say the GJEC is contributing to curbing the ill practices of journalists. In 2016, an underage person filed a complaint to the GJEC regarding an article titled “Black Georgians” in the magazine *Horoscope+*. The complainant felt the title of the story promoted discrimination against black people. In 2016, the Georgian Association of Regional Broadcasters (GARB) initiated a shared platform where an interested party can post a complaint or share a concern and receive open feedback. Rustavi 2 developed a similar platform on its website.

In March 2016, a Georgian news outlet reposted a secretly recorded sex tape from YouTube that allegedly featured an opposition politician. In addition to posting it openly on its website, the news outlet also identified the person on the tape, causing an outcry from civil society organizations and the Georgian media. The news outlet was forced to fire one of its editors and to apologize for breaching ethical standards for reporting.

There are a handful of online and print publications that provide in-depth and highly professional reporting. They include the magazine *Liberali*; newspapers *Netgazeti.ge*, *Batumelebi*, *Tabula.ge*; and radio service *Radio Free Europe/Radio Liberty*. *Tabula TV* closed in 2016 because of insufficient funding.

Most panelists agree that Georgian journalists grapple with self-censorship. Ivanishvili added that the journalists and editors in almost every mainstream media outlet practice self-censorship out of fear of offending those in political and religious power. Zhizhilashvili said that there is immense censorship and self-censorship at *Imedi TV* and *Maestro TV*. “I know for sure that the journalists were receiving the lists of potential guests in the pre-election period. This reminds me of the times in 2007 when I was working at *Mze TV*,” she said. According to

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

panelists, Georgian journalists self-censor when reporting on religious themes or issues pertaining to the Georgian Orthodox Church. Tsetskhladze recalled a case that occurred during the elections when the leader of the Georgian Orthodox Church voted to stop using the electoral stain used on voters' hands—a security feature that prevents double voting. Tsetskhladze said that Netgazeti.ge reported the story and posted a photo. She said that TV 1 also released the video and attributed the story to Netgazeti.ge. “For me, this is a clear case of self-censorship. The television station was afraid to claim authorship of the story and pointed at Netgazeti.ge,” she said.

Still, the panelists generally agreed that Georgian media report on key events, even if some outlets neglect to cover stories, other outlets will be there to report them. Additionally, Dzvelishvili and Kintsurashvili said the Internet and social media fill in the gap when necessary.

Pay for journalists remains low in Georgia, although the pay varies between sectors and regions. Kuprashvili noted that some media outlets pay suspiciously high salaries to some journalists, raising questions about the intentions of the media outlets. Hatia Jinjikhadze, media support program manager with OSGF, and Ivanishvili disagreed and said that there cannot be a direct correlation between a journalist's salary and corruption. On average, print and online media, which are largely funded by donors, pay around \$200 to \$300 per month for each staffer. The salaries are much lower for regional outlets. The salaries for national broadcasters range between \$500 to \$3,000, sometimes higher, depending on the position and the years of work experience.

Higher salaries for broadcasters leaves smaller media with less experienced entry-level journalists. “Because the broadcasters pay better salaries, online media risk losing their staff,” Mtvilishvili complained. Dzvelishvili added that during pre-election times, the pay for some broadcast outlets increased, causing an outflow of journalists from smaller to larger media organizations and from regional to national media outlets.

Entertainment takes a more or less equal share of airtime for private and public broadcasters. Kuprashvili argued that the increase of general broadcasters owing to the ease of access permitted by the changes in the law on broadcasting will similarly increase providers of hard news, with about 60 percent of broadcasters airing news.

Most panelists agreed that the digital switchover in 2015 caused serious technical challenges for most media, including the large and relatively wealthy Rustavi 2. Kuprashvili said that regional broadcasters are in deplorable conditions and cannot keep up with the technological requirements imposed by the new digital

Jangirashvili said that the Internet pressures journalism to provide more information in a very limited time. “The audience wants to see and read it all instantly; they don't want to wait for a story unless it is something big. The news has become more about speed and less about depth or quality.”

order. Jangirashvili argued that technological developments have simplified production, transmission, and distribution of the media content, thus outweighing the technological challenges caused by the digital switchover.

When speaking about the quality of niche reporting and programming, the panel said that although some media outlets provide in-depth coverage of politics, economics, health, and other pressing topics, which is increasing in popularity, there are still serious problems. Zhizhilashvili explained, “The media outlets are reluctant to spend money on it because there is very small interest from the side of the viewers. Also, those media outlets are selective when choosing the topics to cover, and those topics do not fall under the interest of the journalists.” Jangirashvili said that the Internet pressures journalism to provide more information in a very limited time. “The audience wants to see and read it all instantly; they don't want to wait for a story unless it is something big. The news has become more about speed and less about depth or quality.” Ivanishvili believes that the web offers a platform where investigative reporting can easily be transferred to become more accessible for changing audiences. Still, for more than a decade, a small studio, Monitor (monitori.ge), has been producing high-quality investigative content. TV Kavkasia airs its programs.

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 2.50

Panelists agreed that the Georgian media landscape is pluralistic and different types of media offer multiple viewpoints. Some panel members observed that the media is also prone to polarization when reporting on certain topics such as elections; political slant in media and economic hurdles further intensify polarization, they added. This polarization is a main reason why Objective 3 declined somewhat from 2.61 to 2.50.

Jangirashvili said that the political affiliation of the Georgian media channels became more apparent in 2016. “Media outlets emerged as real political players,” Jangirashvili claimed. The

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

attention the Obiektivi TV gave to the party it is affiliated with—the ultra-nationalistic Alliance of Patriots—had a huge effect on election outcomes in the October parliamentary elections. Obiektivi TV, known for spreading xenophobic, homophobic, and anti-Western sentiments, and reportedly reliant on Russian funding, helped the party to clear the threshold during the elections. Another television company linked with the Alliance of Patriots is Iberia, Jangirashvili said. Television channels Imedi, Maestro, GDS, and GPB are distinctly pro-government, and Rustavi 2 remains linked with the UNM.

In early 2016, Transparency International released a study calling funding of regional broadcasters “suspicious.” According to the report, in 2015 and 2016, different Georgian municipalities signed contracts with a local television station worth almost GEL 1 million (approximately \$400,000) on the provision of services such as the acquisition of airtime and the production of programs and news items. These agreements contradict the law on broadcasting. “This raises doubts about the independence and impartiality of the TV stations,” the report says. Kuprashvili said monitoring the activities of regional broadcasters did not reveal a breach of law, and the role played by the municipalities seems conspicuous because of the decline in other funding sources such as advertising or grants.

No laws restrict Georgians' access to domestic or international media. According to the Caucasus Resource Research Center (CRRC), 77 percent of the population chooses television as a primary source of information on politics and current affairs, 12 percent choose television as their secondary source. In the same report, 23 percent of those interviewed said they receive news about politics and current affairs from foreign television channels. The most frequently named foreign channels were Russian Channel One, RTR, Russia 1, Russia 24, and Euronews broadcasts in both English and Russian.

Several panel members said the economic hardships, coupled with low Internet coverage in remote parts of Georgia, hinder the population's access to news sources. Nino Narimanishvili an editor at Samkhretis Karibche, cautioned that the population in the Armenian-speaking Javakheti region has limited access to information and especially to the Georgian language channels. Kuprashvili further added that because of GNCC policy and Georgian legislation, regional outlets fail to meet the needs of their target minority populations. About 52 percent of ethnic minorities interviewed by the CRRC study reported receiving news from foreign channels. “There is no single local multiplex in Samtskhe-Javakheti region. We [GARB] tried to address this issue in 2016 by synchronizing and translating 6 and 8 o'clock news programs,” Kuprashvili added.

The level of Internet penetration in the country is less than 50 percent, according to the GNCC analytical portal, and the availability of fiber-optic Internet is scarce beyond the capital and major urban areas. Facebook is the most popular social media platform in the country, with approximately two million registered users, according to Internet World Stats. The countrywide Internet expansion and broadband development project, which started in 2015 and is funded by the Bidzina Ivanishvili-owned Cartu Foundation, is underway and expected to be completed by 2020.

Panelists disagreed about the quality of the GPB programming. Some felt GPB's pre-election coverage was more or less balanced and reflected a diversity of viewpoints of the Georgian political spectrum. “We could observe a plethora of political viewpoints presented on the channel in the run-up to the elections. Many different politicians were able to talk and share their agendas with the public,” Dzvelishvili said. Still, there was a lack of analysis and debates on GPB, Dzvelishvili added. “There were only the presentations of the candidates' agendas.” Most panel members named the social and political program *InterVIEW* on GPB, anchored by Salome Asatiani, a journalist at Radio Free Europe Prague, as the best television program broadcast in the period preceding parliamentary elections.

Channels fail to ensure internal pluralism, which is central to public broadcasting. Andguladze said this prevents the channel from filling the gaps left from private broadcasters. Kuprashvili claimed that GPB's programming is gradually improving, creating several new educational, informational, and musical programs. “There are several things they have been struggling with; this is about ordering of programs as well as bringing them to the audience,” Kuprashvili said.

The GPB became embroiled in a scandal after its first channel aired an election campaign advertisement by the Centrist political party depicting Russian tanks and the Russian president, Vladimir Putin, while promising “Russian pensions” and the legalization of Russian military bases in Georgia.

The advertisement caused an outcry among Georgian media activists, experts, and civil society organizations, and broadcasters subsequently took it off the air. Prime Minister Giorgi Kvirikashvili responded to the decision to remove the advertisement by releasing a statement: “We all need to be particularly vigilant and careful during the pre-election period given the increasing wave of propaganda against state interests.”

Some panel members said that GBP was compelled by the law to air the advertisement, as the election law restricts the broadcasters’ ability to monitor the content of political and social advertisements. Jangirashvili labeled the advertisement as unconstitutional and anti-state, saying there is an exception to the election law that allows a broadcaster to prevent the airing of advertisements that contain anti-constitutional and anti-state propaganda.

The independence of news outlets as well as their efficacy has been compromised in recent year, and panelists question their ability to remain impartial. Kintsurashvili said news outlets such as IPN.ge, PIA.ge, and some others are subsidized by different government agencies and sometimes are even contracted by political parties.

Zhizhilashvili added that several news outlets are even ready to air and promote certain content if they are paid for it, even if the content is not newsworthy. She further explained that some broadcasters pay news outlets to quote and circulate the content they broadcast. Jangirashvili added that this service has existed for many years and is efficiently used by some media companies who try to “artificially increase their visibility.”

Koridze recalled the case of IPN.ge. After news outlets reposted the sex tape from YouTube, several government ministries, such as the Ministry of Education, the Ministry of Culture, and the Ministry of Defense, as well as the President’s Administration, suspended their contracts for three days. These contracts procure the reporting services from a news outlet for all public service events, activities, and appearances. Ultimately, the Ministry of Justice kept IPN.ge’s contract suspended, and the news outlet “retaliated” by ignoring developments in the Ministry of Justice. IPN.ge justified itself by claiming that it isn’t notified about upcoming events at the Ministry of Justice. “The problem here is the following: I won’t report about you unless you pay me,” Koridze notes.

Some outlets also carry pro-Russian and anti-Western narratives. Narimanishvili and Kintsurashvili noted that in 2015 and 2016, the government subsidized news outlets such as Newspress, Sputnik (owned by the Russian government), Obieqtivi TV and Radio, and others.

Most broadcast media produce their own news, although some regional media suffering from a shortage of both financial and

human resources rely on GARB to provide them with coverage of national news to complement their own local coverage. Mtvilishvili says that 70 percent of the content in the Kakheti Information Center, an online media portal, is original coverage, while community radios produce 50 to 60 percent original material.

The law on broadcasters mandates that media outlets report and update information on their owners. Koridze, who was one of the authors of this law, noted that when amending the law and making the information about ownership mandatory for the media outlets, they failed to include financial transparency. Koridze explained that the ownership and financial transparency of a broadcaster is significant, as it would allow the public to learn who the real owners of the company are. “Nowadays, the information about the owner has become conventional... It is important that the information about all the sources of funding are also transparent and that the owners declare their company’s assets,” he said.

Kuprashvili summed up the seventh indicator of a broad spectrum of social interests in the media by stating that 2016 saw no significant improvements. “Since we have not seen changes in GPB, it means we don’t have any positive changes when it comes to reporting on the themes germane to minority groups. We don’t see the programs featuring a minority community. GARB plans to prepare such content, which will be posted on the website Samkhretis Karibche,” she said. Narimanishvili said there are hardly any bloggers among the minority communities.

Jinjikhadze noted some exceptions, mentioning Radio Marneuli, which serves an area populated predominantly by Azerbaijanis. Jinjikhadze said that the radio, with its bold coverage of different topics, is indicative of the progress achieved with the support of various local and international donors.

Narimanishvili, who works in the heavily Armenian Javakheti region, noted that her publication successfully cooperates with the local community radio station NORI. The radio station prepares daily Armenian translations of the content produced by Samkhretis Karibche, which is accessed by the local Armenians and Armenian-speaking Meskhetian communities. In 2016, Radio Samkhretis Karibche began airing news both in Georgian and Armenian. Narimanishvili did observe that the only time the minority communities appear in news is when something tragic occurs. Such an approach, she says, annoys minority communities and alienates them.

Panel members said that although news coverage and information about the local and national issues is present in the Georgian media, international issues are frequently left unattended. Ivanishvili said the Georgian media lacks global vision. “Georgian media has difficulty seeing and recognizing global context, and the impact international events have on our

daily lives. For example, something that happens in Armenia is related to us; the same is true about Turkey and Syria and Russia,” Ivanishvili said. A couple of years ago, Netgazeti.ge started a section on the South Caucasus region with daily updates of the events from the three Caucasus countries. Panelists noted that this is the only source that systematically reports on regional events.

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.62

The score of Objective 4 dropped moderately from 1.83 to 1.62. Panelists regarded financial instability and the consolidation of ownership as major challenges of the Georgian media market in 2016. A fierce economic crisis, the split of the media market between two television audience measurers, and restrictions imposed by the law on advertising further deepened instability and facilitated the market’s downturn.

According to GNCC data, the television advertising market shrank to \$19,561,115 (January to September) in 2016—an approximately 20 to 30 percent fall compared to the previous year.⁴ “Comparison of 2015 and 2016 shows that Rustavi 2, the leader on the market, experienced a decline of 4 percent in 2016, and Imedi’s revenues dropped by 1.5 percent,” said Kintsurashvili.

In 2016, television media outlets had to operate in the market where two television audience measurers (TAMs) were present: ABG Nielsen’s licensee TVMRGE and Kantar Media’s licensee Tri Media Intelligence. According to Jangirashvili, Rustavi 2, Comedy Channel, Marao, TV Pirveli, and Kavkasia stayed with TVMRGE, while Imedi TV, Maestro, and GDS contracted with Tri Media Intelligence. The two TAMs provided conflicting ratings, confusing prospective advertisers and, said panelists, playing a significant role in the market’s decline.

The financial stability of the largest player of the Georgian media market, Rustavi 2 TV, was also affected by additional circumstances in 2016: endless court trials and the uncertainty over the channel’s ownership. “Rustavi 2 is a key player in the market, and advertisers were uncertain about placing ads there... Many cut their budgets. The year was very unstable for Rustavi 2; nobody knew what the court decision would be. This affected the sales,” said Jangirashvili.

The panelists agreed that available sources of revenue are not enough to support all current media. “Media is not profitable and [instead] brings political dividends,” said Kintsurashvili. “Tabula TV, which was closed at the end of the year, showcases how unstable the market is... It was closed because it could

⁴ <http://bpi.ge/index.php/in-2016-georgias-advertising-market-fell-by-20-30/?lang=en>

not support itself. The market failed to sustain it, and political interest was also insufficient to support the channel,” said Jangirashvili.

Jangirashvili tried to sort television outlets through their financing sources. Commenting on the union of Imedi TV, Maestro, and GDS, she noted, “An entire year of sales showed that it was not only a financial decision. Political talk shows were canceled one after another on Maestro TV, and the relatively well-known journalists of the channel, whose dismissals can make noise, were invited to Imedi TV, silently and quietly, meaning that these two channels are integrated by political will and for commercial reasons.” The three television channels eventually merged at the end of the year, highlighting the overall trend of ownership consolidation in several industries.

Besides the union of Imedi TV, Maestro, and GDS—marked as a pro-governmental grouping—Jangirashvili listed the channels supported by Georgian political parties or owners: Obiektivi TV and Iberia TV. “Obiektivi entirely depends on the Alliance of Patriots party’s subsidies, and Iberia TV depends on the owner’s support,” said Jangirashvili. There are also media outlets financed by, and a part of, Palitra TV and Music Box. The revenue source of the newspaper *Asavali Dasavali* is not known at all. “Ninety to 95 percent of its revenues come from unknown sources because it has no advertising at all,” Koridze said.

The panelists decried the malpractice of payments for coverage. “It is the kind of practice—and the product was coined by IPN.ge—that is offered to governmental bodies and businesses in exchange for money,” said Tsetskhladze. “Let’s say you are a political party that paid a GEL 500 subscription fee. When your party’s PR people schedule a charity event, the media is obliged to cover it because money has been paid,” explained Zura Vardiashvili, editor of *Liberali Magazine*. According to

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Mediachecker.ge, 90 percent of IPN's content is created for subscribers, meaning it is promotional material, yet is not clearly marked as is required.

As stated in the prior section, television audience measurement practices changed for the worse in 2016. A second international measurer, Tri Media Intelligence, Kantar Media's licensee, entered the market, thus splitting television outlets into two groups. "It is weird. We have excess with two measurers of TV audiences but do not have online and print media measurements. Both TV audience measurement panels cover the same cities and miss many regions. Regional TV outlets are not covered at all," said Kuprashvili.

The panelists said that in the absence of valid research data, businesses, especially international ones, find it difficult to make advertising decisions. Some of the panelists noted that international businesses cut their advertising budgets not only because of the currency crisis but also because of the lack of trust in audience survey data.

Many panelists felt attempts to survey radio failed. "There have been several efforts to measure radio audiences, but now very few stations maintain the initiative," Kuprashvili said. In 2013, Market Intelligence Caucasus (MIC), a licensee of TNS, with the support from USAID [through an IREX-implemented project – ed.], launched a radio audience research project. MIC foresaw problems with the sustainability of the survey in 2016 as market players, radios, and advertisers displayed little interest in purchasing survey data and thus providing funding.⁵

No substantial advances were witnessed in online media surveys, according to the panelists. Many websites use Google Analytics, which is neither sufficient for effective marketing nor trusted by the advertisers to facilitate sales increases. "A lack of money is what prevents the online media market from inviting international measurers," Tsetskhladze said.

The print media market also lacks a trustworthy measurer. Publications' circulation data is not easily accessible and is difficult to verify. Limited officially verified data is made available by some print publications, mostly on an individual basis.

Some panelists expressed concern about the possible monopolization of the advertising market. "It's unstable... and triggered discussions about the possible joint sales of Rustavi 2 and its affiliated channels [Comedy TV and Marao] on the one hand and Imedi TV and its affiliates [Maestro TV and GDS] on the other," Jangirashvili said. Nika Gvaramia, general director of Rustavi 2 neither confirms nor denies the possibility. "Toward the end of the year, we could return to the situation we had in 2008, when there was only one sales house—General Media—

"Rustavi 2 is a key player in the market, and advertisers were uncertain about placing ads there... Many cut their budgets. The year was very unstable for Rustavi 2; nobody knew what the court decision would be. This affected the sales," said Jangirashvili.

and when small players had no chance to survive," Jangirashvili further noted.

The panelists feel monopolization of the media market will eventually affect editorial policy. Kuprashvili said, "I am absolutely sure that after a while it will be reflected in editorial policy." "The road we have passed after 2013 circles and drives us back to 2012," Jangirashvili warned, remarking about a possible return to the situation when media was controlled by the ruling party. As such, panelists regard the financial stability of the media market as the biggest concern and challenge. "If we look at the current picture, we will see how fragile media pluralism, freedom, and diversity are—all those things that make us so proud and happy. And all of those things can disappear overnight," said Jangirashvili.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Georgia Objective Score: 2.46

The Trade Union of Mass Media Workers was set up in 2010 but, failing to meet its purpose, dissolved shortly thereafter. A small number of professional associations, together with the civil society groups, work to promote the interests of individual journalists and media outlets. The list of active media organizations has not changed much from the past years and includes the Media Advocacy Coalition (established in 2011), GYLA, Transparency International, GARB, GCJE, and Media Club, and Association of Georgian Regional Media. At the end of 2016, the Georgian Trade Unions Confederation established the Georgian Media Trade Union, which the founders say will focus on safeguarding the interests of those working in media organizations.

GARB represents 21 television and radio broadcasters from different regions in Georgia. Established in 2005, the association plays a crucial role in lobbying for the interests of journalists and regional media outlets, in addition to fundraising and producing content.

Some panel members have observed a growing solidarity among media representatives. "Whether we like our media

⁵ http://www.transparency.ge/sites/default/files/post_attachments/advertising-market-report-2016-eng.pdf

organizations or not, it is obvious that when a journalist has a problem, the professionals in our field show unity when it is needed," Kuprashvili said. Kintsurashvili noted that the NGO sector helped Rustavi 2 in its recent court saga regarding ownership. She also mentioned the role that Transparency International played by responding immediately to threats against the independent media and free speech, and alerting the public to government attempts to interfere and influence the media process.

GCJE is among those organizations that helped the Georgian media to evolve and improve in quality. As a union of journalists, GCJE aims to promote the values of integrity and accountability among the Georgian media and to safeguard professional and ethical standards for journalism, bridging the gap left by the law. Among its core functions are to accept and consider complaints of ethical misconduct submitted against journalists or media outlets and to strengthen media's self-regulatory capacities. Dzvelishvili said GCJE's functions and activities have broadened and subsequently transformed the charter into a multipurpose organization that takes on the role of both educator and monitor. "It has become a kind of a hybrid organization addressing the needs of the Georgian media landscape," Dzvelishvili added. Since 2010, GCJE has employed monitors for both election and thematic monitoring efforts. In 2015, GCJE launched Media Checker (mediachecker.ge), a portal monitoring media performance. Another GCJE project, the Training Center for Liberalism (Libcenter.ge) promotes democratic ideas and values among Georgian youth.

Panelists worry that integrity is not enough to help journalists and that the current protections offered are insufficient. "It is very good that GCJE will spread the news about the violation of our rights, and it is also very important that the media coalition will vocally support us...but when it comes to real protection, there is no one. For years, the Georgian Young Lawyer's Association had a unique mechanism to protect journalists' rights. Now, when we need to prepare a formal complaint or a lawsuit, we have to look for a private lawyer, which is very expensive," Tsetsckhladze said. She added that there is a shortage of media lawyers because many have changed legal specialties, and the GYLA, because of funding problems, will only take media cases on a limited and exceptional basis.

Many journalists seek help from friends who are attorneys to save costs, Kuprashvili said. She recalled that during the October 2016 elections, there were multiple court cases where GARB was constantly in need of legal assistance. "We asked GYLA, which had a team working on various legal cases related to the elections and also addressed Transparency International, because in most cases, we needed to prepare counterclaims or to lodge separate lawsuits. We received negative responses and nobody accompanied us to court. In the end, I was forced to ask Kapanadze to help us prepare and lodge an appeal," Kuprashvili

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

said, adding that she hopes GCJE will be able to take over this role in the future.

Kapanadze said there are professionals who would serve as the media's legal support. "This remains a gap for media supporting organizations," Kapanadze said. Jinjikhadze said that the donors, who's funding largely determines the existence of such services, should know about the difficulties the Georgian media is facing and adjust funding strategies to serve local priorities better.

Journalism schools in the capital offer a very different education when compared to schools in more remote regions. Regional journalism schools grapple with a lack of modern teaching and education methods, a lack of technological skills, and poor infrastructure. Vardiashvili added that although *Liberali* offers internship positions for students, they are often unprepared for the work. "It would take them at least six months and even a year to become skilled enough for us to offer them a job," he said.

Journalism schools at the Georgian Institute of Public Affairs (GIPA) and Caucasus University stand out among institutions producing a small number of highly skilled journalists. "GIPA has integrated technology-enhanced learning and changed the whole approach to teaching journalism," Kintsurashvili said. Jinjikhadze noted that in 2014–2015, T-Studio, a Georgian documentary company, shot educational documentaries with funding from OSGF. The documentaries aim to raise awareness about ethical journalism and professional standards among journalism students and have already been integrated in the curricula of several journalism schools.

The Caucasus School of Journalism and Media Management at GIPA is currently running a project aimed at teaching multimedia skills to the minority communities. Financed by the U.S. Embassy in Georgia, it targets the Armenian community in Javakheti

and the Azerbaijani community in Kvemo Kartli. Ivanishvili said trainees will acquire photo, video storytelling, and web skills, and they will use these competencies in their working lives.

There are numerous training courses offered to practicing journalists, although panelists disagreed about their value. Danelia said they are “all the same,” and Vardiashvili explained that the same journalists attend all of these trainings. “When it comes to me, I always try to send different journalists, but, unfortunately, not everyone does that,” Vardiashvili said. Dzvelishvili noted that when GCJE prepares trainings, it always asks media outlets about specific needs. Tsetskhladze said that she refuses to send her journalists to trainings funded by government agencies, while Mtvlishvili cautioned against what he called “a malpractice” by certain governmental groups and private companies that train journalists to report on certain topics. These trainings are mostly held in posh hotels outside the city and occur several times a year. “How can these journalists be critical and objective?” Mtvlishvili asked.

Kintsurashvili said the MDF is conducting research to assess the needs of regional media. Once the research is complete, MDF will share its findings with donors. “For example, I know that not every media outlet needs training in infographic or visual skills. We need to know what is actually needed in the market and make our trainings relevant,” she said.

Sources of media printing facilities are apolitical, but Mamaladze noted that they are both low quality and costly. Additionally, media distribution channels have lessened. Vardiashvili experiences difficulty trying to distribute *Liberali*'s hardcopy edition because of the high service cost charged by Elva Service. Launched in 2000 by Palitra Media Holding, Elva Service obtained authorization to distribute print publications from the Georgian Post in 2015. The company is the largest of its kind and works with at least 1,000 selling points throughout the country. In addition to its high price and market domination, Elva Service also takes the full weekend off—a problem for publications with weekend distributions. Some newspapers, such as *Rezonance*, Koridze said, have since ceased producing Saturday editions.

The panelists agreed that access to media became much more politicized in 2016 than in prior years. The government's role in the internetization of the country is pro forma and funded solely by the former prime minister Bidzina Ivanishvili. Koridze expressed concern about the implications for future freedoms and suspects a gloomy future for Internet freedom.

List of Panel Participants

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Nata Dzvelishvili, executive director, Ethics Charter of Georgian Journalists, Batumi

Nina Ivanishvili, dean, School of Journalism, Georgian Institute of Public Affairs, Tbilisi

Nino Jangirashvili, director, TV Kavkasia, Tbilisi

Hatia Jinjikhadze, media support program manager, Open Society Georgia Foundation, Tbilisi

Natia Kapanadze, director, Adjara TV, Batumi

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The panel discussion was convened on December 3, 2016.



**RUSSIA AND
WESTERN
EURASIA**

Despite a thaw in relations with Western countries, administrative persecution continued against journalists, especially those that work for foreign media organizations as freelancers.



BELARUS

In 2016, two opposition candidates won seats in the Belarusian parliament for the first time in 20 years. Although media, including state and non-state operated outlets, were able to report on the campaigns relatively freely, many limited coverage because elections are generally predictable. In some cases, local news outlets resorted to self-censorship, preferring to ignore the violations that took place over the course of the campaigns.

Increased tension between Minsk and Moscow was an important geopolitical factor in 2016. While economic struggles prevented Russia from continuing to subsidize Belarus's economy at its previous high levels, the Belarusian government intensified contacts with neighboring European Union countries, notably Poland. One result of the improved relations was the temporary accreditation of several correspondents from Belsat, the exiled Poland-based satellite television channel.

Despite a thaw in relations with Western countries, administrative persecution continued against journalists, especially those that work for foreign media organizations as freelancers. Under Belarusian law, any citizen that works for foreign outlets must receive individual accreditation with the Ministry of Foreign Affairs, and the absence of such accreditation might lead to administrative persecution. Accredited journalists of foreign media also experienced pressure, exemplified in the court case against Associated Press (AP) Belarus correspondent Yuras Karmanau for his coverage of food production in the region contaminated by the Chernobyl nuclear fallout.

Several restrictive laws remain in place that limit independent media's ability to inform the public. While the constitution guarantees the freedom of expression and the right to receive, store, and disseminate information, the criminal code in Belarus contains provisions on defamation, libel, and insult. Since 2014, online media outlets have been subject to the same restrictions as traditional media. In the case of a suspected violation, the Ministry of Information is entitled to limit access to websites, without a court ruling. A law on "extremism" was used to sentence a blogger for writing politically sensitive materials. No new legislation that would further restrict media or the Internet was introduced in 2016. But the economic discrimination of the media continues, and this past year, several private newspapers remained without access to the state-controlled distribution system.

The population's access to information increased due to the growing accessibility of the Internet. In December 2016, mobile Internet of 4G/LTE standards reached regional cities. Also, 2016 saw the first successful online crowdfunding campaigns for independent media outlets.

Relative freedom and the absence of significant setbacks led to a moderate increase in the overall score of Belarus; however, the country is considered an unsustainable mixed system.

IREX protects the identity of the panelists who agreed to participate this study. Amendments to the criminal code include an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the country.

BELARUS at a glance

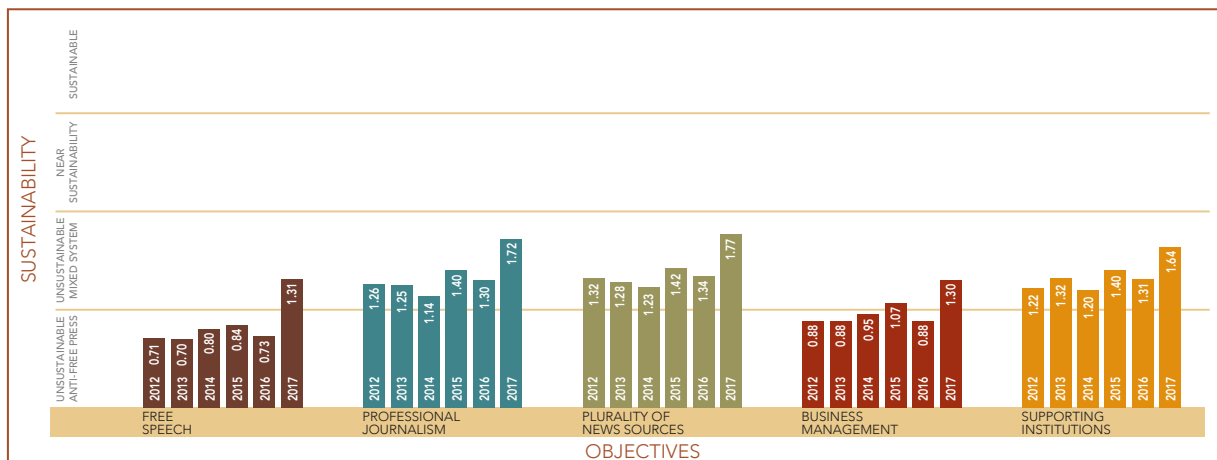
GENERAL

- > **Population:** 9,570,376 (July 2016 est., CIA World Factbook)
- > **Capital city:** Minsk
- > **Ethnic groups (% of population):** Belarusian 83.7%, Russian 8.3%, Polish 3.1%, Ukrainian 1.7%, other 2.4%, unspecified 0.9% (2009 est., CIA World Factbook)
- > **Religions (% of population):** Orthodox 48.3%, Catholic 7.1%, other 3.5%, non-believers 41.1% (2011 est., CIA World Factbook)
- > **Languages (% of population):** Belarusian (official) 23.4%, Russian (official) 70.2%, other 3.1% (includes small Polish- and Ukrainian-speaking minorities), unspecified 3.3% (2009 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$61.42 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$16,920 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.7 %; male 99.8 %, female: 99.7% (2015 est., CIA World Factbook)
- > **President or top authority:** President Alexander Lukashenka (since July 20, 1994)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 728 newspapers, 831 journals and magazines; Radio Stations: 174; TV stations: 100 (2016, Ministry of Information)
- > **Newspaper circulation statistics:** Top three by circulation: *Belarus Segodnia*, *Komsomolskaya Pravda v Belorussii* (Megapolis Media advertising agency, 2016), *Respublika*, (advertising departments, 2017)
- > **Broadcast ratings:** NTV-Belarus (14.8%), ONT (13.97%), RTR-Belarus (13.27%) (December 2014, GEVS)
- > **News agencies:** BelTA (state-owned), BelaPAN (private), Interfax-Zapad (Russian-owned), Prime-TASS (Russian-owned), Ecopress (private), Agentstvo Grevtsova (private), Minsk-Novosti (state-owned), Registr Information and Legal Agency (private) (Belarus Ministry of Information, 2016)
- > **Annual advertising revenue in media sector:** \$95-\$100 million (2017, IAB Belarus)
- > **Internet usage:** 5.97 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: BELARUS



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 1.31

The score for Objective 1 nearly doubled since last year, upgrading Belarus to an unsustainable mixed system for the first time since 2002. This is the effect of mostly unrestricted freedom of online expression, as well as less frequent persecution of journalists and bloggers. While the growth is significant, freedom of speech still has one of the lowest scores among all five objectives (only Objective 4, Business Management, scores lower).

The laws limiting free speech remain in place but are not strictly enforced. The case of Eduard Palchys, a blogger and founder of the website 1863x.com, proved that courts in Belarus are able to apply a rather mild limitation to freedom of expression despite initially strong accusations. The case attracted international attention and began in May 2016, when Russia detained and extradited Palchys at the request of the security services. In August, Minsk's Centralny District Courts agreed with a panel of experts and concluded that nine articles on the 1863x website were extremist. Human rights defenders and the independent Belarusian Association of Journalists (BAJ) contested¹ that finding. Following domestic and international pressure, the court sentenced Palchys to 21 months of "release under surveillance" but, taking into account his pre-trial detention, reduced the term to one month. Palchys was released on October 28 after 10 months in jail.

¹ <http://humanrightshouse.org/Articles/21926.html>

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

In November 2016, Belarusian president Aleksander Lukashenka claimed that not "shutting down" websites had been his conscious choice, hinting that the government might pay online commentators to support its policy. "We are the freest country as far as Internet is concerned," Lukashenka said. "When attempts to stage color revolutions via the Internet were made in Belarus, many told me that we had to shut it down. But I said we should fight these people on these websites, these webpages, using their own methods. So, instead of shutting them down or restricting access for people, we worked tirelessly through social networks."

In 2016, the Ministry of Information blocked access to a number of "extremist materials." The list is openly accessible on its website and includes online resources promoting neo-Nazism, various religious studies sites, the pro-Russian nationalist website Sputnik i Pogrom, and videos that allege Ukrainian troops "crucified" the Donbas pro-Russian fighters. All of the ministry blockage decisions were based on court rulings.

The number of official warnings to media was relatively low in 2016: just 16, most of which were not content-related. A notable exception involved the independent newspaper *Vitebskiy Kurier's* website, which received a warning in December 2016 for alleged misinformation on the situation of children in foster families.

Licensing and registration of media continues to be unfair, with the government reluctant to let foreign-based Belarusian broadcasters into the local market. Officials refused to issue a permit for dissemination to European Radio for Belarus (Euroradio), an exiled broadcaster with an accredited bureau in Minsk. The permit would have opened the door to the eventual application for an FM license. Print and broadcast media alike have to pass several stages of permit-based, highly bureaucratic registration.

Online media continue to operate without any registration or permit requirements. Also, several Belsat TV channel correspondents, as representatives of the parent company TVP, received temporary accreditation from the Belarusian Ministry of Foreign Affairs in 2016—the first time since 2007. Euroradio Bureau's accreditation in Belarus was extended also for one year.

Limitations remain in place for entry to the media market. For instance, unlike other businesses, media editorial offices cannot rent or own premises in residential houses, which would provide relief for smaller outlets that cannot afford commercial office rents. Individual entrepreneurs are not allowed to publish any media, except in online outlets. An editor-in-chief of a media outlet that applies for registration is required to have at least five years of media management experience.

The 2000 and 2004 cases of murder of journalists Dzmitry Zavadsky and Veranika Charkasava have still not been

“All the facts that were used in Karmanau’s stories were proven to be true, yet the court ruled in favor of Milkavita and ordered the journalist to compensate [for] the court fees,” said one panelist.

investigated in accordance with international standards. In 2016, few notable cases were reported on crimes against media professionals, citizen reporters, and media outlets. However, one incident occurred in which law enforcement assaulted two journalists, Kanstantsin Zhukouski and Paval Dabravolski. But the state Investigative Committee has refused to open investigations of their cases, and law enforcement denied that Dabravolski’s case was journalism-related, despite the fact that he was beaten while covering a court case for the website tut.by. “It was quite peculiar that the press releases [of law enforcement agencies] called Paval a ‘citizen,’ not a media representative,” one panelist noticed. But according to Andrei Bastunets, the truth of the case made it to the public. “[The] pressure from society forced the state TV channels to discuss the case of Paval Dabravolski, eventually recognizing him as a journalist,” he said.

The independence of media outlets in general continues to be limited. Belarus has no true public service media outlets, and the law does not ensure state media’s editorial independence. The president appoints and dismisses editors of the biggest state media outlets. In 2016, state-owned media received \$48.5 million in subsidies, without an open contest procedure.

Libel remains criminalized, with offended parties bearing no responsibility to prove falsity and malice. Within the libel sphere, Belarus saw a positive trend, as recent court cases have ruled that owners of Internet service providers should not be punished for the content published on client websites. Three criminal code articles can be applied for defamation of the president or public officials, criminalizing insulting the president and public officials, but none of them were used in 2016. One panelist reported that her regional outlet has won several administrative cases in court, some of which were state officials accusing the outlet of libel. Others have involved private entities. “In the latest case, the State Control Committee took our side when we defended ourselves against the accusations from the director of the local ice rink,” she said.

Although the law supposedly disallows liability for journalists if facts are published correctly, the court case of the Milkavita dairy company against AP journalist Yuras Karmanau proved otherwise. In April 2016, AP ran a story about Belarusian farmers using land contaminated by nuclear fallout from the Chernobyl disaster. The story was based on the tests by a Belarusian state

laboratory that showed radioactive isotope levels to be 10 times higher than normal. Milkavita took the journalist to court. “All the facts that were used in Karmanau’s stories were proven to be true, yet the court ruled in favor of Milkavita and ordered the journalist to compensate [for] the court fees,” said one panelist.

Media still struggle to gain access to information. More than 60 state institutions can classify their information as “secret,” and access to non-classified information is also limited. As panelists mentioned, sometimes citizens’ rights to access information prevail over the rights of journalists. As such, reporters use this opportunity to request information as citizens, under the provision of the 2011 Law 300- “On inquiries by physical and legal persons.” One panelist shared his experience: “When I filed electronic requests as a Belarusian citizen, I got replies to all of them, and they were more detailed and more concrete than the replies we later received as a media organization on the same issues.” He also said that sometimes state institutions refuse to reply on the grounds that information “had already been published in other media.”

Another panelist pointed to another practice of state officials. When an independent media outlet files a request for information, the state-run media outlet then publishes the requested information and the official reply from the state institution suggests using the state media outlet as a source.

Despite the tendency to withhold information, the government has improved its speed in responding to media requests related to potentially important events or issues. In 2016, during the construction of the Astravets nuclear power plant by a Russian subcontractor, the reactor housing was damaged twice. The government took several days to respond to media inquiries about the first incident, but only hours to react to questions in the second. One panelist, the editor of a regional newspaper, noticed increasing openness in the Hrodna region. Local authorities reacted more quickly than normal to a rumor about an accident at Azot, one of Europe’s largest chemical plants. “After we and some other media outlets pointed that the delays in information about Azot and the sheer panic among people, the authorities allowed us to publish updates monitoring of the situation online,” he said.

Although ministries’ press offices are expected to deliver information, in some cases they actually serve as filters of information. A panelist gave an example of ministries’ lack of cooperation. “In 2016, the Belarusian Association of Journalists and the Belarusian Union of Journalists [BUJ] jointly organized an international conference. We wanted to invite public information officers from state institutions to discuss access to information. BUJ suggested shortening that part of the agenda since they predicted ministry representatives would not show up. Indeed, no one came.”

Legislation does not restrict access to or use of domestic and foreign news sources. In fact, due to unclear copyright definitions, many news organizations borrow stories from other outlets. Although they do not rewrite the articles, they do give credit to the original sources.

Entry to journalism remains largely unrestricted. While the enrollment process includes a personal interview with journalism faculty during entry exams, panelists noted no public cases of candidates being disqualified from journalism school based on the interview.

Only a registered media outlet can issue a press card, which is often required to prove someone's journalistic capacities. Outlets issue press cards only to full-time staff members. Online media do not have to be registered, and Belarusian laws do not recognize or protect freelance journalists, website journalists, or bloggers. Their correspondents are not entitled to officially approved press cards and instead have to rely on cards that can be questioned by authorities. Journalists working for foreign media organizations must obtain accreditation from the Ministry of Foreign Affairs. Working without accreditation is subject to fines and other types of administrative punishments.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.72

The gap in quality between independent and state-owned media outlets remains wide. Non-state media show considerably higher standards and levels of journalism, and as such, contributed to the growth of this objective's overall score.

This year saw positive examples of rising standards in state media, including the pro-government BUJ monitoring elections coverage for the first time, and the television show *Editors Club* regularly inviting independent media editors to discuss professional standards. *Editors Club* is broadcast by Belarus 1, a state channel, and is hosted by Belarusian State Television and Radio Company chairman Henadz Davydzka.

Still, the dominance of state-controlled media, varying degrees of self-censorship, and the popularity of politicized and unbalanced reporting on certain independent platforms prevent Belarusian journalism from meeting high professional standards. Many independent media outlets offer fair and objective reporting. But given their limited access to information, they have difficulty providing well-sourced stories related to public administration.

Both the independent BAJ and the pro-state BUJ have professional codes of ethics. But only BAJ runs regular meetings of the Ethical Standards Commission, which reviews possible violations and complaints. In 2016, the independent newspaper

Nasha Niva contested decisions from the commission, due to lack of trust in the chairperson. But in general, media members follow commission recommendations.

Hate speech was one of the main violations of professional ethical standards in 2016. Monitoring by Mediakritika.by in the first half of 2016 found that hate speech was present in state-run media (such as *Belorussiya*) or Russian-owned media (*Komsomolskaya Pravda v Belarusi*) more often than in Belarus-based independent media. Stories describing the refugee crisis in Western Europe and stories about "social aspects" of life often included hate speech.

Among independent media outlets analyzed by Mediakritika.by, youth-oriented Kyky.org had the most instances of hate speech. The leading private portal Tut.by used hate speech only three times in three months in 2016. In monitoring of LGBTI coverage, the Journalists for Tolerance initiative found from July 2015 to June 2016, 315 stories related to LGBTI topics ran in 22 Belarusian media outlets. Nearly half of them contained elements of hate speech. "As in the previous period, state media are much more negative in their coverage of LGBTI issues and publish LGBTI-related stories much less frequently than independent ones," the monitoring report claimed. The state-run regional newspaper *Vecherniy Mogilev* was the worst of all the outlets examined in using harsh language to describe LGBTI people.

Not all ethnic minorities receive fair coverage in Belarusian media. One panelist gave examples. "Journalists—especially those from Western regions of Belarus—report on Poles in a fair manner. But this attitude changes for media representatives from all parts of Belarus and all types of media when they write about the Roma population. The participants of the study courses held in Minsk openly claimed they did not want to create a 'positive image' of Roma communities."

Still, some media outlets, such as the independent portal Citidog.by, dedicate a considerable amount of time to fight stereotypes about ethnic and other minorities in Belarus. According to a content analysis of regional publications from Paval Bykouski, a consultant and media trainer from Deutsche Welle, the word "gypsies" made a notable comeback in 2016 after being largely absent in 2014 and 2015. In his opinion, new reporters coming to work in the regional press may not be always aware of the ethical standards used by their older colleagues.

Many, but not all, journalists and editors of independent media outlets admit that self-censorship occurs. Some point out that it does not happen uniformly. As one panelist put it, "We do not have any self-censorship issues. In fact, since I became editor-in-chief in August 2016, I've sent a story to the lawyer for a pre-publication check only once, and we ran the

story quickly after clearance.” He explained that rather than self-censoring, his media outlet will sometimes embargo certain information or refrain from publishing stories when they cannot be fact-checked properly. He did share that in 2016, one of his journalists faced pressure from another country. “Our reporter was approached by Ukrainian secret services after we ran his story on war prisoners from the conflict in eastern Ukraine. Under pressure, he decided to stop writing on that topic. But that does not mean that we, as a media outlet, will refrain from covering it,” he said.

A media lawyer present at the panel noted that many independent news outlets that seek legal advice on content often elect for stricter limitations of their coverage than advised. “Editors would send me an inquiry about a story they intend to run, and I provide them with wording that is sufficient and safe under current law. But when I see the story published, it is much more ‘toothless’ than I suggested. To me, that’s a clear sign of self-censorship,” said the attorney.

Panelists cited another example of self-censorship: Some regional and local media outlets were unwilling to report on anything related to the 2016 parliamentary election. Presumably, coverage was not an editorial priority, despite the election being of local and national importance. But as one panelist asserted, “In fact, they were just reluctant to cover controversial issues.”

Media do report on key events and issues, but stories often lack scope and completeness or are not original reporting. According to one panelist, “The main content producers are news agencies, state media, and some foreign media that have enough resources for such content production. Other media outlets often aggregate content or rewrite content produced by others. This negatively impacts the quality of journalism.”

Panel participants noted that leading media outlets present the same topic almost identically, with little to no attempt at expanding the depth of coverage or approaching the story from another angle. One said that due to a combination of political and economic factors, “editorial teams can dedicate only limited resources to in-depth investigative reporting. There is a trend of producing more light entertainment or ‘tabloid-type’ content.”

Local state-owned media are being cautious in their own reporting, even if nationally important events happen in their region. One panelist gave the example of the Chechen refugees in Brest, a city near the Polish border. “The *Brest Courier* newspaper ran a story about those refugees—the whole page. However, it took the main story from the BELTA news agency about refugees receiving vaccine shots, and did not explain what those people were doing in Belarus, where they wanted to go, and what threatened them at home. Next to it, a TASS news agency story from Russia was reprinted, with Chechen leader Ramsan Kadyrov saying refugees had nothing to fear at home but they better not return. Again, no context was given and no

human rights defenders were interviewed. The only local piece of content by the newspaper was a photo,” he said.

The poor coverage of human rights topics can be explained partially by the hiring of new employees in well-established newsrooms. Some of these journalists lack understanding of the issue of human rights.

The level of pay in the sector has suffered the same decline as the Belarusian economy in general. Media outlets have to compete with non-media businesses for qualified staffers. “Our salaries dropped 17 percent in 2016, caused both by the worsening economic situation and legislation changes,” one panelist said. “Last year, the amended tax legislation forbade enterprises with legal professionals among its founders to receive tax benefits. As a result, we had to pay higher taxes and cut wages.”

Large Internet portals such as Tut.by or Onliner.by dominate the media market by offering more lucrative salaries to regional journalists. National outlets poach the best regional reporters, so the quality of regional outlets drops. Another gap in income is between the leading journalists at state-owned and foreign media and the journalists at local, independent media outlets. Many regional and some Minsk-based independent journalists look for side jobs with foreign media, risking prosecution for working without accreditation.

Russian television channels provide largely entertainment programming, and the content is included into several Belarusian channels available to the population as part of the “social” package. Radio broadcasting has a significant disproportion between entertainment and news. Commercial FM stations—many owned partially by state bodies—pay little attention to national news and rely heavily on entertainment shows. A panelist confirmed that “entertainment content often

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

prevails. Belarus-based FM stations have almost no original news content, except, perhaps, Novoe Radio, which is owned by trade unions, and Russkoe Radio.”

The difficult economic situation makes it challenging for newsrooms to upgrade technical facilities for improved production and distribution. As such, distribution via the Internet becomes an increasingly attractive option for startups, such as *Imena* magazine. Since its inception in April 2016, it has targeted only online audiences.

Niche journalism is underdeveloped. Given the combination of economic constraints and limited access to information, investigative journalism is relatively unpopular with media managers.

Economic and business journalism is often based on press releases. Many are rewritten and presented as if they were journalistic pieces on the economy. This practice prevents audiences from understanding the essence of the issues. One panelist said that PRIME-TASS and Doingbusiness.by are two outlets that write original material, but “their stories are written to target specialized audiences and not the general public.”

Another panelist pointed out several other problems with business reporting. “In general, Belarusian journalists who write about the economy often do so not because they know a lot about the topic, but because their editors-in-chief assign them with the task in the absence of a specialized reporter. Another factor that contributes to the weakness of business journalism is the lack of interest in the subject by the regional press. As a result, there is no competition and no incentive to develop,” he said.

An example of the disinterest is the 2015 split of *Belorusy i Rynok* into two separate entities. The change lowered the quality of both, and dispersed the audience of this once-influential business weekly.

One panelist noted an increase in the quality and specialization of NGO publications, especially those dealing with gender and the environment. However, major media outlets in general do not to cover these topics. When they do, they tend to quote “pseudo-experts,” failing to utilize NGO publications or authors as sources as often as they could.

Some media outlets experiment with thematic journalism. *Imena* magazine pioneered “socially responsible” journalism, combining human-interest stories with the crowdfunding platform Talaka.by. This cooperation helped finance the ideas and initiatives described in the magazine’s articles. Citydog.by ran a series of stories on ethnic minorities living in Minsk under the common title of “Diaspora,” and Journal.by became the media partner for the “Live Library” series, where minority representatives talk about their lives and problems in the “live book” format. Euroradio recorded a series of stories about

the Ukrainians who moved to Belarus seeking escape from the military conflict in the eastern part of their country.

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 1.77

In 2016, Belarusians’ access to multiple news sources increased, due to the relative freedom of online media and the growing access to the Internet, including social media. At the same time, Belarusians’ access to impartial and diverse news is limited significantly by many factors. The media sector lacks independent in-country television or radio broadcasters, and is dominated by Russia-originated news content. The state-owned, non-pluralistic Belarusian traditional media have a monopoly. And economic constraints continue to undermine independent media and their coverage of socially relevant topics.

According to the Belarus Ministry of Information, citizens have access to multiple sources of news and information. Belarus has 728 domestic newspapers, 831 magazines and journals, 100 television programs, 174 radio channels/programs (including 30 FM stations), and nine news agencies. While more than 200 foreign television channels are rebroadcast, a significant share of them are from Russia. The overall quantity of outlets does not translate into a variety of viewpoints within the Belarusian media landscape.

The Internet remains the only true pluralistic environment for Belarusian media. However, despite the growing number of users, the Internet has not become a primary source of daily information for the majority of consumers. Meanwhile, the traditional media sphere remains dominated by media with little to no diversity in the coverage of social and political topics.

The law places no special restrictions on citizen access to domestic or international media. However, independent broadcast media are subject to unequal registration conditions, and the print media face economic discrimination, thus limiting the plurality of news sources for those who do not have access to high-speed Internet.

A positive trend that panelists observed in 2016 was the increased affordability of mobile Internet. According to the Google Connected Consumer Survey, 59 percent of Belarusians own smartphones; for those under 35, the share balloons to 89 percent. Major cellphone operators offer unlimited Internet and data packages starting at \$13 per month (or 3 percent of the average monthly salary, which reached \$400 per month in December 2016). In late 2016, high-speed mobile LTE/4G Internet became available outside the capital city.

Those without Internet access can only watch independent television broadcast via satellite, meaning an additional financial

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

investment in a satellite dish. Television remains an important medium; 72.2 percent of Belarusians watch it every day, with an average viewing time of 3 hours and 46 minutes.

State media largely reflect the views of the government, with opposition politicians or independent media receiving little to no positive mentions. The Office of Democratic Institutions and Human Rights (part of the Organization for Security and Co-operation in Europe) noted the discrepancy in its media monitoring conducted during the 2016 parliamentary elections. It found that "monitored state TV channels dedicated 82 percent of their coverage to the President and government officials and 17 percent to the Central Election Commission Chairperson, whereas candidates altogether received 1 percent of primetime political coverage and were only mentioned collectively with no reference to individuals. A similar tendency was noted on the state-owned Radio 1 channel. In contrast, the monitored private media, including main online media, provided comprehensive and diverse information on campaign activities and election contestants."

Still, local state-controlled outlets attempt to address social issues, criticize local governments, and inspire change. An example is local authorities participating in phone-in shows that are hosted by state-owned newspapers, broadcasters, and websites. As one panelist explained, "The official policy of the Belarusian state underlines the importance of 'ordinary people' and their problems. Direct lines and vox pops flourished in 2016. Each week, state officials had direct phone-in lines with the population, facilitated by the local state-run press. In this way, the state shows that it is concerned. If someone's problem is featured in a state-run regional newspaper, that person has high chances of getting some social justice." One reason for that, according to another panelist, is the presidential decree that

"obligates state officials to react on publications in state-owned media."

According to the panelists, in 2016, national television channels aired significantly more impartial and fact-based reports on events in eastern and southern Ukraine than in previous years. According to one panelist who regularly monitors television news content, "the state-run TV news was more balanced, probably due to the conflict between Ukraine and Russia. Initially, Belarusian state media were not sure how to cover this topic. Now they offer very balanced and careful coverage of the Minsk peace process and avoid hate speech. One could see it in both the news bulletins and hosts' introductions to the news. The situation on the Poland-based exiled channel Belsat TV was different: hosts allowed themselves emotionally charged comments, and news bulletins had more hate speech. It does not mean that state TV news has become impeccable, but their quality has improved."

No new news agencies were registered in Belarus in 2016. BelaPAN is still the main independent source of news for media outlets. Only four news agencies (BelaPAN, BelTA, Interfax-Zapad, and Prime-TASS) sell newswire services to other media. BelTA and BelaPAN are domestic media organizations, while Interfax-Zapad and Prime-TASS, which is linked to the news agency PRIME, are Russian-owned. On average, domestic news agencies charge approximately \$300 per month for daily news updates and twice as much for real time and hourly news alerts. Apart from newswire services and news websites, BelaPAN and BelTA offer photos, multimedia stories, and infographics. Additionally, BelaPAN sells thematic analytical reviews on a variety of topics and BelTA publishes a weekly newspaper and an economic magazine. BelTA also builds and maintains websites for local state media and government agencies. Economic difficulties often force independent media to cut their subscriptions to news agencies, including national news wires.

Private media have increased their own news production volume. They are led by Tut.by and Onliner.by portals, which each have more than 25 million sessions per month, according to Similarweb.com. Both portals are not strictly news outlets and offer other services, including e-mail and online shopping. Among other leading producers of original news, the foreign-based Euroradio, Radio Free Europe, and Belsat TV tend to have more resources than non-foreign news outlets, and as such produce more original content. According to one panelist, "In 2016, more Belarus-based media outlets produced their own, unique content, providing their own take on events." However, media tend to give space to alternate views in separate stories and news pieces, rather than inside one story. This might leave the impression their news coverage is not well sourced or representative of different viewpoints, panelists said.

Private media ownership is not concentrated, although the government owns a substantial amount, with more than 600 news outlets. Under Belarusian law, foreigners cannot own more than 20 percent of the shares in a private Belarusian media company. However, the leading Russian television channels are registered in Belarus as Belarusian entities. For instance, the RTR-Belarus channel operates on the basis of a license agreement between CTV (a channel owned by Minsk City Administration) and RTR-Planeta channel, and mostly rebroadcasts the programming of the Russian state television channel Rossiya 1.

Overall, media are still far from reflecting a broad spectrum of social interests. Panelists pointed to the habit of aggregating and recycling the same texts in order to decrease the cost of news production and increase web traffic. They also mentioned the habit of following a unilateral approach in covering the same topics. “The news picture of the day is often the same for both state and non-state media outlets,” a panelist said. “This makes it difficult for audiences to distinguish between different media. Notable exceptions are long reads, such as Citidog.by’s feature on Tatars in Minsk, but that’s a niche media outlet. Media with a mass audience tend to concentrate on the same topics.”

A couple panelists referred to the recent subject of alternative civilian service (versus military service) to illustrate the media’s shortage of expertise. “In November 2016, in response to the Ministry of Labor, the parliament announced that 11 people in Belarus completed alternative civilian service. But this number was in conflict with data from the freely available alternative sources. For instance, Jehovah’s Witnesses claimed 50 people applied for alternative service in Belarus. However, since the topic of alternative service was not followed regularly by the media, they did not have the expertise to contest the news coming from parliament and mostly presented it in the ‘he said–she said’ way,” one said. The other commented, “When civil society organizations lead some campaigns, there are plenty of experts and spokespersons on a certain topic. But when they get another priority, suddenly we can’t find even a single expert on the alternative service in Belarus who would be able to comment on the parliament’s announcement.”

Other “seasonal” topics that do not have regular coverage are the death penalty (Belarus is the only European country that continues applying this penalty) and HIV/AIDS.

Media in the languages of ethnic minorities did not become more accessible in 2016. It is important to note that the Belarusian language, despite being an official language alongside Russian, is not actively promoted by the government in education, culture, or the media sphere.² Therefore, the language of the titular nation’s majority can be considered a

² https://www.files.ethz.ch/isn/133624/ECMI_WP_50_Final.pdf

minority language, while the language of the actual minority, Russian, dominates. The most notable media startup of 2016, *Imena* magazine, chose Russian as its main language. The only television channel fully operational in Belarusian, the Poland-based TV Belsat, came to the brink of closure in 2016 after the government of Poland announced budget cuts and a “modernization” of this broadcaster. This prompted Belarusian elites to act in solidarity with the channel and its workers by writing letters of support and official requests to the Polish government to continue funding.

At the same time, according to Polish official sources, Belarusian authorities hinted at the possibility of including the Polish-language TV Polonia into Belarusian cable networks. In 2005 it had disappeared from the Belarusian broadcasting scene. Poles constitute a significant ethnic minority in Belarus, but more than 400,000 people are not served with broadcasts in their language. More than 270,000 Ukrainians also do not have any television channel or radio program available in Ukrainian, despite the promise of the Belarusian government in 2014 to include the Ukrainian public broadcaster in its cable package.

Belarusian media focus primarily on domestic issues. While many outlets cover international affairs, they often rely on Russian media, republishing that coverage. Original reporting on events in neighboring countries is irregular, and constrained by poor financial and human resources for independent media and different editorial priorities for state media. In 2016, in attempt to increase the amount and quality of information coming from the region, some Belarusian media began contributing to the newly established Russian-language News Exchange in Prague. The company facilitates the sharing and joint production of stories by independent media outlets in seven post-Soviet countries. However, it is still too early to judge the impact of the effort.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 1.30

The overwhelming majority of media in Belarus are either directly owned by the state or co-owned by state enterprises. State ownership implies governmental subsidies and benefits. Those without support from the state have to survive in a situation of economic discrimination. Advertising in traditional media has continued to shrink, further worsening the situation for independent media. Newspaper circulations continue to fall, while Internet versions fail to compensate for the revenue losses. International donor support to media in Belarus is also decreasing due to the re-prioritization of donor funding. Distribution of traditional media outlets remains monopolized at the national level, and online projects rarely get income sufficient enough to cover the cost of news production. Media

projects have started crowdfunding, but this remains an exception rather than a trend.

Media outlets are far from operating as self-sustaining enterprises. Neither state nor independent media disclose financial statistics that would allow observers to evaluate performance. The state-run subscription and distribution systems Belposhta and Belsajuzdruk are a strong tool to gauge influence on private media, given that being excluded from their catalogues means serious losses for any media outlet.

Several panelists said that the difficult economic conditions are the reason why media are reluctant to invest more in professional sales and marketing staff. According to one, “Even rather big non-state online media outlets do not employ marketing specialists or analysts of statistical data and programmers because it is too expensive.” Another commented, “While it is true that many newsrooms lack resources to employ such specialists, a bigger problem is that many media do not prioritize the search for revenues. Some media outlets that are financed by the state prioritize the content, which the government would like, not the buyers. So, they are not interested in whether they have advertising and subscriptions or not. Other media do not have advertising or state revenues, but receive donor funding, so they are also not too interested in circulation numbers or advertising.” The panelists also said that media outlets decide not to hire dedicated advertising personnel and instead outsource this function to specialized agencies.

Several experts observed the growing circulation of the newspaper *SN Plus*. It does not employ staff journalists, has no advertising or subscriptions, and is sold only in Belsajuzdruk kiosks. This outlet specializes in opinion columns and reprints from the most popular articles in other independent media outlets. The paper mentions the authors but does not pay any royalties or honoraria, possibly because of the copyright laws that allow quoting as long as the republishing outlet credits the original source.

The situation is different for the *Vechernii Grodno* newspaper, a private business whose founders demand revenues. This regional newspaper remains profitable and made a conscious choice to employ a financial director to support its operations. Professional advice on changing the distribution network helped the outlet to increase profits despite a drop in circulation. “We restructured the distribution department and strengthened quality control, making sure that we closely monitor how our newspaper is sold. This investment yielded positive results,” one panelist said.

Panelists also cited professional training programs offered by BAJ, Mediakritika.by, and Press Club Belarus as important sources of knowledge on different sources of revenue. Still, many regional media do not develop their business departments. As a regional editor-in-chief said, “In marketing,

we more often rely on our intuition and understanding of processes than on paid research.”

Most outlets have several sources of revenue, but the majority of them shrank in 2016. The exception is state-supported media. The government subsidizes them directly and provides indirect support in the form of tax breaks and rent payments. State-imposed press subscriptions continue to bolster the circulation of many state newspapers. Moreover, due to subsidies, they are able to undersell their privately owned competitors.

Advertising sales are essential for private outlets. But according to one panelist, “Advertisers do not hide that they are advised not to place ads in non-state media. Some media outlets, such as *Narodnaya Volya*, do not have any advertising at all, despite having a relatively high circulation and being present in state distribution networks. On the other hand, some local newspapers do not have access to state distribution but are able to use their advertising quota in full.”

Newspapers also depend on copy sales, and local media outlets rely heavily on publishing personal messages, such as birthday greetings or congratulations. In some cases, media are supported by owners’ revenues from other businesses, such as copy shops and kiosks and publishing services. Alternatively, grants from foreign donors sustain some outlets. However, donor funding to support independent media in Belarus shrank drastically in 2016 due to their changing priorities.

In 2016, two media outlets in Belarus successfully used crowdfunding to support their activities. *Nasha Niva* ran a campaign on the crowdfunding platform talaka.by in December 2016 to support its investigative journalism projects. While the newspaper set a modest goal of collecting \$5,000, it raised more than \$8,000 from 295 contributors. After a successful launch in

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

April 2016, the online start-up *Imena* decided to pay for its small team of professional journalists via crowdfunding and managed to collect more than \$20,000 from more than 400 contributors. Unlike *Nasha Niva*, *Imena* offers its supporters the opportunity to become “co-investors” of the outlet. It also publicly accounts for how the received donations were spent.

Distribution of printed media in supermarket chains is yet another way to receive revenues that became popular in 2016. Some regional independent outlets received up to 70 percent of their retail revenue from this distribution channel this past year.

In some cases, local media are too slow to absorb changes. As one panelist explained, “Back in 2011, regional news outlets were advised to create a joint system of classified advertising. In 2016, the United Mass Media association of regional press approached me, willing to implement that idea. But it was too late, since other platforms, such as Kufar.by, had already occupied that niche.” Some local outlets are on the opposite end of the spectrum and are quicker than bigger media in adapting to the changing advertising reality. In recent years, the Minsk-based websites Citidog.by and Kaktutzhit.by have made a breakthrough in native advertising.

This year showed positive trends among advertising agencies. The Belarusian-Ukrainian company AdMixer, founded in 2015, bought the Belarus-based Internet advertising company MediaCode. Currently, the company offers Internet advertising on websites that reach more than 90 percent of Belarusian users. AdMixer is an authorized partner of the DoubleClick AdExchange service of Google in Belarus. It sells advertising in traditional media as well as on mobile platforms and social media.

Belarusian law restricts the volume of advertising to 30 percent in newspapers and magazines (25 percent in state-owned titles). For radio and television, the volume is limited to 20 percent, including no more than 16 minutes per hour between 6 p.m. and 10 p.m. Advertising-only outlets are exempt from this rule. Online media have no limitations in the volume of advertising. However, online media outlets that wish to sell advertisements for Belarusian services and businesses are requested to host their websites on servers within Belarus, per the 2010 President’s Decree No 60.

State subsidies continue to be distributed in a non-transparent way and without competition. As stated above, state-supported media enjoy tax, printing, and distribution benefits. According to official sources, the 2016 state budget allocated \$48 million for the operation of state media, with two-thirds designated for broadcasting media.³

Market and audience research is quite scarce. Most media do not have resources to contract specialized online audience research. “Last year, tut.by and *Komsomolskaya Pravda v*

³ <https://news.tut.by/economics/480119.html>

Another commented, “While it is true that many newsrooms lack resources to employ such specialists, a bigger problem is that many media do not prioritize the search for revenues. Some media outlets that are financed by the state prioritize the content, which the government would like, not the buyers.”

Belorussii were among the very limited number of newsrooms in Belarus that could afford to subscribe to full data of Gemius Internet audience research,” one panelist said.

Television channels order broadcast rankings data, which are not disclosed publicly. “In other countries, we can find information about the rankings of a given media outlet. But in Belarus, one can rely only on fragmented data,” a panelist said.

Circulation numbers are available on each copy of a print publication but can be found online only in the advertising kits of selected media. The Ministry of Information maintains data on the circulations of all Belarusian press, and issues warnings if published data are not true, but does not release this information on its website. Internet statistics can be purchased from the agency Gemius, but otherwise, the independently-run Akavita.by remains the only in-country open source for comparable statistics. Many media choose to use Similarweb.com to compare their performance with competitors. The digital marketing agency Ashwood Creative publishes the rankings of Belarusian media brands on its Facebook page, but no other social media pages post open data on the popularity of media brands.

In 2016, the Lithuania-registered Independent Institute of Socio-Economic and Political Studies stopped operating in Belarus. The closure came after the manager of its interviewers network was arrested in Belarus, accused of conducting polls and publishing results without official approval.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.64

In 2016, Belarusian media received professional support from established as well as relatively new supporting institutions. While access to traditional media distribution facilities and professional equipment remains at a low level, media professionals can use new channels of distribution via the Internet. Professional courses and short-term education,

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

including data journalism and new approaches to media management, enriched and embraced new technologies and introduced new topics relevant for the changing media landscape.

Trade associations of newspaper publishers, television broadcasters, cable operators, and print distributors exist in Belarus, but cannot be regarded as influential players, according to the panelists. United Mass Media represents 14 regional independent newspaper publishers from all regions in Belarus except Homiel. This represents a growth in both quality and reach compared to 2015. The Telecommunications Industry Union has 88 members, mostly state-supported local television stations and cable operators. The Union of Publishers and Press Distributors has nine full members (seven state-owned press distribution companies and two private enterprises) and 16 more affiliated members (printing houses and newspaper publishers). These organizations mostly provide networking and learning opportunities for their members, attempt to sell advertising in bulk, and purchase newsprint and programming rights.

The Belarusian Association of Journalists and the Belarusian Union of Journalists both aim to protect journalists' rights and promote quality journalism. BAJ boasts around 1200 members, while BUJ claims about 2000 members. The scope of these organizations' influence is limited, however. "None of them is registered as a journalistic trade union or entitled to sign collective labor agreements, so they cannot protect journalists in labor disputes. This is especially painful in times of job cuts in the newsrooms," a panelist explained.

According to another panelist, "Every three years, around 300 new members join BAJ, mostly young people active online, while old members leave, either due to age or due to a change of profession." BAJ is a member of the International Federation of Journalists and the Reporters Without Borders

network. In 2016, BAJ became a permanent member of IFEX, a global network of non-governmental organizations that defends and promotes freedom of expression. BAJ provides legal and professional support to its members and organizes free educational programs, with the help of the International Federation of Journalists and the Sweden-based Fojo Media Institute. In 2016, BAJ and BUJ found common ground in discussing ethical challenges in journalism and co-organized an international conference: "Professional Ethics: Challenges and Solutions."

Belarus has a professional association of sports media, chaired by the press secretary of the National Olympic Committee. Together with the state, the association organizes training courses and grants annual rewards to the best sports journalists.

While not being a professional association, Press Club Belarus was founded by 23 journalists, editors, and publishers from independent Belarusian media in 2011 and registered in 2015. The organization defines itself as a "platform for the professional growth of the media community" and is registered as "a cultural and educational institution." It plays an important role in promoting quality journalism, organizing workshops and lectures from foreign media managers and specialists and running an analytical journalism school.

Free speech and media independence are on the agendas of leading human rights NGOs. In addition to BAJ, human rights defenders Viasna and the Belarusian Helsinki Committee most frequently react to violations of freedom of expression and provide legal defense and publicity. Among civil society organizations, media freedoms are rarely part of sector campaigns or discussions. However, in December 2016, the Belarusian National Platform of Civil Society wrote an official letter to the Polish Minister of Foreign Affairs asking to prevent the closure of TV Belsat.

BAJ offers educational opportunities for journalists, including skills training in photo and video journalism, introduction to data journalism, political journalism, and economics and financial reporting. The courses combine online and offline studies and take place both in Belarus and neighboring countries.

The Belarusian State University (BSU) remains the leading institution offering journalism degree programs. Its Minsk-based Journalism Institute offers courses in print, broadcast, and online journalism, as well as editing, media management, literary work, and international journalism. Currently, 1,250 students are enrolled. BSU's curriculum envisages internships in newsrooms for students in order to introduce them to the realities of media work. However, in general, state-provided education is criticized as "too theoretical" and too dependent on state ideology. State universities in Brest, Homiel, Hrodna, and Viciebsk, as well as several private institutes in Minsk, offer some limited journalism training.

The exiled European Humanities University in Vilnius, Lithuania, offers a bachelor's specialization in new media (previously called mass media and journalism). The curriculum focuses on "educating professional journalists to work in print and electronic mass media (radio, television, internet media) and be specialists in the spheres of media planning, media management, advertising and PR."

In 2016, short-term training for journalists became more centered in Minsk, not in neighboring countries. The Press Club and the Belarusian-German International Educational Center's Media School joined BAJ in organizing courses and workshops on various aspects of media management and journalism activities. In November 2016, the Media School organized the first Belarusian media management forum under the title "Media // Management // Future" together with Deutsche Welle Akademie. Both BAJ and BUJ, as well as several other Belarusian NGOs, supported the forum.

Not all panelists regard short-term training as effective. One said that he could not see any significant upgrade in the skills of his journalists who regularly underwent such training. Meanwhile, another underlined the importance of short-term training in redefining her media outlet's distribution strategy. With regard to BAJ's offerings, a third panelist said that participants value training programs that are recurring. "We get positive reviews of courses where participants meet every weekend for one or two months and work on assignments in between," he explained.

Access to printing plants and sources of newsprint remains politicized and strictly controlled by the government, with printing houses belonging mostly to the state. Regional printing houses may refuse to print independent media outlets, as is the case for the newspapers *Borisovskie Novosti* and *Gazeta Slonimskaya*. However, the panel's experts could not recall any outlets refusing to print in 2016. Most newspapers are printed domestically and at the state-run printing plants. Price discrimination against privately owned newspapers continues to be a common practice. Private media are required to make down payments, while state media can print on credit. Additionally, Belarusian law holds owners of printing facilities responsible for the content of printed materials they produce, and printing equipment must be registered at the Ministry of Information.

Distribution channels continue to be restricted and monopolized for traditional media. The government controls press and broadcast distribution channels. Belsajuzdruk, a state network of around 1,500 newspaper kiosks, is the main retail distributor. Press subscriptions are handled by the state postal monopoly Belposhta. "Eleven non-state media have problems with access either to Belposhta or Belsajuzdruk or both," Bastunets asserted. These media have to rely on their own distribution systems, as well as on sales at private shops. Since 2015, the

state has heavily regulated the distribution of media that it does not publish. Distributors have to enter a special state register and take responsibility for monitoring the content of media outlets they disseminate. They also can receive official warnings from the Ministry of Information, discouraging independent distributors from dispensing media outlets that are excluded from the state system. Additionally, newsrooms that create their own independent systems of distribution are discouraged from selling the media products of their colleagues that may not have such systems in place.

Digital subscriptions remain insignificant. Almost all television and radio broadcasting equipment is state-owned. Private companies own most cable television networks, but the government approves the list of channels included in the packages, which is published on the Ministry of Information's website.

The access to ICT has increased, with Minsk leading the way. A growing number of Belarusians use video streaming and IPTV, although their share is still relatively small. This may be related to slow growth of broadband video access and a gap between urban and rural citizens with Internet access. According to the Belarusian Statistical Committee data published in June 2016, 62.2 percent of Belarusians have access to Internet, and Internet penetration in the cities is 67.5 percent, compared to 47.4 percent in rural areas. Only 31.5 percent of Belarusians have access to a fixed broadband connection. However, the national Internet provider and monopoly Beltelecom is expanding fiber optics Internet connection to the rural areas in order to address this disproportion.

Now at 99 percent digital, nearly all of Belarus has access to the television broadcasting that replaced analog broadcasting. The penetration of 3G is nearly universal, with 4G growing increasingly popular. In 2016, the leading mobile operator Velcom acquired one of the biggest private Internet providers, Atlant Telecom, with the aim of offering better services to mobile and stationary Internet users. However, one panelist said that "access to ICT is not universal. Regional journalists who participated in my trainings often claimed it was too expensive for them to watch a study video on their mobile phones, and they would watch it back in their newsroom. It was also difficult for them to imagine that they would regularly post video content from their phones on social media for the same economic reason."

List of Panel Participants

IREX protects the identity of the panelists who agreed to participate this study. Amendments to the criminal code include an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the country.

The panel discussion was convened on January 5, 2017.

In both presidential campaigns, analysts criticized blatant media bias, inappropriate interference by the Orthodox Church, and negative campaign tactics.



MOLDOVA

The beginning of the year saw the swearing-in of a new government, led by Prime Minister Pavel Filip, a former economy minister and a member of the Democratic Party. After the deep social and political crisis of 2015, 2016 brought relative stability, despite tension surrounding the presidential election on October 30, the People's Assembly election in the Autonomous Territorial Unit of Gagauzia on November 20, and a presidential election in the breakaway region of Transnistria on December 11.

In March, the Constitutional Court agreed with protesters who in 2015 had demanded that the country return to presidential elections through direct vote instead of a parliamentary ballot. The election went to a second round in November, with Socialist Party leader Igor Dodon beating Maia Sandu, the Western-leaning, reform-minded leader of the Action and Solidarity Party, with 52 percent of the vote. Dodon was sworn in in December.

In the People's Assembly of Gagauzia, half of those elected declared themselves independent candidates, but analysts believe most were stalking horses for the Democratic Party and the Socialists, which after the election claimed to have won a combined 28 of the assembly's 35 seats. In Transnistria's de facto presidential election, Vadim Krasnoselski, chairperson of the region's de facto parliament, won a crushing victory over incumbent Yevgeny Shevchuk in the first round.

The new government's agenda for the media industry through 2018 focuses on the same pressing issues that remained unresolved under previous governments, including formulation of a national media development concept; passage of a new broadcasting code; safeguarding the public broadcaster from political intervention; ensuring the independence of the broadcast media regulator, the Broadcasting Coordinating Council; elimination of unfair competition in advertising; and alignment of the public information law with e-governance practices and needs. By year's end, a new draft broadcasting code and amendments to the public information law had passed a first reading in parliament.

In the spring, the government released a list of reform measures it planned to launch in the months before the Association Agreement with the EU came into force on June 1, and parliament established the European Integration Council to oversee the implementation of the agreement. In late September, the government announced that it had achieved 94 percent of its priority reforms, although a civil society report said 45 percent of the reforms had been carried out poorly or not at all.

In both presidential campaigns, analysts criticized blatant media bias, inappropriate interference by the Orthodox Church, and negative campaign tactics. Ahead of the presidential election in Moldova proper, a Parliamentary Assembly – Council of Europe delegation expressed deep concern about the opaque party funding system, media monopolies, and the quality of media coverage of elections. In 2016, the flow of anti-EU propaganda continued from Russian and domestic sources. Analysts credit this propaganda and the government's lack of seriousness about reforms with helping to propel the Socialist leader to the presidency.

MOLDOVA at a glance

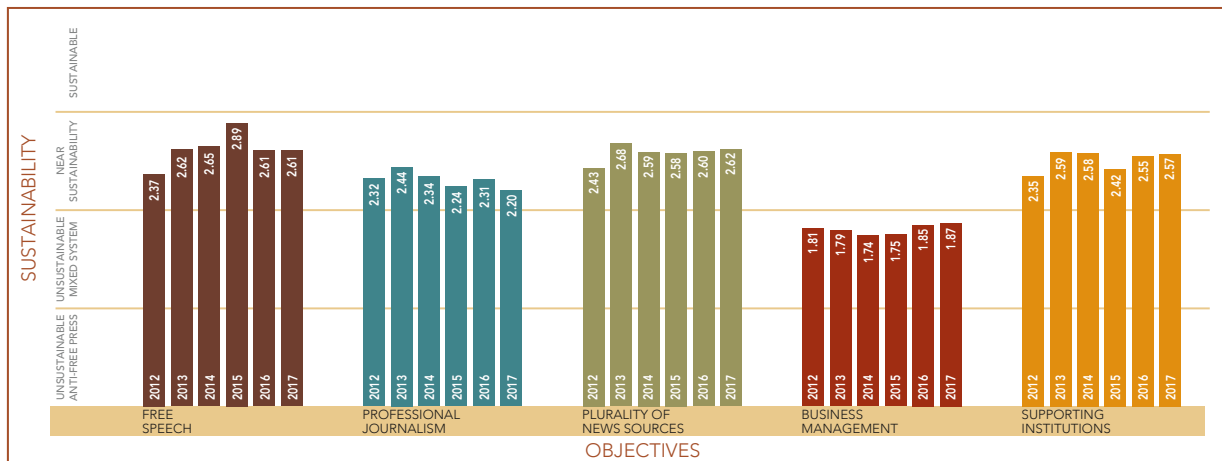
GENERAL

- > **Population:** 3,510,485 (July 2016 est., CIA World Factbook)
- > **Capital city:** Chişinău
- > **Ethnic groups (% of population):** Moldovan 75.8%, Ukrainian 8.4%, Russian 5.9%, Gagauz 4.4%, Romanian 2.2%, Bulgarian 1.9%, other 1%, unspecified 0.4% (2004 est., CIA World Factbook)
- > **Religions (% of population):** Orthodox 93.3%, Baptist 1%, other Christian 1.2%, other 0.9%, atheist 0.4%, none 1%, unspecified 2.2% (2004 est., CIA World Factbook)
- > **Languages:** Moldovan 58.8%, Romanian 16.4%, Russian 16%, Ukrainian 3.8%, Gagauz 3.1%, Bulgarian 1.1%, other 0.3%, unspecified 0.4% (2004 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$7.956 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$5,400 World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.4% (male: 99.7%; female: 99.1%) (CIA World Factbook, 2015 est.)
- > **President or top authority:** President Igor Dodon (since December 23, 2016)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 171 newspapers, 258 magazines (National Bureau of Statistics, Statistical Yearbook of the Republic of Moldova, 2015); Radio Stations: 59 (Broadcasting Coordinating Council, 2016); Television Stations: 78 (Broadcasting Coordinating Council, 2016); Internet News Portals: point.md, protv.md, unimedia.md (Gemius, 2016)
- > **Print circulation statistics:** Newspapers: *Komsomolskaia Pravda* (1,989,808); *Makler* (770,463); *Antenna* (654,980); *Unghiul* (501,960); *Timpul de dimineata* (351,910). Magazines: *Rabotai & Otdahai* (48,000); *Aquarelle* (38,500); *Business Klass* (27,500) (BATI, 2016)
- > **Broadcasting media ratings:** Top three television: Prime TV (private), Moldova 1 (public), Jurnal TV (private)
- > **News agencies:** IPN, Moldpres (state-owned), Infotag, InfoMarket, Sputnik
- > **Annual advertising revenue in media sector:** Television: €12.4 million; Radio: €0.56 million; Internet: €2.8 million; Print: €1.2 million (AAPM, 2016 est.)
- > **Internet usage:** 2.4 million (ANRCETI, 2016)

MEDIA SUSTAINABILITY INDEX: MOLDOVA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 2.61

In Moldova, freedom of speech is guaranteed by the constitution and the law on freedom of expression. In 2016, no cases of serious media intimidation via lawsuits were reported. Dumitru Lazur, coordinating editor of RISE Moldova, said the law on freedom of expression “sets a procedure for examining defamation cases that is favorable for journalists and media acting in good faith. It discourages abuse by people who believe their honor, dignity, or professional reputation was damaged through dissemination of some information.”

Nadine Gogu, director of the Independent Journalism Center (IJC), said recent court rulings have favored the press and that civil society has been an effective watchdog against judicial threats to free speech. But the media can be gagged in other ways. Lawyer Eugen Ribca said, for instance, that certain television channels had been dropped by a government-owned cable operator that dominates the rural market.¹ “At the same time, although national law has very clear provisions on protection of journalists’ sources, these provisions are not applied consistently,” he said.

Moldova’s media law meets European standards on free speech, but “many media are politically affiliated, which is obvious from their tone and content,” said Galina Zablovskaya, executive director of the Association of Advertising Agencies.

¹ <http://media-azi.md/ro/stiri/ong-urile-de-media-cer-cca-s-%C4%83-investigheze-cauzele-reale-ale-sist%C4%83rii-emisiei-unor-posturi-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 of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Vladimir Topal, director of BasTV in the southern Basarabeasca region, agreed, saying, “On certain channels, journalists can’t provide truthful information to viewers because a dog won’t bark at its owner.”

The Transnistrian constitution and law on media also guarantee freedom of speech, but Luiza Dorosenco, director of the Tiraspol Media Center, said former President Shevchuk himself violated these laws. “The law stipulates that republican media are to be founded in an equitable manner by the president and the Supreme Soviet,” she explained. “However, the Supreme Soviet has been excluded as a founder. Its representatives have often complained of not having access to state press and TV.”

In Moldova, only broadcast media need be licensed, which is done by the Broadcasting Coordinating Council. Decision-makers have yet to align the relevant laws with European standards, which contributes to continued polarization in media.

“There are serious problems with licensing terrestrial broadcasting activity, namely lack of precise and measurable licensing criteria, lack of objective criteria for protecting the public interest in the licensing process, appointment of BCC members based on political affiliation, insufficient justification of BCC decisions, etc.,” Ribca said.

Ludmila Barba, coordinating editor at the national public broadcasting institution Compania Teleradio-Moldova, said membership on the coordinating council seems to be based on political affiliation. “Thus, licensing turns into a politically biased process. Especially since members of parliament hold or own certain media.”

Several other panelists echoed those sentiments.

“We’re talking about important licenses, usually for capital-based frequencies,” Topal said. “In rural areas, a frequency may not be in demand for a long time.”

Veaceslav Perunov, director of the Bălți weekly newspaper SP, said, “Some top-rated TV channels openly broadcast propaganda, and many channels systematically break the law, while the BCC does nothing and is therefore inefficient.”

As for online media, Topal said they should remain unlicensed but that owners should be legally required to publish on their sites a mailing address and contact information for the person in charge of editorial policy. “Otherwise, it’s difficult—if not impossible—to hold online media to account, as was shown by the recent presidential election.”

Websites that disseminated false reports about candidates appeared in the run-up to the vote. The reports were picked up by traditional media, especially those that belong to politically connected owners.

The panelists agreed that national law places no restrictions on media entering the market, nor does it particularly disadvantage media, compared with other industries. However, Ribca said a law on postal communications passed in 2016 did nothing to end “certain abusive and differential/discriminatory taxes and fees for periodical publication distribution services.” Gogu noted, too, that different types of media are treated differently, with broadcasters needing licenses and being monitored by a regulator, unlike print and online outlets.

Alexandr Burdeinii, editor-in-chief of the business news agency InfoMarket, said print media get tax breaks if advertising occupies less than 30 percent of their space. Perunov, of SP, acknowledged that the print media don’t have to pay the value-added tax on their sales but said exempting their advertising income from the levy would truly make a difference.

“It’s easy to come into the market, but it’s hard to stay there,” Topal said. “For instance, a TV channel that only wants to have local content won’t be able to compete with another channel that produces, let’s say, 30 percent local content, while the rest is retransmission of an already well-known brand. And advertising suppliers prefer well-known brands. How do local channels get in and stay in?” In Transnistria, the government funds some media, while independent outlets receive no support from the authorities, Dorosenco said.

Offenses against journalists are rare in Moldova, but when they do occur, Ribca said, the authorities’ response is usually inadequate “possibly because, among other things, journalists turn to public opinion rather than law enforcement authorities to protect their rights much more often.” Gogu noted that reporters have initiated legal proceedings after being attacked by protesters or members of politicians’ entourages, “but it should be mentioned that in many of these cases journalists behaved offensively.”

Barba said the chief editor of *Ziarul de Garda* had posted on social media about attempts to intimidate staff after the newspaper had published certain investigations. Vadim Sterbate, a reporter for the *Observatorul de Nord* newspaper in Soroca, was threatened by an official of the Defense Ministry after he criticized the business activity of the official’s relatives. After the case received widespread publicity, the official resigned. In another instance, a reporter with the IJC who requested information from the Interior Ministry instead received a subpoena to be questioned “in connection with examination of materials concerning the supply of information on alleged illegal actions of police workers.”²

Burdeinii said law enforcement and the broadcast regulator are more loyal to government-affiliated media than to other media.

² <http://media-azi.md/ro/stiri/condamn%C4%83m-abuzurile-mai-fa%C8%9B%C4%83-de-o-reporter%C4%83-centrului-de-investiga%C8%9Bii-jurnalistic>

Zablovskaya said, “Journalists, bloggers, and photographers, like any ordinary person in Moldova, cannot feel protected by the state.” Likewise in Transnistria, Dorosenco said, “It’s unclear who can be photographed and where and which law regulates it. Therefore, the way for abuse is open.”

Lawmakers did nothing in 2016 to strengthen legislation that might protect media from political interference. Ribca said the public broadcaster is subject to political pressure in the budget process and in the appointment of its top managers and members of its regulatory oversight council. Several panelists agreed, but Barba said the government has never fully financed the public broadcaster’s production needs. On the other hand, she said, politicians do not want it to become self-sustaining because that might threaten their influence over it, although she added that there is much less political pressure on the broadcaster than there was from 2001 to 2009, when Moldova had a Communist government.

Gogu said members of Teleradio-Moldova’s oversight council are appointed on political grounds. The council, in turn, elects the broadcaster’s managers in the same way, through an opaque process with no measurable criteria. She said Teleradio-Moldova’s election coverage “is relatively balanced” but lacks context, “so that the audience can’t form an adequate opinion of what is going on in society.”

Also relevant for 2016 was the dismissal of outspoken director Ion Terguta, of the MIR-Moldova channel, because he often criticized the current country’s leadership.³ In addition, a law hastily passed by the People’s Assembly of Gagauzia restricts the activity of that region’s public broadcaster, IPRA, possibly undermining its editorial independence and encouraging censorship.⁴ Gagauzia authorities have ignored warnings from civil society groups and the Broadcasting Coordinating Council about attempts to pressure IPRA.

Defamation has been decriminalized in Moldova. The few serious cases brought against journalists in the past few years have been resolved in the journalists’ favor. Generally, judges tend to excuse journalists and not penalize editors, possibly the result of hard lessons learned from cases lost at the European Court of Human Rights. That is not to say that the media do not engage in defamation. “In elections, especially, publication or dissemination of denigrating or slanderous material is often ordered, and victims choose not to go to court either because they don’t trust the justice system or because they don’t want to provoke certain media to ratchet up the orchestrated denigration campaign,” Barba said.

³ <http://www.media-azi.md/en/stiri/declaration-media-ngos-we-condemn-government-decision-appoint-person-convenient-current>

⁴ <http://cca.md/news/cca-alarimat-de-posibilitatea-instituirii-cenzurii-asupra-mass-mediiei-audiovizuale-n-autonomia-g>

Topal said this behavior is also an issue in online comments sections. He said administrators who do not moderate comments should have their sites blocked on grounds of public order and security. Administrators can be held responsible for comments on their sites that defame or include hate speech. A couple of panelists noted that no one was found guilty of libel or slander in 2016. SP's Perunov attributed that to the quality of the relevant laws, specifically on freedom of expression.

Still, Viorica Zaharia, chairperson of the Press Council, recalled that *Ziarul de Garda* was targeted by anti-corruption prosecutor Adriana Betisor after publishing an investigation revealing that Betisor owned more property than she could likely afford on her salary. The case is still open.

In Transnistria, controls over certain speech have tightened since August 2014, when Shevchuk issued a decree on "extremist activity" that penalizes "public calumny of a person holding public office in central or local public authorities, during or in connection with the fulfilment of their official duties.

During 2016, journalists had trouble getting access to information due to agencies' misuse of a law protecting personal data. As a result, Ribca said, "important institutions," such as the Central Election Commission, the People's Assembly of Gagauzia, and the Superior Council of Magistracy, the judiciary's self-regulatory body, were put on the list of institutions not in compliance with freedom of information laws.

Mariana Tacu, head of the Journalism and Communications Science Department of the State University of Moldova, said it's difficult for journalists or ordinary citizens to get access to information on public purchasing. As an example, the Press Council's Zaharia said in April 2016 that he could not find information on the Chişinău mayor's website about the city council's decision to allocate some of the municipal budget to the mayor's press office. "The decision was published on the web page only after contacting the person who was responsible for publication of decisions," he said. "Thus, officials allow themselves to hide documents from the public that might result in unfavorable coverage of them or their institutions, while journalists can't keep track of which documents are made public and which aren't."

Lazur, of RISE Moldova, said that when his organization asked the Central Election Commission in August 2016 for biographical information on candidates for parliament in 2014, the commission instead asked the National Center for Personal Data Protection to determine whether the requested information "was considered personal data or not." Lazur said officials also use claims of commercial or state secrets, which are vaguely defined in law, to refuse requests for information. He said one study found that about 50 percent of denials are made based on the pretext of protecting commercial secrets.

In another instance of obstruction, the Superior Council of Magistracy tried to require those who wanted to attend court sessions, including journalists, to obtain permission from a court official. The council backed down in the face of media protests. "Journalists, especially those doing investigations, claim problems with access to information because replies to their inquiries are often pro forma," Gogu said, while "some journalists are privileged, being the first to receive information from certain state structures."

Tudor Darie, of Interact Media, said information of public interest is usually given first to media that are politically aligned with the government. Perunov said no officials have yet been penalized for not providing requested information in a proper manner and called for stronger sanctions. In the Transnistrian region, Dorosenco said the de facto parliament had adopted a rule that only the official press service can produce audiovisual material during its sessions and that journalists must request such materials from the press service.

In Moldova, there are no restrictions on access to domestic or international sources of news or information. Rather, Gogu said, many media violate copyrights, plagiarizing content or running it without the authors' permission. "The problem persists because many Moldovan media lack self-regulation mechanisms," she said, although panelists Zablovskaya and Burdeinii said journalists credit original news sources more than they used to. Picking up foreign news can be fraught in Transnistria because, as Dorosenco explained, as of June 2016 making disrespectful statements about Russian troops stationed there could result in a prison sentence of up to seven years.⁵

Most panelists agreed that entrance to the journalism profession is free and open in Moldova. "Journalists are not subject to restrictions, but they don't have many rights either, since, for example, there are events that not everyone can be accredited for," Zablovskaya said. Gogu said some foreign journalists had trouble getting accreditation to cover the presidential election, while Dorosenco said foreign journalists, except those from Russia, are treated with suspicion or even hostility in Transnistria and are often denied accreditation.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 2.20

In 2016, panelists said the quality of Moldovan journalism declined, largely thanks to the presidential elections and elections to the People's Assembly in Gagauzia. "Media that produced fair reports during 2016 are more an exception rather than a rule," Ribca said. Tacu, of the Moldova State University,

⁵ <http://www.zdg.md/stiri/stiri-politice/dictatura-transnistreana-7-ani-de- inchisoare-pentru-cei-care-vor-nega-meritele-federatiei-ruse>

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

said, "Particularly in TV newscasts, one can see a systematic absence of professional documentation, use of irrelevant sources, and a lot of subjectivity." Barba said even balanced news reports lacked documentation and background, with journalists often publishing unverified reports or simply relaying official statements.

Zaharia and Gogu discussed the problem of one-source reporting, which Gogu said leads to media manipulation and subjectivity. "There are media that belong to owners with interests in politics and the economy publishing information that is obviously tendentious, comes from a single source, and is deliberately unverified," Zaharia said. "News bulletins and talk shows on some TV channels are made to reflect a single point of view, promote certain people or political parties, and create a negative impression about others." He added that only people who will express a certain view are invited to appear on talk shows.

The Broadcasting Coordinating Council did impose sanctions on five television stations, some of which it said had "blatantly defied the norms and standards of journalism" with their biased election coverage.⁶ During the 2016 electoral campaign, there were registered cases of dissemination of false information, particularly among online media, which are not regulated.

Most panelists agreed that the media's extreme politicization has diminished Moldovan journalism. Lazur, from RISE Moldova, said it had also damaged the media's reputation. "Excessive politicization of media during presidential elections led to a considerable decrease in the Moldovan people's trust in media," he said, from 42 percent in April 2016 to 31 percent in October. Lazur said, though, that there are still independent media in

⁶ <http://cca.md/news/cca-accent-tv-ntv-moldova-publika-tv-i-jurnal-tv-nu-vor-avea-dreptul-s-difuzeze-publicitate-com>

Moldova who strive to maintain professional principles and standards. As for Transnistria, Dorosenco said media there report on the difficult relationship between Chişinău and the region's de facto government in Tiraspol "only from Tiraspol's point of view."

The panelists said Moldova's ethics code for journalists is frequently violated, even by those media that signed it. For this, Barba blamed "economic and social conditions," along with the links that many media have with political or business groups. "The 2016 elections revealed this fact to the fullest extent," she said. Gogu said the most frequent ethics violations include editorial content that is indistinguishable from advertising, political promotion thinly disguised as news, and plagiarism.

To that list, Zaharia added the use of obscenities in print (as noted in some monitoring reports on the presidential election), the spread of false information taken from other media sources without verification, epithets such as "oligarch" or "killer" routinely used against certain people, and a lack of balance. In this polarized media environment where ethics are not prized, compromised journalists have little trouble finding work. "There are no real and effective mechanisms for making journalists accountable while their reputation is of little consequence," Zablovskaia said.

Burdeinii said the unwillingness of certain members of the trade to adopt generally accepted professional standards "affects the quality of journalism, as there are, for instance, bloggers who call themselves journalists, while being unable to make a distinction between a news report and an opinion piece." Similarly, Tacu called for regulation of online journalists and bloggers and controls on the use of drones in investigations.

The panelists agreed that self-censorship is widespread in Moldova, with Barba noting that Freedom House had been identified it as a problem. Many journalists cannot cover subjects in an "accurate and even-handed manner" but instead must comply with their editors' demands, Gogu said. "Hence, there is a high degree of self-censorship when selecting a subject, sources, and so on."

Self-censorship has its roots in the concentration of Moldova media ownership by major business figures and politicians, Ribca said. Zaharia said it happens most often at large media outlets and affects which topics are covered and which sources are consulted. "In some newsrooms, reporters know from the very beginning that an event organized by an institution/person/political party not supported by the media owner will not be covered by this media," he said.

Self-censorship is in service to advertisers and not just owners, Perunov and Burdeinii pointed out. For local media, it is a consequence of financial vulnerability, Topal said. District authorities can easily terminate contracts with local media, such

as publishing or advertising, if they notice that information “is not filtered to their taste.” Dorosenco said self-censorship also prevails in Transnistria, where “media products not complying with [the government’s] editorial policy will not be allowed to be published or broadcast.”

The panelists differed on whether media in Moldova ignore important events. “Diversity of media owners allows a certain diversity of information, too,” Ribca said. Although media are dominated by the ruling Democratic Party, other political factions own major outlets as well. Barba disagreed, saying, “Unfortunately, most journalists are guided by the politicians’ agenda instead of setting the agenda for politicians. Thus, the empty talk of politicians often replaces events that are of real importance for citizens.”

Similarly, Gogu said, “Journalists cover events important for their masters but not those important for the wider public. Topics are filtered, often omitted, or, to the contrary, sensationalized. Some irrelevant subjects or news items are repeated for several days.” Burdeinii said political news often crowds out coverage of social, economic, or other news, and Topal said nationwide media usually ignore important events taking place at the local level. Transnistrian media hardly report on events organized by civil society groups, except for “patriotic” ones, Dorosenco said, and even then the groups are not named.

Although there is no reliable, comprehensive information on journalists’ compensation in Moldova, all panelists agreed that low salaries make journalists vulnerable to corruption. For instance, Barba said many journalists welcome the chance to make commercial productions to supplement their income. “The more media or journalists try to be independent, the lower salaries they have,” she said. Gogu said journalists’ salaries are not especially low, compared with other professions, but added that those who work for a politician or business person can make thousands of euros per month, while others make less than the mean monthly salary of MDL 5,000 (\$250). “This is one reason why some journalists abandon their profession,” she said.

“Freelance journalists must write for several media simultaneously while “editors’ offices are in a permanent search for grants in order to increase their incomes,” Zaharia said. “When salaries are small, many journalists readily accept gifts or orders to write hidden advertising materials,” Burdeinii said. Topal and Perunov said local media regularly lose their best journalists to better-paying outlets in the capital or to emigration. Dorosenco said that in Transnistria, amendments to a law on compensation for some public employees meant that only reporters, and not editors, designers, or production workers, are considered journalists—and only journalists are permitted to receive honoraria to supplement their salaries.

Newscasts get more air time than entertainment programs, especially domestically produced ones, so most people turn

to foreign media, Tacu said. Zablovskaya explained that entertainment programs are much more expensive than the plethora of talking heads on Moldovan television. “I have the impression sometimes that there are too many news bulletins, but that doesn’t mean the wider public is well-informed, since many newscasts rather misinform than inform,” Gogu said. Barba said entertainment shows get higher ratings than news shows, but Topal said that at the local level there is “a visible interest specifically in community news.”

The panelists said print and online journalists generally have access to the materials and technology for gathering, producing, and disseminating information. Gogu said she had noticed that “many more media items are published quickly,” and Darie noted that managers pay for Internet subscriptions for their employees so they can get online outside the office.

Broadcast media are in a different situation. “There are difficulties in radio and TV, especially in regional ones that can’t invest in technologies as rich channels in the capital do,” Burdeinii said. Perunov, of SP, said, “Equipment is out-of-date at some [national] channels, too.” Barba agreed, saying, “Teleradio-Moldova has come almost to the end of functioning, from a technical point of view, due to insufficient funding.” She said there is no money for new video cameras, equipment, or software.

Journalists practice only certain specialties in Moldova. “If specialization were compulsory, it would contribute to an increase in the quality of information products, due to deeper and more systematic documentation, as well as to more specialized and appropriate language,” Tacu said. Topal said some local journalists are specialists, but “since staff turnover is high, there is a need for additional training of new employees who replace the trained ones who leave.”

On the subject of investigations, most panelists said they are conducted most often by print and online media but almost never by television or radio stations. “Managers aren’t interested in it because they have employers behind them who can’t allow investigating cases of corruption,” Gogu said. “Both specialized and investigative journalism exists, thanks to projects supported by foreign donors, because newsrooms can’t afford the luxury of specialized departments.”

Print media often reprint investigations conducted by specialized nongovernmental organizations (NGOs), Barba said, but broadcast media do not, whether from a lack of interest or from the expense involved in transforming such investigations into video clips. “Specialized and investigative journalism is expensive; that’s why it’s not widespread,” Perunov said. Burdeinii said, “Investigations are done either under grants or on the account of a client who orders one. The media themselves aren’t interested in expensive investigations for their

own sake or for the sake of quality journalism, since that's not profitable from an economic standpoint."

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 2.62

Moldova has many sources of information, and in 2016, new television stations, newspapers, and websites were launched. Some media broadcast news via mobile telephones. More than 1.5 million of Moldova's 3.6 million people had Internet access on their mobile phones as of the third quarter of 2016.⁷

But other challenges persist. "There are many media, but there's not a great diversity of opinions within the same media, and a media consumer has to consult several sources in order to get informed and to understand what is going on in society," Darie said. The problem is, again, political control of media, Gogu said. She added that social media can be a good alternative source of information, but even it is plagued by trolls and bloggers doing the bidding of politicians. Lazur said those who rely on media owned by members of political parties risk being manipulated.

A poll conducted in September 2016 by the IJC found that 38 percent of news consumers in Moldova are rather unprepared for understanding whether an item is manipulative and propaganda or not.⁸ Zaharia said the notion of pluralism in the country's media "is rather specious." For instance, he said, four major channels that broadcast news belong to the same owner and provide the same information and the same opinions. Some Russian-language media, as well, present only information that is anti-Western and pro-Russia.

In Transnistria, media of all types operate, and citizens are active on social media. Dorosenco said older people prefer print media while younger ones use online media. Outlets in the region reflect various political opinions, but opposition media or those critical of the government are under pressure. For example, at least 16 websites and Internet forums have been blocked since 2012, she said. There are few bloggers in Transnistria, but social media, particularly the VKontakte and Odnoklassniki social networks and YouTube, are popular. Facebook groups are also very active.

Moldovans face no legal restrictions in accessing domestic and foreign media, but some panelists noted that rural residents do not enjoy the same availability of information that their urban counterparts do. As the country switches to digital transmission, new regulations were approved, allowing for "socially vulnerable" populations to be issued set-top boxes to

⁷ http://www.anrceti.md/files/filefield/Raport_ev.pieteiCE%20trim3_2016.pdf

⁸ http://mediacritica.md/wp-content/uploads/2016/11/Sondaj_Percep%C8%9Bia-popula%C8%9Biei-privind-informa%C8%9Bile-false-%C8%99i-distorsionate-din-mass-media_Septembrie-2016-2.pdf

pick up the digital signal, but those measures have not been implemented. Gogu said that even though prices for Internet service are relatively low, they are still beyond the means of some of the rural poor, who also cannot afford newspaper or magazine subscriptions. "Access to international media is limited, essentially, because of massive presence in Moldova of Russian TV channels, some of which freely broadcast political propaganda," Topal said. In Transnistria, the Internet is well-developed in both cities and the countryside. Citizens have unrestricted access to media, but Dorosenco said, "Some websites posting material unpleasant to the Transnistrian leadership cannot be accessed."

Most panelists agreed that NPBI Teleradio-Moldova, the national public broadcasting company, is largely impartial. Ribca said monitoring in 2016 turned up no political bias at the NPBI, but the public Gagauzia Radio Televizionu "showed a dangerous drifting from legal, managerial, and editorial standards in this sphere."⁹ Public media produce more educational and cultural programs than commercial outlets and promote European values, but Zablovskaya said such content attracts very low ratings. Topal was a dissenter on this score, saying, "You can hardly call public media completely independent and impartial if they are state-financed."

State media are very politicized in the Transnistrian region. "If considering those two TV channels—1 Transnistrian and TSV—one promotes the ideas of the head of the administration, and the other promotes the ideas of the Obnovlenie Party, which holds more than half of the seats in the Supreme Soviet," Dorosenco said. Moldova's government-owned Moldpres news agency and its private counterparts, IPN and Infotag,

⁹ <http://gagauzmedia.md/index.php?newsid=5870>, <http://gagauzmedia.md/index.php?newsid=6373>, <http://media-azi.md/ro/stiri/compania-public%C4%83-gagauziya-radio-televizionu-ar-putea-fi-lichidat%C4%83>

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

are well-respected and tend to be impartial, as their survival depends on their ability to distribute their product as widely as possible, panelists said. Gogu said the agencies often complain, however, about news organizations plagiarizing their reports or using their information without attribution. As for international press agencies, Darie said few Moldovan media, especially online and print outlets, can afford their services.

Private broadcast media in Moldova produce and broadcast their own news, but they also rely heavily on news and other programming from Russia and Romania, Barba said. "Producing their own materials requires considerable money that they don't always have," Zablovskaya said. Regional broadcasters produce news "that emphasizes community needs, and they often pick up items from bloggers, as well," Topal said. Gogu said there is little variety in broadcast news because private companies own multiple channels, and "the same news report is broadcast by all channels belonging to that holding." News broadcast on private channels differs from that on public television due to private stations' "massive promotion of the interests of political or economic actors," she said.

For two years, Moldovan law has required disclosure of the owners of broadcast media. Barba said the law has "led to greater clarity" but said ownership of other media, particularly online, remains obscure. But Zablovskaya said real owners are still able to hide, except to the extent that their stations' editorial practices clearly support certain interests, and Ribca said the disclosure requirement has not "de-monopolized" the industry. In any event, Perunov, of *SP*, said, "Few consumers care who owns this or that TV channel. And probably even fewer realize the whole danger of TV control by owners."

All the panelists expressed concern about the concentration of media ownership in a few hands and its effects on editorial policy. "The owners of major media are politicians; therefore, the relevant media promote the agenda of their owners and fail to reflect the whole range of societal issues," Gogu said.

Ribca said some topics are taboo in Moldovan media. For example, he said, "Issues about sexual minorities are covered only from the perspective of violation of the rights of the representatives of this category of people, no more."

"Coverage of political events ... still prevails at the expense of reflection on social and cultural challenges," Tacu said. But Zablovskaya said certain topics make their way to Moldovan media, thanks to the efforts of outside groups. For example, civil society organizations might fund programming on reproductive health, the environment, culture, etc.

Although the Transnistrian region has three official languages, Russian prevails in practice. Dorosenco said the Ukrainian-language *Гомін* (*Gomin*) and Romanian-language, Cyrillic *Адевърул Нистрян* (*Adevarul Nistrean*) have seen a

drop in circulation and cut their publication frequency. She said, "Certain topics, such as European integration or the contributions of international foundations to regional development, are either ignored, or reflected in a negative context."

Moldovans have to follow several sources in order to get information about important local, national, and international events. Some panelists said local media seldom cover national or foreign news and national media neglect local news. This information patchwork is exacerbated by national media's selective use of international news "depending on the channel's orientation," Zablovskaya said. Barba said there is not enough foreign news in Moldovan media. "The media still don't perceive Moldova as a part of the regional or international architecture," she said. "Even the conflict in a neighboring country, Ukraine, is not regularly covered anymore, but consumers hear about it from Russian channels, so public opinion is manipulated."

Bloggers are less concerned about problems of the community and focus more on politics, although they can have an impact when they touch on subjects that interest a wider audience. For example, Gogu noted, after blogger Gheorghe Erizanu wrote about a controversial recipient of the State Literary Awards, the awarding procedure was suspended.

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.87

Perunov attributed the dearth of well-run, sustainable media outlets to a "deficit of well-trained managers and the poor general state of the economy." Public media outlets consistently complain about tight budgets, but some experts respond that they are not open about how they use even those limited funds. Similarly, Zaharia said, "There are newsrooms that have both professional journalists and staff trained in marketing, advertising, and accounting. However, most are funded by owners or interest groups."

Two types of media that are particularly unsustainable are those with "political financing sources" and those funded by grants, Ribca said, and Lazur, of RISE Moldova, warned that "in the absence of support provided by foreign donors, some independent media are likely to cease their activity."

This precarious economic situation has given rise to problems, such as advertising disguised as news, custom-ordered news items, or wages paid under the table, Gogu said. In the Transnistrian region, the mainstream media have no incentive to be efficient or sustainable as they "serve the interests of their employers, whether it's the administration or Sherif holding," Dorosenco said, referring to the region's major conglomerate.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

Moldovan media get revenue from several sources, but because advertising and circulation income are unstable, the independence of many outlets is under threat, Zablovskaya said. Likewise, Perunov noted that each year the amount of advertising falls, leaving media searching for other funding sources, although experts note that ad spending rises in an election year. In print media, advertising revenues plunged from €3.6 million in 2010 to an estimated €1.2 million in 2016.¹⁰ Barba said that for many influential media, the “largest source of revenue is funding from employers that are interested in political dividends.”

“For local media, commercial advertising as a source of funding is still a dream,” Ribca said.

Instead, BasTV’s Topal said, “We write projects hoping to get grants, we provide paid information to the local public administration, we develop the cable television, etc.” Those media that conduct investigations rely entirely on grants. “The portals Rise.md and Anticoruptie.md, for instance, are managed by media NGOs that have no sources of income other than grants,” Lazur said. “Unfortunately, the advertising market, besides the fact that it’s very small, is also politicized, and this affects the development of the press as a business,” Barba said.

As usual, Transnistria is a different story. Dorosenco said state media rely on subsidies instead of advertising, and small, independent outlets hold no interest for advertisers.

Moldova’s veteran advertising agencies tend to focus on large, international clients, Ribca said, while Zablovskaya said such “serious” customers want to see reliable audience research, which many Moldovan media cannot provide. Therefore,

¹⁰ <http://media-azi.md/ro/publicatii/evaluarea-cadrului-juridic-de-reglementare-domeniului-publicitatii-si-recomandari-pentru>

domestic media tend to make their pitches to less-demanding domestic advertisers.

National legislation allows public broadcasters to air advertising, with certain restrictions on teleshopping programs. Not all mass media have advertising departments, and Perunov said advertisers are especially not interested in newspapers. “Therefore, there are newsrooms where all employees deal with advertising, from journalists to the directors,” he said. Burdeinii said most advertising agencies use television, working through the Casa Media clearinghouse. A 2016 study by the IJC found that 55 percent of ads appeared on television and that Casa Media, which sells space on eight major channels (Prime TV, Canal 2, TV 4, Canal 3, RENTV, Publika TV, STS, and Super TV) controls an estimated 59 percent of the market.¹¹ Among the major advertisers are Nestle, Procter & Gamble, the Berlin Chemie Menarini Group Moldova, and Moldtelecom. As for ethics in advertising, Darie said online advertisers operate more transparently, and Gogu said the market suffers from unfair competition, with companies getting favorable rates because they share an owner with a media outlet. In Transnistria, most advertising agencies focus on outdoor ads.

Few media managers try to adhere to generally accepted ratios of advertising revenues to other income. Barba said the national public broadcaster gets about 10 percent of its revenue from advertising, maybe less outside an election year, with the rest coming from state subsidies and proceeds from co-productions. Darie said online media’s sole income stream comes from advertising.

Zablovskaya said the amount of advertising legally permitted per hour of broadcasting corresponds to industry standards but that ads still don’t bring in a sufficient share of revenue. For two years in a row, she said, “There has been a drastic reduction in budgets for advertising, because it makes no sense to advertise a service that people can’t pay for. Therefore, most ads are for drugs.” Print media that receive no more than 30 percent of their revenues from advertising are exempt from value-added tax on their circulation sales, but Perunov said the cap should be raised to 40 percent or 50 percent.

Only public broadcasters and Transnistrian media funded by the Tiraspol administration receive government subsidies, making them vulnerable to political pressure, especially as the government’s advertising spending is unregulated and opaque. “There’s no transparency, no monitoring,” Barba said, noting that public auditors had not reported on the way state advertising is distributed.

Zablovskaya said the Association of Advertising Agencies receives no paid advertising from the government, as many mass media are required to broadcast public-service ads for

¹¹ <http://media-azi.md/ro/publicatii/evaluarea-cadrului-juridic-de-reglementare-domeniului-publicitatii-si-recomandari-pentru>

free. Particularly at the local level, Gogu said, there is an understanding that media friendly to the local government stand a better chance of winning public relations tenders, regardless of their audience size. "There's no political will to pass regulations or best practices about the equitable distribution of state advertising," Ribca said.

Market research is conducted in Moldova, but most media outlets cannot afford it, the panelists said. As a result, the audience is rarely taken into account when content is developed. Most media conduct online polls for feedback, but those are ill-suited for developing strategic plans. In any event, Gogu said, media that "follow the agenda of political owners" are not concerned about the public's interest or audience research. "Media are not motivated to pay for market research because the advertising market is monopolized, and most advertisers don't work directly with media but distribute their ads through local sellers. Consequently, advertising isn't distributed according to audience figures but according to some other criteria," Barba said.

For four years, the Audit Bureau of Circulation and Internet (BATI), in partnership with the Gemius market research firm, has measured print circulation and website traffic, producing information that Zablovskaya said is highly credible. However, only 34 media outlets subscribe to its service. Gogu said some members have withdrawn from the organization, saying they had not benefited from it.

Barba said the Moldova-1 public television station, but not its sister station, Moldova 2, uses AGB Nielsen Media Research studies, although she said "many" of her colleagues question the results that AGB delivers. Ribca said the company is "suspected of political affiliation and therefore is not trusted." Moldova lacks an independent institution measuring audience and reach that provides timely information and is affordable to large and small media, Tacu said. In Transnistria, Dorosenco said that no market research is conducted and that no market research companies exist.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.57

National law places no restrictions on the establishment and operation of trade associations. However, the few that exist are ineffective and not very visible, Ribca said. "The exception perhaps would be the association of cable operators, which is self-funded from membership fees and occasionally pushes the idea of blocking foreign broadcasts and supporting domestic productions," Barba said. As for other organizations, such as the Meridian Association of regional radio and television owners or the Broadcasting Employers' Association, "it's not even clear

whether they function or not," she said. Darie said online media have no association to represent their interests. Dorosenco said Transnistria has no associations of publishers or media owners.

Professional associations also face no legal restrictions, and Moldova has several that are particularly concerned with improving the quality of journalism and debating issues in the field. Among them are the Sports Press Association of Moldova, affiliated with the International Sports Press Association (AIPS) and AIPS-Europe; the Guild of Agriculture Journalists; the Press Club of the Independent Journalism Center and Press Freedom Committee; the Investigative Journalists Club; the Association of Environmental and Eco Tourism Journalists; the Association of Russian-Speaking Journalists; and the Young Journalists Center. But Zaharia said most of these groups are not active, and when journalists run into trouble with the authorities or others, it's the media-focused civil society groups that step in with legal assistance.

Barba said the oldest professional association, the Journalists Union of Moldova, "has dishonored their activities and has given them up, and over recent years has not undertaken any attempt to revive them." Associations receive no government funds and often rely on international donors who are keen to help improve Moldovan journalism, Gogu said. A trade union, theoretically concerned with journalists' labor rights, and a journalists' union focused on free-speech rights operate in Transnistria. Journalists apply for membership in the trade union and can join the journalists' union after working for three years. "In practice, neither the journalists' union nor the trade union is concerned about defending the rights of journalists or about their training and collaboration with similar international associations," Dorosenco said. Both associations, which are funded by membership fees, support the authorities and work closely with them.

Several media NGOs promote democratic journalism, press freedom, access to information, and the like. Gogu's IJC, for example, provides services ranging "from training and legal assistance for journalists to drafting legislation. We have good cooperation with international institutions and with development partners." Barba said that despite the lack of a strong union, when problems arise related to freedom of expression, groups such as the IJC, API (Asociatia Presei Independente), APEL (Asociatia Presei Libere Din Moldova), together with other pro-democracy organizations, issue joint statements.

The panelists wondered, though, if the authorities listen.

"The community of media NGOs actively promotes the quality journalism and proposes amendments to legislation...but the authorities' response is vague or nonexistent," Lazur said.

In Transnistria, Dorosenco's Media Center NGO has been working for almost 15 years to promote independent media. It responds to violations of press freedom, provides legal advice to journalists, and cooperates with specialized international bodies. Media NGOs are visible and often effective in their work with journalists, Burdeinii said Moldova could use more such organizations "to provide services and involve journalists in projects they implement."

Journalism is studied in universities in Moldova and in a 10-month postgraduate program at the Chişinău School of Advanced Journalism, managed by the IJC. In addition, there are master's and doctoral programs for those interested in research.

"We have educational and quality programs, but they, largely, are poorly implemented," Ribca said. Burdeinii said universities focus too much on theory or experience that might be relevant abroad but not in Moldova, and "that is why many graduates don't work in their speciality."

Barba said there is a big gap between the classroom and real working conditions. "The professional qualifications of young journalists are poor, probably because education is on a commercial basis and insufficiently prepared candidates can get into universities," she said. Zablovskaya said the entire education system, including journalism studies, has declined. "We prepare too many specialists, but after graduation, few stay not only in the profession, but even in the country," she said. "Yes, young people can study freely and abroad, but it's rare when a young person with a journalism degree earned abroad returns to work at home." Gogu said media employers complain about the quality of graduates, "but some media are not interested in quality, especially those wanting to hire docile people."

The Transnistrian region lacks academic programs that would give future graduates sufficient practical skills. "The exceptions are those students who come to the department of journalism

and from early on begin to work closely with any media," Dorosenco said. Student media do not exist, and future journalists are expected to collaborate with the university newspaper, where the editor strictly controls output.

Opportunities abound for journalists in Moldova to attend short-term training courses, which are usually free and offered by media NGOs. Indeed, Barba said journalists sometimes tire of so many trainings and that many of the skills taught are never put to use. Gogu said supervisors, especially in understaffed newsrooms, do not always agree to let their journalists attend. Ribca said the short-term trainings are "sufficient," but media organizations and training organizers should confer more closely to ensure that the courses are teaching more uniform materials. Tacu said the short-term trainings are essential and should be expanded to media outlets' management and marketing staff "to help them implement strategies for make a profit." Dorosenco said that in Transnistria, "journalists' participation in trainings organized by NGOs is frowned upon, including by the journalism department of the university."

The supply of media equipment, newsprint, and printing services is one of the few industries in Moldova run on strictly a business, and not political, basis, Darie said. As in previous years, the panelists cited problems with printing services. In the capital, for example, only two printing houses operate, which is sufficient, considering the steady decline in newspaper circulation figures, but the business has become unprofitable and is no longer developing, Burdeinii said. Zablovskaya speculated that there could be a "cartel agreement" between the two printing houses. Ribca said printing houses are not well-distributed around the country, and Perunov said regional newspapers cannot take advantage of the quality of service offered by printing houses in the capital and are therefore printed in black and white. Among Transnistria's several printing houses, the government-owned press offers lower prices, but "if the newspaper isn't loyal to the regime, the printing house might refuse the order, saying it lacks the capacity," Dorosenco said.

Such means of media dissemination as kiosks, cablecasting, the Internet, and mobile telephony are apolitical and unregulated in Moldova. There were no publicly known cases of media being blocked from mobile networks or the Internet during 2016. Online media and bloggers can freely choose the software, platforms, domains, and IP addresses they want. Some inconveniences are noticed in print media distribution, "where there is state monopoly and exaggerated prices," Burdeinii said.

Some suspicious cases of technical failures were reported when cable service providers blocked access to some television stations. For instance, Gogu said that in April the signal for the Russia-centric TV7 was dropped from the satellite network for a few days. Station management restored the signal by switching frequencies and described the incident as a political order and

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

pressure on the channel.¹² In another case, Jurnal TV said the national operator Moldtelecom deliberately stopped a live broadcast of protests in the center of Chişinău. Moldtelecom, in turn, blamed the problem on a cyber attack, Darie recalled.

Topal said he fears for the future of regional broadcasters, which now have frequencies and transmitters but might not be able to afford the tariffs for access to the multiplexes during Moldova's transition to digital broadcasting.

In the Transnistrian region, Dorosenco said, "The Internet, transmitters, television towers, and mobile networks are in the hands of the authorities and of the commercial monopoly Sherif. Under such circumstances, outlets uncomfortable for the government can be easily blocked, which actually happened several times."

Experts said the country's information and communications infrastructure is satisfactory and meets the needs of the media and citizens. Moldova ranks among the top five countries in mobile Internet use.¹³ In the first half of 2016, the number of mobile Internet users based on 4G technology grew by 67 percent over the end of 2015, topping 221,500. In the same period, the number of mobile Internet users based on 3G technology stood at 1.4 million, making the overall penetration rate of mobile broadband access 44.5 percent.¹⁴

Darie acknowledged that the country enjoyed speedy Internet service but said the infrastructure belongs to the government and that private companies must pay enormous sums to gain access to them, effectively limiting access.

Similarly, digital transmission will not be able to reach all of the country's rural areas, Topal said, as local operators have been slow to develop the expensive networks needed and because the tariffs to get access to the state's network are too high.

¹² <http://tv7.md/ro/social/tv7-sistarea-retransmitterii-semnalului-tv7-prin-satelit-este-o-comanda-politica/>

¹³ http://www.noi.md/md/news_id/94706

¹⁴ <http://www.anrceti.md/news08092016>

In Transnistria, the ICT infrastructure also enables digital television, broadcast media content online, podcasts, and mobile phone messaging, but "mobile phones with Internet access are not that common because of the price," Dorosenco said.

List of Panel Participants

Eugen Ribca, media law expert, Chişinău

Mariana Tacu, journalism department head, State University of Moldova, Chişinău

Ludmila Barba, journalist, Moldova 1, Chişinău

Nadine Gogu, executive director, Independent Journalism Center, Chişinău

Tudor Darie, manager and co-founder, Interact Media, Chişinău

Viorica Zaharia, journalist and president, Press Council, Chişinău

Galina Zablovskaya, executive director, Association of Advertising Agencies, Chişinău

Vladimir Topal, owner and manager, BasTV, Basarabesca

Veaceslav Perunov, manager, SP, Bălţi

Luiza Dorosenco, director, Media Center, Tiraspol

Alexandr Burdeinii, editor-in-chief, InfoMarket, Chişinău

The following participant submitted a questionnaire but did not attend the panel discussion.

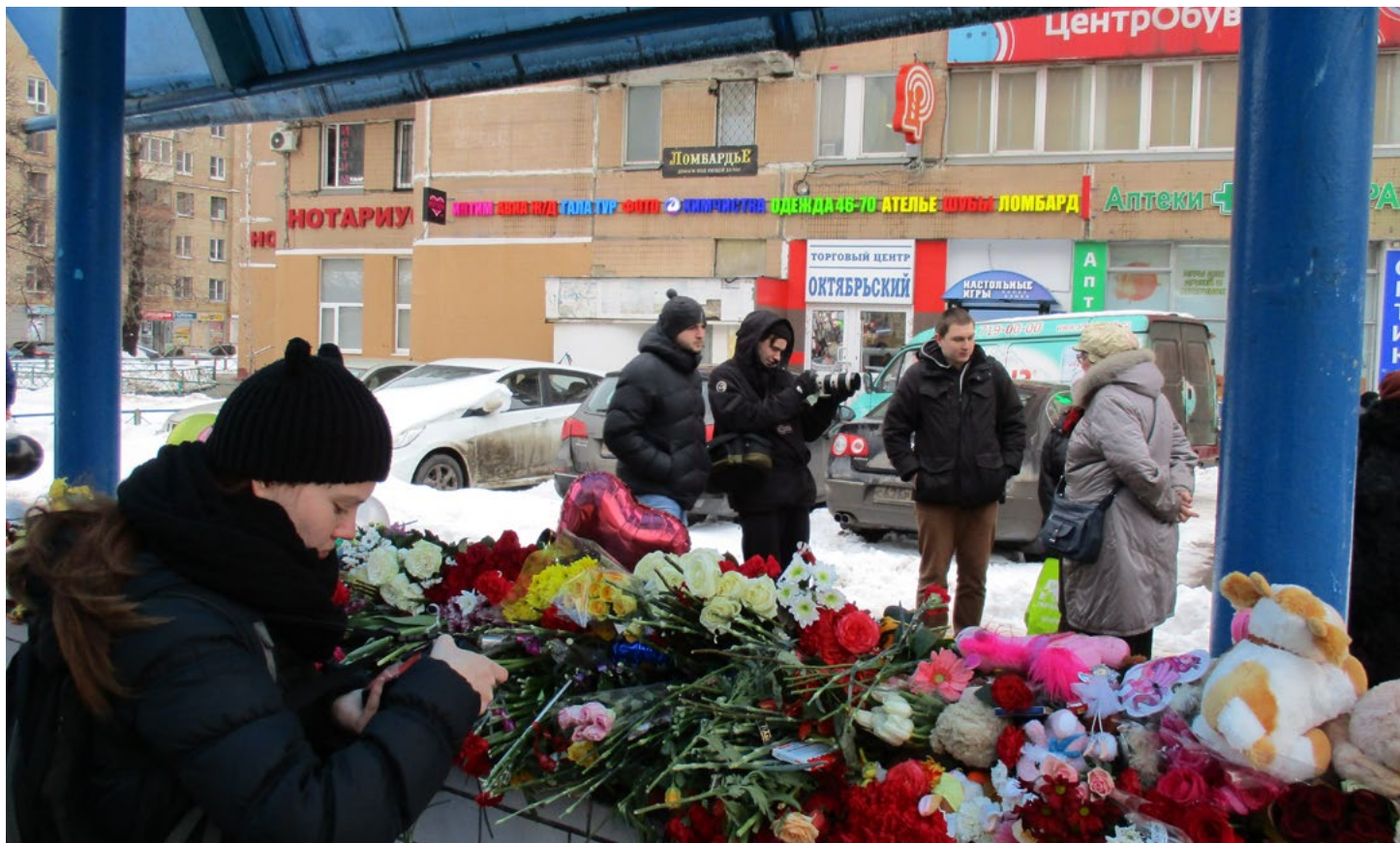
Dumitru Lazur, coordinating editor, Rise Moldova, Chişinău

Moderator & Author

Ion Bunduchi, media expert, Chişinău

The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on December 6, 2016.

As a 2016 Mediastandart Foundation survey confirmed, the vast majority of Russian journalists feel that they are not free and independent, and believe that media owners undermine the independence of journalists.



RUSSIA

In 2016, in preparation for the September Duma legislature elections, Russian authorities continued to build up pressure on independent media. In March 2016, national NTV aired a documentary, “In Debt to the State Department,” which claimed that the US government dictates the editorial policies of several regional independent private media outlets. In June, the private national RBC media holding let go of its editor-in-chief and her deputies after they ran a series of investigative reports about senior Russian officials and their family members.

Economic decline triggered by European Union (EU) and US sanctions slowed down, and the Russian advertising market started to recover in the past year. But while television and Internet advertising increased, newspapers continued losing advertising revenue. Print media generally continued to lose circulation revenue because of rising paper prices and a diminishing number of kiosks.

Russia has many media outlets that are owned by national, regional, and local authorities and state-affiliated businesses; these serve government interests. Such outlets outnumber the independent media that serve the public interest. As a 2016 Mediastandart Foundation survey confirmed, the vast majority of Russian journalists feel that they are not free and independent, and believe that media owners undermine the independence of journalists.

Although state subsidies to the media decreased, this funding has continued to be a substantial source of revenue for media outlets, influencing the content of media coverage. According to the Mediastandart Foundation research, in 55 of Russia’s 85 regions the media rarely if ever criticize the work of regional governors.

Overall, the situation in Russia’s media sector is the worst since the 1990s, according to Alexey Kudrin, Russia’s former minister of finance and current head of the Civil Initiative Committee. At the Civic Initiative Award ceremony on December 20, 2016, he stated, “We study the state of media. In the regions, the number of independent media is progressively declining. The same happens on the federal level—major corporations and state institutions exercise influence on the media.”

Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2016 after a series of structured interviews with colleagues in the media sector.

RUSSIA at a glance

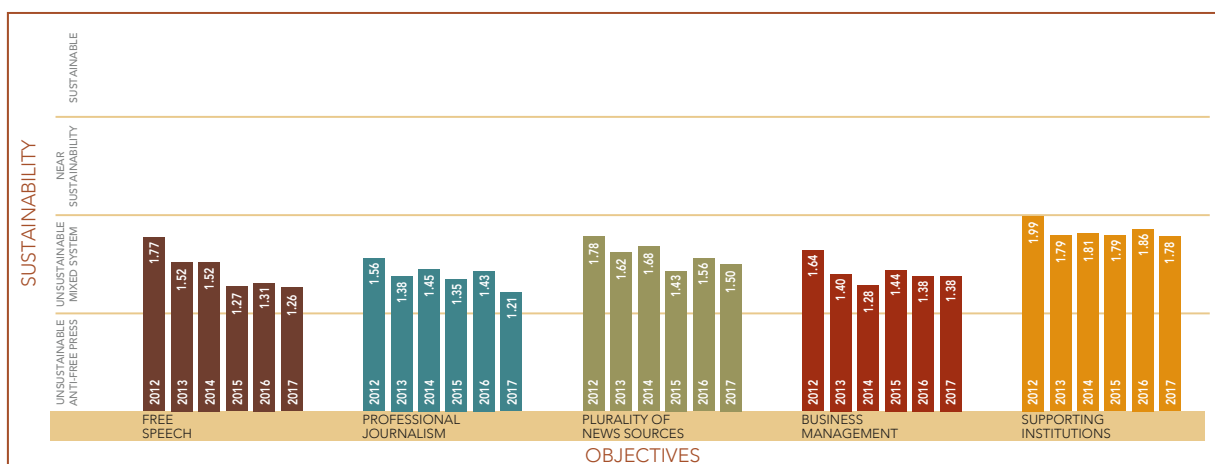
GENERAL

- > **Population:** 142,355,415 (July 2016 est., CIA World Factbook)
- > **Capital city:** Moscow
- > **Ethnic groups (% of population):** Russian 77.7%, Tatar 3.7%, Ukrainian 1.4%, Bashkir 1.1%, Chuvash 1%, Chechen 1%, other 10.2%, unspecified 3.9% (2010 est., CIA World Factbook)
- > **Religions (% of population):** Russian Orthodox 15-20%, Muslim 10-15%, other Christian 2% (2006 est.) note: estimates are of practicing worshipers; Russia has large populations of non-practicing believers and non-believers, a legacy of over seven decades of Soviet rule; Russia officially recognizes Orthodox Christianity, Islam, Judaism, and Buddhism as traditional religions (2006 est., CIA World Factbook)
- > **Languages (% of population):** Russian (official) 85.7%, Tatar 3.2%, Chechen 1%, other 10.1% (2010 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$1.675 trillion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$23,770 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.7% (male 99.7%, female 99.6%) (2015 est., CIA World Factbook)
- > **President or top authority:** President Vladimir Putin (since May 7, 2012)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 25,781 newspapers, 31,714 magazines; Radio Stations: 3,182; Television Stations: 3,761 (Federal Agency for Press and Mass Communication, 2015)
- > **Newspaper circulation statistics:** Top three general interest daily newspapers by circulation: *Metro* (1.899 million), *Rossiyskaya Gazeta* (896,700), *Moskovski Komsomolets* (738,600) (TNS Russia National Readership Survey, May – October 2015)
- > **Broadcast ratings:** Top three national TV channels by audience Russia 1 (14.5%), Channel One (13.4 %), NTV (10.3%) (TNS Russia TV Index, 2015)
- > **News agencies:** ITAR-TASS (state), Russia Today (state), Interfax (private)
- > **Annual advertising revenue in media sector:** RUB 209 billion (\$3.68 billion, Association of Russian Communication Agencies, 2014)
- > **Internet Users:** 104.553 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: RUSSIA



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.26

As written, Russian laws guarantee freedom of speech and of the media. In practice, Russian society does not value free speech and citizens have little trust in media. The Russian authorities, for their part, see the uncontrolled flow of information as a threat. Therefore, Russia only minimally meets the indicator measuring the extent and enforcement of legal and social protections of free speech.

The Russian constitution guarantees all citizens free speech and the right to seek, receive, produce, and disseminate information. The constitution also grants media freedom and prohibits censorship. Furthermore, Russia has ratified the European Convention on Human Rights, which establishes the freedom of expression and the universal right to receive and disseminate information. Russian media law also supports free speech and disallows censorship. Interfering with or obstructing the work of journalists is classified as a criminal offense.

In a 2016 interview,¹ Alexey Simonov, head of the Russian Glasnost Defense Foundation, commented on the newest changes to media-related law. “Pro forma, the Russian Constitution prohibits censorship, but a number of recently adopted legal acts limit free speech not only for journalists, but for bloggers and regular Internet users—mostly those with

¹ Александр Валиев. Есть ли в России свобода слова. RFI. <http://ru.rfi.fr/rossiya/20160520-esli-pravda-vyglyadit-surovo-zachem-strane-svoboda-slova>

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

social media accounts. Now they have to keep in mind legal provisions that prohibit extremist statements, [and] statements that promote hostility and division, as well as untraditional sexual relations, or offend feelings of religious people, along with a number of other laws that limit the freedom of opinion and speech,” he said.

“We live in a society that tired quickly of freedom, of free speech,” noted Vitaliy Korotich, one of the pioneers of Russian independent journalism in an interview with the Echo of Moscow radio station in June 2016.² According to the study commissioned in 2016 by Mediastandard Foundation, 81 percent of Russian journalists believe that they are not free or independent, and 77 percent believe that in Russia the journalism profession is undervalued and has been discredited, and that citizens do not trust journalists.

That last finding corresponds with the results of public opinion studies. According to a Levada-center survey, only 27 percent of Russians think that media deserve trust, while 63 percent of people distrust the media partially or completely. These data also reflect the general imbalance of institutional trust in Russian society. While the Russian president enjoys the trust of 74 percent of the population, only 26 percent of Russians trust the government, 22 percent trust the national legislature, and 22 percent trust the courts.

The Federal Communications, Information Technology, and Mass Media Oversight Agency (Roscomnadzor) oversees the licensing of broadcast media and registration of print media. Print publications with runs of more than 999 copies are required to register with the agency, but the registration is simple and does not set any specific barriers for media outlets entering the market.

The broadcast licensing process is competitive and mostly transparent, although licensing decisions are not always apolitical. For example, in 2016 Roscomnadzor rejected the application of Tomsk media company TV-2 to renew its broadcast license for “Europe Plus Tomsk” music radio. The rejection was on the grounds that Victor Muchnik, one of the shareholders of TV-2, failed to provide enough evidence that he does not hold dual citizenship.

Muchnik described the Roscomnadzor decision as politically motivated. “I can only guess, so this is my own interpretation. First, ‘Europe Plus Tomsk’ was established by the TV-2 company. Second, I’m a shareholder of this company, and Roscomnadzor knows me quite well in connection with the TV-2 television channel. As you know, a year and a half ago, the TV-2 television channel lost its broadcast frequency as a result of unlawful joint activities of Roscomnadzor and RTRS that broke anti-monopoly legislation, and forced the television company to close. We

² Свобода слова или пропаганда: что выбирает общество? Echo of Moscow, June 17, 2016. <http://echo.msk.ru/programs/year2016/1784546-echo/>

“We live in a society that tired quickly of freedom, of free speech,” noted Vitaliy Korotich, one of the pioneers of Russian independent journalism in an interview with the Echo of Moscow radio station in June 2016.

see this as political pressure, as killing one of the best regional television companies in Russia. And all this is clearly politically driven—confirmed by the fact that over that year and a half we were trying to get a cable license for TV-2 from Roscomnadzor. But all our applications were rejected on the grounds that I have double citizenship—which I don’t.”³

Internet sites can also register as media. Since 2014 every blogger and site with a daily audience of at least 3,000 has been required to register with Roscomnadzor.

Market entry and tax structure for media are comparable to other industries, and overall, conditions in Russia are relatively conducive for industry. This is evidenced by The World Bank Doing Business project, which reports on domestic small and medium-size companies in 190 countries and the regulations followed through their life cycles. The project ranks Russia 40th in the ease of doing business and 26th in the ease of starting a business.

The media also enjoy some tax breaks. If the volume of advertising in a publication does not exceed 40 percent of space, the outlet is entitled to a reduced VAT rate of 10 percent, rather than the regular national VAT rate of 18 percent.

Since 2016, the media industry has also faced a specific limitation: foreigners are not allowed to launch Russian media outlets and cannot own more than 20 percent of shares.

According to the Glasnost Defense Foundation, in the course of 2016, three Russian media professionals were murdered, 54 journalists and bloggers were assaulted, and 44 media professionals received threats. Crimes against media professionals are not always investigated vigorously. For example, according to the international human rights group Agora, investigative authorities closed the inquiry of the case of journalist Timur Kuashev in 2016. He was found dead in 2014 near the city of Nalchik in the North Caucasus. Officially, the case was closed because investigators did not find any toxins in his body. But according to the panelists, Kuashev’s colleagues and relatives believe that investigators ignored the injection

³ Александр Валнев. Есть ли в России свобода слова. RFI. <http://ru.rfi.fr/rossiya/20160520-esli-pravda-vyglyadit-surovo-zachem-strane-svoboda-slova>

mark on his body, as well as the numerous threats he received before his death.

Russia media law equally protects editorial independence of all media: state, public, and private—on paper. In reality, state media espouse propaganda supporting the point of view of Russian authorities. In 2016, pro-government media launched an information campaign promoting the idea that several regional independent media outlets were actually serving the interests of the US administration. One such program aired in March on NTV, the third-most popular Russian television channel (belonging to GazpromMedia, a subsidiary of state Gazprom company). The documentary, “In Debt to the State Department,” claimed that independent regional media outlets receive funding from the US Department of State, and in turn this sets their editorial policies. A similar message aired in December, during NTV’s coverage of a workshop for regional media conducted in Moscow by the Swedish organization Fojo Media Institute.

Libel is considered a criminal offense. While libel is not punishable by prison sentences, offenders face 160-480 hours of community service, or fines from RUB 0.5 million to 5 million (\$8,635-\$86,350). The average salary in Russia is about RUB 40,000 (\$690) per month. Libel cases against journalists are rare, but often they are politically driven. One example from 2016 is Julia Vasilieva, editor-in-chief of *Kurgan* and the online magazine *Ochvidets-Media*. She was found guilty of libel for posting false and defamatory editorial material on the Ura.ru website about the press secretary of the Kurgan governor. She was fined RUB 150,000 (\$2,590). Many people in the media sector saw this court decision as poorly substantiated.

Panelists gave two other examples: In Kursk, the prosecutor’s office initiated a libel case against Olga Lo, editor-in-chief of the local *Narodny Journalist*, after she published an appeal to the Russian president criticizing Russian foreign and national policy. And in Saratov, journalist Sergey Vilkov faced libel charges for publishing documents on social media suggesting that a member of the Saratov regional legislature had criminal affiliations.

Still, libel cases are less common than defamation cases lodged against the media. According to the Glasnost Defense Foundation, in January 2016 Russian courts heard 8 defamation cases against the media. Three of the cases went in favor of plaintiffs, and awarded them RUB 1,136,000 (\$19,618). In September 2016, the media lost five of 10 defamation cases and were ordered to pay the plaintiffs moral damages of RUB 2,893,769 (nearly \$50,000).

Russian laws grant journalists preferential access to information: public officials are required to respond to their requests for information within seven days, while they are allowed 30 days to respond to citizens’ requests. Still, journalists face difficulties

in accessing public information. For example, state agencies accept only written requests for information, and often provide only perfunctory responses. In 2016, the Glasnost Defense Foundation recorded a sharp increase in the number of cases of journalists denied access to information—613, compared to 405 in 2015. Panelists gave some examples: in February 2016, Dozhd TV journalists reported that they were forced to leave the congress of the political party Pravo Delo; and in August, Znak.com reporters were barred from a briefing with Russian Vice-Prime Minister Igor Shuvalov. They had informed his assistant right before the conference of their intent to ask Shuvalov about the results of a Foundation to Fight Corruption investigation into his property holdings.

On the eve of the 2016 Duma elections, Russia adopted a law that raises the bar for journalists seeking accreditation to observe the voting process. The law states that only reporters that have worked on staff for a media outlet for at least two months are eligible.

So far, Russian media have not faced any restrictions in access to or use of any news or news sources. Russia significantly meets the corresponding indicator, for now, but this may change. In December 2016, Russia adopted a new Information Security Doctrine. The key claimed threats that the doctrine addresses include transboundary information exchange, foreign special services that use the Internet to destabilize the political and social situation in Russia, and a growing number of foreign publications that write biased assessments of Russian policies.

Entry to the journalism profession remains free. Acceptance in journalism schools is based on merit, and not controlled by state authorities. A journalism education is not a prerequisite for obtaining media jobs, however. For example, in the pool of practicing journalists that participated in Mediastandart Foundation's 2016 study, 44 percent did not have a journalism degree.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.21

Russian media are divided into two uneven groups. A majority of media are owned by the state and state-affiliated businesses, and serve their interests. These media do not adhere to internationally accepted professional and ethical standards.

"If we take Russia in general, 87-88 percent of media belongs to the state or enterprises affiliated with authorities. This is not just Russian television or other large monsters. This includes a huge number of media that are owned by regional state agencies, governors, mayors, etc. And all of these media are paid to promote only official ideas and ideology. There are no discussions, no critiques, nothing that media is known for in

other countries," said Pavel Gusev, editor-in-chief of the private newspaper *Moskovskiy Komsomolets*, in an interview with NSN.⁴

"The thing is that we don't follow the basic principles of modern journalism... Comments and facts should be presented separately, but in our case comments are mixed with facts or what is presented as facts, and this mixture becomes effective propaganda," said Vitaliy Korotich, a pioneer of Russian independent journalism, on the Echo of Moscow radio station. Echo of Moscow anchor Kseniya Larina also commented: "Today the key criteria for 'professionalism'—I use this word in quotes—is loyalty, loyalty. That's it, nothing else. This explains why people [in the media] are unprofessional, illiterate, ignorant, and superficial."⁵

The results of Mediastandart's 2016 study⁶ confirm the lack of professional standards. Sixty-six percent of the journalists that participated in the study thought that journalists are sometimes employed in public relations, advertising, and government agencies.

At the same time, a second, small group of independent media follow professional standards. Journalists working for these media outlets try to get all sides to a story, avoid subjectivity, conduct background research, and consult with experts as necessary.

Echo of Moscow anchor Kseniya Larina also commented: "Today the key criteria for 'professionalism'—I use this word in quotes—is loyalty, loyalty. That's it, nothing else. This explains why people [in the media] are unprofessional, illiterate, ignorant, and superficial."

In 1994, the Congress of Russian Journalists adopted The Code of Russian Journalists' Professional Ethics, based on international norms of journalistic ethics. According to the Mediastandart Foundation study, 79 percent of journalists believe that professional ethical standards should be followed. But while the independent media commonly and carefully adhere to the ethical standards, state media often ignore these principles.

⁴ Павел Гусев: «Государство заставило частные СМИ идти к нему на поклон!». January 16, 2017. <http://www.gipp.ru/viewer.php?id=61713>

⁵ Свобода слова или пропаганда: что выбирает общество? Echo of Moscow, June 17, 2016. <http://echo.msk.ru/programs/year2016/1784546-echo/>

⁶ Journalists on the State of the Profession: Survey Results Mediastandart Foundation.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The Mediastandard Foundation study showed that journalists think that pressure from media owners is a more important factor than self-censorship. Eighty-four percent of journalists reported that media owners had a considerable, and considerably negative, impact on editorial freedom. More than half of the journalists responding to the survey (58 percent) said the negative effect of self-censorship is considerable or very considerable.

Even the independent media sector is not free from self-censorship. As Korotich commented in a radio interview, "When I visit some liberal print and radio outlets, journalists immediately start saying that their media outlet may be shut down if they cover certain topics. You see, people have an internal feeling that telling the truth is risky. This is a very dangerous feeling that emerged and has consolidated over time."⁷

Journalists cover key events and issues, although critical coverage of senior government officials may lead to negative consequences for editors and reporters. In one example from 2016, the media holding RBC let go its editor-in-chief, Elizaveta Osetinskaya, and her deputies. They published a series of investigative reports about the staff of the presidential administration, as well as some of the president's family and friends. RBC management explained the changes in editorial management by citing differences in opinion about RBC development strategy.

Another case from 2016 is Alexander Nabatov, the chief of the information department of *Delovoy Omsk*. He was fired after he made critical remarks about the governor of the Omsk region

⁷ Свобода слова или пропаганда: что выбирает общество? Echo of Moscow, June 17, 2016. <http://echo.msk.ru/programs/year2016/1784546-echo/>

on social media. Reportedly, the decision to fire the journalist was made by the newspaper owner.

Mediastandard Foundation's 2016 study analyzed the content of 1,000 of the most popular regional media, covering the period of November 2015 to April 2016 and including 85 of Russia's regions. The study showed that in 15 of the regions, media had no critical coverage at all of governors. In 40 regions, the coverage was considered minimal; in only seven regions, coverage was considered substantial. "State subsidies to regional media often come with the condition to refrain from negative coverage of the governor, though they are allowed to criticize other officials," said the head of Mediastandard Foundation to *Vedomosti*.⁸

As media revenues have declined, so have the pay rates of journalists and editors. In 2016, salaries fell about 30 percent compared to salaries before the economic crisis hit. (On average, over the same period, pay levels for Russians overall dipped 7-10 percent.) In capital cities, monthly salaries for editors-in-chief of major media outlets run about RUB 300,000-400,000 (\$5,180-\$6,908). For editors-in-chief of smaller media, pay ranges from RUB 120,000 to 150,000 (\$2,072-\$2,590). Reporters just entering the profession earn RUB 30,000-50,000 (\$518-\$863).

In cities with a population of more than a million people, pay levels are about 30-40 percent lower; in smaller cities with a half-million people, they are 60 percent lower.⁹ In small cities, the media outlets often pay journalists around RUB 10,000-15,000 (\$173-\$259) per month, which is insufficient for a decent living. The relatively low level of pay in local and regional media forces journalists to seek additional income, move to bigger cities, or leave journalism and take jobs in public relations.

The amount of news, as well as analytical programs and talk shows, increased on three major national television channels. Many political talk shows air during prime time. Guest usually represent a broad spectrum of political views, including those of the opposition. But talk shows still do not allow for balanced discussion, and moderators push the official agenda. Leonid Gozman, head of the oppositional political party Union of Right Forces and a regular guest on these talk shows, commented to *Golos Ameriki*: "I also wondered initially why they would give us air time. Then I realized that they've come up with a new concept that, in brief, can be described as follows: around 90 percent of the population are normal (and more or less support Kremlin policy), but there are few 'black sheep' and 'traitors' who are agents of the US State Department, etc. Hence they

⁸ Региональным СМИ при получении финансирования часто ставят условие не писать негативно о губернаторе, хотя критика других чиновников может быть. May 9, 2016. <http://www.vedomosti.ru/politics/articles/2016/05/10/640433-gubernatori-15-regionov-ne-podvergayutsya-mediinoi-kritike>

⁹ Насколько востребованы журналисты в Москве? February 9, 2017. <http://www.gipp.ru/viewer.php?id=62119>

invite someone who then becomes the focus for anger of the majority of guests.”¹⁰ One of the panelists also commented on the low value of talk shows: “Information and analytical programs have become entertainment. This is just a glossed-up form of propaganda. Political talk shows should analyze problems, but these talk shows turn into an emotionally charged farce. This is pseudo-journalism.”

Facilities and equipment for gathering, producing, and distributing news are still modern and efficient. But declining revenues force media outlet to cut expenses, and they are not able to upgrade existing equipment.

Russia does have national and regional business media, but other niche reporting exists only in major media outlets. Smaller media tend to mainly employ generalists. Investigative reporting is rare overall, but some media outlets regularly produce quality investigative reporting. They include the Moscow-based *Novaya* and St. Petersburg-based *Fontanka.ru*. For example, in 2016 *Fontanka.ru* published the results of an investigation into the operation of a private Russian military unit in Syria.

Local media also carry out their own investigations occasionally. In 2016, Kaliningrad’s *Novy Karavan* investigated the fate of refugees from Ukraine that entered the Kaliningrad region in 2014. None managed to obtain official refugee status, the paper reported.

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.50

Russia has numerous media outlets, but state and state-affiliated businesses own the majority, and present only the point of view of Russian authorities. A majority of Russians depend upon three major television channels, which are directly or indirectly owned by the state, as their main sources of information. Only a few consumers draw on existing sources of alternative information.

As of February 2016, Russia had more than 83,000 media outlets registered with Roscomnadzor. Thirty-seven percent are magazines, 28 percent are newspapers, 11 percent are online media, 10 percent are television channels and programs, seven percent are radio, and two percent are news agencies. Still, most people cite television as their main source of information. According to the Levada-Center survey conducted in June 2016, 86 percent of people get their news from television; 33 percent from the Internet; 23 percent from social media; 22 percent from radio; and 19 percent from newspapers.

About 60 percent of Russian citizens watch television news on a daily basis, and another 31 percent watch the news at least

News sources that present alternative viewpoints are significantly less popular. Only 5 percent of people watch news on Dozhd television at least once a week, 15 percent watch Euronews television at least one a week, and 7 percent follow news on Echo of Moscow (radio and/or online) at least once a week.

once a week. Among television channels that people use as sources of news, the state-owned channels stand out as most popular. Half of Russian citizens watch news and analytical programs on Channel One, Russia 1, and NTV, which present only the pro-state point of view. Another 36 percent watch those programs at least once a week. News sources that present alternative viewpoints are significantly less popular. Only 5 percent of people watch news on Dozhd television at least once a week, 15 percent watch Euronews television at least one a week, and 7 percent follow news on Echo of Moscow (radio and/or online) at least once a week.

Citizens’ access to domestic or international media is not restricted by law. Due to widespread high-speed and inexpensive Internet access, including mobile, Russian people can read online versions of foreign media. Language can be a barrier, although online translators help to address this challenge.

Public TV of Russia (OTR), which launched in 2012, has apolitical programming, and focuses mostly on social and educational topics. The idea to establish an endowment that would support OTR operation did not work; it receives most of its funding from the state. According to the 2016 report of the Russian Chamber of Auditors, in 2013-2014 only 0.2 percent of OTR funding came from donations.

Major national news agencies include the state-owned Russia Today and TASS. Both operate as international news agencies and produce national and international news. Russia Today is included in the government’s roster of strategic enterprises, which includes state bodies that produce goods and services that are crucial for national security and the morals, health, and protection of citizens’ rights and interests.

Both agencies provide news, including photos and videos, by subscription and on an *ad hoc* basis to national and international clients. For example, TASS has more than 5,000 foreign and domestic subscribers, including more 1,000 media outlets, 250 bank and financial companies, 2,000 industrial facilities, and many research companies, educational institutions,

¹⁰ Российские ток-шоу как оружие пропаганды. <http://www.golos-ameriki.ru/a/vv-on-russian-tv-propaganda/3486439.html>

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

and libraries. Both agencies are funded also by state subsidies. In 2016, Russia Today received RUB 6.75 billion (\$116.57 billion), and TASS received RUB 1.81 billion (\$31.08 billion).

Both agencies offer news websites that are open to the public, and they maintain active social media presences. In October 2016, the number of users following Russia Today on social media exceeded 9 million. Russia Today is also one of the leading Russian media in terms of news re-posts on social media. For example, in October 2016 1.13 million posts on social media featured news from Russia Today.

Russia also has a number of national private news agencies, including Interfax, RBC, Regnum, and Rosbalt, and about 200 regional news agencies. Some regions have several news agencies—there are nine in the Volgograd region, eight in the Saratov region, and seven in the Omsk region. The majority of regional news agencies are owned by regional authorities or businesses affiliated with authorities. Usually owners will heavily subsidize, but these agencies also bring in some revenue by providing public relations support to regional authorities and businesses. Independent journalists have launched a few editorially independent agencies, e.g. Znak.com in the Urals and TV-2 in Tomsk. Due to their presence, Russia meets the corresponding indicator more than minimally.

Private media produce their own news, which other media outlets pick up sometimes. For example, in early 2017 Meduza published an online story about the sexual abuse of students in a Moscow school, and other media then covered the story. In smaller cities, private independent media are often the only sources of local news, because local municipal newspapers publish only official information. Many private media have been operating and producing news since the 1990s, as well.

Information about those registered media outlets is transparent and easily available on the Roscomnadzor website. Media ownership is less transparent.

Effective as of January 1, 2016, foreign entities are not allowed to own more than 20 percent of the shares of a Russian media outlet. According to the international human rights group Agora, to meet these requirements, 821 media had to change their ownership structure, including *Vedomosti*, the major business newspaper; the Russian edition of *Forbes* magazine; and popular online media Lenta.ru and Gazeta.ru.

State and state-affiliated media, which make up most of the Russia media sector, do not cover a broad spectrum of social interests. Gusev observed, "As a result, people opt for social media where they can communicate and talk. But social media is not mass media, it is rather a large scrapyard where people use filthy language and insult each other. Still, social media also offers opportunities for special conversations and expression of multiple viewpoints. We alienate people from media when we turn state mass media into propaganda conduits."¹¹

Russia is a multicultural country: it has more than 190 nationalities and its people speak 150 different languages. A majority of the population (98.2 percent) speaks Russian, 23 percent regularly use another 38 languages, and less than 1 percent of the population uses the remaining 114 languages. The most popular minority languages are Chechen, Avar, Dargin, Chuvash, Bashkir, and Tatar. As for the media, 98 percent of media outlets are in Russian, and only two percent use minority languages. Research published in 2016 by specialists of the Journalism Department of the Moscow State University indicates that the number and diversity of minority language media in Russia are steadily growing in all media segments. This is true not only for general minority-language news, but niche news as well. Researchers attribute this proliferation of minority-language media to active state support.

The structure of Russia's media sector is similar to the country's governance structure: there are national, regional, and local/municipal governments and media. National media focus on international and national issues, regional media focus on regional issues, and local newspapers cover local news. Local news makes it to the national-level media only when major accidents strike or for significant events.

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.38

Russia has two types of media outlets. One large group of media outlets is owned by state or state-affiliated businesses

¹¹ Павел Гусев: «Государство заставило частные СМИ идти к нему на поклон!». January 16, 2017. <http://www.gipp.ru/viewer.php?id=61713>

that serve interests of their owners. Bigger media outlets of this type have sophisticated management systems and hire professional managers, while smaller municipal newspapers have rudimentary management systems.

A much smaller group of private media outlets serves the public interest. Their owners usually have journalism backgrounds, believe in independent journalism, and are involved closely in operational and editorial management. Media outlets of this type are serious about management quality and usually invest in professional development of their management personnel, according to the panelists.

Media of both types compete for audience, advertising revenue, and—in the case of print media—subscription and newsstand sales revenue. But while owners of state-affiliated media outlets provide substantial subsidies, they must be self-sustainable to survive. For example, in 2015 VGTRK (All-Russian State TV and Radio Company), one of the largest Russian media holding companies with the status of national strategic enterprise, made RUB 26.6 billion (nearly \$460 million) in advertising and other revenue, and received RUB 24.8 billion (around \$428 million) in state subsidies. “Without state subsidies, federal media outlets would not survive. They have already lost survival skills; their economic model is different,” Gusev said in an interview.¹² At the same time, independent media outlets manage to survive despite the declining advertising market and growing paper and printing costs, indicating high efficiency.

This past year was very difficult for independent media outlets, especially print. Advertising revenue grew for online, television, and radio segments (24, 13, and seven percent respectively in the first nine months of 2016), but newspapers lost 13 percent of

¹² Павел Гусев: «Государство заставило частные СМИ идти к нему на поклон!». January 16, 2017. <http://www.gipp.ru/viewer.php?id=61713>

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

“Without state subsidies, federal media outlets would not survive. They have already lost survival skills; their economic model is different,” Gusev said in an interview.

their advertising revenue. Gusev commented, “The advertising market is destroyed, economic conditions that could support small and medium business are destroyed, state subsidies supporting subscriptions were discontinued. The state has done everything it can to make private media bow down.”¹³

Despite the difficult economic situation, independent media manage to maintain editorial independence. They diversify their media assets, strengthen their online presence, and benefit from growing Internet advertising revenue. *National Vedomosti* business daily, Dozhd television station, and *Slon* newspaper all introduced paywalls.

The Russian advertising market, while well developed, skews in favor of television channels and the Internet. According to the Russian Association of Communication Agencies, out of RUB 240-250 billion (\$4.16-4.33 billion) spent on advertising between January and September 2016, RUB 100 billion (\$1.73 billion) went to television channels, and RUB 83-96 billion (\$1.44-1.66 billion) went to Internet advertising. Over the same period, radio stations received RUB 10 billion (\$172.7 million), and only about RUB 3.5 billion (\$60.44 million) went to newspapers. Nationally-reaching media soak up much available advertising revenue. The regional advertising market from January to September 2016 only reached about RUB 29-30 billion (\$500.8-\$518 million) and lost four percent compared to 2015. Media outlets operating in cities with a population less than 100,000 people are mostly ignored by major advertisers and media advertising agencies—and consequently by media measurement companies.

The largest Russian advertisers include international FCMG companies, such as Procter & Gamble, PepsiCo, Mars, and international pharmaceutical companies including Novartis and OTCPharm. The biggest national advertisers are mobile networks, national banks (e.g. state VTB and Sberbank), and national retail networks.

Though national retail chains keep increasing their advertising budgets, their continuing expansion to small Russian cities is undermining both advertising and circulation sales revenues of local media outlets. Small local businesses, which represent the majority of the advertisers in local media, are increasingly being put out of business by the chains. Local media lose that

¹³ IBID

advertising and it is not replaced by the chains, who prefer placing advertising in national media; additionally, they do not allow local print media on the newsstands in their stores.

The 2016 national legislative electoral campaign brought Russian media an additional RUB 1.68 billion (\$29 million) in advertising, which made up just a sliver of advertising revenue in the third quarter.

Media law restricts the amount of advertising in Russian media. Advertisements cannot exceed 15 minutes per hour on television, 20 percent of airtime per day on the radio, or 40 percent of space in non-advertising print publications. According to the Guild of Press Publishers, advertising fills about 18 percent of the space in regional newspapers. If a print media outlet stays within the legal limit, it can apply a 10 percent VAT to advertising revenue—a reduction from the standard 18 percent.

In 2016, the Russian government began an initiative to increase the advertisement space limit in print media to 45 percent, to help them boost revenue. The media community found this initiative useless. “It looks meaningless, given that print media are not allowed to run ads for alcohol, cigarettes, food supplements, and medicine. The advertising market is declining, and because of these restrictions media cannot generate enough revenue to support production of editorial materials and that reduces the number of pages,” said Vladimir Gest, deputy general director of Komsomlskaya Pravda Publishing House, to *PlanetaSMI.ru*.¹⁴

Cuts in the state budget, because of a declining economy and tax revenues, resulted in less state support to media. According to *Vedomosti*, the 2015 state support to media from the federal budget amounted to RUB 94.6 billion (\$1.63 billion), which is 14.3 percent less than in 2014. In 2016, state support to the media from the federal budget fell further, to RUB 61 billion (\$1.05 billion). Regional authorities, in Kaliningrad and Rostov for example, also provide subsidies and place advertorials to media outlets in their regions.

According to research conducted by NGO Infocultura, 60 to 70 percent of state support to media comes in the form of direct subsidies, with the rest coming from information service contracts and grants. Distribution of government subsidies and advertising is not considered fair, but rather favors state media and media loyal to authorities, according to the panelists.

Russian media outlets understand the importance of market research, but only the large outlets can afford it. Major media outlets covered by media measurement companies also have an option to buy and use demographic data and consumer patterns data, which are collected in the course of interviews used to measure audience figures.

¹⁴ Увеличение объема рекламы в печати до 45%: спасение или бессмыслица? October 24, 2016. http://anri.org.ru/news/item.php?SECTION_ID=15&ELEMENT_ID=15420

Until 2016, British marketing company WPP owned TNS Russia, the major media measurement company. In June 2016, Russia adopted a law that requires all media measurement companies to license their operations, and renders ineligible any company with more than 20 percent foreign ownership. At the same time, the state All-Russian Center for Public Opinion Research (VCIOM) established VCIOM-Media, with the intent to establish its own system to measure television ratings. In July 2016, WPP agreed to sell an 80-percent share in TNS Russia to VCIOM. The company changed the name of its Russian division to TNS/MediaScope and received a license from Roscomnadzor.

TNS/MediaScope remains the key company in the Russian television rating measurement market. One of the major concerns raised regularly in relation to its broadcast ratings is that it does not “see” people living in the cities with populations less than 100,000—which amounts to nearly half of Russia’s population. At present, Mediascope has 5,400 peplemeters in 77 out of 169 cities with a population more than 100,000. Data coming from this panel are used as the basis for advertising sales on major Russian television channels. TNS/MediaScope is also an important player in the market of radio and press measurement.

In addition, TNS/MediaScope measures online media use. In Russia, the principal consumers of media measurement data are advertisers, and their interests drive decisions about measuring or not measuring an audience of a certain outlet. This a major reason why media measurement companies largely ignore small markets and local media operating in those markets.

Circulation numbers remain nontransparent. The National Circulation Service agency conducts circulation audits, but as of January 2017, only 127 media use its services.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.78

Russia has all kinds of supporting institutions for journalism, but their positive impact on the quality of Russian journalism is limited.

Major national trade associations are the National Association of TV and Radio Broadcasters (NAT) and the Guild of Press Publishers (GIPP). As of January 2017, GIPP listed 272 members. Data on NAT membership is unavailable. Both associations cooperate with international trade associations, conduct trade fairs, publish industrial magazines, provide analytical information and training services to their members, and try to lobby with the Russian government to advance the interests of their members.

The Alliance of Heads of Russian Regional Media (ARS-PRESS) brings together directors and regional media editors-in-chief.

The Alliance of Independent Regional Publishers (ANRI) is open only to private media outlets based outside Moscow that publish high-quality general interest newspapers and adhere to the principle of editorial independence. As of January 2017, ANRI membership included 61 publishing houses. Both associations organize trade events, provide training services to members, lobby on behalf of their members, and advocate for media independence and professionalism.

Because of declining revenue, a number of print media had to discontinue their memberships in GIPP and ANRI. At the same time, they experienced declines in availability of the state grants they use for organizing trade events. In the face of those challenges, GIPP and ANRI elected to combine efforts. In March 2016, they jointly protested the government's effort to present independent regional media outlets as agents of the US State Department, after the NTV channel broadcasted a documentary "In Debt to the State Department." And in December, the two associations co-conducted the National Advertising Forum.

The Russian journalism community is not well organized, and demonstrations of professional solidarity are rare. According to the 2016 Mediastandart Foundation study, 32 percent of Russian journalists reported that they have never heard about joint activities of journalists to advance their professional interests. Another 51 percent said that those activities are uncommon.

The Russian Union of Journalists (RUJ) is not very active. At a last-minute, extraordinary congress in August 2016, RUJ Secretary Leonid Nikitinskiy said, "Nobody says that the Russian Union of Journalists did not do anything over the past years. Due to the efforts of RUJ chair Vsevolod Bogdanov, we helped veterans and children of journalists who were killed, set monuments, and met several times a year, which is, of course, important. At the same time, RUJ's voice was hardly heard when the state Duma was adopting laws destroying journalism—it did not protest. Hence, the authorities do not pay any attention to us. In many cases, we did not support our colleagues who were and are persecuted in the regions and on the federal level. As a result, we did not come to be a center of attraction to young colleagues and journalists in new media, and they have no respect for RUJ."

The official purpose of the RUJ congress was to modernize the union. A number of acting RUJ secretaries stood against the congress and eventually stepped down from their positions, and 11 new secretaries were elected.

The congress defined a new strategy for RUJ development that includes the establishment of new media development centers, active cooperation with the authorities and regional divisions of RUJ, outreach to young journalists, and fundraising. "We've realized that it is important to work with the authorities, state, and parliament—not on the basis of threats, but rather on a healthy basis," said Vsevolod Bogdanov, RUJ chair. "We have

Russian journalism degree programs are still overloaded with theory and do not include sufficient practice-oriented training. Professors often have little practical experience, especially with modern media technologies.

decided that we should definitely get some state support. We are not going to engage in politics in the sense that we will support some party or vote. We will perform our journalist function, and we will decide which party deserves the trust of society, and which has made something useful for people living in our country."

According to the panelists, many members of the journalism community viewed the congress as tantamount to RUJ's surrender to authorities. Others saw it as a necessary step towards union modernization.

NGOs that support free speech are few, and all major ones (Glasnost Defense Foundation, the Center for Protection of the Rights of Media, Institute for Press Development–Siberia, and Free Speech Support Foundation) received a "foreign agent" designation but continue operations. Glasnost Defense Foundation monitors violations of media rights in Russia, and conducts educational programs. The Center for Protection of the Rights of Media provides free legal advice and support to media, while the Institute for Press Development–Siberia promotes civic investigative journalism.

The Center for Legal Support of Journalists has become an active player in the media sector. The center was established in 2014 by All-Russia People's Front, a broad coalition of NGOs supporting president Putin. It provides legal advice to regional media and lobbies for continuation and expansion for state support, including financial, to regional media. For example, partly due to the center's efforts, the subsidies for regional media in Russia's 2017 budget increased from RUB 56 million to 300 million (\$964,300-\$5.17 million).

In 2016, the Media Development Investment Fund Inc. (MDIF), an international NGO, was declared an "undesirable organization" in Russia. The Russian government introduced the "undesirable organization" status in 2015, labeling organizations that threaten constitutional order and national security, and mandating that they cease operations in Russia. People and enterprises that continue working with such organizations, formally or informally, are subject to administrative and criminal prosecution. MDIF has worked in Russia since 1998 and provides affordable loans and technical assistance to independent news

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

and information businesses. It has helped many editorially independent regional media reach financial sustainability.

According to Vuzoteka.ru, Russia has 153 journalism degree programs. Russian journalism degree programs are still overloaded with theory and do not include sufficient practice-oriented training. Professors often have little practical experience, especially with modern media technologies. "Programs are often old-fashioned. There are few schools that teach modern media skills," commented one panelist.

"Many young people enter journalism degree programs because they want to tell the truth or become famous," another panelist said. "Many also believe that journalism is a creative profession. After two-three years in school they realize that this is not true and become disappointed. They realize that journalism involves a lot of routine work, and that professional journalism is not about creative writing—although those who graduate are usually able to find media jobs."

Universities, NGOs, trade and professional associations, and private companies offer an assortment of short-term training opportunities. Within the framework of grant-supported projects, NGOs are still able to offer free training to a limited number of journalists. Others provide training on a paid basis, and use modern technologies (e.g. offering training via webinars) to reduce costs and make training more affordable to media outlets. Instruction covers all aspects of media operations, including journalism, newsroom management, multi-media applications, and media management. With revenue drying out, media outlets cannot afford to send staff to paid training programs.

In most cases, sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and unrestricted. Still, panelists noted some instances in which printing facilities refuse to print newspaper and magazines. For example, in August 2016, the Moscow printing facility

Pushkinskaya Ploshchad refused to print an issue of *The New Times* magazine. The issue contained materials about permutation in higher echelons of Russian authorities and candidates running for state Duma in the central district of Moscow. Before this incident, the magazine had been printed in this facility for eight years. Though Pushkinskaya Ploshchad did not give the magazine any advance notice, *The New Times* quickly managed to find another printing facility and the issue came out on time.

According to the Association of Press Distribution, newsprint prices went up between 4.6 percent and 20 percent in 2016, hitting at a time of increased electricity prices affecting printers as well. Growing newsprint prices are seen widely as one of the major challenges to regional newspaper economic sustainability.

Roscomnadzor has a legal right to order Internet providers to block sites that do not comply with Russian legislation, and it can order without a court decision. For example, in 2016 providers were ordered to block the social network LinkedIn for not complying with the regulation that all personal data of Russian users should be stored in Russia. But so far, news media have not been affected deeply.

Distribution of print media remains problematic. The Russian Post Service, which is the main subscription operator in Russia, is ineffective and expensive. The number of press kiosks is also declining. For example, in the beginning of 2016, the Moscow Metro System eliminated all newsstands selling publications on its premises (165 kiosks and 175 newspaper vending machines). After public outcry, Moscow Metro System's management agreed to allow press kiosks to return, but only 10 kiosks were opened. In Volgograd, the local authorities announced that in preparation for the World Cup football tournament, they intend to reduce the number of kiosks from 205 to 44. According to the Association of Press Distribution's 2016 statistics, problems with distribution press circulation caused a drop of 14 percent, and circulation revenue to fall by six percent.

Information and communication technology infrastructure is well developed. According to research by Akamai Technologies, in 2016 the average speed of Internet access in Russia was up to 12.2 Mbps—a 29 percent increase over 2015. Eighty-four million Russian adults (70 percent) use the Internet on a regular basis, and 56 million access the Internet from smartphones and tablets. 4G-LTE mobile networks are available in all major Russian cities. The cost for mobile Internet is low: RUB 117 (about \$2.00) for 1 Gb.

List of Panelists

Due to laws restricting NGO activity and contacts with U.S.-based NGOs, the participants in the Russia study will remain anonymous. This chapter was developed by a Russian journalist in December 2016 after a series of structured interviews with colleagues in the media sector.

High hopes are pinned on the formation of the public broadcasting service, which launched in early 2017; it needs to secure new management on a competitive basis, acquire public funding, and undergo reorganization and reprogramming.



UKRAINE

Throughout 2016, Ukraine underwent painful transformations, many pushed through only because of pressure from civil society. Against a background of economic slowdown and reform, the growth of political populism, the third year of war in the east, and increasing disappointment among average people coping with the declining quality of life, there were signs of progress, such as increased government transparency.

In 2016, the state made public numerous state registers and databases. More than 10,000 data sets are available at the data.gov.ua portal, mostly in an open data format. The spending.gov.ua portal discloses public spending. Outstanding achievements include the launch of the electronic public procurement system ProZorro, recognized by the World Procurement Award; electronic declarations of more than 100,000 public officials; and establishment of new anticorruption bodies, and destatization reform, which will not only increase public funds in communities but also the potential for local corruption. The law enforcement system still needs to be reformed in 2017; judicial reform launched in late 2016. The challenge for journalists and civil society will be to use public data to make the government more accountable.

According to a *Novoe Vremya* column by Taras Shevchenko, director of the Center for Democracy and Rule of Law and co-chair of the Reanimation Package of Reforms, the year 2017 marks a tipping point for Ukraine's commitment to reforms. Any further resistance could finally bury the foundations of the tectonic changes that government has managed to lay down under tremendous pressure from experts from various sectors and civil society. The third sector can and must influence the shape of the agenda and require these changes from the state.

In the media sector, impunity for crimes committed against journalists persists, but the number of attacks decreased. High hopes are pinned on the formation of the public broadcasting service, which launched in early 2017; it needs to secure new management on a competitive basis, acquire public funding, and undergo reorganization and reprogramming. Local government resistance delayed and complicated the planned privatization of the state print media, but it is proceeding. The panelists welcomed the disclosure of broadcast media owners, but noted that pluralism of Ukrainian media is still secured primarily by the variety of oligarchs' interests.

The panelists expressed the most concern with the quality of journalism, compliance with professional and ethical standards, and low media literacy of the population, which is susceptible to manipulation through Internet and new media. Overall, they noted improvements, as demonstrated by increased scores for Objective 1 (freedom of speech) and Objective 3 (plurality of news), but the scores for other objectives changed little. The professional journalism and the business management objectives remain within the "unsustainable, mixed system" range. The country's lack of economic growth and the media's slim prospects for financial independence perpetuates its dependence on owners and fuels the declining quality of journalism and the public's growing distrust of media.

UKRAINE at a glance

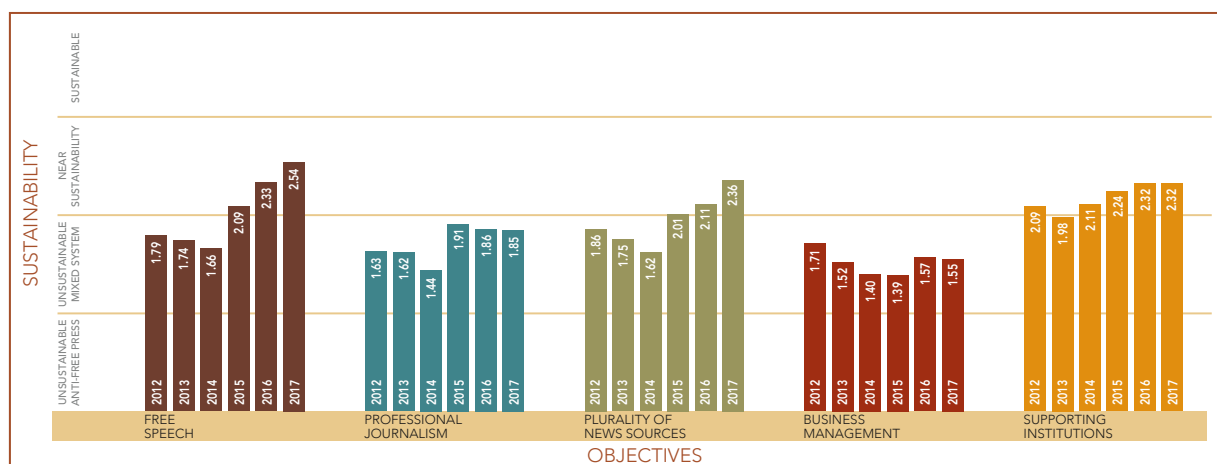
GENERAL

- > **Population:** 44,429,471 (July 2015 est., CIA World Factbook)
- > **Capital city:** Kyiv
- > **Ethnic groups (% of population):** Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 est., CIA World Factbook)
- > **Religions (% of population):** Orthodox (includes Ukrainian Autocephalous Orthodox (UAOC), Ukrainian Orthodox - Kyiv Patriarchate (UOC-KP), Ukrainian Orthodox - Moscow Patriarchate (UOC-MP), Ukrainian Greek Catholic, Roman Catholic, Protestant, Muslim, Jewish (2013 est., CIA World Factbook)
- > **Languages:** Ukrainian (official) 67.5%, Russian (regional language) 29.6%, other (includes small Crimean Tatar-, Moldavian-, and Hungarian-speaking minorities) 2.9% (2001 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$113.2 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$7,840 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.8%; male 99.8%, female 99.7% (2015 est., CIA World Factbook)
- > **President or top authority:** President Petro Poroshenko (since June 7, 2014)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 1,364 newspapers and 1,677 other periodicals (State Committee on Television and Radio, 2016); Television: 42 national channels, 130 regional channels, and 201 local channels; Radio: 15 national, 57 regional, and 223 local radio stations (National Council for Television and Radio Broadcasting, 2014)
- > **Newspaper circulation statistics:** The top three dailies: (all private) *Fakty i Kommentarii* (576.26), *Segodnya* (499.73), *Vesti* (394.06). (TNS audience research MMI Ukraine, 2016).
- > **Broadcast ratings:** Top television: Inter, 1+1, Kanal Ukraina, STB, ICTV, Novyi Kanal (all private, ITC-Nielsen television panel, December 2016)
- > **News agencies:** Interfax (private), UNIAN (private), Ukrainski Novyny (private), LigaBiznesinform (private), RBC-Ukraine (private), RIA Novosti Ukraine (private), UNIA Ukrinform (state-owned)
- > **Annual advertising revenue in media sector:** Television: \$207.5 million; Print: \$41.3 million; Radio: \$14.6 million; Internet: \$114.8 million (2016 est. All-Ukrainian Advertising Coalition)
- > **Internet usage:** 21.88 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: UKRAINE



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

Unstable, 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.

Unstable 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-media advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 2.54

The panelists highlighted well-developed Ukrainian legislation, but stated that problems persist with enforcement and society's weak reaction to free speech and media freedoms violations. The general director of TV-4 television company in Ternopil, Yulia Vynokur, noted that Ukrainian legislation on free speech corresponds to international standards. The Constitution supports it and the laws on information, print mass media (press), television and radio broadcasting, etc., regulate it. It is not possible to set aside legislative mechanisms for free speech protection, even in a state of emergency. "However, one does not even need a state of emergency to simply switch off television and radio broadcasting," Vynokur said. "There were two cases in early 2015 when a regional energy company switched off electricity for the local transmitter of state-owned Concern RRT for the failed payment of debts, cutting off broadcasting for the whole oblast. No one warned, explained, or apologized, no one was punished for this, but electronic media became hostages of the situation," she noted.

According to Diana Dutsyk, executive director of Detector Media NGO (renamed Telekritika NGO), the problems with law application and compliance with the legislation as well as negative court practices remain. The chief editor of *Kramatorsk Post*, Andriy Yevchenko, noted that despite legal provisions that support free speech, violations of this freedom do not stir public outrage; in fact, in some cases, the public itself, fueled

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

by an intolerance to other opinions and general radicalization, is behind the threats to journalists, said *Europeyska Pravda's* editor Sergiy Sydorenko. The public does not condemn crimes, aggression, or persecution of journalists, prompting the panelists to suggest the need for education efforts.

Kostyantyn Kvurt, the board chair of Internews Ukraine, said, "The key conflict in Ukrainian society, when the Constitution and the laws are more or less fine, is that the oligarchic regime uses governmental institutions to spread poverty in Ukraine by abusing enforcement of the laws and rendering the state unable to play the role of fair arbiter. Therefore, the main challenge for civil society and media is to perform more self-governance and promote self-regulation, up to replacing the governmental functions."

Vynokur stated that broadcast licensing is not a fully transparent, well-understood, and fair process, and the criteria are unclear. Some outlets did not receive a license at all (such as TRC Chernivtsi, whose case is being submitted to the European Court of Human Rights [ECHR]); some were required to take all available frequencies, which is very expensive (for instance, TV-4 had to take five frequencies); and others could choose one or two frequencies among those available (TRC Rivne-1, TC VTV Plus, etc.). "Licensing fees remain substantial, and television companies are held hostage. In 2016, the regional television company TV-4 had to prolong its license for analog broadcasting, which has to end in mid-2017, for UAH 75,000 (\$2,765), as after four years, the transition to digital television is not yet completed in the country," Vynokur added.

Lyudmyla Opryshko, a Regional Press Development Institute (RPDI) media lawyer, commented that a prerequisite for obtaining a license is forging an agreement with Zeonbud, a monopoly in digital transmitting, which imposes high prices. All attempts to recognize it as a monopoly have failed in the Ukrainian courts. "The initial intention for introducing digital broadcasting was to allow for more broadcasters, but the competitions in previous years were so nontransparent that those who were broadcasting for some 20 years did not win the licenses, and it has not yet been remedied. Applications are not evaluated objectively; the judgments never include comments or explanations," she said. "And the current National Council on Television and Radio Broadcasting has not established the proper procedure to make it more objective. The law says that with the transition to digital broadcasting, valid licenses will last and be re-registered for digital, but there is no established procedure for that either."

In lawsuits against a few companies, the courts confirmed the right of Zeonbud to switch off the channels for debts, regardless of license status. The next judicial step could be to oblige the National Council to cancel the licenses of such companies.

“For the first time in history, threats to journalists were investigated and punished. The number of investigations solved increased due to the establishment of interagency working groups consisting of journalists’ organizations, the president’s administration, the Security Service of Ukraine, the Ministry of Interior, and the general prosecutor’s office...” Romanyuk said.

According to Shalayskyi, journalists’ dependence on media owners is a serious problem. “It looks standard by law, but social rules are superseding the laws. As a result, journalists often report only ‘safe’ topics. The brightest example for this is state or municipal media. In spite of the new law, they are still the slaves.”

Ukraine’s Cabinet of Ministers set June 30, 2017, as the date for switching off analog broadcasting. The head of the National Council, Yuri Artyomenko, commented to Detector Media that, personally, he would not rush this because of insufficient coverage for digital broadcasting and a lack of set-top boxes for the poor, but the key reason is that Zeonbud is a nontransparent monopoly, and there are no alternatives, as Zeonbud received all the frequencies. The Russian Federation also continues analog broadcasting. Analog frequencies are necessary for 4G development, but mobile operators have not yet developed and shown a return on investment of 3G networks.

Since December 2016, the National Council can fine broadcasters and providers for various violations of the law regulating such penalties. Before it could not use this sanction properly, as its fines were to be approved by the Cabinet of Ministers, which actually omitted their approval, except for 2015.

The editor in chief of *Nashi Groshi*, Oleksiy Shalayskyi, stressed that by law, licensing is fine, but he has heard about bribes squeezed out to prolong licenses. It is not a state policy, but that matters little to media managers forced to pay more on a regular basis.

Vynokur added that the law does not regulate the status of Internet media, although various draft laws have been under development since 2002. There is only the National Register of Electronic Information Resources, which contains about 164 entries of print media websites—a small sliver of what is actually available online. Svitlana Yeremenko, executive director of the Pylyp Orlyk Institute for Democracy, emphasized that it became necessary to register Internet publications as media because websites that cannot be identified disseminate large volumes of unverified information, fake data, and mudslinging campaigns without being held accountable.

Yevchenko confirmed that the market entry and tax system for media do not differ from other types of business. Local media, as a rule, use simplified taxation systems, and the print media continue to enjoy value-added tax exemption on sales and subscriptions.

Ukraine improved its position in the 2016 World Press Freedom Index by Reporters Without Borders from 129 in 2015 to 107. And yet, according to Institute of Mass Information (IMI), 264 press freedom violations occurred in unoccupied parts of Ukraine in 2016—15 percent less than in 2015. Twelve cases were registered in Donbass and 31 in Crimea, bringing the total to 307 cases. Of those, 108 related to obstructing journalists’ professional activities—mostly by individuals, law enforcement officers, and local government. However, there were 30 physical attacks—a reduction by almost half compared to 2015—but IMI noted, for the second year, that private individuals were behind most of the attacks. The remaining cases included 43 instances of threats and intimidation by individuals and deputies, and 30 cases of restricting access to public information (primarily by governmental authorities).

Similarly, Detector Media documented 297 violations of journalists’ rights, including a murder and threats; 139 physical attacks; and 105 cases of preventing access to information. Kyiv and the Dnipro and Poltava oblasts experienced the most violations.

Journalist Pavel Sheremet was brutally murdered: blown up in his car on July 20, 2016, in downtown Kiev. The panelists suspect that non-Ukrainian forces organized the murder, and they believe that despite the president’s commitment to a full investigation, solving the case is beyond the capacity of Ukrainian law enforcement. Oleg Khomenok, an Internews Network senior media adviser, suggested that the disturbing murder was intended to have a chilling effect on journalists, and it definitely increased self-censorship.

Journalist Nastya Stanko wrote for Detector Media, “The trend of last year was such that a demonstrative murder did not inspire the unity of the journalism community required to solve the crime. Only one team of journalists undertook their own investigation of the murder, along with law enforcement. So

the trend is as follows: the murder of a journalist is no longer considered a major topic or concern for democratic society.”

By the end of 2016, no journalists continued to be detained in Donbass, but Roman Sushchenko, Ukrinform’s French correspondent, was accused of espionage and arrested during a private visit to Moscow. Also, Crimean journalist Mykola Semena was convicted of extremism and trespassing on the Russian Federation’s territorial integrity for investigating a Crimean trade blockade.

Oksana Romanyuk, executive director of IMI, said that the law enforcement system has shown more activity since October 2015. Before 2015, they solved just 1–3 cases per year—a number that jumped to 11 cases in 2015. According to IMI, the courts received 31 criminal cases in 2016: 20 under article 171 of the Criminal Code (preventing journalists from professional activities), 9 under article 345-1 (threats or violence against journalists), and 1 under article 347-1 (damage to journalists’ property). “For the first time in history, threats to journalists were investigated and punished. The number of investigations solved increased due to the establishment of interagency working groups consisting of journalists’ organizations, the president’s administration, the Security Service of Ukraine, the Ministry of Interior, and the general prosecutor’s office. In 2016, the number of attacks on journalists dipped 40 percent from 2015, probably because of local elections that year, but there were 20 percent more threats,” Romanyuk said, “However, half of the cases are being lost in the courts.” Average people—guards, doctors, teachers, or even passersby—commit two-thirds of attacks on journalists, she added.

Romanyuk also criticized the weak reactions by politicians—particularly in the Ministry of Interior and Ministry of Defense—to threats against journalists. In May 2016, for example, the website Myrotvorets (Peacemaker) collected data on Donbass separatists, and their foreign supporters published the hacked list and personal data of 4,000 Ukrainian and foreign journalists accredited by the so-called Donetsk People’s Republic. Moreover, the publication accused them of cooperating with separatists. Some journalists received threats as a result. Eventually, the website removed the data, but the criminal case against the website stalled, and it continues working as a registered media outlet. “The reaction to Myrotvorets’s publication of journalists’ personal data should have been stronger. Also, the recertification of police inspectors failed—old cadres remained, and there will be more haphazard management—therefore, the number of investigations solved will depend on political will and instructions from the top rather than the system itself,” said Romanyuk.

In September 2016, some protesters burned tires and set the pro-Russian Inter channel’s news production office on fire. The criminal investigation is ongoing; some people suspect a

connection to supporters of the current minister of interior, Arsen Avakov, who bad-mouthed the channel. Journalist Nastya Stanko commented in Detector Media that some Ukrainians are tired of consuming Russian propaganda; indeed, some law enforcement managers and journalists, as well as a certain segment of Ukrainian society, rejoiced in the attack, but the violent approach to rebuking Inter cannot be condoned in a civilized society.

Khomenok emphasized that the government is unable to investigate and prosecute crimes against journalists. Already, it has taken more than a year to investigate the well-documented case of Mykhaylo Tkach from Schemy (an investigative program of Radio Liberty); the court returned the case for investigation, for the third time, to the military prosecutor, who closed the case, he added. Kvurt said that the performance of the governmental institutions is awful, and impunity hinders the security of every citizen, not just journalists, and the severity of the situation should motivate the public to get involved.

The first secretary of the National Union of Journalists (NUJU), Serhiy Tomilenko, named impunity for crimes against journalists the key problem of Ukrainian journalists. The government and law enforcement bodies profess support for journalists’ rights, but the absence of punishment for those responsible for crimes against journalists creates the impression that those crimes do not merit political outrage. The contrast with the Yanukovich era is that the current officials sigh deeply in these instances, whereas Yanukovich’s officials did not even sigh. Tomilenko mentioned the case of the *Vechirni Cherkasy* photographer Ihor Efimov, who was beaten by some 15 policemen during Euromaidan. His case has been one of two success stories held up by the interagency group, but the court discharged the one and only suspect in December 2016.

Romanyuk pointed to progress in public broadcasting and the start of press destatization. The public broadcasting supervisory board was set up in late 2015 according to the procedure; it is represented by 17 trusted members and has been pushing for reforms. The public joint stock company National Public Television and Radio Company of Ukraine was set up in January 2017. Romanyuk also mentioned that some regional affiliates of the national broadcaster turned down from carrying state-procured coverage saw their newscasts improve, as they were freed from official news about the mayor and governor. However, Volodymyr Torbich, editor in chief of Rivne Agency for Investigative Reporting, said that has not happened at state television in Rivne.

The law on destatization came into force in early 2016, so it is too early to judge the results. According to NUJU, 233 municipal newspapers out of 667 listed (as of January 2014, including Crimea and occupied Donbass) entered the pilot group, and a total of 550 editorial teams submitted their resolutions to their

founders. Opryshko said the first pilot stage of destatization should have been completed by the end of 2016; however, approval of the list of municipal press for the first wave of destatization was approved very late, in November 2016, and the local governments, accustomed to municipal newspapers serving as their mouthpieces, reacted extremely negatively. Happy to sabotage this process, they left it off their voting agendas. Some municipal media (*Kray Kamyanetskyi, Trybuna Praci, Nashe Misto Tokmak*) filed lawsuits in response, and not all courts ruled in their favor. In other cases, local officials introduced changes to statutes to exert more control (as with *Vyshgorod*), or to replace chief editors with more obedient candidates (as with *Novyny Trostyannechyny*).

Vynokur mentioned that the Ternopil oblast government appointed *Svoboda's* editor in chief over the candidate the newsroom and journalism community supported. Tomilenko recalled the coercive replacement of the editor in chief of Dnipro oblast's *Zorya* and how her car was set on fire to deter her from suing for her position. The panelists concluded that the law is progressive but not protected from local government interference. Khomenok added that *Visti Prydniprovyia*, allegedly connected to ex-governor Oleksandr Vilkul, will be privatized well by the 'right' hands. He added that it still amounts to a redistribution of resources, as all these municipal media have other assets, and their market niches are attractive, as local people need information.

According to Shalayskyi, journalists' dependence on media owners is a serious problem. "It looks standard by law, but social rules are superseding the laws. As a result, journalists often report only 'safe' topics. The brightest example for this is state or municipal media. In spite of the new law, they are still the slaves." Yevchenko expressed the hope that without state subsidies, set to end in 2018, most municipal media would disappear, just as collective farms disappeared quickly without funding. Opryshko noted that those newspapers that chose to be in the first wave of destatization are the leaders; they have been preparing for self-sustainability.

Libel has been considered a civil law issue since 2001; the law details responsibility for offending the honor and dignity of a person. The plaintiff must prove that the defender (journalist) disseminated unfaithful information. Opryshko said that court practices in defamation cases are more or less stable and correspond to European standards, with a few exceptions. Court fees for appealing court decisions might be a burden for defendants, though, amounting to 110 percent of the first instance claim fee (40 percent of a minimum salary).

Vynokur added that for Internet media, under the Civil Code of Ukraine and the 2009 Resolution of the Plenum of the Supreme Court of Ukraine, the author of the article or the website owner may be named the defendant in the lawsuit, but the

plaintiff must establish and identify him or her. It is impossible to hold unnamed online media journalists or people who leave offensive comments anonymously responsible for libel because of the absence of Internet media regulations if they cannot be identified, Vynokur said. Khomenok mentioned that it is sometimes possible to appeal to Internet providers for help in identifying those who registered a domain name, the location of hosting, and the location of the computer used to add or edit web content—information that can be used both in favor of, and against, journalists.

Sydorenko emphasized that during 2016, Ukraine showed amazing progress in opening automated access to many databases, and he is confident access will continue to improve.

Khomenok confirmed the level of access to public information sources is now rather high, as several dozen data sets are now open for the public and journalists to download, including various state registers of companies, real estate, court decisions, e-declarations, the ProZorro e-procurement system, and state treasury transactions (spending.gov.ua). Getting information from officials remains complicated, though, he noted. Opryshko said that while governmental bodies are required to publish open data sets online, RPDI's 2016 monitoring of official websites showed they have a long way to go.

Shalayskyi added that the ombudsman on human rights is failing to cope with requests for specific information. After sending information requests all over Ukraine, Torbich noticed that some regions, such as Odesa, did not respond; others responded but with differing levels of detail.

In February 2016, the parliament added accountability for illegal denials of access to public information to article 171 of Ukraine's Criminal Code, providing for a fine or arrest. Media lawyers warned then that criminalization of access to public information is an excessive, hard-to-implement measure. Torbich's investigative reporting agencies in Rivne and Lutsk have filed at least five lawsuits on accessing public information violations. The ombudsman forwards such complaints to the police, but they simply close the cases, he said. Filing lawsuits is expensive and time consuming. "Therefore, we stopped writing information requests as journalists and instead write them as citizens to hold the guilty responsible under article 212-3 of the Code of Ukraine on Administrative Violations."

The authorities also resort to blocking journalists from accessing events: in Lutsk, the head of oblast administration established so-called civic guards for this purpose in 2016.

Opryshko confirmed that despite positive legislative changes, including the Resolution of the Plenum of the High Administrative Court on September 29, 2016, referring to ECHR decisions and expanding access to public information, the state does lack mechanisms to enforce court rulings, and, moreover,

people have to pay for filing motion. She added that smart officials hurry to submit sensitive information, such as resolutions on land allocations, to archives, which are not covered by the law on access to information, thus further complicating access.

The law does not restrict access to and use of local and international news sources. However, Dutsyk highlighted as progress the observation that Ukrainian journalists are quoting Russian media less frequently, with restrictions imposed on access to Russian media because of propaganda. Romanyuk agreed that journalists became more attentive to European sources, but still, even in covering local events, they lose in terms of speed to Russian media. For instance, Russian media might publish firsthand accounts of significant events in the eastern conflict zone in an hour or so, and Ukrainian media would reprint Russian newswire coverage rather than search for local sources. Sydorenko added that there is no commonly accepted standard for fair use of intellectual property either for foreign or Ukrainian news sources.

Dutsyk noted that entry into the profession is free and unrestricted, but that sometimes leads to another problem when unqualified people pose as journalists and discredit the profession. Romanyuk noted that article 171 of the Criminal Code does not protect photographers, camera operators, Internet journalists, and bloggers.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.85

Shalayskiy believes that media owners fuel the low level of quality, factual journalism; they are more interested in having media serve as a mouthpiece for their interests. Owners also require paid-for stories tied to advertising goals, and *jeansa* (commissioned stories) are usually interpreted as advertising in Ukraine. According to Vynokur, the reasons for low-quality journalism—especially a lack of fact-checking, balance, and usage of multiple sources of information, and the failure to prevent corruption and *jeansa*—include poor-knowledge-level journalists, bias, lack of technical equipment, and poor pay for journalists and other media workers.

Kvurt explained that the lack of professional standards is the result of the declining education standards generally, brain drain, and sagging advertising market. However, he also believes that wide opportunities opened for public media. Khomenok described it as a vicious cycle: the downward spiral of advertising money lowers the quality of content and increases *jeansa* and self-censorship, which in turn drives away audiences, further shrinking the advertising market.

Torbich cited low salaries, along with poor education and low media literacy of the audiences, as the key reasons for low

professionalism of journalists. Dutsyk noted that compliance with professional standards remains low in national as well as regional media and that regular Detector Media monitoring of the national private and to-be-public television channels showed great problems with balance and objectivity of news. Journalists very often cite their opinions in news and do not distinguish between facts and comments. Problems persist with ethical standards compliance and usage of hate speech, and few journalists are guided by ethical codes.

To Yeremenko, involved in regional media monitoring, the situation has grown catastrophic over the last several years. She used to observe mostly failures to distinguish fact from opinion and ethical code violations, but now that is accompanied by inaccurate and unreliable information. She added that trust in journalists has sunk so low that people are asking about criminal responsibility for journalists. Many suffer from low professionalism, fail to check facts, and publish fake information and press releases. Many journalists are treated as liars, servants of the government, and servants of separatists after Myrotvorets publications. Yeremenko blames poor education, low intellectual level of journalists, and poor language. “They lack motivation to be journalists, and salaries in the regions are terribly low.”

Romanyuk attributed 80 percent of noncompliance with standards to low professionalism and 20 percent to media owners. IMI monitoring of online media shows great problems with sources: 90 percent of content flows from official press releases and social networks, which are not processed and verified, and often do not point to a source at all. She blames the attempts by owners to exert more pressure on journalists and the reign of *jeansa*. If in earlier times political *jeansa* prevailed, now there is a lot of economic *jeansa*.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Dutsyk commented that there is a big gap between pay levels of journalists in national and regional media.

“Regional journalists earn extremely low salaries, although in Kiev, salaries are also much lower now than a few years ago. This undermines the independence of journalists and their attitudes toward their duties,” she said.

Pogorelov noted, “Due to low revenue, quality journalism is dying, and there is almost no economic journalism. In the regions, readers do not have sources of information on entrepreneurship, business, making money, etc. Support for coverage of these issues is as important as support for investigative reporting.”

In November 2016, IMI monitoring of the 10 most popular Ukrainian online media for compliance with three professional standards (balance of viewpoints, reliability, and separation of facts and opinions) and sharing of socially important news highlighted the leaders of compliance, such as Ukrinform (state news outlet), Liga.net, Ukrainska Pravda, UNIAN, Ib.ua, Censor.net, Novoe Vremya, and 112.ua. Obozrevatel, Korrespondent, and Segodnya.ua received the lowest scores.¹

In response to Ukrainian media’s heavy reliance on politicians, opinion leaders, or eyewitnesses from social networks, IMI launched an online database of experts for the media in October 2016. It also noticed that men are quoted far more frequently than women are, with 83 percent of stories citing comments from men. However, women heavily prevail in the journalism field and among journalism students.

“Since Ukraine’s independence, *jeansa* has become a chronic disease of Ukrainian media, evolving from payment envelopes to individual journalists, to cash-filled suitcases to top managers and owners, to industrial-scale deals. Now, top management is ensuring that individual journalists have not been paid for commissioned stories. It’s not only cash hidden from taxation but also official payments through advertising agencies for

¹ Institute of Mass Information. “Rating Ukrainian news sites in terms of professional standards,” Institute of Mass Information. November 2016. <http://imi.org.ua/news/55166-rejting-ukrajinskih-novinnih-saytiv-za-rivnem-profesiynih-standartiv-ocholiv-ukrinform-imi.html>.

information campaigns,” Iryna Andreytsiv wrote for Detector Media, interviewing Petro Shuklinov, Liga.net news editor. Liga.net, considered a leader in compliance with professional standards, initiated its own media literacy project, Media Hygiene, to fight *jeansa*: with its media monitoring and content analysis software Semantrum, it analyzed about 1,000 websites and identified 773 websites containing stories about ex-president Yanukovich’s cronies. It followed the idea of Andriy Gazin from texty.org.ua, which published analysis of allegedly commissioned stories covering Viktor Medvedchuk at 10 leading Ukrainian news sites in September 2016. Liga.net calls upon more colleagues to join them.

According to Sydorenko, the media’s already low adherence to professional standards has slipped even further, especially the ethical aspects. He believes more initiatives from individual media outlets to approve and comply with their own codes may improve the situation.

Oleksiy Pogorelov, the director of the Ukrainian Media Business Association (renamed Ukrainian Association of Press Publishers), also recommended conducting trade discussions to bring professionals together to discuss ethical problems—a proposal Romanyuk supported as well. She stressed that there is no professional discussion within the journalism community on acute issues: Facebook discussions look more like clashes than attempts at constructive dialogue.

Yeremenko added that slipping compliance in regard to ethical standards is especially noticeable in covering the war, with some journalists showing killed and wounded people, demoralizing funerals, and exposing details of families and children of internally displaced people. Yevchenko pointed to lapses including print journalists publishing propaganda pieces as editorial content and said that journalists often present their own opinions rather than unbiased and objective reporting.

Tomilenko raised the problem of journalists’ loyalty toward media owners who influence editorial policy. Noting that the traditional self-regulatory body, the Commission for Journalists’ Ethics, named a new chair—whom he described as the well-known and respected journalist Andriy Kulykov—in late 2016, he expressed hope that adherence to ethical standards will improve.

Panelists also noted that the newly established Independent Media Council (IMC) passed a dozen decisions on contradictory media cases posted online, and its criticism did not go unnoticed by the media community. Both organizations declared their readiness to cooperate and reinforce each other.

The military conflict in eastern Ukraine influenced the quality of journalists’ work, as well. In 2016, Detector Media NGO interviewed 47 journalists and editors from 42 media in different regions of Ukraine. The poll showed that Ukrainian media lack

institutionalized practices for reporting conflicts, and journalists are guided by their own experiences rather than editorial standards. Generally, the Ukrainian journalism community understands the importance of objectivity and balance, but they hesitate under the stakes presented by the conflict. “The research showed that journalists often accept self-censorship (often influenced by public opinion) and avoid issues that may damage the reputation of Ukrainian military men and favor Russian propaganda,” added Dutsyk.

Yeremenko pointed to *Vremya* in Kharkiv, which stays silent about the conflict, while Rinat Akhmetov’s *Donetskie Novosti* writes about hardships of people in occupied territories but never mentions the reason: Russian aggression. Odesa’s *Timer* and Sumy’s *Express* display overtly anti-Ukrainian editorial policy.

Still, Romanyuk stressed that most self-censorship is tied to media owner positions rather than the war, as only a few journalists are covering the military conflict. Yeremenko also connected self-censorship to low salaries and job insecurity, but Vynokur objected to the notion that salaries are so low that journalists do not care.

Romanyuk stated that media cover all key issues; if you cannot find something at one oligarch’s media, you’ll definitely find it in another. Dutsyk said that media do not pay enough attention to important social and political topics; rather, they provide superficial coverage and often lack background—for instance, covering a sharp increase in utility prices, journalists replaced experts’ explanation with sketchy comments from officials.

Dutsyk commented that there is a big gap between pay levels of journalists in national and regional media. “Regional journalists earn extremely low salaries, although in Kiev, salaries are also much lower now than a few years ago. This undermines the independence of journalists and their attitudes toward their duties,” she said.

Vynokur said that pay levels of journalists and other employees of regional and local media, especially television, are low, as media revenues are insufficient, but the fee for broadcasting the signal amounts to one-third of a television company’s total expenditures. Moreover, media fail to nurture personnel, who quickly depart for more advanced regions such as Lviv or Kyiv, or move abroad.

“The minimum salary in the Rivne Agency has been UAH 4,000 (\$148) per month since September 2016. Other media in Rivne can offer, for similar work, as little as UAH 3,000 (\$111). Larger salaries can be earned at central television channels or grant-funded projects,” Torbich commented.

Dutsyk said that news and information programs at major television channels take up less airtime than entertaining content, with exceptions for some changes in UA:Pershyi programming. She said that after Euromaidan, 1+1 channel

news improved and became more serious, but they are once again shifting to more entertainment. Sydorenko added that readership of online news also declined noticeably during the last year; Kvurt feels that this is explained by people’s fatigue from bad news.

The panelists generally agreed that the level of technical equipment is sufficient, and technologies are frequently updated and growing more affordable. However, Vynokur said that regional media can’t afford everything they wish. (Including, Dutsyk added, regional affiliates of the public broadcaster.) For instance, technical equipment for producing and disseminating news at TV-4 is insufficient for mobile work or live broadcasting, and there is a lack of telecruisers for television bridges.

The panelists agreed that investigative reporting is the only area that has been booming over the last few years—to a substantial extent, because of donors’ support. Yeremenko noticed an increase in regional investigative reports and in regional journalists’ demand for investigative journalism training.

According to Dutsyk, though, niche reporting is almost nonexistent; the market of business publications, for example, is in deep crisis. “We notice active development of corporate media in various industries—agriculture, for instance. But international and economic journalism is absent. This impoverishes content of media, preventing the audience from obtaining a wide picture of social and political processes in the country and in the world,” she said.

Pogorelov added that some economic reporting in recent years could possibly be traced to *jeansa*, but with the market downfall, *jeansa* also shrank, and there is nothing to read in local media; it’s either “parquetry” (slang as *jeansa* but for official news) news about officials or terribly unprofessional coverage. Pogorelov noted, “Due to low revenue, quality journalism is dying, and there is almost no economic journalism. In the regions, readers do not have sources of information on entrepreneurship, business, making money, etc. Support for coverage of these issues is as important as support for investigative reporting.”

Romanyuk stated that several strong economic and business publications became extinct in 2013 and 2014; the remaining publications with economic sections are full of economic *jeansa* and lack expert commentary and analyses. Political analysis is also absent: one cannot find simple answers about the candidates before the elections. All other beats, such as health care, education, and culture, are poorly covered.

According to Vynokur, the regional media lack funds, qualified cadres, relevant salaries, and other resources for investigative

and niche reporting. At this stage, a public broadcaster, which does not need to hunt for advertising money, might be successful at beat reporting.

Sydorenko noted that during the last two years, reporters connected more with international context. He also believes that specialized media cannot obtain market support, so they need to be supported by donors. Shalayskyi pointed out the development of narrow niche industrial media that enjoy affluent advertising money in the areas of medical and pharmaceutical, agriculture, and cardboard.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 2.36

According to the Kiev International Institute of Sociology (KIIS), at the end of 2016, 45 percent of Ukrainians did not trust the media and only 26 percent trusted it. Back in April 2012, almost the opposite—28 and 40.5 percent, respectively—was true. The reasons, panelists speculated, might include the information war with Russia against the backdrop of military conflict, political fights between the oligarch owners of major media, and public conflicts among the journalists. All of these issues sharpened Ukrainians' distrust of state and public institutions. On the other hand, according to a *Novoe Vremya* article by Maksym Butchenko, public demand for alternative sources pushes them to social networks, where they are even more easily manipulated by fake news or inspired campaigns.

According to the KIIS survey in June 2016, on a near-daily basis, 64 percent of Ukrainians obtain political information from national Ukrainian television channels; 36 and 33 percent from Internet and social networks, respectively; and 30 percent watch local television channels. The levels of trust and distrust in Ukrainian television are 50 and 39 percent, respectively; Internet is 48 and 17 percent; local television channels are 47.5 and 31 percent; social networks are 42 and 19 percent; and local print media are 41 and 24 percent. Of Ukrainians who are older than 18 years old, 42.5 percent use the Internet every day or almost every day, and another 17 percent use it a few times a week. Ninety percent of Internet users use at least one social network. The most popular are VKontakte (59 percent), Odnoklassniki (50 percent), Facebook (39 percent), and Google (33 percent).

According to the USAID U-Media's 2016 media consumption survey,² television channels are still the main source of information for 82 percent of Ukrainians. Twenty-eight percent of respondents used radio and 23 percent used printed press in the 30 days before questioning. The survey also revealed a drop in trust of Russian media, an increase in people getting their

² <http://www.slideshare.net/umedia/usaid-umedia-annual-media-consumption-survey-2016-eng>

news from the Internet, and a growing awareness of ownership of local and national media.

Internet use is up, including news sites and social networks. In 2016, 67 percent of respondents said they use the web to get news, compared to 64 percent in 2015. Television is still the main source of news for Ukrainians, but it is continuing a downward slide in popularity. The number of Ukrainians reporting that they watch television news has declined 10 percent over the past two years, from 89 percent in 2014, to 79 percent in 2016. Nevertheless, television remains the most popular means for people to get information, chiefly because of its traditional hold over audiences older than 35.

Bigmir counted 21 million unique visitors (hosts) per week. In the second quarter of 2016, Factum Group metered that 66.1 percent (22 million) of Ukrainians older than 15 years old used the Internet once a month or more often. The digital gap of Internet penetration decreased between women (54 percent) and men (46 percent), cities and villages (Internet penetration in rural areas reached 60 percent). Almost a quarter of Ukrainians above 65 years old use the Internet. Faster penetration is caused not only by the natural digitalization of Ukraine but also by exclusion of Donbass areas, where the digital gap was always more substantial.

There are a sufficient variety of news sources in Ukraine, Dutsyk said. Even while cable networks restrict a number of Russian television channels because of anti-Ukrainian propaganda, citizens can watch them on the Internet or via satellite. Access to Western media is unrestricted by the government, aside from barriers of language and affordability.

Tomilenko commented that there are diverse news sources only in that the state-owned media do not dominate at the market,

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Dutsyk commented that the law on transparency of media ownership is progressive, but in fact, it changes little, as society does not grasp the importance of knowing media owners.

but news quality, especially in reliability and objectivity, remains a problem. Vynokur agreed and added that coverage of events may differ substantially at various private media. Torbich noted that the insufficient local media available in district centers and villages reflects limited advertising money for local markets.

According to Vynokur, access to digital television is restricted, as not all consumers can afford the additional devices (set-top boxes) required, and receivers must be a certain height. For instance, neither analog nor digital signals can reach three districts in the south of Ternopil oblast because of the absence of a tower and transmitter station. Yeremenko added that in some parts of Chernigiv, Sumy, and Kherson regions neighboring Russia, people may not have access to Ukrainian media, but they are covered by Russian television.

The government has completed construction of a 150-meter transmitter in the Chongar village of the Kherson oblast, and it plans to start broadcasting four radio stations to Crimea: Pershyi channel of Ukrainske Radio, Meydan Radio Krym.Realii, and Kherson FM. FM broadcasting will reach only several districts in northern Crimea, and the next step must be digital television.

Four local anti-Ukrainian television channels along with Russian television are available in the occupied Donbass territories. Some Ukrainian broadcasters might be available in some occupied places, but the closest towers were destroyed, and the Donetsk transmitter is stronger. Several local newspapers and websites there also disseminate propaganda and misinformation. The alternative sources of news are Ukrainian websites and social networks. IMI research noted that no Ukrainian media produce content for dwellers of occupied territories.

On January 12, 2017, the National Council banned the Russian television channel Dozhd' (Rain) on cable networks. The organization defended the move because Dozhd' showed a map of the Russian Federation with Crimea, which violates Ukraine's territorial integrity, popularized law enforcement bodies of the state aggressor, and broadcast Russian advertising. The IMC endorsed the regulator's decision, using the three-step test for restricting human rights. Freedom House, Reporters Sans Frontiers, Human Rights Watch, and the Committee to Protect Journalists criticized that decision. Freedom House pointed out that another channel, the German-registered Teleklub, only suffered temporarily restriction for similar violations.

In 2016, the parliament improved the 2015 law banning broadcasting of Russian movies produced after January 1, 2014; the law was easily bypassed by issuing false documents on origin. Since September 2016, a new law excluded Russian programming from the quota of European products for television and radio broadcasting (except for satellite). A new law on radio quotas of Ukrainian songs and Ukrainian language coverage came into force in November 2016: quotas will increase gradually from a respective 25/50 percent of songs/language in 2016 to 35/60 percent at the end of 2018.

Dutsyk emphasized the progress in reforming public broadcasting. Although reforms have not progressed as fast as expected, a lot has been done in legislation to transfer the state-owned company into a public joint stock company. And while the rating of the reformed UA:Pershyi is rather low, the channel is actively changing its programming approach: it seriously improved the quality of newscasts, launched a number of programs on socially important topics, and broadcast independent investigative reporting programs.

In addition to the challenges of reorganization and securing full funding from the state budget, public broadcasting has to undertake a tremendous redesign of its content toward high-quality coverage of socially important issues and adjust its orientation to meet the needs and values of Ukrainian citizens, which will take at least two to three years, media experts said at a public broadcasting press conference in January 2017.

Dutsyk added that print press destatization just started in 2016. It is positive progress, as very often state media at the regional level were de facto local government mouthpieces promoting local officials instead of informing the public. However, it is meeting resistance from local government, as officials are loath to lose such a tool of influence.

Major Ukrainian news agencies include the private UNIAN, Interfax, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine, and state-owned Ukrinform. Panelists said that news agencies are relatively independent. Sydorenko said, though, that while classic newswires might not noticeably reflect government positions (or viewpoints of their owners—oligarchs or media tycoons), their websites are a different story and might be full of pro-owner content. According to Vynokur, regional television stations subscribe to and use agencies' news, but Yevchenko added that local print media could not afford such services.

Private media produce their own news content, but Sydorenko noted that there is a tendency for some Ukrainian media to copy-paste content from other media.

According to the 2015 law, all broadcasters and providers had to disclose their final beneficiary owners online by April 2016. It became publicly known that Inter channel is owned by Dmytro Firtash, along with Valeriy Khoroshkovskiy, Serhiy

Lyovochkin, and Svitlana Pluzhnikova. StarLightMedia Group (STB, Novyi Kanal, ICTV) is owned by Viktor and Olena Pinchuk. Ukraina channel is owned by Rinat Akhmetov. The 1+ 1 channel belongs to Ihor Kolomoyskyi, along with Ihor Surkis. However, an unknown Cyprus citizen owns ZIK channel. The final beneficiaries of the one and only digital multiplex provider Zeonbud, according to disclosed ownership documents as of December 2015, were three citizens of Cyprus and one UK citizen. The law forbids ownership of Ukrainian television and radio companies by entities registered in offshore zones, listed by the Cabinet of Ministers, with Cyprus being an exception.

Dutsyk commented that the law on transparency of media ownership is progressive, but in fact, it changes little, as society does not grasp the importance of knowing media owners. A lot of work has to be done to inform the population about the significance of this information. Owners use their media to influence politics, change public opinion, and as a tool for protecting their interests. They do interfere with management and editorial policy. Major media are in the hands of several conglomerates; it has been that way for many years. If one watches 1+1 channel and Inter, one would get the impression of two different countries—the country of Kolomoyskyi and the country of Lyovochkin and Firtash. The absence of Western investments in the media sector also negatively influences the situation, as major media owners are local oligarchs and also Russian oligarchs, in some instances.

Shalayskyi sees the positive trend in revealing such information, but Kvurt does not expect systematic changes without restricting the rights of oligarch media owners. Vynokur stressed that Zeonbud owners are proxies, but this monopoly controls the key button for the entire digital broadcasting in the country. On the Internet, it is much harder to identify web owners, as there are no addresses, contact information, nor any responsibility, she added.

Romanyuk referred to IMI research of media ownership in 10 regions of Ukraine: 90 percent of television and radio owners became known, some owners remained proxies; in print media, they publish data on owners; for Internet media, it was almost impossible to trace anything. In the fall of 2016, IMI studied transparency of ownership, management, and editorial policy of 221 media outlets in 10 cities of Ukraine: the highest level of transparency was in press (scored 5 of 7) and in television (3.5 of 7). The worst level of transparency was in radio and online media (2.7 of 7). Only 8 percent of regional media publish financial data about themselves; only 19 percent share their editorial principles and policies. Only 45 percent of media disclose information about their owners and chief editors.

Vynokur added that if religious groups and national minorities have access to coverage of their communities, the media tend to avoid covering sexual minorities. Audiences in Ukraine's

western regions would not accept such coverage, some panelists believe. Sydorenko suggested that there should be programs to persuade journalists of the need to cover niche topics, including "divergent" people. He noticed a handful of good stories on sexual minorities in regional media, but said the general picture remains complicated.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 1.55

The general economic situation in the media is rather unstable, Dutsyk said. It is influenced by the broader economy, the war, and the large oligarch groups as owners that treat the media as a tool for influence rather than a business.

According to Sydorenko, Ukrainian media are not businesses, and this predetermines all problems in the media industry. Systematic changes are not possible without economic buoyancy, he said, although focused changes in some media are possible.

Vynokur explained that amid Ukraine's unstable economy and the flagging advertising market, Ukrainian media are not sufficiently efficient and self-sustaining. She added that investors, for the most part, keep online media afloat. Managers are not always properly trained in financial analysis, marketing, and human resources. Local and regional media might be considered self-sustaining but not efficient as businesses, given their large expenses, small staff salaries, and insufficient ad revenue. "Over 26 years, TV-4 has been sustainable, with some ups and downs; now it is difficult. Now it is just surviving due to declining advertising and one-third of its budget being consumed by both analog and digital broadcasting. Now we can talk about the profits and development only during election campaigns," Vynokur said. National channels soak up local advertising money through "local advertising inserts." State and municipal broadcasters also collect local advertising. Large brands rarely advertise at the local level, as most regional media rely on direct contacts with advertisers rather than advertising agencies.

Pogorelov named PPN Ukraina and Media Region as specialized agencies working with regional media and noted that the share of advertising in print media placed via advertising agencies dropped to 35 percent, while the rest is obtained through direct sales to clients.

Yevchenko added that governmental financing of municipal media continues to distort the market, create noncompetitive advantages for certain media, and degrade content. He emphasized that media controlled by the local government are not independent; their managers typically befriend politicians. Public funds lead to their dependence on the authorities.

Vynokur agreed that this creates dishonest competition, as they take in commercial advertising—the major revenue source of private media—but they are funded with taxpayers' money.

Yeremenko emphasized that it would be worthwhile to conduct training workshops on media business issues and to create opportunities for editors and owners of profitable media businesses to share their success stories. For instance, the session on how media can become independent and profitable during the Donbass Media Forum was very popular.

Torbich noted that Rivne has had private television and radio, and two or three newspapers operating since the 1990s. "They are self-sustaining or profitable, but not effective, as shown by their abuse with placing jeans; in fact, they are leaders in placing jeans. Until it becomes unprofitable and media face punishment for placing jeans, jeans will exist," he said.

Yeremenko noted, "Media justify hidden advertising by the lack of other funding. During four years of monitoring, we documented more *jeansa* in state and municipal media." Discussing how to prevent *jeansa*, panelists admitted that existing legislation requires marking advertising to distinguish it from journalism. However, paid-for stories are popular among advertisers because they do not contain classic signs of advertising. Torbich noted that media market leaders could have established a standard against hidden advertising; Sydorenko said that key advertisers should refuse to place hidden ads and to cooperate with the media that abuse that principle.

Vynokur said that a legally required quota for advertising for broadcasters is an outdated norm and that businesses could regulate this themselves by researching audience preferences and placing advertising accordingly. Yevchenko, however, as a consumer, insisted on the standard of publishing a schedule of advertising if it exceeds a certain time limit.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

"Over 26 years, TV-4 has been sustainable, with some ups and downs; now it is difficult. Now it is just surviving due to declining advertising and one-third of its budget being consumed by both analog and digital broadcasting. Now we can talk about the profits and development only during election campaigns," Vynokur said.

According to *Ukrainska Pravda*, the second echelon channels such as Tonis, Espresso, and NewsOne, are looking for new investors or co-owners. The article assumed that channels from the large oligarch holdings are covered by owners who previously spent about \$120,000–130,000 per year, but now they spend about \$30,000–40,000 because of local currency devaluation. It's especially hard on the smaller channels. One of the interviewees told *Ukrainska Pravda* that a small channel might cost \$150,000 per month; in the best of times, maintenance of channel 112 cost up to \$1 million per month. Another interviewee assumed that NewsOne costs are \$200,000 per month and channel 112 are \$750,000 per month. Media expert Natalia Ligacheva confirmed that these figures are likely.

The law entered into force on January 1, 2017, reduced the number of channels in the Universal Programming Service (channels that cable networks must provide) to two television channels and three radio stations of the PJSC National Public Television and Radio Company of Ukraine, parliamentary channel Rada, and local and regional terrestrial analog and digital television channels. National commercial television channels were to conclude agreements with the cable network providers. Cable networks expected that channels would pay for distribution via cable networks; however, national television groups set prices for their content. Moreover, they require payment for the whole package of channels, provided in "social" packages (with the cheapest sets of channels for the poor). Because of this, cable television and Internet protocol television may become more expensive for consumers. On the other hand, people can acquire set-top boxes for DVB-T2 standard and use digital broadcasting. In turn, providers require coding of the paid-for channels on satellite. This may become an information security threat for Ukraine, as the number of Russian channels freely available on several satellites is growing.

For most regional private newspapers, advertising, subscriptions, circulation sales, and owner subsidies are the main sources of income. According to Khomenok, the decline of advertising

volume and outflow of advertisers to other segments has hurt media badly, along with the drop in circulations and transition to other patterns of media consumption. Torbich said that L'nokombinat, a large advertiser in Rivne, would pull its advertising if media dare to say something unflattering. However, Vynokur objected, stating that advertisers could not influence her channels' editorial policy. They try to diversify sources of income, having started a digital department, conducting more below-the-line marketing, streaming, etc.

Kvurt said that an imbalance persists in the advertising market between television and other media, and between the capital and the regions. Vynokur confirmed that regional media work with national advertising agencies, but the latter do not care about fair selection; they would be more interested in larger discounts, and regional media cannot influence this process. According to Yeremenko, media in liberated territories in the east of Ukraine are barely surviving on their meager advertising.

According to Andriy Partyka, director of StarLight Sales television sales house, the market started to grow in 2016, and television channels were satisfied in principle, but the crisis is far from over.

According to the All-Ukrainian Advertising Coalition, the 2016 media advertising market, which includes television, radio, print, and Internet, totaled UAH 10.346 billion (\$381.7 million)—an increase of approximately 27 percent from 2015. It projects 28 percent growth of the total market in 2017.

The All-Ukrainian Advertising Coalition also reported that the 2016 television advertising market increased to UAH 5.676 billion (\$209.43 million), which is up by 36 percent from 2015. Television sponsorship was up 65 percent because of global trends and the restriction of direct beer advertising. Television may grow by 31 percent in 2017. Print outlets' ad revenue amounted to UAH 1.130 billion (\$41.7 million) in 2016, although they were not compared with the UAH 1.320 billion (\$48.7 million) in 2015 because of a change of methodology. According to the forecast, print may grow by 17 percent in 2017.

The forecast looks particularly promising for radio advertising, expected to grow by 20 percent in 2017. In 2016, it increased by 31 percent to UAH 400 million (\$14.759 million). Of this figure, UAH 290 million (\$10.7 million) went to national radio, UAH 39 million (\$1.44 million) to regional, and UAH 71 million (\$2.62 million) to sponsorship. Internet advertising grew by 33 percent to UAH 3.140 billion (\$115.86), with 28 percent growth predicted for 2017.

According to Vynokur, there are no subsidies, credit guarantees, or other privileges for private media. Tomilenko said that state and municipal media receive subsidies according to the law, and the subsidy amounts vary from region to region. State funds for covering local government activities also differ in various

regions, fully depending on local authorities. In the course of destatization reform, privatized media will be able to use their existing offices for 15 years and retain the trademark of the newspaper. Yet they will lose state subsidies and privileges, so the reform will weaken their position.

Funding of state-owned and municipal media undergoing reform will dry up by the end of 2018. According to Detector Media, Lviv's oblast council provided UAH 500,000 (\$18,450) in its 2017 budget to support newspapers that will be privatized at the first stage of reform. Zaporizhzhya's city council plans to finance *Zaporizka Sich* at UAH 1 million (\$36,900), and Kiev's city council set aside UAH 3 million (\$110,690) for its print media. The public broadcasting company should receive UAH 1.3 billion (\$47.97 million) from the state budget in 2017.

For the majority of regional media, professional market research is unaffordable, as Vynokur confirmed. "In transferring to digital broadcasting, we, along with Zeonbud, do not receive detailed data on signal coverage; they just draw me some circles of 'assured reception,'" she said. Professional research firms do not measure regional media ratings, which would not be profitable. Local advertisers usually do not use ratings data, and sometimes, especially during elections, ratings data are not objective. Local-level advertisers and media are not literate in rating online platforms and content. Tomilenko said that local media lack even enough skill to use available tools for online media such as Google Analytics.

Pogorelov emphasized that analysis of the press and online media market is distorted and incomplete. Advertising monitoring in the regional press is not conducted at all; the Ukrainian Association of Media Business identified that as an acute need. According to Pogorelov, because of substantial shrinking of the advertising market (a drop of 75 percent in 2014 and 2015), advertising agencies are manipulating data in order to channel the largest share of advertising to television. Therefore, he recommended launching the monitoring of regional press advertising and training regional media in advertising sales and audience building.

Regular television audience research has been ordered by the Industrial Television Committee (ITC), which unites four main television groups (Inter, 1+1, Ukraina, and Pinchuk's StarLight Media), five kanal and four main media groups (Publicis Groupe Media, Omnicom Media Group, ADV Group, Group M), and Media Arts Group Ukraine Agency. Since 2014, ITC has contracted Nielsen and the Communication Alliance for this purpose.

Since May 2016, the television panel has been changed to update parameters: the total sample was reduced to 2,840 households: 1,900 representing cities with populations greater than 50,000 and 940 from towns and villages under 50,000. The sample is representative for all Ukraine (except Crimea and Sevastopol).

Since early 2016, TNS Ukraine (now renamed Kantar TNS in Ukraine) has measured the radio audience. The Industrial Radio Committee (IRC), which prolonged its contract for 2017, mentioned that a number of regional radio companies joined the research as well. IRC unites the largest radio holdings: TAVR, Ukrainian Media Holding, Business Radio Group, Lux, and network advertising agencies Publicis Groupe, ADV Group (Initiative), Group M, UMG, and Radio Expert, as well as the Independent Association of Broadcasters (IAB) as managing partner.

Kvurt stressed that the television panel, formed in the 1990s, is overdue for reform. Khomenok added that a number of existing Internet measuring tools overlap, and every year they become more accessible and easy to use.

There is no audit bureau to certify circulation statistics of print publications, which for the most part are not considered reliable. Kantar TNS produces surveys such as the Print Media Index (10,000 interviews in the largest cities of Ukraine), National Readership Survey (5,800 interviews in the largest cities), Marketing and Media Index on consumer behavior toward brands and media preferences, and CMeter—a new tool to measure online audience and monitor advertising.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.32

Ukraine has a fairly well developed network of trade associations, media trade unions, and media-supporting NGOs. Trade associations include the ITC, the IAB, the IRC, the Ukrainian Media Business Association (renamed UAPP), and the Association of the Independent Regional Publishers of Ukraine in print media. The Internet Association of Ukraine unites providers and the Ukrainian Association of Internet connects advertisers.

Trade associations support the professional interests of independent media, Vynokur said. They provide information and legal support, training, competitions, grants, and development of joint projects for television and radio companies from various regions. For instance, the IAB promotes collaborative solutions for that sector, and its members offer a number of useful services. IAB maintains the exchange service of television programs between regional broadcasters.

Professional associations and NUJU in particular made journalists' security and assistance to those in need their key priority in 2016, according to Tomilenko. Special programs to support internally displaced journalists from Donbass and Crimea assisted journalists captured in Donbass, arrested in Russia, or persecuted in Crimea. For instance, NUJU channeled funds for legal support to Mukola Semena in Crimea and Roman Suschenko in Russia, and to restore eyesight to Mariya Varfolomeyeva, who was

imprisoned in the so-called Luhansk People's Republic for 15 months. NUJU is also deeply integrated into international journalists' communities such as the International Federation of Journalists, the European Federation of Journalists, and the OSCE Representative on Freedom of the Media.

Vynokur believes that in some regions, however, NUJU chapters are not efficient. Out of all of TV-4's staff, only two or three journalists are NUJU members. Young professionals do not even consider entering the union, as they do not feel the need for support or assistance. Torbich agreed that NUJU chapters do not work at all in many regions, and the Independent Media Trade Union (IMTU) is functioning properly, to the point that Torbich's newsroom is ready to quit. Tomilenko stressed that a lot of reform in NUJU regional chapters depends on local journalists, and sometimes the younger reporters are too passive.

Khomenok mentioned that in 2016, media organizations were involved in scandals and fighting for influence and resources, undermining their credibility. Dutsyk noted that IMTU and the Commission of the Journalists' Ethics, for example, went through internal organizational crises. Their managing bodies were reelected, but both organizations lost trust among their colleagues as well as the donors. No one is betting that they will manage to restore it, she said.

On the contrary, the IMC, set up by five media NGOs (Center for Democracy and Rule of Law, Detector Media, Institute of Mass Information, Internews Ukraine, and Suspiilnist Foundation) launched activities in 2016. It is a regular civic monitoring and consulting body designed to establish high professional standards in journalism and to mediate instances of noncompliance with media laws, international standards, or ethical violations. In addition to its expert conclusions, the IMC submits its recommendations to the governmental bodies and other stakeholders to improve media regulations. According to

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Kvurt explained that IMC began to evaluate content that the National Council was afraid to touch. They expose wrongdoing in media, passing recommendations, but they lack law enforcement authority. “In this sense, NGOs started replacing the functions of the state,” he added.

Dutsyk, media advocacy NGOs are often more effective than the journalists’ unions. Kvurt explained that IMC began to evaluate content that the National Council was afraid to touch. They expose wrongdoing in media, passing recommendations, but they lack law enforcement authority. “In this sense, NGOs started replacing the functions of the state,” he added. Opryshko welcomes this important step toward self-regulation.

Vynokur said that academic programs for journalists are very weak on practical components and not well regarded by the media. Also, there are very few young male journalists among the students. Torbich confirmed that the number of journalism degrees awarded does not correspond to market demands.

In October 2016, Detector Media presented pilot ratings of Ukrainian departments or schools of journalism. The Journalism School of the Ukrainian Catholic University emerged as the leader (scoring 20 of 23), followed by the Kyiv Mohyla School of Journalism (18.5), Zaporizhzhya National University (17.75), B. Grynshenko’s Kiev Institute of Journalism (17.25), and Yu. Fedkovych Chernivtsi National University.

Dutsyk commented that 43 universities offer journalism degree programs, but the quality of education is declining. The industry is not satisfied with its graduates, as confirmed by Detector Media’s 2016 research. Formally, curricula are well balanced between theory and practice, but graduates and the media industry criticize the course content. Most cite dissatisfaction with the content of courses, lack of practical opportunities, and overall low quality of teaching. The lack of connection with the media industry remains one of the most serious problems. Many newsroom employees do not have a journalism education, nor do they feel that they need a degree. Most departments and faculties are weakly integrated into an international context; only a few cooperate with foreign partners. Dutsyk added that communication from these journalism schools with external audiences is symptomatic: only 20 have their own websites, and only 2 of those provide detailed information on professors, students, graduates, curricula, schedules, and other activities. Other websites are rarely updated and lack sufficient substance.

According to Vynokur, short-term trainings are rather effective—and needed—but most of them are conducted with support from foreign donors. There are no donor-funded programs for advertising and marketing experts, cameramen, and producers. A majority of such programs are sponsored and not always affordable for regional media employers. Yeremenko believes that media organizations should train journalists in professional standards and popularize ethics codes in order to increase the professional level of their work.

Sydorenko remarked that donors define the priorities of the available training events, and they do not always correspond to the industry’s needs. He recommended that newsrooms conduct their own in-house training instead. Training workshops on media business topics would make sense as a start, he added. Tomilenko said online media personnel need training in using online analytical tools, audience research, traffic, etc.

The printing facilities market is fully demonopolized. Yevchenko mentioned that Russia remains the key supplier of cheap newsprint to Ukraine; currently, Russia has a quota for supplies to Ukraine, requiring two months’ advance payment for newsprint.

Pogorelov underscored two issues related to print distribution: (1) the policy of kicking off the kiosks (so-called small architecture forms) from the cities leads to reduced newspaper stands in the downtown areas, consequently reducing access to press, and (2) rising prices for the services of Ukrposhta, against the backdrop of rising utility fees, leading to a drop in subscriptions. Recently, Ukrposhta announced a 40 percent increase for delivery of sold copies; the same may be expected for subscriptions. In January 2017, print media complained that Ukrposhta delayed payment of about UAH 300 million (\$11.07 million) collected for their subscriptions.

In broadcasting, Vynokur said there are two monopolies: the private Zeonbud in digital transmission and state-controlled Concern RRT for analog. Their pricing is not transparent and fair, but often inflated, and it is a tremendous double burden for regional and local broadcasters forced to broadcast both digital and analog signals. According to Kvurt, the system for transmitting and receiving the signal does not correspond to the consumers’ requirements. There could be alternative providers for transmitting but the state monopoly does not allow the installation of additional transmitters on its territory.

Since December 2014, Zeonbud has been fighting in court with the Anti-Monopoly Committee, which recognized it as a monopoly and fined it UAH 44 million (\$1.62 million) in December 2014 and again in December 2015 for UAH 44.5 million (\$1.64 million). However, Zeonbud won its appeal to the Highest Appeal Commercial Court of Ukraine in 2016.

Channels 1+1, Inter, and UA:Pershyyi have the largest analog coverage. Coverage of digital broadcasting must be about 95 percent, but estimates place it, possibly, at 80–85 percent. This means that about 10 percent of the poorest people in small towns and villages, or around five million people, may lose access to television. Some households may switch to satellite broadcasting, where Russian channels are freely available.

ICT infrastructure continues gradually developing, and many technical innovations are available in the country. The panelists agreed that mobile networks are monopolized, but without political consequences. Mobile operator Kyivstar declared substantial expansion of 3G coverage in 2017, including to the towns with under 10,000 people. Vynokur has observed overloaded mobile networks, especially during streaming, and 3G is still not available in some towns, and the signal is not always sufficient and high-quality in oblast centers. Kvurt concluded that the “last-mile” problem remains, and the gap between large cities and rural areas in Internet and other technologies persists also.

According to Liga.net, major providers agree to provide speeds of “up to 100 Mbit/s” of broadband Internet connection. Since January 1, 2017, the National Commission on Regulating Telecommunications and Informatization obliged all providers to indicate their minimum speed—a move designed to spur providers to invest in infrastructure and improve quality of services. The largest Internet providers, Ukrtelekom and Volya, which use older technologies (asymmetric digital subscriber line and data over cable service interface specification, respectively), declared their minimum speed at 64 Kbit/s. The second-largest company by the number of Internet clients, Kyivstar, indicated a minimum speed at 10Mbit/s unless otherwise provided by the agreement. Surprisingly, many other providers using modern optic fiber technologies did not indicate high levels of guaranteed speed. There are about 6,000 registered providers, too many for the National Commission on Regulating Telecommunications and Informatization to monitor.

List of Panel Participants

Diana Dutsyk, executive director, Detector Media (formerly Telekritika), Kyiv

Oleg Khomenok, senior media advisor, Internews Network, Kyiv

Kostyantyn Kvurt, board chair, Internews-Ukraine, Kyiv

Lyudmyla Opryshko, media lawyer, Regional Press Development Institute, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Media Business Association (formerly Ukrainian Association of Press Publishers), Kyiv

Oksana Romanyuk, executive director, Institute of Mass Information, Kyiv

Sergiy Sydorenko, editor, Europeyska Pravda, Kyiv

Oleksiy Shalayskyi, chief editor, *Nashi Groshi*, Kyiv

Sergiy Tomilenko, first secretary, National Union of Journalists of Ukraine, Kyiv

Volodymyr Torbich, chief editor, Rivne Agency for Investigative Reporting, Rivne

Yulia Vynokur, general director, TV-4, Ternopil

Andriy Yevchenko, chief editor, *Kramatorsk Post*, Kramatorsk

Svitlana Yeremenko, executive director, Pylyp Orlyk Institute for Democracy, Kyiv

Moderator & Author

Kateryna Laba, media expert, Kyiv

The panel discussion was convened on December 12, 2016



CA
CENTRAL ASIA

The government continues to fill the role of the main advertiser, propagandist, and regulator of information and media, using the justification of security and the fight against international terrorist threats.



KAZAKHSTAN

It is a trying time for Kazakhstan. The economic crisis continues its dark course, and there are serious changes surrounding the transition of power following the 2016 special parliamentary elections, which resulted in a three-party parliament.

Kazakhstan experienced a series of terrorist acts, as well as non-sanctioned demonstrations that erupted throughout the country because of changes to land legislation. The new law permits foreigners to lease land for up to 25 years, allowing entities from neighboring China to rent long-term. The regime responded with the arrests of human rights activists and journalists. Several activists were sentenced to prison terms for instigating social discord, while others incurred administrative penalties.

Other high-profile cases include the criminal trial of the president of the Kazakhstan Union of Journalists, Seytkazy Matayev, as well as the arrest of a popular website's editor-in-chief, Bigelda Gabdullin; both cases caused a great furor. Furthermore, criminal charges were brought against some social media users for allegedly inciting religious and ethnic discord.

Although Kazakhstan's constitution guarantees freedom of speech, in practice it is actually limited by provisions of civil and criminal law. A trend toward further limitations on the freedom of speech has emerged with the formation of new ministries; the Ministry of Information and Communications focuses on mass media, and the Ministry of Religious and Civil Society Affairs focuses on NGOs.

The government continues to fill the role of the main advertiser, propagandist, and regulator of information and media, using the justification of security and the fight against international terrorist threats.

KAZAKHSTAN at a glance

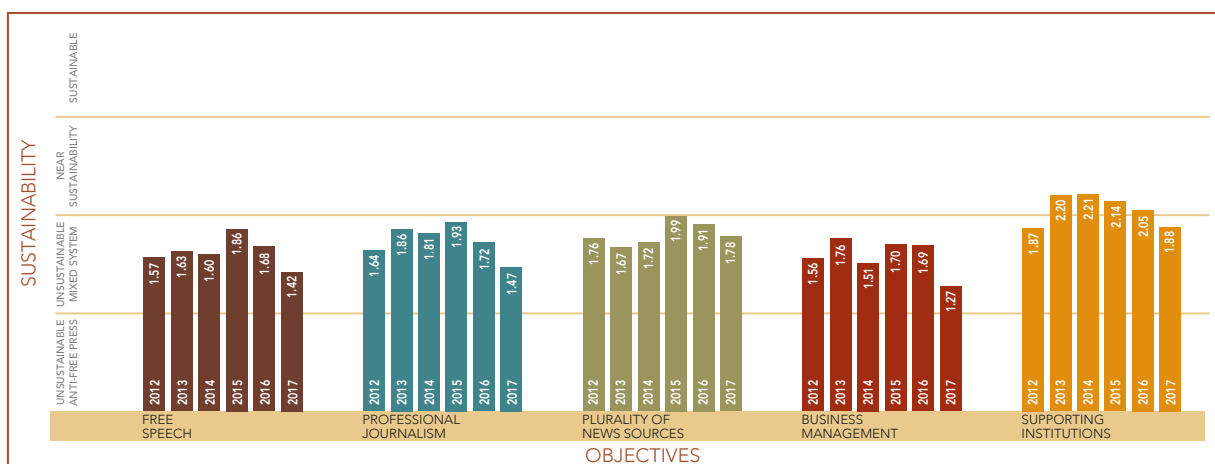
GENERAL

- > **Population:** 18,360,353 (July 2016 est., CIA World Factbook)
- > **Capital city:** Astana
- > **Ethnic groups (% of population):** Kazakh (Qazaq) 63.1%, Russian 23.7%, Uzbek 2.9%, Ukrainian 2.1%, Uighur 1.4%, 1.3% Tatar, 1.1% German, 4.4% other (2009 est., CIA World Factbook)
- > **Religions (% of population):** Muslim 70%, Christian 26.2% (mainly Russian Orthodox), 0.2% other 2009 est., CIA World Factbook)
- > **Languages:** (official Qazaq) 74% (understand spoken language), Russian (official, used in everyday business, designated the "language of interethnic communication") 94.4% (understand spoken language) (2009 est., CIA World Factbook)
- > **GNI (2016-Atlas):** \$119.8 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2016-PPP):** \$23,480 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.8%; male 99.8%, female 99.7% (2015 est., CIA World Factbook)
- > **President or top authority:** President Nursultan Abishuly Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print: 1,156 newspapers, 1,169 magazines; Television Stations: 108; Radio Stations: 61; Cable Operators: 108; Satellite Operators: 8 (Ministry of information and communication, 2016)
- > **Newspaper circulation statistics:** Top four by circulation: *Karavan and Karavan-Class* (partly private, weekly); *Yegemen Qazaqstan* (state); *Kazakhstanskaya Pravda* (state), *Ekspress-K* (partly private in Russian, five times weekly)
- > **Broadcast ratings:** Top 4 Television: 1 Channel Eurasia, NTK, KTK, 31 Channel (<http://www.tns-global.kz>)
- > **News agencies:** Kazakhstan Today, KazInform, Bnews, Business Resource, Interfax-Kazakhstan (Ministry of information and communication)
- > **Annual advertising revenue in media sector:** \$154 million: TV 67%, radio 12%, print 10%, internet 5%, outdoors 6% (TNS Kazakhstan)
- > **Internet usage:** 13.23 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: KAZAKHSTAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

Unustainable, 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.

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.42

The state of freedom of speech in Kazakhstan is largely unchanging. However, according to some measures, it is declining. A milestone event is the creation of a new government agency, the Ministry of Information and Communications, headed by the president's former press secretary, Dauren Abayev. The appearance of this agency was no accident, preceded by the May demonstrations against the long-term leasing of land to foreigners. Following the demonstrations, President Nursultan Nazarbayev committed to work more effectively with citizens in terms of information and announced the creation of the ministry. The objectives of the Ministry of Information and Communications include: (1) monitoring the information space, such as the Internet and social media platforms; (2) coordinating and supervising information-sharing between government bodies; (3) planning and analyzing government funding of information and media; (4) developing media as a modern segment of the economy; (5) establishing crisis communication tools; and (6) assuring channels of cooperation with citizens and NGOs.

According to independent media expert and panelist Gulnar Assanbayeva, "The government is forced to openly admit the failure of its information policies after the mass demonstrations against land leasing. And, while the new ministry is engaged in controlling the information space, citing the propagation of

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

radical Islam and terrorism, repressive methods of limiting access to information in the country are continuing."

The Ministry of Information and Communications initiated amendments to media legislation that have been widely discussed among journalists, media experts, and media owners. Among the positive changes, experts note the easing of administrative penalties for interfering with the system of publishing output data, the right to information that is accessible to persons with disabilities, such a visual impairment, and a change in approval and authorization policies for evening alcohol advertisements. Negative measures include further limitations on the accreditation of foreign journalists in Kazakhstan, the requirement to publish a retraction of information in the media even without a court order to do so, and the extension of the period in which state agencies are obligated to provide information to journalists. Furthermore, new amendments require journalists to obtain permission before publishing any financial or business-related information about an individual or group, and amendments prohibit the rebroadcasting of foreign advertising on Kazakhstan's cable networks. A new article has also been introduced that would make ethical principles law, and, therefore, any journalism that is deemed unethical would also be illegal.

Amendments were introduced to the Kazakhstan communications law that require the establishment of a national safety certificate, which would primarily affect Internet users accessing foreign sites. Some experts consider this a means for the government to monitor Internet traffic, but the implementation of this provision was delayed.

As general director of TV Art and panelist Ruslan Nikonovich noted, it is easy to obtain a television license, but receiving a frequency is problematic. "At the commission meeting, all the members stated that my project was very good, but only a minority voted for it to receive a frequency. For this reason, I can assume that there is no honest and objective competition," he remarked. "The work of the agency that licenses broadcast media is not transparent. For a long time, public and professional representatives were not included among its members," noted journalist, independent media expert, and panelist Adil Nurmakov.

Registration of print media, however, is electronic and, in the opinion of journalist and panelist Ascar Aktleouv, "very simple." Aktleouv explained that print media registration requires only submitting documents and paying the fee. Currently, websites do not require registration.

Burdened by administrative regulations and taxes, print distribution needs reform, as it is unprofitable to distribute newspapers and magazines. Furthermore, regional print media subscriptions are impeded by high fees and mandatory

“The publication of material on the Internet is an aggravating factor in a trial, and not only the article, but also discussion in the comments section, is being taken into consideration in cases. There are also cases where people are being charged for posts, as well as re-posts,” according to Legal Media Center lawyer and panelist Gulmira Birzhanova.

subscriptions to state media, which places the private regional print publications in an extremely uncompetitive position.

In the opinion of financial journalist, president of BIZ-Media, and panelist Tulegen Askarov, the business environment for media does not differ from that of other markets. At present, there are no specific taxes or customs duties on media; the print industry is taxed in the same way as any other production.

A serious obstacle to the development of the media market is the 20 percent limitation on foreign media ownership established by the national security act. “Provisions have been adopted that limit the range of activities of foreign media in Kazakhstan. Now they are prohibited from rebroadcasting advertising on cable networks and also from operating without a representative registered in Kazakhstan,” media lawyer for the National Association of Broadcasters and panelist Sergey Vlassenko remarked.

Criminal and civil investigations of journalists and bloggers actively continued in 2016. The most widely used prosecutions were those on “incitement of ethnic discord,” among others. As before, defamation remains a criminal offense. Violations of journalists’ rights cause indignation of civil society, but, as director of the Public Center for Independent Expertise on Information Disputes (Adil Soz) and panelist Galya Azhenova remarked, “This is soon forgotten.”

Article 143 of the civil code, “protection of honor, dignity, and professional reputation,” continues to be a club used against disfavored media and journalists instead of an instrument to restore individual non-property rights. In the view of Nurmakov, “Frequently, the amount of compensation claimed by plaintiffs (who are often officials and other representatives of the government or oligarchic business entities) is inflated for the purpose of bankrupting and closing down media organizations.” This was illustrated in 2016 by a trial that an acupuncturist, Zhasan Zekey, brought against the longstanding independent Kazakhstani newspaper *Zhas Alash*. The plaintiff requested

moral damages in the amount of KZT 400 million (approximately \$1.2 million). Ultimately, the Supreme Court reduced the amount to KZT 5 million (approximately \$15,500).

One of the year’s high-profile cases was that of Guzyal Baydalinova, who was sentenced to a year and half in prison for knowingly spreading false information about one of Kazakhstan’s most powerful banks, Kazkom. Subsequently, the sentence was suspended.

Charged with stealing state funds and not paying taxes, the president of the Kazakhstan Union of Journalists, Matayev, and his son, Aset Matayev, were sentenced to six years in prison. Late in 2016, Bigelda Gabdullin, editor-in-chief of the newspaper *Central Asia Monitor* and director of the web portal Radiotochka.kz, was arrested for suspicion of extortion.

The trial of the Atyrau social activists, Maks Bokayev and Talgat Ayan, was unprecedented due to the severity of their punishment. They were found guilty of inciting discord and disseminating knowingly false information in their activism efforts for the land law issues. Bokayev and Ayan were each sentenced to five years in prison.

Along with journalists, bloggers, citizen journalists, and social media users are more and more frequently being charged in court. “The publication of material on the Internet is an aggravating factor in a trial, and not only the article, but also discussion in the comments section, is being taken into consideration in cases. There are also cases where people are being charged for posts, as well as re-posts,” according to Legal Media Center lawyer and panelist Gulmira Birzhanova. For example, the blogger Aidyn Yegeubayev had to pay KZT 100,000 (approximately \$300) to plaintiff Akim Saparbayev for publishing on YouTube material concerning the sale of land to citizens of China.

Blocking of sites continues to be a very significant problem. This can now be done not only by court order, but also by directive of the public prosecutor. Beginning in 2017, the National Security Committee also can block websites. According to Assanbayeva, the ministry has limited access to 31,000 web pages with anti-government content. After being warned, owners and administrators of websites themselves removed around 100,000 web pages. In the summer of 2016, Change.org was blocked in connection with a petition for the resignation of Masimov, the prime minister of Kazakhstan. Social media sites Vkontakt, Facebook, and Twitter, messaging sites WhatsApp and Viber, and the video hosting site YouTube became inaccessible on May 20, one day before the planned land protests. On December 16, access to many social networks, including YouTube, was limited for supposedly technical reasons—coinciding with the online broadcast of the speech by exiled dissident and businessman Mukhtar Alyazov. Livejournal, Ratel.kz, and Zononet.kz were

also shut down in Kazakhstan; however, Livejournal was later unblocked.

Despite the 2015 adoption of the information access law, access to information has not significantly improved. An online survey of Kazakhstani journalists showed that significantly delayed responses, irrelevant answers, and statements that a question is not within the competence of the responder are the most frequent violations by government bodies.

In the opinion of MediaNet International Center of Journalism director and panelist Igor Bratsev, the law includes many exceptions to its application. For example, all information marked as “Official Use” is within the category of limited access, along with sensitive and secret government information.

Vlassenko believes that the situation has somewhat improved with the creation of e-government, where a large volume of information may now be obtained in electronic form. The Committee on Information Access, which includes NGO representatives, also has begun to operate. According to Vlassenko, “There is a trend for the journalist to become the usual transmitter of information. The journalist’s role is gradually coming down to passing on to the media, in unchanged form, the information that is received. There is no creative work with the information that is received. If the journalist wants to change the information received, he is obligated to clear the reworked information with the source.”

In the opinion of *Novaya Gazeta* journalist and panelist Vyacheslav Polovinko, the government itself differentiates information for the public domain and changes the conditions for access accordingly: “Clarifications of constitutional provisions or of some law can be found without any problem, but information, for example, on the assets of the presidential family (which is also in the public domain, since the people elect the president as the country’s chief manager) cannot be obtained anywhere (actually you can get a prison sentence for this).”

Much of the media depend both directly and indirectly on government funding. This can be seen by the increasing amounts budgeted for media outlets that broadcast according to the state’s information policy. Every year, more than KZT 40 billion (approximately \$120 million) are allocated from the treasury to the implementation of information policy. In Kazakhstan, the majority of the government budget for media is provided through direct funding to outlets. A small portion of the budget is then available through public procurement competition from the ministries and city administrations.

Askarov believes that “the government controls the leading online media that receive enormous financial support both from the government and from domestic and foreign investors loyal to it, along with a privileged position in the market and priority access to official information.”

In the print media market, the authorities engage in a measure of unfair competition in order to support the government press, employing compulsory subscriptions to official publications.

Access to foreign information sources is practically unlimited. However, Russian content continues to be the basic source of information. Since it largely has a propagandistic character, its use as an alternative source of information is problematic, particularly since it portrays a misperception of international events and conflicts. In Bratsev’s opinion, the reason for the low utilization of information sources is the language barrier. The overwhelming majority of journalists know the Kazakh and Russian languages or just one of these two languages. Thus, of the foreign information sources, only Russian-language resources are accessible.

The panelists agree that entry into the journalism profession is open to all. According to panelist Azhenova, in recent years, officials have been incentivizing bloggers: arranging tours throughout the country with food and lodging and gifting expensive professional technology, such as smart phones, tablets, and notebooks, so that their province will be shown in the best possible light on the social networks.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.47

The journalism profession meets only minimal quality standards and is not publicly recognized as socially responsible. Formally, the Kazakhstan Union of Journalists adopted a code of ethics, but in practice the standards are not observed.

In the opinion of Azhenova, there have been more reprints and blind use of press releases as news: “Credibility is suffering. Frequently, when there is no position from the other side of a controversy, journalists refer either to a lack of time or to opponents not wishing to explain themselves. They didn’t pick up the phone, didn’t answer, made a rude remark, or weren’t there.”

“The de-professionalization of journalism is taking place, with scandalizing and sensationalizing of the news flow, especially on television and in the news feeds of online publications, resulting in distorted news. In much of print media, the quality is declining because of decreasing popularity due to the digitalization of media. Information is often unreliable and does not include comments from independent sources and relevant experts. The analytical niche is in a deep crisis,” comments Nurmakov.

The particularly important subjects this year—the land demonstrations; the trial of activists Bokayev and Ayan; the trial of Matayev, the president of the journalists’ union; and

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

the arrest of Gabdullin, the editor-in-chief of the *Central Asia Monitor* and the web portal Radiotochka—were covered on government-funded channels exclusively from the prosecutorial perspective.

In the opinion of Polovinko, a significant number of Kazakhstani journalists do not abide by professional principles. In addition, publications tend not to keep high-quality, professional journalists on staff for an extended period due to their high salaries. To retain these journalists, outlets would need to reduce the salaries of other staff. The result of this system is that the majority of coverage in the Kazakhstan media consists of current events and less investigative reporting.

Furthermore, in the pursuit of rapid publishing, journalists rarely check facts. For example, a story published in Informbyuro reported that a woman tried to drown her granddaughter; however, it was later explained that, on the contrary, the woman saved her granddaughter.

In August 2016, editors-in-chief and directors of a variety of media came together in the city of Almaty to sign a joint agreement on the protection of copyright content; the represented media organizations include Kazakhstan media Radiotochka.kz, Kapital.kz, Informburo.kz, the newspaper *Vremya*, Abai.kz, RadioMM.kz, the newspaper *Central Asia*

“More and more, the concept of lazy journalism is in use, where the publications are engaged in reprinting press releases or rewriting news,” Askarov said.

Monitor, Szh.kz, JasQazaq.kz, and KazakhstanToday Media Group (KT.kz). However, “Plagiarism, graphic footage, absence of references, and reprints without the knowledge of the original source are frequent and widespread,” said Assanbayeva. In 2016, the northern Kazakhstan website Defacto.kiz, sued Nur.kz for reprinting a legal encyclopedia developed by jurists. Within this encyclopedia, more than 500 original articles were stolen from Defacto.kz without proper citation and, therefore, violated the copyright. Defacto.kz representatives sought KZT 537 million (approximately \$1.7 million) in damages. However, the court ruled that Nur.kz had not plagiarized, based on the fact that Nur.kz did not gain any commercial profit from reprinting the content.

Late in 2016, the annual media Media-Kurtay took place in Almaty, Kazakhstan, in which attendees came together to discuss trends and issues related to the media industry. During Media-Kurtay, media directors discussed their own tendencies to ignore generally accepted professional standards out of the need to compete for readers.

Askarov asserted that the absence of standards leads to the dominance of non-objective and low-quality journalism, publications of paid materials and advertising, and a high level of corruption among journalists. A glaring example was the broadcast on Channel One Eurasia of a fake interview between Aymira Shaukentayeva, editor-in-chief of news broadcasting and host of Channel One Eurasia program *Analitika*, with the well-known Russian television journalist and host of program *Pozner*, Vladimir Posner. The channel spliced clips to make it look like Shaukentayeva was appearing on the *Pozner* program as an invited guest—which, given the caliber of guests on the show would have been a coup for Channel One Eurasia. Senior editor and news presenter Ruslan Smykov quit after a wave of negative reactions to the fake interview with Pozner. “More and more, the concept of lazy journalism is in use, where the publications are engaged in reprinting press releases or rewriting news,” Askarov said.

Commercialization of news coverage in the media is widespread in Kazakhstan and is particularly seen on television, radio, websites, and social networks. On social networks, brand ambassadors now operate alongside several groups of bloggers who cover events on a commercial basis. For example, as reported by Tengri News, some Facebook bloggers have received gifts in the form of shares and securities for discussing the low bids on establishing electrical bus stops around the country, in an effort to increase the offers.

Kazakhstani journalists consider it acceptable to receive gifts and honoraria for their work from the subjects of their articles. As a result, in the opinion of media manager at Ertis-Media and panelist Ascar Shomshekov, the public does not have the

ability or knowledge to distinguish high-quality journalism from propaganda and advertising.

Journalists and editors subject their articles and stories to self-censorship, fearing administrative, civil, and criminal prosecutions. Journalists in state media are subject to “ideological” self-censorship, where their writing is checked for conformity in letter and spirit to various strategic documents (presidential messages, government programs, etc.).

State media formulate their editorial policy not based on their readership, but on their owner—the government. For this reason, state media consist of propaganda essential for carrying out the government’s information policy. This year, the ineffectiveness of Kazakhstan’s state media was again a subject of discussion, both at the Media-Kurtay event and in the news. However, the ministry again rejected media NGO proposals for reform

According to a study by MediaNet, an NGO founded by Kazakhstan journalists to strengthen independent media and support human rights, the majority of Kazakhstan’s media specialists believe that self-censorship exists in Kazakhstan. The authorities no longer need to review materials produced by the mass media prior to publication because the reporters themselves now know the boundaries that exist regarding persons and subjects that they can cover. “Some editors note that they are afraid when preparing articles on social or political problems since this may lead to complaints from officials, lawsuits that can ruin the media, or loss of their jobs,” said Bratsev.

“Self-censorship is total,” according to Azhenova. “The television channels have blacklists of persons unsuitable for airing and a list of forbidden subjects and names.”

In Nurmakov’s opinion, topics of interethnic relations are taboo and either must be written about favorably or not at all. If a journalist writes negatively about interethnic relations, it can provoke aggression.

The level of pay for journalists in the context of the economic crisis is decreasing. There are reductions in reporting staff, and several publications are closing or are on the verge of closing. However, some online media outlets pay five to six times more than print media. These thriving Internet-based outlets have highly successful founders in the business world. According to Aktleou, pay is higher in state media than in private media.

“Highly professional journalists are in demand. There is even a certain shortage of them, since as a whole, journalist training in Kazakhstan is low,” said Askarov.

Entertainment programs prevail over news programs. In the opinion of Assanbayeva, glamour and fashion journalism is thriving. Journalism in the country is becoming less and less

“Any attempt by a journalist to find out where government money goes and who was involved immediately comes up against civil and criminal statutes,” said Azhenova.

adventurous and more and more entertaining. Often, only content deemed safe is published, such as experts’ reflections on a subject and the opinion of journalists unsupported by facts and statistics.

Regarding media equipment, technology is professional, high-quality, and fully available. The largest investors in the media are the government and oligarchs loyal to the government; therefore, funding is available for the latest technology and equipment. Broadcasts sometimes even include nonprofessional video of amateurs, as it is also high-quality. However, not all traditional media have mastered the digital technologies for supplying information. Thus, the websites of some newspapers present only electronic-image versions of articles, which precludes interactivity and comments.

Specialized economic, analytical, medical, and ecological journalism exists in Kazakhstan. However, these are often quite problematic subjects. Typically, top media managers are not interested in these niche topics because it is more profitable to have journalists cover multiple subjects at once, which lowers the overall quality. Moreover, specialized journalists, particularly those covering business, are in high demand by public relations companies, banks, and government agencies, where they are assured of higher and more stable pay, along with benefits. For this reason, the quality of specialized media is deteriorating. In the opinion of Askarov, economists who write their own articles on social networks are taking bread from the mouths of journalists; these social media users have replaced journalists.

Investigative journalism is nonexistent. “Any attempt by a journalist to find out where government money goes and who was involved immediately comes up against civil and criminal statutes,” said Azhenova. Nurmakov noted that journalists rarely address special subjects and only when funded by grants from international organizations.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.78

More than 5,000 media organizations are registered in Kazakhstan, 82 percent of which are private. However, in reality the majority are affiliated with the government.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

This year was more diverse than previous years with regard to the number of available news sources. Print media are declining; however, the rapid development of broadband mobile access to the Internet continues. As a result, social media—Facebook, Twitter, and YouTube—have gained great popularity. In the opinion of Assanbayeva, information from television channels and newspapers is very uniform, and news pieces are redundant.

"No one disputes the fact that Kazakhstan has a quite large number of media, including online media. It is another question to what degree they can be considered objective, since a significant number of these media are government-sponsored, absolutely loyal to government policy, and allow themselves to express criticism only toward alternative points of view," said Polovinko.

According to Polovinko, an entire generation of regional print journalists is willing to make compromises and to work for the employer's interests. This conformity leads to the most important regional issues being covered only as brief news items or not being covered at all.

There are practically no opposition media left in the country, in Azhenova's opinion. The head of the Kazakhstan Alliance of Bloggers, Glam Batik, believes that if a clamor was raised in social networks, the authorities would begin to respond and explain, but they will not respond to journalists. An example of this is seen in the fair trial regarding the gang rape in Issyk and other crimes that resonated strongly in the social media.¹ Popular journalist Ayan Sharipbayev notes that traditional media are not well positioned to compete with social networks in their degree of flexibility. Furthermore, advertising revenues continue

¹ Today.kz. "The victim Zhibek Musinova pleased with the court verdict." November 28, 2016. <http://today.kz/news/proisshestviya/2016-11-28/730739-poterpevshaya-zhibek-musinova-dovolna-prigovorom-suda/>.

to be redistributed to the advantage of online media, such as 365info and Informburo, as well as bloggers.

According to Askarov, the devaluation of the tenge has also played a role in the diminishing of traditional media, resulting in a significant increase in production costs for print, television, and radio.

Additionally, the reduction in the circulation of the print press, particularly the nationwide press, has been fueled by the breakdown in the distribution system as a result of the kiosk company, Nomad-Press, closing down operations and the Dauys distributing network, in Almaty, restructuring its business. Publication of one of the oldest businesses in Kazakhstan, the newspaper *Panorama*, has ended, and another longstanding newspaper, *Delovaya Nedelya*, is struggling to survive.

Regarding economic factors to access to media, the price of a cable, satellite, or digital broadcast television packages also affects citizens' choice of information sources. For example, a package of television channels from the state-sponsored television and radio operator Kaztelradio is much more expensive than a similar package from, for example, the Russian operator Trikolor, which is also accessible in Kazakhstan. This results in many citizens preferring the less expensive Russian operator and, therefore, an increase in the consumption of news and information from a Kremlin-approved angle (television broadcasters in Russia, certainly those that are included in Trikolor's package, are controlled by the Russian government or those close to it -ed.).

Currently in Kazakhstan, there are more than 10 million Internet users. According to studies by Google, 86 percent of the Internet users in Kazakhstan are online every day, and 76 percent of respondents turn to the Internet first when they are seeking information.

The character of the news is a function of the financing source of the media outlet. If the press service or media organization is government-owned, the news content is typically positive, describing activities of government agencies or achievements of some strategic plan or program. State media hardly reflect the public's interests. The private media, on the other hand, are criticized for their excessive fondness for criticism.

Government-sponsored media dominate the market; however, both government and private press services operate in the country, producing regional and national news. A number of press services (Interfax-Kazakhstan, Kazinform, KazTAG, Reuters, and Bloomberg) are available, widely used, and often referenced by other forms of media. Some print media are open-access, while other information is for purchase. A recent trend is third-party information sources providing reference to the original source. However, cases of plagiarizing content, particularly in online media, are still frequent.

“No one disputes the fact that Kazakhstan has a quite large number of media... It is another question to what degree they can be considered objective, since a significant number of these media are government-sponsored, absolutely loyal to government policy, and allow themselves to express criticism only toward alternative points of view,” said Polovinko.

Publishers face several problems that hinder their ability to operate effectively, specifically in regard to the regional press. Hampered by administrative regulations and tax burdens, it is unprofitable to distribute newspapers and magazines, and print press needs reform. Furthermore, regional print media are impeded by high fees and mandatory subscriptions to state media, which places the private regional print publications in an extremely uncompetitive position.

Kazakhstani television channels prepare their own local news and broadcast foreign news by translation or in an edited or abbreviated form. The few private television channels broadcast local, municipal, or regional news of interest to the local population, generally related to shortcomings in construction, public services, roads, or health care.

“The ownership structure of media remains nontransparent—including only a few corporations—and shares of media companies are not traded on the Kazakhstan Stock Exchange,” Azhenova said. One reason for this total lack of transparency is that there are no laws requiring that the names of media owners be disclosed. However, due to the efforts of Radiotochka.kz, the veil over this secret is sometimes lifted. Legislative efforts to require media owners to disclose information about the number of shares, holdings in the authorized and share capital, and affiliated companies have been unsuccessful. The law requires only the name of the legal person or individual businessperson who owns that media outlet, with no further details. The legislature also does not require media owners to indicate whether the content is produced from the government budget, through taxpayer funds, or as editorial content. As a result, readers do not have sufficient information to identify propaganda correctly and with some degree of skepticism.

Kazakhstan has both a Russian- and Kazakh-language press, as well as press in the languages of the national minorities—Uighur, Uzbek, Ukrainian, German, and Korean. However, apart from the border regions, there are almost no television stations,

radio stations, or online media in the languages of the national minorities. As a rule, the government funds newspapers and children’s books in the languages of national minorities.

The presentation of media differs regarding minorities, specifically religious minorities and the LGBTI community. Media that rely on government funding present the dominant religions—Islam and Orthodoxy—from a positive perspective only, specifically when covering issues of national unity. Similarly, the subject of LGBTI issues is typically ignored completely.

Where state funding is not involved, these subjects are covered; however, coverage may include the use of discriminatory language. This is particularly characteristic of the Kazakh-language media, which cover these issues subjectively and are sometimes openly intolerant, specifically with respect to gender minorities.

National media offer poor coverage of international news and conflicts and do not present unbiased views on these events. Shomshekov explains that journalists use sources only in two languages—Russian and Kazakh—which impoverishes the information field. In this context, Russian information, which cannot be said to have any pretense to objectivity, remains popular. In fact, 35 percent of Kazakhstanis prefer to get their information from Russian television channels

All important events of a local, regional, and national character, as well as foreign events, are covered in Kazakhstan media, with the exception of those that are considered socially dangerous and to cause some form of discord, such as meetings to protect freedom of expression, protests, and arrests of activists.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.27

The domestic media market is still experiencing the effects of the 2015 devaluation of the Kazakhstani tenge and high inflation. These factors distort the financial results of the media business and, therefore, limit the creativity of journalists. Furthermore, the exodus of journalists continues, as many are drawn to the more comfortable compensations offered in the public relations market, government, and private sector.

It is difficult for a media outlet to self-sustain, as most are supported by government funds, the sector is highly regulated, and freedom of speech is limited. “The government-funded media are not interested in operating as a business enterprise, while the private media operate in complicated economic conditions and in an atmosphere of unfair competition, which interferes with their effective operation as a business,” according to Internews media lawyer and panelist Olga Didenko.

The development of new technologies has enabled many publications to leave for the Internet, reducing subscriptions and sales of their print editions. Individual publications may be considered successful, and these operate in the regions. They include the magazine *Anyz Adam*, the newspapers *Ak Zhayyk*, *Nasha Gazeta*, and *Diapazon*, and *forbes.kz*.

In the opinion of Assanbayeva, “Professionals knowledgeable about the details of Kazakhstan’s media economics are in agreement. Until recently, the heads of many profitable media were expatriates from Russia and Ukraine who left the country after the economic crisis. The advertising revenues of state media barely reach 8–9 percent of their total revenue.”

The country’s low population density results in little interest among large international companies to place advertising in Kazakhstani media. According to TNS Gallup Media estimates, the size of the 2015 national advertising market was about 36.5 billion Kazakhstani tenge (approximately \$115 million) and is expected to shrink in the current market. When announcing the closure of popular online newspaper *Vlast*, Vyacheslav Abramov explained in an InformBuro.kz article that “the accumulation of debt and the unending financial deficits are not the best way to support the publication.” Many other publications and production studios have also had to close programs or exit the market entirely.

The new competitors for advertising are bloggers and other websites promoting goods and services. Many advertisers appear directly in social networks, avoiding the media and the advertising companies.

Discussions are currently taking place to restart advertising of low-alcohol beverages, such as beer and wine. If the legislature approves these amendments, the products now prohibited from

Askarov explained, “In distinction to the developed countries and Russia, media measurement companies do not operate in Kazakhstan. Regular public-opinion surveys and marketing studies ordered by the media are not conducted.”

advertising in the media will begin producing income for the media companies as early as 2017.

Media revenue sources include government procurement, subscriptions, sponsorship, and crowd funding. However, many earn money because of their loyalty to either a specific authoritarian businessperson in a region or to local government bodies, according to Polovinko. In such a situation, it is impossible for media to have any editorial independence.

Marketing studies and audience measurements in Kazakhstan are conducted only by the major television channels and publishing houses or by alliances of regional broadcasters. Only one media audience measurement company—TSN Central Asia—operates in the country; however, its research and audience measurement services are quite expensive for most media. Kazakhstan has no circulation audit bureau for the print press, and the provisions of the Kazakhstan media law do not require that reliable circulation numbers of a specific publication be published. For this reason, in the opinion of panelist Didenko, the media publishers and owners frequently publish false data. Similarly, online media frequently overstate their traffic to attract advertisers.

Askarov explained, “In distinction to the developed countries and Russia, media measurement companies do not operate in Kazakhstan. Regular public-opinion surveys and marketing studies ordered by the media are not conducted.”

Furthermore, the quality of the information provided by the country’s few rating services is frequently criticized. The tiny samples and limited range of respondents and geography do not give a concrete idea of the audience preferences of media. According to the data of the existing rating services, television broadcasting is the most popular media, although it is influenced by government funding and advertising budgets.

Bratsev said that many media do not carry out any regular marketing studies and, thus, either do not understand or have a mistaken understanding of their target market. To a great extent, this is connected with an absence of funds to carry out regular studies.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.88

Kazakhstan's most active business associations are the National Association of Television and Radio Broadcasters of Kazakhstan, the Association of Advertising Agencies, the Association of Cable Operators, and the Internet Association of Kazakhstan. These associations are all funded by various sources, including contributions, grants, and commercial activities. The basic aim is to protect the interests of each respective population at both the legislative and judicial level.

The National Association of Television and Radio Broadcasters of Kazakhstan cooperates with government agencies and is active on issues such as licensing. In 2016, due to the efforts of the National Association of Television and Radio Broadcasters of Kazakhstan, three regional television channels (TDK 42 of Uralks, Alau of Kostanay, and Novoye TV of Karaganda) expanded to the national level and have been broadcasting throughout the country. Also, in 2016, a professional union of journalists was officially registered in Kazakhstan. Branches in Almaty, Astana, and Shymkent were registered with great difficulty, and registration was recently refused in Pavlodar for an "improperly completed application," according to panelist Azhenova.

Specialized professional associations, such as the Guild of Legal Reporters, the Editors-in-Chief Club, and so forth, continue to operate in Kazakhstan. In addition, throughout 2016, a partnership has been created among the owners of Internet publications interested in more careful observation of intellectual property laws on the Web.

NGOs continue to support independent media in Kazakhstan. Throughout 2016, however, there have been several changes in the law on noncommercial organizations that complicate the activities of NGOs. NGOs are now required to submit regular financial and programmatic reports into a government database. Administrative penalties are applied for failure to submit a report, late submission, or submission of incorrect or false data. Furthermore, legal changes introduced in 2016 now require recipients of foreign funding to report these amounts to the tax authorities.

Kazakhstan has several media NGOs engaged in supporting freedom of the press and providing support to media, primarily in areas of legal and education aid. These are Adil Soz, the Legal Media Center, Medianet, and Internews-Kazakhstan. Even though these organizations operate primarily in the major centers of the republic (Astana and Almaty), they also actively cooperate with regional media. They conduct regular monitoring of violations of laws on freedom of speech, represent the interest of journalists and publications in legal

proceedings, conduct public campaigns, and actively participate in media legislative processes.

In recent years, the Turkish-Language Journalists' Fund, Mindber, and the Journalistic Investigation Agency have begun to operate actively in Kazakhstan. In the opinion of Shomshekov, "NGOs make the most out of what the law and the political environment in the country allows. However, no real successes can be seen in promoting the principles of freedom of speech. The overwhelming majority of journalists, for their part, have made peace with the existing state of affairs and do nothing to stand up for their professional rights and the right to freedom of speech."

There are a total of 28 universities throughout Kazakhstan that train future journalists. The quality of these journalism and communications programs varies from region to region or, more precisely, between the city of Almaty and the regions, according to Nurmakov. The practical component is well developed in some universities, specifically the International University of Information Technology and the Kazakhstan University of Management, Economics, and Strategic Research, where laboratories are available and working space is provided for the editorial offices of student media.

Most universities today offer basic Internet journalism. The new Suleyman Demirel University in Almaty has a high-quality educational program in the journalism faculty.

According to Assanbayeva, total government control of the media was reflected in the new approach to training journalists in universities. Since 2017, a new specialization classification for higher and postgraduate education has been proposed, in which journalism students are trained together with future librarians and archivists. These students then receive a bachelor's degree in public relations and information. However, the public relations specialization is available only at the bachelor's level; master's- and doctoral-level degrees in public relations have been abolished.

In the opinion of Shomshekov, "NGOs make the most out of what the law and the political environment in the country allows. However, no real successes can be seen in promoting the principles of freedom of speech. The overwhelming majority of journalists... do nothing to stand up for their professional rights and the right to freedom of speech."

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Currently, there are no original textbooks on media economics in Kazakhstan. Additionally, media literacy as a discipline is taught in only one private university and at local universities courses focusing on the history of journalism are much more common than courses covering the use of modern multimedia technologies.

There are many short-term training courses conducted by NGOs and commercial organizations. However, an active desire by journalists themselves to improve their professional level is not always realized. The Legal Media Center, an NGO that also prepared this study, plays a leading role in increasing the legal competence of students, government workers, and public relations services. Sponsored by the US Embassy in Kazakhstan, English-language courses for journalists organized by the Legal Media Center in Astana and by MediaNet in Almaty are in high demand.

The IMedia School project is being actively carried out upon the initiative of the Kazpress Club. This is an initiative in which journalists from the *New York Times*, *USA Today*, CNN, the *Huffington Post*, *Pro Publica*, and other media, together with professors from the Missouri State University School of Journalism and the University of Georgia's Grady School of Journalism and Mass Communications, teach Kazakhstan journalists about the creation and integrated management of multimedia startups and projects. The participants achieve competencies in creating high-quality audio and video content for various information platforms.

There is also increasing interest from the Kazakhstan government in journalist trainings. For example, a series of economic journalism training courses were conducted for employees of state media by the Zerdi teaching center, which is part of the Ministry of Finance.

The sources of newsprint and printing equipment, printing houses, and newspaper distribution networks in Kazakhstan are private. However, the government completely controls operations and is currently carrying out a large-scale privatization of the shares that it owns. The government maintains tight control over the leading television and radio channels though. Moreover, the government owns the key companies in the newspaper distribution market—domestic companies Kazakhstan Temir Kholy and Kazpochta. The main lever of government control in the Internet space is the domestic company Kazakhtelekom.

There have been reports of printing houses refusing to perform printing services for print media, as well as reports of problems experienced by independent publications in the distribution of print press in the regions. Additionally, the rates charged by Kazpochta—the national postal services operator—for delivering print publications are quite high, particularly in the remote regions.

In the opinion of Shomshekov, there are problems with the sale of newspapers because the distribution networks are weak and of poor quality. The infrastructure of information and communications technologies has a negative effect on the traditional media, which leads to a reduction in circulation. Thus, although the circulation of state newspapers in the Pavlodar region was 17,000 copies in 2016, the number of subscribers barely exceeded 10,000 in 2017.

The television and radio broadcasters and broadcast operators face a serious situation with limited access to the technical infrastructure of digital, over-the-air broadcasting. The national television and radio operator, Kaztelradio, is tasked by government funding with creating the technical infrastructure for the transition from analog to digital broadcasting. It has become clear that the 14 billion Kazakhstan tenge in appropriated government funds for this task were wasted on other spending and that the infrastructure is not ready for the transition to digital broadcasting. Broadcasters continue to use analog format and have limited access to the digital broadcasting audience. Even in the face of failure in the changeover to digital broadcasting in Kazakhstan and the monopolization of the technical infrastructure, alternative models are not being developed.

The state of the Internet infrastructure is sufficiently developed, but low speed and overloading of the Internet are common problems. Mobile telephones are available and the Internet is accessible with relatively low fees (KZT 1,500, or approximately \$5, for mobile Internet), permitting instant access to information. However, in some remote regions, the Internet is still unavailable.

In 2016, the share of Internet users in Kazakhstan using mobile devices became increasingly dominant.

List of Panel Participants

Olga Didenko, media lawyer, Internews-Kazakhstan, Almaty

Ruslan Nikonovich, general director, TV Art, Karaganda

Gulnar Assanbayeva, journalism professor, KIMEP University; independent media-expert, Almaty

Tulegen Askarov, financial journalist; president, BIZ-Media, Almaty

Gulmira Birzhanova, media lawyer, Legal Media Center, Astana

Galya Azhenova, director, Public Center of Expertise on Information Disputes, Adil Soz Foundation, Almaty

Sergey Vlassenko, media lawyer, National Association of Broadcasters, Almaty

Igor Bratsev, director, MediaNet International Center for Journalism, Almaty

Ascar Aktleouv, journalist, Aktobe

Ascar Shomshekov, media manager, Ertis-Media, Pavlodar

Vyacheslav Polovinko, journalist, *Novaya Gazeta*, Almaty

Adil Nurmakov, journalist, independent media expert, Almaty

The following participant submitted a questionnaire but did not attend the panel discussion:

Sergey Mirolubov, owner, *Tvoy shans (Nasha Gazeta paper)*, Kostanay

Moderator & Author

Diana Medvednikova, director, Legal Media Center, Astana

The Kazakhstan study was coordinated by, and conducted in partnership with, the Legal Media Center, Astana. The panel discussion was convened on December, 23, 2016, Almaty

Tensions between critically disposed journalists and the president and other state officials simmered on in 2016, culminating in several journalists being shut out of parliamentary hearings and a presidential press conference.



KYRGYZSTAN

In 2016, Kyrgyzstan saw a series of attempts to tighten state control over mass media, capped by a December constitutional referendum. It took place despite the efforts of human rights activists and NGOs to block the amendments, and a moratorium on changing the constitution until 2020. Of the approximately 30 amendments made to the constitution, the most drastic changes put the rulings of local courts above those of international courts. The changes also allow government officials to simultaneously hold positions in both the legislative branch and executive branch, thus creating a conflict of interest. The role of the prime minister was expanded and the state may now deprive residents of citizenship. According to Freedom House's 2016 "Freedom in the World" report, Kyrgyzstan remains only partially free, although it ranked higher than the rest of Central Asia.

The constitution and laws guarantee freedoms of speech and the press, including a decriminalization of libel in 2011. However, a new article titled "Insult to Personal Dignity and Honor" opened a loophole for the government, through which several journalists were prosecuted in 2016, recriminalizing libel through vaguely worded legislation.

A number of lawmaking attempts in 2016 made it clear that restricting freedom of the press sits high on the political agenda—especially the effort to use a Russian-law derivative to limit foreign ownership of media. The editorial policies of state-owned media and private media exhibit a lack of freedom. Journalists have identified a range of sensitive topics (religious extremism, inter-ethnic tensions, mining, etc.) that they avoid. This self-censorship stems from fear of consequences for them personally and for their media outlets. Several journalists have fled the country as a result of such pressure. Tensions between critically disposed journalists and the president and other state officials simmered on in 2016, culminating in several journalists being shut out of parliamentary hearings and a presidential press conference.

The rise of tariffs among external Internet providers proved to be another form of pressure on media. It revealed the vulnerability of Kyrgyzstan's technical infrastructure, and how much mass media and consumers are dependent on Kazakhstan's official Internet policy.

KYRGYZSTAN at a glance

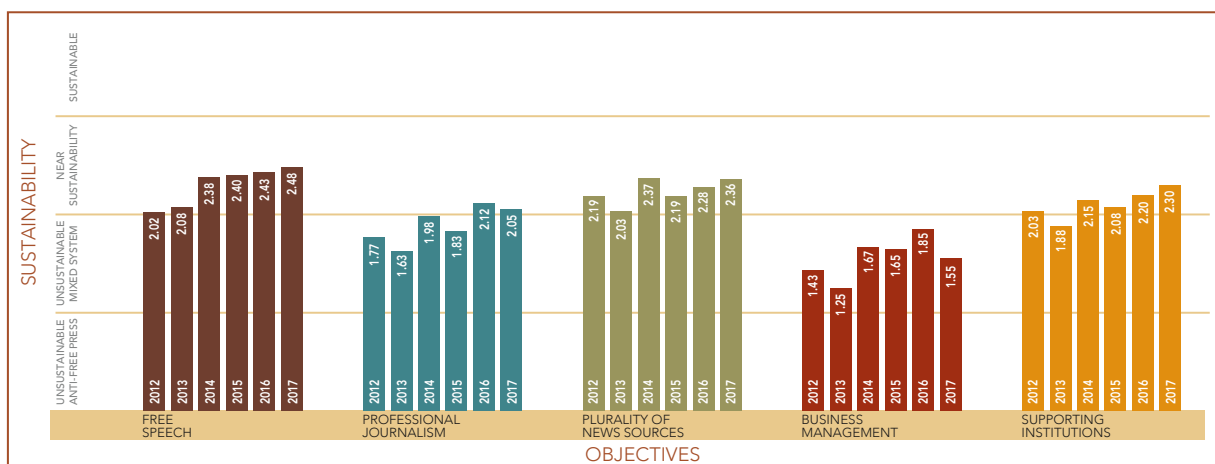
GENERAL

- > **Population:** 5,727,553 (July 2016 est., CIA World Factbook)
- > **Capital city:** Bishkek
- > **Ethnic groups (% of population):** Kyrgyz 70.9%, Uzbek 14.3%, Russian 7.7%, Dungan 1.1%, other 5.9% (includes Uyghur, Tajik, Turk, Kazakh, Tatar, Ukrainian, Korean, German) (2009 est., CIA World Factbook)
- > **Religions (% of population):** Muslim 75%, Russian Orthodox 20%, other 5% (2009 est., CIA World Factbook)
- > **Languages:** Kyrgyz (official) 71.4%, Uzbek 14.4%, Russian (official) 9%, other 5.2% (2009 est., CIA World Factbook)
- > **GNI (2015-Atlas):** \$6.983 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$3,310 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.5%; male 99.6%, female 99.4% (2015 est., CIA World Factbook)
- > **President or top authority:** President Almazbek Atambaev (Since December 1, 2011)

MEDIA-SPECIFIC

- > **Number of active media outlets:** More than 1,500 registered media. Print: 159 including 3 main dailies and 4 other major papers; Radio Stations: 26; Television Stations: 25 terrestrial, 3 local cable networks, 3 IPTV (Ministry of Justice, 2013)
- > **Newspaper circulation statistics:** Top three by circulation: *Super Info* (private Kyrgyz-language daily with 120,000 circulation), *Vecherniy Bishkek* (private Russian-language daily with 150,000 circulation), *Delo No.* (private Russian-language weekly with 16,000 circulation)
- > **Broadcast ratings:** OTRK (several channels: Culture and Music, Children, Sport, state-owned), EITR (state-owned), 7th Channel (private)
- > **News agencies:** Kabar (state-owned), AKIpress (private), 24.kg (private), www.tushtuk.kg (private), K-News (private), www.kyrtag.kg (private), Sputnic.kg (private)
- > **Annual advertising revenue in media sector:** Television: \$7.9 million; Internet: \$500,000; Radio: \$1.8 million (Jan. – Sept. 2013 est., Expert Consulting Agency)
- > **Internet usage:** 1.713 million (2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: KYRGYZSTAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 2.48

In 2016, a series of legislative initiatives shook the mass media community, starting in late January with a short-lived attempt by the president's office to develop the Kyrgyzstani concept of information policy. Building upon the national sustainable development strategy, the new policy purportedly aimed to improve transparency, access to information, and digital broadcasting. Officials invited media experts, including panelist Makhinur Niyazova, a *Respublica* reporter, to form a working group. The group has met only once.

Niyazova suggested that the concept was not developed well, due to the executive office's shifting vision and goals. For example, several deputies of the parliament proposed changes to the law on mass media, on the premise of protecting national security. The amendments would restrict foreign legal entities and persons, or legal entities with foreign capital, from owning more than 20 percent of a mass media outlet's shares or financing more than 20 percent of an outlet's annual funding. If the changes are adopted, the mass media that predominantly depend upon foreign capital would be saddled with significant financial difficulties.

Kabai Karabekov, editor of Centre1, said that apart from the apparent attempt to control mass media through legislation, it is also troubling that parliamentarians view the achievement of national security only through restrictions on freedoms such as free speech. In Karabekov's view, it should be achieved through

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

the development of local mass media. Niyazova expressed concern that the government did not consult any media experts or journalists in the development of the draft law, which sparked active protests by the media community near the Parliament building in June 2016.

The draft law passed the first hearing, but encountered resistance from the media community. In late December, during a public hearing on the draft law, deputies announced changes: foreign financing would not be restricted, while the allowed share of foreign capital would be increased to 35 percent. Thus, the law would not restrict the activity of media outlets with foreign capital and only target outlets with foreign founders. Niyazova speculated that this group would include NBT television, as it depends on Kazakhstani funds. The panelists also noted that during public discussions of foreign-funded media, only those financed by the EU and the USA are mentioned, not those owned or financed by China and the Russian Federation.

In mid-December, the parliament hastily considered a draft law to introduce changes to the television and radio broadcasting law. Three deputies of the Respublika political party initiated the measure, proposing to allow advertisement placements in foreign television channels Pervyi kanal, RTR, and NTV. Begaim Usenova, director of the Media Policy Institute, predicted that this would leave at a disadvantage the television channels producing local content. The media community spoke out against the draft law, fearing it would drain the limited local advertising market and bring local television channels to bankruptcy. The law does not stipulate a specific amount, but states that foreign channels are to use advertising profits to cover the costs of broadcasting. Moreover, the draft law does not regulate the advertising market, which is dominated by foreign (particularly Kazakhstani) companies. Thus, a large portion of advertising profits would flow out of the Kyrgyzstani market. Usenova suggested that the lack of transparency surrounding the issue might point to a corruption scheme.

As for the confidentiality of information sources, journalists are not required to disclose their sources. However, according to the panelists, most libel lawsuits seem directed at exposing the sources of leaks, not punishing journalists.

In August 2016, the changes to a law on countering extremist activity came into force. The law is designed to standardize law enforcement and judicial practices for defining informational materials as extremist in nature, and speed up the timeline for courts to consider such cases.

With regard to licensing law, the media industry suggested that multiplex operators should receive licenses, with television channels receiving permission through the Ministry of Culture's tracking system. However, the law's drafters introduced a double system, requiring licenses both for multiplex operators and television stations.

The panelists said that they view licensing in Kyrgyzstan as generally clear and transparent: any company can sign an agreement with regulator RPO RMTR and start broadcasting. Approximately 20 channels are available to the population. Telematics, which enables television stations to forge agreements with mobile operators to send SMS messages, is another type of a licensed activity.

According to the digital broadcasting transition plan, on May 15, 2017, analog broadcasting will be disabled throughout the country. Daniyar Sadiev, director of TV Yntymak, said that 90 percent of Digital Technologies LLC members are broadcasting in a test mode. In order to broadcast Russian RenTV, local broadcasters pay \$10,000 per month, which could instead go to local journalists to produce local content, he said. In order to start broadcasting nationally, a television channel has to pay \$2,500 per month to the Azerbaijani satellite—not a cost-efficient option for regional channels.

The conditions for entering the market have not changed. Kyrgyzstan tax law requires workers to pay a “patent” (a fixed amount of money paid to the state for engaging in economic activity), and this cost applies to media members. The patent for freelance workers, including journalists, writers, and poets, is now up to KGS 2,500 (\$36).

Panelists spoke of problems with Kyrgyzbasmasoz, the weakened newspaper kiosk network. *Azattyk-Uzbekistan* journalist Elmurad Jusupaliev said that JSC, the state-owned Kyrgyzbasmasoz, tends to choose not to distribute newspapers in the Uzbek language. In 2016, it refused to distribute *Osh News*, claiming that demand was too low to justify the expense. However, other panelists pointed out that this situation is not strictly related to Uzbek-language newspapers, but rather is a general problem of Kyrgyzbasmasoz.

Moreover, panelists critiqued its distribution philosophy, as newspapers are forced on customers through social services (e.g., when collecting a pension), potentially damaging the media’s reputation. The panelists said that the shadow private market offers a more efficient solution for Bishkek, but without an efficient legal network for nationally distributed newspapers, they must rely on private distributors and taxis.

The panelists discussed a related case in Osh that circulated widely on social media sites. In January 2016, the public relations department of the Osh mayor’s office sent a letter to state-funded organizations, including universities and other educational institutions, asking them to subscribe to the Russian Federation government’s *Rossiyskaya Gazeta* newspaper.¹ The letter detailed how many newspapers each institution should purchase and requested financial proof of the purchases. The

¹ “Public employees were asked to subscribe to a Russian newspaper,” *Azattyk*, January 28, 2016 <http://rus.azattyk.org/a/rossiiskaya-gazepa-obyzatel'naya-podpiska-kyrgyzstan/27517170.html>

panelists were divided over the issue; some considered it an acceptable show of support for the Russian Federation, while others saw it strictly as a corruption scheme.

Several journalists suffered attacks in 2016, including one by law enforcement officers. However, not all the attacks are officially recorded as related to their work. According to the panelists, the attack on Turat Akimov, the editor-in-chief of *Den'gi i Vlast* [Money and Authority], in February drew the most attention. Although Akimov said that the attack was related to his opposition views, the Ministry of Internal Affairs (MIA) classified the attack as hooliganism. The journalist wrote an open letter to the president, Almazbek Atambaev, claiming that Minister of Internal Affairs Melis Turganbaev ordered the attack.² The reaction from the media community was mixed. The Media Development Center made several requests to the MIA press service regarding the case, but has not received a response.

The panelists also mentioned two instances of persecution of journalists last year. One case involves *Isrka Plus*'s editor-in-chief, Adilet Aitikeev, and the other involves journalist Dayirbek Orunbekov.

Aitikeev left the country as a result of harassment and threats. In 2014, the leader of the Ata-Meken party, Omurbek Tekebaev, sued Aitikeev for false denunciation, prompting Aitikeev to appeal, unsuccessfully, to Norway for political asylum. Tekebaev later dropped the charges. But in 2016, law enforcement authorities questioned Aitikeev about his interview earlier that year with Janysh Bakiev (the brother of former president Kurmanbek Bakiev), who was sentenced to life in prison after fleeing the country. Aitikeev claimed in an interview that he was followed and threatened; moreover, a private video of Aitikeev allegedly having extramarital relations was posted on social networking sites. Some journalists considered the video a violation of privacy and blackmail at the hands of law enforcement.³ The panelists were not unanimous on whether or not the authorities’ questioning of Aitikeev should be viewed as pressure. Some suggested that it was necessary to investigate his meeting with Janysh Bakiev, who is on an international wanted list.

Dayirbek Orunbekov’s case began in 2014, after he wrote a controversial article on president Atambaev. The general prosecutor’s office filed charges against him for “knowingly disseminating false information” and discrediting the honor and dignity of the president. Orunbekov was ordered to pay the president a fine of KGS 2 million (\$28,900). He now faces another criminal case filed in 2016, for failing to pay the fine; he could receive a two-year prison sentence. He also has reported

² “The beaten journalist addressed the president,” *Zanoza*, February 24, 2016 http://zanoza.kg/doc/333845_izbityy_jyralist_tyrat_akimov_vystypil_s_obraheniem_k_atambaevy.html

³ “Black PR war reached journalist Aitikeev,” *Azattyk*, February 8, 2016 <http://rus.azattyk.org/a/27538640.html>

receiving anonymous phone threats and being followed by police.

Elena Voronina, a journalism professor at Kyrgyz-Russian Slavic University (KRSU), mentioned an episode dedicated to LGBT issues in Kyrgyzstan that aired on the Kyrgyz Public Television channel (OTRK) talk show *Oi Ordo*. The OTRK's board members labeled the program LGBTI propaganda, and debated dismissing editor Kokul Aripova and program host Aigul Kurbanova. Moreover, the state national security committee called in for questioning OTRK director general Ilim Karypbekov, to determine who funded the segment. The committee also advised Kloop Media's editor-in-chief Eldiyar Arykbaev to refrain from covering the topic.⁴ Nationalist groups organized an anti-LGBTI protest in front of OTRK.

NGOs, such as Internews, IWPR, and Voice of Freedom, promote the culture of investigative journalism. However, panelists said that most investigative journalists simply react to issues raised on social media, rather than shed light on new issues. Niyazova mentioned barriers, especially cost, faced by investigative journalists. Whether journalists suggest their own topics or receive an assignment by the editorial staff, she said, they have to find their own time to complete the work. They receive no extra pay for the investigative work and are still paid "per line," and receive no protection from threats when covering controversial topics. Thus, they have little motivation other than making a name for themselves. Only *Sputnik* and *Azattyk* newspapers can afford to conduct more or less quality investigations.

The panelists said that editorial independence is protected under the law. Usenova noted that OTRK covers controversial topics, such as LGBTI issues and bride kidnapping, and creates critical programs, such as *Oi Ordo*, as platforms for discussion. *Kapital* covers economic issues, youth programs, and news. However, according to the panelists, OTRK's self-censorship drives its audience to seek out other sources of information, such as *Respublica*, to learn more about the political opposition.

The panelists gave other examples of public media limitations. Voronina mentioned the newly established Committee for Freedom of Speech Protection, which includes opposition members and journalists, but OTRK has not covered this story. *Azattyk* writer Jusupaliev lamented the mass media's poor coverage of problems on the Uzbekistani border. He said he has had to refer to Uzbek-language media sources only to gather facts on the issue—and the vice-prime minister asked him to back off the topic when he pressed for comments.

Sadiev commented on the state committee on religious affairs, which restricts coverage of religious topics. He said that the

⁴ "A journalist was advised by the state national security committee not to write about LGBT anymore," June 14, 2016. Vecheniy Bishkek. http://www.vb.kg/doc/341607_v_gknb_jyralisty_porekomendovali_vpred_ne_pisat_ob_lgbt.html

committee's reluctance to share information stems from journalists' lack of competence on the issues.

On the topic of transparency, the panelists noted several problems. Voronina said that OTRK's financing is not well reported nor is it transparent. Usenova, however, said that OTRK does report on its finances once a year, while Channel 5, Piramida, ElTR, and OshTV have no financial transparency whatsoever.

Since 2014, libel has been decriminalized. However, the new article on the protection of a person's honor and dignity has been used against journalists—the most notorious being the aforementioned case of Orunbekov. Usenova suggested that Orunbekov's high fine (KGS \$2 million, or \$28,000) implies that the prosecutor wanted the administrative case to turn into a criminal non-payment case. In November 2016, Erkin Mambetaliev, an ex-bodyguard of the president, sued opposition activist Adil Turdukulov for KGS 5 million (\$72,257) on the same pretext, after Turdukulov posted information on his Facebook page about Mambetaliev. The case caused a stir in the public sphere and the journalism community alike. as it concerned infringement on freedom of speech as well as the issue of privacy when using social networking sites. Activist Mavlyan Askarbekov found himself in a similar situation, when deputy Dastan Bekeshev sued him over a critical Facebook post. Askarbekov faces a KGS 20,000 (\$260,124) fine unless he offers an official apology.

According to the law, journalists can receive comments and information from government officials on any issue except for those dealing with national security. Dina Maslova, the editor of Zanoza.kg Internet portal, requested in writing information about the Defense Council of Kyrgyzstan's activity for 2015 and the beginning of 2016. All her requests were ignored, she said. Almaz Ismanov, a freelance journalist, brought up technical issues with government websites—including the parliament's website, which lost part of its archive after a redesign and now has a faulty search function. Niyazova agreed that government websites are impractical and that official requests to government agencies go unanswered. However, she also noted that some government agency press services have made some improvements by hiring professional journalists.

The panelists confirmed that laws place no limitations on access to foreign and local news, especially given the widespread availability of the Internet. However, the panelists noted the vulnerability of the public, as well as the journalism community, given their dependence on the Internet. Panelists brought up Internet providers' 2016 agreement on price fixing, which resulted in disrupted and weakened Internet speed and a rise in fees.

Officially, entry into the journalism profession is not restricted or limited. However, officials occasionally disallow journalists access

to political events. In late 2015, Darya Podolskaya was denied accreditation to parliamentary hearings, on the pretext that she does not speak the state language. In February 2016, the non-profit legal clinic Adilet filed a suit against the parliament on her behalf, which the court rejected. In December 2016, representatives of several media outlets were also denied access to a presidential press conference.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 2.05

The panelists agreed media outlets do not have the ability to produce quality analytical pieces. The majority of journalists play the role of transmitter, republishing stories from other media outlets without checking their factuality. Karabekov suggested that consumption of mass media through mobile format has changed the way news is produced. Seeking sensationalism and brevity over quality, journalists fail to use several sources of information, and repeatedly turn to a limited number of experts on economic, political, and social issues. But the panelists agreed also that new technology, such as cameras on mobile phones and Skype, have simplified journalists' work and provided easier access to experts. Sadiev mentioned that his reporters used Whatsapp to cover the results of the 2016 referendum. But in striving for speed, the panelists said, editors forget to distinguish between hard news agencies and other media that focus on analytical pieces. Jusupaliev also highlighted the lack of formalized and effective procedures to acquire information from other Central Asian countries. Panelists added that reporters depend too heavily on personal contacts and on the government agency in question.

Although an ethical code for journalists in Kyrgyzstan has been in effect since 2007, violations persist. The panelists mentioned several types of breaches that are especially common. Ismanov referred to editors' prejudice towards certain groups of citizens when covering events. For instance, in October 2016, a conflict between a bearded man and adolescents was titled "A believer stabbed an adolescent in the center of Bishkek,"⁵ which caused a wave of Islamophobic posts and comments on social media.

Panelists again mentioned the use of graphic images when covering stories on domestic violence, murder, and sexual violence against children. According to Ismanov, journalists only began posting viewer discretion warnings in October 2016. They also brought up recurring failures to change the names and contact information of victims of sexual abuse, violating subjects' privacy. The most notable of these cases involved the image of a child sleeping on a piece of cardboard at a bazaar

⁵ "A believer stabbed an adolescent in the center of Bishkek," October 27, 2016. Zanoza.kg. http://zanoza.kg/doc/346484_veryushiy_ydaril_nojom_podrostka_v_centre_bishkeka.html

in Kara-Suu city. Niyazova also mentioned that journalists sometimes show the faces of people that have been arrested for speeding, driving under the influence, and similar offenses. She commented that it the police's responsibility to punish such subjects, not journalists, thus, the faces of subjects must be blurred out.

The panelist also mentioned that some online information agencies offer readers the chance to remove any informational material from their webpage for \$1,000, or post a video, photo, or text for \$500. Niyazova and Voronina brought up a similar type of ethics violation: black PR against politicians in exchange for gifts and awards.

The panelists agreed that journalists and editors practice self-censorship. Several panelists made a distinction between self-censorship in Bishkek and the regions. According to TV UTC owner and director Almaz Karimov, some journalists in the regions refrain from writing about controversial topics because they have limited access to legal support. The majority of NGOs that could act to protect their freedom of speech are located in the capital.

Jusupaliev, however, gave counter-examples of self-censorship: Kyrgyz-language *Egemen* and *Asia News*. He defined them as nationalistic, and said that they often use ethnic slurs in their news pieces. He has filed several complaints against them with the state committee on national security, but has received only one response stating that experts did not find any misrepresentations.

The media cover most key events and topics in the country, the panelists agreed, yet they mentioned several subjects that many journalists avoid. Among them are inter-ethnic conflicts, border conflicts, Tajik enclaves, and mining on the territory of Kyrgyzstan.

Ismanov gave an example of the case of journalist and activist Azimjan Askarov. He was arrested in 2010 and accused of inciting ethnic hatred, organizing mass disorder, and complicity in murder. Many court hearings have been held on the issue, including several in 2016. According to Ismanov, despite Askarov being a resident of Jalal-Abad, none of the media in Jalal-Abad nor in Osh are eager to cover the case because it touches upon a sensitive topic in Kyrgyzstan: ethnicity.

Speaking as an editor, Sadiev mentioned two occasions in which he and his staff pulled a story for fear of inciting inter-ethnic tensions. One story was the case of an ethnically Kyrgyz traffic police officer beating up an ethnically Uzbek driver. The other story was an incident in which wastewater flowed from an ethnically Uzbek village into a ethnically Kyrgyz village downstream. Moreover, when other journalists covered the wastewater story, they framed it around ethnicity and failed to

mention that an ethnically Uzbek village also is located further downstream, Sadiev said.

In Karabekov's view, social media seems to be the force that guides journalists in their decisions to cover an issue. For instance, if some of the president's actions stir discussion on social networking sites, journalists write about it. Several panelists noted that religion is the one topic that is avoided in the traditional media but discussed openly on social media channels.

Media salaries in Kyrgyzstan are low generally. Ismanov noted a tendency towards declining earnings in the past several years, which, according to him, led the Kyrgyz-language information portal saat.kg to shut down. Panelists said that low salaries are typical for local media, while those working for Azattyk Radio or BBC earn considerably more—approximately \$600 per month for an entry-level journalist and \$2,000 per month for more experienced employees. At Sputnik news agency, executive editors in local branches of foreign media outlets earn approximately \$1,000 per month.

At local online information portals in Bishkek, journalists earn KGS 5,000 (\$70) per month, and an additional fee depending on the amount of work done. Producing 10 small stories a day and several large stories would bring a journalist KGS 30,000 (\$430) per month. The panelists report that salaries at regional newspapers range from KGS 2,000-5,000 (\$30-70) for journalists and KGS 5,000-7,000 (\$70-100) for editors-in-chief. All panelists agreed, however, that earnings in regional media outlets are substantially lower. According to panelists, directors of regional oblast-level television channels earn approximately KGS 5,000-15,000 (\$70-217) per month.

The panelists said that generally, journalists do not earn enough for a decent life, and resort to corrupt journalistic practices or doing side-jobs unrelated to their profession, such as video-recording and photographing weddings. Panelists also emphasized the necessity for journalists to possess skills in recording and editing video and audio, and producing infographics, in order to be a valued employee entitled to higher pay. Niyazova mentioned that an infographic would take an employee half a day to design and bring an income of KGS 100 (\$1.50); a photograph costs KGS 50 (\$0.75).

The panelists agreed that entertainment content does not dominate over news and information in print media or television, but radio is imbalanced. Sadiev, the director of the television channel Yntymak said that out of 14 programs on his channel, only three are entertainment-focused. This stems from the fact that Yntymak has not sold commercial content in the past. But that will change in 2017, when the channel will add four commercial programs, including two entertainment shows. Tamara Valieva, editorial advisor of OTRK, said that entertainment programming does not eclipse its news and

informative shows. However, panelists noted that the new Ala Too 24 news channel is lacking in content and dedicated too much time to covering the second World Nomad Games in Kyrgyzstan.

The panelists' views were split on media outlet access to equipment. Some, including Ismanov and Jusupaliev, said that they have seen a change for the better, because decent equipment (laptops, cameras, etc.) have become more affordable. But a majority of the panelists said that regional media outlets are lacking such equipment. Panelists also mentioned problems with live broadcasting in the under-equipped regions.

Another issue that journalists encountered in 2016 was a significant decrease in the Internet speed across Kyrgyzstan, due to surging tariffs among external Internet providers. *Azattyk-Batket* reporter Jenish Aidarov mentioned that in Batken oblast, only Kyrgyztelecom provides an Internet connection. Its lowest tariff is KGS 1,200 (\$17.35) per month, whereas in Bishkek, it is KGS 400 (\$5.80). Its speed is low also; sometimes it takes an hour to download a video, Aidarov said.

Usenova also mentioned that in the south of the country, the low quality of television signals leads viewers to switch to Uzbekistani channels, which have stronger signals.

As for specialized journalism, 2016 saw some progress. KTRK added *Madaniyat-Tarykh-Til* (Culture-History-Language) in March and Ala Too 24 in August, specializing in news and informational content. Another state-owned channel, EITR, launched an educational channel, *Ilim jana Bilim* (Science and Knowledge). However, panelists emphasized that the new channels did not automatically result in the development of niche journalism, as few journalists specialize in such topics. A new municipal radio station, Ariet, launched in early 2016

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

in Batken oblast, offering an alternative to the only available Tajikistani radio-station in the area. Ariet targets young listeners, and apart from entertainment content, it offers a platform to discuss local issues.

Panelists said that despite the media sector's limited technical and human resources, several outlets have produced a series of investigative journalist stories. NTS has aired an investigative program since 2014, and KTRK maintains an investigative section on its video portal, posting videos on topics ranging from road repairs to corruption in state agencies. Moreover, panelists noted that NGOs try to motivate local journalists to produce investigative stories—for instance, the national competition organized for investigative journalism related to human rights in Kyrgyzstan. More than 54 journalists, with more than 100 stories, entered the competition, and ultimately 12 journalists from different regions won awards.

The panelists singled out OTRK's journalist Elnura Moldokadyrova, who investigated the black market for meat in Bishkek used to produce sausage, the most corrupt governmental agencies, and corruption in cancer treatment. As a result of the stories, Moldokadyrova withstood negative comments on social networks from the public. And while she has not received threats from her subjects, they did attempt to bribe her to shelve her work.⁶ The panelists expressed concern for Moldokadyrova's safety in the future, and said such security concerns deter other journalists from attempting hard-hitting investigations.

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 2.36

Kyrgyzstani media offer a plurality of opinions through various sources, including print, television, and the Internet, the panelists said. They mentioned the case referred to as "Belize-gate" as illustrative of the plurality. In 2012, the chair of the state national security committee accused three members of the Ata-Meken party of trying to sell off half the shares of Alfa-Telecom through an offshore company. The case was covered widely by mass media, many of which presented alternative viewpoints.

The panelists brought up another important event in Kyrgyzstan: the referendum that introduced changes to the constitution. They said that Azattyk Radio, Kloop, Yntymak channel, and the September channel offered audiences alternative coverage and analysis of the amendments and their consequences.

⁶ "Journalist Elnura Moldokadyrova: They do not threaten me but want to pay me off," November 19, 2016. Asel Minbaeva, Sputnik, <https://ru.sputnik.kg/society/20161119/1030362574/intervyu-s-ehlnuroj-moldokadyrovoy.html>

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Kyrgyzstan law allows citizens unlimited access to social media, which is a major news source for many. But the cost of Internet access is a barrier for some, especially in the outer regions of the country. Language is another restriction to accessing foreign media. Panelist Adel Laisheva, director of the Center of Media Communications, noted that generally audiences lack media literacy. This leads them to limiting their choices to Russian television channels, and OTRK and EITR in the regions. In her opinion, very few viewers maintain a critical perspective on these sources. The panelists agreed that 2016 revealed how much the media and consumers are dependent on Internet access, and how the rise of fees and drop in Internet speed affected media outlet and audience media consumption.

The panelists were not unanimous on the independence of public mass media. A majority expressed the belief that the state largely controls editorial policy at state-owned media (OTRK, Channel 5, Piramida, OshTV, and EITR). Valieva illustrated state-owned television channels' financial dependence, mentioning that the Ministry of Finance has sequestered KGS 2 million (\$28,900) from OTRK's budget, forcing OTRK's director to write an open letter to the ministry using his personal Facebook page.⁷

Some panelists, such as Niyazova, had the view that OTRK should get credit for providing a platform to oppositionist politicians before the 2016 referendum on introducing amendments to the constitution. A majority of panelists, however, held that the case of the referendum showed that political opponents had very limited access to air time on OTRK and other state channels, resorting to expressing their political views through smaller platforms such as the September and

⁷ Open letter to the minister of finance, director of OTRK, Ilim Karypbekov, personal Facebook page: <https://www.facebook.com/ilim.karypbekov/posts/10154014122463016>

Yntymak channels. Panelists also noted that the existence of several state channels creates an illusion of a plurality of opinions. As a result, viewers that choose state channels other than OTRK believe that they are hearing alternative viewpoints.

Ismanov stated that Kyrgyzstan still has no true information agencies that collect information to distribute to other outlets. Two websites, 24.kg and AKIpress, are referred to as information agencies, but they do not distribute information to other media outlets. Moreover, AKIpress charges a fee for access to stories after they have been published for several days. Ismanov also noted that in 2016, the information website KNews was on the verge of shutting down. It has closed a majority of its media projects, and reduced its staff to just two web specialists.

According to the panelists, a number of private television companies and online media produce their own news. Most radio stations rebroadcast news collected from other sources, while print media have switched to analytical pieces and journalistic stories. The panelists said that only four radio stations (Birinci Radio, Azattyk Radio, BBC, and Maral FM) produce their own news. Valieva noted that some television and radio companies still cannot afford to produce their own content. For instance, Ayan and Shankai in Naryn, and EMTV and Antenn TV in Karakol do not broadcast news programs, she said. Aidarov mentioned a group of bloggers in Batken and Naryn cities who are referred to as civil journalists. With financial and technical support from an international NGO, they produce news pieces and are sometimes contacted for information by local journalists.

The discussion among panelists indicated that even for mass media representatives, let alone citizens, it is difficult to determine the owners of media outlets. Information regarding media ownership is not available publically, but panelists said that audiences might guess who owns a certain outlet by the general trend of its productions. Early in 2016, SDPK party deputy Kojobek Ryspaev attempted to oblige media outlets by law to provide information about their owners. The draft law is still under consideration. Valieva said that the public generally knows about the ownership of long-standing channels, such as NBT, OshTV, and NTS. But the owners of newly established channels, such as On1, Umut TV, Keremet, are still unclear.

Panelists noted that although the media sphere has information sources in languages of ethnic minorities, they leave much to be desired. One positive example is KTRK's Dostuk Radio, which broadcasts in nine languages. But most minority-oriented outlets are dedicated to cultural topics and do not raise important social or political issues. Furthermore, few professional journalists are capable of producing quality pieces in Uzbek or the other languages of ethnic minorities. This fuels a preference among ethnic minorities to read Russian-language news. Panelists also noted that some ethnic minorities, such as

Dungans, do not speak their native language. Their diaspora produces a newspaper in Dungan language, which uses Chinese hieroglyphs and the Latin alphabet. But second-generation and third-generation Dungans in Kyrgyzstan cannot read the language.

Jusupaliev said that Kyrgyzstan had 12 media sources in Uzbek language before 2010, but now there are only four state-owned press media. They include *Osh Shamy*, *Osh Sadosi* (Osh oblast administration), *Doslik* (Aravan oblast administration) and *Jalalabad Tongi* (Jalalabad oblast administration). Another two newspapers, *Bazar-Korgon* and *Nookat Tongi*, publish irregularly.

The circulation of these publications decreases continuously; *Osh Sadosi* has dwindled to 500 newspapers twice a week. However, some panelists said this problem is not necessarily related to the language, but rather decreasing government funding. These cuts have also affected other state-owned newspapers, such as *Slovo Kyrgyzstana*.

Another challenge for Uzbek-language media is the absence of an advertising market. According to Sadiev, Uzbek-speaking and Kyrgyz-speaking business owners prefer publishing their advertisements in Kyrgyz-language media, to attract more customers.

The panelists said that although political divisions persisted among Kyrgyzstani media in 2016, they were not as apparent as in the previous two years. Ismanov noted that Azattyk Radio and Sputnik's website are engaged in informational confrontation when covering issues related to Russia, such as the conflicts in Ukraine and Syria. Valieva stated that with the launch of the 24-hour informational channel Ala-Too 24, now audiences have better access to news and information from the regions.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.55

The panelists agreed that Kyrgyzstan's mass media outlets are not self-sustainable economically. They draw little to no income from distribution and subscriptions; moreover, their advertising earnings do not come close to covering the running and operational costs of a media outlet. According to Niyazova, advertising covers only 20-40 percent of costs; owners pick up the rest of the tab. She added that a majority of media outlets survive through mercenary, or opportunistic, journalism.

For Voronina, a media outlet that has a managerial position, a planning professional, and a defined editorial policy are indicators of good management. Zanoza.kg has an editor-in-chief who also

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

performs the task of media manager, as one panelist example highlighted. The panelists said that they consider *Super Info*, *Klasstash*, *AKIpress*, and *Vecheniy Bishkek* to be self-sustaining. *Vecheniy Bishkek* has its own advertising agency, for example. Bloggers do not monetize their content, according to the panelists. And they named only a few Instagram accounts that have found success selling advertising space.

The panelists said that media have very few income sources. Kyrgyzstan's advertising market is narrow and dominated by a few media outlets. They include OTRK, due to its wide coverage; *Super-Info*; *Vecheniy Bishkek*; *Klasstash*; *Vest* (a dominant outlet in Kara-Balta city); *Rek-Park* (Osh city); and *Reklama na Issyk-Kule* (Issyk-Kul oblast). In 2016, some media outlets earned additional income by providing space for political campaigning during local parliamentary elections (local kenesh). OTRK still monopolized the elections, however, pulling in more than KGS 15 million (\$215,000) during the campaign.⁸ Print media again missed out on a piece of the election pie, the panelists said.

According to the panelists, Kazakhstani advertising agencies, especially Media Forum, control the advertisement market. Panelists also mentioned that the narrow market is shrinking even further, as many small businesses and private advertisers have migrated to the Internet and social media (Facebook, Instagram, and free advertising websites such as Lalafo.kg). Niyazova noted that the *AKIpress* online news portal has charged large amounts for package advertising, spurring several political parties to agree on boycotting the outlet.

The country's advertising law sets certain standards for advertising in mass media. However, panelists said that the state

⁸ Report on the earnings made from the election campaign, director of OTRK, Ilim Karypbekov, personal Facebook page: <https://www.facebook.com/photo.php?fbid=10154099872928016&set=a.10151185782023016.444229.716033015&type=3&theater>

has no effective monitoring or control measures that could apply to hidden advertising, nor do laws set any limits on the amount of time dedicated to broadcast advertising per hour.

According to Sadiev, in 2016 the government allocated no subsidies for content development. However, KGS 100 million (\$1,445,130) was distributed among the television channels included in the digital broadcasting social package.

The panelists said that they place little trust in market research conducted by local agencies. They cited the failure to include some of the major mass media players, which they said raises questions regarding the studies' quality and methodology. According to Niyazova, most of the Internet-based information portals use Google Analytics to measure traffic, as local tools such as Net.kg are not trusted. Similarly, Laisheva said that mass media ratings produced by the Quasar advertisement agency raise doubts and do not offer an objective overview.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.30

The panelists stated that generally, neither business nor professional associations delivered substantial support to journalists in 2016. They did not assist even when journalists were restricted from parliamentary hearings or pressured through court cases. The only contribution came from the sole business association, Digital Technologies, LLC. Established several years ago, the association helped ease the transition to digital broadcasting.

Currently, Kyrgyzstan has two professional journalism associations: the Union of Journalists and the newly established Independent Union of Journalists. The new union aims to unite journalists, mass media workers, and media NGOs, and more actively engage journalists from the regions of the country. In 2016, after an unsuccessful attempt to reanimate the Union of Journalists, a group of journalists seceded and briefly established an alternative structure called the Independent Union of Journalists of the Kyrgyz Republic, which was registered in the Ministry of Justice. An alternative trade union, under the chair Meri Bekeshova, was established with financial support from the Government of Finland, but is no longer active. The Committee on the Protection of Freedom of Speech was established in 2016 and united politicians, journalists, and public figures. However, the panelists stated that the committee is an unsuccessful attempt to strengthen protection of freedom of speech.

According to Niyazova, the NGO Media Policy Institute and the legal clinic Adilet make announcements and provide free legal aid to journalists in cases of restrictions of access to information. However, she also said that they did not offer support to her when she lost her accreditation for parliamentary hearings in

2016. Among other active NGOs protecting the interests of the mass media, the panelists singled out the Center of Mass Media Support, the Media Development Center, and the Civil Initiative of Internet Policy. According to Sadiev, in the past year, Soros Foundation-Kyrgyzstan and Internews significantly reduced their support of mass media. The panelists agreed that the changes hit the regions especially hard, which shows that there is a need for representation of regional journalists' rights. Moreover, Ismanov noted that the media sector has seen a significant decrease in the grant programs supporting mass media overall, which led to the disappearance of mass media resource centers across the country.

Panelists agreed that the training of specialists at universities leaves much room for improvement. Exceptions are the journalism departments at KRSU and Manas University. Valieva noted that university programs lack practical assignments, especially in courses taught in the Kyrgyz language. Karabekov added that universities do not have enough teachers with practical experience in journalism.

In 2016, Internews and IWPR organized two extensive courses on journalistic investigations; they provided largely similar content, according to Ismanov. Also, the state committee on religious affairs conducted a short-term training for journalists on covering the topic of religion in Kyrgyzstan.

But generally, the training offerings for media did not change significantly since last year. Courses continue to be offered by the Educational Center under OTRK, the Studio of Practical Journalism, the Center of Mass Media Support (which offers a media literacy course), and Kloop media. Laisheva said that donor organizations mainly support specialized topics, such as gender or ecology and mass media. Marat Tokoev, a freelance media consultant, also said that training programs are focused mainly on a certain subject or cover new journalist trends, such as infographics or

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

data-journalism, rather than the basics of journalism. The training programs are not filling gaps in knowledge and skills for the newest generation of journalists, he said.

Sadiev said that in 2016, government authorities ordered state-owned newspapers to print only in the state-owned printing house Uchkun. Uchkun's chair traveled to the country's various regions and personally talked to local newspaper editors. This decision was explained as a way to protect the interests of the state-owned enterprise. Sadiev also brought up the problem with Internet hosting and .kg domain names, which have to be purchased through Asia Info, a private company that charges \$50 a year—much higher than in the rest of the world.

State agencies largely monopolize broadcast media distribution, as RPO RMTR is a branch of state-owned Kyrgyztelecom. The state does not have enough resources to replace all analog transmission units with digital. As a result, when analog broadcasting stops in May 2017, approximately five percent of the population in remote areas will not have access to digital television.

List of Panel Participants

Jenish Aidarov, reporter, *Azattyk-Batket*, Batken

Elima Djaparova, freelance media expert, Osh

Almaz Ismanov, freelance journalist, Bishkek

Elmurad Jusupaliev, journalist, *Azattyk -Uzbekistan*, Bishkek

Kabai Karabekov, editor, *Centre1*, Bishkek

Almaz Karimov, owner and director, TV UTC, Kysyl-Kyja

Mahinur Niyazova, reporter, *Res Publica*, Bishkek

Daniyar Sadiev, director, TV Yntymak, Osh

Marat Tokoev, freelance media expert, Bishkek

Begaim Usenova, director, Media Policy Institute, Bishkek

Tamara Valieva, editorial advisor, Kyrgyz Public Television, Bishkek

Elena Voronina, professor, journalism department, Kyrgyz-Russian Slavic University, Bishkek

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

Adel Laisheva, director, Center of Media Communications, Kyrgyz Public Radio and Television Corporation, Bishkek

Moderator & Author

Gulnara Ibraeva, media analyst, Bishkek

The panel discussion was convened on December 17, 2016.

Ominously for media freedom, another amendment made insulting Rahmon a criminal offense punishable by up to five years in prison.



TAJIKISTAN

A key event in Tajikistan in 2016 was a May constitutional referendum that, among other things, eliminated presidential term limits, lowered to 30 the minimum age to run for the presidency or parliament, and prohibited foreign financing of political parties and the creation of parties based on religion. The amendments came in a package that voters could only accept or reject as a whole.

The term limit amendment applies only to Emomali Rahmon, who has led Tajikistan since 1992 and can now run for re-election in 2020. The other amendments render Rahmon's son, Rustam, eligible to run for president that year—when he turns 32—and bar the re-formation of the opposition Islamic Renaissance Party, which was outlawed in 2015. Ominously for media freedom, another amendment made insulting Rahmon a criminal offense punishable by up to five years in prison.

Citing the threat of terrorism, the National Security Committee began the mandatory re-registering of all subscriber identity module (SIM) cards in the country. The committee has said that SIM cards from Tajikistan are used by Taliban fighters across the border in Afghanistan. David Kaye, the UN special rapporteur on freedom of opinion and expression, said in March that he had recommended the authorities "define terrorism and extremism more clearly, since the absence of a clear definition provides too much power to the judicial organs."

In July, two deputy leaders of the Islamic Renaissance Party, Saidumar Husaini and Mahmudalia Hayit, were sentenced to life imprisonment, and another 12 members received terms of two to 28 years for what prosecutors said was an attempted armed revolt led by General Abduhalim Nazarzoda, a former deputy defense minister. The European Union and the UN criticized the trial as non-transparent and violating the rights of the accused.

With the death of Islam Karimov, Uzbekistan's longtime leader, in September, a thaw in relations between Tajikistan and Uzbekistan, which had been frosty since 1992 took place. The first results were a protocol on renewed air traffic, lowered tariffs on rail traffic, and the mutual delivery of products between Uzbekistan and Tajikistan. Also on the table is easing or removing visa requirements between the two countries.

Tajikistan's economy remains stalled, and 42 percent of the population lives in poverty. About 850,000 to 900,000 citizens work abroad, providing the basic source of income for most people in rural areas. According to the National Bank of Tajikistan, labor emigrants transferred about \$2 billion in remittances to the country from January to November 2016, \$200 million less than for the same period in 2015.

TAJIKISTAN at a glance

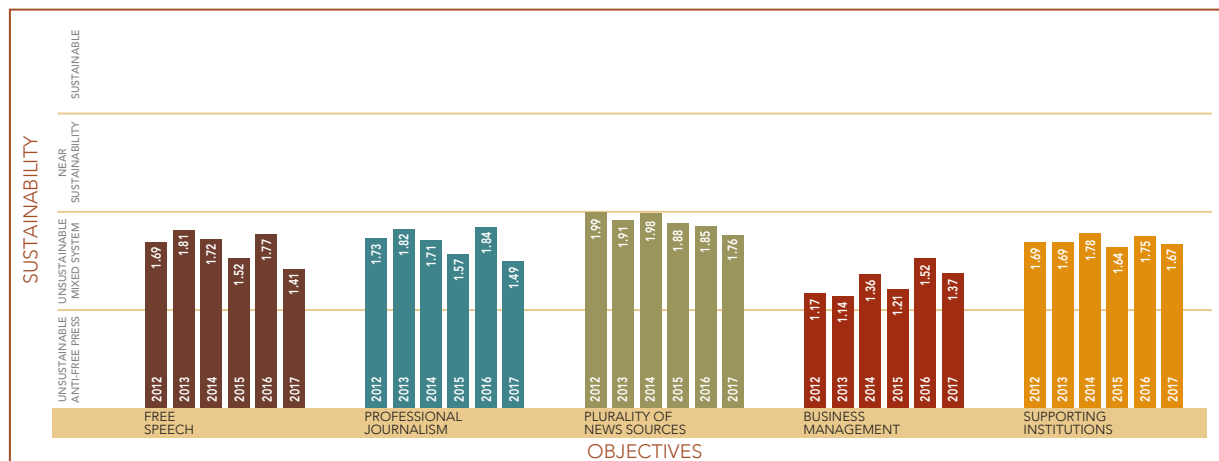
GENERAL

- > **Population:** 8,330,946 (July 2016 est., CIA World Factbook)
- > **Capital:** Dushanbe
- > **Ethnic group (% of population):** Tajik 84.3%, Uzbek 13.8% (includes Lakai, Kongrat, Katagan, Barlos, Yuz), other 2% (includes Kyrgyz, Russian, Turkmen, Tatar, Arab) (2010 est., CIA World Factbook)
- > **Religion (% of population):** Sunni Muslim 85%, Shia Muslim 5%, other 10% (2003 est., CIA World Factbook)
- > **Language:** Tajik (official), Russian widely used in government and business, different ethnic groups speak Uzbek, Kyrgyz, and Pashto (CIA World Factbook)
- > **GNI (2015-Atlas):** \$10.84 billion (World Bank Development Indicators 2017)
- > **GNI per capita (2015-PPP):** \$3,460 (World Bank Development Indicators, 2017)
- > **Literacy Rate:** 99.8%; male 99.8%, female 99.7% (2015 est., CIA World Factbook)
- > **President and Head of the Government:** Emomali Rahmon (since November 6, 1994)

MEDIA-SPECIFIC

- > **Number of active media outlets:** 360 newspapers, 232 magazines (Ministry of Culture); Television Stations: 35 (19 non-state); Radio Stations: 24 (16 non-state)
- > **Newspaper circulation statistics:** The largest (in terms of circulation) private newspapers are *Asia-Plus*, *Farazh*, *SSSR* and *Samak*; the largest state-run are *Dzhumhuriyat*, *Sadoi Mardum*, and *Minbari Khalk*
- > **Broadcasting ratings:** Top television channels are: *Batan*, *Imruz*, *Asia-Plus* and *Khovar* in Dushanbe; *Tiroz*, *SM-1* and *Diyor* in Sogdi
- > **New Agencies:** 11 information agencies are registered, one governmental and ten nongovernmental
- > **Internet usage:** 1.55 million (July 2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: TAJIKISTAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.41

Tajikistan's constitution guarantees freedom of speech, while other laws on the media supposedly protect a free press and citizens' access to public information. At the same time, laws prohibit insulting the president or government representatives, libel remains a criminal offense, and journalists are subjected to prosecutions, lawsuits, surveillance, and physical and online harassment, while the general public seems indifferent.

All panelists said enforcement of the laws is lax and that law enforcement agencies and the courts carry out the political will of the authorities.

"The progressive part of society long ago lost faith that freedom of speech in the media would come into being in the near future," said panelist Negmatullo Mirsaidov, editor of the *Varorud* newspaper in Khujand.

In 2016, the National Association of Independent Media recorded 160 complaints or comments about situations involving free speech or affecting the activities of the media and journalists. Forty report direct violations of journalists' rights, and 20 relate to disputes and charges made against journalists and the media.

In the years 2015-2016, the association reported that 14 civil and administrative suits and one criminal prosecution were brought against the media and journalists, creating an atmosphere of intimidation. Penalties can sometimes be crippling fines.

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

In addition to the new law protecting the president's honor, the noose has tightened in other ways: stepped-up cooperation with the Collective Security Treaty Organization on exchanging information about online activity means that even those with online accounts established outside Tajikistan could face increased scrutiny.

Also, regulators ignored objections from the media to establish the Unified Switching Center, through which online traffic must pass. "The speed of the Internet and the transmission of communications got very slow with the creation of the center in early November, since this is another gateway that permits government agencies, in particular the special services and the law enforcement agencies, to control all possible forms of information exchange over the Internet and the telephone network," said Nuriddin Karshiboyev, president of the National Association of Independent Media.

A government order ostensibly meant to improve the content of broadcast and print media was originally to apply only to state media but was broadened to include independent outlets as well. It is widely blamed for the closure of the respected *Nigokh* newspaper and the Tochnyus news service. Authorities cited a typo on the front page of *Nigokh*, in which "president" was misspelled. The Culture Ministry and the Media Council, a self-regulatory body, concluded it was a technical mistake, but *Nigokh's* management shut down the newspaper after being summoned to the prosecutor's office.

"Our colleagues in these media acted correctly to close down themselves and not allow the law enforcement agencies to do so," Karshiboyev said.

In a rare bright spot, a proposal to allow the prosecutor general to suspend the activity of the media was defeated at the insistence of journalists. The panelists said public hearings should be held when bills affecting the media are considered, as legislative committee hearings are now closed to the public.

"The president constantly talks about development of the media, its free development, insisting on objective coverage of events, but no media are free of the authorities," said panelist Zebo Tajibayeva, editor-in-chief of the Asia-Plus news agency. She said Tajikistani authorities constantly blame the media for subversive activities and for trying to discredit the government.

Tajikistan's special services conduct extensive surveillance of almost all journalists in private media, especially those working for opposition print outlets, who are frequently called in by the special services or the public prosecutor and told what to write. "For example, they told us that now we can't write negative articles about Uzbekistan, since after the death of Islam Karimov, relations have begun to be established between our countries," Tajibayeva said.

Tajibayeva said the country's anti-extremism law allows media one reprimand for what it considers promoting extremism and terrorism. A second offense can result in closure without warning. She said officers of the State Committee for National Security review each issue of a newspaper before it is distributed.

According to the National Association of Independent Media of Tajikistan, the threat of persecution has led to increased self-censorship, an assessment echoed by the UN special rapporteur on freedom of expression after a visit to Tajikistan.

The panelists praised a law passed in 2016 that aimed to streamline access to public information but said it had changed nothing. They said a 2015 decree that official information be released only to the government news service, Khovar, has cut off independent media's access to official sources. "Now journalists will just waste their time getting information secondhand, and that will have a great impact on their efficiency," said panelist Nazarali Pirnazarov, a correspondent for Radio Svoboda-Ozodi.

Mirsaidov said two newspapers closed under pressure from security services in the northwestern city of Khujand because they printed frequent articles on the activities of the Iranian Information and Analysis Center, which the government regarded as propaganda for a regime with which it has fallen out.

"In the regions, they don't operate on the basis of the law but on instructions and regulations, and the local officials interpret the laws according to their own interests, most often on the basis of instructions within the ministry that journalists have no access to," said Turko Dikayev, a correspondent for Asia-Plus in Kulyab.

Officials often threaten not to cooperate with journalists who write critical articles. Shonavruz Afzalshoyev, who edits the independent newspaper of the Kalam Center for the Support of Civil Society in Khorog, said he was summoned by the leader of the Gorno-Badakhshan Autonomous Region to explain who had ordered certain critical articles. "For some reason, they assume that criticism is material written to order and directed against them, although PR materials are often brought to our offices that we would never print," he said.

Officials continue to threaten and otherwise pressure journalists to reveal their sources. Journalists do not have to disclose that information except under court order, although a law requiring that subpoenaed witnesses testify contradicts this protection. Almost all panelists said they had been subject to such pressure in 2016. "For this reason, both journalists and experts resort to the use of pseudonyms in critical articles," said freelance journalist Mukhaye Nozimova.

The panelists said the public raises no objection to these violations of free speech. "Colleagues are also afraid to stick up for colleagues, expressing their support only behind the scenes or supporting the statements of media associations," Pirnazarov said.

Part of the public believes that free media are of great benefit, while others believe the media themselves divide society. Authorities try to exploit that split by hacking into journalists' Facebook pages and writing offensive or nationalistic comments in the journalists' names, Karshiboyev said. Government media use anonymous letters from presumed readers and experts to leak damaging information about opposition politicians, analysts, and political scientists.

Recent summonses of journalists also show that hacking of the email and social network accounts of journalists and civil society activists, phone tapping, and other forms of cyber-crime are becoming routine. The danger also appears in the form of thefts of personal data of users of digital technology and physical detection of persons through access to geolocation data, IP addresses, and other means. The National Association of Independent Media of Tajikistan said 10 journalists and civil society activists were targeted via some combination of these methods in 2016.

Broadcast media are licensed by a council that is controlled by the Committee on Television and Radio, whose members are not identified, in a process that is opaque and unpredictable. The committee blocks without explanation licenses for independent media. Zinatullo Ismoilzoda, director of the government's Media Academy, said some production studios and television stations operate without licenses and are therefore vulnerable to being shut down by the authorities. Further, he said, "Bids and competitions take place and grants are awarded, but in order to participate in them, you need a license, which is often delayed." The panelists cited several license applications that had been rejected, including from stations that for security reasons wanted to operate near the borders with Uzbekistan and Afghanistan to replace broadcasts from those countries.

The licensing process is a catch-22 for some media. "In order to receive a license, you have to register with the Ministry of Justice as a limited liability company, but that ministry requires a written confirmation from the regulator that a license has been issued," Ismoilzoda said.

Ismoilzoda said 35 television channels are in operation, of which 10 are government-owned, 20 are independent, and five are cable. In addition, 28 audio and video production studios operate.

The panelists noted that Tajikistan has yet to create an independent telecommunications regulator, a requirement of its 2013 accession to the World Trade Organization (WTO).

Conditions for entering the media market can be more complicated than for other industries. A media organization must present the necessary equipment to function in order to receive registration, said panelist Nabi Yusupov, director of the Media Consulting NGO. "Even to renew an existing registration, the requirements are the same as for the initial registration. In addition, the State Standardization Committee requires all the certificates for computers, transmitters, and other equipment," Ismoilzoda said.

The Culture Ministry has assumed the responsibility of censoring and overseeing print media, although by law it is only supposed to register the organizations. Murod Sotiyev said that when he tried to re-register the *Novyy Khatlon* newspaper, which he edits in the city of Qurghontepa (Kurgan-Tube), the State Standardization Committee required a license for the printing equipment.

The panelists said media pay the same taxes as other businesses, which they consider too high. "An 18-percent value-added tax and a 25-percent income tax are a heavy burden even for media holding companies," Tajibayeva said. "For this reason, various means of avoiding paying taxes have to be sought. Otherwise, the return on investment of the print publications is sharply curtailed."

The panelists said officials and broadcasters have tried to make the transition to digital broadcasting as painless as possible and to ensure citizens have opportunities to weigh in on the process. Many outside the major cities have begun to complain that even though they have a satellite antenna, they do not have clear reception or cannot get the Tajik television channels at all.

No civil society groups come to the defense of journalists in trouble, the panelists said. Khurshed Niyezov, director of the Media Council and editor-in-chief of the *Faraj* newspaper, said 10 journalists have been killed since 2003, but none of the cases has been solved. In a recent attack, Doro Makhkamov, of the independent Ozodagon news service, was beaten in November. Niyezov said the investigation is dragging because the police officer who beat the journalist has a highly placed father. Karshiboyev said the advocacy group Coalition Against Torture has taken up the case but has done nothing but report the facts of the attack. "Now they'll write statements about their participation in the matter, and that's all. They get big grants and occupy themselves with evasive statements and reports, but so far not one case they have taken up has been resolved in favor of the victim," he said.

"Only our media colleagues themselves, and sometimes social media users and a very small segment of the population, support us or protest violations of freedom speech," Nozimova said.

In 2016, the Communications Service, which regulates telecommunications, repeatedly blocked Facebook, YouTube, Twitter, Odnoklassniki, and VKontakte, which have become the main platforms for the free expression of opinion and for statements from opposition politicians, groups, and bloggers.

In addition to being blocked, websites that run afoul of the authorities will become difficult to load or will be subjected to a DDoS attack. Asia-Plus's Tajibayeva said when that site was blocked in May 2016, the telecommunications regulator blamed the site's own technical difficulties. Six days later, during the constitutional referendum, she said, "There was a strong DDoS attack carried out from Russian cities." Since then, Asia-Plus has secured a third domain outside the .tj area.

Karshiboyev said, "There were instances of psychological pressure on four journalists," but not all journalists who flee abroad do so because of persecution. "In 2016, 15 journalists left Tajikistan, and of these only five did so because of persecution or because it was impossible for them to work in the local media," he said, cautioning that a distinction needs to be made between them and other journalists who leave for economic reasons.

Despite the fact that the law prohibits monopolization of the media, 92 percent of Tajikistan's electronic media are state-owned.

The media law provides for editorial independence, but none of the government-owned or funded newspapers or broadcasters have editorial independence. "None of the editors of the government media are appointed on a fair basis, but rather because they have covered correctly the policies of the government and the state," Yusupov said. The economic crisis has also led some publications to lower their standards. "For the sake of profits, editorial offices are making sacrifices, publishing knowingly weak or compromising articles in their dependence on advertisers," Karshiboyev said. Mirsaidov, of the *Varorud* newspaper, said the founders of the media constantly interfere in editorial policy.

Some panelists said a journalist's chances of getting information rely on his or her professionalism and links to those inside the organs of power. Nosirjon Mamurzoda, who teaches journalism at Qurghontepa State University, said authorities in the Khatlon oblast provide information only upon written request and after clearance from a superior. He said state media always receive information first from the security and law enforcement agencies.

Makhmujon Dodobayev, director of the main press department in Sughd Oblast, said the leadership of the oblast does not distinguish between "our and their" journalists. All the media that request information receive it. He said local officials give

annual awards to “the region’s best journalists,” including from independent and foreign media.

“The authorities conceal operational information on extremism and terrorism,” Mirsaidov said. “No matter how professional a journalist you are and what ties you have to the security agencies, it’s practically impossible to get information. Information is provided late, when you don’t need it anymore.”

Within the president’s circle, access by foreign journalists accredited in Tajikistan has tightened. Beginning in 2012, some of them stopped receiving invitations to the president’s meetings with foreign delegations. Foreign media are rarely invited to formal photo sessions.

Free discussions and political debate take place in the Tajik segment of Facebook, where provocative and insulting posts and caricatures of the president, his family, and high-ranking government officials appear. Dikayev said such posts are usually the work of government opponents who live abroad.

Access to information has been eased somewhat by the fact that all ministries and agencies have their own websites, where material interesting to journalists can sometimes be found. The panelists noted, though, that not all of ministries update the information on their sites and some links do not work.

The panelists said all the domestic media regularly use information from domestic news services and newspapers. Information from foreign news services is also used, sometimes without attribution. Ismoilzoda said television stations show programs without the proper rights, another violation of Tajikistan’s WTO commitments.

Local television increasingly provides current information on Tajikistan, particularly from the regions, but the state channels use information only from the government news agency, Khovar.

News is accessible in Tajikistan thanks to the many television and radio stations and websites, although daily wintertime power outages and the relatively high cost of Internet service are impediments. Satellite and cable television are widely used to receive alternative information from abroad. “Almost all the country’s residents, regardless of their income level, have a satellite antenna or receive cable television,” Mamurzoda said.

The panelists said Tajikistan urgently needs a law distinguishing between press treatment of public figures and private individuals because, for instance, famous people often complain about the use of open-source photographs of them in the media.

Journalists do not need a license to practice, but it helps to have professional training in order to get a job. The new media law defines a journalist as an employee of a media organization

and a member of the country’s Union of Journalists. It can be difficult for journalists to receive the accreditation they need to cover certain events.

The new media law for the first time allows non-media organizations, such as NGOs, to operate their own outlets without requiring those outlets to be registered as separate legal entities. For example, the Faraj (Center for Journalistic Investigations) NGO publishes three newspapers.

The National Association of Independent Media of Tajikistan reported more than 80 violations of the rights of journalists and media, along with 50 disputes and charges made against media and journalists in 2016. Also last year, the Interior Ministry withdrew the accreditation of six journalists from Radio Svoboda-Ozodi, without explanation. After protests by human rights organizations, the ministry returned the accreditation cards after 15 days. The Sputnik hub of the Russian agency Russia Today has been unable to obtain accreditation with the Foreign Ministry and registration with the Justice Ministry for two and a half years, with no reasons given.

The special services and the prosecutor’s office continue to pressure independent journalists. For 2016, at least three cases were recorded of violations of the rights of four journalists by Tajikistan’s law enforcement authorities (unlawful summonses and violation of procedural rules in the course of an investigation, attempts to unlawfully obtain testimony against suspects, and persecution and intimidation of journalists).

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.49

Much journalism in Tajikistan is woefully unprofessional. Reporters and editors avoid certain topics, produce slanted coverage, run advertorials disguised as news, use others’ work without attribution, have trouble getting information, and choose their facts selectively, the panelists said.

Many sources will not talk to journalists, either out of fear of the authorities or doubt that the reporter will relay the information accurately.

“In Tajikistan last year, the number of information sources was severely reduced, and not all experts would give commentaries, fearing both pressure and the consequences that would befall them,” Karshiboyev said.

As a result, Ismoilzoda said, “Journalists have begun to get comments and interviews from one another.”

“We have a list of people who must under no circumstances be criticized—the president and his family, security personnel, and our shareholders and advertisers,” Tajibayeva said, adding that

Asia-Plus has begun to focus more on social issues and culture to avoid trouble with the authorities.

“At present, the news services cover events more objectively than the newspapers,” Pirnazarov said. The panelists said some newspapers seem to be getting information from social media, even though the sources are unreliable.

Niyezov said many journalists are themselves to blame for their problems with the authorities, since they frequently ignore specific facts and do not maintain a balance of opinions. “Some media, in their quest for popularity and readers, are transformed into a ‘yellow’ press, frequently misleading readers with unsubstantiated information,” he said.

Yusupov said news reports are frequently opinionated and self-contradictory, and sometimes violate other ethical norms, including against plagiarism. He cited specifically the popular *Tajikistan* and *Ozodagon* magazines. In addition, some critical articles, including investigations, are not properly vetted by lawyers before publication.

Ismoilzoda said that for journalists of the state television channels, there is no such concept as a balance of opinion, reporting is in the first person, and the main content is the opinion of an official.

Most journalism organizations—with the notable exceptions of the major opposition newspapers *Millat* and *SSSR* and the media group Oila—adopted an ethical code in 2009 based on international standards and national norms. The Media Council, with 87 organization members, acts as a self-policing body for the industry. In 2016, it received 14 complaints and submissions concerning ethical issues, objectivity of publications, respect for privacy, and plagiarism, as well as complaints from government

agencies about specific articles or inaccurate reporting, council director Niyezov said.

The panelists said print media often blur the line between information and advertising. “Because of the reduction in the advertising market, many media, in order to survive in the conditions of the economic crisis, have begun to print advertising and PR materials without identifying them as such,” Dodobayev said. The panelists said glossy magazines have become cash cows for their owners: Subjects pay to appear in them, with a cover story fetching at least \$2,000.

Further, Mirsaidov said, “There are subjects of a commercial nature on independent television channels where payment is made by a price list.” Many journalists, both government and independent, accept fees and payment for their work. “In all the regions of the Khatlon oblast, journalists require a fee from their clients for photography or reporting, in the form of either money or food products,” Sotiyev said.

The panelists said that since the revolt by Nazarzoda, the former deputy defense minister, and the trial of the Islamic Renaissance Party members, self-censorship has greatly increased. Journalists are shying away from subjects of security or extremism, or are careful what sources they consult. After the coup attempt, some journalists were questioned about articles they had written about the party’s leader or about Nazarzoda’s tenure at the Defense Ministry, Karshiboyev said.

According to the panelists, it is impossible to cover national security effectively, as the special services parcel out information stingily, based on what they think will benefit them.

“Unfortunately, our special services, unlike those of neighboring countries, don’t want to contact the press and provide information, even though the media can act as partners in the fight against threats and challenges to security,” Karshiboyev said.

In any event, Tajibayeva said national security problems are of little interest to readers. “We publish articles on everyday social problems, transport, health care, and the readers actively discuss and repost them. If we write about national security problems or the problems of journalists, no one is interested,” she said.

Pay rates that have not kept up with the cost of living and the drop in the value of the somoni are also a drag on professionalism in journalism.

“The salaries of editors and journalists are low and are not enough for a full life. For this reason, many journalists work for more than one media organization or undertake additional work,” Niyezov said. Journalists for state television frequently work part-time on projects for private production studios, or they shoot weddings, anniversaries, concerts, and other events.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

The work of freelance journalists is almost unpaid, except in the state media. Recently, pay for those in state media has overtaken that of reporters in independent media.

The panelists reported a range of media employees' salaries, from \$40 to \$65 per month for correspondents for the government newspapers in the Khatlon, Gorno-Badakhshan, and Kulyab regions to more than \$250 for employees of state-run Channel One TV and \$350 to \$400 for workers at Asia-Plus. Employees of the government media also receive bonuses and expense reimbursements, and in 2016, 72 of them received free apartments or building lots, Ismoilzoda said.

The panelists said 70–75 percent of state television programming is entertainment, while the share is 60 percent on government radio and more than 80 percent on privately owned FM radio stations. News and information programs constitute the remainder of air time.

A viewer in Tajikistan can choose among “hundreds of different channels, but if the only thing he sees when he tunes in to the local TV is concerts, he'll simply stop watching,” Ismoilzoda said. Young people in Tajikistan prefer sports, entertainment, and talk shows to news and analysis, according to the panel.

Many media in Tajikistan, especially outside the major cities, lack up-to-date equipment, although the state television and radio channels modernize their technical equipment every year.

International donors have provided some journalists with Dictaphones, smart phones, cameras, and tablets instead of money.

Dodobayev said independent television stations in the Sughd oblast have begun investing in better equipment, and Afzalshoyev said journalists in Khorog have technology to some extent, but suffer from expensive and slow Internet connections.

“The newspaper *Novyy Khatlon* has two old computers issued by the Ministry of Culture six years ago, and they're used to design the newspaper, but only with difficulty, because of their poor core memory. The editorial staff has one camera, and it is of an amateur level. The correspondents buy their cell phones out of their own pockets,” Mamurzoda said.

Tajibayeva said the offices of Asia-Plus were extensively refurbished in 2016 thanks to the Turkish Cooperation and Coordination Agency.

The country has no quality specialized media, which they said is not in demand, despite the debut last year of two glossy magazines dealing with advertising and business.

The panelists said it would be inadvisable and dangerous to start any politically oriented media.

In 2016, 12 investigations were published, on social issues and the economy. “There are groups of investigative journalists, but

it's practically impossible to carry out investigations without funding. The editorial offices can't pay for quality investigative journalism since the donors have quit financing this type of journalism,” Nozimova said.

The number of all-purpose journalists in Tajikistan increased over the past year. At press conferences, many take pictures themselves on their smart phones and tablets and attempt to record video content. “Many journalists are forced to become all-purpose journalists because of the cutback in staff at almost all the print media and press services,” Pirnazarov said.

The panelists said employers now make journalists work in multimedia but do not pay extra for their skills and often do not provide the necessary technology.

Employees of state media are well behind their independent colleagues in professionalism, ethics, diversity of opinion, and timeliness, for which the panelists blamed the state media's management system. Dikayev said the state media and the concept of modern journalism are incompatible. “These are the organs of government agencies and bureaucrats who are engaged in propaganda for the authorities,” he said.

Plagiarism continues to be widespread in print and electronic media, a violation of ethics as well as Tajikistan's media law.

Tajikistan's lack of a truly independent printing press—although some are privately owned—presents problems. “Dushanbe has 70 printing houses, but not one will print a newspaper whose material does not suit the authorities,” Tajibayeva said. The panelists called for an independent printer to be established with donor funds.

The trade in newsprint and other materials for printing a newspaper are in the hands of only three or four businessmen, including Sharif Khamdampur, the owner of the Oila media holding company.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.76

Tajikistan's media scene is expanding, with many new radio stations and newspapers, as well as websites and mobile phone apps linked to existing outlets. Use of social media as an information source is also on the rise. Within limits, this all translates into a diversity of viewpoints, but the audience for some media is shrinking, and some of these sources are notoriously unreliable.

Only one daily newspaper, the privately owned *Imruz-nyus*, is published in Tajikistan. Two state newspapers, *Sadoi madrum* and *Jumkhuriyat*, are published twice a week, as is the privately held, Russian-language *Asia-Plus*, whose circulation fell from

15,000 in 2015 to 7,000 or 8,000 in 2016. All other papers are weeklies. The total circulation of all newspapers published in Tajikistan in 2016 did not exceed 35,000, which is less than in the previous year.

According to the Culture Ministry's press office, circulation for each of the roughly 60 state newspapers published in the regional districts does not exceed 700 to 1,000 copies each. Most appear sporadically because of technical or financial difficulties, as they rely entirely on local government budgets that are suffering because of the financial crisis. Of state newspapers published in regional centers, the profitable ones are *Dieri Tursunzoda* in the city of Tursunzoda, which receives financial support from the Talko aluminum plant and has a circulation of 3,500, *Khakikati Sughd* in the Sughd oblast, with a circulation of 3,000, and *Novyi Khaton*, with a circulation of 4,500.

The panelists blamed the economic crisis and newspaper price hikes for a decline in readership. Particularly in remote areas, people cannot afford to buy newspapers, whose prices rose by 20 percent in 2016. On average, the price per copy is 45 cents (at the exchange rate of \$1=TJS 7.9). Poor people tend to buy one newspaper for several families and pass it around.

Twenty-seven radio stations—17 independent and 10 government-owned—operate in Tajikistan. The country has 30 television stations, 20 of which are privately owned.

Asia-Plus, Radio Svoboda-Ozodi, and the *Ozodagon* newspaper have mobile apps, but phones are not yet a major means of transmitting news, "since this requires the creation of a special server, having a short telephone number for transmission, and paying a satellite communications operator," Tajibayeva said.

Government-held media wield major influence through a large network of broadcast outlets, and Mirsaidov said some privately owned publications have become meeker than government ones, since they have stopped writing critical articles on important subjects and events.

"The state media write about achievements while they pass over problems and shortcomings, while the private media attempt to sidestep politically sensitive subjects in order not to hurt themselves," Nozimova said.

"The editorial policy of the state media is fully dependent on the directives and guidance of the country's leadership," according to Niyezov. The panelists noted that Tajikistan missed the 2015 deadline to create publicly held media, walled off from government interference, as required by membership in the WTO, Karshiboyev said.

The panelists said the division of the media into state and independent leads to polarization of opinion and antagonism among journalists.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Private publications are more diverse than state publications, but they must compete with social media, where it is easier to find opposition viewpoints. In response, state and independent media have begun to promptly post their stories on their social media pages. Tajikistanis actively use Odnoklassniki, Facebook, VKontakte, and Twitter. According to recent data, more than 100,000 users from Tajikistan are registered on Facebook, and more than 150,000 users access the site per day, while around 1 million Tajikistanis are registered on various worldwide social networks.

The information on these sites can be unreliable, and they are regularly blocked or slowed down, even though authorities are supposed to get a court order to bring down a website.

In 2016, Facebook, Odnoklassniki, VKontakte, and YouTube were blocked at least six times, and the sites of some local opposition media—*Asia-Plus*, *Ozodagon*, *Tojnews.tj*, *Faraj*, and *Avesta*—also went dark, Pirnazarov said. "The restriction usually is carried out through SMS messages from the government regulator, the Communication Service," he said. "Those Internet providers that do not immediately close down the critical sites or portals begin to experience technical problems."

Many fake pages on social media that mirror pages of political figures are actually the work of radical Islamists and members of the Islamic State.

Nozimova said the fact that the country's special services could block these fake pages does not suggest they are of some use to the authorities. She also noted the presence of minivans with tinted windows and several antennas that show up for important protests. "They completely monitor the Internet space and people's telephone conversations," Khalikjanova said.

The law does not prohibit people's access to foreign websites, except for those operated by what the government considers terrorist groups.

Any citizen with means can access the Internet in the major cities. In the regions, the situation is complicated by regular power outages during the winter and the slow speed of the Internet. Monthly tariffs to get online have risen since the introduction of a 3-percent value-added tax in 2014. They range from \$50 to \$200, which is out of reach for most people. According to the Internet Service Providers Association of Tajikistan, 3.75 million of the country's more than 8 million people were using the Internet as of December 1, 2016, more than double the *CIA World Factbook* estimates for the previous year.

Tajikistan has 10 mobile telecommunications companies and 10 Internet service providers. The mobile operators have 6.4 million subscribers, and 25–30 percent use mobile Internet.

In rural areas, users generally use radio as their information source.

Of the 11 news services registered in Tajikistan, only eight actually operate: Asia-Plus, Avesta, press.tj, ozodagon.com, tojnews.tj, faraj.tj, tajikta.tj, and the government-run Khovar. The most popular is Asia-Plus. Last year, financial and management problems forced the Varorud, Khatlon-Press, Payyem, and Pamir-Media regional news services out of business.

Tajibayeva said the Asia-Plus service depends heavily on grants and the help of its partners, including large advertisers and corporate subscribers. "If it weren't for them, we would hardly be able to survive in the media market given the difficult economic situation," she said.

All the press services are part of media holding companies: Asia-Plus of the holding company of the same name, press.tj of the Oila holding company, Ozodagon of the newspaper of the same name, and Avesta and tajikta.tj of the *Biznes i politika* newspaper. To survive, the news services have increasingly begun publishing advertising and press releases. "As before, we provide our news gratis to the local newspapers. There are paid subscriptions, but not many. [Subscribers] receive bonuses in the form of news announcements and multimedia content and are able to place PR materials and press releases at no charge," Tajibayeva said.

In preparing foreign news, the state television channels use snippets from Russian television channels, Euronews, BBC, CNN, and Al-Jazeera. Almost all the newspapers reprint news from the leading worldwide services without paying for it, as well as news from local news services, also without payment.

Private media produce their own news and differ from the state media in providing alternative opinions. With the help of Internews, independent television and radio stations have created their own television bridge, an exchange of news from around the country via electronic media. They also exchange their programs with one another. Dodobayev said in the Sughd oblast, the independent media produce their own news, which in some ways exceeds the government channels' productions. In Khujand, two new channels are also attempting to produce their own news, basically on cultural subjects. Three regional television companies and five regional radio companies produce their own news. "The news broadcasts of the independent channels differ from the state channels in format, form of transmission, and their balance and high-quality approach to preparing their materials," he said.

The panelists said the public has little interest in who owns the media, details of which are not a state secret and are generally available on a registry maintained by the Culture Ministry.

A law limiting foreign investment in media companies to 25 percent of capital limits where outlets can seek backers, but grants and technical assistance from international donors still flow in.

The panel said the declining number of news consumers are more interested in domestic and social problems than in politics and state security. Media avoid covering the president's family and private life, corruption in the top ranks of government, and the activities of the special services, tax agencies, and their business partners. The state media rarely report on emergency situations, armed clashes, terrorist acts, and natural disasters. The panel said media give little coverage to the problem of HIV/AIDS, marginal or youth groups, and sexual and religious minorities.

The number of media organizations for national minorities stayed constant in 2016. About two dozen newspapers and magazines are published in the Uzbek and Kyrgyz languages, along with several Russian-language publications, many in the northwestern and southwestern regions. Three state television channels offer daily newscasts in Russian and Uzbek, while two broadcast news in English and Arabic daily, and the state-run Obovzi Tochik radio broadcasts once a day for an hour in Uzbek, Russian, and Arabic. The panelists said the media of the national minorities in Tajikistan are free and may operate without limitations.

Issues related to national minorities are rarely covered. Generally, they address the problems of the Lyuli, who live in the west and south, and the Lakai, who live around Dushanbe. Since 2000, there have been no representatives of national minorities in the country's parliament or government.

There remains almost no inter-regional exchange of information. "In the regions of central Tajikistan, there are no correspondents of even one central newspaper or news service. For this reason, information from there arrives rarely and late," said Pirnazarov, of Radio Svoboda-Ozodi.

No government or independent print or electronic media have correspondents abroad or in the central and eastern part of the country, except for Asia-Plus, which has correspondents in Washington and London. The government news service Khovar has special correspondents in Moscow and Ankara.

Given the pressure exerted by the authorities on practically all independent media, the panelists said creation of publicly held print and broadcast media is essential. They also called on state channels to start broadcasting news from the regions since people are very interested in regional and local news.

Delivery of print publications is problematic. Tajibayeva said a centralized distribution system could help expand the *Asia-Plus* newspaper's reach into the Sughd oblast and the Gorno-Badakhshan Autonomous Region. "Independent newspapers are often dispatched by vehicles that are going the same way or by the local distributors who come for them," Mamurzoda said. Some editors and deputy editors of state publications often deliver the newspapers and magazines to the regions themselves.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.37

The media industry in Tajikistan is affected more by the policies of national and local government than by market forces. The panelists said the country's media have stopped making money, as advertising revenues have plunged, circulation of independent newspapers has fallen by 40–60 percent, and outlets have cut staff. Many organizations depend on government funds or payments received for covering—or not covering—some companies. Other revenues come from holding events and being hired for public-relations campaigns.

"Given the effects of the economic crisis, the social and political situation, and the severe censorship and self-censorship of media activities, it's hard to predict the future," Karshiboyev said.

"More than 95 percent of the media were seriously affected by the financial crisis," Yusupov said. He said an analysis by Media Consulting, an NGO, found 20–50 percent declines in advertising and 20–45 percent drops in circulation.

Tajikistan's media were hit by the de facto bankruptcy of the nation's two largest banks, Vneshekonombank and Argonvestbank, which Niyezov said hold accounts for many publications that have now been frozen. In addition, Tajibayeva

said many advertisers are in the same bind and have been forced to break contracts with some print media.

In Tajikistan's corrupt and predatory environment, small and medium-sized businesses entering the market are wary of placing any advertising, lest it invite corporate raids or pressure from the tax department and other regulatory agencies. Further, Yusupov said the cost of advertising in the well-known outlets is too high, so some companies instead do business with smaller outlets. Advertisers have also increasingly begun paying for placements at events instead of in the media.

State media undercut independent media with lower costs for advertising, the Media Academy's Ismoilzoda said, and instead of payment, many print media receive Internet and mobile communication services in trade for advertising.

In the remote regions, advertisers prefer outdoor advertising, and media continue to be financed by regional government and payments for articles or public-relations campaigns. "Four times a year, *Kulyabskaya Pravda* prints announcements of bids and auctions but to a greater and greater extent has no advertising. There's nowhere to get money from," Dikayev said. In the Sughd oblast, many advertising agencies have started up, with very little money going to the media.

The major advertisers are banks, pharmaceutical companies, property developers, satellite communication companies, and Internet service providers. Regionally, "only the banks try to work with the media directly," Dodobayev said.

The business development of the media is hindered by legal and bureaucratic obstacles, high taxes, and excessive scrutiny from tax authorities and others who carry out unauthorized audits, especially after critical articles. In addition, the panelists said many media managers should be replaced and that without

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

outside help or government support many print outlets are imperiled.

The success of independent media depends in part on taking advantage of help from international donors. "Almost every week, international organizations announce various bids, but the media editors and managers are simply too lazy to participate in them and obtain revenue in such a way," Yusupov said. The management system of many media usually boils down to the decisions of the managing director or owner of the publication.

Almost all nongovernmental media in Tajikistan lack a business plan, marketing study, or capital investment plan. "A number of television and radio companies in the Sughd oblast draw up business plans, but in the conditions of the financial crisis and sharp drop in the somoni exchange rate, they're not very effective. Only short-term business plans of three to six months are more or less viable," Dodobayev said. Some panelists noted that Internews conducted several helpful onsite residencies on optimizing newsroom spending in 2016.

"In order for the print media to remain afloat and make a profit, their circulation has to be at least 5,000 copies," Mirsaidov said. Few publications, especially independent ones, meet that benchmark. The Tajik-language *Faraj* and *Samak* newspapers, which are in opposition to the government, have a total of 1,500 subscribers out of a circulation of 4,000 to 6,000.

Niyozov said the circulation of his newspaper, *Faraj*, has fallen by 4,300. The newspaper's staff has been cut from eight to three journalists, and the advertising department works on small contracts worth \$300 to \$700. "At present, because of the financial crisis, we don't carry out investigative journalism," he said.

The panelists cited the proliferation of newspaper websites and social media pages amid the sharp decline of interest in newspapers.

By law, advertising from government institutions is placed only in government-owned media, yet privately held media depend more heavily than government outlets on advertising.

Tajikistan's national media work essentially directly with advertisers, and not with advertising agencies. In placing advertising, businesses for the most part use only the best-known media and those that have the greatest circulation. All four state television channels; the holding companies Oila, Charkhi Gardun, and Orien Media; radio stations Asia-Plus, Imruz, Vatan, and Khovar; and the Asia-Plus news agency have their own advertising departments. In deciding ad buys, advertisers consider media ratings, circulation figures, or website visitor numbers.

Advertising in independent media generally occupies 30–40 percent of print space and 10 percent of air time. In the state media, those figures are 20 percent of space and 30 percent of air time. In Dushanbe, the advertising agencies Tak, A-Media, Tamosho, O, Bale and Tayron place ads in major publications.

Most ads in state media are copies from Russian, Turkish, and Iranian spots translated into the Tajik language. A large share of advertising in Tajikistan's independent media is by international organizations and noncommercial organizations.

Internet advertising is developing as crawlers on the websites of newspapers and advertising agencies. SMS advertising is growing rapidly. Well-known foreign brands prefer to advertise on banners and billboards.

Most advertising on state television airs on the Safina channel, which the public has taken to calling the television pharmacy and hardware store for its plethora of spots for pharmacies, pharmaceuticals, personal hygiene products, and household cleaners.

The experts said almost the entire advertising market has migrated to state television, where the system for distributing revenues from advertising is opaque. Television advertising revenues in 2015 were around \$18 million. According to official figures, the advertising market plunged in 2016, totaling slightly more than \$11 million.

In Tajikistan, the Oila media holding company owns two newspapers, a news service, three Oila and Mega printing houses, radio Oila in Penjikent in the north, and the Tayron advertising agency. The Charkhi Gardun holding company owns three newspapers and a restaurant. The Asia-Plus holding company owns a newspaper, news service, production studio, radio station, and fashion magazine. The Oriyevo holding company owns a radio station and newspaper. The Faraj holding company owns three newspapers, a news service, and the Center of Journalistic Studies. Ozodagon owns a news service and a newspaper.

Tajikistan's only large financial group with its own media business, Orien International (a subsidiary of Orien Bank), owns two radio stations, a daily newspaper, a monthly financial magazine, and an advertising department.

State media have a guaranteed revenue stream and subscriber base and are preferred by advertisers. Some local state-owned media receive monthly payments from their local governments. State-owned media also benefit from mandatory subscriptions in government offices, government-owned companies, schools, and universities, and advertising and paid announcements from government agencies, banks, and commercial institutions close to the government. For example, the government newspaper *Sadoi Mardum* has about 23,000–25,000 readers, of whom 20,000 are subscribers; the parliamentary newspaper

Jumkhuriyat has a circulation of 30,000–32,000 and 30,000 subscribers; and *Bovuvoni Tochikiston* magazine has a circulation of 14,000, of whom 10,000 are subscribers. Independent or private media receive no subsidies from the government, although the law on the press and mass communications does not prohibit them.

“The initiative in this case must come from the government, which is supposed to publish bids, for example, for the preparation and publication of social materials,” said Karshiboyev, of the Independent Media Association.

The print publication of the ruling National Democratic Party, *Minbari Khalk*, has a circulation of 38,000–40,000 and around 35,000 subscribers. It makes 3.2 million somoni (\$406,000) from subscriptions.

State television channels and the Television and Radio Broadcasting Commission are fully funded by the government. In addition, “They have a special account where they receive money from advertising and other commercial activities, and that account is not audited,” Karshiboyev said. He noted that the government-owned Channel 1 and Safina television stations’ websites are not registered in the .tj domain, but in Macao, fueling suspicion that money is laundered there through special accounts.

Most independent media operate on grants, which have significantly declined due to the world financial crisis, or on funding from their founders. The panelists urged international donors to step up aid to help Tajikistan’s media overcome the financial crisis.

Most marketing surveys are hastily done and not always reliable. Survey companies do not pay enough to attract professional analysts and instead use students. In any event, professional market research is too costly for most media.

“There are research centers to determine media ratings and image, which operate on grants and with results tailored for their customers,” Pirnazarov said. Some websites use services such as Google Analytics, Live Internet, and Open Star to measure their audiences.

Tajibayeva said Asia-Plus makes its numbers publicly available upon request and gives clients access to its Google Analytics. The fact that other outlets do not makes it “impossible to conduct studies and compare the ratings of the print media,” she said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.67

In recent years, professional associations protecting journalists, ethical standards, and electronic media have been established

in Tajikistan. They provide information and legal assistance and host conferences and trainings. There are no business associations of journalists, but an association of broadcasters, created with help from Internews, includes 19 television and production studios.

“In reality, the association doesn’t function, apart from receiving two grants to study the transition to digital broadcasting,” Karshiboyev said.

Likewise, the Association of Press Distributors, which received a grant of \$100,000 from the Organization for Security and Co-operation in Europe (OSCE), didn’t even get off the ground. “They had four cars and office equipment and furniture, and all of that disappeared along with its president,” Karshiboyev said.

Seventeen NGOs, as well as 13 journalists’ associations and one creative union, work on media-related issues in Tajikistan. By law, all these media associations must work to protect freedom of speech and the independence of the media. “They issue statements on the encroachment of rights of journalists in the country, but no one particularly listens to them in Tajikistan, which raises doubts about the effectiveness of the work of media organizations,” Tajibayeva said. Pirnazarov said many media associations are powerless in the face of government actions.

Sotiyev said the most effective of these groups is the National Association of Independent Media, which includes 36 media organizations and provides certifications that help independent journalists get accredited. Nozimova said the Union of Journalists, with more than 2,200 members, operates more independently of the authorities than it used to, although its president, Ismoilzoda, was appointed from above.

In 2016, as in 2015, the National Association of Independent Media was hit by two DDoS attacks that crashed its website for several days. “Despite the fact that we were not given a grant in 2016 for monitoring violations of journalists’ rights, work in this area continued, although it was not as effective in the absence of funding,” the association’s Karshiboyev said.

In 2016, four legislative acts—two laws and two government decrees—were adopted in Tajikistan that strengthened press freedom and the position of journalists through monitoring, training programs, and legal advice.

Mirsaidov said the Sughd oblast has a functioning journalists’ club, sponsored by the National Association of Independent Media. “Journalists meet there every Friday, discuss current issues and problems, and sometimes, when the problem is serious and requires a prompt solution, invite officials to attend,” she said. Karshiboyev said a professional association of media workers in the Khatlon oblast has 150 members.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

According to Karshiboyev, in the Sughd oblast and Dushanbe, the initiative has been stalled because no one is ready to take on the leadership. "We are prepared to accept all journalists working in Tajikistan from both the independent and state media," Karshiboyev said.

The panelists said none of these groups can survive solely on dues but must also look for supporting partners and grants. They said the associations have great potential but tend to deal with free-speech issues only superficially, especially if the matter has political overtones.

Journalism associations would like to partner with human rights organizations, which are often too timid to act. "The human rights NGOs have not reacted much to violations of rights of journalists. They just write reports about their participation based on information from the National Association of Independent Media and newspaper articles and work up grants so they can get more funding," Karshiboyev said. "Last year, human rights NGOs in the Sughd oblast turned into money-making firms and human rights advocacy merged completely with paid lawyers, so you can't even recognize where they are and who they are," Dodobayev said. "In meetings with ombudsmen, they just sit silently and don't ask any questions about monitoring human rights," Karshiboyev said. The panelists said donors should exercise more oversight of grants to these human rights group. Some experts said many international organizations in Tajikistan likely prefer that journalists have little access to information about their projects.

The National Association of Independent Media provides training and conferences on human rights and journalists' security, particularly during states of emergency and border conflicts. It works closely with international watchdogs, such as Article 19, Reporters Without Borders, the Committee to Protect Journalists, Amnesty International, and the office of the OSCE

representative on freedom of speech. Media associations also work with the European Union, the US Embassy, the Conrad Adenauer Fund, the Deutsche Welle Academy, and USAID.

The panelists said journalists also need training to cope with the job's psychological challenges, and that editors and managers could use some professional development as well.

Tajikistan has one journalism school and eight university departments of journalism, but 90 percent of their graduates do not go to work in the profession. Most become labor migrants, or some women get married and stop working. The dean's offices in Tajik National University, Khorog University, and some other state universities do not encourage students in the journalism schools to work in the independent media. There is also still a tendency for students who receive a journalism diploma abroad not to return to the country or, if they do return, not to work in the field.

"Each year, at least 10 students come for internships at Asia-Plus, but in the last three years only three of the graduates have stayed on to work," Tajibayeva said.

The eight universities in Tajikistan graduate 300 journalists per year, and more than 100 have come out of the separate journalism school, all of which the experts said is too many. Students may study abroad only privately in various programs in the United States, Germany, the United Kingdom, the Czech Republic, China, and Turkey. The Ministry of Education and Science offers some scholarships to study in Russia, Belarus, Kazakhstan, and Ukraine.

Although some panelists said the quality of training is improving, some said schools are not teaching skills, particularly multimedia, that the media need. "We're willing to hire graduates, but they all have to be retrained," Niyezov said. Mamurzoda noted a shortage of professional journalists qualified to teach in universities.

Apart from the Russian-Tajik Slavonic University and Khujand State University, there is no specialization in the training of journalists. Teaching methods are outdated, and universities lack equipment and teaching aids.

People from other professions frequently enter journalism: philologists, orientologists, jurists, and economists. "More than half of the journalists working in both the state and independent media don't have a journalism degree," Karshiboyev said.

"We need more short-term courses for media workers and to attract local and foreign specialists," Ismoilzoda said.

But some panelists said the level of foreign instructors frequently fails to meet international requirements. "We ourselves have here in Tajikistan splendid journalism instructors who are much better than foreign instructors in their level of preparation and knowledge," Karshiboyev said.

The leadership of the universities is unwilling to invite well-known independent journalists to give practical training. In 2016, more than 90 journalists took part in nine such courses by the Media Academy of Tajikistan. The country has solid training programs for journalists conducted by several organizations with the support of international donors. In 2016, classes were held throughout the country and covered journalists' safety in emergency situations, investigative journalism, reporting on extremism, and multimedia reporting on border conflicts. But Nozimova said an essential condition in all the training courses and/or academic programs is knowledge of the English language. "It is very unfortunate that there is a trend in the country for journalists to know only the Tajik language, or to know only Tajik and very poor Russian, because they then miss out on some very important possibilities for studies and courses to improve their qualifications in foreign countries," she said. The panelists said the same 40 to 45 journalists usually participate in training sessions. "Some of them haven't even written a single article after the training session," Yusupov said.

In addition, Yusupov said the Asia-Plus media group, which operates its own Century 21 Independent School of Journalism, and the *Faraj* and *Ozodagon* newspapers offer in-house staff training.

Domestic and international groups also conduct training for student journalists.

The National Association of Independent Media generally asks donors to finance long-term training rather than short-term training, which does not allow enough time to master multimedia skills. Classes in Internet journalism and working in social networks and webinars are popular among journalists. The panelists said media workers also need training from economists, political scientists, and lawyers, along with internships in neighboring countries.

Student radio and television studios that produce their own programs operate in the Khujand State University, the Tajik National University, and the Russian-Tajik Slavonic University in Dushanbe.

The panelists said it remains difficult to get journalists from the state media to attend seminars and training sessions, since the owners and editors of these publications do not yet recognize contemporary journalistic standards.

The experts said the absence of an effective print distribution system impedes access to information in the country's remote regions. Independent print media are forced to distribute their issues through private distributors who are not permanent and depend on seasonal conditions. "Only the state media have a centralized delivery system for their newspapers and magazines," Pirnazarov said. The creation of the OSCE-backed Press Distribution Association in 2012 was an attempt to fix

this problem, but it went bankrupt. Existing channels for distributing the print media are politicized. Issues of the independent opposition newspapers are frequently not sold in the state-owned Tajikmatbuot kiosks, and sometimes an entire issue of a newspaper containing a critical article is seized.

The experts noted that access to printing facilities is limited since such businesses are politicized and depend on the will of the authorities, even though there are many private printing houses. "The practice continues that, if some newspaper does not suit the authorities, not a single printing house will print it," Karshiboyev said. "Several times this year, the newspaper *Nigokh* wasn't published," Yusupov said. All the panelists said Tajikistan will not have a truly free press as long as it lacks printing houses that are willing and able to function independently.

The experts said Tajikistan has decent-quality printing houses, including the state-owned *Sharki Ozod*, with the private presses being a bit better but also slightly more expensive. Almost all independent magazines and newspapers are printed by the privately owned Oila press.

Tajikistan has 75 printing houses, 57 of them in Dushanbe. The remaining 18 are scattered around the country and generally produce lower-quality work than those in the capital.

Sources of media equipment are not politicized, but import duties for equipment, including transmitters, are "very high for independent broadcasters, while there are no limitations for government broadcasters," Dodobayev said.

Six cable channels, which are subject to licensing, operate in Tajikistan—two in Dushanbe and Khujand and one each in Tursunzade and Kayrakkum.

Tajikistan missed its 2015 deadline for all television broadcasters to switch to digital broadcasting. All seven channels of state television made the transition in 2014, but watching them requires subscription to a multiplex package that costs more than \$150, which is not affordable for all of the country's residents.

Moreover, the state channels moved over to another satellite for digital broadcasting, which made it impossible for more than 25 percent of the country's residents to watch them. All the television and radio towers belong to the Communications Service and TajikteleRadiokom, so even those independent stations with their own transmitters lease a government tower. The government Communications Service and TajikteleRadiokom distribute frequencies and can at any time interrupt transmissions by the private electronic media.

With their expenses taken care of and easier access to equipment and frequencies, Ismoilzoda said state channels have an advantage in the switch to digital. "It is essential to create, through regulation, a legal basis for the new broadcasting

format, to intensify the information campaign and to activate a joint working group in the regulatory agency," he said.

Fearing competition in the information market from the electronic media, the government is using all means to prevent the creation of a single independent public channel that would broadcast throughout the country.

In November 2016, all Internet and mobile communications started flowing through the Unified Switching Center, which has also used its pricing power to raise tariffs. Consequently, Internet in Tajikistan, already the costliest among the Commonwealth of Independent States, is not becoming more accessible. "The authorities will also gain complete control over Internet traffic," Tajibayeva said. More than 50 websites are blocked in Tajikistan. There are also cases of electronic monitoring, IP address determination, and hacking of the Facebook, Odnoklassniki, Twitter, and VKontakte accounts and tapping of the satellite telephones and Skype and Viber of opposition politicians and journalists.

Mobile telephones are used not only for communication, but also to access the Internet and receive SMS ads and music. During Tajikistan's regular power outages, mobile Internet communications, landline Internet, and 3G and 4G transmitters are cut off.

The government makes constant efforts to limit access to information, particularly over the Internet, by blocking the websites of opposition media. "In the Kulyab region of the Khatlon Oblast, prepayment for Internet access has been introduced, while the speed has remained low and internal websites won't open," Dikayev said. Most people in Tajikistan are not familiar with getting content by SMS, MMS, and video mail.

In conclusion, the experts said that the technical and professional backwardness of Tajikistan's media can be overcome with the strengthening of aid from international donors, namely media associations, the presence of political freedom, and strict enforcement of laws on free expression and media.

List of Panel Participants

Shonavruz Afzalshoyev, editor, *Kalam*, Khorog

Makhmudzhon Dodobayev, chief, Information and Analytical Department for the Sogdi oblast, Khudzhand

Turko Dikayev, special correspondent, Kulyab region, Asia-Plus, Kulyab

Zinatullo Ismoilzoda, director, Media Academy of Tajikistan; president, Union of Journalists, Dushanbe

Nuriddin Karshiboyev, president, National Association of Independent Journalists of Tajikistan; chief, Press Council, Dushanbe

Nosirdzhon Mamurzoda, journalism instructor, Khurgan-Tube State University, Kurgan-Tube

Negmatullo Mirsaidov, editor, *Varorud*, Khudzhand

Khurshed Niyezov, director, Media Council; editor-in-chief, Farazh, Dushanbe

Mukhaye Nozimova, independent investigative journalist, Dushanbe

Nazarali Pirnazarov, correspondent, Tajik service, Radio Svoboda-Ozodi, Dushanbe

Murod Sotiyev, editor, *Novyy Khatlon*, Kurga-Tube

Zebo Tadzhibayeva, executive director, Asia-Plus, Dushanbe

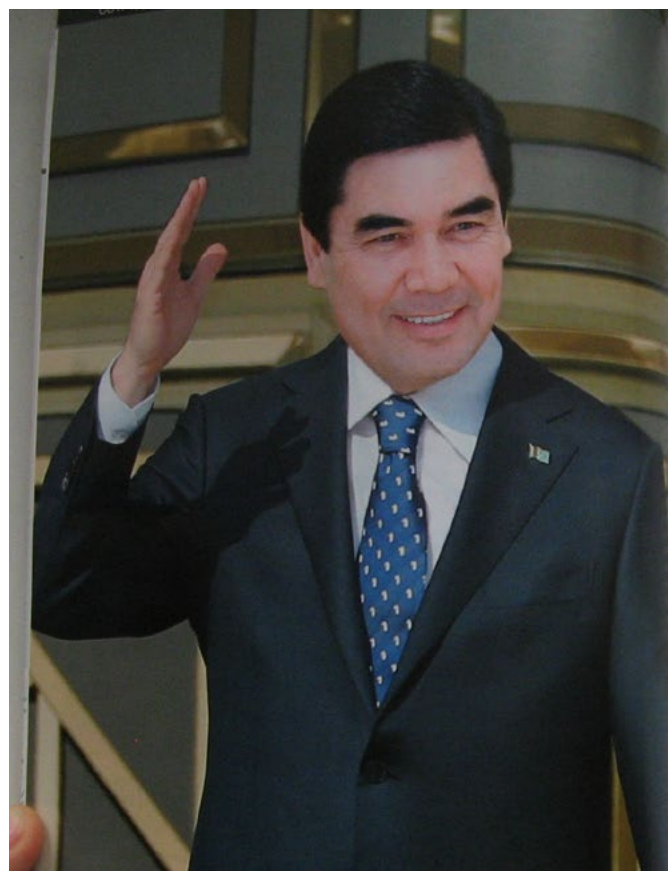
Nabi Yusupov, director, Media Consulting, Dushanbe

Moderator & Author

Lidiya Isamova, media expert; correspondent, RIA Novosti, Tajikistan

The panel discussion was convened December 3, 2016.

State media are effectively the only media that exist in Turkmenistan, and they acknowledge none of these dire problems. Instead, almost as if trapped in a delusion, the official press glories in a new "Golden Age."



ИНДУСТРИАЛЬНЫЙ КЫРГЫЗСТАН

25-ЛЕТИЕ НЕЗАВИСИМОСТИ ТУРКМЕНИСТАНА: ПРОГРЕСС НА БЛАГО НАРОДА

В октябре этого года Туркменистан широко отметил 25-ю годовщину независимости. 27 октября 1991 года многовековая заветная мечта туркменского народа о суверенном государстве воплотилась в реальность.

Для Туркменистана вопрос выбора внешнеполитического курса стал одним из самых главных, от которого во многом зависело его будущее. С самого начала своего независимого развития Туркменистан избрал модель, получившую название "положительный нейтралитет".

По этому поводу Президент Туркменистана Гурбангулы Берdimухамедов дал четкое определение: «Мы избрали модель, которую назвали "положительный нейтралитет", и сформулировали ее фундаментальные положения: миролюбие, невмешательство в дела других государств, уважение их суверенитета и территориальной целостности, неучастие в международных военных организациях и договорах».

Туркменистан стал целенаправленно проводить суверенную, нейтральную, но при этом активную и конструктивную внешнюю политику и поэтому в мире доброжелательно и с пониманием отнеслись к усилиям Туркменистана по укреплению своего нейтралитета как международно-правового статуса.

В июле 1992 года в городе Хельсинки на саммите

а на саммите стран-участниц Движения неприсоединения (ДН) в октябре того же 1995 года в Картахене (Колумбия) нейтральный внешнеполитический курс Туркменистана получил полную поддержку.

В результате, 12 декабря 1995 года исторически значимым событием стало единогласное международное признание правового статуса постоянного нейтралитета Туркменистана. Впервые в истории ООН при единодушной поддержке 185 государств Генеральная Ассамблея ООН приняла Резолюцию «О постоянном нейтралитете Туркменистана». В резолюции говорится, что Генеральная Ассамблея ООН приветствует стремление Туркменистана к активной и позитивной роли в развитии мирных дружественных и взаимовыгодных отношений со странами региона и государствами всего мира, выражая при этом надежду на то, что статус постоянного нейтралитета Туркменистана будет содействовать укреплению мира и безопасности в регионе. Кроме того, Генеральная Ассамблея призывает государства-члены Организации Объединенных Наций - уважать и поддерживать этот статус Туркменистана, уважая также его независимость, суверенитет и территориальную целостность.

Президент Туркменистана Гурбангулы Берdimухамедов

что именно в Ашхабаде под эгидой ООН состоялась серия переговоров, сыгравших важную роль в достижении мира и согласия в Республике Таджикистан. Столица Туркменистана стала местом проведения переговоров по урегулированию внутри-афганского конфликта в конце 90-х годов прошлого столетия. Туркменистан превратился в надежного союзника и эффективного партнера ООН в деле сохранения и поддержания политической стабильности в регионе, развития добрососедства, дружбы и сотрудничества».

Благодаря неуклонной приверженности своей политике нейтралитета в июне 2015 года на 69-й сессии Генеральной Ассамблеи ООН 193-ми государствами была единогласно повторно принята Резолюция «Постоянный нейтралитет Туркменистана», ставшая итогом работы, проведенной Туркменистаном за прошедший период.

В настоящее время Туркменистан установил дипломатические отношения со 142 государствами мира, стал членом более 44 международных организаций, 38 дипломатических представительств и консульских учреждений Туркменистана функционируют за рубежом и в Туркменистане на постоянной основе работают посольства и консульства 30 зарубежных государств, представительства 13 международных организаций. Одним из главных направлений

TURKMENISTAN

"Turkmenistan is one of the world's least free countries. Its political system of governance has often been compared to North Korea. There is no independent media in Turkmenistan and a total absence of media freedom in the country."

Such is the harsh assessment by one of this year's panelists—and with good reason. In a meta-analysis conducted of all MSI scores since surveying began in 2008, Turkmenistan averages a horrific 0.32, at the very barrel-bottom of the Unsustainable/Anti-Free Press category.

The country's score for Objective 2—traditionally its strongest area, with an average since 2008 of 0.63 out of 4—is 0.43 this year. Meanwhile, other objectives have floundered in score ranges that are unimaginably low, ranging from 0.10 to 0.30. The average score for 2017, 0.24, is lower than the average of the entirety of Turkmenistan's MSI scores since 2008, 0.32. It is within this abysmal range that the country, often called Central Asia's "hermit kingdom," may be set to remain for a while to come.

"Hermit dictatorship" may be more accurate. Turkmenistan's authorities continue to control every level of media, from the phones in citizens' pockets to the television sets in every home. Satellite dishes—the population's main lifeline to outside information—have been systematically removed not just in Ashgabat but even in faraway Dashoguz. Fear persists about the extent to which authorities are using sophisticated Western surveillance technology, first reported in 2014 by the London-based watchdog Privacy International, to monitor the scant few online activities of the still-nascent "Turkmenet" (Turkmen-language Internet), with brutal attention paid to those of civic activists and journalists.

Adding to the woes, Turkmenistan celebrated its 25th anniversary of independence in 2016 by plunging into economic crisis. The origins of the situation lie in 2011, when Turkmenistan opened a new pipeline to China and the ruling regime of President Gurbanguly Berdimukammedov chose to make natural gas its sole strategic revenue source. Gas prices are less than half what they were in 2011, with little hope for a rebound. Citizen journalists report mass layoffs, unemployment above 50 percent, and rationing of basic goods. Astonishingly, the regime appears to have responded to the crisis by garnishing paychecks of the employed to finance prestige construction projects that do nothing for the population.

State media are effectively the only media that exist in Turkmenistan, and they acknowledge none of these dire problems. Instead, almost as if trapped in a delusion, the official press glories in a new "Golden Age." Though this gulf between reality and image still shocks even experienced observers, it has grown numbing for the citizens of Turkmenistan themselves—which may be exactly what the regime wants.

IREX did not conduct an in-country panel discussion because of Turkmenistan's repressive environment. This chapter represents desk research, interviews, and the result of questionnaires filled out by several people familiar with the state of media in the country.

TURKMENISTAN at a glance

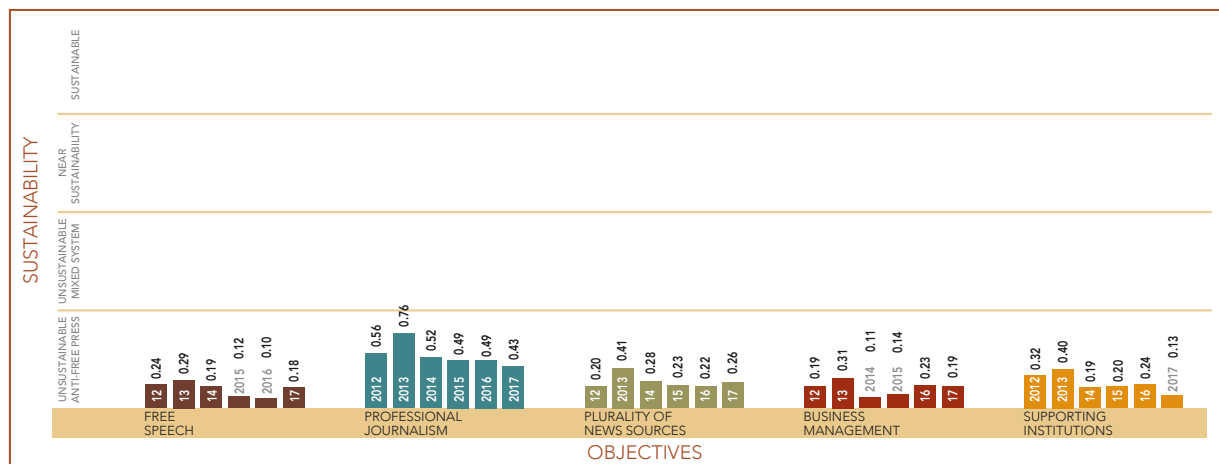
GENERAL

- > **Population:** 5,291,317 (July 2016 est., CIA World Factbook)
- > **Capital City:** Ashgabat
- > **Ethnic groups:** Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est., CIA World Factbook)
- > **Religions:** Muslim 89%, Eastern Orthodox 9%, unknown 2% (CIA World Factbook)
- > **Languages:** Turkmen (official) 72%, Russian 12%, Uzbek 9%, other 7% (CIA World Factbook)
- > **GNI (2015-Atlas):** \$39.66 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$15,760 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.7%; male 99.8%, female 99.6% (2015 est., CIA World Factbook)
- > **President or top authority:** President Gurbanguly Berdimukhammedov (since February 14, 2007)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Exact number unknown but there are believed to be 7 state-owned television stations; at least 1 state-owned radio network; as many as 28 national and local newspapers and magazines, including 2 private print outlets that are considered implicitly state-controlled; and an undetermined number of Internet-based news entities, at least one of which is state-controlled (sources: CIA World Factbook, International Telecommunication Union, *NewEurasia Citizen Media*, *SalamTurkmen*, World Telecommunication/ICT Development, World Bank).
- > **Newspaper circulation statistics:** According to anecdotal data, the three main print publications by circulation may be "Neutrally Turkmenistan" (Russian-, English-language state-owned daily), "Turkmenistan" (Turkmen-language state-owned daily) and "Rysgal" (Turkmen-language irregular owned by the Union of Industrialists and Entrepreneurs).
- > **Broadcast ratings:** N/A
- > **News agencies:** Turkmen Dowlet Habarlary (state-owned)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 785,000 (2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: TURKMENISTAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Objective Score: 0.18

Turkmenistan's score for Objective 1, 0.18, may seem a notable, if still incremental, improvement over 2016's all-time low of 0.10. However, it still reflects the government's continuous and total control over—and absolute suppression of—the freedom of speech. What has changed is continued improvement in Turkmenistan's laws concerning media, although this improvement has existed solely on paper.

In the estimation of one Turkmenistani journalist, the main legislation pertaining to freedom of speech, 2014's much-touted "On Mass Media," is "moderately acceptable" and in line with the Organization for Security and Co-operation in Europe (OSCE)'s rules and regulations. In fact, Turkmenistani officials assert that this law and subsequent others like it were drafted with the OSCE's consultation. Nonetheless, in practice, freedom of speech is habitually violated, both openly by law enforcement and security agencies and quietly through untraceable and unprovable acts of intimidation. "Turkmenistan is not a rule-of-law-based country, so what the laws say has little effect on *reality*," a Western analyst said.

The extent to which ordinary citizens experience the brunt of this disjunction is unclear—in no small part because many citizens remain ignorant of their formal rights and hence may consider the severe behaviors of Turkmenistan's authorities normal. Nonetheless, there are troubling signs. For instance, using a pseudonym to express opinions, even positive ones, on

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

websites appears to be as routine for ordinary citizens as for civic activists and journalists. Meanwhile, in what suggests an active targeting of a specific demographic, citizen journalists have provided numerous anecdotes of young practicing Muslim men being pulled aside or detained by authorities and having their phones examined, often on no other basis than having discussed their religious beliefs online. In general, surveillance of society runs deep. Citizen journalists lament the "village women's newswire" (*obanyň ayallary novosti*)—the gossip of housewives, pensioners, and the unemployed documented and collected by police and national security into extensive dossiers. There are also anecdotal reports of people receiving rewards for spying on their own friends and neighbors on behalf of authorities.

Violations of journalists' free speech tend to be more blatant. Journalists have been attacked in supermarkets by strangers or imprisoned on bizarre charges, including supposedly violating a new nationwide anti-smoking campaign. The government has at times tolerated independent reporting so long as domestic political issues, especially corruption in government, were not touched upon. This tolerance, already vague and erratic, appears to have disappeared alongside Turkmenistan's natural gas profits during the past year. For instance, it was possible in 2014 for Azatlyk Radiosy contributor Soltan Achilova to report on long lines for bus and train tickets. However, when she attempted to make a similar report in 2016 about state-operated stores, she was detained. Later, after being released, she was assaulted by unknown individuals who then immediately vanished.

Attacks by strangers who promptly escape, never to be apprehended and prosecuted, is a favorite intimidation tactic of Turkmenistani authorities. Even worse, journalists' family members are just as in danger as the journalists themselves. For example, Human Rights Watch reported in September that the brother of Chary Annamuradov, a journalist living in exile in Sweden, died four days after he was kidnapped and beaten by unknown assailants in Turkmenistan. Annamuradov was being held by authorities in Belarus at the time under an extradition request from Turkmenistan that was filed in 2000 for what Human Rights Watch has described as "politically motivated" fraud charges.

Trumped-up charges and a secret prison system are favorite tools of the regime. For instance, another Azatlyk Radiosy contributor, Saparmamed Nepeskuliev, went missing in July 2015 while visiting the Caspian coast. His relatives later tracked him down to a detention center near Avaza, the lavish government-constructed resort, where he was being held before receiving a three-year prison sentence on the charge of possessing narcotics. Nepeskuliev subsequently disappeared. He resurfaced briefly in June 2016, when the Netherlands-based Alternative Turkmenistan News (ATN) interviewed a Kazakh man who claimed to have shared a jail cell with the journalist.

What can still sometimes shock even hardened observers is the seeming refusal of state news agencies to disclose domestic news, even that of enormous public concern, such as earthquakes.

No laws in Turkmenistan prohibit the establishment of private, non-state media, but creating and operating a traditional media outlet involves prevailing against many bureaucratic and logistical “stop points” that authorities use to prevent anything but state media from existing; even the very attempt to establish and register a private entity could invite suspicion and intimidation. Consequently, among the estimated 15 percent of the population with Internet access, there has been a cautious move toward the nontraditional media of online social networks and publishing platforms. However, even this can invite repression. One Turkmenistani journalist recounts the story of a young Twitter user who was prevented from boarding a plane by airport authorities. The individual was never provided an explanation but had likely been the victim of one of the regime’s many secret blacklists.

Turkmenistan’s laws do not deny its citizens the right to access information from outside the country. Again, though, as a matter of practice, restriction is extensive. There is an unofficial ban on the import of newsletters, journals (even scientific ones), magazines, and newspapers produced abroad: suitcases, computers, phones, and thumb drives are checked at the airport, and the cabs, trunks, and cargo areas of cars and trucks are checked along the country’s highway border crossings. Those caught importing any such material face punishment. Meanwhile, the Ministry of Telecommunications maintains an effective monopoly over all forms of communications through formal and informal structures, including various state-owned enterprises and a shadowy 2012 agreement that made the Russia-based MTS mobile service provider a dominant force on the Turkmenistani market.

Citizen journalists recount numerous suggestive and frightening incidents of what appears to be advanced surveillance technology being deployed against ordinary citizens, civic activists, and journalists. It is no surprise, then, that the use of surveillance- and censorship-circumvention programs, such as Tor, Psiphon, and virtual private networks, is also prohibited, especially in Internet cafés—which citizens need an official form of identification to enter. The cash-strapped regime seems to be sparing no expense in its pursuit of total control: ATN reported that in 2016, Turkmenistan, anxious about Internet penetration through mobile platforms, put into orbit a new satellite, the

sole purpose of which is to monitor mobile phone activity in the country.

State news agencies provide scant information from the outside world. The rare article by Reuters, the Associated Press, and Agence France-Presse is cited, but only if it is an extremely positive report about Turkmenistan, especially its economic performance. What can still sometimes shock even hardened observers is the seeming refusal of state news agencies to disclose domestic news, even that of enormous public concern, such as earthquakes. On such critical issues as health, education, public expenditures, budgets, and state procurement, state news agencies prefer hyperbole over numbers, even fake ones, often describing a fictitious economic prosperity in grandiose and inexact terms. Otherwise, airtime and print copy is devoted to entertainment programming and exhaustive coverage of Berdymukhammedov’s activities—and the coverage is invariably hysterically positive and uncritical.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.43

Turkmenistan’s score for Objective 2, 0.43, down from 0.82 eight years ago, represents a historical low for the country’s MSI, as this had traditionally been its strongest area. However, it must be said that this objective has always been somewhat artificially inflated by good marks for Indicator 7, which measures the adequacy of facilities and equipment for gathering, producing, and distributing news. To its credit, the Turkmenistani government invests in rather cutting-edge news technology. The problem is, it has done so primarily for reasons of prestige and not for actual use. Through video and screen captures provided by citizen journalists, the frequently inconsistent to poor aesthetic quality of media content—from image resolution to the typography of newspapers—frequently belies the regime’s ostensible efforts at technological modernization, at least where news is concerned.

“Access to Turkmenistani information plays little or no role in the regular, daily life of Turkmenistanis,” the Western analyst explained. “The government’s policy is, effectively, to maximally limit the amount of information Turkmenistanis have about goings-on inside the country. So, journalism is not considered a tool of education or progress; it is a means to ensure a pliant population. And because the goal is minimalist, the resources made available to journalism are also minimal.”

Investment in media reached a peak in 2011 with the successful construction of the 211-meter Turkmenistan Tower near Ashgabat. At the time of the impressive tower’s opening, there was some confusion surrounding its exact function. Observers originally believed it was a media production facility. In fact,

it is merely an enormous antenna with viewing platforms and a rotating restaurant for tourists. Despite this, Indicator 7 continues to get the highest score, not just among the indicators for Objective 2, but among all the indicators of the MSI. Nevertheless, not even it can resist the gravitational pull of the other indicators, which, as in previous years, are a veritable black hole.

The government formally recognizes only its own state media employees as journalists, and these journalists, in turn, do not dare question the government in their reporting. The extent to which Turkmenistan's state journalists are secretly engaging in self-censorship or are simply unaware of what professional journalism truly looks like thus becomes an important question.

Turkmenistani journalists in the West argue that their counterparts back home are generally aware of objective journalism and basic professional standards. They point to a 2014 four-day "study visit" to Lithuania specifically for five state journalists as an example. Conducted by the OSCE, an official press release said the trip was intended to "facilitate the exchange of experiences in the area of media development and expose journalists from Turkmenistan to the work of print and online media outlets in Lithuania." More important, say observers, the fact that state journalists can access external news about Turkmenistan at all, even if only to twist and pervert it into propaganda, means they are inevitably exposed to international-standard reporting.

The ultimate problem, then, may not be that Turkmenistan's state journalists are ignorant of their craft. Rather, the far more crucial issue is that standards are set by high-level officials according to the wishes and wants, real or perceived, of the president. Editors avoid topics that government officials might frown upon, and hence strive to assign only those news stories that the regime would approve.

Whatever may or may not be happening within the minds of Turkmenistan's state journalists, indisputable is the fact that their journalistic ethics are horrendous, perhaps most bizarrely where truth in quoting is concerned. For example, one panelist recalled expressing a passing interest in visiting Turkmenistan one day, during a brief conversation with the Turkmenistani president's press secretary in a third country. Those remarks, the panelist said, somehow turned into a lengthy quotation of fulsome praise for the country, printed on the front page of the state newspaper *Neutrally Turkmenistan*. In another example, part of a Western academic's presentation at a conference in Ashgabat was aired on state television—dubbed to appear as if the academic were lavishing praise upon the president.

Oddly, Berdymukhammedov himself has frequently evinced dissatisfaction with the quality of Turkmenistani state journalism. For example, in an undated state press release on the website *TurkmenPortal.com*, the president is reported as

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

extolling the importance of media in "preserving the spiritual values of the nation, further raising the cultural level of the country's citizens and the promotion of modern achievements of Turkmenistan." He then complained about state journalists being "cut off from life," exhibiting "obvious omissions" and a "low creative level"; he even criticized newspapers' habit of reprinting news verbatim. True to form, this same press release then explained how the media industry was subsequently revolutionized after this criticism, such that "today, reporters face broad prospects for professional growth and creative self-realization."

If being a state journalist does not actually provide very good prospects for creative self-realization, it does seem to offer stability. Pay levels are said to be sufficient to discourage corruption, and in a country where the average monthly salary is believed to be as low as \$150, this could be an indicator of the importance the regime attaches to media. Indeed, in late 2015, one panelist noted that salaries had been increasing by 10 percent since January of that year, and further noted that it had been at least the fourth consecutive year in which salaries had grown by that amount. It is unknown whether this practice continued during 2016, although a well-connected panelist this year reported not hearing a single complaint of salaries being delayed or garnished, as has been the case with employees of many other state institutions. In general, the picture that emerges is of state journalists regularly receiving decent standard salaries, and hence not needing to work multiple jobs to meet their living expenses, unlike, say, their counterparts in the Kyrgyz Republic. Yet, even here there is a sinister subtext: The state implicitly controls key aspects of state journalists' lives—not only their salaries, but also their housing and other social benefits.

Despite all the bad news about news in Turkmenistan, there may be some hope in the highly policed Turkmenet. One panelist this year strongly advised differentiating between professionals and *non*-professionals: “official ‘journalists,’ who are actually government propagandists” and “those who are sharing news on social media platforms for fun or for helping each other,” typically ordinary citizens who are working low-skilled jobs abroad and hence have greater access to new and different information. The Western analyst agreed: “Turkmenistan is too small to afford to produce high-production-quality entertainment, so it generally depends on imports” of the suppressed variety represented by online content, including Western films, hip-hop music videos (an old target of Turkmenistani authorities, who deem the music form “immoral”), and user-generated news and commentary. One experiment in independent Turkmen-language news, the Facebook- and V Kontakte-based SalamTurkmen, has hosted numerous discussions about infrastructural decay, police violence, and faulty health care inside Turkmenistan—the kinds of topics about which state media are deathly mute. These discussions have all been catalyzed by the reports of citizen journalists, often photographs taken and texts written by Turkmenistanis visiting home from work overseas.

Nonetheless, even the remarkable example of SalamTurkmen is a cautionary tale of the long road ahead for citizen journalism. The operation was one of a small group of Turkmenistan-focused news agencies funded by the Open Society Foundations. During the summer, this group was exposed by hackers who had broken into the donor’s databases and published copies of its funding spreadsheets on Twitter and the DCLeaks website. For many of SalamTurkmen’s users, who have spent a lifetime learning to shun foreign-funded news either for reasons of distrust or fear for their personal safety, this may have taken the shine off the “non-professional” alternative.

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.26

Turkmenistan’s score for Objective 3 is 0.26, essentially unchanged compared with recent years. Of all the MSI objectives, Objective 3 has fluctuated the most since 2008, bouncing between an “optimistic” scores as high as 0.41 (2008, 2012, and 2013) and “pessimistic” scores hovering around 0.25 (2009, 2010, 2011, 2014 - 2017). One explanation for this fluctuation is the challenge in determining what information about their country and the wider world most Turkmenistanis have access to and of what quality it is.

All media outlets in Turkmenistan continue to present only one point of view—quite literally. Media content produced by the Turkmen Dowlet Habarlary (Turkmen State News Agency)

is recycled and repeated with a conveyor belt-like monotony across multiple platforms. Ever since American journalist Joshua Kucera’s notorious 2007 blog post revealed to the outside world that Turkmenistani newspapers across the country literally publish the same content verbatim, citizen journalists have continued to document this strange practice. It is not entirely clear if this is the result of a formal policy, especially considering the president’s complaints about the practice. Some critics of the regime cast it as a holdover from the Soviet era, but this is debatable. According to a 2010 article by NewEurasia Citizen Media, the country’s media landscape actually may have been more diverse in 1991 at the moment of independence, in part because, like the rest of the former Soviet republics, Turkmenistan had come into its independence fresh off the heels of the *perestroika* and *glasnost* era. Twenty-five years ago, NewEurasia reports that there were at least two independent print publications owned and managed by members of the Turkmenistani intelligentsia: *Dayanch (Support)*, a Russian- and Turkmen-language magazine, and the *Turkmen Ili (Turkmen Nation)* newspaper. Unfortunately, these publications proved to be canaries in a coalmine. Muhammetmurat Salamatov, the publisher of *Dayanch*, was beaten by unknown assailants and then charged with using money from criminal activities to fund the newspaper. Both publications had their copies routinely confiscated, and their editors were constantly harassed. Eventually, they quietly faded away.

Today, there are officially two private newspapers, *Rysgal (Welfare)* and *Zaman Turkmenistan (Times of Turkmenistan)*. Of the two, *Rysgal* is better known, having opened in 2010 on the instruction of Berdymukhammedov himself. It is officially owned by the Union of Industrialists and Entrepreneurs, a pro-government business association that is widely seen as another tool of the government. Little is yet known about *Zaman Turkmenistan*, which appeared on the scene in 2016. Claiming to be a subscription-based print and online newspaper, its website is password-protected and closed to the public both inside and outside of the country. However, the whole notion of subscriptions in Turkmenistan is perverse, as the government continues to enforce a genuinely Soviet-era practice of producing newspapers for specific ministries and industries, and then requiring their respective employees to purchase and consume this content. For instance, workers at the state Prosecutor’s Office and the Interior and Defense ministries are required to subscribe to *Adalat (Justice)* and *Esger (Military)*, while those in the medical profession must subscribe to *Saglyk (Health)*. If an industry does not offer a magazine subscription and/or newspapers, its employees are still required to subscribe to a publication from another industry. In all cases, workers are required to pay for the subscriptions from their own salaries.

Government media outlets produce their own programs and news content, but there is little creativity. If the various exploits

of the president are not being praised, then the content concerns the regime's version of traditional Turkmen culture, music, dancing, performance art, etc. It remains unclear whether differences among the Turkmen tribes are acknowledged and celebrated, a potential area of concern. Berdymukhammedov belongs to the Teke tribe, which benefited from the Soviets' strategy of elevating certain tribes over others in the Central Asian republics, not only to positions of power but also as the cultural ideal of each nationality. Two other important but politically marginalized tribes are the Yomud in the west, in areas close to the Caspian Sea, and the Ersari, who live in eastern areas adjoining Uzbekistan. According to a 2010 report by the Institute of War and Peace Reporting, the Teke may be consolidating their position—and one way to do this would be to downplay, delegitimize, or even erase intra-Turkmen differences.

There are some green shoots. Government websites seem to be slowly developing, even doing such previously unimaginable things as posting the addresses of their offices in the regions and in the capital. Turkmen Dowlet Habarlary is occasionally publishing stories set in neither Ashgabat nor Avaza, but in other municipalities—although these will usually focus on a presidential visit or a new prestige project. The audience seems genuinely interested in news regarding the Ahal-Teke, the famed Turkmen horse breed, and the prospects of developing an equestrian industry of some sort. State journalists seem to be responding to this grassroots interest with increased coverage of the government's attempts to promote the horse breed abroad. Meanwhile, in the tiny world of the Turkmenet, there is some creativity allowed for those publishing on the Internet from within Turkmenistan. A veteran Turkmenistani journalist said state journalists are sometimes allowed by their editors to blog as a kind of hobby or exercise. However, they must blog either

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

According to a 2010 article by NewEurasia Citizen Media, the country's media landscape actually may have been more diverse in 1991 at the moment of independence, in part because, like the rest of the former Soviet republics, Turkmenistan had come into its independence fresh off the heels of the *perestroika* and *glasnost* era.

about the official news, or about music, football, cooking, and other hobbies—essentially, only apolitical topics.

Although last year there were some signs of foreign investment in the advertising industry (see below), there is no evidence of any into media, state-owned or otherwise, at least within the country (i.e., not counting foreign governmental and donor support for external news agencies like Azatlyk Radiosy or ATN).

Turkmenistan heavily restricts Internet access and blocks content from numerous websites and online social networks, opposition websites, general news websites in Russian, websites about religion (especially Islam), and email services such as Gmail. The most popular Internet services, such as Facebook, Google, and YouTube, appear to be blocked, although there are conflicting anecdotal reports about this. The spread of mobile Internet has brought some modicum of increased access to the outside world, especially in those urban areas with relatively decent telecommunications infrastructure. However, all activity is monitored, and users must take great care. For example, observers have noted that periodically opposition news websites suddenly become accessible, which some suspect is a ploy to ferret out malcontents within the population.

Previous MSIs have asserted that ordinary citizens know that the government owns and controls all media outlets and hence do not know what it really means to have independent media. This is debatable, especially considering the many young people going abroad for work, not only to Russia but also to Ukraine and Turkey, which have a comparatively robust and diverse media landscape. For those inside the country who find ways to access the Turkmenet, there is a small universe of high-quality, Turkmen-language independent news, such as Azatlyk Radiosy, ATN, Fergana.ru, Khronika Turkmenistana (Chronicles of Turkmenistan), and SalamTurkmen. Nonetheless, information habits appear to be rapidly deteriorating. "People today not only do not read the Turkmen newspapers, but are also losing the habit to read in general, including reading books, which is a

clear difference from the Soviet period, when there were many publications,” the veteran Turkmenistani journalist lamented.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.19

Turkmenistan’s score for Objective 4 is 0.19, reflecting the massively corrosive effects of absolute state control upon management culture. It is possible that in the years when they gave relatively higher ratings, panelists were simply being charitable in light of the stifling and sometimes terrifying conditions faced by Turkmenistan’s media managers.

Last year, Indicator 3 (the existence of an advertising market) received the highest score of all indicators in this objective because of an advertising market that appeared to have been growing due to increased investments from international companies and the appearance of a few private advertisements selling non-state goods and services on some websites. The rest of the indicators, however, all scored terribly, with indicators 1 (media outlets operate efficiently), 5 (editorial independence), and 7 (there are attempts to measure and understand audiences) at the bottom. This year, Indicator 3 again scored highest—one Turkmenistani journalist claims that the rare private advertisement has appeared on television. Nearly all other indicators dangle close to zero.

In general, the lesson drawn from this year’s panel is that the smidgen of hope for advertising may have been illusory. “The advertising market is stagnant,” the Western analyst said. There has been no indication whether promising new practices from 2015, such as the use of “classifieds” and banner advertisements on websites to generate additional income, have increased. No

information regarding media finances, whether from government subsidies or other sources, has ever been made public.

With respect to management practices, state media do not appear to engage in anything recognizable as such, whether developing business plans, conducting market research, or elaborating personnel policies. The broadcast media sector has no ratings system, and in any event, citizen journalists report that most Turkmenistanis prefer Russian television programming, if they can access it (typically through satellite television). Newspapers proudly boast circulation assessments, but with data calculated from the number of copies printed. Crucially, personnel choices are highly centralized: the president appoints and dismisses editors-in-chief, and individuals are appointed based on their loyalty instead of their skills and experience. Turkmenistani institutions do not offer classes to help strengthen research skills—the very type of thing that observers expect would be prohibited anyway.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Turkmenistan Objective Score: 0.13

Turkmenistan’s score for Objective 5 is 0.13, a decline from last year when it scored 0.24. Additionally, it is the only objective that exhibits a steady statistical pattern throughout all the MSIs: rising from 0.26 in 2008 to 0.30 in 2010, where it more or less remained until spiking to 0.40 in 2013 and then beginning its decline in 2014, when it abruptly plummeted to 0.19. One possible explanation for the recent slide is a growing impatience or exhaustion among panelists regarding the situation for Objective 5 in Turkmenistan.

Objective 5 concerns two key, if often-overlooked or ill-understood, aspects of any media landscape: (1) the extent to which NGOs, such as advocacy groups, civic organizations, and trade associations, either help or hinder journalists and (2) the resources (equipment, paper, printing facilities, etc.) and distribution channels, such as kiosks, transmitters, cable, Internet, and mobile, that are available to media outlets. This objective also covers the enormous role played by telecommunications infrastructure at all levels, from the country as a whole down through the newsroom and into the computers, televisions, and phones of citizens. In Turkmenistan, every aspect of Objective 5 is distorted by government control.

Civil society simply does not exist in Turkmenistan. The reason, again, is not because the freedom of assembly—crucial for the formation of NGOs like trade associations—is illegal. Technically, Turkmenistan’s constitution and laws permit the formation of associations, but the government restricts this right in practice. The law requires that an NGO’s founder be a citizen and that the organization be registered with the Ministry of Justice and

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

the Ministry of Economics and Development. To do so, however, the would-be NGO must be able to prove it has 500 members. "This is the real killer for civil society," one observer said. Once registered, other hurdles include obeying regulations that permit the Ministry of Justice to send representatives to events and meetings held by the NGO, a regulation that also requires the group's leaders to notify the government about its planned activities. An unregistered NGO's activities are punishable by fines, short-term detentions, and confiscation of property.

Unsurprisingly, authorities reject all attempts to register NGOs, often using subjective criteria. At best, there are a few pro forma structures established by the government for various industries, but apparently none that specifically represents media interests. There is no need for an association of media owners since the government is the only owner. As noted in last year's MSI, two unions for journalists once operated in Turkmenistan, but it is not clear they continue to function. One was the Union of Journalists of Turkmenistan, established in 1958 and re-registered in 1992 with a charter that included "the protection of journalists' interests against state and public organizations, founders, and publishers of the media." The other was the Shamsyrag Association of Journalists of Turkmenistan, whose last round of activities—two seminars for journalists, funded by the U.S. Embassy in Ashgabat, and one public presentation about its membership's activities funded by USAID, all of which were held in Moscow—was recorded in 2001.

Journalism training has existed in the country since 2008, when it was reintroduced into university curricula after a long prohibition. In 2014, Berdymukhammedov opened a new International University of the Humanities and Development in Ashgabat. Courses are taught in English, and a degree is offered in journalism. Additionally, both students and established professionals are officially permitted to pursue journalism training abroad, but it is unknown how many pursue this clearly risky option. For instance, since 2010, Deutsche Welle and the OSCE Academy in Bishkek, the Kyrgyz Republic, have conducted a 10-week journalism school for the Central Asian republics. According to a source inside the Academy, there has yet to be enrolled a student from Turkmenistan.

In terms of administrative resources, the acquisition and operation of media equipment is tightly controlled, and the state owns all distribution tools, except for the occasional kiosk. Sometimes, the sheer power of the regime to put out its message can be breathtaking, as transmitters reach all of this immense but empty country's far-flung inhabited areas (70 percent of Turkmenistan is desert) and kiosks churn out the echo chamber of official newspapers. Yet, by nearly all accounts, Turkmenistan's telecommunications and information distribution infrastructure is antiquated, crumbling, and concentrated in a few pockets of development, such as Ashgabat—but, say observers, this may be exactly what the regime wants.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

Although Berdymukhammedov has long extolled the virtues of technological modernization, and advances such as the introduction of 3G into the country have been hailed by state media, every time a mobile signal is abruptly dropped or an Internet connection is suddenly cut, the regime scores a tiny victory in its war on independent thought.

Turkmenistanis have long attempted to circumvent both the tedium of the official press and the lack of decent infrastructure by using television receive-only satellite dishes, or TVROs, which beam directly into their living rooms foreign media content (principally from Russia, but also from Europe and Iran). Exactly how many TVROs there are in Turkmenistan is unknown, but observers have used adjectives like "ubiquitous" and "everywhere." As this technology poses such an obvious and direct challenge to the regime's absolute control over information, how exactly TVROs are entering the country remains something in dire need of study by analysts. One thing is for sure, though: if ever the grassroots of Turkmenistan has shown any sign of genuine resistance to power, it has been to protect its access to satellite television. These large, prominent devices have proved an easy target for government raids—usually called "beautification drives" by the authorities. There have been numerous reports by citizen journalists of scuffles and even organized protests. Perhaps poet and music pioneer Gil Scott-Heron may one day be proven right in Turkmenistan: the revolution may not be televised; instead, it may be about television.

List of Panel Participants

IREX did not conduct an in-country panel discussion because of Turkmenistan's repressive environment. This chapter represents desk research, interviews, and the result of questionnaires filled out by several people familiar with the state of media in the country.

In February 2017, Uzbek journalist Muhammad Bekjon was released after nearly 18 years of imprisonment—the longest term served by any journalist.



UZBEKISTAN

The sudden death of Islam Karimov in September 2016, who had ruled Uzbekistan with his “iron fist” for more than a quarter of a century, threw the country into uncertainty. However, Karimov’s successor, 59-year-old Shavkat Mirziyoyev, pledged to continue his legacy; there is little doubt that the freedom of expression remains threatened.

There has not been any significant change regarding the freedom of expression and media in Uzbekistan for the past year. The ruling regime continues to control the information channels, blocking access to the few independent websites that are largely run from outside. Only a few independent journalists remain free in Uzbekistan today, but they are under the close watch of state security agencies. Many reporters who dared to criticize the actions of the government are either in prison or must live and work in exile. The authorities continue rejecting accreditation to foreign reporters—only loyal media are allowed to work in the country.

In February 2017, Uzbek journalist Muhammad Bekjon was released after nearly 18 years of imprisonment—the longest term served by any journalist. The brother of a prominent opposition member in exile, Bekjon was jailed in 1999 for attempting to overthrow the government—a charge he says was fabricated. Following Bekjon’s release, Uzbek authorities freed journalist Jamshid Karimov, the late president Islam Karimov’s nephew, who had been forcefully hospitalized at a psychiatric facility in 2012. Although release of media workers raises hopes, rights activists believe that until all prisoners of conscious are free, it is too early to speak about positive political changes in Uzbekistan.

Domestic media, still tightly controlled by the state, continue to practice self-censorship. There is zero coverage of corruption in government circles, human rights violations, gay rights abuses or forced labor in cotton plantations. The state company Uztelecom, which holds a monopoly over international Internet traffic, blocks all independent websites that are mostly run from abroad. Censored media are forced to reach their audience through social networks or messaging apps.

Due to rampant corruption in Uzbek media business and total state control, the country does not have an economic environment capable of fostering the development of independent media businesses.

IREX did not conduct an in-country panel discussion because of Uzbekistan’s repressive environment. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.

UZBEKISTAN at a glance

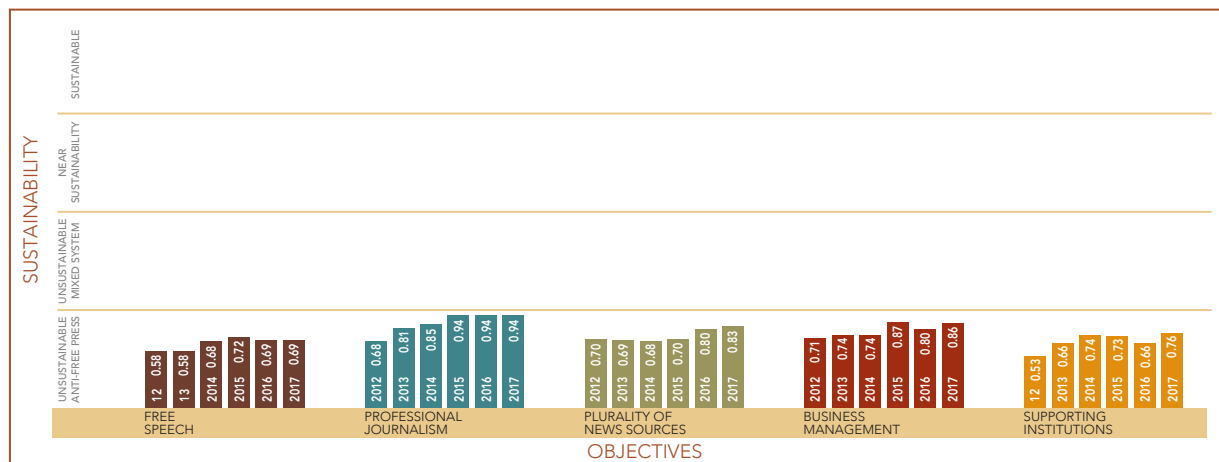
GENERAL

- > **Population:** 29,473,614 (July 2016 est., CIA World Factbook)
- > **Capital city:** Tashkent
- > **Ethnic groups (% of population):** Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., CIA World Factbook)
- > **Religions (% of population):** Muslim 88% (mostly Sunni), Eastern Orthodox 9%, other 3% (CIA World Factbook)
- > **Languages:** Uzbek (official) 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (CIA World Factbook)
- > **GNI (2015-Atlas):** \$67.51 billion (World Bank Development Indicators, 2017)
- > **GNI per capita (2015-PPP):** \$6,200 (World Bank Development Indicators, 2017)
- > **Literacy rate:** 99.6%; male 99.7%, female 99.5% (2015 est., CIA World Factbook)
- > **President or top authority:** President Shavkat Mirziyoyev (since Sept. 8, 2016)

MEDIA-SPECIFIC

- > **Number of active media outlets:** Print media: 1,015; Radio Stations: 35; Television Stations: 66; Internet: 300 websites registered as media (Uzbek government)
- > **Newspaper circulation statistics:** Total newspaper readership is estimated at 500,000; top publications include *Khalk Sozi* (state-run daily, reached 130,000 circulation in 2013), *Narodnye Slovo* (state-run, Russian-language version of *Khalk Sozi*), *O'zbekistan Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)
- > **Broadcast ratings:** N/A
- > **News agencies:** Uzbekistan National News Agency (state-owned), Jahon, Turkiston Press
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 12.498 million users (2015 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: UZBEKISTAN



MEDIA SUSTAINABILITY INDEX 2017: OVERALL AVERAGE SCORES



CHANGE SINCE 2016

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

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

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

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

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

Scores for all years may be found online at <https://www.irex.org/msi>

OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.69

Uzbekistan's legislative framework regulating the media is broad, but not in line with international standards. In practice, the framework is either used ineffectively, or due to a few loopholes, manipulated to suppress the freedom of speech.

Article 67 of the Constitution of Uzbekistan has enshrined the inadmissibility of censorship since 2002, guaranteeing equal access to information for all citizens. Its Article 29 guarantees freedom of thought, speech, and convictions for everyone. At the same time, it imposes restrictions on freedom of information. In accordance with this article, freedom of research and dissemination of information may be limited if it is "directed against the existing constitutional system" and "in some other instances specified by law." The same article also states that "freedom of opinion and expression may be restricted by law on grounds of state or other secret." Yet, no legislative document explains what "other restrictions provided by law" and "state or other secret" means. These "exceptions" make it possible for officials to exert rigid control over the editorial policies of mass media and censor any information interpreted as critical of the regime.

In addition to the Constitution, Uzbekistan's legislative framework contains a set of regulations (the Law on the Mass 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

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

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

speech, media, and journalists. The third law, which replaced the Law on Guarantees and Freedom of Access to Information, was adopted in the same year that censorship was banned. As in the Constitution of the country, these documents guarantee, and at the same time put restrictions on freedom of information.

For instance, Article 6 of the Law on Mass Media, entitled "Impermissibility of Mass Media Abuse," allows for prosecution of media organizations for publishing and dissemination of materials that appeal to "violent change of the existing constitutional order" and "disclosure of state or other secrets protected by law." Article 6 also prohibits publishing information "assaulting the honor and dignity of individuals," despite international organizations' assertion that such a clause has no place in a law specifically regulating the mass media.

Another provision of the same article prohibits "preced[ing] results of a specific case before adoption of the decision by court or other ways to affect the court's introduction of its decision in the legal force."

Along with the Article 9 of the same law, which prohibits journalistic investigation to "influence the course of the investigative and judicial process," these clauses make it impossible for media to report on violations during the investigation of politically charged cases, where convictions are often based on fabricated evidence.

Law on Mass media also puts restrictions on the establishment of media organizations. Article 11 denies "persons who have a criminal record for an intentional crime" from founding a media outlet, despite the constitutional guarantee that all citizens of the country enjoy the same rights. Article 15 of the law bans registration of media if one of more of the founders are located outside of Uzbekistan. Many experts believe that this provision was specifically designed to deprive political opposition members, almost all of whom have found asylum abroad, of the right to start a media outlet in Uzbekistan.

The law "on Principles and Guarantees of Freedom of Information" repeats the provisions of the constitution and Law on Mass Media, but also introduces new restrictions. Article 4 allows freedom to information to be limited on the grounds of "protecting human rights and freedoms, the constitutional order, the moral values of society, spiritual, cultural, and scientific potential, the country's security." No other legal act specifies the criteria for determining when information is detrimental to these values.

Uzbek journalists, interviewed by authors of this report, also feel intimidated by Article 46/1 added to the Code on Administrative Liability in September 2016, which prohibits "illegal collection or dissemination of information about a person's private life, constituting his personal or family secret, without his consent." It can lead to a substantial administrative fine or, for the second

Uzbek journalists, interviewed by authors of this report, also feel intimidated by Article 46/1 added to the Code on Administrative Liability in September 2016, which prohibits “illegal collection or dissemination of information about a person’s private life, constituting his personal or family secret, without his consent.”

The next month, police detained photographer Timur Karpov for documenting forced labor at state cotton plantations in the Buka district of Tashkent region. He was taken to the local police department and beaten by at least five officers.

offense, jail up to six months. According to journalists, this new provision is directed against reporters who could disclose information about family of the Uzbek president and his allies, or on the sources of their earnings, their spending, and luxuries.

Journalists in Uzbekistan, who have been covertly working for foreign organizations for more than 10 years, doubt that country’s newly elected President Mirziyoyev will ease control over mass media. As prime minister, he signed a decree in February 2006 that prohibits the professional activities of foreign correspondents, as well as citizens of Uzbekistan and representatives of foreign media, who have not received accreditation in the Uzbek Foreign Ministry. This happened several months after the bloody Andijan events, when government troops gunned down hundreds of unarmed protestors. The events received wide international coverage due to foreign media organizations that operated in Uzbekistan until 2005.

In 2007, the same provision was introduced in the Law on Mass Media. This decision put an end to the careers of many journalists who worked for foreign media organizations—such as Reuters, Associated Press, France Press, Deutsche Welle, BBC, RFE/RL, Voice of America and others—forced to close their operations in Uzbekistan after reporting on the events in Andijan city. Since then, only reporters uncritical of the Uzbek government have received accreditation.

Today, in a country with a population of 31 million people there are only 31 accredited reporters, mainly from Russian, Chinese,

and Turkish media. Most of them are not based in Uzbekistan, and use their accreditation during trips to the Uzbek capital Tashkent accompanying political leaders of their countries.

Foreign journalists who do not have accreditation from the state are not allowed into the country, or they are soon expelled from Uzbekistan. In November 2016, authorities in Tashkent arrested and deported German reporter Edda Schlager, who traveled to Uzbekistan on a tourist visa to report on the situation in the country after Islam Karimov’s death. Later in November, correspondent of the Russian *Moskovsky Komsomolets*, Ekaterina Sazhneva, was deported from Uzbekistan for collecting information for future reports.

In addition, there have been reports about a “black list” for use by Uzbek officials with the names of foreign reporters who must not be allowed into the country. Since 2006, the authorities have deported at least eight journalists from the country.

Article 10 of the Law “on Mass Media” protects journalists’ sources of information. It states clearly that the media “have the right to disclose neither the name of the source who provided information, data, facts or evidence, nor an author’s name signed under a pseudonym, without their written consent.” However, there have been instances in which independent Uzbek journalists have been called to criminal cases as witnesses, and, under the threat of prosecution for refusing to testify, were forced to disclose their sources of information.

The provision of the Law on Protection of the Professional Activities of Journalists that ensures journalists’ right to be received by officials and be present in court hearings is constantly violated. Officials usually speak to reporters from state media, and journalists are rarely allowed inside courtrooms.

It must be noted that all legislative documents regulating media in Uzbekistan have a provision that if an international treaty signed by Uzbekistan stipulates rules that differ from those provided by any domestic laws, the rules of the international agreement take precedence. There are at least two agreements as such: the Universal Declaration of Human Rights (joined in 1991), and the International Covenant on Civil and Political Rights (joined in 1995). Both documents ensure that everyone has the right to freedom of expression, which includes freedom to seek and impart information and ideas through any media and regardless of frontiers.

Registration and licensing is required for all media in Uzbekistan and is generally completed on an annual basis. Registering media organizations, publishing, and graphic design activity, as well as advertising agencies is carried out by the Uzbekistan Agency for Press and Information (UzAPI), which has a reputation of being corrupt. In August 2016, the National Security Service detained director of UzAPI Omonullo Yunusov

on suspicion of embezzlement. Appointed in 2013, he still heads the organization.

Television and radio entities, including cable television, are also required to be licensed by the Ministry for the Development of Information Technologies and Communications, which transitioned from a state committee into a separate ministry in February 2015.

Despite legal provisions that guarantee fairness and openness, the registration and licensing process of media are non-transparent and fully controlled by the state. As noted in the previous MSI studies, preference is generally given to state broadcasters for political reasons, and the private broadcasters that do receive licenses and operate freely often have ties to the government, the president's family, or political parties. Private broadcasters usually keep their political reporting within acceptable parameters, practice self-censorship, and focus on entertainment, social, and cultural news in an effort to keep their licenses.

The media registration authority is legally obliged to consider recommendations by the Center for Monitoring Mass Communications (CMMC), created under the Ministry of Development of Information Technologies and Communications, when deciding on the state registration and re-registration of mass media. According to some Uzbek journalists, CMMC is also in charge of making decision on blocking certain online media, as their findings are also submitted to the Communications and Information Agency of Uzbekistan, which is authorized to block webpages.

However, so far no media outlets have been officially closed due to losing their registration or license. Owners of media that have been shut down usually stay silent, hoping to re-open their entities again. They keep a low profile knowing that disclosing the reasons for closure may irrevocably ruin their relationship with authorities. Economic reasons, such as tax evasion or financial mishandling, are often cited as the reasons when media activities are terminated. For instance, in 2013 the news site *mezon.uz* and two popular entertainment-oriented tabloids (*Darakchi* and *Sogdiana*; both later re-opened) were closed, ostensibly for these reasons.

In 2016, the authorities closed the popular *12news.uz*, but as in the case of *Olam.uz*, which was terminated in 2013, no official reasons were given. As these websites never criticized the Uzbekistan government, rumors swirled around the journalism community that the owners of these websites could not pay the bribe demanded to extend their registration.

There is direct evidence of corruption surrounding entry into Uzbekistan's telecommunication market. Journalistic investigations carried out in Europe and the United States showed that Gulnara Karimova, eldest daughter of the late

Uzbek president, Islam Karimov, extorted several hundred million dollars from foreign telecommunication companies for permission to operate in Uzbekistan.

The media in general and print media in particular received significant tax breaks in 2012, including exemption from income tax and other mandatory payments. Printing and broadcast companies, operating as small businesses, were exempted from income tax and other mandatory payments for the next five years, and their single tax rate was reduced from six to five percent. The same year, registration fees for media organizations were cut in half.

As of February 2017, initial registration and re-registration fees for media organizations are \$300 for television, radio and news agencies, \$250 for print, and \$10 for online media. Blogs have been defined as media outlets since the amended media law in 2007, but so far there is no information as to whether or not Uzbek bloggers, who are heavily self-censored, have been asked to register.

Today most of the independent Uzbek media outlets that provide in-depth and impartial analysis of events in Uzbekistan are run from abroad. They include Information Agency Fergana, Uzbek services of BBC and RFE/RL, and *Eltuz*; they are all blocked in Uzbekistan, and cannot be accessed without anonymizers or proxy servers. Except *AsiaTerra* and *Uzmetronom*, all local online media are subject to self-censorship to due to heavy government control.

2016 was not marked by crimes against journalists in Uzbekistan. However, as in previous years, the authorities continued to exert pressure on reporters and force them to remain silent. In September 2016, two Uzbek journalists who freelanced for the independent news website *Uznews.net*, which closed in 2014 after an attack by unknown hackers, were interrogated at police station for several hours. Police forced them to sign a written consent not to cooperate with foreign media organizations.

The next month, police detained photographer Timur Karpov for documenting forced labor at state cotton plantations in the Buka district of Tashkent region. He was taken to the local police department and beaten by at least five officers. According to Karpov, they forced him to reveal the passcode for his smartphone. The police then deleted all the data in his phone, including contact details. There is no law in Uzbekistan that prohibits taking photos or videos in public places. Yet, many Uzbek journalists interviewed for the MSI complained of being constantly detained by police for taking photos or recording video on the streets.

Legislation guarantees the protection of editorial independence of all media, including those funded by the government. However, in practice it is exactly the opposite. State media cannot express an independent opinion and produce materials

that may challenge the government. Moreover, government funding is completely opaque; there is no comprehensive information on how much state money is allocated to media, and how it is spent.

Management in government-funded media organizations have always been loyal to the ruling regime. Chief editors of popular state newspapers *Pravda Vostoka* and *Xalq so'zi/Narodnoe Slovo*, and of the national news agency UzA, are appointed upon approval of the National Security Council under the president of Uzbekistan.

Libel and insult are not decriminalized in Uzbekistan, and criminal responsibility for these acts still poses a potential threat to journalists. The Uzbek authorities often use the Criminal Code's article 139 on libel against independent journalists who report on taboo social issues or criticize the government. In the past few years, several journalists were charged with libel and slander: Vladimir Berezovsky from Russia's *Parlamentskaya Gazeta*, Abdumalik Boboyev, a stringer for Voice of America, and freelance journalists Yelena Bondar and Viktor Krymzalov. Later, Boboyev and Bondar were forced to leave Uzbekistan.

Photojournalist Umida Akhmedova, accused of slander in 2009 and charged with "damaging the country's image," in May 2016, received the prestigious Vaclav Havel International Prize for Creative Dissent awarded annually by Human Rights Foundation. Akhmedova, who is the first female documentary filmmaker in Uzbekistan, specializes in subjects historically regarded as taboo in the country: gender, poverty, and ethnic issues. Uzbek media, except for a few independent news websites, did not report Akhmedova's decoration.

Many Uzbek rights activists, opposition members and independent journalists—including Dmitriy Tikhonov, a prominent reporter of rights violations—had to leave their homes and find asylum abroad due to persecution by the government. The escalating pressure pushed Tikhonov to flee Uzbekistan in February 2016. In April 2015, unknown attackers in Angren city, not far from Tashkent, beat him. The assailants were never apprehended. The same year, the police detained him briefly for documenting forced labor in state cotton plantations. Later, a criminal case of hooliganism was opened against him. In late 2015, while he was away, his house burned down. After the fire was extinguished, he could not find his computer hard drives—not even their remains.

The Committee to Protect Journalists again named Uzbekistan one of the worst jailers of journalists in the world. At least five Uzbek journalists were deprived of freedom during the past year. In February 2017, the longest imprisoned Uzbek journalist, Muhammad Bekjon, was released after nearly 18 years of imprisonment. This happened several months following the release of Samandar Kukonov, a former MP and entrepreneur,

who had spent 24 years in an Uzbek prison for opposing the president. Bekjon is the brother of prominent opposition member in exile, Muhammad Salih. He was jailed in 1999 on charges of attempting to overthrow the government—charges that he claims were fabricated.

Following Bekjon's release, the Uzbek authorities freed journalist Jamshid Karimov, late president Islam Karimov's nephew and member of a rights activist group, who had been forcefully hospitalized at a psychiatric facility in 2012.

Despite laws in place guaranteeing the free access to information, journalists cannot gain access to public documents. Details of the state budget, consumer data, the general plan of Tashkent, data on state subsidies of various industries, information about high-ranking officials' salary and whether they pay taxes—all of this information is kept away from public eye.

In June 2016, authorities took down one of the most visited websites in Uzbekistan—sports site Uff.uz. According to the Uzbek service of Radio Free Europe/Radio Liberty (RFE/RL), locally known as Ozodlik Radiosi, the website was blocked following an article that criticized country's National Football Association, which is headed by a senate member, the former deputy prime minister of Uzbekistan. Access to Uff.uz was restored in a week, and the critical article was deleted.

In December 2016, Ilkhom Abdullayev, chair of the Committee on Information and Communication Technologies of Parliament of Uzbekistan, denied during an OSCE conference in Vienna, Austria, accusations that the Uzbek government engages in online censorship. According to the official, court orders are required to block Internet websites. Yet, so far none of the online media blocked in Uzbekistan were presented with such an order.

Since February 2015, the Ministry for the Development of Information Technologies and Communications is in charge of regulating telecommunications services related to the Internet. Online content is monitored by the expert commission of the ministry, a secretive body established in August 2011 and operates under the Center for Monitoring Mass Communications. The Commission ensures "information security" and makes recommendations for blocking websites

The government continued disrupting Voice-over-Internet-Protocol (VoIP) services in 2016, including Skype, WhatsApp, and Viber. Connection to these services has been hindered since July 2015, but both the authorities and Internet service providers denied blocking these services. State-owned Uztelecom, which holds a monopoly on services with access to international telecommunication networks—including the use of VoIP technologies—explained this away as ongoing "maintenance works on some channels of communication."

Uztelecom's monopoly over international traffic has another huge disadvantage, according to experts of Qrator Labs, a Russian company specializing in DDoS-attack mitigation. In June 2016, the company published an investigation evaluating the vulnerability of national segments of Internet across the globe against possible network collapse. The findings showed that in case of network failure at Uztelecom, 97 percent of Internet users in Uzbekistan would be left offline from international traffic.

In 2015, the Milan-based Hacking Team, a company that sells online spying tools to governments worldwide, confirmed that Uzbekistan spent more than €500,000 over recent years to buy its remote-control software. According to an Uzbek online security expert, who talked anonymously to the Russian language television channel Nastoyashee Vremya (Current Time) in January 2016, Uzbek security services started employing Italian-made spy software in June 2015, a month before the quality of Skype-calls, file exchanges in messengers Viber and WhatsApp, and other Internet services deteriorated in the country.

Most media consumers do not know how to bypass online censorship. However, according to journalists, the number of advanced users, using VPNs, proxy servers or sophisticated anonymity software, such as TOR on a daily basis, is increasing.

In 2014, the government amended the Law on Information to address blogging, which has become increasingly popular among Uzbeks over the past several years. Now the law officially equates bloggers with journalists and categorizes blogs as media outlets, so Uzbek bloggers now bear the same responsibility for accuracy of information as professional journalists.

The journalism profession is accessible to anyone, in theory—although hiring decisions are made overwhelmingly by managers who owe their positions to the state or whose license can be pulled without reason. The state does not interfere in the admission process, nor does it prohibit students from entering journalism universities.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.94

Media in Uzbekistan are not capable of promoting public discussion or assessing the policies and actions of the government. The poor professionalism among journalists results from both the lack of opportunity for journalists to gain and practice skills and the government's control over information, according to past MSI panelists. There is no widely accepted ethics code, and media are filled with paid-for news articles and programming. On television, entertainment programs overshadow news programs, which must be cleared by the

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

government. The lack of specialized skills among reporters, the list of prohibited topics, and the out-of-date equipment at media outlets further limits the ability of journalists to inform citizens.

With the over-arching control of media in Uzbekistan by the government, when the media, especially state-funded media, report on political events, they largely express the official view, as their materials are mostly based on official information provided by state agencies.

This is not, however, a reflection on the professionalism of journalists employed at state-funded media, suggest some journalists interviewed for the MSI. According to them, the journalism community in Uzbekistan still has many well-trained reporters, especially at the state-run television channels. However, due to censorship and pressure from chief editors, they are not allowed to display their skills.

At the same time, independent media cannot get first-hand access to official information, and are often forced to report on issues concerning political or economic developments without official input or by referring to state-funded media.

Interesting professional interviews in Uzbekistan that give in-depth analysis on certain issues are rare. Journalists, especially in state media, do not use multiple sources of information or expert opinions that are contrary to the official view. There are only few economists in the country who can openly give professional independent analysis of Tashkent's economic policies, such as excessive state control over currency exchange, but they are interviewed only by foreign media.

The Union of Journalists of Uzbekistan and the National Association of Electronic Media (NAESMI) have their own codes of ethics that reflect international standards, but there are

still no mechanisms to enforce their application in practice. Journalists regularly violate or are forced to violate certain standards, most often related to objectivity and unbiased coverage. Generally accepted ethical standards are followed mostly in reporting on social issues. Reporting on the country's economy and government policy remain the same as before: one-sided, reflecting only the official point of view.

Violations of ethical norms are widespread. Journalists, especially in state print media and television, eagerly accept bribes in the form of cash and gifts in exchange for favorable coverage. This happens largely due to low wages. At Tashkent media, salaries average \$200-\$300 per month, which is barely enough to make ends meet. Entry-level salaries are even lower, making journalism unattractive for young people. This forces most journalists to work for several media outlets at the same time, or work for bribes. Some government agencies use their own tools to keep journalists loyal, including financial awards and opportunities to travel abroad.

Plagiarism is still very common in Uzbekistan media. Popular Uzbek-language news websites, such as Kun.uz and Daryo.uz, as in previous years, continue translate news from Russian websites and publish it as their own.

Censorship was officially banned in Uzbekistan in 2002, but five years later the government amended the Mass Media Law, making owners, editors, and journalists from both state-supported and private media responsible for the content of what is printed and broadcast. Today, journalists, editors and bloggers alike are constantly forced to self-censor due to real or perceived threats of losing their jobs or prosecution. Accredited reporters of foreign media also must censor themselves, although to a much lesser degree, because of the threat of losing accreditation.

Thus, Uzbek media refrain from commenting on many socially significant events. A striking example of this in 2016 was the media reaction to first reports on the death of the president. Before it was officially confirmed, many international media reported about his passing citing anonymous sources within the government and high-ranking diplomats. Local media, however, kept silence, waiting for official information from government. Uzbek media did not report even on Turkish Prime Minister's statement about Uzbek president's death, as it came several hours before the official confirmation.

Nor did the local media report on his eldest daughter, Karimova, throughout 2016. Once a singer and fashion-queen of Uzbekistan, Karimova is today kept under house arrest in Tashkent due to multi-million dollar corruption charges from Europe and the United States. In November 2016, her son Islam Karimov (named after his grandfather) gave an interview to BBC, where he stated that following regime change in

Uzbekistan his mother's life was threatened. Uzbek media, except independent ones, ignored this.

State media and formally independent news websites never report about corruption in the government. Journalists have to keep a blind eye on the transparency of the state budget, condition of military, detentions for political reasons, and forced labor by government. Monetary policy of the government is also among taboo subjects. Uzbek media never report about what locals call the "black market" of currency exchange, even though in 2016 the rate of the national currency kept falling, causing intense discussions on social networks. These topics are mostly only covered by independent Uzbek media based out of the country.

Taking photos of forced cotton-picking, buildings of law enforcement agencies, checkpoints between the regions of Uzbekistan, and the so-called "presidential route" in Tashkent (used by the presidential motorcade) is still strictly forbidden.

As stated in previous MSI reports, the problem of independent Uzbek journalism is that very few young journalists are joining their ranks, largely due to the fear of state persecution. For the past two years, at least three well-known reporters under 40 were forced to leave the country because of constant pressure from National Security Service.

Entertainment articles and programming continue dominating over news and information programming in the media market. As local journalists say, it is the most secure way of doing business in media. Moreover, there is no high demand for news content among media consumers in Uzbekistan, as all news reporting is biased and sides with the government.

Given the widespread penetration of mobile phones, almost all journalists working for print media and radio are equipped with basic necessary equipment—tape recorders and cameras. However, in most cases they must buy such smartphones at their own expense. Television media companies in big cities, especially state-funded ones, are well equipped.

Almost all journalists interviewed for this year's MSI report noted that the quality of equipment does not affect the quality of journalism in Uzbekistan. What affects it is the political situation, the pervasive atmosphere of censorship, and the low level of education of many journalists.

Regarding the coverage of niche topics, almost all professional spheres in Uzbekistan, including education, health care and military, have their own specialized publication, which survive only due to forced subscription and state subsidies. *Economic Review* is considered to be a relatively independent magazine. Yet, it cannot publish objective articles on various aspects of economic issues. Journalist Natalia Shulepina continues writing in her blog *Sreda.uz*, which specializes on environmental issues. There is also *Uzinfocom*, a magazine devoted to computer

technologies and communications issued by the Ministry for the Development of Information Technologies and Communications.

Investigative journalism is not a very popular genre in Uzbekistan. Investigative materials on state media mostly focus on criminal cases, and they are solely based on evidence presented by the authorities. It is journalists of independent media, such as the Uzbek services of BBC or RFE/RL—which operate out of London and Prague respectively—that usually carry out quality investigative reporting. They produced in-depth reports about the shady businesses of the late Uzbek president’s daughters, for example.

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.83

Despite having over 1,500 registered media outlets, including 65 television channels, over 1,000 print media and nearly 400 websites, Uzbekistan’s population does not enjoy a plurality of media sources from which to gather information.

According to Uzbekistan’s Agency for Press and Information, the majority of registered media are privately owned, hence independent. However, in reality they are under the constant radar of state security agencies. Most of the media outlets can be categorized as entertainment. Those that market themselves as social and political media report only merely based on official government talking points.

Coverage of digital television continues increasing. By the end of 2016, 80 percent of the population of Uzbekistan had access to digital television, a 16 percent increase from the previous year. The government is planning to install more transmitters in coming years. The free package of digital television includes 12 television and two radio stations of the state-owned National Television and Radio Company, and two private television channels (four in certain regions).

At first glance, consumers enjoy diversity in the Uzbek television market, the technical quality of which is getting better each year. Nevertheless, most television channels in Uzbekistan are entertainment-oriented, and the news and information they provide is always one-sided.

As noted in previous MSI studies, the Internet remains the least-controlled media format in the country. Nonetheless, as the Law on Mass Media clearly indicates, all Internet websites with the .uz domain, or websites of organizations registered in Uzbekistan, are all still subject to tight government regulations. Termination of licenses remains a serious threat to media, forcing them to be extremely cautious in publishing new and presenting analysis.

Those online media not under the government’s control are simply blocked in the country, which limits Uzbek Internet users’ access to independent online content. For its wide-scale online censorship, international media watchdogs annually assess Uzbekistan’s Internet freedom as “not free.” Access to hundreds of websites of opposition groups, human rights organizations, and media entities is limited.

In February 2016, then-President Karimov again argued about the uselessness of blocking it. “If someone is trying to block Internet, being Twitter or anything else—it is silly,” he said during his speech aired on prime-time news on all state television channels. However, websites offering content critical of the government, such as People’s Movement of Uzbekistan, Voice of America, Eurasianet, Ferghana News, Centrasia, AsiaTerra, and the Uzbek language services of RFE/RL and BBC continue to be blocked in the country.

Yet, Uzbekistan’s Internet users are increasing, reaching 13 million in 2017, according to official figures. 11 million of them use mobile Internet and actively use social networks. The most popular is Odnoklassniki.ru, owned by Russian Mail.Ru Group, with at least three million active users from Uzbekistan. Facebook is used to a much lesser degree. However, Facebook is the favored platform of most of the popular Uzbek socio-political groups. Members of these groups can indirectly criticize the government by, for example, posting photos of bad roads, but they never openly challenge state agencies or call for action.

The independent Uzbek media, blocked in Uzbekistan, continue actively using social networks and messenger apps to reach out to their main audience. The Uzbek service of RFE/RL has its group in Odnoklassniki.ru with nearly half a million members. It also runs several channels in Telegram, a messaging app

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

Many young Uzbeks are unable to differentiate objective news from state propaganda. They see independent Uzbek news websites, such as Radio Ozodlik and BBC, as enemies of Uzbekistan—a result of the government’s efforts to label them as such since 2005.

that became quite popular in Uzbekistan after authorities started blocking its rival, WhatsApp. The Facebook audience of independent Uzbek media also increased significantly in 2016, mostly due to detailed reporting about Karimov’s death.

Many Internet users in Uzbekistan are afraid of surfing blocked websites using anonymizers, as the government keeps track of traffic. When buying a SIM card or connecting to Internet via ISP, consumers are required to give their personal information, including a copy of their passports.

Uzbeks living in cities enjoy more information diversity than their fellow citizens in smaller towns or rural areas. By virtue of understanding Russian, many city residents prefer to watch Russian television channels via satellite antennas. In December 2016, private provider of access to digital television UZDIGITAL TV included nearly 10 Russian television channels to its free package list. In previous years, the Uzbek government deliberately used to cut signals of Russian television channels.

Power outages, especially in remote regions, have become one of the main obstacles to using electronic media. In many rural districts, electricity is given only two or three times a day for several hours. With no cable Internet and low-quality mobile networks, people in rural areas receive information mostly from government-controlled radio and television channels. During winter, power outages become common even in big cities, like Samarkand, Jizzakh, and Khorezm.

Illiteracy per se is not an obstacle for media consumers, as officially Uzbekistan has almost 100 percent literacy. However, the population’s media literacy is quite poor. Many young Uzbeks are unable to differentiate objective news from state propaganda. They see independent Uzbek news websites, such as Radio Ozodlik and BBC, as enemies of Uzbekistan—a result of the government’s efforts to label them as such since 2005.

There are four news agencies in the country: Uzbekistan National News Agency (UzA, state-run), news agency Jahon (run by the Ministry of Foreign Affairs), the independent news agency Turkiston-Press, and Uzbek Telegraph Agency. Foreign embassies and offices of international NGOs continue

receiving information from Turkiston-Press, mainly because it contains economic information that is not provided by state news agencies or other media. When covering issues related to high-ranking government officials or taboo subjects, all media completely rely on the information provided by state news agencies, in order to avoid possible conflicts.

Uzbek state media, as well as positioning themselves as independent but completely loyal to the state news media, almost never cite international news agencies (eg, Reuters, AP, AFP), because they are critical of the ruling regime.

Private print and online media produce their own news content, but it usually reflects state news media. Their own reporting is usually on matters that do not directly concern the central government. Many Uzbek journalists complain that they are not allowed to diversify their sources; almost all news media are provided with a list of approved experts by the authorities. Loyal to state media almost never cite international news agencies, because of their critical information about Uzbekistan.

In rare cases bloggers create their own materials. For instance, in December 2016 a blogger from Samarkand, Toshpulat Rakhmatullaev, made a series of reports about a mass grave of donkeys in the outskirts of the city. His investigation led to the launch of a criminal case against individuals, who illegally sold donkey meat—supposedly to the zoo.

Uzbek media tend to avoid covering gender equality and ethnicity issues. Problems of sexual minorities are never mentioned; Uzbekistan is the only country in the post-Soviet region where sodomy is a criminal offence. At the same time, talk-shows about traditional values and “alien Western ideology” that threaten them are quite common on Uzbek television.

In Uzbekistan, there are several print media published in the languages of ethnic minorities. Two newspapers are in Tajik: the national *Ovozi Tojik* and the weekly *Sadoi Sokh*, published in the Sokh district of Ferghana region, populated mainly by ethnic Tajiks. The Korean diaspora’s *Koryo Sinmun* is published both in Russian and in Korean, and there is *Nurly Zhol* in Kazakh. There are also Kazakh language shows broadcast on state radio and television. The Republic of Karakalpakstan, an autonomous republic within Uzbekistan, has its own socio-political newspaper, *Erkin Karakalpakstan*.

All of these newspapers are loyal to the government and never publish materials concerning real problems of ethnic minorities. For instance, *Ovozi Tojik* does not cover the lack of Tajik language schools in areas where mostly ethnic Tajiks live.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.86

As revenue sources are limited, media outlets in Uzbekistan continue struggling to cover operational costs. Total government control and a struggling economy, together with an absence of healthy competition, make it nearly impossible for media to run efficiently or profitably. Most are still heavily dependent on subsidies from government or private owners. As private media rarely disclose information about the owners, in most cases the public is not aware of the source of their funding.

Almost all Uzbek journalists interviewed for the MSI agree that most media organizations' budgets are not transparent, and their managements are corrupt. In 2016, Transparency International ranked Uzbekistan as the most corrupt country in the Central Asian region, coming in at 156th place in the world—a three-point drop from the previous year.

Only a few print media, such as the state-owned *Nardnoe Slovo/Halk Suzi* and *Pravda Vostoka*, earn enough to fully support operations. This is achieved largely due to compulsory subscriptions for public institution employees across the country and people receiving state benefits (pensioners, disabled persons). Moreover, given their high profiles and large circulations, these papers have always enjoyed an abundance of advertising.

Involuntary subscriptions remained an issue in 2016 as well. In January, Radio Ozodlik reported that first-grade schoolchildren in the Bustonlik district of Tashkent region, who just enrolled in elementary school, were forced to buy the child-oriented newspaper *Yosh Kuch* (*Young Power*). College and university students, who receive stipends from the state, are also asked to subscribe to government-funded newspapers.

There are only a handful of private media outlets that have relatively effective business models, such as Russian language news websites *Gazeta.uz* and *Novosti Uzbekistana*. The latter had to leave print and go online in 2014, reportedly due to financial constraints. Uzbek language news websites, such as *Daryo.uz* and *Kun.uz*, and sports oriented websites such as *Stadion.uz* and *Uff.uz*, have grown in popularity in recent years, boosting their revenues from advertisement. Yet, even the most popular websites in the country are far from self-sustainable, heavily relying on public funds, grants from international organizations or direct subsidies from owners.

Government subsidies to private media (which are not frequent) are usually funneled through the National Association of Electronic Mass Media and the Public Fund for Support and Development of Independent Print Media and News Agencies, in the form of grants or other awards. The greater its loyalty

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

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

to authorities, the more likely a media outlet receives state support. However, subsidies are not used as leverage to control media. It is the fear of being persecuted that forces all media outlets to self-censor.

Advertising may not be enough to cover all costs, but it is still the largest source of revenue for media in Uzbekistan. The online advertising market is underdeveloped. Most advertisers prefer television, radio and print media, where there is an established advertising market. Mobile operators, car-manufacturing company GM-Uzbekistan, producers of soft beverages and pharmaceutical companies are among the biggest advertisers. They continue placing advertisements in state newspapers and television channels, which may not always be rational in terms of marketing, but demonstrates their loyalty to the government.

State television channels *Yoshlar* (Youth) and Uzbekistan still have the highest geographical coverage and the top prices for advertisements. For example, one minute of primetime on *Yoshlar* can cost \$4,900, according to a pricelist provided by advertisement agencies. In 2014, the independent Uzbek media reported on a wide-scale corruption scheme at the National Television and Radio Company, showing almost half of revenue from advertisement going to into the pockets of company officials.

Advertising is well-developed in Tashkent and a few other big cities. Almost every large-scale newspaper has its own advertising agencies. In remote or rural areas, it almost does not exist.

Uzbekistan's Law on Advertising, amended several times since its adoption in 1998, states that advertising for television and radio should not exceed 10 percent for each hour of broadcast, a norm, according to some local journalists, often violated by

television channels. Broadcasting of state events and ceremonies (celebrations of Independence Day or Nowruz) cannot be interrupted with advertisements. Print media advertisements cannot exceed 40 percent of its volume. The law does not have any regulations concerning online advertisement.

There are only two independent news websites operated by journalists located in Uzbekistan: AsiaTerra and Uzmtronom, both blocked by the Internet-monopolizing Uztelecom for their often-critical content. Despite being relatively popular, they do not receive any advertising. According to reporters working for these websites, advertisers are afraid to appear on “unfriendly” websites.

Market research is very limited. It happens rarely, and media organizations usually do not finance the research. The only openly conducted research on the media market in 2016 was done by the Tashkent Advertising Association, which unites almost all big advertising agencies in the capital city. The survey was aimed at comparing the popularity of three media—television, radio and Internet. It reportedly involved more than 1,700 people (geography not disclosed), most of the respondents between ages of 20-45 years. The survey showed more than 95 percent of respondents used the Internet every day, whereas 53 percent watched television at least once a day. Many journalists were doubtful of the accuracy of these results.

As reported in previous MSI studies, the last People Meter analysis of Uzbekistan television channels was conducted in 2009 by SIAR, a joint Uzbek-Turkish research and consulting group. Its results stated the obvious: the popularity of channels Uzbekistan and Yoshlar, which, according to local journalists, has not changed since.

All popular news websites Kun.uz, Gazeta.uz, Daryo.uz, Stadion.uz that attract advertisements usually state their daily or monthly unique visitors stats, but do not publicly display any data from credible stat counters, such as Google Analytics or Yandex Metrika.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.76

After the fall of the Soviet Union, Uzbekistan hosted several independent NGOs that supported mass media, funded mostly by international organizations. However, their status was always uncertain and they were under close control of the government. After the violent suppression of the Andijan demonstrations in 2005, all foreign media assisting NGOs had been kicked out of the country. Since then, the government of Uzbekistan has not eased its control over indigenous organizations that support mass media.

Today, professional organizations that were created “to support the media” merely promote government propaganda. NAESMI was founded in 2004 and unites dozens of non-governmental television and radio stations. Its head, Firdavs Abduholikov, was detained briefly by state security agencies in 2013. The independent media linked his arrest to charges against his close ally, Gulnara Karimova.

Uzbek journalists interviewed for the MSI believe that one cannot be just released from detention by security services unless they promise to cooperate. Abduhalikov continues to head NAESMI and run the most-circulated entertainment newspaper, *Darakchi*.

There is only one professional union, the Creative Union of Journalists, created the same year as NAESMI. All journalists working in Uzbek media organizations are members of this union, and pay monthly contributions automatically deducted from their salaries. The union organizes an annual professional competition called Oltin Qalam (Golden Pen) to award the most loyal journalists. The organization is considered corrupt, and does not provide real support to its members.

In December 2016, the chair of the Creative Union of Journalists, Ibrohim Khalimbekov, was sentenced to a heavy fine on charges of embezzlement of state property and abuse of authority during his work at the state film studio Uzbektelefilm in 2012-2014. The court also deprived him of the right to hold managing positions for the next three years.

The Public Fund for Support and Development of Print Media and News Agencies, another government-controlled organization, claims to offer grants, training, and other activities to its members, but the quality and effectiveness of these services is unclear.

The Real Union of Journalists of Uzbekistan, founded in 2007 by émigré Uzbek journalists residing mainly in European countries, stopped its operation for unknown reasons. It was headed by Galima Buharbaeva, editor-in-chief of Uznews.net, the popular news website that had to close in 2015 after being hacked. Buharbaeva launched a new information website called Centre1.com in September 2016.

There are legal constraints to the registration of trade unions. Article 34 of the Constitution guarantees citizens the right “to form trade unions, political parties and other public associations.” However, journalists interviewed for the MSI believe that any independent professional association would not be registered, for political reasons. In addition, participating in any unregistered, hence illegal, public association in Uzbekistan is punishable with imprisonment up to five years.

There are two main schools of journalism in Uzbekistan: the Faculty of Journalism at the Mirzo Ulugbek National University, and the Faculty of International Journalism at the State

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

University of World Languages. According to local journalists interviewed for the MSI, the mere fact that students of these schools are forced to study the books of the late president showcases poor quality of education. Both schools offer classes in Uzbek and Russian languages. Students complain about lack of qualified professors and outdated curricula.

It is quite hard for young journalists to start their professional career given the low wages and healthy competition in media market. Young Uzbeks studying journalism abroad, for instance in United States and Europe, rarely return to Uzbekistan.

Those few independent journalists working in Uzbekistan are sometimes invited to professional training courses organized by media development NGOs in neighboring countries, such as Kazakhstan and Kyrgyzstan. Organizations like the U.S. State Department, the Open Society Foundation, Internews, and the OSCE Academy in Bishkek usually sponsor them. Uzbek journalists working for officially-registered media rarely attend such courses, fearing possible problems at work. They are trained by short-term courses offered by NAESMI and other state-controlled organizations.

The printing market is under the government's control, and considered corrupt. In June 2016, the National Security Service arrested the head of Uzbekistan, one of the largest printing companies in the country; he was charged with embezzlement. There have not been any updates on this case since then. The printing house publishes, among other products, propaganda books such as those by Karimov and his successor, Mirziyoyev.

Matbuot Tarqatuvchi is the main company that distributes print media via subscriptions or kiosks. It has branches in all regions of Uzbekistan and offers online subscriptions to nearly 250 print media.

In 2016, government of Uzbekistan increased its control over mobile telecommunication market. In August, Uzbek state agency Center for Radio Communication, Broadcasting and Television became the full owner of mobile operator UMS after acquiring a 50 percent share in the Russian communications giant MTS.

Development during recent years showed the extent of corruption in Uzbek's mobile communication market. In early 2016, the Dutch communication company VimpelCom, which works under the brand Beeline, was fined \$835 million by United States and Dutch authorities for involvement in large-scale corruption in Uzbekistan.

Internet connection speeds remain relatively low: subscribers experience poor connection quality and frequent disconnections. None of the ADSL/FTTB subscriptions from private ISPs enable Internet download speeds faster than 8 Mbps, according to Freedom House's "Freedom on the Net 2016" report.

The state-owned Uztelecom, gatekeeper of all international Internet traffic in the country, reportedly decreased its prices to domestic ISPs from \$156 to \$91 for 1 Mbit/sec of traffic. However, tariffs for subscribers both from private and state ISPs were not reduced.

Due to high prices and low speed for international Internet traffic, local private ISPs established the peering center and content delivery network Tas-IX in 2004, which today has nearly 30 members. It enables traffic conveyance and exchange at no mutual charge and without the need to establish international Internet connections via Uztelecom. The National Television and Radio Company actively depends upon this peering network to deliver its content to online consumers.

Penetration of mobile communication is quite high in Uzbekistan. For many, Uzbek smartphones became a main point of access to information. Advanced consumers use VPNs or special apps like Psiphon to bypass government censorship. Mobile providers continue investing in 4G LTE broadband connectivity. However, its geographical penetration is limited to several big cities. The cost of a monthly subscription for 4G LTE connection is \$40 for 12 GB traffic on average.

List of Panel Participants

IREX did not conduct an in-country panel discussion because of Uzbekistan's repressive environment. This chapter represents desk research, interviews, and the results from questionnaires filled out by several people familiar with the state of media in the country.

MEDIA SUSTAINABILITY INDEX 2017
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