tajikistan
bosnia & herzegovina
bulgaria
uzbekistan
albania
croatia
romania
azerbaijan
russia
kyrgyzstan
turkmenistan
montenegro
kazakhstan
serbia
kosovo
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belarus
moldova
georgia
armenia

MEDIA SUSTAINABILITY INDEX 2010

DEVELOPMENT OF SUSTAINABLE INDEPENDENT MEDIA IN

EUROPE AND EURASIA

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MEDIA SUSTAINABILITY INDEX

2010

The Development of Sustainable Independent Media in Europe and Eurasia

MEDIA SUSTAINABILITY INDEX 2010

The Development of Sustainable Independent Media in Europe and Eurasia
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Design and layout: OmniStudio

Printer: Westland Enterprises, Inc.

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Acknowledgment: This publication was made possible through support provided by the United States Agency for International Development (USAID) under Cooperative Agreement No. DGS-A-00-99-00015-00.

Disclaimer: The opinions expressed herein are those of the panelists and other project researchers and do not necessarily reflect the views of USAID or IREX.

ISSN 1546-0878

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Implementing Partners

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

Marketing Communications Research Company (Armenia) http://www.tns-global.am

Women's Media Watch Azerbaijan

Social Technologies Agency (Kyrgyzstan)

Mediacentar Sarajevo http://www.media.ba/mediacentar/compiled/p882.htm

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

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

Media Development Center (Macedonia)

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

Media LTD (Montenegro) http://www.media.co.me/

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

EUROPE & EURASIA

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None of the countries studied in this edition have achieved sustainability (measured by a score of 3–4) in their overall score. Of the sub-regions studied, Southeast Europe averaged the highest scores, with a 2.28 combined average. Central Asia continued to trail the other sub-regions in terms of media development.

I am pleased to introduce the Media Sustainability Index (MSI) 2010. The MSI provides an analysis of the media environment in 21 countries of Europe and Eurasia during 2009 and also shows trends in the media sector since 2001. The MSI was first conceived in 2000 and launched in 2001, in cooperation with the United States Agency for International Development (USAID). Since that time, it has become a universally recognized reference for benchmarking and assessing changes in media systems across Europe and Eurasia.

The MSI allows policymakers and implementers to analyze media systems—consisting of both traditional media types and new media platforms—and determine the areas in which media development assistance can improve citizens' access to news and information. Armed with knowledge, citizens can help improve the quality of governance through participatory and democratic mechanisms, and help government and civil society actors devise solutions to pervasive issues such as poverty, healthcare, conflict, and education.

The MSI also provides important information for the media and media advocates in each country and region. The MSI reflects the expert opinions of media professionals in each country and its results inform the media community, civil society, and governments of the strengths and weaknesses of the sector. IREX continues to encourage professionals in their vital efforts at developing independent and sustainable media in their own countries or, in many cases, preserving alternative voices in the face of repressive governments.

IREX would like to thank all those who contributed to the publication of the MSI 2010. Participants, moderators, authors, and observers for each country, listed after each chapter, provided the primary analysis for this project. At IREX, Leon Morse and Dayna Kerecman Myers managed the MSI. USAID has been a consistent supporter of the MSI, helping to develop the project and ensure its ongoing implementation.

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

Sincerely,

W. Robert Pearson

President, IREX

News websites and Internet news agencies are proliferating and often provide information that is otherwise impossible to find. In some of the most repressive regimes, such as Uzbekistan and Belarus, these sources are a much-needed addition to the limited range of perspectives available from domestic news sources.

While each sub-region of the 2010 Europe and Eurasia MSI saw a decline, they all made some notable improvements as well. Interestingly, new media platforms are emerging across the different sub-regions and promise to fill gaps in the media in many countries. However, the entire region felt the effects of the economic crisis, with the media deeply impacted. All sub-regions reported ongoing challenges with the lack of enforcement of media laws, widespread self-censorship, continued violence against journalists, and growing public apathy about the media.

None of the countries studied in this edition have achieved sustainability (measured by a score of 3–4) in their overall score. Of the sub-regions studied, Southeast Europe averaged the highest scores, with a 2.28 combined average. Central Asia continued to trail the other sub-regions in terms of media development; Uzbekistan, Turkmenistan, and Belarus were the three lowest performing countries across the Europe and Eurasia region. According to the MSI methodology, they all fall in the category of unsustainable, anti-free press—meaning that they do not meet, or only minimally meet, the objectives.

In addition to contributing to self-censorship, the sinking economy was tied closely to slipping journalism standards in many countries. Professional standards, followed by business management, were the worst performing objectives on average across the region. Already stretched thin and paid poorly, media professionals took further hits to their salaries. Some media owners resorted to layoffs or salary reductions for their employees. The financial difficulties also reduced options for training and journalism education.

By pulling in voices from a wide variety of journalists, consulting with other media members of the countries studied, and summarizing overall developments, the MSI aims to serve as a tool in research and advocacy efforts toward improving the media's ability to inform the public. To that end, IREX provides all previous editions of the MSI and spreadsheets with combined scoring data on its website, www.irex.org/msi.

The Increasing Use of New Media Platforms in Europe & Eurasia

Clearly, the growing emergence of new media platforms in the region offers an alternative to traditional media. Such options are highly valuable for the many countries that lack pluralistic views in the traditional media, and where self-censorship impinges on the availability of news and information that citizens need in order to hold politicians accountable and make important life decisions.

In Russia, for example, the score for Objective 3 (plurality of news) fell from 2.28 in 2001 to 1.54 in 2010. One panelist noted that people are looking for new sources of news, and recently, consumers have found another avenue for staying informed, as all important events are taken up in social networks and blogs. In one case, an accident with the Nevsky Express train in November 2009 provided fodder for online discussions—in particular, theories about the cause that differed from the official explanations. In Azerbaijan, where Objective 3 scores have also fallen in recent years, the coverage of a shooting by a student at the State Oil Academy that left 13 people dead and another 13 wounded illustrates the potential of new media in the region. This tragedy was a turning point of sorts, when the Internet and mobile phone footage scooped traditional media. An Azeri IT specialist noted that he has more confidence in Internet news, because at least it is not censored.

News websites and Internet news agencies are proliferating and often provide information that is otherwise impossible to find. In some of the most repressive regimes, such as Uzbekistan and Belarus, these sources are a much-needed addition to the limited range of perspectives available from domestic news sources. The website Ferghana.ru, which covers all of Central Asia, reports on issues and events that regimes in Uzbekistan or Turkmenistan would never allow to see the light of day. These include human rights developments, border issues between Kyrgyzstan and Uzbekistan, and publicity of abuses of journalists. In Belarus, the website Charter97.org offers articles critical of the regime and uncovers corruption by government officials.

However, high costs associated with Internet use continue to restrict access in many countries, such as Armenia—a problem that is especially evident in regions.

Another serious problem surrounding Internet access is that some countries in the region restrict and monitor Internet use or are flirting with stepping up regulations. In 2009, Belarus narrowly escaped government regulations that called for registration of online media and the possibility of summarily blocking any website. The Internet community and free speech advocates fear the worst in 2010, looking ahead to local elections then and the presidential election early in 2011. Even in more open countries, such as Bulgaria, police have stepped up their interest in investigating Internet providers. The authorities pressure Internet providers to reveal information, including IP addresses and content. In countries such as Turkmenistan and Uzbekistan, the state filters many international news websites and limits Internet access to providers that ultimately rely on the state telecom companies. Internet cafés often require users to show identity documents.

While Turkmenistan and Uzbekistan continue to exert strong control over the Internet, some of their Central Asian neighbors, such as Tajikistan and Kazakhstan, are seeing more use of the Internet for news. In Tajikistan, newspapers are incorporating materials acquired from blogs. Kazhakh panelists noted KazTag news agency's launch of SMS distribution as a positive development in 2009. The number of users of Twitter, Facebook, and other social networks is growing every year.

Some countries have been slower to recognize the possible news value in blogging. In Azerbaijan, for example, panelists reported that blogging has not gained credibility, to the point that the Azeri media community did not react as sharply as the international community did to the arrest of two bloggers, Adnan Hajizade and Emin Milli. These panelists did not view the arrests as a threat to media freedom, because they do not feel that bloggers represent credible media in Azerbaijan.

Throughout the region, blogging and citizen journalism have not yet supplanted traditional media as leaders in news and information. Panelists in Macedonia reported that the country has a few specialized blogs on new technology, archeology, and other very narrowly targeted topics. But in general, the panelists there said, bloggers do not produce news—they either state opinions or pull news from other sources. In the panelists' assessment, blogs lack serious content, and the blogging community seemingly still does not fully grasp the prospective value of blogs in this respect. In Montenegro also, panelists reported that blogging is still undeveloped and, according to the panelists, focuses on commentary about events. The above example from Russia points to the importance of blogs for discussion about events or political issues, but not as yet a significant source of journalistic reporting or investigation.

In Bulgaria, the panel had differing views about blogging. One panelist remarked that the growing reach and authority of Internet blogs is good news for Bulgaria's media scene, because it is setting an alternative agenda. But another panelist expressed concerns about ethics in blogging. Clearly, regardless of the author—a professional journalist contributing to an online news source, for example, or a

citizen journalist blogging about local topics—understanding journalism ethics and professional practices will be important if this medium is to reach its potential for increasing plurality and dialogue on important societal issues.

In Montenegro, several panelists brought up problems with standards for Internet journalism. More than one panelist noted the need for Internet media to comply with broader journalism standards. Another discussion point was regarding accountability for those behind some websites.

New media tools also proved efficient in organizing student protests in 2008 and 2009 in Croatia, where Twitter, Facebook, blogs, and other new media platforms are gaining popularity rapidly. These tools were also used heavily during the first round of the presidential election in late 2009. The power of Facebook gained wide international coverage after students in Moldova used it to organize mass protests in early 2009, following controversial elections.

New technologies have become an integral part of the media landscape throughout most of Europe and Eurasia, and likely the new platforms for sharing news and information will continue to grow in importance. As with any type of media, issues of sustainability (legal and regulatory environment, professional standards, business management environment) are important considerations when evaluating how well the media are performing their role as the fourth estate. The MSI methodology is designed to capture the performance of a country's media sector regardless of the specific nature of its prevailing platforms. The MSI will include the impact of current and yet-to-be-invented forms of media in future editions.

Developments in the Sub-Regions

Southeast Europe is the only region studied to score soundly within MSI's "near sustainability" category (between 2 and 3), meaning that a country has progressed in meeting multiple objectives regarding legal norms, professionalism, and the business environment supportive of independent media. However, the overall average slipped slightly from last year, reversing the region's prior progress and revealing the inherent lack of sustainability in many areas.

Although Croatia, Montenegro, and Kosovo had modest gains, most of the other countries in this sub-region fell at least slightly. Bulgaria's score dropped most significantly—more than a third of a point—with Romania and Serbia coming close to that percentage as well.

One explanation for the lack of growth in the region may be related to these countries' progress toward EU accession. International donors shift their attention to countries with needs perceived to be greater, and politicians and others wishing to control news and information increasingly expose and exploit weaknesses in the media sector.

Panelists from Croatia, one of the countries that did climb slightly, noted the lack of NGO activity in rural parts of the country and discrepancies in progress. "NGO is almost an unknown term just kilometers from the city limits of the five or six largest cities in Croatia. Expansion of IT communications helps, but this is still a problem for Croatia," one panelist concluded. But where NGOs are present in Croatia, they are vocal in their support. A high point for this region is Croatia's rebirth of investigative journalism. Following the unexpected resignation of Croatia's prime minister, reports flowed on corruption and misuse of public funds. Croatian journalists are increasingly reporting on corruption, bribery, and lack of transparency in the use of public funds.

Kosovo showed higher scores for the 2010 MSI, reflecting advancement in the media sector in 2009. The overall score jumped nearly a quarter of a point, with four out of the five objectives showing improvement. While political forces still attempt to influence the media, most of the media have resisted—though the same cannot be said of Radio Television of Kosovo (RTK). One of the important stories of the year revolved around RTK. Its general director resigned, saying that he found it "impossible to run RTK in a responsible manner" and questioning its ability to maintain editorial independence from the government.

Macedonia proved unable to gain any ground after its dramatic fall of more than a half a point in last year's study, following serious political turmoil. This year, it continued to decline, though not by a large margin. Among the reasons for Macedonia's decrease, the panelists pointed to the escalation of hate speech, a general clampdown on freedom of expression in the media and also among citizens, and the consequences of the global financial crisis. One interesting outcome of the sharp decreases in governmental advertising, however, was that the media produced coverage more critical of governmental policies. The panelists also lamented the media's underestimation of new technologies and their usage: The industry was surprised by the sudden shift of audiences away from print and towards Internet use.

The government of Serbia made changes to laws that protect the "presumption of innocence," increasing penalties for media that report on criminal investigations and court cases in a way that could prejudice public opinion before a verdict is handed down. Panelists and international observers fear that these amendments will exacerbate self-censorship to the point that journalists will stop reporting on corruption cases and rob citizens of information on how such cases are proceeding. Furthermore, panelists complained that the government made little movement in privatizing public broadcasters. Most local

In Montenegro, several panelists brought up problems with standards for Internet journalism. More than one panelist noted the need for Internet media to comply with broader journalism standards.

public broadcasters are beholden to local authorities and receive outlays from local budgets, thus unfairly competing with private commercial media.

Panelists across the Southeast Europe sub-region lamented the growing public apathy about the fate of journalists and the waning respect for the journalism profession. In Albania, for example, panelists noted that while violence against journalists is not widespread, neither is defense of media freedom, except by organizations of journalists and human-rights defenders. However, in Bosnia & Herzegovina, panelists noted that two separate assaults on journalists generated strong public condemnation and reaction from the judiciary and the police.

Overall scores for the **Caucasus** as a whole did not change dramatically from last year; while trailing Southeast Europe, it still edges out Russia & Western Eurasia and is solidly above Central Asia. However, its overall average score, 1.79, still reflects an "unsustainable mixed system" in the MSI methodology.

Setbacks for journalists in Azerbaijan, in particular, troubled the media community. Azerbaijan continues to top the list for the number of journalists imprisoned, with more added in 2009. Furthermore, a referendum was passed on 29 articles of the constitution, amid charges of significant voting irregularities. In addition to other articles roundly condemned as contrary to a path of democracy, some amendments contained provisions regarding protection of privacy and right of reply—without regard to whether or not the citizen in question is a government official. Observers in the media and civil society charge that the amendments will hamper the role of the press as watchdog.

Armenian panelists noted that while their media laws reflect international norms, the country has a lot of work to do in regard to enforcement. Serious questions about judicial independence and ongoing violence and harassment of the media led journalists to decry the prevailing air of impunity. Self-censorship is now widespread in Armenia, especially on television. Journalists, especially the profession's youngest members, often do not follow professional standards of journalism.

Georgia's media climate showed the stress of pressures stemming from the previous year's Russian invasion and domestic instability, stunting development of the news business. Additionally, national airwaves rarely carry investigative stories, the mainstream television newscasts have become increasingly homogenous, and newspapers tend to be significantly opinionated. Yet, news traffic is increasing on social networking sites, blogs, and forums. YouTube and Facebook postings, in particular, inform the national discourse. These developments make Georgia a regional leader in advancing new media platforms. Georgia is further set apart from its neighbors by a media community showing signs of protest: Four members of Georgian Public Broadcasting's board of trustees resigned during anti-government protests in April 2009, on the grounds that they could not ensure balanced and full coverage of the events.

The overall score for the **Russia and Western Eurasia** sub-region slipped slightly from last year, and the individual country scores all fell at least a little. Russia's score plunged almost a half a point, falling even below the MSI's 2001 baseline score. The overall score for the sub-region, 1.52, still places it firmly in the MSI's unsustainable, mixed system category, and Belarus has still not managed to reach even the 1.00 mark.

To repress free speech, Belarus's government continued to demonstrate its preference for subtle tools that have the same chilling effect as overt measures. These include business penalties and restrictions for media owners, as well as measures to control editorial policy via censorship, false-information and libel suits, and restricting access to official information. Despite such circumstances, Belarusian citizens can still access alternative viewpoints via the Internet, international broadcasters, and a few surviving private newspapers.

Russia's media sector was hit badly by the economic crisis, which factored into Russia's dramatic drop in score. Crimes against journalists have increased, and according to the Glasnost Defense Foundation, eight media professionals were murdered in Russia in 2009. Russian panelists remarked that the profession has long lost its prestigious reputation, compared to how journalism was viewed in the 1990s. Print media outlets cut their staff training budgets for staff training sharply in 2009; short-staffed by the crisis, these outlets felt that they could not afford to let any employees miss even one or two days for training. In small cities, independent local media offer the only possible source of objective information about local activities, and not all communities have independent options.

However, the expansion of blogs and social networks proved to be one positive trend visible in Russia in 2009; they have become a valued communication tool for

Russians, who have even begun using the Internet to address top Russian authorities.

Moldova's stormy political scene bled into media affairs, as protests following its disputed parliamentary elections turned violent. The government led its affiliated media outlets, such as the public broadcaster Teleradio Moldova, into a campaign to discredit the political opposition as well as some civil society representatives. The government accused NGOs and members of the Civic Coalition for Free and Fair Elections Coalition 2009 of involvement in the protests.

Ukraine faced its presidential election in early 2010 with an expectation of further suppression of press freedom and continuing erosion of the principles of journalism. Leading candidates of the older generation and their younger counterparts were united in their abuse of the media and disrespect for journalists. Panelists declared free speech the last myth of the Orange Revolution to be shattered. It was a hard year for Ukraine in business terms, as well. Panelists noted that many media managers were unprepared for the challenges of the economic crisis, and that losses could have been smaller with more professional management.

Uzbekistan and Turkmenistan continue to pull down **Central Asia**'s scores to an overall average of 1.14. Turkmenistan, in its third year of inclusion in the MSI, continues to be the lowest performing country studied in the entire Europe and Eurasia region, not even registering a 0.50, and with Uzbekistan not far behind. Turkmenistan and Uzbekistan are so repressive that it is impossible for the MSI to even conduct panels with journalists. Kyrgyzstan continues to lead the region in its score, but this year, enthusiasm over Kyrgyzstan's relative progress in some areas was dampened by serious crimes against journalists.

In 2009, the Organization for Security and Cooperation in Europe (OSCE) selected Kazakhstan to assume the rotating chair for 2010. As the first former successor state of the USSR to have this honor, Kazakhstan had potential momentum for a new democratization. Citizens anticipating the enhancement of democratic reforms and legislative amendments in the sphere of civil society and media development were swiftly disappointed, as reflected in Kazakhstan's drop in score of more than 0.20 this year. Just before taking the OSCE chairmanship, Kazakhstan adopted laws on Internet regulation and on recognition of private life immunity that contravene the principles of free speech.

However, despite the dangers of being a journalist in Kazakhstan and Kyrgyzstan, the media communities there are making sincere efforts to increase professionalism. In Kazakhstan, media leaders are paying serious attention to training and improving university journalism programs.

Governments are seeking a way to silence critics but get away with such actions despite the watchful eye of the international community. Increasingly, some governments charge critical journalists for crimes other than violations of media or libel laws.

Widespread corruption and intimidation of journalists continues to hold back Tajikistan's media sector. Tajikistan's panelists registered more cases of violence and harassment of journalists, as well as an uptick in lawsuits against the media. Additionally, journalists exhibit little solidarity when their colleagues are targeted. Tajik bloggers still feel relatively safe, though they are few in number.

Looking across the entire Europe and Eurasia region, it is apparent that many countries that had been creeping up the sustainability scale have fallen back a little, in no small part because of the economy. The weakened economy in most countries has opened the door even wider to the influence of money as a means to control news and information. However, political authorities appear to have been making a more systematic attempt to force the media in line behind them or face the consequences. The economy has simply given them one more tool to accomplish their goal. The Internet and new media are opening up interest in journalism and giving the media additional tools, but panelists from many countries sensed that as new media tools gain popularity, governments will take more notice and respond with more restrictions.

Developments in the Objectives

Some common themes were observed in the objectives studied across the different sub-regions. Many countries continue to suffer the effects of government repression, and panelists complain that legal frameworks mirror international standards on paper but are not enforced in practice.

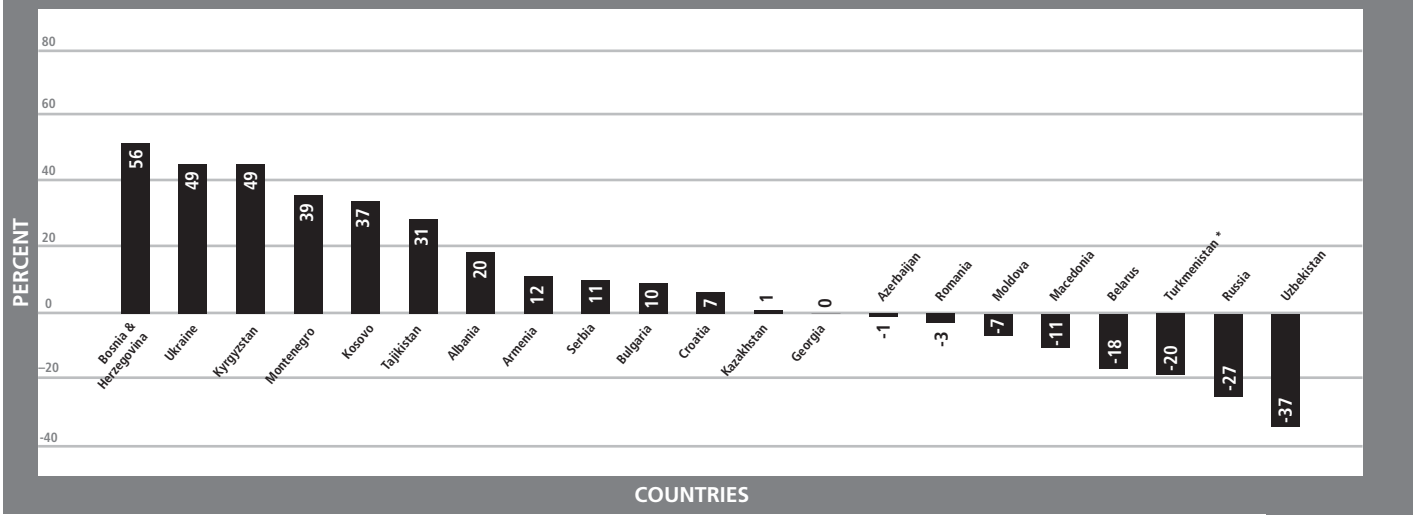
In **Objective 1, Freedom of Speech,** reports from several countries show the lengths to which governments will go to pay lip service to democratic reform, but not loosen their grip on repressive political tools. Governments are seeking a way to silence critics but get away with such actions despite the watchful eye of the international community. Increasingly, some governments charge critical journalists for crimes other than violations of media or libel laws. Noted Kazakh human rights observer Yevgeny Zhovtis received an inordinately long jail sentence for vehicular manslaughter after he struck and killed a pedestrian that was walking at night on a street.

Reports of the trial suggest that Zhovtis was denied the ability to present an adequate defense. Azerbaijan, which has shown little restraint in jailing journalists, has charged journalists with a range of crimes from terrorism to drug possession to hooliganism in cases seen largely as politically motivated. Critical journalist Eynulla Fatullayev, already serving jail time for charges including terrorism and inspiring national hatred, found himself in more trouble after a search of his cell found trace amounts of heroin.

Another subtle tool to control the media, as seen across several sub-regions and described in **Objective 3, Plurality of News,** is the use of cable as a distribution pressure point. Foreign channels face being cut from cable packages and local channels get extorted to be included. Georgian panelists noted that cable networks have not carried Russia's state television channels since Tbilisi and Moscow waged war over the separatist South Ossetia region in 2008. Some panelists were convinced that the authorities have unofficially instructed cable operators to cut off the channels. Similar examples were reported in Belarus, Serbia, and Kazakhstan.

Under **Objective 5, Supporting Institutions,** which covers training opportunities, some patterns emerged as well. Several countries reported on the importance of how trainings are structured relates to their impact and effectiveness. A Serbian panelist praised short-term training courses organized by international media organizations, commenting, "Quality education within a journalist's own media outlet gives the best results." In Kazakhstan, some media companies, which are seriously concerned by the shortage of qualified personnel, also run practical "journalism schools" to quickly train young professionals. Panelists praised the concept of training a whole team of journalists alongside management, since management holds decision-making power. In addition, panelists across the region frequently reported that the need for hands-on practical training trumps all other training needs.

PERCENT CHANGE IN MSI 2001–2010: **EUROPE AND EURASIA**



* Data for Turkmenistan is since 2008

MEDIA SUSTAINABILITY INDEX 2010: **OVERALL AVERAGE SCORES**

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
			◯ Armenia **(1.85)**	◯ Albania **(2.11)**			
			◯ Azerbaijan **(1.71)**	▼ Bulgaria **(2.43)**			
			◯ Georgia **(1.82)**	◯ Montenegro **(2.21)**			
		▼ Kazakhstan **(1.44)**	◯ Kyrgyzstan **(1.92)**	▼ Romania **(2.30)**	▼ Bosnia & Herzegovina **(2.60)**		
	▲ Belarus **(0.96)**	▼ Russia **(1.45)**	▼ Macedonia **(1.55)**	▼ Serbia **(2.07)**	▲ Croatia **(2.61)**		
◯ Turkmenistan **(0.33)**	◯ Uzbekistan **(0.55)**	◯ Tajikistan **(1.45)**	▼ Moldova **(1.61)**	◯ Ukraine **(2.05)**	▲ Kosovo **(2.60)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2010: **FREE SPEECH**

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
			◯ Armenia **(1.72)**				
			▼ Azerbaijan **(1.74)**				
			◯ Moldova **(1.69)**	▼ Albania **(2.16)**			
			▼ Russia **(1.60)**	▲ Georgia **(2.05)**	◯ Bosnia & Herzegovina **(2.96)**		
			▼ Serbia **(1.87)**	◯ Kyrgyzstan **(2.09)**	▼ Bulgaria **(2.53)**		
◯ Turkmenistan **(0.24)**		◯ Kazakhstan **(1.49)**	◯ Tajikistan **(1.66)**	◯ Montenegro **(2.22)**	▲ Croatia **(2.71)**		
◯ Uzbekistan **(0.46)**	◯ Belarus **(0.68)**	▼ Macedonia **(1.47)**	◯ Ukraine **(2.00)**	▼ Romania **(2.47)**	▲ Kosovo **(2.53)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

CHANGE SINCE 2009

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

Annual scores for 2001 through 2009 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

MEDIA SUSTAINABILITY INDEX 2010: **PROFESSIONAL JOURNALISM**

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
			▼ Armenia **(1.65)**				
			▯ Azerbaijan **(1.68)**				
			▼ Georgia **(1.62)**	▯ Albania **(2.18)**			
			▼ Kyrgyzstan **(1.68)**	▼ Bosnia & Herzegovina **(2.12)**			
		▲ Belarus **(1.15)**	▯ Macedonia **(1.57)**	▼ Bulgaria **(2.08)**			
		▼ Kazakhstan **(1.40)**	▼ Serbia **(1.74)**	▲ Croatia **(2.36)**			
	▯ Turkmenistan **(0.73)**	▼ Moldova **(1.36)**	▯ Tajikistan **(1.53)**	▲ Montenegro **(2.11)**			
	▯ Uzbekistan **(0.61)**	▼ Russia **(1.37)**	▲ Ukraine **(1.96)**	▼ Romania **(2.08)**	▲ Kosovo **(2.63)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2010: **PLURALITY OF NEWS SOURCES**

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
			▯ Azerbaijan **(1.72)**				
			▼ Georgia **(1.68)**				
			▼ Kyrgyzstan **(1.88)**				
			▼ Macedonia **(1.65)**		▼ Bosnia & Herzegovina **(2.77)**		
			▯ Moldova **(1.73)**	▯ Albania **(2.19)**	▼ Bulgaria **(2.62)**		
			▼ Russia **(1.54)**	▲ Armenia **(2.21)**	▲ Croatia **(2.60)**		
	▯ Belarus **(0.85)**		▯ Tajikistan **(1.61)**	▯ Montenegro **(2.41)**	▲ Kosovo **(2.77)**		
▯ Turkmenistan **(0.26)**	▲ Uzbekistan **(0.55)**	▯ Kazakhstan **(1.34)**	▼ Ukraine **(1.89)**	▼ Serbia **(2.28)**	▼ Romania **(2.51)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

CHANGE SINCE 2009

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

Annual scores for 2001 through 2009 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

MEDIA SUSTAINABILITY INDEX 2010: **BUSINESS MANAGEMENT**

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
◻ Turkmenistan **(0.14)**	▲ Uzbekistan **(0.64)**	◻ Belarus **(1.07)**	▼ Albania **(1.73)**	▼ Bosnia & Herzegovina **(2.43)**	◻ Croatia **(2.59)**		
		▼ Kazakhstan **(1.44)**	▲ Armenia **(1.95)**	▼ Bulgaria **(2.40)**			
		▼ Macedonia **(1.39)**	▲ Azerbaijan **(1.62)**	◻ Kosovo **(2.32)**			
		▼ Moldova **(1.22)**	▼ Georgia **(1.61)**	▼ Montenegro **(2.05)**			
		▼ Russia **(1.44)**	▲ Kyrgyzstan **(1.87)**	▼ Romania **(2.12)**			
		◻ Tajikistan **(1.13)**	▼ Serbia **(1.96)**	▼ Ukraine **(2.11)**			
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2010: **SUPPORTING INSTITUTIONS**

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
				◻ Albania **(2.29)**			
				▲ Georgia **(2.14)**			
				◻ Kyrgyzstan **(2.07)**			
				◻ Moldova **(2.05)**			
			▼ Armenia **(1.72)**	▲ Montenegro **(2.24)**	▼ Bosnia & Herzegovina **(2.71)**		
		▲ Belarus **(1.04)**	▼ Kazakhstan **(1.51)**	▼ Romania **(2.33)**	▼ Bulgaria **(2.55)**		
◻ Turkmenistan **(0.30)**		▼ Russia **(1.31)**	◻ Macedonia **(1.67)**	◻ Serbia **(2.50)**	◻ Croatia **(2.80)**		
◻ Uzbekistan **(0.46)**		◻ Tajikistan **(1.33)**	▲ Azerbaijan **(1.79)**	◻ Ukraine **(2.28)**	▲ Kosovo **(2.76)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

CHANGE SINCE 2009

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

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The MSI methodology is designed to capture the performance of a country's media sector regardless of the specific nature of its prevailing platforms. The MSI will include the impact of current and yet-to-be-invented forms of media in future editions.

IREX prepared the Media Sustainability Index (MSI) in cooperation with the United States Agency for International Development (USAID) as a tool to assess the development of 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. Independent media are well-managed businesses, allowing editorial independence.

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

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

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

Panel participants are provided with a questionnaire that explains the objectives, indicators, and scoring system. Each panelist individually reviews the questionnaire and scores each indicator. Descriptions of each indicator explain their meaning and help organize the panelist's thoughts. For example, the questionnaire asks the panelist to consider not only the letter of the legal framework, but its practical implementation, too. A country without a formal freedom-of-information law that enjoys customary government openness may well outperform a country that has a strong law on the books that is frequently ignored. Furthermore, the questionnaire does not single out any one type of media as more important than another; rather it directs the panelist to consider the salient types of media and to determine if an underrepresentation, if applicable, of one media type impacts the sustainability of the media sector as a whole. In this way, we capture the influence of public, private, national, local, community, and new media.

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

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

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

I. Objectives and Indicators

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

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing 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.

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).

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.

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

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

II. Scoring System

A. Indicator Scoring

Each indicator is scored using the following system:

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

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

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

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

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

B. Objective and Overall Scoring

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

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

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

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

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

SOUTHEAST EUROPE

As could be expected, the political crisis transferred to the media, with the government attempting to consolidate its majority at the National Council of Radio and Television (NCRT). The tensest moment came when a powerful businessman, clearly allied with Prime Minister Sali Berisha, and his bodyguards physically assaulted the publisher of Tema, *Mero Baze.*

ALBANIA

OVERALL SCORE: **2.11**

The 2009 MSI score for Albania dropped significantly compared with the previous year, with downward trends in all five objectives.

Political developments did not favor media freedom. Even important achievements in European integration, such as Albania's advancement to NATO membership in 2008, did not lead to a significant positive impact on political processes, in the view of the MSI panel. The first half of the year was dominated by the intense and controversial election campaign that took place in June. During this period, an ever-increasing tendency of political parties to manipulate the public and private media for electoral propaganda purposes was again visible to MSI panelists. Even among the media community, the alignment in favor of one party or another prevailed in contrast to commitment to preserving professional integrity and objectivity.

After the June parliamentary elections, the tendency of political players to attempt to manipulate the media to advance their interests did not fade. When a demand for a recount was denied, the opposition refused to enter parliament, organizing one of the largest protests in the 20-year post-communist period. Due to the large number of opposition-held seats, the boycott has been prolonged and prevented the parliament from attaining the three-fifths quorum necessary to carry out essential reforms for the EU integration process.

As could be expected, the political crisis transferred to the media, with the government attempting to consolidate its majority at the National Council of Radio and Television (NCRT). The tensest moment came when a powerful businessman, clearly allied with Prime Minister Sali Berisha, and his bodyguards physically assaulted the publisher of *Tema*, Mero Baze. The event provoked strong protests against the government by journalists, the Union of Albanian Journalists, the opposition, and members of the international community. Baze and the newspaper he directs, seen as investigating corruption allegations, also had been subject to political pressure the year before, when the printing house was blocked by the government.

The MSI panel considered these incidents as reflecting an alliance between the government and powerful business interests against media freedom. This concern was reflected in the lower rankings for all the objectives of the MSI compared with the previous year. The most significant decline was in Objective 1: Freedom of Speech. The supporting institutions for the media were seen as strongest among the objectives, with media business management the weakest area.

ALBANIA AT A GLANCE

GENERAL

> **Population:** 3,639,453 (July 2009, *CIA World Factbook*)

> **Capital city:** Tirana

> **Ethnic groups (% of population):** Albanian 95%, Greek 3%, other 2% (Vlach, Roma, Serb, Macedonian, Bulgarian) (1989 est., *CIA World Factbook*)

> **Religion:** Muslim 70%, Albanian Orthodox 20%, Roman Catholic 10% (*CIA World Factbook*)

> **Languages:** Albanian (official - derived from Tosk dialect), Greek, Vlach, Romani, Slavic dialects (2001 census, *CIA World Factbook*)

> **GNI (2008-Atlas):** $12.06 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $7,950 (World Bank Development Indicators, 2009)

> **Literacy rate:** 98.7% (male: 99.2%, female: 98.3%) (2001 census)

> **President or top authority:** President Bamir Topi (since July 24, 2007)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print outlets: 190 (Albanian Media Institute); Radio stations: 52 (48 local, 4 national) (NCRT); Television stations: 72 (69 local, 3 national) (NCRT)

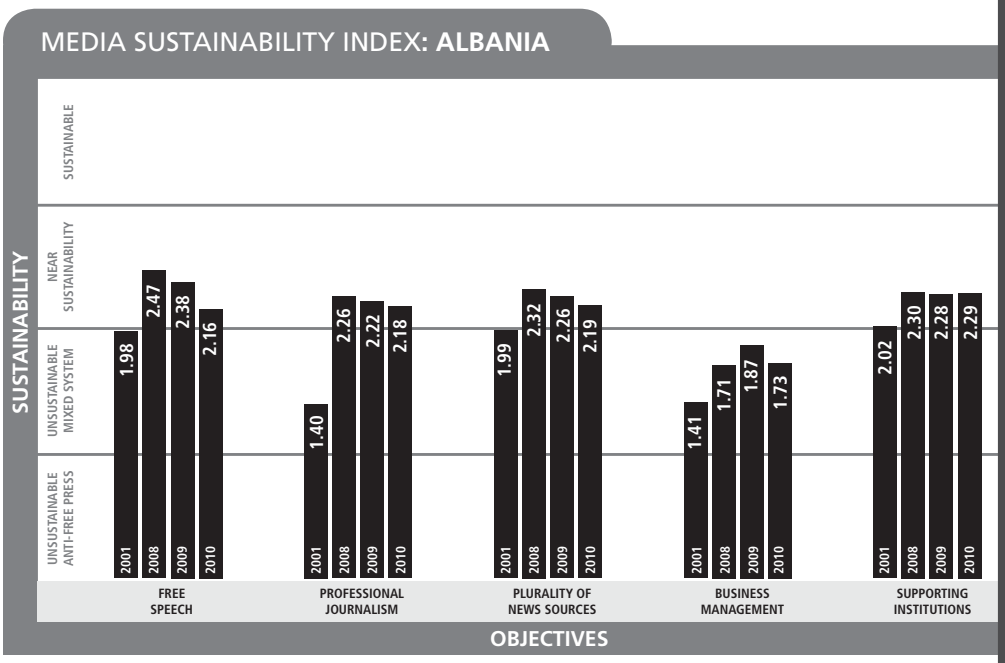
> **Newspaper circulation statistics (total circulation and largest paper):** about 30 million (Albanian Media Institute)

> **Broadcast ratings:** N/A

> **Annual advertising revenue in the media sector:** $82 million (Thanas Goga)

> **News agencies:** Albanian News Agency (state), and ALNA (private)

> **Internet usage:** 471,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

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

OBJECTIVE 1: FREEDOM OF SPEECH

Albania Objective Score: 2.16

This objective presented the most significant drop compared with the previous year, from 2.38 to 2.16. Panelists said this resulted from the lack of implementation of legal norms, combined with political interference to restrain critical media. In fact, Albania has the necessary legal structure—freedom of speech is protected by the constitution, and there are laws on electronic media, access to information, and other aspects of media. These acts are generally in line with international standards, excluding the fact that defamation, libel, and insult remain subject to the penal code—despite five-year-old proposals to decriminalize defamation that remain pending in parliament.

Public reaction to freedom-of-speech issues remains controversial. Some understand the fundamental importance of freedom of speech in a democracy, while others, prompted by perceived abuses and excesses in the name of free speech, accuse journalists of inflaming political tensions. Although there are case of journalists exercising extreme political bias, violating the privacy of their perceived political opponents, and exercising hate speech, several public-opinion polls have ranked the media among the least corrupt Albanian institutions.

Violence against journalists is not widespread, but neither is defense of media freedom, except by organizations of journalists and human-rights defenders. "Public reactions to violations of media freedom are still weak," said media analyst Valbona Kurti. According to Gent Ibrahimi, a media lawyer, "The state does not act fairly by not applying penal processes in crimes against journalists, and the reactions against these episodes emerge mainly from the journalism community rather than from other social groups."

According to Preçe Zogaj, for many years a member of the Parliamentary Media Commission, failure to implement the law is the key issue. Zogaj illustrated a clear violation of the law on the right to access of information through the scandal surrounding the greatest investment in Albania, that of the road Durrës-Kukës-Morinë. According to Zogaj, when the government held meetings to discuss the financing of the construction, not only the media but also the public has the right to be informed. However, he said, no one has been able to secure the minutes of the meetings, not even the prosecutor's office, although there have been alleged violations of procurement legislation.

The panel did note that there is no requirement to register in order to use the Internet or install satellite connections. Internet service is unregulated, and service providers are not accountable for content.

Almost all participants in the panel shared the opinion that the licensing process for broadcasting media has become less competitive and increasingly politicized. The greatest objections were related to the activity of the regulatory NCRT. The panelists focused on the recent appointment of the ex-advisor of the prime minister and ex-advisor to the parliament speaker as NCRT members. "These appointments reveal a rather disturbing politicization of the NCRT," said Zogaj. This followed the departure of ex-chairwoman of the NCRT, Mesila Doda, who won a parliamentary seat in 2009 as a member of the ruling Democratic Party.

The panelists brought numerous examples to illustrate the politicized decision-making of the NCRT in favor of media close to those in power. "The NCRT has been working for many years now, and I expected more professionalism from its administration, in terms of researching the media market and in the plans for allocation of frequencies," said Thanas Goga, a marketing analyst. Panelists criticized the NCRT's decision to allow a private television station to retain its national license for a long time after it had gone bankrupt and had ceased broadcasting, at a time when active stations were still seeking licenses. The NCRT fine to News 24 television, the warning to Vizion+ about anticorruption advertising spots that the government disliked, and the attempt to remove some Vizion+ antennas were also considered politicized decisions. To Kurti, the NCRT has never been independent from political power, as evidenced by the people close to the government on the panel or who have been MPs before or after their tenure. No panelists objected to the claim that stations critical of the government are discriminated against by selective and unequal implementation of laws by the NCRT. Meanwhile, it was also noted that there was limited possibility to appeal decisions due to the political pressure on the judiciary. According to Kurti, this is a phenomenon that is "widely accepted in Albania."

The panel observed that the legal terms for entering the media market are no different from those applied for other businesses. Media are no more overtaxed than other businesses; in fact, they are exempt from some taxes, such as VAT (value-added tax) on imported paper. However, to Yzeiri, entering the media market is a freedom investors use to promote their interests more than support free expression. He noted that although there are a large number of daily newspapers, the total circulation is not thought to exceed 70,000 copies, and he suggested that this results from a lack of government engagement with the industry. Other panelists said government support for the media could be a

dangerous precedent for media dependency that could result in loss of editorial independence.

The panelists said crimes against journalists and media are rare. In the past year, the media community, through the Union of Albanian Journalists, protested in front of the government headquarters over the violence against Mero Baze after a series of investigations he published on government corruption. This is the latest in a pattern of harassment against Baze. During a roundtable organized by the union, foreign diplomats called on the judiciary to act, and the prosecution initiated an investigation on the case.

The panelists said that other, more subtle forms of pressure and harassment are increasing, including efforts to control editorial policies through the media owners, or by exerting indirect pressure on critical journalists. Yzeiri denounced the censorship that the investigative anti-corruption program Hapur has suffered for years now. The government has pressured public and private television stations to refuse to broadcast this program, which is supported by UNDEF. Aleksandër Çipa, chairman of the Union of Albanian Journalists, also noted, "The firing of family members of journalists critical of the government, as in the case of journalists Mustafa Nano and Andrea Stefani, is a form of pressure and political revenge of the government against free speech."

On the day that the MSI panel took place, some opposition parties protested in front of the public radio and television station RTSH, calling on the public to stop paying the tax for a station that is public by name, but instead serves the government as a propaganda tool to manipulate public opinion. The panelists consider RTSH essentially a government outlet. Freelance journalist Lutfi Dervishi commented, "Regarding public television, Albania can compete with and surpass even Belarus for lack of media freedom." The panelists remarked that even though the emergence of many private stations has weakened the political struggle for prevailing over RTSH, the damage to media freedom is a significant one, because the broadcasting spaces are misused and are not used for the public good. Noted Dervishi with sarcasm, "Media in Albania are in great debt to RTSH, since it has become a model of how a television is not supposed to be."

State media do enjoy special benefits, and independent outlets are punished, in the view of the panel. Kurti reinforced this opinion: "The government, even though it acts as though it is not concerned with the media, in fact acts astutely, blocking information coming from media that criticizes it as much as it can, favoring instead the media that support the government with state advertisements or other benefits."

Prime Minister Sali Berisha's government, reconfirmed to power in June 2009, imposed upon itself a moratorium on suits against journalists for libel and defamation. In such cases, the burden of proof is always on the plaintiff. However, the panelists said there have been misinterpretations by courts that have transferred the burden to accused journalists. Accuracy constitutes an absolute protection against defamation charges, but panelists said the low degree of judicial independence from political influence could result in journalists being punished by penal law and civil law, having to pay remuneration for infringing upon privacy and causing moral and financial damage. The panel noted that although a year ago, the court ruled the government's blocking of the printing house of the daily newspaper *Tema* was illegal, it remains blocked. The arrest and imprisonment of millionaire businessman Rezar Taçi in the assault of publisher Mero Baze also was seen as reflecting the political will of the government, which panelists said feared being discredited publicly.

For five years now, a bill decriminalizing defamation has been pending approval by lawmakers, even though in principle it has been hailed by the whole political sphere. The bill transforms defamation from a criminal to a civil case, allowing proportional fines that would not lead to a chilling effect on the media. "Regarding the decriminalization of defamation and libel, Albanian legislation is more backward than its neighbors, stemming from a lack of political will," said panelist Remzi Lani, director of the Albanian Media Institute. According to Musa Ulqini, a former member of the Parliamentary Commission on Mass Media, the members of parliament

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- Market entry and tax structure for media are fair and comparable to other industries.
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- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
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hesitate to decriminalize defamation, since such a thing cannot be done only for journalists, but for the whole society.

In addition, explained Ulqini, politicians feel more protected from journalists if the criminal punishment for defamation and libel is in place, even though no journalist has been sent to court using this law to date. The panel does not view the moratorium imposed by the government, according to which no high official can charge a journalist for defamation, as a final and long-term solution to this problem. It is an even more insufficient solution in the spirit of law or ethics. Meanwhile, advocates of the criminal-law version point to the fact that some Western countries, such as France or Norway, still allow criminal punishments on defamation and libel. However, the panelists noted that Albania's judiciary power is not free of political influences, and since the potential to make use of such legislation to attack the journalists remains high, panelists advocate decriminalization.

The panel gave generally negative assessments regarding journalists' access to public information. "Even though the public offices have satisfactory circumstances, they are not that generous with a journalist if he or she comes from an opposition media outlet," said Zogaj. Ilir Yzeiri, a journalism professor at one of the private universities who contributes to the investigative anti-corruption program Hapur, complained that obtaining information from ministries and local government bodies has become increasingly difficult. In addition to the example mentioned above, involving secrecy surrounding government meetings on the Durrës-Kukës-Morinë road-construction project, the panel noted other instances documenting the increasing difficulty of collecting public information. Kurti recalled an instance when journalists of Vizion+ were told to leave the government press conference hall because the prime minister disliked their program.

Goga remarked that the websites of state institutions are not very transparent. "There have been significant cases when rather controversial laws and decisions have been removed from the websites of the government and different ministries, making it more difficult to reveal the truth that the public seeks," said Goga. For example, the government decisions regarding the tender of Durrës-Kukës road, which allegedly had been made violating the law, were removed from the website of the government, as if to hide from the media and the public a scorching government secret. More often than not, even important bills, such as the anti-mafia one, have not been exposed on the websites, even though they have been the topics of a vivid political debate.

The legislation related to public information is also relatively advanced. The constitution guarantees journalists access to public information. There is also a law on access to public information, guaranteed by the people's advocate. However, in truth, according to the panel, journalists generally do not take full advantage of these laws. Similarly, they apparently lack confidence in the authorities and do not seek the support of the people's advocate when they are denied the right to access this information. As a result, journalists are often forced to use other sources, and this may lead to inaccuracies and open up the possibility of legal difficulties.

On the other hand, media outlets have almost unlimited access to international news and information sources, though the news and photo services of prestigious international news agencies are prohibitively expensive. This absence sometimes leads the newspaper staff to pirate services, such as photos. However, according to panelist Andi Tela, editor-in-chief of the daily *Panorama,* even though buying the services of Reuters might be out of reach, the Internet helps to fill the gaps. Media managers are able to secure reasonably priced Internet subscriptions for their employees.

Access to the journalism profession is free, and the government does not impose licenses and limitations. However, some panelists would welcome regulation of access to the profession by the media community itself. According to them, such a free situation, without any criteria for entering the profession of journalist, has negatively affected the quality of reporting.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Albania Objective Score: 2.18

Scores for this MSI objective, which assesses professional standards and journalism quality, declined just slightly from the 2009 score, 2.22.

The panel remarked that journalism standards fluctuate among several tendencies. On a positive note, the professional growth of journalists is encouraged both through the opening of journalism branches in some of the universities in the country and through the training sessions organized by the Albanian Media Institute or UNDEF. While the theoretical knowledge of reporters and journalists has been enriched through these training sessions, other trends, such as the poverty of most media and their political alignment, tend to downplay this development.

According to Lani, "In the Albanian journalism community you can find impostors, but also honorable journalists." According to Zogaj, most of the journalists and reporters lack the time to consult a wide number of sources, due to much reduced staffs in most of the media, which, because of financial problems, has become even more visible in this period of economic

crisis. "The fact that they have to prepare several reports and news in one day leads journalists to frequently cite just one source, instead of several sources, as professional standards dictate," said Zogaj. "You cannot speak of fair, objective, and well-informed reporting when the largest newspaper in the country only has 15 reporters and when journalists and editors never have the time to understand what has happened, but only to convey what the politicians say in press conferences," said Dervishi. According to Dervishi, cases of truly qualitative reporting remain limited. Kurti stressed that although Albanian journalists face many challenges verifying their news, editors could compensate by taking more care in their jobs. Panelists did note that a higher quality of economic news reporting is emerging, which is a result not only of the growing knowledge of reporters, but also of their more frequent consulting with experts in the area.

In Albania, ethical standards for journalists are defined in the Code of Ethics, approved by the associations of journalists some years ago. They are harmonized with international standards. There is also a Council of Ethics tasked with reacting to violations of the code. However, it is difficult to spot even one case when the Code of Ethics and its standards have been applied, despite instances of journalists using hate speech and defamation in the past year, according to the panel. There were even journalists who assaulted other journalists with differing opinions. As a reaction against violations of professional ethics, and to build solidarity within the media community on ethics, the Union of Albanian Journalists organized a roundtable of editors-in-chief and well-known journalists, who discussed implementation of the Code of Ethics. "We are in a situation when repeatedly, even though not on a daily basis, ethical standards in the media are broken and there is no punishing reaction from the Council of Ethics; rather, the prevailing mentality is to ignore ethics," said Çipa. The panel gave the opinion that in spite of the progress made with ethical issues in journalism in 20 years of transition, we are not dealing yet with a sustainable value of the journalism community. There are speculations, not backed up with evidence, that some journalists have accepted bribes in exchange for certain articles, and some journalists allegedly blackmailed subjects under their investigation.

Even though Albania has never had a censorship institution, even under communist dictatorship, self-censorship is present and problematic in the work of journalists. It is a self-censorship that is widening the array of forbidden topics and problems to report on, also thanks to the merger of politics and government with corrupt businesses. If some years ago a journalist could not criticize the party in power on political grounds, today economic corruption is off-limits, and pressure also comes from different business groups. Tela noted that he gave the indicator on self-censorship the lowest score of all MSI indicators in his questionnaire, saying, "I think that self-censorship is a plague for Albanian journalism, and it is the most serious problem, which will haunt it for years."

The spread of self-censorship is also a consequence of the fact that journalists are not independent of their owners, who often dictate to journalists which topics are forbidden. There is not enough work to go around for journalists, and job insecurity, combined with low salaries and the absence of a system that would to protect their rights, leads journalists to self-censor. In this sense, as Zogaj said, "self-censorship in Albania appears to be a triumph of censorship."

Self-censorship is also dictated by the media market's overall poverty, with few advertisement clients, some of which provide such a critical revenue stream that they are able to influence editorial policies. The panel mentioned the case of the high tariffs that Albania's three mobile telephone companies impose. Several years ago, the media covered this situation extensively. Today, the situation is completely different; it is very difficult to find a station or newspaper that reports on the mobile telephone companies and the tariffs. These companies are among the biggest providers of advertisement to a poor media, and they have managed to transform their high tariffs into a taboo topic for the media.

Exemplifying the total dependence of some media on political parties, the panel described how, during the parliamentary election campaign, the media aired stories prepared by the staffs of political parties. "The way that television and newspapers covered the electoral campaign, by broadcasting the tapes or footage received by the parties, rather than relying on inputs from their own journalists in the field, was alarming," said Tela.

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).

Meanwhile, many journalists resort to self-censorship, even in addressing the critics of the party in power, because politicians—in cooperation with media owners—enact silent forms of revenge on their critics, such as leaving them out of studio debates, or even firing their relatives from public posts. For those journalists who respect freedom of speech and insist devoutly on the truth, the cost is high. However, while journalists critical against the power of its corruption are obstructed and attacked in different forms, the ones who choose to serve powerful interests benefit from privileged treatment.

The panel stressed that in spite of self-censorship, the Albanian media market is complex, and the sheer variety of options provides some cause for optimism. News that is censored by one television station or newspaper may be covered by another. "While self-imposed limits are visible in broadcasting or publishing certain news or problems, in Albania there are still so many television stations, radio stations, and newspapers that there are a diversity of opinions and news," said Ulqini. However, this also has its negative side, because, as Lani said, "in Albania you have to read at least three daily newspapers in order to be informed objectively."

While self-censorship is related only to domestic affairs in the country, today, completely unlike its past experience under communist isolation, Albania does not experience any obstacles in covering international affairs. According to the panel, the media cover other issues, including minority affairs, satisfactorily.

The panel agreed that pay levels for journalists are not high enough to suppress corruption and abuse across the profession. Unlike the first years of transition, when journalism was distinguished as a well-paid profession, this distinction has almost disappeared. Today, an Albanian reporter is paid on average €400–500 per month, more or less the wage of 12 years ago. With the exception of editors-in-chief or show hosts, who can be paid €1,500–3,000 per month, the salaries of other journalists are similar to teachers, doctors, or other public-service employees. The salaries of journalists in the districts often are 50 percent lower. Furthermore, many journalists are not ensured by the media owners or companies and are forced to spend on their own for private pension and health insurance programs.

Journalism in Albania is not yet a profession you can rely on to provide a satisfactory income for a comfortable life. This appears to be why quite a few decent journalists leave the profession to enter politics or other more lucrative professions. "The relatively low salaries of most journalists help form the roots of corruption in the media and the phenomenon where some journalists take money to publish commissioned articles," said Tela. Dervishi agreed, stating that "rather than the phenomenon of a journalist sold for an article, the phenomenon of the sale of an entire media outlet is more frequent."

In Albania, entertainment programs do not eclipse news and information programs; it is quite the opposite. It is the political-context programs, such as the studio debates among politicians and journalists, that have eclipsed, to a certain degree, the entertainment programs. "While I was surfing channels one evening, I noticed that there were nine debates and not even one movie or other entertainment program," said Lani.

The panel stated that great progress has been made in the media business with regard to technical developments. "Some stations in the capital broadcast digitally, while 12 years ago all private broadcasters broadcasted in VHS," stressed Kurti. One station has advanced to HD broadcasting. However, as in previous study years, the panelists did not fail to remark on the significant technical and technological backwardness that can be seen in some local stations in some of the poorest areas and districts in the country. This disproportion becomes more visible with the quick technical progress of the private stations in the capital and in some other bigger cities.

The media are developing niche reporting of political, economic, business, culture, and sports, even at the level of local stations. Due to the country's development stage, political problems dominate other areas, such as the economy, business, or culture. It is almost the norm that the main newspaper headlines generally focus on debate, conflict, or political crisis, and not on economic or social problems. Meanwhile, investigative reporting has also started to develop. However, anti-corruption or anti-trafficking investigative journalism programs remain very few. Such programs include the anti-corruption investigative program Hapur, supported by UNDEF, which is broadcast once per week from 20 local televisions and on the national station Vizion +, as well as the Fiks Fare program, which is broadcast daily by Top Channel. However, the panel noted that investigative journalism remains insufficient and unable to meet the need for the struggle against the country's ever-increasing corruption. The participants mentioned the challenges investigative journalists face, such as self-censorship, and the influence of the power of money, especially on media owners. "The need for more powerful investigative journalism cannot be met by blogs and websites, even though in the last years there have been some improvements in public use of this space," said Çipa. However, the attempts of the media to investigate and report on corruption continue to go unrewarded, also due to the passivity of the prosecution and other bodies that implement the law. The media have reported on many

instances of corruption (and it is not insignificant that even in public-opinion polls, the media rank as the most active institution in the struggle against corruption), but few of those cases have ended up in court. The passivity of the institutions tasked with enforcing corruption laws frustrates the media's efforts to report corruption.

OBJECTIVE 3: PLURALITY OF NEWS

Albania Objective Score: 2.19

Although this objective declined slightly this year from last year's score of 2.31, the panelists did not feel the situation differed significantly from a year ago. In fact, the assessment of the panelists fluctuated from positive to negative trends in this area. Panelists agreed that there are many news sources in Albania, which enables citizens to compare different perspectives. Recently, Albanians have been turning to the Internet more often for news, and according to Yzeiri, whose opinion was shared by other participants, "there is more visible development, as compared to four years ago, although we must admit that there are areas that are not yet covered by this [Internet] service." Tela was also positive regarding the satisfactory diversity of news sources, noting, "It is true that there are many news sources and the people are in a position where they can find arguments or news they lack in other newspapers or television stations."

Tela also expressed his concerns over the unequal media coverage of rural areas. Supported by other panelists, Tela said that 60 percent of inhabited territory, mainly the rural areas, remains out of reach for print media. "The citizens that live in the suburbs of cities and large counties do not have the option of buying newspapers and magazines. In the same way, in these areas it is impossible to have any other television signal apart from the public television RTSH, which is traditionally controlled editorially by the government." The inability to distribute newspapers and magazines across the whole country has contributed to an artificial narrowing of the print media market, which is another cause of financial hardship for the press.

Meanwhile, to Ulqini, the fact that part of the country is not covered by the print media and the signal of commercial media is not that alarming, considering the significant demographic movement that has taken place in recent years. "It is true that almost 40 percent of the country's territory is not covered by different media services; however, almost 80 percent of the population currently lives in areas where media coverage is complete and assorted," said Ulqini.

The newspapers and television stations with national reach remain based in the capital. The local newspapers are now only a memory, as they disappeared in the first years of the transition due to depressed demand and the lack of advertisement. There are still many local television stations, one or two for each main city in the country, but their financial situation appears to be much more difficult than that of the national stations in the capital. The national stations, thanks to stronger financial support and investments, including modern technology such as a digital platform or HD, also receive the lion's share of the advertising pie. In this sense, quite a few local television stations are in danger of bankruptcy and have survived on subsidies from their owners, along with cutting operational costs and, especially, salaries. In the districts, some journalists are not paid more than €200 per month.

Some media are better about presenting a variety of different editorial viewpoints than others. In general, party media—mainly newspapers but also television stations close to one political wing or another—do not make any space for different viewpoints. Even regarding independent media, the newspapers are more prone to tolerate different viewpoints of a problem in the opinion section. When it comes to television, in general the stations appear to have less flexible positions during their news programs, but they tolerate, to different degrees, alternative viewpoints during television debates with politicians and journalists.

Although still a relatively new phenomenon, the Internet is transforming into an increasingly important source of information, especially in the main cities and among the intellectual elites and students. Some newspapers are more accessible on the Internet than in the traditional market. The Internet website of a daily newspaper that sells about 5,000 copies has about 16,000 visitors per day, most of whom are emigrants abroad. Use of YouTube or Facebook has also become more frequent.

In the panel's view, the government does not attempt to limit access to domestic or foreign media. Meanwhile, mainly the satellite connections, but also the Internet service and the mobile telephone service, have increased the options for citizens to explore international news media. However, the panel also noted that there are economic obstacles to access; there are still large numbers of Albanians who cannot afford to subscribe to an Internet service or buy a foreign newspaper that is more costly than domestic newspapers. However, in assessing this problem, the panelists focused on the lack of government restrictions more than the economic obstacles. "I do not think that there are any obstacles in accessing Internet in Albania as there are in China, for example; there are also no obstacles to foreign radio or television," said Ulqini. However, some panelists said there had been attempts, although not systematic, by the

government, to block access. Goga mentioned the case of blocking, for several days, the website of *Tema* or that of Top Channel television some years ago, when these media were in open conflict with the government.

The panelists did not spend too much time discussing the nature of public media and more specifically the Albanian Public Radio and Television, because to all participants it was clear that after 20 years of transition, this station exists to serve the incumbent government or prime minister. Although the television station allots time to opposition parties and leaders, the bulk of air time in RTSH news and information is always reserved for the prime minister and the government. In December 2009, the program Fiks Fare, of commercial station Top Channel, poked fun at RTSH by broadcasting more than 40 cases (within two months) when RTSH's main news edition had started with activities, inaugurations, or trips of the prime minister. The time devoted to pro-government news is larger than that devoted to opposition activities, but also the way the events are presented, selected, and interpreted clearly serves the government in power.

It is now common practice that with each government rotation, the overwhelming majority of the directors and the staff of the public newspapers turn over as well, and the panel said this illustrates the total dependence of the staff of public media on the government in power. The alignment in favor of the incumbent government has also limited the broadcasting of investigative anti-corruption programs, such as Hapur, which has denounced corruption across the political spectrum.

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 news agencies are fairly undeveloped in Albania, while even the services of the state news agency, ATSH, which offers print news bulletins and photos online, tend to be avoided by commercial newspapers—not only because of the expense, but also because the quality is considered poor. Some news websites are coming on to the scene, such as Balkan Web, which is, however, modest compared with the websites of neighboring countries. Albanian media tend to prepare their news in-house rather than buy it from domestic agencies. The opposite is also true: in some cities, there are journalists and reporters who work much like news agencies, preparing and broadcasting news for several newspapers and televisions at the same time. "One correspondent in the southern city of Gjirokastra works for all the possible media," said Goga.

In the meantime, regarding world news, the media refer to foreign news agencies on a daily basis. "Albania is a very small country; hence, it is very difficult for several domestic news agencies to function when even domestic media favor the services of international agencies," said Ulqini. Albanian media do generally cite news agency resources, both domestic and foreign, as sources for the information presented.

Almost all commercial media, not just important stations based in the capital, produce their own news editions. "Commercial media produce tons of news, and such a thing appears to be their main ambition at a time when we would want them to produce other things apart from news," said Lani. Exceptions can be made for some very small television stations in some small cities. The latter, in their daily broadcasting, rely more on purchased programs (movies, documentaries, music) rather than on programs produced on their own. However, most local media produce their own news editions, which are well-followed by local audiences.

The news programs of independent media are essentially different from news programs prepared in the public media, because they are not constantly pro-government. They tend to be more pluralistic and open to critical thinking, and present information that the public media tend to censor.

Production of other programs is more typical and plentiful for big capital-based stations. Such important stations as Top Channel have managed to produce soap operas as well as shows, documentaries, or studio debates.

Generally speaking, media ownership is transparent. However, there is no specific law that regulates the problem of media ownership transparency. Albania has a modern system of business registration, and anyone can receive information on the ownership of a medium on the website of the National Center of Registration. However, problems still linger. According to most of the panelists, the problem

in Albania is that the uncertainty of how media outlets are financed. "The problem of transparency has been displaced from transparency of ownership to transparency of media financing," said Lani. To Zogaj, even the issue of ownership transparency remains unclear; in some cases, the owner of a television station is known to be one individual, while the law requires a television station to have three owners.

Meanwhile, it cannot be said that there has been a serious consolidation and concentration process in the media market, although such tendencies can be spotted. Panelists said that if, in the future, poorer, local media go bankrupt, the problem of media concentration in the capital could sharpen. The largest and most powerful media in the country are in the capital, and the panelists found it problematic that they own powerful business groups focused on construction and commerce as well. Foreign investments in Albania's media market remain minimal. Panelists could only point to an investment made years ago by the Italian media company in producing a daily newspaper and a local television station, and, during 2009, a German media company's offer to become a co-owner of Vizion+ television.

According to most of the panelists, Albanian media report on a wide array of social issues related to gender, ethnicity, social conventions, religion, and sexual orientation. However, to some of the panelists, the reporting of some problems (for example, sexual orientation) remains more limited, not so much due to resistance from government, owners, or businesses, but mainly due to public prejudices. According to Yllka Kamenica, a freelance journalist, "the topic of homosexuality remains almost taboo for most Albanian media outlets."

However, the majority of panelists observed that there are no concerns regarding reporting on minorities. "From the legal point of view, and in practice, I do not think that the media deserve criticism regarding the minorities," said Ulqini. The panelists stressed that in many regions in the country, such as Gjirokastër, Sarandë, Delvinë, Korçë, Pogradec, Kukës, and Shkodër, there are minority-language media outlets. Also, while there is not a Greek-language Albanian television station, public-television branches in the districts broadcast in minority languages (including Greek) during several parts of the day. However, the panelists shared the opinion that minority media tend to be active mostly in areas inhabited by the minorities. Last year's panelists commented that the legal freedom for minority media was not accompanied by necessary financing; they also said the state does not allocate any financial support to the minority media—and that is still the case. However, the panelists noted that the state does not allocate any financial support for any media at all.

OBJECTIVE 4: BUSINESS MANAGEMENT

Albania Objective Score: 1.73

This objective remained roughly the same compared to last year. According to comments, the stagnation in score demonstrates that media outlets and their supporting companies strive to be efficient, professional businesses, but very few—perhaps just two or three of the biggest commercial stations in the capital—have managed a profit. In spite of attempts to improve management, the advertising environment is poor and media are struggling. According to Tela, editor-in-chief of *Panorama*, which currently enjoys the highest circulation in the country, "only two or three television stations and newspapers manage to make any profit, while the rest of the media are unprofitable and cannot survive without external financial support."

In Albania, many media outlets have started to operate through advertising agencies rather than directly with advertisers. Advertising revenues are distributed disproportionally and concentrated in the capital, as the most powerful businesses and media are based there. The smaller cities in the most distant and poorest areas are in a difficult financial position. Advertising remains the main source of income, even at a time when circulation numbers remain quite low. Though total annual advertising revenue is increasing (the market is about €45 million per year), it still is too low to sustain the media. "Although things have changed, the advertising market in Albania continues to be just one-tenth of the Croatian market," said Lani. Consequently, all newspapers and most television stations survive not on advertising revenue, subscriptions, or sales, but on monthly subsidies from the other businesses of media owners.

The roundtable concluded that this relationship has increased influence of owners on editorial policies and, indirectly, fostered the media's dependence on politics and the government. According to Kurti, commercial media are oriented toward profit and efficiency and try to employ, at least in key positions, professionals who can attract a greater audience and, consequently, more advertising revenue. To Ulqini, "the media and the companies that support them have not yet managed to work as professional and efficient businesses." Meanwhile, for other panelists, the fundamental problem is that media will find it harder to survive in a formal financial context. "I find it hard to believe that a serious media organization in Albania can survive without financial support," said Zogaj. One member of the Parliamentary Media

Commission stated that in all the financial balances submitted by newspapers and audiovisual media to the NCRT, "up to 50 percent of expenditures were uncovered and unaccounted for." Such expenses are covered by businesses calculating that such expenditures will be rewarded in better relations with the public, politics, and power earned through a more compliant media. Other panelists underlined the possibility that these expenses might be financed by dirty money. "I think that the 50 percent that is not accounted for in the media balances is a source of dirty money, such as drugs and other trafficking," said Ulqini, likewise a longstanding member of the Parliamentary Media Commission.

According to the panelists, there is no real financial diversification for Albanian media that might prevent undue editorial influence of a single advertising client or financial source. The classical example is the mobile telecommunications companies. It is well known that these companies are tightly integrated with media as paying advertisers, and they have significant editorial influence, thwarting, for instance, attempts to report the high tariffs they apply. This influence has not gone unnoticed by other financing sources or advertising clients. As for public television TVSH, funding comes solely from the government, and this relationship is clearly evident in editorial policies that adopt a government perspective.

Subscriptions remain very low. According to Tela, the most widely circulated daily in the country (with 23,000 copies distributed daily), only 400 are paid subscriptions. The people prefer to buy newspapers in the morning rather than wait for the afternoon subscription to arrive.

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.

Print media prices have remained steady. Some newspapers, like *Panorama,* have lower prices and higher circulations. Some dailies, like *Shqip,* are priced higher and have lower circulation. Both newspapers, however, seem to have found a satisfactory equilibrium between price and circulation.

Though the government does not subsidize the media, the panel raised concerns that there may be secret subsidizing of media close to the government. "The prime minister has promised that there will be no government advertising in order to minimize government influence on media. Despite this promise, he has allowed the financing of production of spots that are distributed among the media in a clientelist manner," said Kurti.

Meanwhile, some panelists stressed that the government is no longer the main source of advertisement for the media. To Tela, "commercial advertising tends to increase with each coming year in relation to state advertising." According to Lani, "the ratio of state advertising to commercial advertising favors commercial advertising, unlike Macedonia, where the government covers a larger percentage of the advertising market."

Luftim Vani, owner of the Mati television station, stressed a different point: the government's influence on commercial advertisers. According to him, when a medium is too critical, the government not only does not buy advertisements, but also influences commercial advertisers to advertise less in that medium. Thus, government influence is felt, indirectly but strongly, in self-censorship of editorial policies.

The largest media try to conduct market research to better tailor programming to the audience demands. In Albania, the trend still leans toward media carrying out their own audience testing; offers made by specialized research companies have not been very successful. Phone surveys are the preferred method; other methods remain underdeveloped. "All media outlets carry out their own market research and present their own findings to their advertising clients," said Goga, noting that the practice is highly subjective. Because media conduct research independently, credibility is very low. As a result, advertisers are unsure of the efficiency of money they spend on advertising based on unreliable audience data.

The panel stressed that media operators, advertising agencies, and advertisers cannot agree on best practices for such research. Similarly, there are no independent research institutions respected by all parties.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Albania Objective Score: 2.29

Though there was only a negligible decrease in this indicator, improvements have been sought for years now, and little has been achieved.

Trade associations of publishers and broadcasters are almost nonexistent. "Unless there is some ongoing problem with the government, media owners rarely gather in a roundtable for *ad hoc* causes," said Lani, a view supported by other panelists.

Regarding professional associations that protect the journalists' rights, the panelists expressed optimism. A positive influence has been the Union of Journalists of Albania, an association established with the financial support of UNDEF: "The only positive evaluation that can be given in this sense is for the Union of Journalists," said Tela. The panel observed that the union has focused on protesting violence against journalists and media from government or owners. The Union of Journalists is the only professional association of journalists that protested the firing of journalists without pay, as in the Arberia television case, for instance.

Panelists stressed that the duty of journalists' associations is not just reactionary, but also to apply political pressure on other problems, such as approval of law on media, decriminalizing defamation, or collective and individual contracts for journalists, to name a few. The overwhelming majority of journalists in Albania work illegally, without contracts. The reality in Albanian media is that the majority of journalists are employed just like people in the underground economy. Journalists are vulnerable to pressure and interference from owners, politics, and corrupt businesses.

The panel noted that some civil-society organizations join journalists to lobby for freedom of speech. One of the most active is the Albanian Helsinki Committee. The support is rather select, however, and remains focused in the capital. The same can be said of NGOs in reviewing legal amendments on the media. Their involvement is in expertise, and there has been some cooperation with international organizations in drafting media laws. However, civic activism is lacking. The prevailing mentality is that the laws regulating the media are an internal affair and not societal, much less a concern of civil society. Therefore, a view that media laws are relevant to the broader freedom and democracy is missing.

The panelists noted that the number of journalism departments at Albanian universities has increased. "Of 33 universities that function in Albania, half have a journalism branch," said Ulqini. While the panel agreed on the quantitative increase of journalism education programs, questions remain about the quality of the program, which is still quite low. Most of the panelists shared Tela's opinion that "the qualitative level of graduates in journalism schools remains low," in part because the abilities of the trainers are low.

Meanwhile, panelists stressed that the Albanian Media Institute has been a source of quality training, compensating for the low-quality work of universities. This institution sent journalists abroad to high-quality training courses and increased the number of courses in Albania. UNDEF has also provided assistance to investigative journalism training in 2009, through Hapur and in special training for journalists in the districts. The topics most in need of training are anti-corruption, anti-trafficking, and investigative journalism.

The number of commercial printing houses in Albania has increased, but only two, based in Tirana, print newspapers. These two printing houses print some 40 newspapers, leading to technical problems with the quality of print. Both companies are managed as businesses and have become less charitable toward newspaper owners in recent years. Today, all printing must be paid for on delivery.

Newspaper distribution is commercial without subsidies from the state. Newspapers are available only in the cities and are not distributed in remote areas that are home to nearly half of the Albanian population.

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.

List of Panel Participants

Lutfi Dervishi, journalist and freelance analyst, Tirana

Luftim Vani, owner, Mati television station, Mati

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

Iris Luarasi, owner, Radio-Ime; professor of journalism, University of Tirana, Tirana

Musa Ulqini, former member, Parliamentary Commission on Mass Media, Tirana

Gent Ibrahimi, lawyer, Institute of Law Studies, Tirana

Yllka Kamenica, freelance journalist, Durrës

Genci Demiraj, owner, Amantia TV, Vlora

Aleksander Cipa, head, Union of Albanian Journalists, Tirana

Thanas Goga, marketing analyst, Tirana

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

Valbona Kurti, freelance analyst and journalist, Tirana

Preçe Zogaj, member, Parliamentary Commission on Mass Media, Tirana

Remzi Lani, director, Albanian Media Institute, Tirana

Moderator and Author

Andrea Stefani, senior media advisor, IREX/Albania, Tirana

Assistant

Sokol Lilo, program assistant, IREX/Albania, Tirana

The panel discussion was convened on November 13, 2009.

With advertising revenues down as a result of the global financial crisis, the media are increasingly sliding towards reliance upon state and political financing. As a consequence, national and political polarization in the media is increasingly repressing professional standards of impartiality and balance.

BOSNIA & HERZEGOVINA

OVERALL SCORE: **2.60**

The political situation in Bosnia and Herzegovina (B&H) in 2009 was characterized by the political parties' failed attempts to agree on the constitutional reorganization of the state. At the same time, the Office of the High Representative's authority has additionally weakened in this year.[1] As a consequence, political passions in the state have flared up and the future of B&H as a federation has become even more questionable.

Marko Prelec, in Transitions Online, summed up the situation this way: "The real danger facing Bosnia, ironically, comes from the international community's indecision. Some interested states want to keep the High Representative in office and reinforce him enough to impose his authority on Republika Srpska; other states want to end his mandate and move to a different, reinforced European engagement. The temptation will be to split the difference, either by keeping the envoy's office in its present, weakened form, or in a reduced, perhaps nonresident mandate. Either of these decisions could keep Bosnia's political process in a stalemate that would endanger the viability of the state."

The increasing ethnic fragmentation of the media is a reflection of the political situation. With advertising revenues down as a result of the global financial crisis, the media are increasingly sliding towards reliance upon state and political financing. As a consequence, national and political polarization in the media is increasingly repressing professional standards of impartiality and balance.

No significant progress has been made in the reform of the federation's public broadcaster, a problem that has carried over from last year. Moreover, hostilities between the three public broadcasting entities are growing by the day. After some initial progress, digitalization of terrestrial television was stopped again, and the sluggishness of the government and the public broadcasters guarantees that this process will neither be carried out smoothly nor resolved soon.

Compared to last year's study, the overall MSI score fell moderately from 2.81 to 2.60. Last year's report expressed concern that the trend toward politicization of the media could have a more dramatic impact on other objectives in 2009, and it appears that has occurred. Apart from Objective 1 (Freedom of Speech) that scored the same as last year, all other objectives scored moderately lower. The biggest decrease in score came in Objective 4 (Business Management) as a consequence of the down economy: this objective fell by 0.39 point, to 2.43.

[1] Prelec, Marko. "Facing Our Fears," in Transitions Online. Available at: http://www.crisisgroup.org/home/index.cfm?id=6412&rss=1.

BOSNIA & HERZEGOVINA AT A GLANCE

GENERAL

> **Population:** 4,613,414 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Sarajevo

> **Ethnic groups (% of population):** Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6% (2000 est., *CIA World Factbook*)

> **Religions (% of population):** Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14% (*CIA World Factbook*)

> **Languages:** Bosnian, Croatian, Serbian

> **GNI (2008-Atlas):** $17.00 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $8,620 (World Bank Development Indicators, 2009)

> **Literacy rate:** 96.7% (male 99%, female: 94.4% (2000 est. *CIA World Factbook*)

> **President or top authority:** Presidents Nebojsa Radmanovic, Željko Komsic, Haris Silajdzic (since October 1, 2006) (presidents rotate every eight months)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 12 daily newspapers, 100 weekly and monthly newspapers; Radio stations: 144; Television stations: 45 (BH Press Council http://www.vzs.ba/ba/ and Communications Regulatory Agency http://www.cra.ba/index.aspx)

> **Newspaper circulation statistics:** N/A

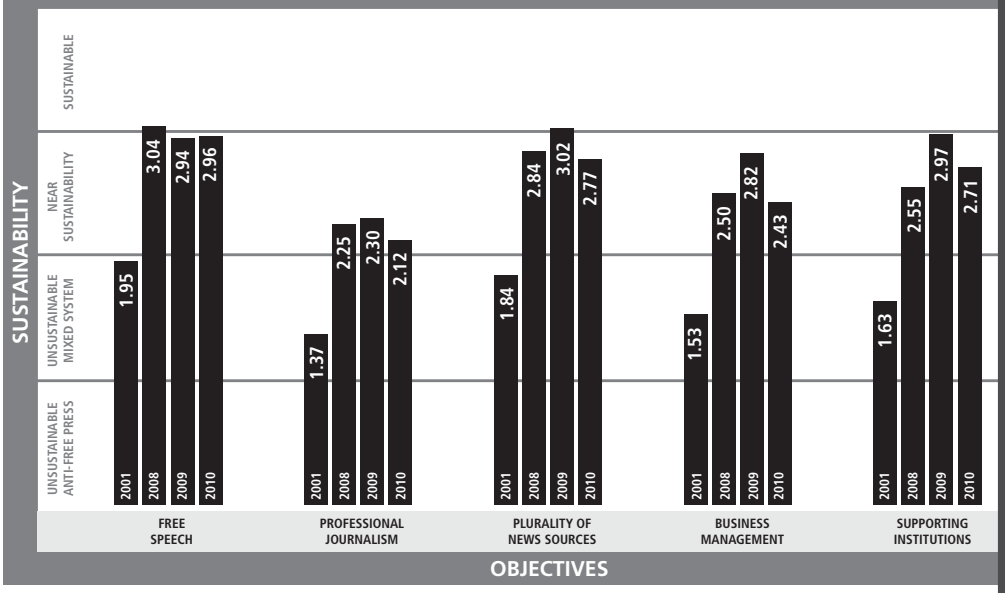
> **Broadcast ratings:** Top three television stations: Pink BiH (15.0%), Mreza Plus (14.2%), Federal TV (11.8%) (Mareco Index Bosnia, 2009)

> **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)

> **Annual advertising revenue in media sector:** Television: $37.4 million; Radio: $11.8 million (CARDS 2006); Print Media: N/A

> **Internet usage:** 1,308,000 (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **BOSNIA & HERZEGOVINA**



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Bosnia & Herzegovina Objective Score: 2.96

This objective scored essentially the same as last year. The only noticeable movement in score came occurred in indicator 1 (legal and social protections of free speech exist and are enforced), which increased slightly due to the fact that the legislative framework is getting more stable as time passes, and there has been significant progress in its implementation.

Panelists agreed that freedom of speech in B&H is regulated by an advanced legislative framework. Radio-Television of Republika Srpska (RTRS) program director Mira Lolić-Močević, pointed out that the regulatory framework governing freedom of speech presents the brightest example of B&H media legislation.

The persistent open question, however, is the level of implementation of the law. The general feeling is that a modicum of progress was made in the past year. The participants based this belief primarily on the fact that two separate assaults on journalists generated strong public condemnation and reaction from judicial and police authorities. In the first case, suspect Enver Spahić was sentenced to six months in prison for preventing Vildana Duran, a journalist from Radio-Television of the Federation of Bosnia and Herzegovina (FTV), from helping a woman attacked by a convicted criminal in front of the Court of Bosnia and Herzegovina. The verdict was reached three months after the assault. In the second case, politician Sadik Bahtić, who had attacked FTV journalist Avdo Avdić, was ordered to pay a fine of KM 500 ($350).

The authorities neither impose any restrictions on access to the Internet, nor do they prevent certain Internet services. The Communications Regulatory Agency (CRA), established as an independent state agency, handles licensing, regulates electronic media and telecommunications, and determines the frequency spectrum. All the panelists agreed that CRA has made a positive impact on the media in B&H, hence it received high scores.

However, open political pressures on CRA that could be felt in the last two years have presented an indirect problem in the regulation sphere. Even though the CRA board had submitted a proposal for appointing the general director of CRA to the B&H Council of Ministers, the Council has not granted the request yet, a problem that has carried over from last year. Instead, they ordered that another call for applications be open without any explanation, leaving CRA to operate in a legal vacuum. In that sense, panelists expressed their worries for the CRA's independence and, consequently, for the process of future electronic media regulation.

There are no unnecessary limitations on entering the media market, and the taxes for independent media do not differ from the taxes paid by other private companies. Further, this year the panelists agreed that the introduction of VAT in 2006 made the system of taxation simpler.

Assaults on journalists and harassment of media professionals in the course of their work decreased in 2009 compared to 2008, but instances of these are still elevated compared to previous years. According to Free Media Help Line data, 33 cases were reported in the first 11 months of 2009 (in contrast to 48 for the first 11 months of 2008). Especially noteworthy is the fact that almost a third of these cases are alarming violations—including six death threats to journalists and four physical assaults.

Director of Mediacentar, Boro Kontić, emphasized that the problem is greater than the available data shows, pointing out that the threats directed at journalists are more than serious. "We are talking about publicly known assaults, but what about the secret assaults…? The *60 minutes* television show's host has been under the police protection for years," he said.

According to Borka Rudić, secretary general of the B&H Journalists Association, protection for journalists is not uniform in all parts of the country. She emphasized the positive role of the state and judicial authorities in Sarajevo Canton, whereas, according to her, the situation in certain parts of the country is still troublesome. "There [have been in past years] cases of assaults on journalists which are usually processed by the authorities, such as the case in Sarajevo. There are other areas in B&H where the police beat journalists up. So, that is the problem we are constantly facing," she said.

The panelists believe that the general security situation in Bosnia has deteriorated, which has reflected on the overall journalists' safety. "Observing everything as a whole, things are not getting better for the society, when it comes to safety, when it comes to anything that is related to any kind of human freedom. We can feel a slightly greater tension. There is a growing fear, as well as the anxiety about the crew in the field and about all those doing this job. And this does not refer only to our profession. The society in general, in many segments, heads more towards the negative than towards the positive," said Milenko Voćkić, editor with Radio Free Europe. Unfortunately, the B&H Journalists Association's initiative to change the B&H Criminal Law and the Law on Criminal Proceedings so that journalists are placed in the same category with other officials on duty, like policemen, firefighters, and doctors, was not accepted by the Federal Parliament.

The independence of the management of B&H Television (BHT), the nation-wide broadcaster, still presents a significant issue. The crisis that ensued after the general director of BHT was released from his duties by BHT's Supervisory Board is still ongoing. After several judgments issued by the Court of B&H stating that Mehmed Agović must be reinstated as BHT general director, the Supervisory Board finally complied and Agović returned to his position in November 2009. However, it is more than evident that bad relations between the Supervisory Board and BHT management persist.

The B&H legal framework gives preference for public over private television outlets when it comes to covering events of national interest. Article 10 of The Law on the Public Service Broadcasting System in B&H states that Radio-Television of Bosnia-Herzegovina must cover the most important cultural, sports, entertainment, and other events which take place in the country and world, while media outlets that do not broadcast their program nationwide are deprived of the right to get an exclusive right to broadcast big sporting events, such as the Olympic games, sporting world championships, etc.

The legal framework that regulates libel was evaluated as very good by the panelists. Libel is a matter of civil and not criminal law. Moreover, some progress was made in the implementation of the law. "I have analyzed hundreds of verdicts. Not only do judges quote the European Convention and standards of the European Court, but our press code of conduct as well. They refer to the journalism code more often than our journalists do. Whether a journalist does something in a professional manner or not is estimated through the code," said Mehmed Halilović, deputy ombudsman on media for the Federation.

Progress is also evident by the significant decrease in compensation demands. Compared to the initial years of the implementation of the law, when compensation demands reached as high as KM 1 million ($700,000), these demands have decreased to between KM 20,000 and KM 50,000 ($14,000 and $35,000). According to Halilović, courts usually award damages of between KM 2,000 and KM 7,000 ($1,400 and $5,000), and in rare cases up to KM 10,000 ($7,000). This change occurred primarily because court fees are related to the amount of compensation demanded. Private attorneys who sought high amounts for compensation, but failed to prove that libel took place, were forced to pay high court fees.

However, the fact that both sides pay their legal expenses, regardless of who wins the case, is somewhat controversial because it can discourage the claimants from submitting their lawsuits to the court, as awards are usually spent on court fees. Halilović pointed out that judges are generally not fond of libel cases because opposing sides are primarily journalists and politicians, and the reason for reluctance to preside over such cases is obvious.

Rudić did note that in underdeveloped areas there are still cases where journalists, and not plaintiffs, have to prove their innocence to the court.

With regard to content published on the Internet, court proceedings are not developed enough to have established a clear precedent. Panelists named only one libel case dating from 2005 when a verdict was handed down in a case of content on the Internet. This case, involving the web site www.visoko.co.ba, initially resulted in a fine of KM 2 million ($1.4 million), but further appeals showed that the "offensive" material did not specifically libel anyone, and the judgment was overturned.

Access to information is largely regulated by the Freedom of Access to Information Act. This law was not written exclusively for journalists, but for all the citizens. Journalists call on it to support their investigative stories. Journalists still occasionally use this law in their everyday work, which often makes their work harder due to the fact that the deadline for submitting official answers is 15 days. Lolić-Močević said, "This is most probably the best regulated part…thanks to well regulated laws that encourage freedom of speech and access to information. The problem of different attempts to slow down the process of accessing information and making it unnecessarily difficult persists, as well as finding ways to retain the information…if that is in the interest of the institution that should otherwise provide that information." There are no data that suggest access to information is

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

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing 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.

regularly denied, though there have been some individual cases in specific situations.

Media outlets have unrestricted access to international news and there are no legal or political obstacles to using such sources in their reports. However, wider access to international news is somewhat limited due to the economic crisis, but that does not affect the access to main agency services or other important international news producers.

Entering the journalism profession is free and open; the authorities do not impose any limits in that respect.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bosnia & Herzegovina Objective Score: 2.12

Objective 2 suffered a slight decline in score compared to last year, falling from 2.30 to 2.12. The loss in score came primarily from somewhat lower assessments by the panelists of indicator 1 (objective and fair reporting), indicator 2 (journalism ethics), 3 (self-censorship), and 5 (pay levels for journalists). Indicator 4 (coverage of key events) increased modestly. Most indicators scored close to the overall objective score, although indicators 4 and 6 (news and entertainment balance) beat the overall score by more than half a point, while indicator 5 fell short by about half a point.

Panelists generally agreed that the level of professional standards in B&H deserves a low score. Though there are significant differences between individual media outlets, releasing certain information without a thorough investigation on their validity, as well as avoiding inclusion of various relevant sources, seems to be a dominant practice.

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).

Mirza Čubro, a journalist from *Nezavisne novine* newspaper, does not hide his disappointment with the decline in professional standards: "This received the lowest score from me. I believe that professional standards are horrible in our country. Journalists hardly ever follow them. When it comes to their attempts to avoid subjectivity in reporting, I believe that that is not the case. Do they check their information? Do they use multiple sources? I am disappointed with the current situation. And the worst part is the increase in the number of made-up professional qualifications without any basis in fact."

The Press Code in B&H has existed for 10 years, but its implementation faces various obstacles, primarily the non-acceptance of standards by journalists. This is why the director of the Press Council claims that in 2009 there was no political pressure on the Press Council's work, but rather that the pressures came from the media outlets. She believes that these reactions occur inevitably because the entire process of self-regulation of newspapers is a novelty and as such it has still not been recognized as one of the benefits for the profession.

The Press Council received 81 complaints during the course of the first nine months in 2009, while there were 73 in 2008. As in 2008, many of these complaints are directed by media companies at their rivals: the owner of *Oslobođenje*, Mujo Selimović, filed 45 complaints over the articles about him in *Dnevni Avaz*.

According to the panelists, self-censorship is present more often, primarily due to economic realities and secondarily because of political pressures. Dunja Mijatović, the director of the broadcasting division of CRA, believes that the situation has worsened compared to the previous year because journalists do not have good contracts that adequately protect their rights in these times of increasing economic crisis. "The situation is much worse than it seems. Self-censorship pressure is significant, which is a direct consequence of workplace harassment," she said.

According to Amir Zukić, editor-in-chief of the municipal public broadcaster RTVSA, self-censorship as a consequence of political pressures is more prominent in the Republika Srpska since the government is more dominant in that part of the country and it is much easier to exercise political power than in the Federation.

Journalists cover key events and topics, and the habit of releasing editors of their duty due to possibly publishing controversial content has not emerged. Even though some elements of civil society show resistance when the media report on certain topics, journalists have enough freedom to cover these issues. One of the particularly sensitive issues is covering events related to the work of the Islamic community. Protests coming from here abound, typically in the form of

accusations that certain media reporting is "islamophobic." The B&H Journalists Association labeled such accusations as assaults on editorial independence.

Since the end of the war, journalists' salaries have not reached satisfying levels to be able to prevent journalists from leaving the profession. Panel discussants agree that salaries are extremely low and they point out that only those without an alternative remain in media. The monthly salaries of journalists at public television channels are about KM 900 ($630) and at some of the more successful private stations about KM 1100 ($770). On the other hand, the salaries of the members of parliament are significantly higher, at more than KM 4000 ($2800) per month. They also agreed that the consequences of the economic crisis are severely visible in B&H and that professional journalists are faced with even greater economic challenges.

Particularly problematic is the plight of rookie journalists. A study by Sanela Hodžić, found that, "young professionals on their first jobs seem to be particularly vulnerable and are often exploited by their employers. They report frequently prolonged working hours, underpayment for their work and constant prolonging of their temporary status due to delays in signing labor contracts despite their expectations in this regard." Labor laws allow temporary contracts and occasional assignments of 60 days per year, but in reality, this is abused. As Hodžić notices, "This practice of pressuring journalists to freelance while performing full-time jobs represents a commonly used strategy of employers to avoid welfare and social insurance payments. A task or purpose contract is often used with this same intention. Young journalists are seen as a qualified but cheap workforce."[2]

Both public and commercial television outlets broadcast a significant number of news and information programming. Adnan Osmanagić, the director of Stari Grad radio, pointed out that informative shows are still central, especially when it comes to public television broadcasters. "We could discuss the percentage of yellow sheets and this and that, but I believe that information programs are not endangered. Furthermore, I believe that there are too many informative shows, which affects their [overall] quality," he said.

As in the previous year, technical equipment differs in private and public television outlets. While big commercial television outlets have already completed the digitalization process for their production capacities, public television outlets have not gone far in this respect; they only partially introduced the new equipment. Participants also estimated that the work of the authorities on introduction of digitalization is slow and inefficient. "Public media should be the leaders in the digitalization process, just like in most of the European countries. And we have done nothing in that regard, except establishing the DTT Forum[3] that developed the strategy adopted by the B&H Council of Ministers. It will take tens of millions of KM for us to digitalize. Until then, we will remain an analogue European island," said Zukić.

In addition, the situation has not changed compared to previous years when it comes to local radio and television stations that still use outdated equipment.

The number of specialized journalists in B&H is judged as low by the panelists. Editorial boards work at the minimum capacity and they cannot afford to hire journalists specialized in particular fields. Instead, it is common for journalists to report on various kinds of events. Furthermore, journalists do not stay long in certain media outlets and it is hard to work on their professional development. Instead, according to Voćkić, political preference is increasingly present and the manner in which certain journalists report mainly depends on preferred political parties. Therefore, few quality, specialized newspapers such as business magazines, magazines about health, etc., exist. Several weekly magazines preserve the tradition of investigative reporting but even in those cases journalists are forced to cover more topics and areas since the editorial offices of these magazines do not have many journalists at their disposal.

OBJECTIVE 3: PLURALITY OF NEWS

Bosnia & Herzegovina Objective Score: 2.77

This objective suffered a moderate decline of 0.25 as indicator 3 (public media are non-partisan), indicator 5 (private broadcasters produce their own news), and indicator 7 (media reflect minority interests) all received lower evaluations by panelists. Most of the indicators scored close to the overall objective score, although indicators 3 and 7 both scored about three-quarters of a point lower while indicator 2 (citizen access to media) scored a bit more than half a point higher.

[2] Hodžić, Sanela. Bosnia and Herzegovina chapter of Labor Relations and Media: Analyzing Patterns of Labor Relations in the Media in SEENPM Member Countries (The Independent Journalism Center-Moldova, 2008), pp.114-117. Available at: http://www.media.ba/mcsonline/files/shared/Labor_Relations_and_Media.pdf

[3] The DTT Forum of B&H was formally established in May 2006, but became operational in the summer of 2007 as an ad hoc body working under the auspices of the CRA. It was given the task to analyze the current broadcasting environment and to elaborate a comprehensive plan for the transition from analogue to digital, considering different strategic options, including in particular the coexistence of analogue and digital broadcasting, the gradual turn-off of analogue networks, and a switch-off strategy. More about DTT Forum at: http://www.dtt.ba/eng/

Even though there exists a relatively high number of sources of information, panelists expressed their worry over the increasing subjectivity of media, especially print media. Nationwide television broadcasting is reserved for the national public television channels and several commercial outlets. Radio broadcasters are in a similar situation. On a national level, newspapers are distributed mainly along ethnic lines and entity borders, although lately these barriers are less discrete. Overall, citizens are able to access a variety of viewpoints in the media, on many different platforms.

Community media are largely absent from B&H, with only Radio Vesta in Tuzla fitting that description. A possible explanation for this is that they are not allowed to obtain revenue from commercial or government sources, and there are no domestic donors willing to support their work.

Progress is noticeable with the increased popularity of social networks on the Internet. According to the GfK BH's research,[4] 52 percent of B&H citizens over 15 years of age have heard of social networks; 30 percent of those who have not heard of social networks are not online, which speaks to the significance of these networks. According to this research, 46 percent of Internet users have a Facebook account, while 5 percent use Twitter, and 1 percent use Myspace.

The latest data from CRA shows that Internet penetration is constantly increasing. It is estimated that there were 1,307,585 Internet users in 2008,[5] representing 34 percent growth. Especially positive is the fact that the numbers of subscribers to cable Internet has increased to 56 percent of the total number of Internet users, while dial-up users have decreased from 69 percent in 2007 to 44 percent in 2008. According to GfK BH's research[6] from 2009, students and pupils use the Internet most often (84 percent), then employed persons (about 50 percent), and then retired persons (4 percent); almost half of the Internet users use the Internet on a daily basis.

Panelists expressed their worry regarding the price for the Internet services, however. The average monthly Internet subscription costs KM 30 ($21), which is relatively expensive—especially in economically underdeveloped areas—given that the average monthly salary is about KM 780 ($550). The situation is similar for foreign print media: the price of a B&H magazine is KM 3 ($2), whereas the price of the *Economist* from the UK is KM 13.5 ($9.50).

Panelists generally agreed that serving the public interest is not a high priority for the public broadcasters. On one hand, the lack of prime-time public interest (e.g., cultural or educational) programming is evident and on the other hand, political objectivity in coverage of the ruling and opposing parties is questionable.

The majority of B&H media use the services of one of six news agencies. However, these services are limited to print and perhaps photo news, while audio and video services are not available. The practice of quoting the agencies as the source for news varies in all newspapers. However, it seems that the high professional standards have not been reached in this area, yet.

On average, public broadcasters produce about 40 percent of their programming,[7] while the level of in-house news production at the commercial broadcasters is about 30 percent. The situation has not changed significantly in that respect compared to last year. Certain commercial television stations' news and information programming is extremely low in quality, and it panelists wondered if the production of such poor programming is a result of the need to fulfill license obligations.

Panelists estimated that certain media outlets hold a growing share of the market, but there is still no monopoly. The basic problem with estimating such a situation is the lack of relevant parameters to decide whether the level of media concentration is high or not. Data from court registrations does not reveal much. The CRA communications director believes that the B&H Competition Council, as well as courts, should get involved.

[4] http://www.gfk.ba/imperia/md/content/gfkbh/pr_eng/pr_2009/gfk_bh_-_09-2009_internet_drustvene_mreze.pdf

[5] http://rak.ba/bs/depts/observ/default.aspx?cid=5244

[6] http://www.gfk.ba/public_relations/press/press/004443/index.ba.html

[7] Vidi npr: http://rtrs.tv/rtrs/rtrs_report_2008_lat.pdf

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 proof that media ownership is nontransparent is the fact that it was only recently discovered that two television stations, Radio-Television Travnik and Radio Soli in Tuzla, are owned by the political parties, despite the fact that this is contrary to the law.

Foreign capital has not entered the B&H media market to a great extent.

Panelists characterized the average Bosnian as being intolerant of social minority (e.g., homosexual) issues, and they agreed that media reports are often characterized by vulgar and inappropriate terms, and occasionally by open hatred. Such offenses are more present in print media than in electronic media. One reason for this is the different forms of regulation: CRA may impose sanctions on broadcasters, but this is not the case with the print media that are subject to a system of self-regulation. When it comes to special shows on minorities, only RTRS has invested efforts to cover these issues.

OBJECTIVE 4: BUSINESS MANAGEMENT

Bosnia & Herzegovina Objective Score: 2.43

This objective suffered a decline in score by 0.39 compared to last year; this is notable because the same objective showed strong growth the previous year. However, most of the indicators scored close to last year's scores. The exceptions are indicator 2 (media receive revenue from a multitude of sources), indicator 4 (ratio of advertising revenue to other sources), and indicator 5 (government subsidies for private media), which all received lower evaluations. All of the indicators scored close to the overall objective score, except for indicator 5, which lagged by about three-quarters of a point.

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.

Though media outlets in B&H do not perform as well as their role models in the developed world, panelists agreed that there has been pronounced progress in the operation and management of commercial media since the inception of the MSI in 2001. "We are a part of this environment and we cannot make a drastic leap, especially not in one year's time. But there are some media that once did not prepare business plans and now they have people working on it. Various seminars contributed to the improvement of the situation," said Osmanagić.

On the other hand, there are a huge number of media in B&H, especially those that operate at the local level, which can hardly be classified as successful commercial operations because their revenues are very small.

When it comes to business transparency at public media, some panelists believe that tax money is not being used the way it should be. For example, the panelists mentioned the construction of a new building for RTRS that became the subject of an investigation by the State Investigation and Protection Agency.[8]

When discussing the influence of types of revenue on editorial policies, the situation has not changed since last year. This means that local media outlets are mostly dependent on local governments, since they are mainly financed directly from the budgets of municipalities and cantons. Furthermore, the government of Republika Srpska decided to finance media outlets with KM 5 million ($3.5 million) to help them overcome the consequences of economic crisis. The money was transferred to 68 media outlets in Republika Srpska, but the criteria and the amount given to certain media outlets raised some suspicions about the government's intentions. Criteria for obtaining the assistance did not incentivize content to benefit the public, such as the noncommercial production of educational content. Rather the criteria used included the number of employees, circulation, the scope of programming, and financial factors.[9]

Journalists from Republika Srpska mostly have a positive opinion about the subsidies, as did panelists from there, while their colleagues in the Federation deem it a way to influence editorial policies, conveniently one year before general elections in B&H. "I am afraid that this means that any kind of criticism towards government's actions, which is

[8] "SIPA izuzela ugovore Dragana Davidovića, direktora RTRS-a," in *Slobodna Bosna*, July 23, 2009, p.10

[9] "Vlada RS podijelila 2,5 miliona medijima," available from http://www.danas.org/content/republika_srpska_vlada_mediji/1875374.html

something that characterizes media all over the world, will disappear," said Kontić.

The opposition parties in Republika Srpska felt the same way. Vukota Govedarica, Serb Democratic Partyy member in the Republika Srpska parliament, said that one article in the contract between the government and recipient media outlets states that the number of employees must not change until October 2010, the date when parliamentary elections in B&H will take place. He claimed that this clearly demonstrates the government's intention to control certain media in a way that is unacceptable within the spirit of democracy.[10]

Osmanagić felt the subsidies will have larger consequences on the overall B&H media market. "We exist in one single market, together with colleagues from RS who instantly became privileged by gaining the initial advantage through the possibility to buy additional equipment or to pay journalists, which is a problem in itself," he said.

This year's panelists pointed out a few negative market phenomena. First of all, advertising agencies often establish media outlets that they then place advertising in. "That is the conflict of interest, which should never happen to an agency. It spends somebody else's money and inappropriately advises a certain party to spend their money most efficiently, namely, it transfers it to itself. Not to mention that agencies create television shows, radio shows, and practically finance themselves this way. This presents a huge danger for B&H media. Even for the agencies that will lose their clients. When clients realize that agencies spend the money on themselves, they will cancel their cooperation and hurt us [independent media outlets]," said Osmanagić.

Another problem is the informal influence of the largest advertising groups on editorial policies at media outlets. There are two groups of agencies that control television advertising, which accounts for two-thirds of the total advertising market. These agencies can therefore influence program schedules and control subject matter. They also demand cut-rate prices; some media outlets offer a 90 percent discount on the initial pricing, or else they risk getting nothing.

Finally, there is the unresolved issue of broadcasting television programming from neighboring countries on cable television, which negatively impacts local television station profits. Advertisers that operate in Croatia and Serbia have less need to spend their money on the B&H market, since they fulfill their B&H advertising objectives by placing advertisements on Croatian and Serbian programs that are then aired via cable.

[10] Ibid

Economic pressure on media grew in 2009 and media managers resorted to any possible sources of revenue. "I make my living from this and I know very well that situation is worse than we think," said Osmanagić. According to him, the Federation government constantly contributes money to media through intermediaries in order to fund certain programming objectives.

Research on the media market, especially the television market using People Meters, generally indicates that programming is improving steadily. Thanks to this research, editors can follow the interaction between audience and program. However, this is not as widespread a practice as it could be; a large number of local broadcasters do not use research as the basis for creating their program schedule or the content in the programs. "I believe that this research, despite the problem with the size of sample used, enables me to keep in touch with what exactly the audience wishes to watch. My goal is to sell something and I use all data available to achieve my goal. It is possible to get feedback on whether your strategy works after one month," said Kenan Ćerimagić, news director at Hayat TV.

Though panelists agree on the improvement of television audience research quality, they also emphasized the need to conduct even more in-depth research to get a more complete picture of audience demographics.

Mareco Index Bosnia is the leading ratings agency, and results are available to members of Joint Media Industry of B&H; these members financially support the research. The results are mostly accepted by both the advertising industry and media outlets. Additionally, GfK BH, founded by FESSEL-GfK, Austria, occasionally conducts ratings research for television, radio, and newspapers in B&H. These results are available to the public on their web portal. However, no progress was made with the implementation of independent auditing of newspaper circulation figures.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bosnia & Herzegovina Objective Score: 2.71

This objective suffered the decline of 0.26. Small declines across the board contributed to this, although a somewhat larger decline occurred in indicator 1 (trade associations). All indictors scored within half a point of the overall objective score.

There are numerous trade associations in B&H, such as the Publishers Association, Electronic Media Association, Private Electronic Media Association, Media Industry Association, etc. Furthermore, there are six journalist associations, a number that panelists find excessive. However, some of

these associations exist only on paper, as their activities are imperceptible in the society.

As in previous years, the B&H Journalists Association is most active, including defending journalists' rights and not shying away from arguing with powerful officials. According to the statute, the main activities of the B&H Journalists Association are: campaigning for the development of freedom of expression and freedom of opinion; improving technical, material, and other working conditions for the media; supporting and helping the foundation of new media; informing the public of media-related issues; organizing seminars, debates, and public gatherings, and; educating members.

This association has achieved some notable programmatic successes. It has been active in the development of the professionalism and independence of journalists, including educating students of journalism about ethical standards and freedom of speech in B&H. It monitored print media coverage during the pre-election period.

However, panelists did have some criticisms for associations in general. They said that they fail to effectively promote professional solidarity. They also felt that in some instances, associations decide capriciously and in a nontransparent manner which journalists to defend. However, several panelists concluded that, despite evident problems in the work of these associations, the overall media landscape will be changed for the better only with the help of these associations.

The work of NGOs to protect and promote freedom of speech and media independence received mixed reviews from the panelists. They pointed out that many developments that require reaction from NGOs are simply ignored by them. "Society is numbed to the extent that almost everything is normal here. None of these organizations ever reacts, which means that only the B&H Journalists Association does. Always the same people react," said Kontić.

Osmanagić believes that this situation is a consequence of the reliance by the general civil society NGOs a on international donors. "NGOs do not operate continuously. They exist when a certain international organization comes along and uses their services for the purpose of elections. They cease to exist after the elections, or it depends on the results," he said.

However, two NGOs that focus on media issues, Media Plan and Mediacentar Sarajevo, have a lot of experience supporting the development of the media sector by researching media issues, offering training, and promoting the protection of media rights.

In considering higher education programs for journalists, panelists felt there was no significant progress in 2009. Journalists still receive their education at four public and one private faculty, and panelists, just like in the previous year, consider this education poor and inefficient.

Short-term programs for the training of practicing journalists received a better evaluation from the panelists, but it is evident that no progress has been made in that respect as well. A majority of these programs are financed by foreign donors and media outlets do not have enough money to pay for these services. Moreover, due to limited personnel, they cannot afford to send their journalists to take part in these programs. According to a Mediacentar poll conducted in 2009 regarding subjects that should be addressed by trainings, the most desirable topics are those related to everyday journalism such as "techniques of research journalism," and "the use of the Internet in the creation of research stories." Topics such as "media legislation" and "computer assisted reporting" received the lowest expression of interest from participants in the poll.[11]

Sources of newsprint and printing houses are in private hands and panelists expressed no concerns that either of these are a pressure point on media. Likewise, channels of media distribution are mainly private, especially kiosks used for the print media distribution. Television transmitters are owned by entity governments; mobile telephone transmitters are owned by telecommunications companies, but two of these (out of three) are majority state owned companies. Panelists believe that despite the ownership by various levels of government, no political pressure is exerted over their use. However, panelists complained that the usage fees for these transmitters is extremely high, a consequence of these companies' market oligopoly.

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.

[11] Mediacentar Sarajevo. "The Analysis of the Policies of Advanced Trainings of Regional Media Outlets," 2009. Report not publicly available.

List of Panel Participants

Adnan Osmanagić, director, Radio Stari Grad, Sarajevo

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

Dunja Mijatović, director, broadcasting division, Communications Regulatory Agency, Sarajevo

Kenan Ćerimagić, news director, Hayat TV, Sarajevo

Mehmed Halilović, deputy ombudsman on media for the Federation of Bosnia and Herzegovina, Sarajevo

Milenko Voćkić, editor, Radio Free Europe, Sarajevo

Mira Lolić-Močević, program director, Radio-Television of Republika Srpska TV, Banjaluka

Boro Kontić, director, Mediacentar Sarajevo, Sarajevo

Borka Rudić, secretary general, B&H Journalists Association, Sarajevo

Mirza Čubro, journalist, *Nezavisne Novine*, Banja Luka

Nevenko Erić, editor, Srpska Republika News Agency, Bijeljina

Zoran Pejičić, director, Radio-Television of Republika Srpska, Banja Luka

Moderator

Tarik Jusić, program director, Mediacentar Sarajevo, Sarajevo

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Amer Džihana, research coordinator, Mediacentar Sarajevo, Sarajevo

The Bosnia and Herzegovina study was coordinated by, and conducted in partnership with, Mediacentar Sarajevo, Sarajevo. The panel discussion was convened on November 12, 2009.

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

Panelists still are especially critical of the way crimes against journalists are prosecuted, and they noted an increase in self-censorship. Inadequate pay levels for journalists, all too often attributed to the economic crisis, fail to discourage corruption.

BULGARIA

OVERALL SCORE: **2.43**

The Bulgaria MSI score indicates sufficiently sustainable development in a number of aspects, but the negative tendencies are quite prominent, too. The 2010 scores decreased significantly—more than a third of a point from last-year's score—to settle at the lowest level in the last six years. Bulgaria is meeting some of the key aspects of media sustainability, but signs are obvious of political and economic dependency. Problems have deepened in a number of areas.

On a positive note, sufficiently high sustainability levels were achieved regarding legal guarantees for the freedom of speech (Objective 1), supporting institutions in the media field (Objective 5), and availability of multiple news sources of reliable and objective news and information (Objective 3). Bulgaria had enough high-scoring indicators to suggest that it is consistently meeting some aspects of media sustainability. The indicators have registered a certain drop from the previous year's scores, but overall development is believed to be irreversible and stable in these areas. For example, the media's unrestricted access to international news and sources, the open and market-driven access to printing facilities, the liberal entry into the journalism profession, and the apolitical and unrestricted channels of distribution are among the undisputable achievements of Bulgaria's development in the media sphere. The variety of news sources, the political pluralism in coverage, and the level of development of trade associations are sufficiently sustainable indicators as well.

But alongside the success stories, a number of aspects continue to be causes for concern. For these areas, not only is there no stable forward movement—they are deteriorating notably. Panelists still are especially critical of the way crimes against journalists are prosecuted, and they noted an increase in self-censorship. Inadequate pay levels for journalists, all too often attributed to the economic crisis, fail to discourage corruption. The performance of professional journalist associations, the transparency of media ownership, and fairness in broadcast licensing all registered below sustainable levels as well. Other problematic areas are the proportion of entertainment in programming and the quality of reporting.

The majority of low-scoring indicators are rated between 1 and 1.5, suggesting a step towards sustainability. However, the decrease (albeit minimal) in scores of those consistent underachievers corroborates the negative tendency.

Other notable developments raised by the Bulgaria MSI panelists include the role of online media and blogs in broadening the scope of free speech, the exposure of journalists from state media as former state security contributors, and roadblocks in broadcast licensing and digitalization.

The general conclusion about the state of the Bulgarian media environment is that it keeps within reach of sustainable levels and partially meets the key objectives. However, long-term and irreversible sustainability

BULGARIA AT A GLANCE

GENERAL

> **Population:** 7,204,687 (July 2009 est., *CIA World Factbook*)

> **Capital City:** Sofia

> **Ethnic Groups (% of population):** Bulgarian 83.9%, Turk 9.4%, Roma 4.7%, other 2% (including Macedonian, Armenian, Tatar, Circassian) (2001 census, *CIA World Factbook*)

> **Religions (% of population):** Bulgarian Orthodox 82.6%, Muslim 12.2%, other Christian 1.2%, other 4% (2001 census, *CIA World Factbook*)

> **GNI (2008-Atlas):** $41.83 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $11,950 (World Bank Development Indicators, 2009)

> **Languages (% of population):** Bulgarian 84.5%, Turkish 9.6%, Roma 4.1%, other and unspecified 1.8% (2001 census)

> **President:** Georgi Parvanov (since January 22, 2002)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 446 newspapers; Radio stations: 97; Television stations: more than 189 (National Statistics of 2006, Peiro97)

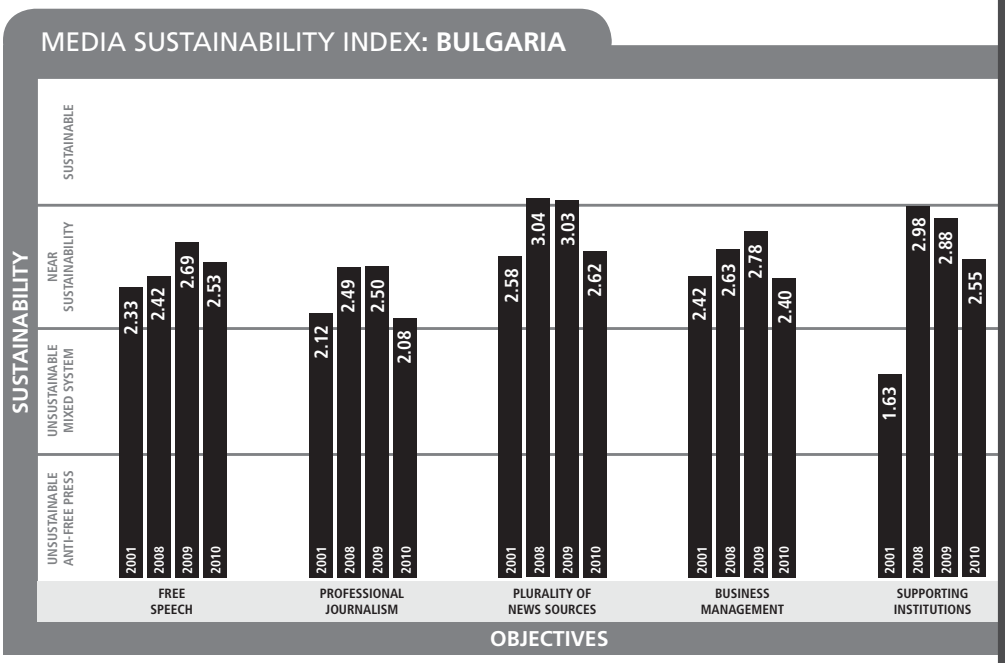
> **Newspaper circulation statistics:** Total circulation: 400,000+, with the largest being *Dneven Trud* (circulation 70,000-100,000 daily) (Market LINKS)

> **Broadcast ratings:** Top three television stations: bTV, NOVA, BNT, Channel One

> **News agencies:** Bulgarian Telegraph Agency (public), BGNES (private), Focus Information Agency (private)

> **Annual advertising revenue in media sector:** $647 million (TVPlan/TNS)

> **Internet usage:** 2,647,000 million (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

is yet to be achieved in all critical areas. One of the most consistent symptoms is the undue influence on media of current political and economic developments, as seen in a number of indicators.

OBJECTIVE 1: FREEDOM OF SPEECH

Bulgaria Objective Score: 2.53

Under the first objective, related to the freedom of speech and access to information, some of the positive trends observed in previous MSI studies have reversed. The overall objective score decreased slightly, and most of the decrease is attributed to the persistent problems with broadcast licensing and the pressure on journalists and other members of the media. The positive notes here are the unrestricted media access to international news and sources, the liberal entry into the journalism profession, and the overall better access to public information.

With this objective falling only slightly, the general conclusion is that the country has the necessary legal framework in place to guarantee freedom of speech. However, the panelists expressed their concern that crimes against journalists do not spark a strong reaction from the public—negatively impacting the general media environment. The media and journalists are slowly but surely losing their roles as leaders of public opinion and champions of democratic reforms. As tabloids become more popular, journalism standards are declining, and some leading journalists working for big national television stations have been discredited as politically biased, corrupt, or connected to the secret communist police. As a result, public trust in the media has declined, and according to the panelists, many Bulgarians think that some journalists may well have provoked and deserved the attacks against them.

Bulgaria has solid legal codes, so the threats to freedom of speech center more on code implementation and an unsupportive environment. Noted Konstantin Markov, honorary chair of Association of Bulgarian Broadcasters (ABBRO), "The problem is not passing the legislation, but enforcing it. Up-to-date media legislation is needed. The new government is giving positive signs, but it will take a year to actually see the results." Assya Kavrakova, director of the European Policies Program of the Open Society Institute – Sofia, added, "The legal and constitutional safeguards for the freedom of speech are in place, but the environment in which to exercise those rights is deteriorating." For example, she said, "The Public Broadcasting Act [the BNT and BNR digital multiplexes] was passed in the dark, without consultation with professional organizations or citizens. It involves massive public spending—taxpayer's money. It unduly favors the national radio and television, on top of the state subsidies they're getting."

Ivo Draganov, a media management and regulatory expert, noted, "We have a broadcast law and—formally, at least—a regulator exists. However, the political majority can, at any time, pass amendments to the legislation, or replace the members of the regulator if they are politically inconvenient. The judiciary is not independent and was utterly discredited in recent months, when exposing illegitimate ties between magistrates and suspicious persons. High-ranking members of the judiciary initiated this exposure, which the mainstream media covered extensively."

Draganov also noted that the government does not impose license restrictions on Internet and satellite programming, but the new communications act provides for heavy government control over digitalization.

The licensing of electronic media continues to be a major cause of concern. Accordingly, the indicator assessing the fairness of broadcast licensing dropped almost a half a point from last year's score. Amendments to the communications act passed this spring raised many questions about licensing transparency, fairness, and the level of protection against political and business meddling. Observers fear that the government is going to be involved increasingly in the process, now that the licensing authority has been transferred from the regulator CEM (Council on Electronic Media) to the state CRC (Communications Regulation Commission). By definition, CEM is an independent body and its decisions are based on clear-cut criteria. CRC, on the other hand, is part of the public administration, which raises concerns about its political bias and lack of transparency. Many panelists said that they believe that this sets serious obstacles to digitalization. "The direct involvement of government in licensing is growing through the more prominent position of the CRC and the means for manipulating legislation in favor of certain media structures," said Petko Georgiev, executive director of BTC ProMedia Foundation.

Draganov concurred, saying, "The situation is not improving. Members of the regulator are appointed by the president and elected by parliament. By default, their political affiliation is unavoidable. There is enough circumstantial evidence that the licensing procedure is not open and unbiased. Licenses are granted to media whose owners are well-connected politically, and not ashamed to show it off. The law sees to it that awarded licenses can be appealed, and there were even some positive examples of that. But as a whole, the general environment is one of political affiliations and dependency."

The tax structure and market conditions for the media did not change remarkably in 2009. In a highly consolidated market, though, the effective legislative framework is in doubt—especially regarding competition and anti-monopoly issues. The general belief is that the law is more liberal than ever, paving the way to abuse of a dominant position. The consolidated market calls for a dedicated legal regulation. In addition, Draganov noted, "The acquisitions of media are solely regulated by the market. In fact, there are requirements in the Radio and Television Act [RTA] to prove the origin of funds, but there are ways around it." Stoyana Georgieva, editor-in-chief of MediaPool.bg, added, "The legislation needs to be amended to favor a competitive and fair media market. For example, there are no obligations to disclose ownership, and the competition commission [an anti-monopoly body] is making biased decisions."

Although 2009 saw no instances of physical violence against journalists, the judiciary continued to fail in properly addressing some previous cases. Other forms of harassment happen regularly, but are not reported—media owners and editors rarely take them public. Draganov brought up several examples. "Journalists are being threatened and assaulted. Journalist Ognyan Stephanov was severely beaten up [in 2008], and the investigation continues, to no avail; there are rumors of political motives behind the assault. The attack was professionally executed and Stephanov's coverage was clearly critical of the president. Also, reporter Mira Benatova was knocked down by a raging businessman while investigating his illegal activities. A long, drawn-out lawsuit ended with a light sentence in the first instance court, which was eventually appealed and overturned—just a few days ago. Investigative journalism is an ever-rare commodity, especially in broadcast media." Draganov also shared a case regarding the State Agency of National Security and its alleged spying on journalists critical of the former government. He remarked that although the illicit investigations were exposed, the public was not outraged; only the journalism guild reacted.

Additionally, in Varna, there was a case of alleged corporate pressure on outlets. Local journalists and local correspondents of national media publicly refused to report the side of a local NGO that confronted a big business willing to invest in the city's public park. Events like this, and stories continuing to break about governmental spying on journalists, add to the negative trend in 2009 and explain the decreased scores under this objective.

The indicator measuring the public media's editorial independence remained the same as in last year's MSI. The Bulgarian national radio and television are believed to not have pushed through any political or business agenda in their program. The guaranteed state funding has shielded the public operators from the negative consequences of the economic crises and given them the means to carry out their public function. Still, Draganov said, "I am absolutely certain that Bulgarian National Television [BNT] has no editorial independence. It's common knowledge that the BNT general director is close to the president, and he is getting air time with and without reason." Draganov added, "We must note: The RTA acknowledges that the program obligations of public broadcasters involve higher production costs, and they're still entitled to half the advertising revenue of commercial broadcasters—six minutes per hour, against 12 for commercial broadcasters."

The indicator score for libel decreased significantly in 2009. The government continues to charge journalists with libel—especially in regional media, which are critical of the municipal and local authorities. The law allows claimants to push for and obtain a penalty fee; the procedure is very liberal and involves no litigation fees. As a result, lawsuits against journalists are frequent, and the government can misuse the law as means of pressure against media and journalists. Draganov commented, "The offended party must prove falsity, of course, and there are cases of conscious slander. Corruption is unverifiable—everyone knows corruption exists, and no one has been convicted." He also provided the example that police are keen recently to investigate Internet providers. The authorities pressure Internet providers to reveal information, including IP addresses and content.

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 law guarantees access to public information, and the panelists noted that media outlets are growing more proficient at exercising their right to request and obtain the information they need. Government institutions are still not responsive enough, though, and try to obstruct access to information without formally breaking the law. The panel noted the government's online publication of the transcripts of cabinet meetings as a positive move that heralds a new standard of government conduct. Draganov said, "Overall, institutions hate publicity and transparency, but whether it takes patience or legal action, they are slowly learning to respect the rights of journalists and citizens."

The last two indicators of this objective consistently score high, suggesting a sustainable level of development. The media's access to international news and sources, and the free entry into the journalism profession, have always contributed positively to the Bulgarian media sector. This is true even in rural areas; most media outlets are able to use free international news available on the Internet and the numerous free Bulgarian online news sites.

Entry into the profession continues to be free. Draganov commented, though, that "the former government used to favor certain journalists and media—the national radio and television, for example, for being most cooperative. As a whole, the government has no say on journalism training and recruitment. Still, the presidency and [former] government can influence the staffing policies at the national radio and television, and even some commercial media where they are well connected."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Bulgaria Objective Score: 2.08

The objective on quality, fair, and objective coverage sustained a considerable decrease—nearly half a point. Panelists observed a general drop in journalism quality in Bulgaria. Journalists do not always respect standards such as checking facts and presenting a variety of viewpoints, and their subjectivity taints reporting on some topics. According to the panel, the journalism community is well aware of journalistic standards, but often editorial policy bypasses them. The media seem to be influenced by the public mood regarding certain public figures and fail to keep the necessary distance and neutral view; media outlets are struggling to be popular, not necessarily objective. In politically active 2009, two nationwide election campaigns were held, and political groups made a number of attempts to influence the media. Georgieva commented, "Standards of quality are lowering. The media are misused and manipulated by corporate and political forces to push a certain agenda. Even state security services are getting actively involved."

> *"The economic crisis affects the media and their business performance," Kavrakova said. "As a result, their editorial independence is weakened, and the media are potentially vulnerable to political and economic influence. This favors a manipulated 'unreal' agenda, which excludes coverage of some topics.*

As one of the few positive aspects within this objective, the leading television stations invested considerably in improving their newscasts and current affairs programming, which resulted in higher production quality, panelists noted. Several channels have launched new newscasts and current affairs programs. "Quality journalism is mostly pursued in the big television channels," Draganov said. "They try to be objective, but in 90 percent of the cases, they don't get enough editorial support—hence the lack of quality commentary and analysis." All leading television stations upgraded their equipment, while simultaneously investing in training and technology.

Several reasons factored into the significant drop in score for the indicator assessing how well journalists follow ethical standards. According to the panel, the lack of active citizen participation in monitoring the work of the media obstructs the work of the ethics committee, to an extent. Self-regulation mechanisms are often used as leverage 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).

"The media does not resist the rising trend of ethnic intolerance and discrimination against difference," Georgiev noted.

squabbles between competitors. The panelists said that they believe that journalists commonly accept gifts, compromising the credibility and quality of journalism, and panelists suspected that some media corporations' favorable treatment through questionable contracts reaches to the highest levels of government. Practically all big media outlets, both print and broadcast, have been given government contracts to cover specific policy areas under the former government's "communication strategy." These contracts resulted in more extensive and favorable coverage of the work of ministries and government agencies. However, the new government, elected in the summer of 2009, discontinued this practice.

Bulgarian journalists have a set of ethical guidelines to follow. "Formally, the Code of Ethics of Bulgarian Media was adopted four years ago, based on the BBC values," Draganov noted. Despite the fact that all mainstream media outlets participated in the development of the code and adopted it, he said, "I can't really say the print media observe it at all; while the broadcasters make mistakes out of ignorance. I sat on the first Ethics Committee for three years and saw the cases and issues firsthand. It's all based on hearsay, but the personal wealth of some journalists, their rapid enrichment is perhaps the motivation." Draganov said that most television stations have adopted the code, but "…in general, the cases examined by the Ethics Committee reveal a lack of awareness of key journalism standards."

Ivan Mihalev, a journalist from *Capital Weekly*, said, "The quality of journalism is in decline—due to the economic crisis, but also as a result of neglected ethical standards and poor media practices. The media are hostage to political (to some extent) and business (to a greater extent) interests. There's always someone's agenda to push and serve the audience under the guise of news." He noted that the misuse of the media in this respect is creeping into primetime, playing a more prominent role in political morning shows and high-profile current affairs programs.

Draganov brought up ethics in blogging, and noted that with blogs, the responsibility is personal and thus the extent to which they adhere to ethical standards is hard to judge. Mihalev, however, remarked that the growing reach and authority of Internet blogs is good news for Bulgaria's media scene. "This kind of journalism is setting an alternative agenda," he said.

Self-censorship increased markedly in the past year, as reflected in the MSI score for the related indicator. Several factors drove this decrease. The economic crisis undoubtedly played a negative role; financial pressure steered editorial policies in a bid to avoid confrontation with certain political and corporate interests. Media are thus at risk of becoming mouthpieces for hidden agendas, and the watchdog role of the press is undermined. "The economic crisis affects the media and their business performance," Kavrakova said. "As a result, their editorial independence is weakened, and the media are potentially vulnerable to political and economic influence. This favors a manipulated 'unreal' agenda, which excludes coverage of some topics. The lack of funding also limits 'serious' journalism (investigative, current affairs, and commentary) and ushers in the domination of objectless entertainment."

Draganov agreed, saying, "Editors are expected to conform to the wishes of the owners. Not all of them, of course, but those who have an opinion and stand by it are usually out of a job. The list of unemployed journalists reveals that some of the most prominent professionals are not welcome in any television channel. Some of them run their own blogs, so they still have a say on current affairs."

The notorious spying scandals also added fuel to the fire this past year. "Journalists and public figures have the sense that they are being spied upon, and that instills fear and boosts self-censorship," said Assya Kavrakova.

Panelists criticized media coverage of key events and issues as well. They generally agreed that the rising political and economic pressure affect the scope and depth of coverage. This is particularly problematic in small regional markets. Outlets that criticize local governments are bullied and risk losing advertisers. The same mechanism promotes self-censorship—political and corporate forces are in a position to distort the public agenda by "filtering" certain events and topics or by pushing marginal issues to the fore. Security services are believed to play an active role in this respect as well. Attempts to distort coverage are alleviated to an extent by independent blogs, which continue to report and comment on key events and topics.

Draganov saw connections between the economic and political influence in this regard. "As a whole, coverage is comprehensive enough. The problem is not with editors—it is the actual environment, the context. Media owners are solely driven by their economic interest. And in Bulgaria, the economy is a function of politics and convoluted political ties and dependencies. This inevitably affects the media too, with minor exceptions. Blogs, on the other hand, try to add some comment and analysis to the whole picture," he said.

Ekaterina Aneva, a Nova TV producer, said that newsworthiness does not typically drive coverage in Bulgaria; the agenda is set by the powerful, and misleading reporting can result. She remarked, "Covering the world financial crisis is a good example. For the better part of the year, while the former government was in power, headlines used to claim Bulgaria was not to be seriously affected, because our economy was not developed enough to fear the consequences. Experts were out-voiced by political talk, forecasts were positive—no bankruptcies, no double-digit unemployment. Groundbreaking ceremonies were held for large-scale, expensive projects, like the second nuclear power plant in Belene."

Dilyana Kirkovska, senior expert of the Council for Electronic Media Monitoring, agreed. "The media agenda doesn't always match the society's agenda. Investigative journalism is less prominent in television programs (Nova TV is good example in the passing year). Quality journalism is more and more confined; positive examples are mostly in the print media," she said. Mihalev added that Internet media outlets are beginning to earn more respect and have more of a voice in shaping the society's agenda.

Pay levels are very inconsistent across the media landscape—the big commercial and public outlets cannot be compared to small, regional media. Employees of large television channels and national dailies are considered very well paid compared to the overall labor market. However, few journalism graduates actually pursue a career in media; they are frequently keen to move to better paying jobs—in PR, for example. Overall, Bulgaria has a deficit of quality professionals, and in the view of the panelists, higher pay in bigger outlets has not made journalists there less susceptible to corruption. These reasons all contributed to this year's drop of more than a half a point for the indicator addressing salaries and corruption. Regarding the impact of the economic crisis on salaries, Alexander Kashamov, a lawyer with the Access to Information Program, observed, "Pay levels are dropping due to the crisis, but perhaps it's the crisis that has prevented a massive outflow from the journalism profession."

Panelists noted that the trend toward entertainment programming and away from news continues to rise. The television channels with the largest audiences continue to push entertainment formats, along with increasingly popular Turkish telenovelas, to their primetime slots. Even serious issues and topics of public significance are often approached from an entertainment angle, placing the focus on the private life of the newsmakers. Furthermore, it is increasingly common to find PR disguised as news coverage "with publicity stunts filling most of the weekend newspapers," according to one panelist. Draganov commented, "The audience wants to be entertained, and the battle for ratings is fierce. The problem is the refusal to think—only two to five viewers are interested in current affairs comment and analysis. On the other hand, analysts and presenters fail to offer quality and in-depth content."

The panelists rated production and newsgathering equipment relatively well. However, they pointed out the inadequate SNG and live capabilities of Bulgarian television channels and the affect on quality and quantity of live coverage. According to one panelist, "Even specialized all-news channels do not have the necessary means to report live." Digitalization is also posing new equipment challenges.

Panelists' evaluation of niche reporting did not change significantly in 2009. The prevailing opinion is that the negative trends have inevitably affected the quality of specialized reporting, too, including investigative journalism. "Most television channels are not willing to invest time and money into investigative journalism. Some smaller channels don't even have enough editors—one for the day at most; one responsible for all current affairs," commented Draganov.

Big outlets can afford to support and develop beat reporting, while small regional media are limited in both their scope and workforce. "Those who can afford it have better reporting. Reporters, especially those specialized in a certain subject, are actually the most respected and recognized media professionals," Draganov said. Aneva had a slightly different opinion. "Beat reporting is developed enough in news: this is essential for objective and quality coverage. The problem is perhaps that the majority of beat reporters are trained journalists, with no additional qualifications and expertise in the subject they're covering," she said.

OBJECTIVE 3: PLURALITY OF NEWS

Bulgaria Objective Score: 2.62

The lower scores for this objective reflect the diminishing diversity of sources of news and information. One of the negative consequences of consolidation is the inability of the audience to discover and compare a variety of viewpoints. In the radio market, the growth of national networks leads to broader programs that overlook local issues. On the other hand, often local governments and corporate forces pressure the remaining regional outlets—another factor that works against a diverse and pluralistic media environment. At the end of the year, one of Bulgaria's few exclusively news and information channels, which was deemed as an active opinion maker, ceased operations.

Georgieva cautioned, "The variety of sources does not imply a more reliable and objective information, and the number

According to Aneva, "Public television is obsolete and the last thing to say about it is it serves the public interest. The commercial media, in turn, are keen to meet the government litmus test and will push the issues and viewpoints that serve the ones in power. And pressure is not necessarily involved."

of sources does not effectively mean pluralism of opinion. The deteriorating quality of commercial media helps the public outlets stand out as 'islands' of more normal and balanced coverage." In addition, Georgiev noted, "The variety of sources is an actual advantage to very few active information seekers. People are driven by habit and rely on the few national television channels and daily papers, which are not always covering all the big issues and events." According to Aneva, "Online media try to challenge the media status quo. But they were quickly 'disciplined' by way of physical threats."

Access to domestic and international media is free and unrestricted. The expanding reach of Internet and cable television brings an ever-greater number of media sources to the public. The emergence of new Internet information portals and growing blogging activity have widened the scope of free speech and enriched the Bulgarian media landscape. Panelists said that they consider the trend to be sufficiently sustainable, and the indicator scores reflect that sense. While income affects the ability to access purchased information sources, Draganov said, "They are generally affordable and cost is not a limiting factor. There are no restrictions of any kind. The problem is the public opinion is not important for politicians and even a well-informed society fails in its watchdog function."

Panelists gave mixed scores to the level of editorial independence and the pluralistic media landscape. Two trends stand out regarding the functioning of public media. Some experts believe that politics do interfere occasionally in the work of the state radio and television. Others noted that BNT successfully maintained balanced and pluralistic coverage in the politically dynamic 2009. Another positive tendency is the increased share of current affairs programming and coverage of publicly significant issues and national policies. The scope of the BNT coverage has partly made up for the shortage of similar content in commercial outlets. "Sadly, the regulator does not require any kind of public service programming from commercial outlets," Draganov noted. "As a result, one particular television channel is brainwashing the audience into stupidity for the sake of catching up and beating a competitor."

Several panelists said that public media are too subject to shifts in political leadership to be considered independent. According to Aneva, "Public television is obsolete and the last thing to say about it is it serves the public interest. The commercial media, in turn, are keen to meet the government litmus test and will push the issues and viewpoints that serve the ones in power. And pressure is not necessarily involved. Sometimes media owners will do what they think best serves their economic interest."

Draganov agreed. "Public media are not independent; people who work there serve the politicians in power. In the last 20 years, there have been five major clean-ups by rotating governments. Essentially, whoever comes in power tries to place loyal people in the BNT and BNR. Public media are not influential and do not have credibility. Maybe they do only for the people in small communities, who have less or no access to alternative media. Their current affairs, education, and culture programming is there but its quality is questionable. To some extent, the National Radio could be the positive exception," he said.

Independent news agencies, with their gathering and distribution of news, represent a near-sustainable aspect of the Bulgarian media. Although the smaller media rarely can afford the services of a wide selection of information agencies, free Internet resources provide a certain way around this obstacle. Tzveta Nenova a journalist with Arena Media, noted, "Local outlets use one or two agencies,

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.

mostly domestic, and mostly their text wire service. Internet is largely viewed as a free source of information, both for text and images. Newspapers often publish photos, quoting the Internet as the source. Local outlets will rarely pay for information—they either do not have the habit or the funds." Some panelists questioned the objectivity of private news agencies, due to owners' alleged corporate and political dependency.

One sustainable characteristic of the Bulgarian media is that independent broadcast media produce their own news programming. Most national television channels and radio stations have newscasts with adequate production standards. The slight drop in the score of this indicator for the past year can be attributed mostly to the overall decline in media quality. Draganov commented, "As a rule, every outlet produces its own news programs; using or buying foreign news programs is not widespread. Local outlets cover local issues—all international news in television stations is based on agency video feeds, and there are no restrictions on the access to news sources." Nenova noted another news broadcasting method: "Local cable channels with their own news programs copy Euronews and BBC video feeds, get them translated, and air them without paying."

Lack of transparency in media ownership consistently challenges the sustainability of Bulgarian media. As Kavrakova commented, "There hasn't been much change under this indicator. Vague ownership continues to be a problem, and editorial policies are inevitably affected." Although the Radio and Television Act explicitly requires disclosure of ownership, extending as far as nominal share certificates, the actual owners of large broadcast and print outlets, as well as a number of online media, remain shrouded in secrecy. The most notable example is a conglomerate that has been buying media for the last two years. Panelists agree that the business interests and political affiliation of media owners shape their outlets' editorial policies, thus the outlets behave like auxiliary businesses.

On a different note, foreign investment in Bulgarian media is increasing, which leads to improved production quality and relative editorial independence. The establishment of a register of ownership of print media is a positive step, too.

Panelists gave a notably lower score to the spectrum of social interests reflected in the media in 2009. The media is marginalizing a wide range of minority topics, along with gender and sexual orientation issues, and they continue to drop out of the public discourse. Meanwhile, extremist political talk, and an aggressive stance against minorities and diversity in general, seemed to prevail in the media. "The media does not resist the rising trend of ethnic intolerance and discrimination against difference," Georgiev noted.

Nenova pointed out that the Bulgarian constitution does not formally recognize national minorities, and noted that the Turkish language news on national television continues to give rise to heated, but altogether futile, arguments for and against. She continued, "In the blogosphere, minority rights (ethnic, social, sexual) trigger discussions, which degrade into inarticulate name-calling. There is little to no quality coverage of those issues in the smaller, local media. Ethnic diversity coverage boils down to the depiction of old customs and festivities. Perpetrators' or suspects' ethnic identity is often emphasized when reporting on crime."

Draganov said that the media are not wholly responsible for the problems in minority coverage. "It's a complicated issue that boils down to the audience demand. In general, [audiences] are not interested in minority topics. Minority language media are not forbidden, but they simply have little to no audience. The talented Roma TV in Vidin did not last long, for the lack of viewers and advertising revenue. There are no formal restrictions, but the audience is perhaps not mature enough—it has no sensitivity and responsiveness to such issues. Our paradigm is still largely oriental, condescending of women, intolerant of difference, disrespectful of the intellectual. The pop-folk culture reveals our narrow horizon; the limited demand for art and culture."

OBJECTIVE 4: BUSINESS MANAGEMENT

Bulgaria Objective Score: 2.40

Bulgarian outlets, especially the foreign-owned media, are managed professionally and have a good business and management base. "There are many well-managed outlets, which succeed in recruiting and keeping quality journalists. But there are opposite examples too," said Dobrina Cheshmedzhieva, a BNT journalist. The lowered scores under this objective reflect the overall deterioration of the business climate in the country, which inevitably affects the media; smaller outlets are especially vulnerable. Panelists continue to be critical of the way funds are being spent by the public media, and said that public outlets are ineffective from a business point of view.

Most commercial media have adequate management systems, including business planning, human resources, marketing, etc. "Media are well-managed businesses as far as I can tell, Aneva said. "Collisions between economic interests and objective coverage do occur, though (journalists'

Draganov noted, "BNT doesn't make the best of its budget and is spending irresponsibly. Alleged mishandling of earmarked funds was under review in the parliamentary anti-corruption committee."

remuneration included). As a result, the media agenda sometimes fails to meet the actual agenda of the people." Georgiev added that many media outlets are owned by huge international corporations, and have adopted their standards, thus achieving better management quality and efficiency. Draganov noted the difference between small outlets and the large, national television channels, which make massive profits and are run according to widely accepted standards of management. "bTV is perhaps the epitome of this. Small cable channels are too weak and vulnerable, though. The lower segment advertising is regretfully overlooked and underdeveloped," he said.

With regard to BNT and BNR, their double sources of financing—from the state budget and from advertising—lead to decreased efficiency. Panelists still consider them to be overstaffed and inefficient. Draganov noted, "BNT doesn't make the best of its budget and is spending irresponsibly. Alleged mishandling of earmarked funds was under review in the parliamentary anti-corruption committee."

The major sources of revenue for commercial outlets are advertising and sponsorship. Bulgarian law regulates state funding of public media, but panelists said that government support still compromises their political independence. Outlets continue to receive federal and local government funding disguised under "media partnership contracts" and public relations services. By virtue of such contracts, some outlets receive government and accession funds for coverage of projects implemented by government agencies and institutions. Panelists said that they fear that this indirect source of revenue makes outlets dependent on state funding. "Against the background of crisis, when revenues are shrinking, giving public funds to the media to cover success stories puts editorial independence at risk and potentially results in bureaucratic institutional programming," Kavrakova said.

Kashamov brought up the local media's particular problems around financing. "Local media don't have adequate revenue. They're funded by paid announcements and publications on behalf of municipal authorities, especially during election campaigns, and these funds are not fairly and transparently allocated," he said. Mihalev commented that tabloids and sensationalist press have fared better, as they have enough circulation to better withstand the plummeting advertising revenue.

According to the panelists, the advertising market continued its sustainable development in 2009. Budgets are inevitably shrinking, but the general opinion is that this is a temporary condition that will soon alleviate. The market is diverse enough, both with affiliates of international advertising chains and domestic companies. The panelists had high praise for the professional level of advertising agencies. Their recently adopted code of ethics for advertising professionals is a sign of evolution and maturity. Suspicions still linger, though, about undisclosed and conglomerated ownership. In addition, the advertising market outside the capital and in underdeveloped communities is still immature. This is a major threat to editorial independence and often the sheer survival of regional outlets.

Regarding diversity in income sources, Kashamov said, "Advertising is the major source of media revenue. Subscriptions are less and less prominent—a fact that's corroborated by the free newspapers circulating over the past year." Draganov added that donations and sponsorship provide some limited funding. The problem with the dependency on advertising is that the better part of advertising budgets is concentrated among Bulgaria's big national television channels. In line with worldwide tendencies, Internet advertising revenue exceeded radio in 2009. Advertising is the key source of revenue for the major national dailies, too, while the tabloid press relies mostly on

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.

circulation. The role of subscriptions continues to lessen, as most dailies offer free online access.

The maximum advertising time in broadcast media is regulated by law—12 minutes per hour in commercial media and six minutes per hour for the public media. This market is not transparent, though, and one can only speculate by how much it has shrunk in 2009, but in general people believe it is 30 percent down from 2008. There are no legal advertising limitations in print media, but newspapers have been hit heavily by the crisis, both in advertising and in circulations.

All media try to sell out their allowed air time of 12 minutes per hour. The advertising market is probably not enough to support all of the existing outlets. About 70 percent of the advertising budgets go to television, of which nearly 80 percent goes to the leading terrestrial channels."

Market research is used widely to help determine which products to offer to audiences. Media and advertising agencies work with leading polling and research agencies—the proven model of international corporations investing in the Bulgarian media market. Panelists pointed out, though, that smaller outlets can hardly afford audience research and are inevitably less competitive. Nenova noted, "Independent marketing research and ratings are virtually unavailable locally—most outlets can't afford them." In addition, Draganov said, "The whole range of marketing tools is used to research the audience, so programming is tailored to demand. Research says entertainment is wanted, so no wonder such formats are pushing serious content aside."

Panelists critiqued the credibility of circulation and ratings figures. Two major People Meters continue to work concurrently, but trust in both remains relatively low—one is questioned because of alleged corporate ties, and the other has limited market presence. Draganov explained further: "The BBC model is to use research agencies with no political affiliations and no interest in the advertising business. It's hard to draw the line in Bulgaria, but there are some independent and professional agencies, too. All who can afford it have access to People Meter and circulation data."

The Bulgarian media have two alternatives available for measuring Internet audiences, raising the market's professional standards and helping advertisers optimize their campaigns. Not all print publications submit circulation figures, however, and no one has reliable data about the actual print market. Kashamov said, "As far as I know, there are too few rating measuring agencies, and that allows political and other interference. Circulation figures are no secret to the professional community, but aren't publicly available."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Bulgaria Objective Score: 2.55

In 2009, trade associations in the media field, including the Publisher's Union, ABBRO, and BARM (Bulgarian Association of Regional Media) demonstrated a sufficiently high sustainability level, providing representation and defending the interests of media owners. In the past year, trade associations lobbied effectively for legislative amendments concerning advertising, cross-ownership, and sponsorship. Despite competition and arguments between members, trade associations are actively and successfully lobbying the government in favor of commercial outlets. Draganov noted, "The professional community is committed enough. ABBRO and ABCO are quite efficient at identifying the industry-wide issues and defending their members' interests before the government and regulators." Georgiev agreed, saying, "The collapse of BMC has seriously undermined the media's ability to engage in dialogue and actively communicate with government. In the meantime, ABBRO is living up to its name as a strong supporter and lobbyist for the commercial broadcasters."

Bulgarian associations for media professionals and journalists are not very active and show a lack of commitment, and this continues to raise problems for the media's sustainable development. The long-standing official Union of Bulgarian Journalists (UBJ) still exists, but is failing to gain broad credibility as the trade union of journalists and media professionals, largely because its membership base is still dominated by retired journalists and journalists from state-owned media. Worse, key union figures were exposed in 2009 as agents of the former communist secret police.

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 Mihalev, "The community of media professionals has no representation in the face of a trade union. The traditional UBJ fails in this role, and journalists generally refuse to acknowledge it as the entity to speak on behalf of the community."

Journalists continue to be underrepresented on labor issues and they do not have a united public presence. According to Mihalev, "The community of media professionals has no representation in the face of a trade union. The traditional UBJ fails in this role, and journalists generally refuse to acknowledge it as the entity to speak on behalf of the community. Efforts to survive the crisis have deepened the backbiting and exposed the weaknesses within the journalistic community." Kashamov noted that the lack of an active journalists' association is a problem especially in libel litigations and labor law cases.

Bulgarian civil society groups contribute to media development at near-sustainable levels. A number of NGOs, such as the Bulgarian Helsinki Committee (BHC) and the Access to Information Program, are involved in providing legal support to journalists. ProMedia and the Media Development Center also contribute to this sector. Overall, however, their commitment does not manage to meet all the legal needs of the professional community. NGO assistance is most needed for support of investigative journalism, legal training and aid for journalists, training in television news production, and development of new media. Most NGOs are actively involved in international projects and networking in favor of free speech. According to Draganov, "A few among the numerous NGOs actually live up to the standards of citizen activity and try to meet the needs of the media professional community. They try to carry on with the fading debate between civil society and government. Some of them offer legal support and are active in human rights litigations."

According to Cheshmedzhieva, "The NGO sector is a lot more active and supportive than the professional associations on freedom of speech and access to information issues." Kashamov agreed, saying, "NGOs like Access to Information and BHC are quick to react to encroachments of the freedom of speech and provide legal support to journalists. What we do is not enough though—for example, defense in court in libel lawsuits."

Two of the Objective 5 indicators, regarding the professional training of journalists, are quite consistent in their scores, but sustainability is still out of reach. Though the professional qualifications of young journalists are improving, academic programs still fall short, according to several panelists. "Unfortunately, the level of academic journalism programs is inadequate," Draganov said. "They're obsolete in terms of both form and content. Visual media are dynamic and develop rapidly; academic training fails to keep up." Aneva agreed, saying, "Academic journalism training is a lot more questionable...My experience is that the new generation of journalists are less cultured, with poor language skills. They have little to no hands-on knowledge of television routine—on-camera performance, picture editing. They seem to lack the background to properly cover their stories."

Mid-career journalists are most in need of training in basic reporting, investigative reporting, and beat reporting in crime, business, and social issues. But short-term training options have dropped, as media are less keen to spare staff. Training programs were much more robust in the past, when foreign donor funding was available, though ProMedia and the Media Development Center still offer training programs. As Nenova noted, "Following the retreat of USAID, there is almost no supply of short-term professional training. Occasional skill-building projects are available with European funding, but the projects seem to be preoccupied with their own objectives and fail to address the actual needs of the professional community. Locally, a new generation of young, unskilled, and uncritical media professionals is emerging." Cheshmedzhieva confirmed that BNT is taking advantage of its EU-wide partnerships to offer its staff some skill building opportunities.

Printing facilities in Bulgaria are privately owned, and the government has no levers to control access to them. Panelists expressed concern about the active expansion of one media corporation, which is believed to be politically driven and influenced. The conglomerate has recently acquired a number of publications, along with one of Bulgaria's biggest print houses, which serves a number of competing print media. As Draganov explained, "It is allegedly affiliated with MRF [Movement for Rights and Freedoms, a Turkish ethnic party]. It is too early to tell what will come out of it, but the conglomerate's owners' behavior is worrying, and that was repeatedly commented upon in the press."

The media group in question is openly engaged in trading with influence, clearly biased politically, using the current crisis to buy more and more media outlets, and opaque regarding its sources of financing. According to the panel, formerly "serious," well-established media outlets bought by the group changed their formats and decreased their editorial standards.

List of Panel Participants

Ekaterina Aneva, journalist and producer, Nova TV, Sofia

Yassen Boyadzhiev, editor, MediaPool.gb, Sofia

Dobrina Cheshmedzhieva, journalist, Bulgarian National TV, Sofia

Ivo Draganov, media management and regulation expert, Sofia

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

Petko Georgiev, journalist and producer, BTC ProMedia Foundation, Sofia

Alexander Kashamov, lawyer, Access to Information Program, Sofia

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

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

Dimitar Lipovanski, journalist and producer, Russe

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

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

Tzveta Nenova, journalist, Arena Media, Russe

Moderator and Author

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

The Bulgaria Study was coordinated by, and conducted in partnership with, BTC ProMedia Foundation, Sofia. The panel discussion was convened on November 17, 2009.

This year, the decisive moment was the unexpected resignation of the Croatian prime minister—and the subsequent "reinvented investigative journalism," as one MSI panelist put it, in the form of reports on corruption and misuse of public funds.

CROATIA

OVERALL SCORE: **2.61**

Despite Croatia's diversity of media platforms, variety of publications, plurality of information sources, and volatile media market dynamics, one major event seems to decisively shape the Croatia media scene each year.

Two years ago, the Croatian media was rocked when an alleged organized crime boss sent letters from prison to a prominent Croatian publisher. The year 2008 was marked by the assassination of one of the leading Croatian publishers, Ivo Pukanic, and his business associate. The shock of the first murder ever of a publisher influenced the MSI Croatia panelists, who gathered just weeks later amid an atmosphere of gloom. This year, the decisive moment was the unexpected resignation of the Croatian prime minister—and the subsequent "reinvented investigative journalism," as one MSI panelist put it, in the form of reports on corruption and misuse of public funds.

The Croatian economy was not exempt from the global financial crisis, although a relatively good 2009 tourist season helped Croatia weather it slightly better than its neighbors. However, for the media, the total advertising budget (including print, broadcast media, and web) shrank by almost 37 percent in the past year. The circulation of daily and weekly papers fell some 20 percent in the same period. However, one panelist noted, "Thanks to the crisis, serious issues have once again prevailed over trivial media content."

Croatia remains a candidate for membership in the European Union (EU). The panelists said that Croatia can either prove or disprove the perception that EU candidate states no longer care about a pluralistic and competitive media environment once they have secured a chair in Brussels. Scores of independent, quality media outlets have fallen to market predators in "New Europe," and MSI panelists were unsure whether the same will happen in Croatia.

CROATIA AT A GLANCE

GENERAL

> **Population:** 4,489,409 (July 2009, *CIA World Factbook*)

> **Capital city:** Zagreb

> **Ethnic groups:** Croat 89.6%, Serb 4.5%, other 5.9% (including Bosniak, Hungarian, Slovene, Czech, and Roma) (2001 census, *CIA World Factbook*)

> **Religion:** Roman Catholic 87.8%, Orthodox 4.4%, Muslim 1.3%, Protestant 0.3%, None: 5.2% (2001 census, *CIA World Factbook*)

> **Languages:** Croatian 96.1%, Serbian 1%, other and undesignated 2.9% (including Italian, Hungarian, Czech, Slovak, and German) (2001 census, *CIA World Factbook*)

> **GNI (2008-Atlas):** $60.19 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP:** $18,420 (World Bank Development Indicators, 2009)

> **Literacy rate:** 98.1% (male 99.3%, female 97.1%) (2001 census, *CIA World Factbook*)

> **President or top authority:** President Ivo Josipovic (since February 18, 2010)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print: 1,000+, 13 daily newspapers, 40 weekly newspapers; Radio: 136, 5 of which are national; Television Stations: 19, 3 of which are national; IPTV (Internet-provided TV, including video-on-demand): operated by Croatian Telekom (the local branch of the Deutche Telekom), and Iskon

> **Newspaper circulation statistics (total circulation and largest paper):** The total circulation of daily papers is estimated at 450,000 to 500,000 copies a day, the top 3 being tabloid *24 Sata* (circulation 140,000), *Vecernji List* (circulation 75,000 to 90,000), and *Jutarnji List* (circulation 55,000 to 75,000 copies); the highest circulated political weekly is *Globus* (35,000 copies), followed by *Nacional* (30,000)

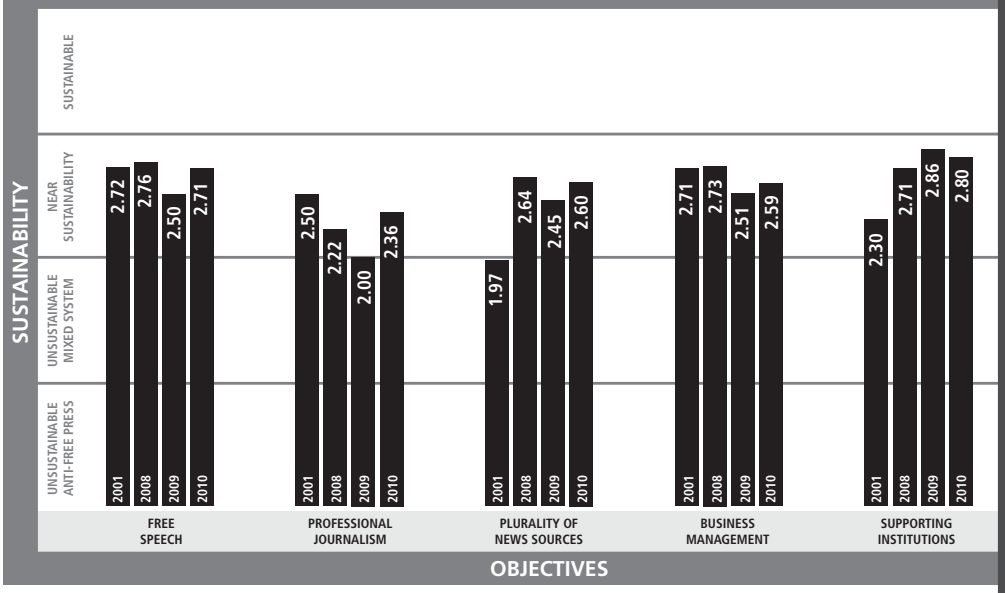
> **Broadcast ratings:** Top 3 television stations: HRT 1 (public television), RTL Croatia (private commercial television), and Nova TV (private commercial television)

> **Annual advertising revenue in the media sector:** Approximately $720,000,000

> **News agencies:** HINA, STINA, IKA/Croatian Catholic News Service

> **Internet usage:** 1,880,000 (2008 est., *CIA World Factbook*). The highest growing sector is broadband Internet service, with about 30% of the households currently using it. About 18 percent of households use IPTV service, provided by two national providers (HT and Iskon).

MEDIA SUSTAINABILITY INDEX: **CROATIA**



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Croatia Objective Score: 2.71

Respecting the basic principles of the freedom of speech has not been an issue in Croatia for the past 10 years. To a large degree, media-related legislation is harmonized with international standards—as should be expected from an EU-candidate country. The constitution, media law, electronic media law, law on public radio and television, freedom of access to information law, and a score of by-laws provide a defined framework for safeguarding freedom of speech. However, the media sector still sees cases of freedom of speech violations; for example, a blogger was sentenced for posting an "offensive" comment on his blog, but the higher court annulled the sentence.

The independent Council for Electronic Media, in conjunction with the Croatian Post and Electronic Communications Agency, issues broadcast licenses and allocates frequencies. The recent appointment of new council members has proven once again that political affiliation is still an important element. However, there has been no indication of direct political involvement in frequency allocation procedures. According to Gordana Simonović, editor-in-chief of *Novinar*, "When it comes to frequency allocation, there have been two phases since the mid-1990s. In the first phase, frequencies were allocated by political criteria. In the second phase, still in effect, expected revision of the 'politically' allocated frequencies hasn't happened. Frequency allocation is no longer politically motivated, but it has helped those who obtained it under the political criteria to keep it and to consolidate their monopoly."

Panelists said that political pressure has been replaced by incompetency, a lack of professionalism, and siding with business lobbies. This combination almost inevitably leads to lack of transparency. "Appointment of the council members depends on political will, which is mostly defined by different lobbies. Saying this, one should conclude that decisions made by this institution simply can't be transparent, professional, and unbiased," said Jelena Berković, news editor for Radio 101.

The panelists agreed that the council should work in cooperation with the appropriate ministries to make more frequencies available, rather than wait to get a list of frequencies and then putting them on tender. "The last radio frequency in Zagreb was allocated back in 1998. The council should be more active in providing new frequencies, especially where the market can support it," said Davor Glavaš, lecturer of journalism studies at the University of Zagreb.

The council's allocations through the Fund for Pluralization of Media generated comments on non-transparent decision-making processes. Individual grants of up to $120,000 were given to commercial radio and television stations for productions in the "public interest," but panelists cited a lack of transparency and fixed criteria. "I have been considering a score of '0' on the council's transparency," said panelist Zdenko Duka, president of the Croatian Journalists' Association (or HND, its Croatian acronym). "But then I realized that the situations in, say, Iran and Zimbabwe are far from what we have here, and decided to give a better mark. But it is depressing even to know that the discussion on transparency in Croatia involves considering the media situation in such countries."

With only less attractive local radio and television frequencies left available after the last major allocation process in 2003, the media sector has not seen any important new market entries. Panelists expressed their expectation that the switch to digital by 2012 will improve the broadcast market dramatically, but also said that they are concerned that the government is not doing enough to prepare the market, advertisers, consumers, and the media legal framework.

The new broadcast law, adopted in December 2009, should contribute greatly to the transparency of the frequency allocation procedure during 2010. The law stipulates that the license agreement under which a frequency is allocated must be available publicly online. The law also requires public availability of an applicant's tender documents, including percentages of programming types (news, entertainment, culture, sports, etc.) to which the applicant has committed for its broadcast schedule.

The government places no undue restrictions, special taxes, or procedures on starting a print media business as compared to any other industry. Starting a new print media outlet depends only on an investor's budget (assuming that the outlet would be in line with anti-monopoly provisions). Panelists agreed that Croatian laws on tax structure and other financial obligations favor media. "One national television channel pays annually a bit more than €1 million [$1.5 million] for a license fee, and makes an annual advertising turnover of some $45 million. This is a pure example of the unadjusted tax system that actually favors national broadcasters," said Denis Kuljiš of Article XIX.

VAT on print is 5 percent, compared to the 23 percent that other businesses pay. However, Berković said, "Public television does not pay VAT at all, which has created significant market distortion."

The discussion on crimes against journalists was completely different from the previous year. "After Pukanic's

assassination, I was really scared for my life," Kuljiš said. "But, what happened? New ministers of interior, a new minister of justice, and new head of police have been appointed, and now finally I can say that police are really doing their best to find perpetrators of attacks on journalists. That doesn't mean that they are finding perpetrators, but they are doing all that they can. I feel reasonably safe today."

Even lower-profile incidents involving journalists, such as verbal threats, are given significant media coverage and cause immediate public outcry. Although Croatian law has close to zero tolerance on crimes against journalists, pressures still exist. "Good investigative journalists are leaving journalism because they don't want to be exposed to subtle or open pressures all the time," Berković said. Simonović pointed out that this is not unique to Croatia: "Investigative journalists are under pressure in each and every country. Croatia is no exception." Added Kuljiš, "It is more important to consider whether or not the social or political climate favors perpetuators, which is not the case."

Although the government has not issued direct subsidies to the public media in the past 10 years, most panelists agreed that allowing public television to collect subscription fees—while controlling more than half of the television advertising market, with no legal restrictions—shows that public media do enjoy preferential status.

The absence of direct government funding of public television has resulted in a measure of editorial independence, panelists said. "Just look at the coverage of the presidential election campaign," Kuljiš said. "The ruling coalition candidate has received the least coverage, to the point that he himself accused public television of bias. This couldn't have happened just few years ago," Kuljiš said. At that time, it would have been impossible to imagine the ruling party candidate not having a dominant position in the news.

Most local media outlets, however, are still financed substantially by municipalities, posing a constant threat to their editorial independence.

Libel is a civil issue in Croatia, and the offended party must prove falsity and malice. Each year has seen a drop in such cases. Panelists did not indicate that corruption is the biggest problem with the judiciary. Rather, problems stem from "incompetent judges" who cannot cope with the new judicial and legal standards, they said.

Panelists agreed that general public information is available without excessive restrictions. "It is much harder to get elaborate details, but this is the territory of investigative journalism, after all. Another problem is that many government offices simply lack awareness about what information they can and cannot give," Simonović said.

Some media outlets acquire hot tips more easily than others, panelists said, and public officials (especially at the local level) are still discriminatory in providing information. "Many journalists do not know how to get information. They have no IT skills to find even information from the open sources. Combined with skills needed to get information from the government sources, this represents a real problem," Berković said.

Access to local and international news, including the Internet, is open and unrestricted, both for journalists and the general public. The high cover price of international papers lowers sales, but the availability of online content reduces that impact. Croatia now receives a massive flow of international news, thanks to Internet access becoming more affordable through market competition and the relatively high percentage of households using broadband technology. A broadband connection in Croatia is more expensive than in some other EU countries.

Croatian authorities have never required any kind of licensing for journalists. Accreditation depends on publishers and editors, and the media sector has seen almost no cases of government interference. The panelists described some problems with "unwanted" reporters occurred on the local level—in the city of Split, for example, but the situation there was due to the peculiarities of the mayor there and is not an example from which to draw general conclusions.

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.

Entry to journalism schools depends on preliminary qualifying exam scores and the ability to pay relatively high tuition fees (up to $8,000 a year).

Journalists are free to organize themselves. Croatia has about a dozen organizations for journalists specializing in investigations, businesss, health, courts, etc. HND is the largest of the organizations. Among its other responsibilities, HND is tasked with expanding the definition of "journalist" to include new categories of professionals.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Croatia Objective Score: 2.36

The MSI panelists cited several incidents that indicate how political pressure and influence over editorial policy, a notorious legacy from the 1990s, has turned into apolitical, cross-party market competition involving business lobbies.

The panelists pointed to the case of a minister's forced resignation over a multi-million-dollar scandal concerning a leading Croatian company with which he was directly involved. His lawyer secured the first minutes of the main public television newscast to explain that the events in question were normal business practice for avoiding a hostile takeover. In another case, an independent presidential candidate with more than 150 criminal charges against him appeared in the first minutes of the central television news after he announced his candidacy.

The panelists also noted the case of a television news anchor who came under criminal investigation last year for alleged close business relations with a public relations company that offered prime slots during the news for financial compensation. Yet another case occurred after the third big railway accident in a row, and in the midst of an almost $1.5 billion bribery scandal with the minister of transportation. The main central television news defended the minister by suggesting that trade unions were deliberately causing the railway incidents in an effort to force the minister to resign.

Still, panelists said, good investigative journalism has kept its prominent position, and Croatian journalists have produced reports on corruption, bribery, and lack of transparency in the use of public funds. "After the prime minister's resignation, we have suddenly reinvented investigative journalism," Kuljiš said.

However, the panel expressed concern about the intrusion of poor quality media contributing to sensationalism and subjective coverage. Panelists said that the Croatian media market is just too small to sustain a number of quality daily papers, but the market should have a place for one or two.

"Instead of keeping and increasing the quality of papers to attain this market position, most publishers are making a concession to quality [and] are lowering quality down to tabloid standards, expecting to keep the circulation figures in this way. But you can't beat tabloids by being 'half-tabloid.' That's a losing battle," Glavaš said.

Pressure on journalists to be more commercial, which may come from owners via editors, also discourages investigative reporting or checking information from different sources, panelists said. "A survey has shown that most information on the public television's central news service is based on only one source. Instead of checking and verifying information, public television often uses phrases such as 'reportedly,' 'allegedly,' and so on, indicating the prevalence of lower editorial standards. With such praxis on public television, we shouldn't expect more from commercial television stations," panelist Viktorija Car, a professor, said.

"Experts are consulted more often to contribute to the sensationalistic flavor of the issue, not to clarify it," Emil Havkić, a media lawyer, said. A good example is the outbreak of the swine flu pandemic; most papers created their own "expert teams" that supplied the public with catastrophic scenarios.

Panelists said editors too often do not want to allow journalists additional time to check information or go in depth, preferring to be ahead of competition even at the expense of facts. In addition, almost 97 percent of the circulation of Croatian papers comes from newsstand sales, which encourages the use of "screaming headlines."

In a survey, almost half of those responding (48.6 percent) identified the key problem of the Croatian media as the "absolute control" of owners and publishers over the media

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

content. "I know many journalists who have decided to leave the profession rather than conform to new 'standards' introduced by publishers and editors," Anja Picelj, a media specialist with the US Embassy, said.

However, it would be a mistake to identify an "average" Croatian journalist's attitude toward the ethical standards, one panelist cautioned. HND is known for its ethics code, and most journalists follow higher standards, but there is also a vocal minority that does not. "It's about making a name as soon as possible, regardless of collateral victims," Luko Brailo, a journalist from Dubrovnik, said.

Duka said that the reputation of all Croatian journalists is tarnished when a few choose not to adhere to ethical standards. "Mostly, the public perceives all journalists by these examples of the minority, which has had a devastating effect on the journalism as a profession. We can't blame them for that."

Several panelists said self-censorship is ever more present. "Journalists know that certain names and companies are not to be criticized, or even mentioned in a negative context, and that's terrifying," Berković said. As Gabrijela Galić of the Journalists' Trade Union put it, "It's like an inner voice that tells you what you could and what you should not do."

Still, the situation today is not even remotely comparable to 1990s, when censorship or self-censorship resulted almost directly from political pressure or from perverted definitions of "patriotism." Comparing that era to now, Kuljiš said, "In the 1990s, there was a kind of institutional conspiracy on the governmental level against independent journalists. They were considered to be state enemies. There was a wall between them and what should have been publicly available information. There is no such conspiracy or walls today. It is easier to get information, but it has become harder to persuade your editor to make it public. The good news is that it's still possible to 'trespass' to another publisher's territory and publish it. It requires that you have a name and reputation, but it's possible."

As one of the consequences of advertising and circulation declines, top salaries in journalism (which used to be as high as $150,000 to $200,000 a year) have declined, which makes sense to some MSI panelists. There are no substantial differences between salaries in print and broadcast media, or between private and public media. A gross annual salary of $25,000 to $30,000 is about the industry standard, and is comparable to, if not higher than, other professions. Local media salaries trend lower, to about $10,000 a year.

Selling articles directly is not common, but some panelists think that accepting gifts (going to promotions and public relations events at the organizer's expense) should be treated the same. Galić asked, "Is there a big difference between accepting money, and going on a 'free' weekend to a fancy ski or summer resort to write about the promotion of, say, a new cosmetic or pharmaceutical line?"

Infotainment is a global trend and Croatia is not exempt. But thanks to the financial crisis and the intense political events, news programming has once again prevailed over cheaper entertainment production. "It seems to me that the biggest wave of trivialization hit Croatia in 2008. This year reintroduced politics and economy as major issues, sending trivial content where it belongs: specialized niches," Kuljiš said. Other panelists gave examples of sensationalism, including a national commercial television channel that, without explanation of the news value, opened a program with footage of a man who hanged himself. All broadcasters in Croatia are obliged to devote a minimum of 10 percent of their daily programming schedule to news production, which contributes to the quantity if not necessarily the quality of news production.

Panelists noted that while technical facilities and equipment for gathering, producing and distributing news and most national media outlets are modern and efficient, this is less true for local markets.

There are many good niche reporters and journalists working in the leading media outlets, according to the panel, but, overall, panelists felt that there are not enough skilled journalists to cover the large number of media outlets in Croatia professionally.

OBJECTIVE 3: PLURALITY OF NEWS

Croatia Objective Score: 2.60

Panelists concluded that Croatia has a plurality of media sources, and that citizens have unrestricted and ever-growing access to domestic and international news. With regard to media sector numbers, Croatia can compare itself with any country on the "New Europe" map. More than 3,000 registered journalists are registered in the country, out of a population of less than 4.5 million. Croatia also has about 1,100 freelancers, although not all identify themselves as such.

Croatia has approximately 150 radio and television stations at the city, county, and national levels, including two public national television channels and two national commercial channels. The Croatian Chamber of Commerce has in its registers 1,050 dailies, weeklies, and periodicals, including four national political daily papers, two regional papers, two local dailies, and two major national political weeklies.

The latest data, from 2008, shows that 53 percent of households have at least one computer, and 45 percent have an Internet connection. Internet usage is even higher, as most employees have Internet access at work, with 97 percent of active companies reporting Internet access. Some 60 percent of households have satellite television receivers or cable television subscriptions.

As in the previous study years, panelists named the relatively high prices for newspapers and services as the only substantial obstacle to news access. The cover price of daily papers ($1.40) or weekly papers ($2.80) and high prices of international dailies and weeklies (from $6 to $10) are prohibitive to a segment of the population, which therefore still relies on information from television, radio, and Internet. Internet services are more affordable than in the previous years, mostly due to tougher market competition. Flat broadband rates are about $25 a month, and cable television fees are about $10 a month for a basic package. The problem continues with unequal distribution of news between urban and rural areas, but a higher percentage of "location neutral" media (satellite, broadband, wireless and mobile internet, IPTV) has contributed significantly to better distribution of the news sources.

Foreign broadcasters operate without any restrictions, but their relative audiences (and consequently, their relevance) have diminished significantly. Only Deutche Welle continues as a major media player in Croatia, the result of a more open political climate in the country and international broadcasters shifting their priorities to other regions, such as the Middle East. Panelists said the shift has not caused local audiences significant difficulties in accessing international news. Given the country's topography, most populations have access to foreign terrestrial television stations.

Twitter, Facebook, blogs, and other new media platforms are gaining popularity rapidly. They proved efficient in organizing student protests in 2008 and 2009, and were used heavily during the first round of the presidential election in late 2009.

"I do not get the feeling that the ruling party controls public television," said Martin Mayer, from the EU delegation to Croatia. Kuljiš agreed. "The ruling party's candidate on the presidential elections was one of the least represented candidates in public television's election program, which speaks for itself that the ruling party does not control it," he said. "But the ruling party still has powerful means—fiscal policy, for example—to influence public broadcasters. So it would be too early to say that politics have lost control over public television once and for all."

The panelists agreed that public television political affiliations have been replaced with powerful business and special interest lobbies. Compared with the 1990s, when public television was a mouthpiece of the ruling party, this is considered a lesser evil, but far from complete professionalism. Many radio stations still depend financially or logistically on local authorities, as reflected in the quality and political bias of their local news programming.

Public television provides enough public affairs and political programming, but lacks educational, cultural, and minority programming. "You can't find a lobby ready to pay for inclusion of such programming into the programming schedule of public television," according to one panelist.

Some panelists suggested that news agencies are now of diminished importance, but Simonovic disagreed, and said that the formerly state-owned HINA agency is "still the most important source of information, especially in local media, which don't have resources and staff for their own news-gathering process." Other panelists agreed that HINA provides quality, professional services. Aside from HINA, two major publishers in Croatia have their own newsgathering agencies (providing some services, such as photos, to other clients as well).

Most local broadcasters operate within networks, with a central hub that provides national and international news, leaving their members more resources to produce local and service news by themselves. This is viewed as contributing to the quantity of the news production, although not necessarily the quality. The majority of radio stations are members of Croatia's major radio network, and they link their news programming. The ever-increasing number of local 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.

national web portals also contributes to better dissemination of local, national, and general news.

All media companies are obliged to disclose their ownership structure to the authorities at the beginning of the new calendar year. This information is available publicly. Panelists agreed that readership and audiences are aware of who owns media outlets, and employees are even more aware, given the restrictions in covering areas or issues about which their owners are sensitive.

Panelists were split on the monopoly issue. Some said that two of the biggest publishers control the lion's share of the market, but Kuljiš disagreed. "In such a small market, we have three major publishers—two foreign and one local. We have four national television channels, two of which are majority-owned by foreign investors. We have a myriad of local radio and television stations and small publishers. This doesn't look like a monopoly to me."

The impact of foreign investment is unclear. Some have brought low-quality commercial content or sought to undercut established trade union standards. But panelists said that generally, they have contributed to the maturity, stability, and variety of the media market in Croatia.

Most recently, Croatia got a new minority-themed paper, the Serbian *Novosti.* The paper joined Croatia's other well-established minority media, which represent the Italian minority especially. Some panelists said that minorities would be better served by more articles on minority concerns appearing in the mainstream media. "It is an old dilemma: Do the minority media help their consumers to be better informed citizens, or contribute in a way to their ghettoization? I don't know the answer," Glavaš said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Croatia Objective Score: 2.59

In 2009, advertising income fell by a staggering 37 percent, circulation dropped by more than 20 percentt, the number of unemployed persons reached a historic high, the GDP dropped 5.7 percent, and no end to the crisis is in sight—but all major media players are still in the market. Not a single bankruptcy in the media industry has been recorded to date. Panelists debated whether this was an indicator of managerial skill or how big profits were previously.

Major media players in Croatia have business plans, well-elaborated human resources policies, and financial practices in line with international standards. Unfortunately, this cannot be said for the majority of the smaller and local media. Most of those still operate on the basis of "friends of friends" hiring and are quite often involved in some form of social tax evasion. Most local media are surviving thanks to the financial or in-kind support of local authorities, which seriously influence their editorial independence. "Community" media does not exist per se in Croatia, although very newly introduced legislation would open this area as well.

Commercial media in Croatia receive revenue from multiple sources, although some clients are "privileged" (companies on the list of top five advertisers, for example). The print media's main sources of income are sales of print copies and advertising, with subscription generating less than 5 percent of overall income. Advertising revenue is the only income for the national commercial television stations (Croatian RTL and Nova TV).

Subscription fees and advertising fund public television. Panelists said that public media has been irresponsible in using taxpayers' subscription money—one of the major reasons for the forced resignation of public television's CEO just after the MSI panel was convened. Local commercial broadcasters, aside from the advertising income and financial support from the local authorities, have an additional income source: if their productions comply with the criteria set for "producing of programs of the specific public interest," local radio and television stations could get up to $120,000 of the support from the Fund for Pluralization of Media (built from three percent of the subscription fee paid to public television).

Every year, a debate is raised on public television's income sources. Croatian public television receives $150 to $170 million a year from a mandatory subscription fee ($12 per household per month). Aside from this, public television controls a majority of the television advertising market. "More than 60 percent of the advertising money goes to public television, which has created a real distortion in the market," Kuljiš said. "With money secured from subscription fees, public television plays with dumping advertising rates, competing even with local stations. This is a clear example of the distorted market, and it should not be allowed."

Tena Perišin, from public television, had a different opinion. She said that advertising income is vitally important for public television, making it less vulnerable to different forms of political pressures than it would be if subscription fees were the only income source.

Print media circulation has dropped significantly in the last six to seven years, due in part to a lower level of interest in

politics compared with the 1990s and part to the financial crisis. As shown in a survey by the Faculty of Political Science, lack of trust in the media content is another very important element to be considered by publishers. The fact that circulation has dropped in other market niches (women's weeklies, sports magazines, etc.) indicates a certain fatigue with consuming traditional media, but new media are not yet profitable. Indeed, these forms have been hit harder than the "traditional" media by the shrinking of the advertising market in 2009, panelists said.

Until late 2008, the advertising industry had been one of the faster-growing business sectors in Croatia, supporting the stable market position of most of the national media. Most of the biggest global advertising agencies opened branch companies in Croatia, making the advertising market increasingly more professional. ("The advertising industry is more sophisticated than the media themselves," Kuljiš commented.) Until last year, the Croatian media advertising market contributed to the gross national product with more than one percent, which was almost in line with the standards of more developed countries. Advertising income had been on a steady rise for more than a decade, sometimes with even two-digit annual growth. This had contributed greatly to the stability of the media industry by offsetting the drop of circulation in the print media sector.

Croatian print media have not yet met Western media's advertising-to-circulation ratio for revenue, which is roughly 70 to 75 percent advertising to 25 to 30 percent circulation. Revenue figures continue to incline more to advertisement, however. More commercially successful national papers (*24 sata*, *Vecernji List*, *Jutarnji List*) are making between 55 to 60 percent of their total income on advertising revenue. Other papers still depend on circulation, sometimes with more than 80 percent. That level of dependence has a tangible impact on the type of journalism that those papers practice, primarily in terms of a more tabloid-type approach.

The government sets no limits to the number of ads in print. Limits on minutes of advertising on commercial broadcasters (radio, television) and public television are in line with EU recommendations. Independent media do not receive direct government subsidies. A constant issue is "hidden subsidies"—public announcements, advertising, or awareness campaigns financed by the government or local authorities. Many indicators prove that hidden subsidies are going more often to government-friendly media than to others, panelists said. The same is true for the government's Fund for Pluralization of Media. "It is absolutely okay as an idea, but it's absolutely non-transparent when it comes to the criteria for granting financial support," Berković said.

Another government revenue source, the Fund for Civil Society Development, is controlled by an independent committee of respected civil society activists. The new electronic media act will allow combining of financial support from the Fund from Pluralization of Media and the Fund for Civil Society Development, which is expected to benefit non-profit media.

One panelist noted that major publishers are using thorough market research. However, others said that the capacity exists for organizing and performing sophisticated market research, but is used improperly by major media corporations and barely at all by smaller, local media.

Broadcast ratings and circulation figures are not provided by an independent agency and are not reliable. Publishers are obliged to submit circulation figures to the chamber of commerce at the beginning of the year, but that applies to reporting printed, not sold, copies. To offset this problem, most advertising agencies are making their own circulation estimates, which have proven to be quite precise. For that reason, publishers refrain from presenting over-inflated circulation figures to serious advertising agencies, but are still shy of presenting the same figures to the general public.

The same applies to broadcast ratings. Through people meters and other sophisticated survey methods, leading broadcasters do have reliable ratings figures, but panelists expressed doubts about whether they use the figures in their strategic planning and program scheduling. Also, they said, leading broadcasters are presenting ratings figures to the general public very selectively, only to prove "the highest ratings" for some of their shows.

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

Croatia Objective Score: 2.80

Even during the turbulent post-war 1990s, Croatia's media support organizations enjoyed an excellent reputation. HND, with a membership of almost 3,000 journalists and media professionals (more than 90 percent of the active journalists), is an example of an organized and efficient professional association that has managed to overcome politically motivated drifts. HND encompasses almost all media professionals in the country, regardless of their political and other positions and interests, working to protect their rights. Currently, HND is involved mostly in promoting and safeguarding higher principles of freedom of speech and preserving higher industry standards in toughening market conditions.

Also considered effective is the Trade Union of Croatian Journalists (TUCJ), a partner association that collaborates with HND to protect labor rights of journalists. HND and TUCJ have been active in drafting all media-related legislation in Croatia.

Along with HND and TUCJ, a variety of professional and trade associations actively promote the professional agenda of different professional groups. Local media (including print, but mostly local radio and television stations) are organized under the Croatian Association of Local Radio and Print (or HURIN, its Croatian acronym). Local television stations are organized under the National Association of Local Television Stations (NUT). Together with the national stations (Croatian RTL, Nova TV), local television stations have formed a joint national association of commercial television stations that has been very active lately. Publishers are organized in their own association, which proved its strength by lowering the VAT for print media outlets from the standard 23 percent to the privileged rate of 5 percent. All of these associations have been very active in 2009, mostly in drafting new legislation (the broadcast law, for example), or in defending free speech and industry standards. No sector has been left without a voice.

In order to be even more responsive to its members, HND structured itself into sub-organizations representing specific sectors of the profession (investigative reporting, economics, health, sports, IT, environment, blogging, freelancing, photo reporting, etc.). Still, some panelists said that it is time to further decentralize and disperse the activities of these institutions (especially HND) into smaller, more efficient task force groups.

A specific problem is the lack of NGO activity in rural parts of the country. "NGO is almost an unknown term just kilometers from the city limits of the five or six largest cities in Croatia. Expansion of IT communications helps, but this is still a problem for Croatia," one panelist concluded. But where NGOs are present in Croatia, they are vocal in their support. Violations of freedom of speech, any hate speech, or examples of sexism "will provoke an almost immediate reaction from NGOs," Glavaš said.

As in previous years, a debate on the quality of journalism degrees divided panelists. Perišin, who lectures at the Faculty of Journalism, thinks that a journalism degree at the faculty meets higher education standards, combining theoretical knowledge with practical activities in relatively well-equipped training centers (which were upgraded with a new USAID donation in November 2009). When it comes to mid-career training, Perišin is less optimistic. "Publishers and editors are still not willing to encourage staff to participate in trainings and workshops." It is an old dilemma, particularly affecting local media. Publishers and editors of local media often hesitate to send their journalists to workshops because they do not want their journalists to become more educated or more aware of their position and rights, panelists said. Also, they may operate small newsrooms that cannot spare anyone for a week or longer to training programs or workshops.

Currently, about 2,100 students of journalism are attending various programs. Panelists raised some concern about where these graduates would be employed, given the layoffs that have resulted from the financial crisis. An additional problem is a lack of interest in mid-career training, in part because journalists do not want to appear in need of development. Panelists found this disturbing, due to the fast-paced changes in communication platforms.

The government imposes no restrictions on newsprint acquisition or the printing industry. Both are completely

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.

deregulated, private, and market-driven, offering a multitude of options to press publishers. Since early 2000, numbers of printing resources have substantially surpassed the market demand, creating a beneficial situation for publishers. Although the average cover price of newspapers is high ($1.40), all daily papers are in full color, offering more content at the same price as the black-and-white and no-supplement editions of only a few years ago.

Distribution is dominated by one company, Tisak, which operates as an efficient, market- and profit-oriented company. Its current operations contrast starkly to the 1990s, when the company was owned by one of the most notorious Croatian tycoons and used by the regime as a tool for economic extortion of dissident and independent media.

Tisak distribution covers the entire national territory, including rural areas and remote islands, benefiting all sides—publishers, distributors, and readership. Nonetheless, panelists expressed some concern about the presence of a single operator. "Distribution monopoly does not comply with higher media standards. There have been no indications of wrongdoing, but still, in the long run, this is not a good solution," Duka said.

Glavaš, the panel's moderator, warned about the recently introduced "entry fee" of $12,000 that new publications must pay in order to put on the Tisak distribution list. "It is not about the money. Any serious publisher must have such an amount at its disposal. It is more about the principle here," he said. Brailo agreed, adding, "This sounds pretty much like taking advantage of the monopoly position—at least as a one-off fee. Why should publishers pay this 'entry fee' knowing that they will have to pay 25 or 30 percent of commission of every sold copy of their publication?"

Panelists agreed that other distribution means (Internet, transmitters, etc.) are completely apolitical and privately owned, and offer professional, efficient, and unrestricted access to all parties under market conditions. There has not been a single incident of using distribution or transmitting facilities to gain any politically or business-motivated goals against private operators.

List of Panel Participants

Martin Mayer, media specialist, Delegation of the European Commission to Croatia, Zagreb

Emil Havkić, media lawyer and specialist in media legislation, Zagreb

Zdenko Duka, president, Croatian Journalists' Association, Zagreb

Gabrijela Galić, Journalists' Trade Union, Rijeka

Tena Perišin, HTV, Zagreb

Anja Picelj, media specialist, US Embassy, Zagreb

Gordana Simonović, editor-in-chief and journalist, *Novinar*, Zagreb

Jelena Berković, news editor, Radio 101, Zagreb

Drago Hedl, journalist, Osijek

Neven Šantić, journalist, *Novi List*, Rijeka

Luko Brailo, journalist, Dubrovnik

Viktorija Car, professor of journalism, University of Zagreb, Zagreb

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

Denis KuljiŠ, Article XIX, Zagreb

Moderator and Author

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

Assistant

Kresimir Dominic, assistant manager, Abrakadabra Communications, Zagreb

The panel discussion was convened on November 25, 2009.

One of the important stories of the year revolved around RTK. Its general director resigned, saying that he found it "impossible to run RTK in a responsible manner" and questioning its ability to maintain editorial independence from the government.

KOSOVO

OVERALL SCORE: **2.60**

KOSOVO

With regard to the media, 2009 can be characterized as a year of intensive debate over the freedom of speech in this country. Politics in general, and the biggest party in country that constitutes the government, has often tried to influence the media. Although most of the media did not fall under government influence, a similar statement cannot be said for the only public television in this country.

Kosovo showed higher scores for the 2010 MSI, reflecting advancement in the media sector in 2009. The overall score jumped nearly a quarter of a point, with four out of the five objectives showing improvement. Business management (Objective 4) was the only objective to receive a score lower than last year.

Kosovo's 2008 declaration of independence created new opportunities for further political and economic development. Although the scale of foreign recognition was lower than Kosovo had hoped for, and it faced a case against its independence at the International Court of Justice, it did move forward as an independent state. Kosovo became a member of the International Monetary Fund and the World Bank, it appointed the country's first ambassadors, and the Constitutional Court of Kosovo began functioning. Interestingly, the first case upon which the court ruled was regarding annulment of the payment of €3.5 for Radio Television of Kosovo (RTK), the public broadcaster, through electricity bills.

One of the important stories of the year revolved around RTK. Its general director resigned, saying that he found it "impossible to run RTK in a responsible manner" and questioning its ability to maintain editorial independence from the government. While threats to journalists remained relatively low, the case of Jeta Xharra, a Balkan Investigative Reporting Network (BIRN) journalist, showed that critical journalists still face intimidation. Xharra received death threats after airing her show *Jeta në Kosovë*, during which she criticized the municipality of Skenderaj for lack of freedom of expression. The campaign against her started with an article published in the daily *Infopress* that called her a spy. Most of the media, however, lined up on her side, defending her right to freedom of expression, which is also guaranteed by article 40 of the Kosovo Constitution.

Local elections organized in November marked another significant event for Kosovo, and once again the impartiality of the media was challenged. While the electronic media in general were more objective in covering the election campaign, the print media were more selective in reporting the news.

KOSOVO AT A GLANCE

GENERAL

> **Population:** 1,804,838 (July 2009 est. *CIA World Factbook*)

> **Capital city:** Prishtina

> **Ethnic groups (% of population):** Albanians 88%, Serbs 7%, other 5% (Bosniak, Gorani, Roma, Turk, Ashkali, Egyptian) (*CIA World Factbook*)

> **Religion:** Muslim, Serbian Orthodox, Roman Catholic (*CIA World Factbook*)

> **Languages:** Albanian (official), Serbian (official), Bosnian, Turkish, Roma (*CIA World Factbook*)

> **GNI (2008-Atlas):** N/A (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** N/A (World Bank Development Indicators, 2009)

> **Literacy rate:** 91.9% (male: 96.6%, female: 87.5%) (2007 Census)

> **President or top authority:** President Fatmir Sejdiu (since February 10, 2006)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print: 9 daily newspapers; Radio: 92 stations; Television: 22 stations (Source: Independent Media Commission (IMC), 2009)

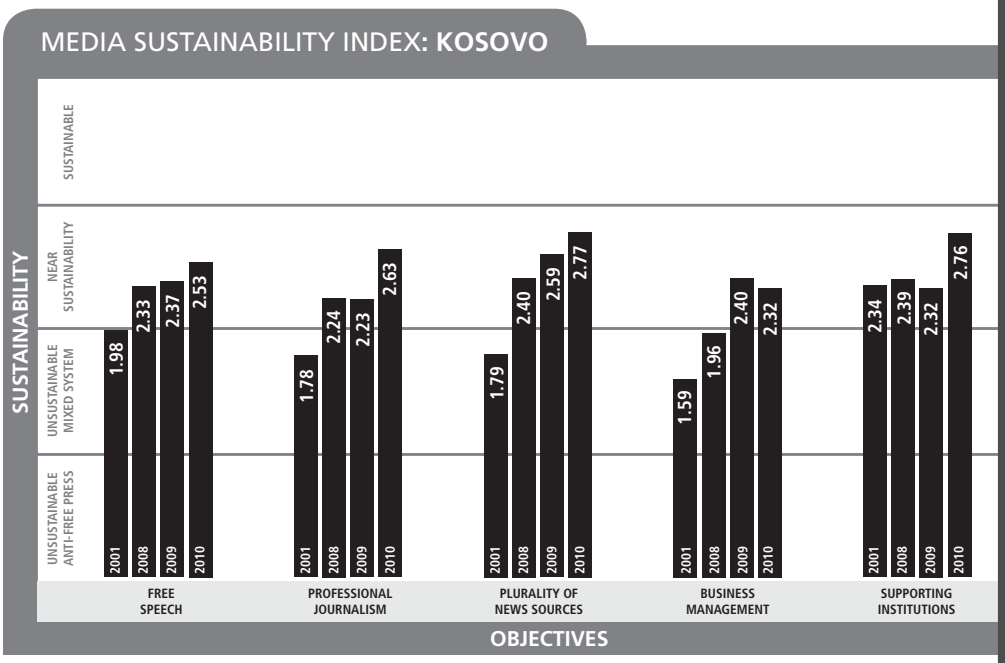
> **Newspaper circulation statistics (total circulation and largest paper):** N/A, *Koha Ditore* is the leading newspaper, followed by *Kosova Sot* (Index Kosova, July 2009)

> **Broadcast ratings:** RTK 52%, KTV 28%, RTV21 49%; Radio Dukagjini 8%, Radio Kosova 5%, Radio 21 2% (Index Kosova, 2009)

> **Annual advertising revenue in the media sector:** N/A

> **News agencies:** Kosova Live, Kosova Press

> **Internet usage:** Households with Internet access 53% (INDEX Kosova, 2009)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.53

Freedom of speech increased slightly from the previous year, reaching the highest level since the Kosovo MSI study began in 2001. Indicators 1 (legal and social protections for free speech), 2 (broadcast licensing), 4 (attacks on journalists), and 8 (access to international news and news agencies) all made noteworthy gains to lead the growth in score. However, panelists downgraded their score for indicator 5 (legal guarantees of editorial independence for the public broadcaster). Indicator scores were rather spread out. Indicators 2, 8, and 9 (free entry into the journalism profession) scored particularly high, but indicators 3 (market entry), 5, and 6 (libel laws) all scored more than half a point lower than the overall objective score.

In general, the panelists agreed Kosovan law provides protection of free speech. Yet, the panelists emphasized the discord between the legal basis and actual enforcement of laws. There were some incidents of pressuring journalists during 2009, including the aforementioned threats against the BIRN journalist and a case involving two journalists from the daily *Koha Ditore.* They received a threatening phone call from a judge, who warned them not to publish an article. Later on, a Kosovo court found the judge not guilty, stating the phone threat was not considered very serious.

Eugen Saraçini, director of news at RTV 21, warned of individuals who misuse freedom of speech laws to damage someone's personal integrity, but lauded Kosovo's overall freedoms. "Regardless of the few incidents that we have witnessed, freedom of speech is protected," he claimed.

Regarding the case of *Jeta në Kosovë*, all panelists voiced their opposition to the hostility shown toward the journalists. Voice of America reporter Besim Abazi also expressed his concern at the numerous professional defects on the much-debated story by *Jeta në Kosovë.* "Violent acts against journalists are unacceptable; yet they should not leave the issue of the misuse of freedom of speech in darkness," he said. Like last year, there were no indications that the general public reacted strongly to freedom of speech violations in 2009.

The panelists agreed that the country's judiciary fails to respond promptly or without bias on matters related to freedom of speech. While they praised the legal framework, they also criticized the judiciary's lack of independence. Reaching and enforcing just verdicts on cases of infringement of journalists' rights was also decried and perceived as very slow. Bardh Hamzaj, former editor-in-chief of *Zëri*, commented on the disharmony between what the law states and the real situation on the ground. According to him, "there is still a fragile situation in the country, regardless of the impression that everything seems in order on paper."

Panelists shared the sentiment that accessing public documents takes a considerable amount of time. According to the law on access to official documents, the institution must either grant access to the document within 15 working days or state the reasons for total or partial refusal. Panelists were concerned that access to information in general is not easy for all Kosovo communities. Goran Avramovic from Radio KIM lamented that the government still offers no Serbian translation of press conferences held by the prime minister and cabinet. "How can I obtain the necessary information when our journalists cannot understand the government's message?" asked Avramovic.

The Independent Media Commission (IMC) manages licensing of electronic media. The commission's creation and operations are guided by the constitution, and procedures for media legalization are open and competitive. The election of IMC board members is completely apolitical, as civil society members nominate candidates. The potential candidates are approved by the Kosovo Assembly in a process that is largely transparent. Ardita Zejnullahu, executive director of the Association of Kosova Independent Electronic Media (AMPEK), evaluated the licensing criteria as compatible and liberal. Moreover, she was not aware of any case in which an electronic media outlet was denied a license due to political preferences. Media that fail to receive a license can submit their complaints or claims regarding irregularities to the IMC Media Board for Appeals.

Digitalization of the electronic media (ongoing and expected to be completed by 2015) has opened up opportunities for many local television stations that lack national frequencies. The panelists noted the governmental limit on the number of national television frequencies (currently three). Despite the restriction, cable television advancement has enabled local and other television stations to broadcast at a national level.

The procedure of registering a media company in Kosovo is the same as registering a general business, except that media registration and licensing is handled by an independent and exclusive body. Zejnullahu said that she considers media "a slightly different kind of business, which should be treated differently. That's due to the fact that media, despite being privately owned, has a general responsibility and broad impact on the whole society."

The panelists raised the notion that media should be classified as a different business with regard to tax rates as well. At the beginning of the media registration process, most media were registered as NGOs. Once this approach proved unproductive,

media companies changed their labels to businesses or shareholding companies.

The tax rate does not make a distinction between the media industry and other types of businesses. The law on VAT is still being drafted and might undergo further modifications, however. Zejnullahu said that AMPEK has been lobbying for a lower media VAT that would factor in an outlet's specific business circumstances. Payments for license and frequency usage are financial burdens on top of the other customary taxes that media pay. The customs tax on media complicates the task of importing of new equipment needed for digitalization.

Apart from the aforementioned cases of threats, the panelists could not recall any crimes against journalists. There was some debate on what is considered a serious threat and crime. Abazi noted that often the pressure exerted on journalists is subtle and sophisticated.

The public broadcaster RTK is established as an independent media outlet by the Assembly of Kosovo. Most panelists agreed that the broadcaster has immense problems with editorial policy and there is widespread conviction that the currently ruling Democratic Party of Kosovo controls RTK. The panelists concurred that RTK must implement some changes to diminish interest group interference with its editorial independence.

Additionally, RTK receives considerable revenue from commercials, which makes it similar to the other private national television stations. Panelists agreed that in general, RTK enjoys a privileged position. IMC prepared a regulation to limit advertising space in RTK; however, the regulation has not been enforced due to problems with the subscription collection fee. Zejnullahu made the case for RTK to be independent commercially as well as politically.

With regard to defamation, the assembly passed a law defining libel as a civil crime. The government is not enforcing the law, however, and there still seems to be confusion on whether libel is part of the civil or penal code. So far, however, the court has not seen a single libel case, nor has any journalist been sentenced to prison on libel charges.

The government does not restrict the issuance of licenses and does not hamper the flow of information from abroad. Regarding international media, journalists have unrestricted access to foreign news agencies, websites, newspapers, etc. The panelists said that Kosovan journalists are a diverse group, and are able to enter the profession without interference.

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.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.63

The score for professional journalism showed strong growth compared to last year, and most of the indicators improved to support this increase. Indicator 5 (pay levels for journalists) did not change, however, and received the lowest score in this objective at slightly more than half a point behind the overall objective score. Indicator 6 (balance of entertainment and news) scored the highest, coming in at slightly more than half a point above the overall score.

Kosovo journalists value professionalism, panelists agreed, but they noted that further improvements need to be made. Besim Abazi of Voice of America complained about journalists who do not take care in verifying the information used in their news stories. Sometimes, for example, people are portrayed as guilty although they have not yet been tried in court. Hamzaj pointed out that reporters do not always distinguish between opinions and facts in their stories. "The two are mixed together—reporting and commentary in the same text," he said.

Panelists also discussed the need for more than two sources when gathering and compiling news. "Journalists should ask experts relevant to the matter at hand, rather than displaying their own conclusions," Hamzaj said.

Although the media sector has no overarching ethical code observed by all, panelists agreed that most journalists follow general ethical standards, and corruption is not pervasive.

Most print media outlets subscribe to the Press Code, a code of ethics established by the Press Council of Kosovo in 2005, while electronic media follow the Broadcast Code of Conduct supervised by IMC.

Self-censorship is a troubling issue, however. Many journalists refrain from pursuing certain topics out of fear or to protect vested political and economic interests within some media outlets. Avramovic said that journalists still do not feel safe in doing their job. "Unfortunately, most of my colleagues would not dare to go to Gjakova to investigate an issue, nor would colleagues from Prishtina feel safe reporting in Leposavic," he said, referring to Serbian and Albanian areas.

Social networks and other websites have increased steadily in popularity as a means of disseminating information. Political parties utilized YouTube in particular in the last municipal elections to promote their candidates.

The panel also debated the merits of giving air time to people making self-aggrandizing claims. They brought up the case of Nazim Blaca, a former self-described member of Kosovo secret services who publicly claimed responsibility for murders and other crimes. Some television stations gave extensive air time to the issue. Although lending a platform to controversial people can fuel debate, the panelists warned of the risks of allowing such figures to use the media advance their personal goals.

Hamzaj remarked on whether journalists should be held responsible for the collateral damage resulting from their stories. "There is a fine red line between carefully broadcasting news and taking external circumstances into account," he said. Saraçini cautioned against the incorrect usage of the concepts of research and investigation. "Research is different from investigation; the latter is carried out by the police and not from an ordinary journalist," he said.

Panelists agreed that in general, RTK enjoys a privileged position. IMC prepared a regulation to limit advertising space in RTK; however, the regulation has not been enforced due to problems with the subscription collection fee.

Generally, pay levels for journalists are reasonable, especially when compared with salaries in the public sector. Panelists noted the need for even higher salaries in order to prevent corruption and insulate journalists from external pressure. Salary level does not always represent the true professional level of a journalist, however, and inconsistent salaries create grounds for corruption. Newspapers with ties to political parties produce articles favorable to politicians. Panelists also expressed their concern that RTK news editors often give more space to stories promoting the work of the government. This is not a pay issue, they said, but one of editorial policy.

According to the panelists, entertainment programming does not eclipse news and information programming. Television stations have their own specific format and various target groups, but most have at least one or more regular slots each day reserved for news. Some media even have short news updates every hour. Overall, news schedules are reliable and not susceptible to sudden change.

Panelists evaluated the technical facilities and equipment for news gathering and distribution as in good condition. Most media owners are satisfied with their current technology, since they can manage to gather and distribute the news properly. However, they fear that in the future they will not be able to afford the newest technology due to the associated high costs and customs duties. Media owners have often required that their technology be exempted from high customs tax. Right after the war, international donors helped equip the public television and the other two national televisions with broadcasting technology, but in general, those donations ended a long time ago.

Niche reporting is still in its early stages, and mainly focuses on subjects such as economics and politics. However, Kosovo has almost no journalists specializing in science and technology. Panelists said that multi-purpose journalists cover many different areas without sufficient knowledge or background in any particular field.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.77

Kosovo's score in this objective increased slightly as most indicators received increased scores from the panelists. However, one notable decrease was experienced by indicator 3 (public media are non-partisan), which also received the lowest score in this objective, trailing the overall score by about a point. Indicator 2 (citizen access to media) scored the highest, exceeding the overall score by about three-quarters of a point.

In Kosovo, the diversity and number of information sources has remained relatively high, with ready availability and little external control over sources of information. In the second half of 2009, a ninth daily newspaper was launched. Almost all existing media, both print and electronic, have improved their websites and now place their most important articles on the Internet. In addition, a number of specific information portals use the web as their sole medium.

Luan Ibraj from Telegrafi news portal believes that the diversity of information sources has increased during the past four years. "With the development of information technology and the awareness of society regarding these communication options, the level of information surfing from various sources has also increased. There is a good balance on the audience's access to this information," he said.

With the exception of a few newspapers that have been linked traditionally to certain political parties, most media allow multiple points of view in their editorial policies. As the general public becomes more educated, most media would like to provide diverse opinions.

In Kosovo, blogs are not used commonly for news or information, although individuals and organizations use blogs to express their opinions and exchange comments on individual articles. Social networking sites such as Facebook and YouTube are used widely, especially by the younger generation. Twitter is gaining popularity in Kosovo very rapidly.

Neither the Kosovo government nor other public institutions legally or practically prohibit access to any media, whether local or international. All citizens across Kosovo have access to information disseminated through the various media forms. The Internet has continued to expand at a fast pace, even throughout villages. The Internet is affordable for most households in rural areas as well, since they have to pay only for the service. Cable networks are now replacing satellite services—especially in urban areas, where the distribution of Internet coverage has been accompanied by cable network distribution. The cable system has enabled citizens to access more information sources from a large number of local and international television channels. Even some local television stations, which previously could cover only one municipality with very limited signals, now use cable technology to cover significant parts of the territory of Kosovo.

Panelists were critical of the state of public media. In the years after the NATO intervention, the international community helped Kosovo to establish public media, including one television and two radio stations (RTK). Panelists said that on issues important to the government, the media have no editorial independence, and actually the government has tightened its control. "This is not noticed in the quantity so much as it is noticed with the priority placement of any content which deals with governmental activities," Hamzaj said. "Furthermore, there is an assumption that government officials ensure their influence by placing allegiant people in editorial positions."

The RTK board, the highest governing body of the institution, functioned with an expired mandate for nearly three years, and the Assembly of Kosovo was negligent in selecting and appointing the new board. The assembly appointed the new board in October 2009. Right before the local elections, the general director of RTK submitted his resignation after eight years in the position, citing political pressure even from the prime minister.

Based on the law that regulates its operation, RTK is financed primarily through subscriptions and advertisements, with the last option as financing from the state budget. The subscription fee for RTK has been collected through the bills

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.

of the Kosovo Energy Corporation (KEK), in the amount of €3.5 per month from each bill.

During 2007, the regular contract between RTK and KEK was terminated unilaterally by KEK, therefore leaving RTK without a stable and independent source of revenue. However, the collection of the subscriptions through KEK continued based on short-term contracts. The newly established Constitutional Court of Kosovo's first case was the subscription fee. The court temporarily suspended the collection of taxes for RTK through KEK and the specific subscription fee. The court asked the Assembly of Kosovo to conduct a review and to amend the law on RTK before December 1, 2009, but this has yet to take place.

The number of news agencies did not change between 2008 and 2009. Kosovo has only two existing subscription-based news agencies: Kosovalive and Kosovapress. According to Hamzaj, "Kosovo has many news agencies; however, the one which mostly meets the professional criteria of news production and broadcasting is Kosovalive. Others are often too close to political parties or other interest groups."

The majority of national media reserve space for international news and subscribe to international news agencies such as Reuters, AP, and AFP. Subscription news agencies have continued to decline in importance, however, given the free news available to the public through news agencies that publish their news online. Media outlets still subscribe to agencies because Kosovo needs news sources that can provide unbiased reporting.

According to Ibraj, improper citation is a common problem. "Many newspapers lift content from news agencies and often do not cite their sources; the same is true with online news portals. Journalists also tap international news agencies for content; however, they are often not cited properly."

A significant number of media outlets, including local media, produce their own news programs. However, news programs produced locally are often of lower quality than nationally produced new programs. According to Mifail Bytyçi of TV Prizreni, "As local media, we do not have the necessary capacity to develop a news story based on investigative journalism, so our own news production consists of event reports. The content of the news is 80 percent local and 20 percent national and international." During election campaigns, when national media cannot cover all territory, they draw from chronicles produced by local television stations.

Every medium registered in Kosovo is obliged to declare its owners, and information on ownership is open to the public, but Kosovo has no specific law or regulation on media ownership. According to Zejnullahu, IMC has tried unsuccessfully several times to launch the drafting of a media ownership regulatory framework. But she added, "Compared to other countries of the region, Kosovo is probably the most transparent country with regard to declaring media ownership and the background of the money invested in media. Electronic media declare their owners, assets, and financing sources."

Panelists said that on issues important to the government, the media have no editorial independence, and actually the government has tightened its control. "This is not noticed in the quantity so much as it is noticed with the priority placement of any content which deals with governmental activities," Hamzaj said.

Hamzaj disagreed, saying that determining ownership is much more complicated with print media than electronic, and that the individual that initially registered the outlet might not be the true owner.

There is no monopoly or oligarchy over Kosovan media. In 2009, one of the most successful businesspeople in the country, Remzi Ejupi, bought one of Kosovo's largest and oldest newspapers, and expressed interest in buying a second newspaper as well. However, he has not displayed intentions to build a monopoly over the media.

In the years following the 1999 war in Kosovo, there were no foreign investments in the media. In 2009, the Albanian media company Klan TV began operating a television station in Kosovo. This can be considered the only foreign investment made in the Kosovan media sector. But according to Hamzaj, the lack of foreign investment in the media sector is not a cause for concern.

In general, the local and national media feature information mostly dealing with minorities. Even though the number of minority language publications is relatively small, many electronic media outlets provide information in various community languages, especially in Serbian. These stations must compete with Belgrade broadcasters, however. RTK television broadcasts various programs in four minority languages during every 24-hour broadcasting cycle. The Assembly of Kosovo, based on the Comprehensive Document on the Resolution of the Final Status, has taken up the obligation to establish one television station in the Serbian language, which would be public and financed by the state budget.

Hamzaj said that the government is increasing its tendency to intentionally select the media for advertising. "During last year, there were cases when the government suddenly decided to withdraw its ads from some electronic and print media, while keeping the same ads at other media, in order to teach media outlets critical of the government a lesson," he said.

This year, under the Minority and Multiethnic Media Fund, the government has allocated €180,120 to 17 media stations. Abazi claimed that Kosovo media regularly feature reports on minority issues without any pressure from the public or governmental institutions. Kosovan stations have also featured and discussed other important social issues, including religion and gender equality, without any obstacles. There have also been many debates on the gay community in Kosovo and sexual orientation in general. However, these interests still are not represented adequately in the Kosovan media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.32

The score for business management remained nearly unchanged this year, and there was little movement among the indicators. Indicator 3 (the advertising market) decreased somewhat, but this was mostly offset by an increase in indicator 7 (audience and circulation measurement). All indicators scored very close to the overall objective score; none varied by more than a quarter point.

According to Saraçini, national television stations are the most financially stable entities in the media sector. Bigger media outlets usually prepare and follow business plans, but this is not so common among the smaller media outlets, which are more unstable financially. "In all sectors, Kosovo functions according to the principle of free trade economy," Saraçini said. "Private media should function in that logic, too—if one medium sees that such a business is not a profitable business, it has the right and it should close it."

Bytyçi said that local media are forced to keep broadcasting in order to retain their frequencies, even during times when they are not self-sustaining. In such difficult periods, the owner has to find moneymaking alternatives, often by relying on an additional side business. Because local media are prone to instability, their editorial independence is more threatened by interference from local government, political parties, and business interests.

In such a small market—two million people—with a relatively huge number of media outlets, Kosovan media outlets tend to draw funds from a variety of different sources. No outlet depends on only one financial source.

With regard to the marketing industry, the panelists observed a slight improvement in quantity but not quality. According to Kushtrim Shabani of ProMedia Marketing, the main problem in the field of marketing is the lack of reliable statistics. USAID helped to establish an industry group that measures national television viewership, but it does not cover the local media. In general, however, market competition in Kosovo has widened, and so has the advertising market. According to Ibraj, "Some media—usually the larger outlets—have forged agreements with specialized marketing companies, while those of smaller capacity tend to employ marketing experts." He added that larger businesses have already created their own marketing divisions, which approach the media directly and bypass independent marketing agencies.

Larger businesses such as banks, mobile telephone companies, and insurance companies very seldom elect to advertise in local media. Small businesses in general rarely use media to advertise. Bytyçi explained that when a small business at the local level does decide to advertise, the local medium not only airs the advertisement but produces it as well, despite the lack of staff qualified to do this task. As a result, 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.

advertisements are of low quality compared to those shown at the national level.

The print media have no advertising space limit. Electronic media are allowed by law to air 12 minutes per broadcasting hour (20 percent of broadcasting time) of advertising. IMC, the body in charge of media monitoring, occasionally allows the advertising time to be increased. "One month, during an election campaign, the media requested that IMC grant an expansion of advertising time, since political parties required their ads be aired during prime time. This request was approved by the IMC," said Zejnullahu.

Private media do not receive any state subsidies, except for some allowances to multi-ethnic and minority media in order to promote and support minority programming. To date, the state has not given any subsidies to the public media, although the Law on Radio Television of Kosovo is neutral as to whether the public media could be financed from the state budget. According to the panelists, the lack of government subsidies is an appropriate decision; otherwise, the money would likely not be allocated properly.

Hamzaj said that the government is increasing its tendency to intentionally select the media for advertising. "During last year, there were cases when the government suddenly decided to withdraw its ads from some electronic and print media, while keeping the same ads at other media, in order to teach media outlets critical of the government a lesson," he said.

Act 40.3 of Law no. 2003/17 on public procurement stipulates that government advertisements and announcements should be given to the media with the highest circulation in Albanian and Serbian languages. However, government institutions do not follow this rule. According to Saraçini, the presence of government ads in electronic media is very low compared to overall advertisements, and much lower compared to government ads placed in print media.

The media has seen no improvement in the past year on the availability of market research data, and no promising initiatives to improve the situation are in development. According to Saraçini, "Such research is very costly; it costs at least €15,000 to conduct high-quality market research. Our media is not willing to spend that much on research." He added, however, that media would benefit greatly by having monthly market research at its disposal.

The lack of statistics makes predicting media viewership, listenership, and circulation difficult. Currently, Kosovo has nine daily newspapers, and at least three pretend to be the champions of readership. Ibraj pointed out that online media have an advantage in this sense, since they have an easier and cheaper mechanism to measure their readership.

Bytyçi explained that when a small business at the local level does decide to advertise, the local medium not only airs the advertisement but produces it as well, despite the lack of staff qualified to do this task. As a result, the advertisements are of low quality compared to those shown at the national level.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.76

With increases in indicators 3 (supporting NGOs), 5 (short-term professional training), and 7 (apolitical channels of media distribution), the score for supporting institutions increased strongly. All indicators received scores close to the overall objective score.

Kosovo has media associations tasked with protecting and lobbying for the freedom of expression. The Association of Professional Journalists of Kosovo (AGPK) has been the main journalists' association for several years. One of the association's activities during the last year was lobbying to amend the Law on Access to Official Documents. But in Hamzaj's estimation, "AGPK is not very proactive, and raises its voice only when incidents occur."

The Council of Print Media of Kosovo organizes print media, and AMPEK lobbies for the interests of electronic media. According to its director Ardita Zejnullahu, "AMPEK

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.

Hamzaj spoke favorably about the printing industry and how Kosovan press outlets use print houses cooperatively. "There has never been a case that a newspaper was not published on time," he said.

participated in all working groups and had its say when the regulations on private electronic media were set. AMPEK is also member of the regional association network, and cooperates with the European Association of Commercial Networks."

Kosovo has no local NGOs focused primarily on protecting freedom of speech and media independence. Active NGOs react from time to time when the rights of journalists are violated, which happens very rarely. According to Abazi, NGOs and media are closely allied. "NGOs need media coverage, and the media often provides it. NGOs and media are connected by the principle of protection of freedom of speech."

Formal and informal educational opportunities for journalists exist in Kosovo, according to the panelists. According to Abazi, the proportion of those who have a degree in journalism and are employed in the media sector should speak positively about Kosovan education in the field, but this is not a reliable indicator of the quality of education. The department of journalism at the University of Prishtina lacks practical and theoretical conditions for qualitative studies. Private colleges are better equipped, allowing their students to practice their profession in improvised studios. Graduating journalists are not entirely ready to work professionally; in fact, the best education they receive is generally on the job.

Several Kosovan institutions offer informal training in journalism, often free of charge but low in quality. Most of these programs are set up by local organizations; one exception is the journalism courses offered by the Kosovo Institute for Journalism and Communication (KIJAC), an international organization funded by the Royal Norwegian Ministry of Foreign Affairs. KIJAC issues graduate degrees, but they are not accredited by the Kosovo Accreditation Agency.

Currently, investigative journalism is one of the most sought-after specializations in Kosovo. Abazi noted concerns over the many informal training programs in investigative journalism that are being conducted by unprofessional trainers.

According to Ibraj, "The opportunities to study abroad rest on individual cases, as does the desire to return back to Kosovo to work."

Printing houses are in the hand of private individuals, and the state has never tried to control them. Print houses are increasing in number and advancing their output. Ibraj observed, "There has been a significant improvement in the technology used in printing. So far, printing houses have proven to be a successful business venture."

Hamzaj spoke favorably about the printing industry and how Kosovan press outlets use print houses cooperatively. "There has never been a case that a newspaper was not published on time," he said. "Not all the newspapers have their own printing house; some of newspapers are printed in another's printing house, even if both newspapers tend to be rivals."

Internet access is not controlled, and private ISPs provide access to businesses and consumers. The channels of media distribution are in the hands of private companies as well and not under state control. National television and radio stations are distributed via KTTN, a private consortia of stations that controls the towers and equipment.

As for the newspaper distribution network, Hamzaj said that this part of the media sector remains under a monopoly. "We still have not seen a serious initiative for a new competitor to the oldest distribution network in Kosovo: Rilindja," he said. That network had its own Albanian-language newspaper years ago, when the socialist system allowed the publication of a single daily. Today, 10 years after the war, this network is focused on distribution only.

List of Panel Participants

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

Eugen Saraçini, news director, RTV 21, Prishtina

Besim Abazi, journalist, Voice of America, Prishtina

Mifail Bytyqi, managing director, TV Prizreni, Prizren

Goran Avramović, manager, Radio Kim, Caglavica

Luan Ibraj, director, Telegrafi news portal, Prishtina

Kujtim Shabani, managing director, Marketing Agency ProMedia, Prishtina

Bardh Hamzaj, former editor-in-chief, *Zëri*; independent media expert, Prishtina

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The Kosovo study was coordinated by, and conducted in partnership with, Institute for Advanced Studies GAP, Prishtina. The panel discussion was convened on December 23, 2009.

…one of the newspapers close to the government published a list of "traitors" who work in the interest of Greece. The list was composed of prominent journalists and intellectuals who had been critical of governmental policies.

MACEDONIA

OVERALL SCORE: **1.55**

In 2009, Macedonia received a recommendation to begin negotiations to join the European Union (EU). However, Macedonia is in limbo in the process and the start of membership talks has been postponed, due to Greece's objections to the use of the name (Greece has a province named Macedonia). Macedonian citizens have benefited from a visa liberation process; since December 19, 2009, Macedonians have been able travel in the Schengen countries without visas.

In late March 2009, Macedonia held presidential and local elections. The ruling party, Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (known by its Macedonian acronym, VMRO DPMNE), won both elections. Along with newly elected President Gjogje Ivanov, the vast majority of the municipal councilmembers and mayors belong to this party.

In the second half of 2009, Macedonia started to feel the consequences of the global financial crisis. In particular, the media was affected by sharp decreases in governmental advertising. MSI panelists noted that the lack of state funding for the media produced coverage more critical of governmental policies.

The panelists found that 2009 was a very bleak year regarding freedom of expression in general. In the small town of Struga, a group of intellectuals named Citizens for European Macedonia (GEM) were attacked when they attempted to organize a debate with Struga citizens. The attackers were a group wearing black caps; few details are known about their organizers. Later, a group of students protesting against the governmental decision to build a church on the capital's main square were attacked by an organized mob wearing orthodox Christian insignia. This attack was more violent than the Struga attack. In both cases, police brought charges against individuals on both sides, drawing protests from those who perceived themselves as victims. The Struga case is still pending. In the second case, the organizers of the protest were found not guilty, while the case against the mob that attacked them is still pending.

The panelists pointed to several examples that explained their concerns over the escalation of hate speech in 2009. Near the end of the year, the prime minister sent a letter to all the members of VMRO DPMNE, calling upon the party "to mobilize itself for the final battle against… transitional politicians, false intellectuals, etc." Immediately after that, one of the newspapers close to the government published a list of "traitors" who work in the interest of Greece. The list was composed of prominent journalists and intellectuals who had been critical of governmental policies.

MACEDONIA AT A GLANCE

GENERAL

> **Population:** 2,066,718 (July 2009 est. *CIA World Factbook*)

> **Capital city:** Skopje

> **Ethnic groups (% of population):** Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Roma 2.7%, Serb 1.8%, other 2.2% (2002 census)

> **Religion (% of population):** Macedonian Orthodox 64.7%, Muslim 33.3%, other Christian 0.37%, other and unspecified 1.63% (2002 census)

> **Languages (% of population):** Macedonian 66.5%, Albanian 25.1%, Turkish 3.5%, Roma 1.9%, Serbian 1.2%, other 1.8% (2002 census)

> **GNI (2008-Atlas):** $8.432 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $9,950 (World Bank Development Indicators, 2009)

> **Literacy rate:** 96.1% (male: 98.2%, female: 94.1%) (2002 census)

> **President or top authority:** President Gjorge Ivanov (since 12 May 2009)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print: approximately 600 daily, weekly, biweekly, monthly, and periodical editions. There are 146 commercial broadcasters (5 television and 3 radio stations with national coverage) and 2 nonprofit broadcasters. 47 television and 49 radio stations provide local coverage; 16 television channels broadcast via satellite. (Broadcasting Council, 2009)

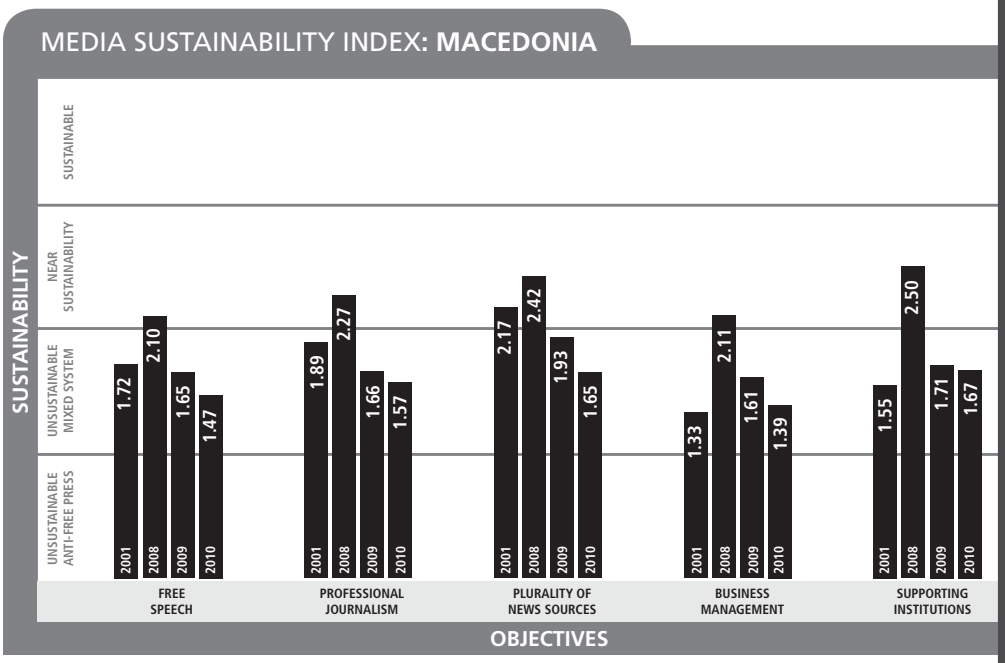
> **Newspaper circulation statistics (total circulation and largest paper):** Total average daily circulation is 252,372. *Vreme* and *Spic* are the largest daily papers (newspaper sources)

> **Broadcast ratings:** Television stations: TV A1 (21.07 %), TV Sitel (11.6 %), and TV Kanal 5 (7.37%); Radio stations: Antena 5 (14.57 %), Channel 77 (8.51 %), and Macedonian Radio 1 (5.6%), (Broadcasting Council, 2008)

> **Annual advertising revenue in the media sector:** €402.7 million, of which €389 million for television and €13.7 million for radio. (Broadcasting Council, 2008)

> **News agencies:** Macedonian Information Agency (state-owned), MakFax (private), and NetPress (private)

> **Internet usage:** 847,900 (2008 est. *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Macedonia Objective Score: 1.47

The overall score for this objective dipped just slightly from last year's score of 1.65. Most of the individual indicators remained close to last year's scores and did not stray far from the objective average. Those departing from the average were indicator 8 (unrestricted access to international news), which scored close to a point higher than the objective average; and indicator 9 (entry into the journalism profession), which scored more than a half a point higher than the average, although it fell short of last year's score. Other significant drops were seen in indicator 5 (state or public media do not receive preferential treatment) and indicator 7 (access to public information); these two indicators also scored well behind the overall objective score.

According to the panel, Macedonia has constitutional and legal guarantees supporting freedom of expression, but the reality is far from living up to the legislative standards. When viewed with a broader perspective, this year's violent incidents—where authorities prevented certain groups from expressing their opinion—are a dangerous development against freedom of speech.

The media sector has seen some progress, especially in certain procedural aspects of implementing the broadcasting law. Positive developments included the regulatory body's action against cable operators, ordering them to pull pirated channels out of their packages; and instituting a model for co-regulation of video-on-demand services with operators. However, according to Saso Ordanovski, editor at Alsat TV, negative factors are still at play. "There is a high level of influence of the political center of power on the work of the regulators in this field, and in addition, the Telecom operators are applying new pressure."

Panelists also discussed the license issued for a Digital Video Broadcasting (DVB-T) operator. The telecommunication regulatory agency handled the procedure, even though the law grants this authority to the Broadcasting Council. This case was challenged before the constitutional court. The court decided that the case is not under its jurisdiction, and the DVB-T operator ended up with a license that was not granted in accordance with the law. Licensing procedures are influenced by various power centers within the society, panelists said. "Licensing of television stations continues, even though there is a need for a moratorium on new licenses because of the digitization process," said Zaneta Trajkovska of the Macedonian Institute for Media.

Last year's panelists were very concerned about the 17 new satellite television licenses issued; this year, panelists continued to be concerned that this "television station inflation" is hurting professional journalism in Macedonia, as media outlets simply do not have enough qualified journalists and technical experts to run stations properly.

Aside from the 5 percent VAT that print media pay (instead of the standard 18 percent), business regulations and the tax code do not differentiate between media and other types of businesses. Media are subject to additional taxation when they buy programs from countries that do not have agreements with Macedonia to avoid double taxation.

Physical intimidation continued in 2009. Unidentified harassers threatened the lives of the *Sega* editor and his family. The threat was reported to the police, but they did not react. A journalist from A1 TV, Mence Atanasova Toci, received threats following her reporting on one company's pharmaceutical imports. Following her report on the minister of justice, Katerina Canevska–Arsovska, another A1 journalist, was contacted anonymously and told that if she continued coverage of his performance in the government, she would face consequences "because the minister is a very powerful man." Macedonian journalists face numerous such threats; the examples that the panelists mentioned were simply the most visible in the media.

The public broadcaster, Macedonian Radio-Television (MRTV), has traditionally been financed through the budget instead of through the collection of broadcast fees. This resulted in total

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.

governmental influence on the newscast and other current affairs programs and MRTV has shown a complete bias toward the government and its policies. A system intended to secure independent financing was not established until the end of 2009, when MRTV finally began to collect the broadcasting tax. It is unclear as of the writing of this report if MRTV will become more independent or not.

Panelists were also concerned about the prevalence of hate speech in Macedonia. "Promoting religious and national hatred, fascism, and misogyny have become a regular part of the program for some media. Yet despite all of the incriminating evidence, there is not a single case in front of the courts," said Roberto Belicanec of the Media Development Center.

In contrast to their failure to prosecute hate speech incidents, the courts are efficient when it comes to prosecuting journalists in defamation cases, noted the panelists. Fortunately, the number of cases dropped this year, but *Vest* editor Naser Selmani said that the media have been altered nonetheless. "Last year's flood of cases against journalists impacted the media community greatly. Journalists got the message, and self-censorship is now standard in reporting," said.

Defamation is still part of the criminal code. This year, changes in the criminal code eliminated journalists' liability for publishing the statements of third persons given in front of the general public or at press conferences. The Association of the Journalists of Macedonia helped lobby for this change. The media community viewed this as an absurdity in the legal system; in previous years, two journalists were fined for reporting statements from press conferences. General liability for website content exists, but panelists could cite no such cases before the courts.

Government officials have established their preferences for certain media that are highly approving of their policies. They avoid any public appearance that may result in a critique of their work. Access to official information is also subject to preference, panelists said, with clear discrimination against certain media. "The problem is not in the selection of the media by the government; this selection is understandable. Problems arise when they target the major media outlets, intending to harm their credibility," said Branko Gjorgevski, editor of *Dnevnik*.

Media may access international without government or other interference. However, similar to past years, the panel complained that typically only the largest media outlets can afford to subscribe to foreign news services because most media are so strapped for funds. This imbalance became particularly acute in the past year, given the worldwide financial crisis, and scores for this indicator reflect a significant drop. Journalists use the Internet freely to access foreign news sources, and media managers are able to secure reasonably priced Internet subscriptions for their employees.

Access to the journalism profession is relatively free, but many media outlets hire unqualified or poorly trained people.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Macedonia Objective Score: 1.57

While this objective dropped only slightly from last year's score of 1.66, some of the indicators changed significantly. Indicator 3 (self-censorship) and indicator 6 (balance of entertainment and news) dropped while indicator 4 (coverage of key events and issues) and indicator 7 (facilities and equipment) both increased noticeably and outperformed the overall objective score by more than half a point. Indicator 3 scored slightly more than half a point lower than the overall objective score.

The major conclusion regarding this objective is that media are striving to respect professional standards in reporting, but the level of professionalism is unsatisfactory. Journalists also have difficulty finding credible sources. "It is a hell of a job to maintain high standards—to be fair; unbiased; to achieve exclusivity and to find credible sources," noted Goran Momiroski of Channel 5. According to the panelists, journalists are aware that they deal with manipulative sources, and very often they fail to find second sources to confirm stories, but they feel forced to present the information as they receive it. Access to official sources is very limited, and the access to information law does not solve this problem.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Owners directly influence the editorial policies of news and current affairs programs, and their interests produce biased reporting. "Every editor, and probably almost every journalist, knows exactly what the interests of his employer's owner are," Ordanoski said. Traditional media cover almost every aspect of life, but the quality of the coverage is not satisfactory. They tend to address superficially most topics outside of politics or the economy.

Journalists do cover key events, despite hurdles in gathering information—from official sources in particular. According to the panel, new media mostly relay and comment on issues already covered by the traditional media. Some newspapers follow Twitter as a source for information. A very small number of specialized blogs cover certain topics neglected by traditional media.

Media outlets are considered to be highly biased politically, and that influences journalists' everyday work. In practice, they are exposed to multiple pressures—professional, political, and financial. Job security is a major threat to professionalism; journalists often tend to breach professional standards in order to secure, and later to keep, their jobs. Salaries are not high enough to insulate journalists against corruption. Also, a substantial number of good journalists are ending up as spokespersons for government institutions or companies, lured by greater job security, higher salaries, and the possibility that such positions could lead to managerial or political careers.

Unlike previous years, light entertainment programs, soap operas, and reality shows are gaining publicity. The major television stations made a visible shift in program scheduling toward this kind of programming, especially as Macedonian media entered into Balkan-wide co-production of reality shows. Previous attempts to start this kind of programming failed because of low ratings, but now public demand appears to be rising. News is still popular, but demand is slipping.

Equipment used for newsgathering is mostly up to date, but "there is a lack of trained professionals who can use the equipment in its full capacity," Trajkoska said.

The panelists lamented the absence of in-depth coverage and research. "We are covering daily events, and that is it. There is a lack of stories produced that are initiated by journalists and the media; we simply follow the daily agenda, and that is a big failure," Selmani said.

Except for economic and sports journalism, broadcast media feature no significant quality niche reporting. However, Macedonia has several new specialized magazines on vehicles, interior decoration, celebrities, health, and women's issues. The major newspapers have established regular supplements on health, vehicles, and entertainment, as well as material geared toward teenagers.

OBJECTIVE 3: PLURALITY OF NEWS

Macedonia Objective Score: 1.65

Overall, this objective slipped nearly a third of a point from last year's score of 1.93. All indicators dropped but one: indicator 3 (state or public media serve the public interest), which remained the same but received the second-lowest of all indicators in the objective. Scores for indicators 2 (access to domestic or international media), 4 (independence of news agencies), 5 (independent broadcast media produce their own programs), and 6 (transparency of media ownership) fell significantly from last year's scores.

The panelists agreed, however, that Macedonia has many news sources. Major media outlets include five nationwide television stations (one broadcast in Albanian and Macedonian languages), six major national newspapers, three national radio networks, and dozens of satellite television channels originating from Macedonia. In the panelists' view, the core problem is that the market is overcrowded beyond sustainability, which opens the path to financial corruption of owners.

National newspapers and television stations are available and affordable, and Internet-based media initiatives have improved citizen access as well. From that perspective, one can say that Macedonians have unrestricted access to news. Still, the panel concluded that the plurality of news sources has not raised the quality of information available, given the lack of professionalism and the highly biased tenor of mainstream media.

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.

Citizens have access to international broadcasts via extensive cable networks through the IPTV platform and, since November 2009, through the DVB-T operator. In that sense, the panelists said, the previous problems surrounding the availability of foreign programming in rural areas will probably be solved through DVB-T. Regarding print media, foreign publications (except those from Serbia and Croatia) are generally available only in the capital, Skopje. However, other citizens access foreign outlets via the Internet.

Internet fees for broadband connections have fallen substantially, and the panelists noted an uptick in broadband users in the past two years. As reported in last year's MSI, large portions of the population still cannot afford bundled service packages of IPTV, ADSL Internet, and telephone, but they can subscribe to lower-cost cable packages. The problem is the low availability of cable service in rural areas. Social networking has become the number one media phenomenon; Macedonians have 400,000 profiles on Facebook alone.

The panel noted that MRTV fails to promote educational and cultural programming, even though it is obligated by law to offer such material. Furthermore, MRTV was the leading outlet that promoted the media lynching of Ljube Boskovski, the former internal affairs minister. He was accused of war crimes in front of the Hague tribunal (ICTY) and found not guilty. MRTV played YouTube material showing Boskovski's interrogation in front of the ICTY investigators, where he said that the field commander was entirely responsible for the alleged crime. MRTV labeled this video "Mr. Boskovski's Treason" and played it repeatedly. Although the legal provisions that regulate the broadcaster's work call for high professional standards, in practice, MRTV does not respect principles of institutional autonomy and balanced reporting.

Use of domestic news agencies is in the same decline as reported in last year's MSI, and the quality of the news they disseminate is questionable, according to the panelists. Makfax, one of Macedonia's two private news agencies, changed ownership in the last quarter of the year, and the panel noted some improvements in its service. The most relevant media use foreign agencies, but smaller outlets cannot afford the fees.

Although many broadcasters produce their own news programs, the panelists noted that the past year was marked by a high level of owner interference in the editorial process. In previous years, this was not the case—at least not on such a large scale, panelists said. The state-owned media focus on promoting governmental activities, while private media are more diverse in their coverage. However, entertainment programming and sports make up most of the private media program offerings. Although the news is somewhat commercialized—and on certain television channels, openly biased politically—media diversity allows citizens to be relatively informed on current affairs.

Macedonians do host a few specialized blogs on new technology, archeology, and other very narrowly targeted topics. But in general, bloggers do not produce news—they either state opinions or pull news from other sources. In the panel's assessment, blogs lack serious content, and the blogging community seemingly still does not fully grasp the potential of blogs in this respect.

Macedonia has laws regulating media ownership, but the situation on the ground does not reflect this fact. A couple of large media groups are what is known as "paper clear"—showing no proof of ownership in official documents. The problem surrounding transparency is that implementation of the law is very shaky.

The panelists spoke of a court case revolving around the problem with monopolized media in Macedonia. Facing unfair competition, the country's largest newspaper company started an open lobbying campaign against three major media groups that are under the same ownership or have established synergy. This scenario led the EC to again name concentration of media ownership as one of Macedonia's most serious media problems. For the first time, the EC regulatory body involved the Commission for the Protection of Competition in some of the cases. In the beginning of February 2010, the first case on this issue against a radio group concluded, with the commission ordering the radio station to cease the joint sale of advertising time.

Macedonia has minority-language media in print and in broadcast format, as well as a specialized public broadcasting channel that broadcasts in a variety of minority languages. The minority media face unusual challenges achieving economic sustainability, as their audiences are drawn from a limited segment of the public. Mainstream media do pay attention to minority issues, but there are prejudiced and discriminatory voices in the media as well—including some that openly air or print hate speech. The Roma community has been especially outspoken against this problem.

OBJECTIVE 4: BUSINESS MANAGEMENT

Macedonia Objective Score: 1.39

For this objective, the overall score fell from 1.61 in the previous MSI. This year, most indicators slipped slightly; indicator 3 (advertising agencies support an advertising market), indicator 4 (portion of advertising in total revenue), and indicator 7 (broadcast ratings and print circulation) suffered the largest drops. On the other hand, the score for indicator 5 (government subsidies) rose slightly. All indicators scored close to the overall objective score.

In general, the media are operating in a transitional economy with long-lasting crises. Media outlets had noted huge income growth in 2008 and the first half of 2009, stemming from large-scale governmental campaigning that flooded the market with money. So although the state does not subsidize the media officially, governmental advertising can play the same role ultimately. "The strong link between government advertising and editorial policies of the media is visible, now that government advertising is substantially reduced because of the financial crisis. Major media have suddenly become more critical of the government," Belicanec said.

Newspapers have seen a substantial fall in circulation. The panelists pointed to the growing number of Internet users and the financial crises as major causes for the drop. An additional factor is the media's underestimation of new technologies and their usage. All media sectors were surprised by the sudden shift of audiences away from print and towards Internet use. The print sector was simply unprepared for the change and has been hurt badly. Broadcast media, which rely solely on advertising, have seen a decrease in income on the basis of losing viewers.

The major publishing outlet, Media Print Macedonia (MPM), announced that it is working on a new strategy based on the full utilization of new media. Media observers expect that new business models in these media will be introduced in 2010.

Advertising agencies are thoroughly focused on the capital-based media, and mostly on television and print. Almost all of the major agencies are franchises of foreign agencies. Last year, a new agency devoted solely to Internet advertising gained visibility. But larger agencies still do not recognize the potential of Internet advertising, nor do the media.

In the panel's view, advertisements are not produced professionally for the most part. This is especially true of small television and radio stations that improvise ads for small businesses in their towns, and of some of governmental campaigns, such as an anti-tobacco campaign that inadvertently appears to promote smoking.

The legal limit for broadcast advertising is 20 percent of the total air time. This is typically entirely filled; if there is lack of advertisements, the time is used to promote other business interests of the outlet's owner. In print, the ratio is between 15 and 25 percent, depending on the newspaper and the issue.

The broadcast ratings system is under constant dispute. Some of the main television stations simply do not accept it as relevant fact-finding research. They constantly complain about the sampling and the packaging of data. The agency that measures ratings, an affiliate of AGB-Nielsen, to date has not even tried to gather all of the interested parties to open up discussion on the credibility of the system. Radio broadcasters are discontented as well; the introduction of People Meters on the market in 2007 left radio outlets without any rating system upon which to base their advertising sales.

The panelists cited some progress in all media sectors with regard to tailoring programming to the commissioned ratings, but this effort is still rudimentary. The media has a widespread problem with lack of understanding of rating figures and how to respectively apply to programs. This is a major shortcoming of current television station management, according to the panelists.

The situation is similar in the print sector. Correct circulation numbers are generally not known. Newspapers tend to hide their numbers from each other and present inflated circulation figures to their advertisers. "For instance, the owner claims the circulation is 47,000 copies—you can see that printed on the printing press counter—but how much is actually sold remains unknown," said Robert Popovski, from Channel 5. The press sector has no rating system; media simply claim circulation based on the number of printed copies. However,

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.

some agencies and newspapers are negotiating to establish a mutual, credible measurement system.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Macedonia Objective Score: 1.67

In many respects, the situation regarding supporting institutions in Macedonia neither improved nor worsened dramatically, so the scores for all indicators remained approximately the same, and the overall score for this objective was virtually unchanged. Given the ongoing absence of any trade associations to advocate for industry interests, indicator 1 again scored more than a point less than the overall score. Most of the other indicators scored near the overall score, with the exception of indicator 6 (sources of newsprint and printing facilities) and indicator 7 (channels of media distribution), which both scored about a half a point higher than the overall score for this objective.

The Association of Private Print Media and Association of Private Electronic Media of Macedonia are no longer active. They collapsed due to the divergent interests of media owners. There is no new initiative for re-establishing either association. Macedonia has no active trade union that represents the rights of media industry workers. Camera operators created an association, but it has shown no public activity. Therefore, the scores for the indicators measuring professional and trade associations remain quite low.

This void left a playground for state policymakers to act as they see fit, without any pressure from the media industry. "The Ministry of Culture made quite a lot of play with the broadcasters during the drafting of the copyright law. Left without representation of the whole industry, media outlets were called upon to comment individually on the draft. At the end, it became clear that they [the Ministry] just used them as façade to demonstrate transparency of the process. Not one issue concerning the media had been solved in the media's interest," said Belicanec.

Legislators have initiated work on a copyright law in order to align Macedonia's domestic legislation with European legal norms. The law is still being drafted, and the procedure remains closed.

The Association of Journalists of Macedonia (AJM) is undergoing a troublesome restructuring, initiated by a group of journalists who were unsatisfied with the association's efforts related to media ownerships and labor issues. The association has drafted new statutes that await adoption. AJM's ethical commission had been very active in the past year, raising awareness about instances of hate speech, and attempting to improve professional reporting standards. However, AJM's president resigned at the end of the year, citing the association's failure to change.

Some NGOs continue to support the media and journalists, but the overall climate regarding NGOs has not improved since last year. Aside from the Media Development Center, which has been lobbying and advocating for media policy change, there are no NGOs focused on media issues. Major donors have left. A small amount of donor funding is available from the Open Society Institute (OSI), the NGO Info-Center, the Helsinki Committee, and other NGOs focused generally on human rights issues.

Formal education opportunities for journalists include university-level courses on journalism and public relations offered by the Macedonian Institute for Media (MIM). State universities also provide journalism courses. In addition, several privately owned universities offer journalism and communications studies.

Considering shorter, mid-career training courses, Trajkovska noted, "Media are not ready to invest in the courses; they expect that to be covered by grants." Therefore, this kind of training is typically organized only if a donor is willing to cover the cost of the training course. As donor interest has faded, such programs are almost non-existent, outside of MIM training courses. The panelists said that training is especially needed in new media, on both the content and management sides. The media sector also lacks professional staff and trainers in new media. Other areas in need of outside assistance including institutional support to AJM, media policy projects, professional solidarity projects, media management training, and training on the social responsibility of the media.

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.

Newspaper companies own Macedonia's printing facilities and distribution systems, which the panel said are considered efficient and adequate to satisfy the current needs of the print media. According to the panel, these two aspects of the media sector are relatively apolitical and the government does not impose any restrictions on either.

Generally, distribution systems, including those for broadcast, are privately owned. The same is true for Internet and telecom providers. The government is a lesser partner in the major telecommunication company, but the panel said that the state does not generally use this position to interfere with service availability or to imply special rules for service. The panelists pointed to one notable exception: when the government pushed the telecommunications regulator to discriminate against broadcast media in the bid for DVB-T frequencies. Only telecommunication operators were eligible to apply.

At this point, analog transmitters are in private hands. In the future, they will rely on telecom operators for the initial transmission of their service. During the analog/digital conversion period, if the government continues to discriminate against broadcasters in favor of the telecom operators, economics-based censorship might emerge. The possibility exists because legislation that would guarantee access to networks does not exist.

List of Panel Participants

Robert Popovski, president, Association of Journalists of Macedonia, Skopje

Naser Selmani, editor, *Vest*, Skopje

Goran Momirovski, reporter, A1 TV, Skopje

Sasho Ordanovski, general manager, Alsat-M TV, Skopje

Roberto Belicanec, executive director, Media Development Center, Skopje

Mira Kostic, reporter, *Macdonian Radi*, Skopje

Zaneta Trajkoska, director, Macedonian Institute for Media, Skopje

Irena Arnaudova, TV M, Ohrid

Mevaip Abdiu, manager, TV Koha, Tetovo

Branko Gorgevski, editor, *Dnevnik*, Skopje

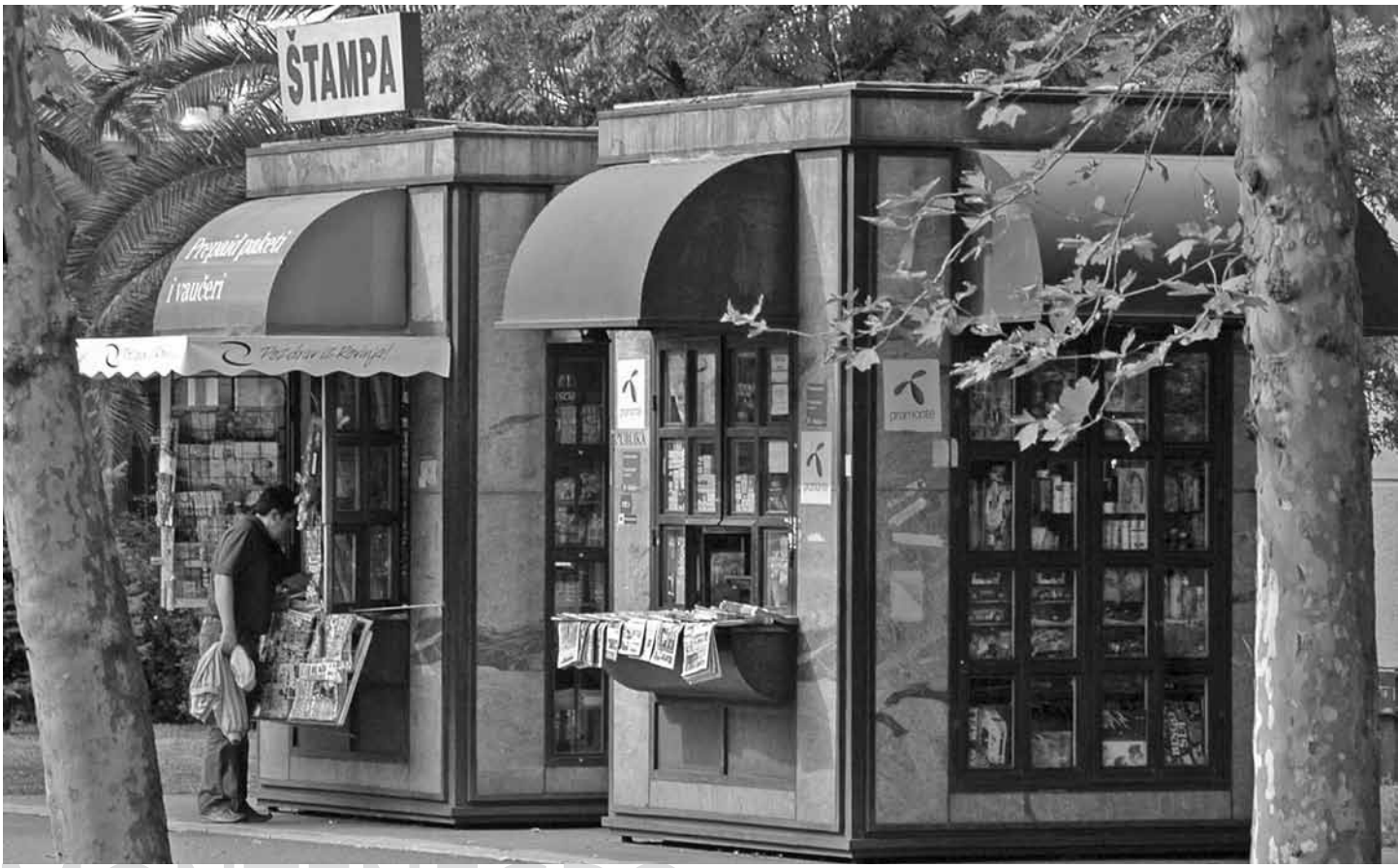
Stole Naumov, editor, Chanel 77 radio, Skopje

Moderator and Author

Gazmend Ajdini, executive director, Media Development Center, Skopje

The Macedonia study was coordinated by, and conducted in partnership with, Media Development Center, Skopje. The panel discussion was convened on December 26, 2009.

Most private media outlets are struggling, while the state-owned public media enjoy state subsidies and other perks. Given that unfair competition, combined with the media sector's poor organization and intensive competition for modest advertising resources, many media companies might fail over the long run.



MONTENEGRO

OVERALL SCORE: **2.21**

In March 2009, Montenegro held its second parliamentary elections since regaining independence.[1] The ruling coalition (DPS/SDP), led by Prime Minister Milo Đukanović, again won the elections—and relatively easily, with 52 percent of the votes. The results allowed the independence party's policies to continue, and once again demonstrated the utter weakness of parties fighting against Montenegrin independence. Other key political events related to Euro-Atlantic integration. Montenegro is drafting comprehensive answers to the EU questionnaire—an important step in gaining candidate country status. In addition, Montenegro's accession to the Membership Action Plan program marked a huge step toward NATO membership. By the end of 2009, Montenegrin foreign policy managed to bring the country closer to membership in the EU and NATO.

Although the political environment in 2009 was stable, socio-economic conditions deteriorated significantly from last year. After several years of strong economic growth, the Montenegrin economy declined. The GDP fell about four percent, salaries decreased, and employment suffered. Industries hit especially hard include construction, the metal industry, and trading. The economic woes contributed to the rise of social problems, and impacted the local media sector and its financial viability. Most private media outlets are struggling, while the state-owned public media enjoy state subsidies and other perks. Given that unfair competition, combined with the media sector's poor organization and intensive competition for modest advertising resources, many media companies might fail over the long run.

According to the Montenegro MSI panelists, a new model of financing for the public media negatively affected the whole concept of public service. The government canceled its subscription for electronic media, and at the same time, supported operations of the national public service (Montenegrin Radio and TV-RTCG) with some €10 million. While accepted as the only solution to ensure the survival of the national radio and television broadcasters, the decision raised concerns over the dominant influence of ruling politics and protection of the public interest in broadcasting. On the other hand, the government used legislative and bureaucratic excuses to obstruct allocation of national television frequencies, thus directly jeopardizing the business and media position of TV Vijesti (a private company in which the Media Development Loan Fund [MDLF] owns a majority of shares, along with some private Montenegrin media investors).

The panel underlined the Montenegrin media's three major problems: Authorities restrict freedom of the press, and violations against journalists persist, limiting the democratic development of Montenegro as a whole; the media industry operates unsustainably from a business perspective; and media members display weak professional standards, social accountability, and commitment to developing investigative journalism.

[1] Montenegro regained its independence on a democratic referendum, May 21, 2006.

MONTENEGRO AT A GLANCE

GENERAL

> **Population:** 672,180 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Podgorica

> **Ethnic groups (% of population):** Montenegrin 43%, Serbian 32%, Bosniak 8%, Albanian 5%, other (Muslims, Croats, Roma) 12% (2003 census)

> **Religions (% of population):** Orthodox 74.2%, Muslim 17.7%, Catholic 3.5%, other 0.6%, unspecified 3%, atheist 1% (2003 census)

> **Languages (% of population):** Serbian 63.6%, Montenegrin (official) 22%, Bosnian 5.5%, Albanian 5.3%, unspecified 3.7% (2003 census)

> **GNI (2008-Atlas):** $4.008billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $13,920 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *CIA World Factbook*)

> **President or top authority:** President Filip Vujanovic (since April 6, 2008)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 3 dailies, 4 weeklies, 40 monthlies; Radio stations: 38 (5 nationwide); Television stations: 37 (9 nationwide)

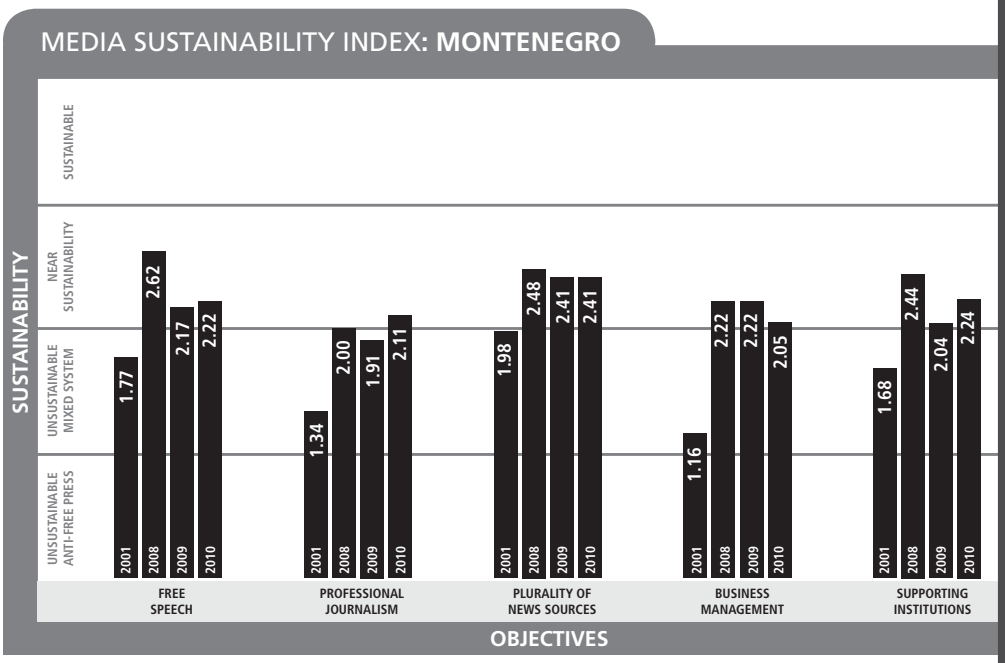
> **Newspaper circulation statistics:** Top 4: *Vijesti*: 26,000 (private), *Dan*: 25,000 (private), *Pobjeda*: 8,000 (state), *Monitor* 2,500 (private) (Direct Media Ltd., Podgorica)

> **Broadcast ratings:** N/A

> **News agencies:** Mina News Agency (private)

> **Annual advertising revenue in media sector:** estimated at $12-14 million (Direct Media Ltd., Podgorica)

> **Internet usage:** 294,000 (2008 est., CIA World Factbook)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

On a positive note, journalism schools have improved, so the formal education of Montenegrin journalists is more advanced compared to previous years. Journalism students need more opportunities to build practical skills, however.

OBJECTIVE 1: FREEDOM OF SPEECH

Montenegro Objective Score: 2.22

Montenegro's reformed media laws have been in effect for seven years now, and media legislation is harmonized with international standards. In general, according to the panelists, the media community views the legislation as a solid legal framework, although the law always has space to improve and correct some instruments. Sub-par legislation is not what threatens freedom of the media, however; the problem lies in implementation. "Media laws from 2002 were among the best in the region. However, just as in previous years, they are still poorly enforced," said Slavko Mandić, editor-in-chief of Radio Skala.

Law enforcement is a general problem in Montenegro, not just for media law. While all the panelists agreed that enforcement remains the biggest obstacle, some panelists referred to problems with specific legislation. Mirsad Rastoder, president of the Journalistic Self-Regulatory Body, said, "Some pieces of legislation negatively affect operations in the media sector, like some controversial provisions within the Law on Electronic Communications and the Law on Electronic Media." Dusko Vuković, editor-in-chief of the online news outlet PCNEN, said that the newly adopted Law on Electronic Communications has thrown electronic media into utter chaos. Mandić noted that currently, the government is drafting a new law on electronic media. He said, "…[J]udging by the draft, this should be a step forward with respect to the current regulation. It is yet to be seen what will happen when the law is to be implemented."

Generally, society values free speech, and the public reacts strongly to violations against journalists and politically motivated litigation. These events are usually met with strong protests from political parties, NGOs, and journalists' associations as well. Still, in Vuković's view, the media needs to be more proactive about defending free speech regularly and stimulating public debate over press freedom.

Drasko Đuranović, an independent media analyst, brought up the judiciary's shortcomings in dealing independently with free speech issues. "The lack of harmonized judicial practice is also a problem, because very often conflicting sentences are passed," he said. "In that regard, the Supreme Court has a huge responsibility to give its legal opinion regarding verdicts against journalists and media. Judicial practice must find the right balance between sanctioning yellow press and more accountable media. I would point to practice of the Administrative Court, within its range of competence [disputes regarding the free access to information] as a good example."

Montenegro's Agency for Telecommunications is responsible for allocating broadcast licenses. Generally the process is transparent, but some media complain about the slowness of the procedure and the fact that tenders are not published often. During 2009, the allocation of national broadcasting frequencies to television stations proved particularly controversial. TV Fox gave up its plans to join the Montenegrin market after it had already received a working license, thus freeing up a broadcasting frequency. But media authorities, relying on legal confusion, prevented TV Vijesti from obtaining a frequency. The entire year was marked by public disputes between media authorities and the editorial team of TV Vijesti, which is currently broadcasting through cable operators. The panelists' overall impression was that the denial was politically motivated. Mihailo Jovović, news editor of *Vijesti*, said, "…[T]he issue of frequencies has become politicized, so the broadcasters are getting frequencies depending on their political profile."

Vladan Mićunović, TV Vijesti's editor-in-chief, and Rajko Sebek, editor-in-chief of TV IN, also criticized the Broadcasting Agency of Montenegro for failing to react to violations of copyright laws in broadcasting. Sebek described heavy losses incurred by his station and charged, "In this respect, the broadcasting agency is not doing its job properly." According to Mićunović, the broadcasting agency fails to uphold its responsibility to monitor the media and control programming quality.

Media companies have free access to the market, and in this respect, the legal frameworks for media companies and other businesses do not differ greatly. Media are not required to have a special license or registration, although electronic media must meet certain technological and technical conditions. Regarding taxes, media companies are treated the same as other companies, although printed media enjoy certain tax benefits (dailies and periodicals pay a lower tax rate of 7 percent). However, Mandić mentioned some unique obstacles that media face entering the market, noting the price of broadcasting frequencies in particular. "A competent agency should have more understanding of the economic hardship the media sector endures. Montenegrin media are among the most taxed in the region. That is why we have only a few private media committed to news and cultural programs," he said.

In the last couple of years, Montenegro has seen many cases of journalists being victimized by violence, including serious

beatings. A number of cases from the past remain unresolved, which discourages the media community and continues to undermine the freedom of press. The most famous cases include the attacks on Željko Ivanović from *Vijesti*; Tufik Softić, a journalist from *Republika*; publicist and author Jevrem Brković and his bodyguard; and the still unresolved murder of Duško Jovanović, editor-in-chief of *Dan*. Jovović shared his own story of being attacked this year. Jovović and a photographer were assaulted by the mayor of Podgorica, his son, and their driver after attempting to photograph the mayor's illegally parked car. The related court case is still pending.

All these cases indicate that Montenegrin journalists cannot easily develop investigative and critical journalism. Numerous ongoing trials against journalists and the media (particularly famous cases include *Monitor* journalists Petar Komnenić and Andrej Nikolaidis) support this statement. Some cases involving physical violence point to journalist and editor irresponsibility, including publishing false information and unfounded public insults against citizens. But the state has proven to be utterly inefficient and incompetent in the trial process.

The legal framework does not favor promoting public media, but in practice, it provides political protection of state-run media and public services, the panelists noted. With regard to their economic status, private media are unequal to public media, because losses of public media are covered by the budget at a time when the private media are facing potential bankruptcy. Mandić noted also the disadvantages that private media face in the realm of advertising. "…[T]he local public services set dumping prices in advertising, so it is very difficult to run a private media outlet within the framework of current legislation. I think it would be only fair to ban public services to make revenues from advertising," he said.

Politics play a direct role in selecting public service managers, the panelists said, so talking about independent editorial policies of local or national public services is impossible. Mićunović noted, "Even the legal status of some media is disputable, such as the state-run daily, *Pobjede*. This paper is a clear example of an illegal state of affairs. Public media are privileged, enjoying support from the authorities, while private ones are in dire financial straits."

Dino Ramović, the owner of TV Teuta, said that local public broadcasters no longer serve Montenegrins. "Regarding regulation, I want to say that local public services are total systemic failure. They just represent an extended arm of the ruling parties, both at national and local levels. In Ulcinj, contrary to law, only after five years of delay, a public service has been formed. Although it is not functioning, the public service still receives some €150,000 from the local budget. Obviously, politics have destroyed the idea of public service. Government and local authorities cover the losses of unproductive and overstaffed public services, while commercial broadcasters are going down, although very often they are more committed to the public interest than public services."

Dragan Klarić, editor-in-chief of the public service Radio Budva, had a different perspective. "Even public services are faced with huge problems regarding their status within the system. Public services are victims of politics. For example, members of the board have higher salaries than journalists in Radio Budva. Obviously, we have excessive institutionalization in the area of public media, and therefore we need to adjust our legal framework to this situation. In my view, we have serious problems in legislation, because we have excessive management bodies that are financially suffocating local services and do not contribute to stabilization of media."

Libel is still a criminal offense in Montenegro, punishable by fines ranging from €5,000 to €14,000 or imprisonment if fines are not paid. Jovović said, "We still have no campaign to reverse libel as a criminal offense. In Montenegro, we have media who are not criticizing anyone, so they see no problem when independent media are punished."

Although libel is criminally punishable, a libel sentence could include initiation of civil proceedings. The courts have a very imbalanced penal policy; fines for mental injury range from symbolic to €40,000. The inconsistency is especially problematic because of the number of libel cases related to politicians and government officials. Courts have shown

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.

reluctance to implement the principle that public officials should face a greater level of public criticism. Mićunović noted, "…[T]he situation in the media sector has deteriorated in past years…libel is still a criminal offense, so we have a lot of convicted journalists. Courts are still ruling contrary to international practice and rules of the European Convention on Human Rights and Freedoms. Furthermore, fines issued by courts are excessive and directly threatening economic survival of media."

Darko Šuković, editor-in-chief of Radio Antena M, acknowledged the faults of the Montenegrin legal system but added that media members should hold themselves accountable as well. "When it comes to law enforcement, I think that libel sanction is questionable because it opens the issue of fines against media and journalists. The difference between the text of the law and practical implementation is obvious. However, aside from the fact that we have questionable penal policies, media cannot run away from responsibility. Therefore, we should not point just to controversial judicial practices, but also to irresponsibility on the side of media companies and journalists. I belong to a media outlet which so far has not been the subject of any claims, but in my view, that is the result of our conscientious treatment of information and the journalists' code. Therefore, the right question here is, 'how much have we, as members of the journalism community, violated our own profession?'"

Although Montenegro has a freedom of information act, journalists attempting to collect public information face serious obstacles. Government and public institutions often refuse to submit the requested information within the legally prescribed deadline. Various court disputes have been initiated because of this issue; more than 100 ongoing cases of violations of the freedom of information act are before the court currently.

Although most cases are decided in favor of the journalists, all the panelists said that the government does a terrible job enforcing this particular act. Mićunović said, "We have a huge problem with access to information, because many government institutions are obstructing the whole process. I would like to give the example of the State Prosecutors' Office, which denies practically any request for information." Marija Tomašević, a journalist from PRO TV, said that access to information has been a particular problem for her station. "In practice, what we often see is that public services enjoy special privileges regarding the access to important information," she said.

The government places no legal limitations to access international news, the panelists reported. The Internet is used widely in Montenegro, and all media have multiple connections to infinite Internet resources. Internet access is becoming cheaper almost daily. While foreign media materials can be imported or bought without any problems in Montenegro, demand is smaller outside of main cities.

The journalism profession is not limited by legal restrictions or official administrative barriers. The government does not interfere or impose unacceptable limits in terms of journalism education, and journalists are free to organize in the way they see fit. In that sense, the media market is free and presents no legal obstacles for journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 2.11

The panelists generally agreed that journalism in Montenegro is far from meeting professional standards and objectivity. Journalists often fail to check the information they obtain, and very often they publish one-sided information. Media members try to obtain expert opinions when dealing with certain topics, but in practice, finding experts willing to speak publicly is challenging. Interviews are an exception; they are usually conducted and published in line with professional standards. Sebek commented, "I don't think we have a problem in terms of recognizable political leanings [in journalists], but rather in sticking to professional standards in their everyday work. It has been proven, time and again, that it is very difficult to achieve and maintain acceptable levels of professionalism in Montenegrin journalism." He added that the lack of professional solidarity and dialogue between journalists is a big part of the problem.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

According to Radojica Bulatović, director of the Montenegro Media Institute, "Safeguarding jobs, self-censorship, and poor professionalism are contributing to media lethargy."

Blogging is still undeveloped, and, according to the panelists, reduced primarily to commentary on events, without an investigative component or real compliance with professional standards. Several panelists brought up problems with standards for Internet journalism. Sebek shared his concern that Internet media outlets are not self-regulated. "Internet media does not comply with professional standards valid for classic media. Therefore, we have a huge problem regarding transmission and interpretation of information at the Internet portals, which lack accountability," he said. Đuranović agreed, saying, "We have a big problem in terms of developing Internet journalism to comply with professional and ethical standards. This is directly linked to legal responsibility of web portals, blogs, and other forms of media activities over the Internet."

Montenegro has an ethical code for journalists, composed in line with international standards. The Journalists' Self-Regulatory Body, which aims to promote responsible journalism, often reacts to violations of the ethical code with public statements. However, many journalists fail to follow professional standards. Mandić gave an example: The hate speech broadcasted by some media, including Radio Bum, Radio Svetigora, and TV Pink, is tolerated. The panel noted the widespread perception that Montenegro has an unacceptable distinction between prescribed ethical standards and poor practice in reality. Rastoder noted, "I want to point out that the journalists' code, which was adopted back in 2002, represents a good text—it just needs to be upgraded. I think that observance of the code is necessary if the journalism profession wants to gain respect. Still, the journalists must be more responsible in their work, although it is unacceptable that journalists are fined with excessive penalties."

Šuković raised the argument that solidarity within the journalism community can sometimes interfere with professionalism. He said, "For example, Antena M, in the conflict between the mayor of Podgorica and *Vijesti*, expressed solidarity at the expense of professionalism. It is hard to stick to professional standards when the interests of the media community are violated, and that is exactly the reason why it is so important to strike the right balance between media solidarity and professional responsibility."

Tomašević mentioned the need to impress higher ethical standards upon young journalists. She said, "PRO TV is a young station, which, based on the current experience of others, is aware of how difficult it can be to uphold professional standards. Our media is concentrated on favoring the young journalists, because we feel they have to be given a chance to grow professionally in line with the ethics code."

Although few journalists would confess to self-censorship, panelists are convinced that it is more widespread than generally thought, driven partly by politics and partly by economics. Self-censorship is particularly visible in political and criminal cases, when journalists sometimes express unprofessional attitudes. According to Radojica Bulatović, director of the Montenegro Media Institute, "Safeguarding jobs, self-censorship, and poor professionalism are contributing to media lethargy."

Journalists report on key events in Montenegro; the panelists said that it would not be accurate to claim that the government suppresses coverage of important events. Furthermore, state and private media both cover all major events within the country. In this regard, the media have no barriers to prevent them from informing the public on key events in a timely manner.

The media sector has faced economic challenges for a number of years now. Media business is hardly profitable, and as a result, journalists are among the lowest paid professionals in Montenegro. A beginning journalist cannot expect to make more than €300 per month, while more experienced journalists might bring in €500-600. Salaries above €1000 are extremely rare. Some managers are paid better, but this rule applies to just a few established media companies. Public and private sector salaries have little difference. Noted Klarić, of the public service Radio Budva, "As the new regulations have canceled subscription fees [for Radio Budva, that meant a loss of some €20,000], local public services are now even worse off. [Radio Budva] employees have just [in fall 2009] received salaries for May—a clear indication of the hardships we are enduring. This is the consequence of the poor financial situation of the local government, which is unable to support us."

For all of these reasons, the panelists noted the trend of journalists leaving the field. Most former journalists turn to work in PR and communication services for state institutions and large firms.

The movement toward more entertainment and less news described in the last couple of years continued in 2009. This is especially true of electronic media, which enjoy the most influence in Montenegro. The ratio is about 80 percent entertainment to 20 percent news, except in state public service television, which is near 50:50. Entertainment

programs are often tasteless and promote immoral messages and questionable values, according to the panelists. In print media, news still dominates, but these outlets are facing tough times in the Montenegrin market.

Most large private electronic media outlets have advanced, modern technical equipment, (including TV IN, TV Vijesti, and PRO TV). The biggest problem for some electronic media (especially public media) is the upcoming digitalization of the media sector. Generally speaking, technical gaps do not represent an obstacle for developing free and independent journalism, even for local outlets.

Montenegro lacks quality specialized journalism, and the panelists said that this is the perception within the media community and among the broader public. Most journalists adopt a more general and superficial approach, and panelists noted that the media should make a priority of developing specialized journalism. Investigative journalism is particularly weak, although the problem in this respect is the limited financial resources of media outlets, not just the skills or willingness of journalists.

OBJECTIVE 3: PLURALITY OF NEWS

Montenegro Objective Score: 2.41

The score for this objective held steady with last year's score, and continues to be Montenegro's highest scoring objective. None of the indicator scores changed dramatically from last year's MSI. Indicators 1 (plurality of news) and 2 (citizen access to media) scored the highest.

Montenegro has a plurality of news sources—more than 150 local and national print and electronic media outlets. In fact, Montenegro's media market is oversaturated, with one media outlet per 4,000 residents. The panel noted in particular the recent growth of Internet portals and blogs. The majority of these media are private, but Montenegro has about a dozen public services both at national and local level.

Montenegro has a number of public and private information sources and interest has increased in virtual social networks such as Facebook and YouTube. However, the abundant sources of electronic information have not necessarily translated into better professional standards or development of objective journalism. Šuković noted, "We are witnessing numerous obscenities and irregularities in Internet media. In that regard, we have so-called blogs, and chats, which often represent irresponsible, quasi-journalism. Therefore, it is necessary to open the issue of regulating and establishing responsibility for Internet journalism. Multiple information sources are definitely a strong democratic and media step forward, but it is still necessary to open a serious debate regarding overall standardization, professionalism, and responsibility of Montenegrin journalism."

> *Jovović noted, "When it comes to issues of embarrassment for authorities, state media are usually silent...Who is responsible for the public service's failure to do its job? Is that the responsibility of the authorities, or journalists?"*

Citizens have unrestricted access to local and foreign media, and in that respect, Montenegro is an open media space. People in all areas of the country have equal access to different media platforms, including the Internet, and they encounter no substantial limitations in accessing information sources. Of course, income levels do affect access to the Internet, satellite television, or other pay broadcast services, which are not cheap in Montenegro. For example, an ADSL package including Internet and cable television service is €20 monthly at a minimum.

Public and state media are dependent upon the government and ruling parties. In the panel's view, authorities' political interests often have an unacceptable influence on the editorial policies of public media, threatening the legal framework. Typically, public service editors adjust their editorial policies to the interests of the ruling parties, whether at national or local level, discrediting their own

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.

Šuković noted, "We are witnessing numerous obscenities and irregularities in Internet media. In that regard, we have so-called blogs, and chats, which often represent irresponsible, quasi-journalism."

position and compromising professional journalism. Jovović noted, "When it comes to issues of embarrassment for authorities, state media are usually silent...Who is responsible for the public service's failure to do its job? Is that the responsibility of the authorities, or journalists? There are clear examples proving that national public service ignores public interest. There is an obvious difference in professionalism in the public and private sectors."

Generally, independent news agencies try to impartially collect and distribute information for the media sector. Montenegro has only one private news agency, MINA. Other agencies are network branches from neighboring Serbia. Media outlets use agency sources frequently, but only the biggest outlets can afford the services of foreign agencies such as Reuters, AP, FP, and BBC. When news agency resources are used, they are credited regularly.

Independent electronic media often produce their own news programs, which differ, in terms of exclusivity, from public media programming. This applies for national media in general, while local media have weaker programming. Private media programs are more provocative and interesting for the public than the news offered by the public service, according to the panelists. They said that bloggers cannot be compared yet to legacy media in terms of content originality.

In the last few years, media ownership transparency has improved as the government has introduced legal regulations. The public is now informed about the ownership structure of media, although suspicions linger regarding the authenticity of formal owners. All media companies are registered in the commercial court, so their reported ownership structure is readily available and confirmable. Regarding the threat of monopolies, the phenomenon is visible in print media, and sporadically in electronic media.

Foreign investment interest in the media sector has not picked up. Montenegrin media have just a few foreign investors (for TV IN, PRO TV, and *Vijesti* newspaper) at the moment. Problems in the media sector deter foreign investors. For example, as reported in last year's MSI, Fox TV withdrew from Montenegro; and after several attempts, WAZ gave up trying to buy *Pobjeda*.

The media address Montenegrins' social interest topics, including equality and discrimination within society, gender, social convention, religion, and sexual orientation, The government places no limitations on subject matter, and the media face no legal obstacles in reporting on all major issues within society. However, the media do not cover these topics enough, in the panelists' view. Sexual orientation, for example, is considered a sensitive issue in Montenegro's traditional society and the media tends to approach the issue conservatively. Some panelists noted that editorial policies of both private and public national media are overly focused on political topics at the expense of other important areas, including poverty, science and research, cultural topics, the quality of the educational system, and health.

Ramović pointed out weaknesses regarding quality reporting of minorities, in particular the lack of information for the Albanian nation in Montenegro. "I believe that even in the future, the issue of professional news programs on Albanian language will remain unresolved," he said.

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 2.05

The score for this objective slipped slightly from last year's 2.22. The only significant changes were noted in scores for indicator 1 (media outlets operate as efficient businesses) and indicator 2 (media receive revenue from a multitude of sources).

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.

Just as in previous years, media outlets in Montenegro can hardly be described as profitable, viable businesses. Public media survive thanks to government support and funds from local councils, while private media are exposed to unfair competition coming from the public sector. Numerous local media are close to bankruptcy, while the national media hang on. Although media have quite solid logistical staff, the sheer number of outlets, the economic crisis, and the limited market all affect business results—which are modest. "It is not easy to run a media business in Montenegro," Đuranović said. "Although private media try to set up their businesses to be profitable, they face big obstacles in terms of sheer survival on the market. We should not forget that Montenegro is a small market, and it is very difficult to bring in advertising revenue."

Several panelists commented on the various ways in which business problems have affected media quality in Montenegro. Šuković described how economic strain has impacted media programming. "We have a lot of media in Montenegro [that] serve as clear examples of poor businesses. We have but a few that produce quality programs—perhaps not more than two or three radio stations—because most media simply cannot survive making public interest programs," he said.

Rastoder noted the links between the lack of professionalism and business viability. "There are huge problems within the media community affecting the level of professional journalism. To a significant degree, the precarious financial position of journalists threatens their professionalism. The fact is that, from the business angle, it would be better for some media to go down than to continue operating in their current form," he said.

"The Montenegrin media market is not a good example of fair business competition," Sebek said. "For example, local media suffer from a severe disadvantage, competing with media that are essentially branch offices of media companies from neighboring countries—for example, TV Pink. The advertising market in Montenegro is relatively small—some €12 million annually—and there is a lot of competition for it. Combined with other business challenges, it is very difficult to run a profitable media business in Montenegro."

Although many media companies place advertisements directly with media outlets, advertising agencies are present in the Montenegrin media market. They conduct the major share of marketing business with the media. Advertising revenues generally flow to national media with headquarters in Podgorica, while the rest of Montenegro gets crumbs when it comes to advertising. However, the advertising market in Montenegro is limited in its potential (circa €12 million annually), so advertising revenues cannot cover all the expenses of even the media companies successful at pulling in advertisements.

Private media depend heavily on circulation and non-commercial support from donors and local owners, while the public media are dominantly financed by the state and local councils, although they also earn money from advertising. Local public media services are funded mostly by local governments. Public media services, using their privileged economic position, often appear on the advertising market as unfair competition. Some of the panelists said that public services should be prohibited from collecting advertising revenues.

Private electronic media get some support from the national budget, but these are minor sums that do not affect their operations greatly. In the view of the panelists, government grants are not large enough to raise fears that the government may pressure editorial policies. The government is much more important for media as a source of advertising. Some media outlets do contain examples of selective advertising, depending on how much the outlet favors and flatters the ruling politicians.

Montenegro has few media market surveys. Media outlets cannot afford to pay public opinion agencies, so NGOs conduct a majority of surveys. Some also conduct ratings surveys. However, even these surveys are sporadic and insufficient for drafting business plans or development strategies. This segment of media policy in Montenegro is insufficient and undeveloped. In Đuranović's view, media are not putting enough effort into market research.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.24

Media solidarity is developed poorly, and this is reflected in business results. Although Montenegro has a number of media associations (UNEM, AKEM, ULES) designed to protect member interests, their engagement is temporary and insufficient, and usually comes down to improvisation. Media do not invest funds in associations, so performance is usually limited to individual campaigns for legislative changes or financial assistance.

The panel's general assessment is that the business interests of Montenegrin media are not well protected, and that attempts to cooperate and organize have fallen short. Mandić noted, "There are a number of examples indicating that business associations are not functioning in the interest of the media community. For example, when the Law on Electronic Media was adopted, AKEM association was formed, aiming to

Klarić commented, "Montenegrin journalists are organized in two dysfunctional unions, which are certainly not contributing a great deal to the protection of [journalists'] rights."

fill in the gaps of the previous association, UNEM. Yet efforts to protect the rights of media businesses and the media community's professional interests have not helped."

Montenegro has two professional journalists' associations. While the associations exist formally, they lack any real influence within the media community or significant support from journalists and are practically useless, according to the panelists. Klarić commented, "Montenegrin journalists are organized in two dysfunctional unions, which are certainly not contributing a great deal to the protection of [journalists'] rights." Mićunović agreed, saying, "We have institutions and organizations, which are, declaratively, protecting the interests of media community. However, it is an open question how much these numerous organizations genuinely articulate the interests of media and journalists. I still think that independent media are, more or less, without appropriate representation regarding their genuine needs and authentic interests."

Rastoder presented a different view, defending his organization and others. "I want to say that the Journalists' Self-Regulatory Body is functioning, and many efforts have been put into promotion of the journalists' code and the need to protect adopted professional standards. Furthermore, there are numerous business associations and institutions that are dedicated to protecting the interests of their members, including UNEM, ULES, AKEM, and IMCG."

NGOs are very committed to protecting free speech and supporting the independent media. The panel pointed to positive examples of cooperation between the media sector and NGOs, especially those focused on human rights and the rule of law. Through numerous projects and daily activities, NGOs provide legal support and champion the development of independent and professional journalism and the right of public to be informed.

Panelists said that students can acquire solid practical skills through Montenegro's higher education programs, including the Faculty of Political Sciences and the Montenegro Media Journalists' School. MMI Director Bulatović commented, "I just want to underline the importance of MMI's School of Journalism. This year, we produced our fifth generation of journalists, who were trained in practical skills and professional responsibility." Sebek added, "I would point to the importance of Political Sciences Faculty [section for journalism], because this year it produced the fourth generation of students—which is of great importance for the future of Montenegrin journalism."

As illustrated by these positive examples, the state of journalism education has improved compared to previous years, and the field is seeing more educated and qualified graduates. However, the panelists generally agreed that journalism education programs are falling short in terms of practical skills, which becomes apparent after even highly educated journalists are hired. The panelists also questioned how attractive the media sector will be to future journalists, given the current economic environment of the media, the low salaries for journalists, and the overall reputation within society of this challenging profession.

Despite the need for both basic and advanced courses for journalists, Montenegro has only one positive example of non-academic education of journalists: the training courses offered by MMI's School of Journalism. It offers three-month courses for a fee.

Printing shops are mostly privately owned and linked to the media business of their respective companies (*Vijesti*, *Dan*), except for the state-owned printing shop linked to *Pobjeda*.

Distribution companies are privately owned, but they are also suffering economic hardship. A couple of years ago, the state-owned distribution network went bankrupt, while the remaining companies are operating with difficulties. Montenegro is facing the danger of monopolization of this particular market, which could have a negative impact on the business of print media and the free press.

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.

List of Panel Participants

Radojica Bulatović, director, Media Institute of Montenegro, Podgorica

Dusko Vuković, editor-in-chief, on-line news PCNEN, Podgorica

Vladan Mićunović, editor-in-chief, Vijesti TV, Podgorica

Darko Šuković, editor-in-chief, Radio Antena M, Podgorica

DraskoĐuranović, independent media analyst, Podgorica

Mihailo Jovović, news editor, *Vijesti* newspaper, Podgorica

Marija Tomašević, journalist, PRO TV, Podgorica

Rajko Sebek, news editor, TV IN, Podgorica

Dino Ramović, media owner, TV Teuta, Ulcinj

Dragan Klarić, editor-in-chief, Radio Budva, Budva

Slavko Mandić, editor-in-chief, Radio Skala, Kotor

Mirsad Rastoder, president, Journalistic Self-Regulatory Body, Podgorica

Moderator and Author

Rade Bojović, executive director, Media Ltd., Podgorica

The Montenegro study was coordinated by, and conducted in partnership with, Media Ltd., Podgorica. The panel discussion was convened on November 20, 2009.

Some interpret the victory for Băsescu as the end of the myth that no one can win an election without the media's support. He did just that, but the price paid may be huge. The media lost credibility among much of the population and political class, and the president's supporters now display an open hostility toward journalists.

ROMANIA

OVERALL SCORE:
2.30

Although Romania joined the European Union on January 1, 2007, international observers have noted little progress in the country since then, with ongoing political conflict stalling progress and becoming the new rule of the game. Against this backdrop, the perception of "objective journalism" became further endangered in 2009. Politicians levied charges against the media, labeling them either President Traian Băsescu's pawns or anti-Băsescu mercenaries, based on any example of positive or negative coverage. Public television was a clear victim, as the government appointed a top politician to be its leader.

As 2009 was an electoral year, some media owners decided to play openly in politics, supporting the anti-Băsescu candidate in the run-off of the presidential elections. Observers indicated that this was the dirtiest campaign to date—extreme even by local standards. A huge coalition of media owners, political parties, and business interests supported the opposition Social Democrat leader, Mircea Geoană, but he failed to defeat Băsescu. Carried by support from Romanians living abroad, Băsescu edged out his competitor with a small margin of 70,000 votes. Some interpret the victory for Băsescu as the end of the myth that no one can win an election without the media's support. He did just that, but the price paid may be huge. The media lost credibility among much of the population and political class, and the president's supporters now display an open hostility toward journalists. On the other hand, the same hostility is visible among journalists, since many of them took sides in the electoral battle. The minority of journalists who supported Băsescu accused the rest of selling their souls for their owners' money.

Meanwhile, the media continue to confront the same threats pinpointed in last year's MSI. The owners have the upper hand in their relations with the journalists, ensuring that professional ethics remain a problem. But the economic crisis brought new problems, too. The media "salary bubble" that developed from 2006 to 2008 burst, and many journalists saw their wages cut drastically. To keep their jobs, journalists sometimes resorted to self-censorship, negatively impacting professionalism.

All five MSI objectives decreased in 2009 compared with 2008. The MSI Romania panelists gave Objective 1 the most similar score, reflecting a relatively stable legal framework. Objective 4, whose indicators measured the dramatic changes brought by the economic crisis, showed the biggest decrease in score.

ROMANIA AT A GLANCE

GENERAL

> **Population:** 22,215,421 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Bucharest

> **Ethnic groups (% of population):** Romanian 89.5%, Hungarian 6.6%, Roma 2.5%, Ukrainian 0.3%, German 0.3%, Russian 0.2%, Turkish 0.2%, other 0.4% (2002 census, *CIA World Factbook*)

> **Religions (% of population):** Eastern Orthodox (including all sub-denominations) 86.8%, Protestant (various denominations including Reformate and Pentecostal) 7.5%, Roman Catholic 4.7%, other (mostly Muslim) and unspecified 0.9%, none 0.1% (2002 census, *CIA World Factbook*)

> **Languages (% of population):** Romanian 91% (official), Hungarian 6.7%, Romany 1.1%, other 1.2%

> **GNI (2008-Atlas):** $170.6 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $13,500 (World Bank Development Indicators, 2009)

> **Literacy rate:** 97.3% (male 98.4%, female 96.3%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Traian Băsescu (since December 20, 2004)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 1000+, exact numbers not available; Radio stations: N/A; Television stations: N/A

> **Newspaper circulation statistics:** Top ten papers have a combined circulation of approximately 757,000 (Audit Bureau of Circulation, 2008)

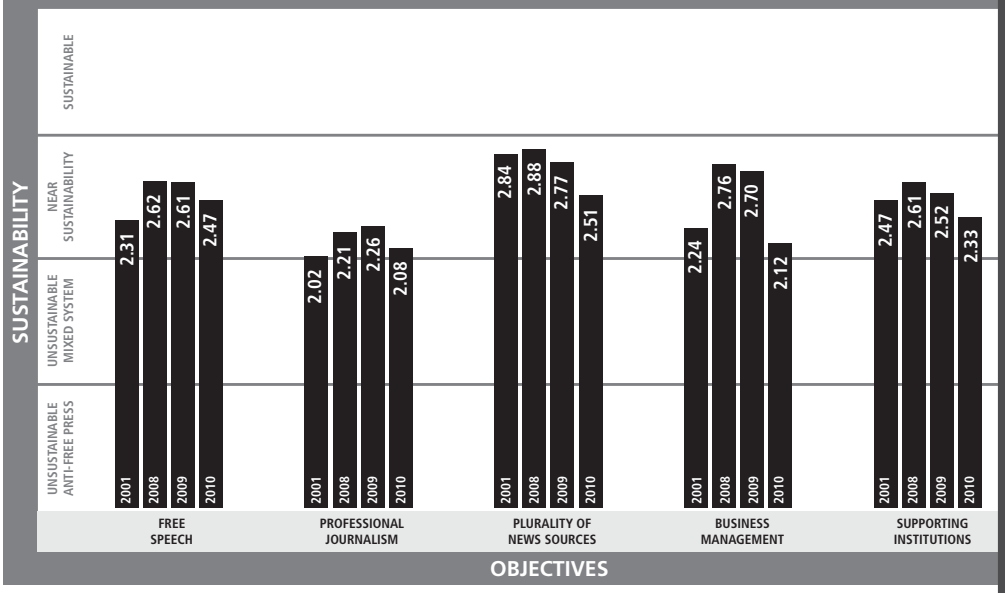
> **Broadcast ratings:** Top three television stations: Pro TV (2.6%), Antena 1 (1.6%), Acasa TV (1.1%) (paginademedia.ro)

> **News agencies:** Medifax (private), Agerpress (state-owned), NewsIN (private)

> **Annual advertising revenue in media sector:** Approximately $768 million (paginademedia.ro)

> **Internet usage:** 6.132 million (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **ROMANIA**



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Romania Objective Score: 2.47

Romania's gap between media law and practice has shown little sign of closing over the years. Panelists universally expressed frustration with the state of freedom of speech. "There is still a difference between law and practice. Formally speaking, things look relatively well [according to the law]," said Ciprian Stoianovici, editor-in-chief of the private station Radio 21. According to Ioana Avădani, director of the Center for Independent Journalism, "There is no social value associated to freedom of speech, neither politically nor socially." Realitatea FM Editor-in-Chief Teodor Tita agreed, and noted that "freedom of speech violations do not trigger public outrage."

In 2009, the Romanian government assumed the responsibility for new penal and civil codes—essentially a way to fast-track legislation. This method gives parliament limited possibility to change drafts, but grants it some power to stop laws from being adopted. After media NGOs protested, the government allowed the parliament to comment. The initial drafts were not favorable to freedom of expression, but parliament improved them partially following the NGO intervention. Still, Stoianovici complained, "the new codes ensure the protection of private life to the detriment of freedom of information." Avădani said that she disagrees with the philosophy behind the codes. "They do not even mention the right to freedom of speech. The parliament changed the texts minimally upon our reaction," she said.

The National Council of Broadcasting (CNA) controls broadcast licensing and nominally is an autonomous body subordinated to the parliament. The president, the cabinet, and the parliament appoint CNA's 11 members. Each year, the MSI panelists have criticized this mechanism for failing to ensure CNA autonomy. "CNA members are nominated by political parties, and it is clear that they return the favor to the parties. The licenses are given based on influence," Tita said. The director of ARBOmedia advertising company, Silviu Ispas, was even more critical: "We are in the Dark Age. We are fighting to be honest, and the rest of society is in the Dark Age. Licenses were granted horribly."

Although the council granted no new licenses in 2009, its other processes still impact the media. The panelists turned their attention to the post-granting monitoring process and management of digitalization, and some panelists saw an improvement in the CNA deliberative process when the council appointed more reputable professionals. "Serious people are now within CNA—for example, Cristian Mititelu," Stoianovici said, referring to the former head of the BBC Romanian bureau. "At least we have a partner."

Panelists doubted the council's capacity and willingness to ensure rules enforcement. For local broadcasting, the enforcement issues center around CNA's limited monitoring capacity. According to Cătălin Moraru, editor-in-chief of a powerful local newspaper that also owns a local radio station, "People from CNA who monitor locally surface occasionally, when necessary. The control over local content is absent most of the time." This creates the opportunity to cheat, according to Moraru. "Many promise local content in order to grab the license, then after they secure it, they notify CNA that they provide local content for only 30 minutes per day, which is the legal minimum level," he said.

With regard to national broadcasting, the panelists expressed concern about CNA's monitoring capacity as well as lack of will to enforce the rules. Petrişor Obae, an independent media blogger, accused CNA of being disjointed in its dealings with different players on the market. "CNA has a problem with being consistent," he said. "Big players, important trusts are protected." He said that CNA punishes the smaller stations more harshly than the big companies, and gave the example of CNA's actions toward Kanal D, a smaller outlet, versus Antena 1, a major outlet owned by a large media company. "Two months ago, Kanal D was fined, and shortly afterwards, when Antena 1 committed the same mistake, CNA oscillated and the fine was smaller."

During the presidential electoral campaign, CNA tried to ensure some fairness in broadcasting, but its efforts meant little in a media landscape where owners and journalists take open stances for some political parties. The two main television news stations campaigned overtly against Băsescu, and their owners made little secret of their positions. CNA administered fines of around €60,000 from October 23 through December 6, but this method was clearly ineffective. CNA handed one of the biggest fines to Antena 3 news station, which organized an election-day talk show and invited only politicians and personalities known as fierce Băsescu opponents.

The OSCE report on the fairness of Romania's election mentioned imbalances in the broadcast media as well. The political fragmentation within CNA itself was visible in many cases, with council members appointed by the anti-Băsescu camp defending the behavior of anti-Băsescu broadcasters, and those appointed by the presidency or pro-Băsescu party trying to prevent more abuses. The respected blogger and journalist Cătălin Tolontan published the information that Narcisa Iorga, a member of CNA, was engaged actively

in Băsescu's electoral team.[1] Iorga denied the allegation, saying that she was present at the electoral headquarters by coincidence, but the case still implies that CNA members care little for CNA's credibility.

Digitalization also looms, yet panelists said that neither CNA nor political leaders see any urgency. In the dialogue surrounding the digital transition, the philosophy of the process has shifted away from considering digital licenses and open competition a new public good. Instead, CNA is leaning toward a more conservative approach of simply transferring old licenses, with broadcasters keeping their rights. Avădani said that CNA played the major role in adopting the new conservative perspective, in order to protect the big players already in the market. Other panelists working for broadcasters strongly disagreed. As the editor-in-chief of a major radio station, Stoianovici said, "I have a different opinion. I believe that granting digital licenses to the companies owning the current ones is a reasonable solution; otherwise, they should [be] introduced again in the granting process—a process which frightens me; we all criticized it here."

Avădani also raised the issue of discrimination against the local stations. "Only national licenses go automatically from analog to digital. Local stations will be reintroduced in the process and will be reexamined," she said. Panelists explained that the difference in treatment is due the influence of ARCA, the association representing big national broadcasters, which quietly negotiated the proposals with the decision makers. Manuel Preoteasa, an Internet media manager, noted, "There is also a competence deficit. The digital issue is difficult—no one has expertise. ARCA takes advantage because nobody else knows."

CNA also did little to protect local media as national stations bought local stations; in fact, its licensing choices furthered the process. "CNA destroyed the local radio stations by granting local licenses to national radios," Ispas said. But other participants said that the new CNA approach makes more economic sense. According to Obae, "Local radio does not have enough power to sustain a 24-hour license. They don't have the money to support the production. Economic issues determined this situation." Speaking as a national station employee, Stoianovici said, "You are right, theoretically, to defend the local stations. But in practice, the local licenses are generally taken by people who want to use them for political purposes, or to sell them to the national stations. If we have enough economic interest in a local station, we develop it as such, but this is not a very frequent situation."

[1] www.tolo.ro; "Sef din CNA in campania lui Traian Basescu. Cine-i pazeste pe paznici?"; December 1, 2009

Market entry for a media business is no different than any other business—a point upon which all panelists agreed. But the special circumstances of the economic crisis made some of them question the state's general behavior towards the media industry. While the government stepped in to help other industries, no such gesture was made for the media, although it was affected by the crisis. Moraru, editor-in-chief of *Monitorul de Botosani*, said that the state should put its money where its mouth is and help media actively. This would not mean major bail-outs, but minor adjustments specific to the industry. "The state should have clever means to help the press. An idea, for instance, could be to subsidize the local press distribution," Moraru said. Other participants strongly opposed any preferential treatment for media, fearing hidden conditionality from the politicians. Tita rejected the very principle of government intrusion in the media sector. "I am against state intervention because we risk breaking the whole industry," he said.

Romanian journalists are rarely victims of violent actions. No journalist has been killed or injured in recent years, but some cases of harassment still occur. Razvan Martin, responsible for the protection of journalists within his role at the NGO Media Monitoring Agency, said that "there were fewer incidents this year and less violence." However, Obae noted that "there is a popular anti-journalism sentiment. The press lost its credibility."

President Băsescu was again blamed for his statements against media. Even panelists that saw a general media bias against Băsescu confirmed this to be true. "There was a wave of accusations made by the president and his advisers. They were right in principle, but they are too aggressive with the journalists and they tend to speak in a generalist manner, not making the necessary differentiations. This way, any crazy person could attack a journalist thinking that he is attacking an enemy of the president," Tita said. But Ispas said that media members who behave more like propagandists should not ask for the usual protection given to journalists. "This is not an aggression against journalists," he said. "They are journalists only by name."

Public media include Romanian Television (TVR, with four channels), public radio (four channels), and the public news agency, AgerPres. The president, the parliament, and the cabinet appoint the boards of national radio and television stations, according to the 1995 law. While a public debate took place in 2005 over efforts to change the law, no changes were made ultimately. The NGOs working for media protection participated in these debates and endorsed the final draft prepared by Raluca Turcan, the head of Media and Culture Committee of parliament. A supporter of the draft, Avădani said, "We have been struggling for six years to pass

that law," and concluded that there is no political will to change the status quo.

Alexandru Sassu, a former spin doctor of the Social Democrat Party, runs TVR currently. He took the job in 2007 after a deal between his party and the Liberals, who took the leadership of the CNA. Sassu dismissed the previous head of the news department, Rodica Culcer, by reshaping the organizational chart—which became a regular scheme within TVR to avoid the legal protection of the journalists. Culcer was "promoted" as head of a newly created "News and Sports" department, but with no editorial authority over the news. Culcer started a lawsuit against TVR and won, but Sassu appealed to a superior court, where the case is still pending. Meanwhile, Sassu was temporarily appointed his protégé, Madalina Radulescu, as the head of news. With Radulescu still in the position after two years, what started as a temporary job has ended up a permanent arrangement.

Appointing temporary people for what should be permanent, stable positions became a practice during Sassu's presidency to increase executive power over journalists. A similar case is Cezar Ion. A former head of the editorial department with supervision over many programs, Ion had his position restructured also, so Sassu could take over Ion's responsibilities. Ion also went to court and won, but Sassu refused to implement the court's decision. In response to the refusal, Ion started a new lawsuit, which is pending. The case is visible because Ion is the acting president of the Association of Romanian Journalists (AJR).

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.

While TVR has internal rules and mechanisms to protect editorial independence, they are rather symbolic. "Internal mechanisms are not helping," Martin said. "TVR's ethics commission issued courageous decisions that were not applied. The commission is mentioned in the organizational law, but its decisions do not have force." Martin also noted the commission's role in the Liviu Dragnea scandal. Dragnea was the Social Democrat Party campaign chief in the European election of 2009. He was invited to TVR's news program after the official end of the electoral campaign, which triggered a fine from CNA. Three editors refused to accept any responsibility and publicly blamed Madalina Radulescu for inviting Dragnea and establishing the issues to be discussed during the interview. The case went before the ethics commission, which criticized Radulescu, but nothing happened because the head of TVR refused to apply any sanctions.

The panelists said that AgerPres plays a role but does not compare well with Romania's other news agencies. "AgerPres has been comatose for a long time. They produce a lot of news, but it is irrelevant," Tita said. Stoianovici agreed, saying, "AgerPres does have a good thing, but it makes it poorly—local news. This is in contrast to the private news agencies, which present local news only if it has national impact."

The Romanian parliament passed a law in 2006 that eliminated prison terms for libel. However, the Constitutional Court reversed this decision on the grounds that the honor of a person cannot be defended only with monetary awards. The court's decision cannot be overruled, and makes it compulsory for the parliament to maintain libel in the penal code. To date, however, the parliament has not taken any action to reintroduce libel into the penal code. The situation creates endless problems in practice, with judges taking inconsistent views on whether libel is within their jurisdiction. "We don't know if libel is or is not in the penal code, Avădani said. "We have a Constitutional Court decision which is ignored by the parliament. Some judges consider it under the penal law, others do not. We replaced a bad and predictable law with no law." Moraru said that from his experience with local judges, they tend to consider libel outside the penal issues and reject such claims against journalists.

Other panelists raised the issue of journalists' access to information. They gave the example of Emilia Sercan, a former investigative journalist who started to work as freelancer and blogger and requested accreditation from parliament. "She obtained it for the Senate, but not for the Chamber of Deputies, because the accreditation is given to the press institution, not to individual journalists. But she is a freelancer now. They said that receiving bloggers there would mean that too many people will be coming over," Martin

said. However, other panelists agreed with the decision, saying that a difference should be maintained between journalists and bloggers.

Romania adopted a Freedom of Information Act in 2001. In 2006, the government made a significant improvement to the law by including all national companies and state-owned firms. A comprehensive report[2] published in 2009 showed that 39 percent of citizens had heard of the law, and one out of five used it to get public information. As for journalists, the reports showed that all 68 journalists interviewed know the law and 60 percent use it frequently. The editor-in-chief of a local newspaper, Cătălin Morar, has found a downside to the law, however. "I discourage my journalists from using this law. I have a reporter who was doing only that. He was filing requests, lost his importance, and nobody is taking him seriously. We use this law only for important cases where classic means are not helping," she said. Avădani noted another strange effect: "The law forces the institutions to have spokespersons. In practice, that dilutes communication, since the journalists are sent to the spokespersons instead of getting the answers directly."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Romania Objective Score: 2.08

The panelists complained about the generally low quality of reporting in Romania. The real debate between participants was whether the quality of reporting is actually decreasing or simply remaining at a constant low. Stoianovici said that the economic crisis increased the pressure on journalists to lower standards. "It is even worse because there is less money; less capacity," he said. "There are fewer journalists, with smaller salaries, although there is more activity." Obae said that the crisis introduced perverse incentives into the media industry. "The media outlets that fired people started with those having personality, character, with something to say. There are many in this profession willing to accept the status quo; they are afraid of being fired. They do not have time to make their work better," he said.

The panelists also observed a trend to practice journalism exclusively from the office, without original ideas but just representing a narrow range of issue promoted by news television. "Everybody talks about the same thing; everybody watches Realitatea television and writes about subjects as presented there, Stoianovici said. "PR companies promote the idea that journalists should be given the news already written."

Moraru described an even gloomier situation for local newspapers. "Local press is weaker. Not because they don't have resources, but because there is a lack of good journalists to hire. Many of the best left to serve state institutions as spokespersons. During the crisis, the pressure is bigger and taboos are growing." Manuela Preoteasa, editor of EurActiv.ro, placed the blame not on journalists' shoulders, but on the editors and heads of news departments. "Look at a press conference—check the questions. They are pertinent, but they are not seen on television. The journalists are doing their job; the problem is what happens when they hand over their work," she said.

Romania's various organizations and associations have developed many different professional codes The journalism community started a series of debates in 2005 to adopt a unified code, but they have made little progress to date. The process to unify the two most preeminent codes (from the Convention of Media Organizations and the Romanian Press Club) started two years ago, but the press club blocked the discussions, which frustrated the media NGOs represented by the convention. They indicated that 2009 registered no progress with unifying the ethics code—to the contrary, the new tensions made the possibility even more remote.

AJR and the Romanian Press Club formed an ethics committee, which, while largely dormant, was involved in the "Chireac-Rosca" case. Chrieac had his own talk show on public television and was a permanent guest in the Realitatea TV news station. Chireac mediated a meeting between journalist Rosca Stanescu and Cătălin Macovei, the president

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).

[2] Public Policy Institute and Center for Independent Journalism, 'Informația de interes public un drept fundamental şi o responsabilitate pe măsură - Studiu privind stadiul actual al aplicării prevederilor legii nr. 544/2001 privind liberul acces la informații de interes public'; Bucharest, October 2009

of the National Agency for Integrity, which controls officials' wealth declarations. Stanescu wanted some information about two ministers' accounts, and blackmailed Macovei with an old document showing his involvement in a private debt affair (not illegal, but controversial for a person in his position). The conversation between the three was recorded and published before the electoral campaign. It showed Chireac and Stanescu using the media as a personal weapon, blackmailing and manipulating the public agenda for profit. The ethics committee intervened and discussed the case in a public meeting. It decided to recommend that all media outlets avoid inviting Chireac or Stanescu to their shows, or at the very least, not call them "journalists," since they no longer deserved the title.

Stoianovici was satisfied with the committee's response. "It was the first time that representatives of the profession made a decision cooperatively," he said. But Avădani raised doubts about how fair it is to call the committee representative of all journalists, while Liana Ganea criticized the substance of the decision. "The committee's decision was bad, even though courageous. Ten people gathered and decided who can be called a journalist," she said.

In general, the panelists complained about the journalist community's devaluing of ethics. Obae noticed that "in the case of yellow newspapers, the competition became fiercer, and now they are playing dirty." The Media Monitoring Agency and the Center for Independent Journalism conducted a research survey[3] in 2009 of a representative sample of journalists. More than 500 journalists were interviewed, and 32 percent of them think that ethical norms are respected in Romania. Sixty percent of them blamed political pressures as the main cause for unethical behavior, and only half of the journalists could describe the content of some ethical codes. Approximately 30 percent admitted that they are involved in securing advertisement contracts—a practice that they consider normal, as a way to enhance their incomes. (Although in a significant difference, local journalists are apparently involved on a larger scale than their Bucharest-based colleagues.)

All participants agreed that the electoral year showed media owners involved increasingly in the editorial side of their businesses. President Băsescu accused the so-called "media moguls" of prodding media outlets to criticize him. The Intact media corporation (which owns a television news station and several publications) has always maintained an openly anti-Băsescu stance. Intact's television news station, Antena 3, organizes daily shows with clear anti-Băsescu content, accusing the president of all sorts of problems, from common sense criticism to conspiracy theories. This orientation made the station largely ineffective as a political weapon, with a limited impact over the general public.

The main news station, Realitatea TV, also adopted an anti-Băsescu attitude and many explained this by the conflict between its owner Sorin Ovidiu Vintu and the president. Vintu is a controversial figure who made a fortune in the early 2000s with a Ponzi-like investment scheme which bankrupted 300,000 ordinary Romanians. He escaped trials due to his political influence and started aggressive media investments. Why Băsescu turned against Vintu (or as a matter of interpretation, Vintu against Băsescu) was never clear; but the rupture was visible in the editorial content of Realitatea TV.

Media Monitoring Agency/ActiveWatch criticized[4] the television stations' attitude in the electoral campaign, saying: "The media was aggressive towards one candidate, while giving support to the others. The journalists and moderators communicated transparently the opinions and beliefs of their owners." The news television monitoring conducted by ActiveWatch during the electoral campaign showed that stations dedicated one-quarter of programming to transmitting information and three-quarters to endless talk shows with little connection to news information.

The panelists identified owner pressure as the main cause for censorship. "Self-censorship comes from economic reasons; if I worked with Intact corporation, I would not say that Băsescu is smart, because I know I would lose my job. I know this; nobody has to tell me," Stoianovici said.

An insider in Vintu's company, Tita described the way in which the editorial direction is communicated to the journalists. "It is not said directly that we are supporting Geoană, for instance. It happens like this: Several messages are transmitted. The journalist realizes. When he goes to the editor, he notices in which direction the news goes. At the same time, the editor receives the message from above. The newsroom is pyramidal. The order is transmitted only to top level. The lower the level, the more diffuse the message is."

Romanian media does not have taboo topics so much as particular blindspots for each media outlet, depending on the owner's interests. Avădani blamed the journalists for focusing on "unimportant stuff more than on substance." Moraru explained this by the public's tendency to pay attention to trivial issues. "We conducted research on the public, and there is a big difference between what readers think is fair and what we think about this," he said. "We saw that in the

[3] Center for Independent Journalism & Media Monitoring Agency, 'Autoreglementarea presei din România Cercetare cantitativă - octombrie 2009.'

[4] România liberă; 'Active Watch condamna comportamentul iresponsabil al televiziunilor în Campania electorală.' December 7, 2009

surveys. People want yellow media kind of issues and good news. We say in the newsroom: 'today you have to write this positive stuff.' The public also demands more reaction towards authorities; they are not satisfied only with the facts. That explains the love for Mircea Badea," he said. (Badea is the host of a one-man show, full of vitriolic attacks on public personalities, which has good ratings.)

Last year's MSI reported that after several years of sharp increases in journalists' payments, the salary bubble was showing some signs of bursting. This was exactly what happened in 2009. The internal crisis of the Romanian media, with an investment bubble as well, was sealed by the general crisis of the economy. Media corporations dealt differently with the problem. At the beginning of the year, Intact corporation announced a general decrease in its employees' salaries of 20 percent, while Realitatea corporation made the unfortunate choice to publicly announce that its salaries will remain the same. But this was for a short period, and that announcement came back to haunt the company. Later it announced a sharp decrease in salaries of 50 percent for senior editorial positions, and journalists working for its newspaper, *Cotidianul*, were reduced to minimum wage.

Moraru, in his top editorial position, said that he faces new difficulties. "There is an incredibly huge pressure from the marketing department to lower the standards due to this crisis," he said. Stoianovici also mentioned that it is harder for journalists to resist pressures, with the value of holding a job having increased so dramatically. "People know that finding a new job is much harder," he said. However, the panelists tended to agree with Tita's conclusion that "the level of salaries has no connection with the corruption—not a direct connection. It is a personal decision to resist or not, and it may be related to the environment, but not to the payment level."

Although panelists observed a general tendency of lowering standards, even among the quality media outlets, the panelists did not agree on whether this should be blamed on the journalists or on the public itself. Some said the media is just following its public, which is consuming "easy subjects" more than serious analysis or reporting. Some panelists compared Romania's situation with other countries with a more consolidated media and powerful yellow newspapers, such as the United Kingdom, but the general conclusion was that Romanian media do not always respect the border between quality and yellow media. Serious newspapers are downshifting their reporting in order to increase the circulation, resulting in a permanent mix between the two categories.

Panelists did not perceive the technical capacity of media to be a problem, given the broad access to advanced technology in Romania. But with their lower economic capacity, local outlets still seem to suffer from some technological underdevelopment.

Romania has a developed market for niche publications and it continues to grow. Specialized magazines for IT, vehicles, women, fashion, and pets are strongly market-oriented and flourish. Economic reporting has actually suffered during the financial crisis.

OBJECTIVE 3: PLURALITY OF NEWS

Romania Objective Score: 2.51

More than 17 Bucharest-based daily newspapers are on the market, and a reader can buy three to four local daily newspapers in the main cities. Public television has four channels. A multitude of private broadcasters, including all-news channels, have established themselves. Urban areas receive a variety of television stations via cable, and in recent years, more cable firms have penetrated the rural areas.

Media outlets tend to be concentrated in several big companies. Romania has five big conglomerates:

- Linked to Sorin Ovidiu Vantu. A highly controversial business owner that built his fortune through a fraudulent investment fund, Vantu organized a media empire using various intermediaries. He controls 11 print outlets, three television stations (including the leading news channel), a radio network, and Romania's second largest news agency. Of note, Vantu has a criminal record for fraud, and under the Romanian broadcast law, he cannot own a broadcast license, hence his need for intermediaries. Vantu took an anti-Băsescu stance during 2008-2009, which translated into a change in the editorial attitude of his outlets towards the president. Immediately after the announcement of Băsescu's victory in the run-off of the presidential election, Vintu decided to withdraw the financial support for all of the print outlets. Cotidianul newspaper and the two business magazines will be transferred to the editorial managers. As they are not profitable, they have little chance to survive.
- Owned by Dinu Patriciu. The richest Romanian, a highly controversial businessperson, and former politician, Patriciu was involved in the oil industry and prosecuted for manipulating the stock exchange. He had an aggressive investment approach but he surprisingly limited himself to print media in a country where television stations are the most influential. He owns the leading quality newspaper and one leading yellow newspaper, along with five quality magazines (among others, the local editions of *Forbes* and *Foreign Policy*). Patriciu involved himself personally in the

electoral campaign against Băsescu, but in a rather strange move, kept the publications outside this field—the editorial management stated that the quality newspaper would stay away from politics, even refusing electoral advertisements.

- Around Adrian Sarbu. This includes five television stations (among them the most popular commercial station, Pro TV), six Bucharest-based publications, two radio networks, a network of local newspapers that was largely dismantled in 2009 due to the crisis, and the main news agency.
- Around the Voiculescu family. Dan Voiculescu is the informal leader of a small party which is allied with the Social Democrat Party. The party is insignificant, but enters the parliament regularly because its alliance with big parties offers positive coverage in Voiculescu's media outlets. In 2007, Voiculescu led the parliamentary committee that decided on the impeachment of President Băsescu. The family's company owns five television stations, six Bucharest-based publications, and a number of radio stations.
- Ringier. A foreign company based in Switzerland, Ringier is the biggest foreign investor in Romanian media, with three newspapers (among them the most circulated Romanian newspaper, the tabloid *Libertatea*), an economic weekly, and several magazines.

Other media companies have developed around leading publications, such as Edipresse (several glossy magazines), Burda Romania, Sanoma-Hearst (with local editions of international titles such as *Cosmopolitan*, *FHM*, *National Geographic*, and *Esquire*), and EDI-Lagardere (a French company owing three important radio stations).

According to a report prepared by the Center for Independent Journalism, in 2007–2008, the first five conglomerates controlled 45 percent of the television market (in terms of audience), with TVR controlling another 22 percent; and 90 percent of national newspapers (in terms of circulation).

The panelists said Romanian media does not have a direct problem with concentration because of its several big players, but these players forge alliances on some subjects, as with their anti-Băsescu posture during 2009 electoral campaign. According to Ispas, "You can see a unified message which affects diversity. At any hour you watch Antena 3 and Realitatea TV, you see one direction." Obae echoed these comments, saying, "There are many voices which say the same thing." Stoianovici had a different perspective, however: "Overall, the market is pretty diverse. There is heavy political polarization and an abdication from principles. But we don't have a monopoly," he said.

Panelists agreed that citizen access to media in Romania is not an issue. The legislation sets absolutely no restrictions on access to foreign news. The only limitations are dictated by the prohibitive prices, but this could be overcome by the Internet, as Romania leads Eastern Europe in broadband connections. One genuine problem is the monopolistic tendencies of the television cable companies, which tend to split the territory among them in order to avoid competition. This restricts channel choices.

As discussed under Objective 1, the legal and practical arrangements for public media do not encourage editorial independence. Panelists accused public television of favoring the Social Democrat Party, the former party of its director, Alexandru Sassu. An example was its refusal to broadcast an electoral debate that took place before the first run of the presidential election. The university that organized the debate invited the three main candidates, but Social-Democrat Mircea Geoană did not attend. The debate consequently showed the incumbent Traian Băsescu facing the Liberal Crin Antonescu. Though it was broadcast by all major private stations and drew a record audience, TVR refused to retransmit the program. During the panelists' discussions, Tita said that TVR's decision not to transmit "is a good example of its behavior."

Parliament formally controls the state-owned news agency, but its market position is rather poor. The most important news agency is the privately owned Mediafax, which has been the only relevant player on the market for the past decade. NewsIn entered the market in 2006 and challenged Mediafax.

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.

However, Sorin Ovidiu Vantu has said that he will no longer support the agency, calling into question its survival.

All television stations and most radio stations produce their own news programs. Ownership transparency was considered a problem several years ago, but is not a major factor now in the current situation, in the panelists' view. Information on who owns what is easily accessible by the general public, but as one panelist put it, the real problem is that money circulation is not transparent. A modification of the broadcasting law allows NGOs to possibly add more transparency elements, such as the balance of revenues and costs for the media outlets. CNA supported this idea and the government approved it. But the Media Committee within the Chambers of Deputies opposed the measure, with MPs saying that ownership is not information of public interest. The new rules are in place for the time being.

The general pressure for lowering quality reduces the chance of media covering minority-linked issues, according to the panelists. Stoianovici again blamed the public for this tendency. "Everything related to minorities is underrepresented in Romania, but it is not the media's fault—rather the lack of appetite from the public." Martin brought up the issue of reflecting the ethnic tensions in media, especially after a Romanian handball player was killed in Hungary by several Roma. "The media reported the events blaming the Roma as a group," he said. Aside from the Hungarian minority, others, such as the Roma, do not have their own media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Romania Objective Score: 2.12

The economic crisis powerfully hit the media industry in Romania, with drops in advertising revenues evaluated between 10 percent and 25 percent. An ARBOmedia evaluation shows that the ad market reverted in 2009 to the levels of 2005-2006 for broadcasting and of 2003-2004 for print media. Obae expressed doubts that any media outlets would end 2009 profitably. "Media companies expanded in the last years just for grabbing market share, without paying attention to the public," he said. Panelists still expressed a general mistrust towards Romanian ownership, saying that they trust more foreign media investors because they look only for profit, not to mix media with other political or business interests. Avădani said that "we have to draw a line between the media outlets made for profit and the ones built for other purposes. The problem is that the ones organized for profit took a hard hit."

That particular effect of the economic downturn was also noticed by Stoianovici. "This crisis had a perverse effect; media living from other sources than advertisement had money to survive. Those built for profit only are going down because of the crises. You can see this even inside the same trust. Vintu's company is selling magazines like *Tabu* or *Fishing Adventures* that were created to bring money. But the TV station Realitatea TV will not be shut down because it is bringing influence, although it consumes much more money."

Ispas, an advertising agency manager, brought up the issue of the massive investment made in recent years by "media moguls," which, in his opinion, muddled the market and left it more vulnerable in facing the crisis. "The entire industry was horribly polluted by people who have no connection with the press but wanted to do press. In 10 years, they will lose interest and they will leave. The institutions made by them weakened the others." A local newspaper manager, Adrian Voinea of *Gazeta de Sud*, gave the example of *Adevarul de Seara*, a new, freely distributed newspaper developed by Dinu Patriciu's holding. It created 30 local editions, which jeopardized the market positions of already weakened local publications. "It has no chance of making a profit, but it destroys everything around."

While the previous years' reports concluded that print media depend too heavily on direct sales, this actually turned out to be a blessing during 2009. "The crisis is changing the rules because the advertising income decreased a lot more than the sales income. Local press is more stable because it has more sources of income, they also have local advertising and small publicity announcements for the local people," Ispas 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.

Romania has many active advertising agencies. Among them there are the big international players: McCann Ericsson; Grey, Saatchi & Saatchi; Leo Burnett; BBDO; Young and Rubicam; etc. Although the country has many active local agencies, the bulk of the money is channeled through the big companies. This year's panelists showed a gloomy attitude towards the behavior of the agencies, accusing many of them of reviving such old practices as accepting bribes from media management to place advertisements. Ispas said, "The advertising market is very developed, but not for supporting the press as your methodology is assuming. The advertising agencies adopted a self-protective, short-sighted strategy to weather the crisis, and they renounce the rules. The agencies have a harsh attitude towards the media—only protecting their income, and they do not care if the press is dying."

Stoianovici described the situation as favoring only the agencies. "The lack of money brought to the surface practices that I thought were long-ago buried. The clients have little money and they want large volumes bought at small prices. Due to lack of money, the agency with a big account feels it is the master of the game. Bribes from press to the agencies reappeared." Ispas confirmed the lack of ethics: "We are definitely talking about corruption in the private area and blackmail of media outlets." A Romanian Press Club board member, Voinea told the panel that he tried to bring up the issue within the club, in order to marginalize the agencies with such practices, but the multinational advertisement companies opposed the idea.

There are no direct subsidies for media outlets in Romania. In previous years, the MSI had identified state advertising as a form of hidden subsidy. After the 2004 elections, the new government quickly passed a law to establish a more transparent and competitive mechanism to allot and pay for state advertising. As an indirect result, the total amount spent by the state on advertisements in 2005 was €4 million, down from €14 million in 2004.

State advertising was not considered to be a threat to media freedom in 2006 through 2008, but it returned in 2009. A scandal occurred this year when a newspaper accused the Minister for Sport and Youth, Monica Iacob Ridzi, of allocating preferentially some contracts that included clauses for reporting on ministry events. While she resigned after the scandal broke, not one of the television stations that had received these contracts (Realitatea TV, Antena 3, Pro TV) gave an official explanation about the story.

However, this case also showed some limitations of the law passed in 2005, as recognized by Avădani, one of its promoters. "The Ridzi scandal showed that new forms of financial legal transfers from institutions to media were created that were not covered by the law," she said. But another panelist blamed the law for being too strict and creating blockages in practice because well-meaning officials are reluctant to spend legitimate advertisement money. "This law is perfectly inapplicable. We are talking about millions of Euros in public money which are not spent due to fear."

The Romanian media industry has developed professional forms of measuring audience and circulation for nearly all segments, including print, television, radio, and Internet. The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, not-for-profit organization to bring together the media outlets, ad agencies, and clients playing for advertisements. The advertising agencies have set the existence of a BRAT certificate as a precondition for allocating any advertising contract. BRAT later developed the National Readership Survey (SNA), which approximates the total number of readers for publications and establishes the demographic data. While some panelists raised doubts over the accuracy of SNA data, Ispas, one of the founding members of BRAT and SNA, defended the study and said that Romania has the most sophisticated measuring instrument in the region. "It's amazing that our market, which is still poor, is able to afford such a complex study," he said.

While the print segment developed BRAT and SNA as unitary instruments, similar instruments were not possible for the TV segment. The state stepped in through the broadcast law adopted in 2002, which allowed CNA to select the single rating system that is currently in place. Though organized by the state, the system functions as a private operation and not all ratings data are freely accessible. A serious conflict occurred in 2008 between the polling company and the beneficiary (the broadcasters' association) over some technical problems in gathering the audience data. The two sides were close to interrupting their contract, but this could have left the industry without any audience data. The conflict was resolved, but some questions remain about the methodology— especially concerning the small number of the households included in the sample.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Romania Objective Score: 2.33

Romanian journalists remain generally skeptical of joining trade unions, owing in part to the Communist regime's tainting of unions. Tita, editor-in-chief of Realitatea news radio, was put in the situation of having his salary halved suddenly in 2009, but still does not trust trade unions. "The decision about salaries was made without discussion—it was just announced. There is not a union in Realitatea, and I believe it is better this way." Stoianovici was also skeptical

about the utility of a union, saying that they "function only within the public media outlets and [are] there only to block any change."

Although it started with promise, the MediaSind union did not make significant progress. In 2004, it signed a collective labor agreement for the media industry. The contract establishes the clause of conscience as one of the fundamental labor rights for journalists, and remains in force until 2012. MediaSind claims to have 9,000 members, but it is not very clear from where, since few journalists mention their affiliation with this union. The Association of Local Editors and Owners gather the most important local newspapers in terms of circulation. At the national level, the Press Club of Romania (CRP) used to be the most powerful media organization, counting the country's most important media outlets and journalists as members. CRP experienced a self-imposed revolution in 2007 and at the beginning of 2008, and was radically transformed. The president of CRP, Cristian Tudor Popescu, started a process to separate the journalistic side of CRP from the media owners. This led to the creation of the Association of Romanian Journalists (AJR), which has taken over for CRP in representing journalists. As late as December 2009, the other half of CRP, media companies, announced the launching of the Association of Romanian Media Owners. The new organization includes 24 media companies, although some of them are formally registered as separate companies belonging to the same owner.

One of the most active members is Razvan Corneteanu, the manager of Adevarul (a media company belonging to Dinu Patriciu). Cornateanu stated that the new association will renegotiate the current collective working contract for the journalists. Cornateanu was involved in a public conflict with MediaSind union when it defended several journalists that Cornateanu's company mistreated. Cornateanu said that the contract between MediaSind and a generalist owners' association (being formally compulsory for all media companies but largely ignored in practice) was outdated, "idiotic," and not fit for the media industry. Given the creation of the new media owners' association in December, and with Cornateanu as a leading figure, more conflict may arise between owners and unions. For the time being, MediaSind reacted publicly to Cornateanu's announcement about renegotiating the collective contract by saying that this would be illegal, since the current contract is still applicable until 2011.

Broadcasters have their own organization, ARCA, but it does not deal with editorial matters. Romania has some 40 journalists' associations with various specific functions, but most of them are low profile, inactive, or underdeveloped. Several exist only on paper.

The most important NGOs dealing with media freedom are the Center for Independent Journalism (CIJ), the Media Monitoring Agency, and the Romanian Helsinki Committee. They act as an informal coalition and on numerous occasions have defended press freedom. The group also kept international observers informed and succeeded in placing media issues on the agenda of international organizations. Now that Romania is a full member of the EU and international donor attention is moving to other parts of the world, panelists were concerned for the survival of the coalition, which is highly dependent on international support.

Although seeing himself as a beneficiary of NGO activities, Stoianovici said that their impact is limited. "They have little effect among the journalists. Their actions are not known or understood by the journalists," he said.

Romania has 20 journalism university programs, both state and private. The average number of students per class is 60, so a huge number of new journalists floods the market every year. As in previous years, panelists working in top editorial positions are not impressed by the newcomers. "It does not help that somebody comes from the University of Journalism from Bucharest—they do not know what to do," according to Tita. Stoianovici said that the only exception is the Faculty of Journalism within Iasi University, which invested in creating its own newspaper and news agency to allow students to practice the profession.

After the closing of the BBC School in 2001, CIJ became the only short-term training provider. CIJ conducts affordable courses for journalists, journalism students, and students in related fields such as political science, economics, and law. CIJ also provides targeted assistance to media outlets. Professionals visiting from abroad (mostly the United States)

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.

also provide instruction at CIJ. According to Avădani, the CIJ director, more than 5,000 journalists and other media professionals, journalism students, and high school pupils have attended CIJ courses and programs since November 1994.

Panelists agreed that newsprint and printing facilities are available widely. Most of the newspapers own a printing house in order to reduce their costs. Romania has one newsprint factory, but its power to influence the market is limited due to the easily available imports. In principle, kiosks for media distribution are independent and free. The largest print media distribution company, the formerly state-owned Rodipet, is still inefficient, and quite often it generates financial problems for media outlets. The government privatized Rodipet with a controversial company that failed to relaunch it and did not respect the terms of the privatization contract. As a result, there are discussions now regarding renationalizing.

List of Panel Participants

Adrian Voinea, director, *Gazeta de Sud*; vice-president, the Association of the Local Publishers, Craiova

Cătălin Moraru, editor in chief, *Monitorul de Botosani*, Botosani

Ioana Avădani, executive director, Center for Independent Journalism, Bucharest

Petrişor Obae, freelance journalist and blogger specialized in the media, Bucharest

Manuela Preoteasa, editor, EurActiv.ro, Bucharest

Ciprian Stoianovici, editor-in-chief, Radio 21, Bucharest

Razvan Martin, program coordinator, Media Monitoring Agency, Bucharest

Silviu Ispas, manager, ARBOmedia advertisement agency, Bucharest

Teodor Tita, editor-in-chief, Realitatea FM news radio, Bucharest

Moderator and Author

Cristian Ghinea, journalist, *Dilema Veche*, Bucharest

The Romania study was coordinated by, and conducted in partnership with, the Center for Independent Journalism, Bucharest. The panel discussion was convened on November 25, 2009.

The saturated media market is characterized by two unequal groups: private media working under market realities, and government-owned media financed both by government budgets and advertising revenue.

SERBIA

OVERALL SCORE: **2.07**

In 2009, the issue of Kosovo's independence still dominated the Serbian political scene. However, Serbia had other headlining political issues, such as how to harmonize the fragmented political scene, accelerating EU integration, improving governance and building effective state institutions, overhauling the legal and judicial system, and improving the national budgeting process and implementation.

Other matters of public discussion included increasing foreign investment, ensuring sustainable growth, and improving social protection mechanisms. Boosting the quality and efficiency of health services and the education system persist as some of the biggest challenges. Serious environmental problems are waiting to be addressed.

The global financial crisis hit Serbia harder than expected and has led to high illiquidity in the economy and a sharp decline in consumption and investment. The policy response to the crisis has been slow and confused. Particularly troublesome is the sharp decline in manufacturing, with the service sector also continuing to shrink. The bright spot has been the good performance of the agricultural sector, which could increase exports of food and food products.

The media sector is a reflection of the overall political and economic chaos. Serbia ranks among the countries with the largest number of media outlets per capita. Media privatization has made unimpressive progress. State regulatory institutions still tolerate illegal media. The saturated media market is characterized by two unequal groups: private media working under market realities, and government-owned media financed both by government budgets and advertising revenue.

Above all, the media situation worsened due to a surge in political influence on media outlets and their editorial policies. In 2009, the government introduced new regulations to tighten control of the media by state and political actors. The result was homogeneity in news stories at the expense of plurality, a rise in self-censorship, and stunted investigative journalism. Professionalism deteriorated further, accelerated by worsening economic problems at most media outlets and especially private local media.

Serbia's MSI score has slid continuously from its high of 2.52 in 2003. However, in other years the change in score was much smaller: the largest change in overall score since 2003 was 0.08. This year's panel returned an overall score 0.28 lower than in 2009, moving from 2.35 to 2.07, putting Serbia on the edge of the "unsustainable, mixed system" category. All objective scores fell at least slightly this year, with notable declines in Objective 1 (freedom of speech), down 0.34 to 1.87; Objective 3 (plurality of news), down 0.36 to 2.28; and Objective 4 (business management), down 0.49 to 1.96.

SERBIA AT A GLANCE

GENERAL

> **Population:** 7,379,339 (July 2009 est. *CIA World Factbook*)

> **Capital city:** Belgrade

> **Ethnic groups (% of population):** Serb 82.9%, Hungarian 3.9%, Romany 1.4%, Yugoslavs 1.1%, Bosniaks 1.8%, Montenegrin 0.9%, other 8% (2002 census)

> **Religion (% of population):** Serbian Orthodox 85%, Catholic 5.5%, Protestant 1.1%, Muslim 3.2%, unspecified 2.6%, other, unknown, or atheist 2.6% (2002 census)

> **Languages (% of population):** Serbian 88.3% (official), Hungarian 3.8%, Bosniak 1.8%, Romany 1.1%, other 4.1%, unknown 0.9% (2002 census)

> **GNI (2008-Atlas):** $41.93 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $11,150 (World Bank Development Indicators, 2009)

> **Literacy rate:** 96.4% (male: 98.9%, female: 94.1%) (2003 census)

> **President or top authority:** President Boris Tadić (since July 11, 2004)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print: 428 including 19 dailies, 95 weeklies, 39 bi-weeklies, 180 monthlies, 95 others (ABC Serbia); Radio: approximately 550 stations; Television: 107 stations (RBA Belgrade) and about 50 cable and satellite stations

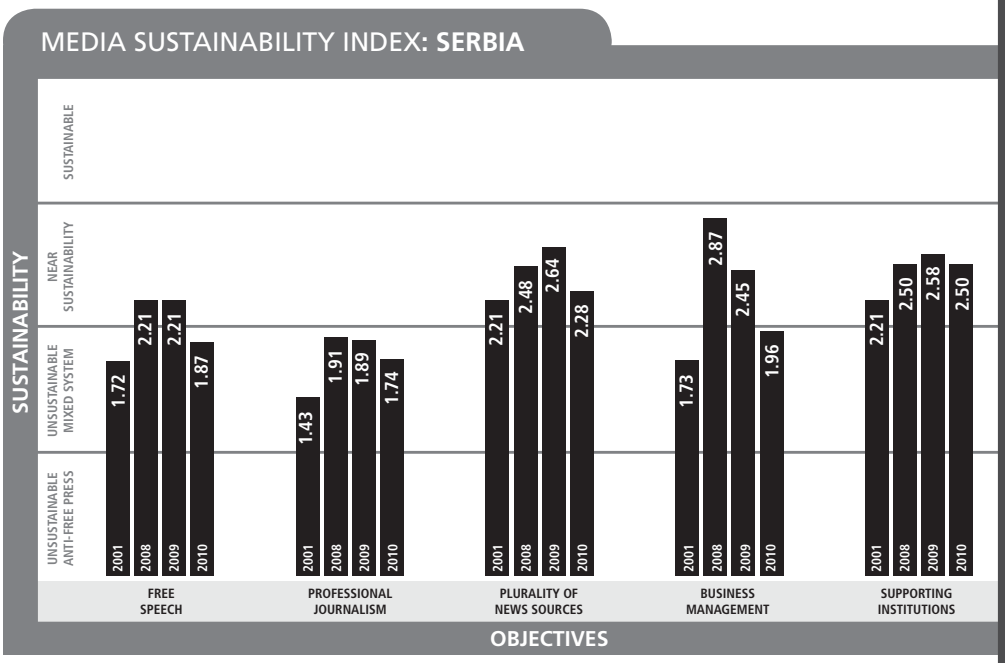
> **Newspaper circulation statistics (total circulation and largest paper):** Three newspapers with largest circulation are: *Blic* (private), *Vecernje novosti* (state owned), and *Kurir* (private)

> **Broadcast ratings:** Top three ranked television stations: RTS1 (public service), TV Pink (private), and TV B92 (private). Top three radio stations: Radio S (private) with share 13.7, B92 (private) with share 8.25, and Radio Beograd (state owned) with 4.4. (SMMRI radio research, November 2009). Top three websites: Blic, B92, and Krstarica (www.alexa.com)

> **Annual advertising revenue in the media sector:** Approximately $200 million in 2009 (AGB Nielsen estimate)

> **News agencies:** BETA (private), FONET (private), TANJUG (state-owned)

> **Internet usage:** 2.936 million (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Serbia Objective Score: 1.87

Panelists complained about a number of emerging and new threats to freedom of speech and freedom of the press, as well as a lack of progress in other related areas, in 2009. The overall objective score fell to 1.87 from 2.21 in 2009. Much of the loss came from drops in indicator 1 (legal protections for freedom of speech), indicator 3 (market entry), indicator 6 (libel laws), indicator 7 (freedom of public information), and indicator 8 (media access and use of foreign news sources). All other indicators showed no change. Indicator 8—despite its lower score this year—and indicator 9 (access to the journalism profession) retained their positions as leading indicators, and both scored more than a point higher than the overall score. However, indicators 1, 2 (broadcast licensing), and 5 (legal guarantees of independence for state media) all scored about two-thirds of a point lower.

During their discussion of legal and social protections for freedom of speech, panelists spoke predominantly about the media law passed in August and the other legislative changes that impacted the legal regime within which the media operate. While these laws affected several Objective 1 indicators and indirectly influenced indicators of other objectives, panelists said that first and foremost they expose the government's aim to control the media and news that citizens receive.

As indicated in the Association of Independent Electronic Media (ANEM) report on legal monitoring,[1] two legislative changes in particular that passed in August 2009 had consequences for the media:

- Amendments to the Law on Public Information: In the name of reining in a few media outlets that ANEM characterized as "ruthlessly and almost continually violat[ing] the basic principles of the journalistic profession and current regulations," legislators added a new fine structure for several possible breaches of the media law. For example, unregistered publications or broadcasters face fines of RSD 1 million to 20 million ($13,500 to $270,000), plus the person responsible for the lapse can be fined RSD 200,000 to 2 million ($2,700 to $27,000). A court-ordered ban on publishing or broadcasting can also accompany the fine. Media outlets found to have violated the "presumption of innocence" of persons accused of crimes face fines equal to a maximum of having seven days' worth of advertising and sales garnished in the case of a publication or seven days of advertising in the case of a broadcaster. Additionally, an individual found responsible faces fines similar to those in the case of unregistered media. The law also includes provisions for fining media outlets that violate the rights of minors, and increases penalties for previously enumerated violations. Finally, the law prevents transference of ownership rights from one media owner to another media owner.
- Law on National Councils of National Minorities: The apparent intent of this law is to enhance minority media in Serbia. However, allowing national or local governments to delegate the founding and management of public media to nationally chartered bodies that represent minorities undermines a previous law that mandates privatization and prohibits the further establishment of media funded predominantly by public sources.

Regarding the Amendments to the Law on Public Information, ANEM reported that the government violated the constitution by promulgating the law the same day it was passed. "[P]ursuant to Article 169, paragraph 1 of the constitution, the time between the passing of the law and its promulgation is the period when one third of Members of Parliament (MPs) may lodge a request for prior assessment of constitutionality. The early promulgation of the Law actually restricted the MPs in exercising that right."[2]

The process of adopting the draft amendments included input from the media community. ANEM reported that both the Independent Association of Journalists of Serbia (NUNS) and the Serbian Journalists Association (UNS) consulted with the opposition Liberal Democratic Party on the amendments. It is unclear to what degree their input influenced the final draft, but UNS, at least, opposed adopting the amended law.

Some influence in the process was manifest. Initial drafts of the Amendments to the Law on Public Information were even more limiting, as were some defeated amendments submitted on the day of the vote. The proposals included establishing a high escrow security requirement for new media licensees, and to suspend outlets that have been in the red for 90 days out of a year. The combined efforts of journalists, civil society, and some legislators helped to defeat what could have been an even more restrictive law.

Panelists, local media experts (such as those employed by ANEM), and international observers such as the OSCE all feared that the new system of fines in particular would have a chilling effect on reporting, especially investigative reporting and coverage of criminal activity. Hans Ola Urstad,

[1] ANEM's reports, *Legal Monitoring of Serbian Media Scene*, may be found at http://www.anem.org.yu/en/aktivnostiAnema/monitoring.html

[2] ANEM. *Legal Monitoring of Serbian Media Scene*, August 2009, p.9. http://www.anem.org.yu/admin/download/files/_id_370/MR3%20engl%20kon.pdf

head of the OSCE Mission to Serbia, criticized parliament's "urgent procedure" to consider the law, saying, "The proposed amendments set fines that are too high for a Serbian context, which could lead to self-censorship and the closure of media outlets."[3] The UNS and other organizations have filed constitutional appeals on some sections of the law, and the cases are pending.

Panelists said that political pressures on media outlets increased in 2009. They noted that local media are most susceptible to pressure, in part due to their weaker economic standing. Further, local government officials typically hand-pick the managers and editors of public media in areas outside the capital city.

Serbia still has no restrictions on using certain types of media such as the Internet or satellite broadcasts, and panelists did not imagine that this freedom faces any threat.

Panelists leveled a number of criticisms related to broadcast licensing. These included the composition of the Republic Broadcasting Agency (RBA), which is tasked with overseeing licensing; RBA's enforcement of laws and regulations; its decisions on numbers of licenses to award; and the related issue of privatization of public broadcasting assets.

The law establishes RBA as an independent regulatory body, yet parliament maintains significant control over the makeup of its council members. In 2009, parliament re-elected three members and chose a fourth from Belgrade University. However, the two candidates proposed by NUNS and UNS (selected from six by the parliament's Culture and Information Committee) did not receive enough votes from parliament to be seated. The vote took place in October and the previous two professional representatives' terms had expired in February.

ANEM reported in October that about 100 unlicensed media still operate despite existing regulations that were further strengthened by the August Amendments to the Law on Public Information.[4] Unlicensed broadcasters pose a number of problems for those that are licensed, including interfering with licensed signals and bleeding advertising revenue from licensed competitors. Licensed broadcasters say that they feel cheated because they pay licensing fees in part for ownership and protection of their signals, but RBA and the Republic Telecommunications Agency (RATEL) claim that they have no authority to stop illegal broadcasters.

RBA is mandated to select successful license applicants based upon criteria such as proposed quality of programming. However, panelists described the licensing process as fraught with political influence. They claim that political parties prepare lists of applicants for RBA to favor. In some areas, influential local businesspeople manipulate the process. As a result, too many outlets—even what panelists described as pro-fascist outlets—receive licenses. In previous years, no licenses were awarded at all, even though high-quality candidates applied.

The pace of privatization of publicly owned media has still not met panelists' expectations. The government held an auction on December 11 for 12 media outlets, but according to *Politika*'s December 30 edition, 55 state-owned broadcast outlets remained to be sold, while only half that number had been privatized successfully. Contradictory laws (such as the Law on National Councils of National Minorities described above) allow some of these media to remain in state hands. When or if these outlets will be sold is unclear.

Aneta Radivojević, editor in chief of RTV5, summed up the situation around licensing and the related regulatory environment. "In Niš, the result of such practices is disastrous: Not less than three regional licenses and nine local licenses were issued by RBA. The pirate stations stayed on the air. All that produced market chaos. A total absence of regulations for the relationship between cable operators and TV stations produced an environment without any rules. One operator, for instance, had this racket, asking for €500 to keep TV Leskovac on its cable package. After TV Leskovac refused to pay, it was expelled from cable." In the latter case, ANEM reported that other television stations in Leskovac faced the same problem, and that even though the

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

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing 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.

[4] http://www.anem.org.yu/en/medijskaScena/vesti/story/10916/CRISIS+IN+MEDIA+CONTINUES+IN+2010.html

spirit of the law would seem to preclude such treatment, law ambiguities and a lack of proper regulation of cable providers permitted the practices.[5]

As compared to other sectors in Serbia, the media industry faces no discrimination in tax treatment or market entry. However, panelists said that the fines as prescribed in the August legislation create a situation of relatively higher fines for media compared to other industries. Panelists saw this as another clear sign that the state treats media outlets differently than other businesses.

Crimes against journalists remain insufficiently prosecuted, as law enforcement agencies and the court system have yet to increase efficiency. However, panelists were quick to point out that in many cases, the state has no problem aggressively prosecuting journalists.

Impunity is not complete; a perpetrator whose identity is known can be prosecuted successfully. For example, ANEM's *Legal Monitoring of Serbian Media Scene* for October reported that Sinisa Vucinic received a six-month jail sentence for threatening a journalist from *Vreme* and a member of parliament. The same month, according to ANEM, Hasan and Faruk Lekic each received 30 days in jail for harassing and threatening a crew from TV Jedinstvo that was filming the illegal construction of a Lekic family house.

In many other cases, the perpetrators are not found. For example, three journalists were killed a number of years ago, but the murderers still have not been prosecuted or even identified. Such attacks are always well publicized in all media forms, followed by especially strong reactions by all media associations. Intellectual pundits almost always treat them seriously.

Journalists commonly face various obstacles in performing their jobs—they suffer insults, petty harassment, and other threats from members of the public as well as officials. Media coverage of protests (e.g., over the Kosovo issue or the anniversary of the NATO bombing of Serbia) or sports-related violence (e.g., the killing of a French citizen after a Partizan-Toulouse football match) resulted in a plethora of death threats.

More severe attacks occur but are uncommon. In one of the most serious cases in 2009, the entrance to TV Pink was destroyed by a bomb or grenade in the early morning of October 4. Police arrested two suspects, who are awaiting trial. Nobody was hurt in the attack.

State media enjoy many advantages, some *de jure* and some *de facto*. Further, legal protections for the independence of state-owned media are ignored routinely. "The fact that state ownership in media still exists is producing dramatic damage in the media sphere, with unbearable pressures on local media, including media in minority languages," said Dinko Gruhonjić, president of the Independent Journalists Association of Vojvodina. "In all local areas, ruling coalitions are pressing or controlling local state media."

The example of Niš is indicative. Its municipality-controlled station receives preferential treatment, and despite being financed from the local budget, it has specific financial ties with enterprises controlled by the state. That enables the station to rely less on advertising revenue, which affects the overall Niš market negatively, since it can charge lower prices for airtime.

Another example is the renewal of the law that allows the state to establish a news agency. The Serbian government still uses taxpayer money to finance the state agency Tanjug, endangering two private news agencies, Beta and Fonet, which survive on their earnings in the market only.

Panelists stressed that in local areas, all state media outlets are controlled by local governments and politicians and face extreme pressure. Because they depend on politicians for their budgets and appointments, local stations broadcast seriously biased news programs. According to Vesna Sladojević, deputy editor in chief for the public service Radio-Television Serbia (RTS), "The situation in local media is a despair that persists. In such circumstances, there could not be a word of professionalism or editorial independence in news reporting."

In another example of preferential treatment, state-owned media are eligible for a Ministry of Culture tender intended to help "endangered" media—even though state media already collect money from public budgets.

As in previous years, libel is a criminal law matter, and suits may be filed in civil courts also. One of the more noteworthy cases in 2009 came in March, when a court in Niš fined Dragana Kocic and Timosenko Milosavljevic from daily *Narodne Novine* RSD 1 million ($13,250) because of a 2008 article in which they quoted from an indictment against a public official. Other cases involved breaches of privacy of various public officials or publishing incorrect information about authorities.

Accessing information has become relatively easier, and panelists credited the work of Commissioner for Information of Public Importance Rodoljub Šabić. Improvements extended to local levels as well, though journalists there still have more problems than those in the capital city. According to Voja

[5] ANEM. *Legal Monitoring of Serbian Media Scene*, November 2009, p.4. http://www.anem.org.yu/admin/download/files/_id_481/MR%20VI%20FV%20eng.pdf

Žanetić, marketing specialist with MOSAIK marketing agency, "Especially easy to access is news and information on our president's activities." As noted above, however, publishing certain information related to ongoing court cases or state secrets can result in criminal fines, even if the information is from a public document.

The government does not limit media ability to use foreign news sources. Practically all media in Serbia use the Internet to obtain information, and prices are affordable for all.

Panelists did not mention any changes regarding the ability to enter the journalism profession; it is still unrestricted. Bloggers, however, are not considered by state institutions to be journalists and so far this has not surfaced as an issue. Panelists expected that this will change in the coming years, however.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Serbia Objective Score: 1.74

Serbian journalists can hardly claim to meet professional standards of quality, and panelists provided a slightly worse picture of professional journalism this year, with much of the loss coming from a lower score for indicator 7 (modern equipment and facilities). Most of the indicators scored close to the overall objective average, except indicator 4 (journalists cover key events), which scored about three-quarters of a point higher; and indicator 5 (salaries for journalists), which scored equally behind.

A handful of Serbian journalists produce professional and objective work. However, whom individual print or electronic media support is completely obvious very often. Tabloids are the worst offenders. Most media publish basic information or political party and state announcements without analysis or opposing views. Sladojević commented, "The strong impact of political forces, superficiality, and biased products make the picture worse than in our worst periods. Instead of improving with the years, we all step backwards." A number of media outlets are losing their identity and increasingly look, sound, or read alike. Media training programs are poor in quality as well, further lowering the level of professionalism.

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).

Public relations continues to strongly influence the media sphere. However, work in this field is a relatively new phenomenon for Serbian journalists. The country's two professional associations have not yet addressed the issue or spelled out any ethical guidelines differentiating public relations work and journalism. Occasionally, professional associations comment on individual cases of poor journalism, but Serbia does not have an institutionalized watchdog dedicated to journalism quality.

As in previous years, the ethical codes adopted by both journalist associations are often not applied in practice. A smaller number of Serbian media (some of them with high circulation) ignore completely all ethical norms. Journalists are inhibited from applying ethical standards due to a number of factors: the general drop in buying power, the smaller salaries, the influence of tycoons, the pressure from politicians, and the fear of job loss. However, in 2009, respect for children's rights in the media (e.g., not printing the names or photos of child victims) increased compared to last year.

As a result of the pressures mentioned, self-censorship is growing, along with threats of fines and lawsuits. "If in a state-owned media the journalist is brave enough to write—and editor brave enough to publish—news unpleasant to ruling politicians, the consequence will be one of them will be fired," Sladojević said.

Some media members are willing to report these stories; the country's better journalists and media outlets are not deterred by threats or pressure, even when they produce controversial stories. However, last year, one freelancer was fired by B92 after commenting on President Tadić during his regular weekly show.

The media cover key events in society. With the enormous number of Serbian media taken as a whole, every interesting event in the country receives coverage. Sometimes on the local level, individual media are pressured to not cover some events, but such pressures are generally unsuccessful with private media.

Serbian media lack serious approaches to a number of events and topics, especially economic issues, such as economic

development, export problems, public spending, etc. Media outlets have an insufficient number of journalists with specialty knowledge of these areas. Further, blogs and social networking tools better cover certain topics, such as organized crime, war crimes, and security issues.

Journalists have low salaries and a poor standard of living, which promotes corruption— especially in smaller towns. Panelists provided several examples. In the town of Niš, the average monthly salary is RSD 25,000 ($330) for a journalist and RSD 48,000 ($650) for an editor. The owner of a private radio station also has a salary of RSD 48,000 per month. Panelists concluded that pay levels are lower than last year. By comparison, the salaries of other professionals (such as teachers and civil servants paid from government budgets) are almost equal to journalists'. Due to the economic crisis, the incentives to leave the profession have decreased. In last year's report, panelists noted the trend of journalists departing for public relations positions, but these opportunities have dried up as companies cut back.

Both entertainment and news program options are abundant in Serbia. "The entertainment programs are dominant, but this is normal," said Darko Broćić, director of AGB Nielsen. "There are also enough news programs in the country. Our research results suggest that their shares in total programming are practically optimal." The new development this year is cost savings being applied to news programs first, to offset the worsening economic situation. For example, Fox cut news programs after laying off journalists and presenters.

In difficult economic circumstances, media do not have the luxury to upgrade equipment and take advantage of the latest innovations. Panelists said that the situation has deteriorated compared to last year. Even the new technologies obligated per their license requirements are not being procured.

For the last 10 years, donors have provided journalism education classes. Their short-term training courses have proven helpful and journalists have learned a great deal. However, the panelists said that they feel that investing in technology should be a higher priority than repeating educational courses. "It is a pity that media donors keep a tough stance in their policies in Serbia; their insistence on improving production and to have better education is useful, but if we don't have good devices to work, results will be unsatisfactory," said Milorad Tadić, CEO and owner of Radio BOOM 93 in Pozarevac. "There is a need for more donations to upgrade technology. On the other hand, the digitalization problem is extremely hard for private media. In the present, when survival is our main task, the digital link we are obliged to buy costs $12,000. State-owned media are looking to public budgets as the source for that cost. Obviously, the economic crisis is the reason for media lagging in technical innovations."

Serbian media is thin with examples of niche reporting and investigative journalism. In characterizing those areas, Gruhonjić said, "There is not so much qualitative and investigative journalism. In Serbia there is no critical public, so most reports are removed from strong critics. The worst thing is the trend of not improving niche reporting. One of the reasons is a lack of specialists for complex topics. Only Internet media are expanding in this area."

OBJECTIVE 3: PLURALITY OF NEWS

Serbia Objective Score: 2.28

This traditionally strong objective suffered somewhat of a drop this year, as panelists noted a worsening situation regarding three indicators. They gave lower scores to indicator 2 (citizen access to media), indicator 3 (state media are non-partisan), and indicator 4 (news agencies). Most indicators scored close to the overall score, although indicator 1 (plurality of news sources) and indicator 2 still managed to exceed it by slightly more than half a point. Indicator 6 (transparency of media ownership) scored more than a point lower, however.

Serbia achieved relative strength in its plurality of news sources years ago. Nearly any point of view is available, and the public can rely on a large number of media in virtually all platforms. International sources are generally within reach as well. In fact, as pointed out above, Serbia has frankly too

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 sources of information and the market is saturated. The reliability and objectivity of news at each outlet depends on the editorial policies in place; often the public must rely on multiple sources to get a complete picture.

There are no serious barriers to accessing domestic or international news, other than the low purchasing power of some citizens. However, one case that angered most of the panelists involved cable providers blocking of a number of foreign channels, including several from neighboring countries, during three days of mourning in November following the death of the patriarch of the Serbian Orthodox Church. The cable operators said that they would not air any entertainment programming during those days, noting that RBA (whose president is a priest) had made the recommendation. "The practice by RBA during the mourning days is yet further proof of how easily the state is using its authority to control media," UNS President Ljiljana Smajlović said.

State-owned media are financed 100 percent from public budgets and are not in a position to offer critical assessments of those in political power. The differences between state media and private media in treating same event are often noticeable. According to Đorđe Vlajić, director of the BBC's Belgrade office, "For state-owned media, the impact of politics is more or less evident. Public service [RTS] handles it in a sophisticated manner, but in local state-owned media, it is done in a rough manner." Radivojević, herself representing RTS, said, "The public service of Serbia this year is more moderate than in previous years in supporting authorities."

Both of Serbia's independent news agencies continue to operate as in previous years, but they face uncertain market prospects due to two key challenges. The first is a carryover from previous years: State-owned competitor Tanjug receives almost $2 million per year from the state budget. The second challenge is the rise of the Infobiro news agency, a new phenomenon in 2009 financed by political parties and businesses. Infobiro produces video reports for its funders on a contract basis, featuring television clips from different events. After production, the products are available for free download from its website for broadcasting. As the state is its biggest contractor, Infobiro mostly covers events requested by state institutions, which in turn also ensures a wider presence in the media. Their products are technically appealing and a number of television stations use their products.

This matter initiated a very lively discussion among the panelists. Most of them agreed that in essence, Infobiro is a public relations agency promoting its customers. Further, it undermines the market of the two independent, subscription-based news agencies—especially Fonet—and endangers the continuing existence of news agency content produced with generally good quality journalism. In addition, Infobiro's contract conditions are not transparent to the wider public.

"Infobiro is another deviation in the media system," Gruhonjić said. "Their PR products are used as if they were a journalist's products."

The tougher economic conditions of 2009 forced some media to cancel their news agency subscriptions. Also, there are still cases of using agency news downloaded from Internet without quoting the source. Smajlović added, "To a media [outlet]'s audience, it must be clear what a product of any print or electronic media is. If it is an advertisement, it has to be clearly stated. In other words, is information published or broadcast a product of a journalist's work, or is it transferred PR material? When a TV station publishes Infobiro's material in its news program, viewers do not perceive it as PR product." Ljubica Markovic, director of the BETA news agency, agreed, saying, "The case of Infobiro is an indicator of a serious problem that is getting bigger and bigger: mixing PR activities with journalism."

Private broadcast media in Serbia have a strong tradition of producing their own news. Despite the economic crisis, largely they continued to produce their own news, and the same was true for local media.

The Serbian media market is still characterized by too many players; there is no concentration of ownership of which to speak. The panelists warned, however, that the media sector has numerous cases of fictitious ownership; i.e., the formal owners named with the government registering agency are not the real owners, with whom they have secret contracts.

A number of social interests are present in the media, but often with lackluster quality. The problem with minority media in 2009 is essentially same as before: So-called minority councils play the role of minority language media owners, and as is the case with Serbian-language state-owned media, politicians from minority groups control minority language media. In addition, minority programs are poor quality and the state is not initiating serious steps for their improvement.

OBJECTIVE 4: BUSINESS MANAGEMENT

Serbia Objective Score: 1.96

The impact of the financial crisis and the continued problems surrounding market saturation in Serbia led panelists to downgrade the Objective 4 score by nearly half a point compared to last year. Indicator 6 (market research) and indicator 7 (audience and circulation data) scored about half a point higher than the objective score, and indicator 1

(media are efficiently managed and profitable), was lower by slightly more than half a point. All others were close to the average but lower.

Media outlets lack efficient and professional business management as a result of a number of obstructions: a loosely regulated market; unequal treatment between state, private, and unlicensed media; and economic pressure from the financial crisis. Media outlets generating profits are rare; most of them aim to break even. Illiquidity in the Serbian economy is a key reason for the poor performance. State-owned media, foreign-owned media, and media with ties to influential politicians performed somewhat better.

The year 2009 was not the best for business plans. Some stronger local media have developed serious business plans, but the crisis has rendered them useless. Now, media companies are preparing operational plans to overcome the crisis. Of course, the numerous media outlets with a handful of employees have no practice of using business plans.

Private media are obliged to follow accounting standards, while state-owned media often do not follow set standards and have incomplete financial reports. Private media often outsource accounting, and the standards followed are in line with legal provisions.

The main source of income—advertising—experienced a serious plunge in 2009. Broćić provided some statistics: "The value of advertising in the media dropped between 20 and 25 percent this year. The worst drop was in print media, between one-third and one-half, followed by billboards and TV stations, with drops between 25 percent and 33 percent. Local and regional TV stations were hit the worst. Altogether, advertising in all media diminished. Only Internet advertising is on the rise, but its share in total advertising in Serbia is marginal." On television and radio, advertising is limited to 20 percent of air time per hour.

Subscription fees are not a major source of revenue, and donor funding is extremely low. For the small number of media receiving donor assistance, donor funds account for up to 10 percent of their revenue. The Ministry of Culture has some limited resources available, but its fairness in grant decision-making is questionable. The newest development is the EU Instrument for Pre-Accession Assistance (IPA) funds competition. However, both sources are minimal compared to the real needs of numerous media in Serbia; the drop of advertising revenues by far outpaced these two new sources for media financing.

The advertising industry is well developed outside of the capital and major cities, but the majority of advertising is in the hands of two Belgrade advertising agencies, so advertising is much more modest in local markets. Most agencies in Serbia are affiliates of large international agencies, but several are owned domestically. Tadić noted, "In the media advertising business, the three biggest agencies covering 80 percent of the market are owned by two advisers of the republic's president and one town mayor—all high officials of ruling party." The near-monopolistic situation in advertising produces problems for media, who are often forced to wait excessively to get paid by such companies. Television stations seem to suffer the worst from the problem.

The percentage of advertising revenue in relation to other sources is becoming less ideal. Some media faced with the reality of lower advertising revenues are entering into additional business activities, such as organizing marketing promotions, opening cafés, producing books, etc. Last year, panelists predicted that many local media outlets would be forced to close in 2009, and this in fact happened with several local media outlets—including some under state ownership. Also, at least two national television stations are having very serious problems, and most probably will be sold soon.

The government solidly subsidizes state-owned media. Last year's statistic that state-owned media receive 66 to 100 percent of their financing from the state budget still holds true. However, government subsidies for independent media are minimal. As described above, the Ministry of Culture has offered some assistance. "On the tender by the Ministry of Culture for help to Serbian media, a considerable amount of funds was given only to journalists in Serbia who backed the Amendments to the Law on Public Information," Smajlović said.

The government is an important source of advertising for independent media, though, and takes a different approach when placing ads: It uses nontransparent methods

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

BUSINESS MANAGEMENT INDICATORS:

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

in distributing advertising to those private media that are willing to be less critical. Radivojević noted, "The authorities are well aware of the fact that they have media in their power more than ever before."

Media companies continue to use market research to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. However, most market research companies do not have enough money to survey a large number of media. Ratings research is funded by a combination of donors and users, but now users are the prevailing financiers. All national television stations are covered, and virtually all the most relevant regional and local media. In areas where People Meters are not present, the old diary methodology is used. Advertising agencies use the results to plan market penetration, and media outlets tailor programs to the needs of target groups.

People Meters allow an independent agency to reliably collect broadcast ratings. Another positive development is stabilization of the Audit Bureau of Circulation (ABC). For years, circulation data was an unknown quantity to anyone except individual media outlets. Now any stakeholder can access most circulation figures. The results show a large number of print media with small circulations. Milan Kovačević, representative of ABC Serbia, noted, "ABC Serbia is registering sold circulation for 90 percent to 95 percent of dailies and 80 percent of magazines produced in Serbia."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Serbia Objective Score: 2.50

The score for this objective remained more or less unchanged. Only indicator 2 (professional associations) received a score noticeably lower than last year. Most of the indicators scored close to the overall objective score, with the exception of indicator 6 (apolitical sources of newsprint and printing services), which scored slightly more than half a point higher.

Serbia has a number of professional and trade associations. In 2009, all associations noticeably diversified their activities. Among their most important activities is the protection of journalists and media rights. For example, ANEM systematically and comprehensively monitored legal developments such as new legislation, court cases, harassment of journalists, and the performance of government agencies with oversight authority on the media sector. Such associations, while active, are still too weak to effectively reverse government and political party pressure. Panelists said that NGOs are generally losing influence in the dialogue on Serbia's future.

Further, the old problem persists of the lack of an active journalist trade union. Media associations deal mainly with problems of media development, political influences on media, media strategy, and state treatment of media. Their role in treating journalists' labor issues and status as a profession is important but cannot replace engaged trade unions.

Several NGOs actively opposed the Amendments to the Law on Public Information. Their role in legal support is low, however, and to some degree unnecessary, due to the free legal help that NUNS and UNS offer to journalists and other media members. On average, NGO cooperation with international free speech organizations is good, but Serbia has seen cases of international organizations backing government moves because of higher-level political interests.

All panelists agreed that in spite of the fact that Serbia has 13 faculties of journalism, in addition to approximately 14 lesser programs, the quality of Serbian journalism schools is low overall. Too many journalists remain poorly educated.

Some domestic companies organized several short-term training sessions. Other foreign donors provide training on the Internet as a new source of income, and similar themes devoted to new media development. Short-term programs are often very well conceived and useful to the participants. The program just finishing in the south of Serbia for journalists was extremely well planned. Such educational courses are organized by USAID, medienhilfe, and the OSCE. "Short-term trainings at local media organized by IREX are often better than faculty programs," Sladojević commented. "Quality education within a journalist's own media outlet gives the best results."

Panelists had no complaints about access to printing facilities or sources of newsprint.

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.

An important leap forward in freeing broadcast distribution is the decision to break up RTS's monopoly of the transmission networks. A special institution will be established to replace public television's monopoly. The decision itself, though not yet operational, gives hope to media outlets that they will experience fairer treatment in the future when solving transmission problems.

In 2009, some problems emerged in other distribution channels. Futura Plus, which controls 25 percent of print media distribution, was prolonging payment for sold copies. The delays were so drastic that print media united to stop supplying this company's kiosks with copies. The government did not intervene, despite publishers' hopes.

Individual regional cable operators also present some difficulties for television and radio distribution. Some ask domestic media for payment in order to include them in their cable lineup. On the other hand, cable operators pay foreign channels so that they may be included. This chaotic situation is a consequence of the state's inability to regulate the cable business. The only state obligation imposed on cable operators is to include public service television on cable.

List of Panel Participants

Ljiljana Smajlović, president, Serbian Journalists Association, Belgrade

Vesna Sladojević, deputy editor-in-chief, Radio-Television Serbia, Belgrade

Aneta Radivojević, editor in chief, RTV 5, Niš

Ljubica Markovic, director, BETA news agency, Belgrade

Đorđe Vlajić, director, BBC representative office, Belgrade

Dinko Gruhonjić, president, Independent Journalist Association of Vojvodina, Novi Sad

Voja Žanetić, marketing specialist, MOSAIK Marketing Agency, Belgrade

Slobodan Kremenjak, attorney, Živković & Samardžić, Belgrade

Darko Broćić, director, AGB Nielsen, Belgrade

Milorad Tadić, CEO and owner, Radio BOOM 93, Požarevac

Velibor Todorov, director, RTV Zaječar, Zaječar

Milan Kovačević, director, Audit Bureau of Circulation Serbia, Belgrade

Moderator

Dragan Kremer, program manager, West Balkan & Roma media programs, medienhilfe, Belgrade

Author

Goran Cetinić, independent media consultant, Belgrade

The panel discussion was convened on December 3, 2009.

CAUCASUS

According to various estimates, the digitalization process may last until 2011, 2012, or possibly even 2015, yet the panelists feel that the difficulty of the digitalization process is artificially exaggerated.

ARMENIA

OVERALL SCORE: **1.85**

Although Armenia's legal framework supports freedom of speech, ongoing concerns about the enforcement of laws and overall low awareness (both on the part of the authorities and journalists) of laws surrounding freedom of speech continue to hold back the media. Questions about judicial independence and ongoing violence and harassment of the media led journalists to decry the prevailing air of impunity. Self-censorship is now widespread in Armenia, especially on television.

The same concerns regarding the fairness, competitiveness, and political neutrality of broadcast media licensing carried over from last year, as the process of granting licenses is currently suspended while broadcast media undergo digitalization. According to various estimates, the digitalization process may last until 2011, 2012, or possibly even 2015, yet the panelists feel that the difficulty of the digitalization process is artificially exaggerated. Noting that the licensing process is not taking place independently from political influences, they viewed the suspension of license competitions as a means to limit the freedom of speech.

Journalists, especially the profession's youngest members, often do not follow professional standards of journalism, according to this year's panel. Journalists rarely conduct detailed verification of the information they present, they do not undertake preliminary investigations, and they often insert their own opinion into their reporting. The panel attributes these shortcomings primarily to inadequate formal-education programs and financial limitations—media outlets cannot afford to hire enough experienced specialists. The panel pointed to the need for more short-term training programs to help fill this gap.

This year's panel did note some signs of progress, for example, in the ease of market entry. Also, the Armenian government does not require registration to access the Internet or satellite television. However, remembering how the government blocked access to certain sites during the state of emergency declared in March 2008, journalists do not feel that this freedom is completely secure. Additionally, high costs associated with Internet use restrict access—a problem that is especially evident in regions. According to this year's panel, blogs are not yet a serious source of information for Armenians.

There were minor fluctuations in some areas, but overall, Armenia's score was virtually unchanged from last year, as many of the same problems continue to plague the media sector.

ARMENIA AT A GLANCE

GENERAL

> **Population:** 2,967,004 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Yerevan

> **Ethnic groups (% of population):** Armenian 97.9%, Yezidi (Kurd) 1.3%, Russian 0.5%, other 0.3% (2001 census, *CIA World Factbook*)

> **Religions (% of population):** Armenian Apostolic 94.7%, other Christian 4%, Yezidi 1.3% (*CIA World Factbook*)

> **Languages (% of population):** Armenian 97.7%, Yezidi 1%, Russian 0.9%, other 0.4% (2001 census, *CIA World Factbook*)

> **GNI (2008-Atlas):** $10.32 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $6,310 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census, *CIA World Factbook*)

> **President or top authority:** President Serzh Sargsian (since April 9, 2008)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print 36; Radio 17; Television Stations: 48 (includes local) (ITU)

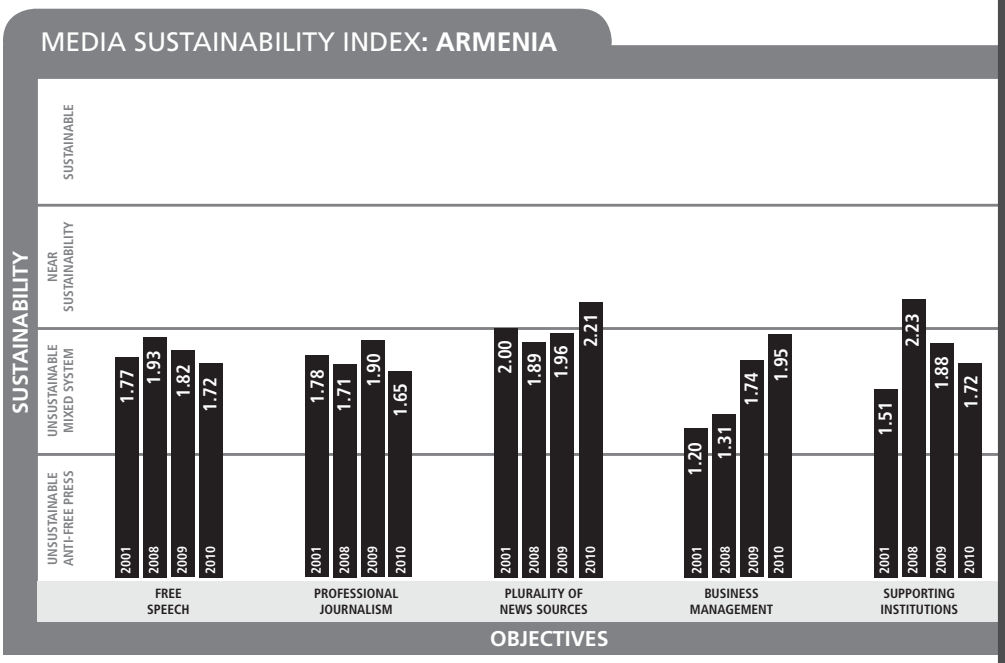
> **Newspaper circulation statistics:** The maximum circulation cited is 9,000 copies and the average real circulation for most popular newspapers is 5,000. (National Statistical Service of the Republic of Armenia)

> **Broadcast ratings:** top three television stations: H1, Shant TV, Armenia TV (AGB Nielsen)

> **News agencies:** ARKA, Armenpress, Arminfo, Associated Press, De facto, EFE, FrancePress, Interfax, ITAR Tass, MediaMax, Medinform, New Image, News Armenia, Noyan Tapan, Photolure News agency, Regnum, Reuters, Rosbalt, Spyur Information Center

> **Annual advertising revenue in media sector:** $70 million (National Statistical Service of the Republic of Armenia)

> **Internet usage:** 191,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Armenia Objective Score: 1.72

The score for this objective was virtually unchanged from last year's score. The panel scored indicators 1 (legal and social protections of free speech) and 3 (market entry) higher than last year, and the biggest drops in scores were recorded for indicators 6 (libel), 7 (public access to information), and 9 (entry into the journalism profession). Most of the indicators' scores varied widely from the overall objective average. Indicator 2 (broadcast licensing), indicator 4 (attacks against journalists), indicator 5 (legal advantages for, and guarantees for independence of, public media), and indicator 6 all scored about three-quarters of a point lower. Indicators 8 (media access to and use of international information sources) and 9 both scored more than a point higher.

Assessing Armenia's legal and social protections for free speech, the panelists had the same concern as last year: a gap persists between constitutional provisions and enforcement of the laws. Nevertheless, according to a majority of this year's panelists, there has been some progress in the enforcement of relevant laws.

Considering both positive and negative forces affecting free speech, the panelists noted some strengths; for example, the constitution assures freedom of speech in line with international standards, and there is an accompanying regulatory framework to support. Another positive factor is that the government does not require registration to access the Internet or satellite television, perhaps a significant reason that this year's score for this indicator went up. On the other hand, factors weighing down this indicator's score include poor enforcement of the laws, combined with a low level of awareness of the laws regulating the freedom of speech, both among journalists and law-enforcement bodies. Additionally, the courts do not act independently, according to the panel.

Gevorg Altunyan, a journalist from Armenia TV, commented, "Our country has a lot of work to do with enforcement of legal and social norms, because the accepted laws that could be considered positive, that could improve our situation, remain unenforced." Anahit Nahapetyan, editor of *Tuphashkharhi Arorya*, added, "In terms of legal provisions, we are now in the process of addressing enforcement mechanisms, and this is a complicated process."

The same concerns regarding the fairness, competitiveness, and political neutrality of broadcast media licensing carried over from last year, and the score remained essentially the same for this indicator, as the process of granting licenses is currently suspended. According to the panel, the licensing body has justified the suspension on the grounds that the broadcast media are going through a complicated digitalization process. As a result, the licenses of currently operating broadcasters have been automatically extended, and no new license competitions are being held.

According to various estimates, the digitalization process may last until 2011, 2012, and possibly even 2015. Yet the panelists feel that the difficulty of the digitalization process has been artificially exaggerated; they provided examples from other countries where the digitalization process went very smoothly. Therefore, the panelists view the suspension of license competitions as a means to limit the freedom of speech and noted that the licensing process is not taking place independently from political influences.

Panelists observe no legal limitations concerned with media market entry, and the legal taxation mechanisms for the media are the same as in other industries. However, although overall the scores for this indicator improved slightly this year, some panelists brought up a concern regarding the taxation of print media. Even though print outlets are VAT (value-added tax) exempt, they have to pay 30 percent to newspaper delivery structures; the VAT exemption does not significantly help them. Mnatsakan Harutyunyan, president of Hrazdan TV, considers this fact an example of a law that exists on paper only. He said, "This example of VAT exemption shows that although there is a law. It is just formal thing; the media do not benefit from it."

Panelists recounted several cases of violence against journalists during 2009. They noted that those cases were not prosecuted

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.

appropriately and perpetrators of the crimes went unpunished. The panelists observed a pattern; the authorities portray these crimes as a matter of personal problems of the journalists and maintain that they are not related to any political issues.

For example, panelists discussed the case of journalist Nver Mnatsakanyan, which took place in May 2009. The journalist was beaten outside his home by two unknown assailants. The police proceeded with a criminal investigation, but the head of the police later declared that the case was not connected with the journalist's professional activity but rather was a case of mistaken identity. Journalists feel unsafe as a result of these types of cases. As one of the panelists said, "The problem is that there is an atmosphere of impunity; it is understood that crimes against journalists will not be prosecuted appropriately, and no serious punishments will follow." Describing the overall atmosphere, Mnatsakan Harutyunyan said, "An atmosphere of being unprotected exists. Even one case of violence is enough for journalists to feel insecure, and we are in a situation of despair now." For these reasons, this indicator was scored low.

The panelists assigned a low score to the indicator addressing preferential legal treatment for the state or public media. Even if the law does not specifically provide for preferential legal treatment, the public media enjoy some privileges. For example, they receive first access to official news. They also have a financial edge, as they are currently being financed by the state budget. The panel noted that in public media, some bias is evident, and news related to officials receives prominent coverage.

The score for libel also dragged down the overall score for this objective, as it is still a matter covered by the criminal code. The panelists recalled the legal ordeal of one journalist, who was condemned to three years in prison because he published an article about a high-ranking official. Mnatsakan Harutyunyan shared his concerns about the definition of libel in the code, as well as the steps to be taken following violations. He said, "I see some vagueness regarding the concepts of libel and reporting false information, and the burden of proof is not clearly defined in our country."

Panelists assessed the situation regarding availability of public information in relatively favorable terms, pointing to the fact that there is a law in place to facilitate access. Still, there are some issues concerning full enforcement of this law, because the Ministry of Justice still has not elaborated the mechanisms of enforcement. Journalists still encounter some obstacles when applying for information from tax or military structures, in particular. Information related to the income declarations of officials and decisions made by local governing bodies are also considered to be closed topics. Local governments are unresponsive when somebody applies for information, social accountability is low, and they do not inform the public about decisions made. Panelists also pointed to a National Assembly decision that allows only the first 30 minutes of each session to be recorded.

One of the panelists described another information-access roadblock she encountered regarding the ecological consequences of some factories. They have a legal obligation to inform the public about their impact on the environment, but they never do, and this panelist was unable to get the information she needed.

There are now no restrictions by the government to access international news and news resources. However, while discussing this issue, the panelists recalled the state of emergency declared on March 1, 2008, when access to international sources was restricted. Although no such restrictions were reported in 2009, journalists understand that this threat always looms in Armenia. This possibility held the panelists back slightly in scoring this indicator. Additionally, they cited high Internet costs as another prohibitive factor in accessing and using international news in their reports.

There are no limitations for entry into the journalism profession, and entry into educational institutions is not controlled by the government.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Armenia Objective Score: 1.65

Objective 2 showed a moderate drop this year, primarily due to lower scores for three indicators: indicator 2 (journalism ethics), indicator 3 (self-censorship), and indicator 7 (modern equipment). All indicators scored very close to the overall objective score.

A majority of the panelists think that most journalists, especially the profession's youngest members, often do not follow professional standards of journalism. Journalists rarely conduct detailed verification of the information they present, they do not undertake preliminary investigations, and they often insert their own opinion into their reporting. Nahapetyan commented, "I have a very negative opinion about the level of professionalism of journalists. They present their work with little variation in language, very superficially, and they rarely conduct professional investigations."

The panelists discussed possible reasons behind this problem, including inadequate education and financial limitations—media outlets cannot afford to hire enough experienced specialists. Altunyan observed, "The quality of journalism is far from sufficient now, and the salaries of media specialists

are far from enticing. As a result, people who become journalists either have another source of income, or they are inexperienced." In general, the panel concluded that few media outlets adhere to high standards of professionalism.

There is now a committee of ethics within the Yerevan Press Club. This committee includes about 20 media outlets. Mnatsakan Harutyunyan called this committee a self-regulatory mechanism; its decisions are not legally binding, but it provides an ethical framework to guide media outlets. Although highly appreciative that the committee exists, panelists nevertheless doubt that ethical norms are followed by a significant number of journalists. They discussed several examples that should be considered as crude violations of journalism ethics, yet are typical for some media outlets that carry a lot of influence with their audiences. The panelists noted that there are several media outlets that create their own ethical codes and coordinate their activities accordingly.

Self-censorship is now widespread in Armenia, according to the panelists. This is due to several potential and real pressures and to the fact that most media are linked to a political power. Among the few independent media outlets, given all the different directions they can be pressured, there is a tendency to avoid controversial topics. Nahapetyan said, "They behave as if they are afraid of running into trouble. There is a great deal of fear, because writing a critical article can land journalists in unpleasant situations." Narine Mkrtchyan, president of the National Press Club, has found print media to be less affected by self-censorship, but because they have smaller audiences, they cannot significantly influence the overall media sector's score.

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).

Altunyan observed, "The quality of journalism is far from sufficient now, and the salaries of media specialists are far from enticing. As a result, people who become journalists either have another source of income, or they are inexperienced."

Regarding the coverage of key events and issues by the press, the panelists noted that it is difficult for print media to introduce key topics in a timely fashion, because television and the Internet are more instantaneous. Meanwhile, regional media get news about key events relatively later than media in Yerevan. As panelist Davit Eranosyan, director of Zangak TV, said, "As regional media get information about key events later, when central media have already covered the information, it is more beneficial for regional media to focus on local information."

Panelists tended not to link low pay levels of journalists with corruption. They think that low rates are not the crucial factor for cases of corruption in the media sector, because corrupt agreements tend to be forged at higher levels than ordinary journalists. Mkrtchyan noted a disparity between the salary levels of public and private media professionals; public media professionals have higher salaries and benefit from privileges like apartment subsidies as well. Some panelists touched on the fact that low salaries can lead journalists to leave the profession.

The panelists agreed that entertainment programming tends to eclipse news. Mnatsakan Harutyunyan linked this with higher public demand for entertainment programming, which compels media owners to respond adequately to this demand. Tigran Harutyunyan, vice director of Noyan Tapan news agency and printing house, countered that there are some media outlets where news and information programming prevails. He added that if someone has a need for information and the will to find it, there are options.

Armenian media still lack sufficient equipment and facilities to gather, produce, and distribute news. The panelists representing different media stated that to some extent, they all still have some equipment needs, which negatively affect their operations. The main negative impact cited was a decrease of timeliness and efficiency. The lack of financial recourses in the media sector does not facilitate appropriate investments in equipment. The panelists also noted that there is a significant difference between print and broadcast media in this respect; print media can afford to operate with limited

equipment, but broadcasters cannot, and as Mnatsakan Harutyunyan stated, "Television in Armenia remains behind western television, by nearly 20 to 30 years."

There are two important issues the panelists took into account in discussing quality niche reporting and programming. First, the lack of financial resources makes having narrowly specialized journalists an expensive thing for a media outlet to develop and maintain. Therefore, journalists must be versatile and work on a number of different topics. Second, educational institutions do not now prepare journalists who are specialized in a specific area. Furthermore, some of the panelists think that most journalists tend to throng to political and cultural issues. Two possible exceptions would be sports and business, which continue to be fairly well covered.

OBJECTIVE 3: PLURALITY OF NEWS

Armenia Objective Score: 2.21

The increase in score for this objective was the net result of positive and negative movement of several indicators. Receiving higher scores this year were indicator 2 (citizen access to news media), 4 (news agencies), 5 (independent broadcasters produce their own news), and 7 (coverage of a wide array of social and minority interest topics). On the losing side was indicator 3 (state media are nonpartisan and serve the public interest). Many of the indicator scores also varied widely from the overall objective score: indicator 3 and 6 (transparency of media ownership) lagged well behind the overall objective score, while indicators 4, 5, and 7 all scored well above.

There was some disagreement among panelists regarding the existence, affordability, and plurality of public and private news sources. Some of them think that all the media provide the same information: it is enough to switch to one channel and instantly know what is being broadcast elsewhere. Some panelists, on the other hand, said that if someone is seeking news, he or she can search out information from different types of media sources or from media with different political orientations.

Although the panel concurred that citizens' access to domestic and international media is not restricted by the government, it is affected by financial and geographical limitations. The problems surrounding access are more acute in the regions, especially for rural populations, where access to the Internet, international and some Armenian television stations, and print media is more limited. In particular, the Internet is more expensive in the regions.

The MSI panelists agreed that public media have a partisan posture, and they generally fail to reflect public interest. One panelist said, "I would even mark a negative grade if possible, because there is nothing positive to say about this issue. The public media are extremely partisan; they toe a specific political line, which is impermissible. They do not serve public interests and even violate them."

As a result of abovementioned facts, public television has become a "microphone for government," in the words of one panelist. However, Tigran Harutyunyan added that in this situation, public radio should be considered an exception. He said, "I think public radio in 2009 came close to meeting demands in terms of provision of news; it seemed to be somewhat independent."

The panelists hold the work of independent news agencies in high esteem and noted that there are independent agencies that distribute news for print and broadcast media. A majority of the panelists felt that most agencies have managed to avoid political influences, though there are also some that work with only official information. One limitation of using the services of international news agencies is the high cost. In addition, some panelists noted that there is still a problem with citing sources.

Panelists pointed to progress in local media's efforts to prepare their own news programs; previously this was seen only in the capital. Now, regional media outlets try to keep a balance between their own and rebroadcasted news. The panelists said that blogs are not yet a serious source of news and 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.

The transparency of media ownership remains low. The panelists argued that there is a lack of information about ownership, noting that business sectors tend to have their own media outlets, where they influence news content. Mnatsakan Harutyunyan said that several years ago, a law about the transparency of media financial affairs was adopted, but, in fact, no media representatives publish any information about their financing.

Panelists said that the press sufficiently reflects minority issues. Additionally, there are media outlets in minority languages, so according to the panelists, this aspect of the media environment is quite favorable in Armenia. The panelists did not report any resistance to covering social issues, such as those concerning gender, social convention, religion, or sexual orientation in the media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Armenia Objective Score: 1.95

This indicator experienced a small increase compared with last year, as four indicators moved up modestly: indicator 2 (media rely on multiple sources of revenue), indicator 3 (the advertising market), indicator 4 (balance of advertising and other revenue), and indicator 7 (audience and circulation measurement). All indicators scored close to the overall objective score.

Media and supporting institutions vary by sector in terms of being efficient, professional, and profit-generating businesses. For example, print media cannot be considered profitable because of large expenses and challenges involving distribution. The problem of print media distribution is especially crucial because, according to the relevant law, any entity distributing newspapers should have a license—which costs AMD 5,000,000 ($12,950) per year. This is the main obstacle holding back the emergence of new print media. However, printing houses, as well as television stations, are considered to be profitable businesses. In addition, panelists observed some improvements in the marketing strategies of some media outlets. They have started to create products that are more tailored to audience demand and are becoming more attractive to advertisers as a result.

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, outside of Yerevan and other big cities, the advertising market remains underdeveloped. Furthermore, there appears to be little demand for it there.

The revenue sources most media outlets rely upon are not sufficiently diversified to protect them from pressures on their editorial stance. Some panelists noted that even if television stations obtain revenues from advertisements, as opposed to other sources, this does not guarantee independence. Regarding the question of whether there are alternative revenue sources for state/public media sources to avoid political influence, the panelists said that public television is financed by state budget. In addition to affecting its editorial policy, this also gives it a significant financial advantage over other television stations.

Panelists observed some positive changes in the Armenian advertising market, especially in terms of an increase in advertisement quality and the professionalism of specialists. However, outside of Yerevan and other big cities, the advertising market remains underdeveloped. Furthermore, there appears to be little demand for it there.

Advertising revenue plays an important role in the overall revenue sources of television stations, and that is the reason advertisements receive a lot of air time. The large portion of advertising on television is also justified by the fact that advertisement prices are quite low in the Armenian market, so television owners need to air a lot of advertisements in their broadcasts in order to make any money on them. Print media cannot rely on advertisements and supplement their income through subscriptions, sales, and other sources.

Some private media, mainly print outlets, do receive government subsidies. The decision to subsidize the media was made by Armenia's previous president, when the prospect of taxing newspapers was debated. According to the panelists, though, there are no other types of media that

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receive subsidies from central or local authorities, including smaller, regional television and radio stations. In general, the panelists viewed subsidies for print media positively, mainly because they believe that without them, most print media lack enough readers to make a profit and survive.

Panelists noticed some improvements in applying market research to strategic planning. Although most media understand the value of market research, the cost is prohibitive for many outlets. Some media conduct market polls on their own periodically, rather than employing professional polling companies. This practice is mainly limited to television and radio outlets, however.

The reliability of broadcast ratings and circulation figures prompted significantly varied responses from the panelists. Some panelist pointed to examples of false or misleading survey results. Others noted that in some cases, such research has been carried out by unprofessional companies and cannot be considered reliable. Furthermore, media organizations typically lack the ability to purchase reliable data from more qualified companies. As a result, media outlets continue to lose potential advertising revenue from larger advertising companies, because the lack of accurate data poses a considerable problem.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Armenia Objective Score: 1.72

The score for Objective 5 fell slightly, from 1.88 in 2009 to 1.72 this year. Gains in indicators 2 (professional associations) and 3 (supporting NGOs) were offset somewhat by declines in indicators 5 (training opportunities for practicing media professionals) and 6 (sources of printing are apolitical). Most of the indicators received scores close to the overall objective score, although indicator 1 (trade associations) lagged behind by about a point, while indicators 2 and 3 scored about a point and little more than half a point higher, respectively.

There are still no proper trade unions for media professionals in Armenia. However, panelists said that there are associations protecting journalists' rights in Armenia, including the Journalist's Union, the National Press Club, and the Yerevan Press Club. They have been active in issuing declarations condemning violations against freedom of speech and journalists' rights and holding press conferences surrounding these cases. Some more advanced associations offer legal consulting services for journalists and engage with international organizations to solve conflicts. One of the panelists noted, "If there were no such organizations, the atmosphere in the media sector would be much worse." These associations are not organized around specific media sectors at this stage.

Although there have been some positive developments in the work of NGOs to support freedom of speech, including several active regional NGOs that consistently defend free speech and react to violations, some problems remain and certain NGOs counteract achievements in this area. Altunyan shared his opinion that NGOs operating in the field lack political neutrality. He commented, "There are some issues with NGOs that need to be solved. NGOs, as a rule, tend to have political allegiances. For example, NGOs that are inclined toward the political opposition concentrate their support on opposition media. The same thing is true for pro-governmental NGOs as well."

Panelists claimed that even though education programs are well designed, higher-education institutions do not prepare high-caliber media professionals. Most panelists stated that they have encountered difficulties in trying to bring in younger journalists, because they are frequently unqualified, lacking even basic knowledge or journalistic skills. They believe that the problem stems from educational institutions that emphasize theoretical knowledge above hands-on practical training. Practitioners are not involved in the education process. Additionally, the panelists believed that

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 students are not highly motivated—a more widespread issue that extends beyond journalism programs.

Panelists said that there are not enough short-term training opportunities to compensate for the shortcomings in formal journalism training. Short-term training courses are mainly organized by international organizations, with some involvement by local NGOs. Altunyan commented, "There are no short-term educational programs in Armenia. There are some initiated by international organizations, but they train a very limited number of specialists."

Regarding political pressure on newsprint facilities and printing houses, the panelists mentioned a case that occurred on October 2009 that called into question the independence of the courts. According to a court decision, the printing houses were required to print a certain newspaper, despite the fact that this newspaper was indebted to one of the printing houses. Panelists also noted that printing houses appear to discriminate against certain newspapers in terms of pricing policy, but this fact cannot be unambiguously attributed to political influences.

Panelists said that channels of media distribution remain mainly in private hands but noted that does not mean that they are apolitical. They discussed the example of the regional station, Gala TV; the station was closed, its transmitter was removed from the tower, and its broadcasts were suspended. The issue of print media distribution was emphasized once more; this problem is acute because there are few distributors, and they tend to concentrate their activity in Yerevan. However, financial restrictions to obtaining a license obstruct attempts at improving distribution.

List of Panel Participants

Karen Mikayelyan, vice editor, *Novoe Vremya*, Yerevan

Tigran Harutyunyan, vice director, Noyan Tapan, Yerevan

Mnatsakan Harutyunyan, president, Hrazdan TV, Hrazdan

Davit Eranosyan, director, Zangak TV, Martouni

Anahit Nahapetyan, editor, *Tuphashkharhi Arorya*, Artik

Husik Aristakesyan, editor and journalist, Shant TV, Yerevan

Narine Mkrtchyan, president, National Press Club, Yerevan

Haykaz Simikyan, director, Sim printing house, Vanadzor

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

Gevorg Altunyan, journalist, Armenia TV, Yerevan

Shushan Doydoyan, chairperson, Freedom of Information Center, Yerevan

Moderator and Author

Petros Petoyan, director, Marketing Communications Research Company, Yerevan

The Armenia study was coordinated by, and conducted in partnership with, Marketing Communications Research Company, Yerevan. The panel discussion was convened on November 28, 2009.

Azerbaijan continues to top lists for the number of journalists imprisoned, with more added in 2009. Worse, 68-year-old Novruzali Mamedov, in the midst of a 10-year jail sentence for treason, died of a stroke while in custody.

AZERBAIJAN

OVERALL SCORE: **1.71**

One of the biggest stories of 2009 in Azerbaijan was the shooting by a student at the State Oil Academy that left 13 people dead and another 13 wounded. Coverage of this story highlighted stark differences in the media, as pro-government, oppositionist, and independent media all covered the story differently. Furthermore, the incident allowed citizen journalism and online news sources to show their potential as additional or alternative news sources: these sources scooped traditional media with footage from the scene.

Politically speaking, 2009 was an active year, as constitutional and legislative changes dominated discussions in the media and received significant international attention. The government proposed changes to 29 articles of the constitution, most notably the elimination of presidential term limits. The referendum passed with more than 90 percent approval, according to the central Election Commission. However, members of the opposition and journalists decried what they allege to have been significant irregularities, including stuffing ballot boxes, multiple voting, and intimidation. Furthermore, although the changes were announced in December, they became the subject of public debate on state television only a few weeks before the referendum was held, and even then were limited to about three hours a week, according to RFE/RL.[1] The Council of Europe's Venice Commission, which reviews constitutional issues in member states, characterized the removal of presidential term limits as "a serious setback on Azerbaijan's road to a consolidated democracy."

The amendments also contained provisions that observers in the media and civil society charge will hamper the role of the press as watchdog. Article 32 amendments added protections to individual privacy; now permission is required to capture video images in people and use them in media reports. Article 50 changes mandate a right of reply for individuals in the media regardless of whether reports deemed damaging to one's reputation are true or not.

Azerbaijan continues to top lists for the number of journalists imprisoned, with more added in 2009. Worse, 68-year-old Novruzali Mamedov, in the midst of a 10-year jail sentence for treason, died of a stroke while in custody. Some reports suggest he was denied access to adequate health care.

Azerbaijan's overall score is much the same as it was last year. This is the case despite a modestly lower score for Objective 1 (Freedom of Speech); Objective 1 experienced the largest change of any single objective, losing 0.20 point. Two other objectives experienced slight increases: Objective 4 (Business Management) by 0.18, and Objective 5 (Supporting Institutions) by 0.19. Objective 2 (Professional Journalism) and Objective 3 (Plurality of News) remained much the same.

[1] "Azerbaijanis Pass Controversial Proposal To Scrap Presidential Term Limits." Radio Free Europe/Radio Liberty. March 18, 2009. http://www.rferl.org/content/Azerbaijanis_Vote_On_Controversial_Proposal_To_Scrap_Presidential_Term_Limits/1512634.html

AZERBAIJAN AT A GLANCE

GENERAL

> **Population:** 8,238,672 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Baku

> **Ethnic groups (% of population):** Azeri 90.6%, Dagestani 2.2%, Russian 1.8%, Armenian 1.5%, other 3.9% (1999 census)

> **Religions (% of population):** Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 1.8% (1995 est., *CIA World Factbook*)

> **Languages (% of population):** Azerbaijani (Azeri) 90.3%, Lezgi 2.2%, Russian 1.8%, Armenian 1.5%, other 3.3%, unspecified 1% (1999 census)

> **GNI (2008-Atlas):** $33.23 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $7,770 (World Bank Development Indicators, 2009)

> **Literacy rate:** 98.8% (male 99.5%, female 98.2%) (1999 census, *CIA World Factbook*)

> **President or top authority:** President Ilham Aliyev (since October 31, 2003)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 32 dailies, 45 weeklies, 85 monthlies; Radio stations: 10 AM, 17 FM; Television stations: 17 (7 in Baku, 10 regional)

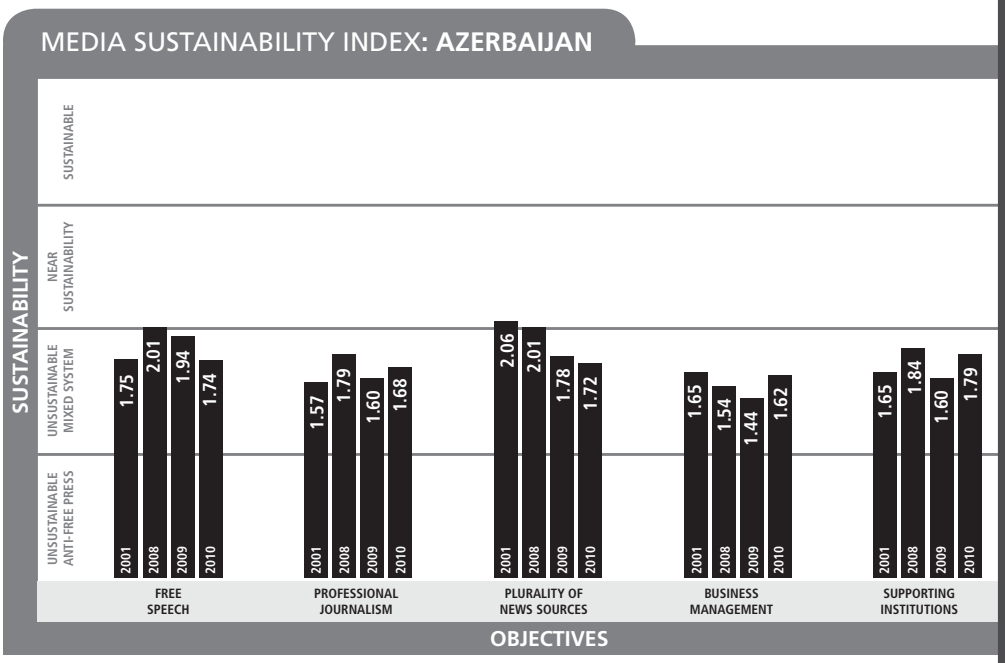
> **Newspaper circulation statistics:** Most widely read publication is the opposition newspaper *Yeni Musavat*

> **Broadcast ratings:** Top three television stations: ANS-TV (news), Azad TV (entertainment), AzTV (state-owned) (AGB/Nielsen)

> **News agencies:** Turan, Trend, APA, Day.Az., Azertac.

> **Annual advertising revenue in media sector:** Newspaper: $500,000; Television: $30 million; Radio: minor

> **Internet usage:** 1,485,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Azerbaijan Objective Score: 1.74

Changes to the constitution, resulting proposed changes to the law, continued unfairness in broadcast licensing, and persistent harassment and arrests of critical journalists and bloggers all contributed to a modestly lower score, reflective of a deteriorating environment for freedom of speech and freedom of the media. Four indicators in particular showed a noticeable decline: indicator 1 (legal and social protections for freedom of speech), indicator 2 (broadcast licensing), indicator 5 (guarantees of editorial independence and legal advantages for state media), and indicator 9 (free entry into the journalism profession). Other indicators remained more or less unchanged. Indicator 2 received the lowest score, slightly more than half a point behind the overall objective score, while indicator 3 (market entry) and indicator 8 (media are not restricted in use of foreign sources) scored somewhat more than half a point higher.

Azerbaijan's constitution guarantees protection of free speech and other basic human rights. Article 47 covers freedom of speech and thought, while article 50 states explicitly: "Everyone is free to look for, acquire, transfer, prepare, and distribute information," and "Freedom of mass media is guaranteed. State censorship in mass media, including press, is prohibited." The provisions have historically not been evenly upheld by the government or society at-large, and panelists felt this held true again in 2009.

Additionally, other articles of the constitution clouded this picture somewhat, and it was made cloudier after the referendum in March that amended the constitution. The old article 32 ("right for personal immunity") covered privacy and related rights, including provisions such as "gaining, storing, using, and spreading information about a person's private life without his/her consent is not permitted." Article 32 was amended to include specific provisions concerning the media. Section III of article 32 now includes the following: "No one may be subjected to being followed, videotaped or photographed, tape recorded, or subjected to similar actions without his or her consent save activities in cases prescribed by law." Other, similar provisions were added as well. Article 50, which until this year consisted entirely of the two sections listed above, now includes a third section: "Everyone's right to refute or react to the information published in the media and violating his or her rights or damaging his or her reputation shall be guaranteed."

According to Shahbaz Khuduoglu, director of Chap Evi Publishing House, the March 18 referendum proved to be a further blow to the protection of free speech in Azerbaijan. "We do not see moderation or liberalization in the government's approach to free speech and media freedom," he concluded. He also pointed to the fact that the official number of cases of government prosecution of journalists went down, whereas the actual number of those arrested and tried was higher than in the previous year. The discrepancy came about because journalists were arrested for crimes that were not nominally related to their professional duties, such as terrorism, drug abuse, etc.

Alasgar Mammadli, a media lawyer for IREX, also argued that 2009 saw further restrictions of free speech and media freedom. He characterized the constitutional amendments as detrimental to the protection of free speech. He specifically pointed to the article 32 provisions that prohibit taping and photographing without prior consent of the individual. These new privacy regulations were seen as potentially detrimental because they do not differentiate between ordinary citizens and public officials. In the absence of a "public officials" category, the amendment was largely seen as an attempt to guard government officials from unwanted media exposure.

In his February 20 interview with ANS TV, the president's legal advisor, Shahin Aliyev, said that the government will look into a number of further amendments, including introduction of a "public officials" definition in order to bring Azerbaijan into compliance with Western standards. However, by the end of 2009 there was no movement in that direction.

Another issue of concern is the amendment to article 50 that guarantees each individual's right to refute information about his or her private life. According to Mammadli, the current reading of the amendment left space for maneuver and falsification. "The amendment should have specified that each individual had the right to deny false information. But denial of true information will mislead the public and contribute to disinformation."

Freedom of the press is often interpreted by some as freedom to publicize information that is not necessarily true. Both government and political opposition-affiliated media enjoyed the freedom to run unverified or false information as news. An independent survey conducted by the Media Council revealed that the two newspapers that ran the highest number of defamatory articles were the pro-government *Iki Sahil* and the pro-opposition *Azadlig* newspapers.

In March, new provisions were introduced to article 19 of the Law on Mass Media. These include the suspension or total closure of a media outlet, based on a court's decision, if its editor does not possess a university diploma, is a foreigner, or has two or more convictions within one calendar year. In the opinion of Ayten Mammadova, senior reporter for *Azadlig,* the new law makes it too easy to close down an unfavorable

media outlet given that the judicial system in the country is not independent.

Changes early in May 2009 to the broadcasting law increased the maximum of a seven-day suspension for infringement of regulations to one month. Mammadli considered that length too harsh because it would inevitably lead to serious financial repercussions for the broadcaster. "It is death for a TV station, which has obligations to its advertisers, to stop its broadcasts for one month every time it makes a mistake," he said. Another detrimental amendment to the law provides for closure of a television station if the number of regulatory infringements exceeded three per year. This aggravated the atmosphere of pressure on independent television stations, especially for programs broadcast live. In Mammadli's view, the toughness of the measure was intended to raise dependence of broadcasters on the government.

Azerbaijan remained infamous for the number of journalists arrested or already languishing in jail. Eynulla Fatullayev, a critical journalist and editor-in-chief of *Realniy Azerbaycan* newspaper, remained in custody on charges of terrorism, inspiring national hatred, and tax evasion. In December, prison officials, in a search of his cell, claimed to have found 0.22 gram of heroin and added penalties for drug possession to his sentence. The editor-in-chief of noted opposition newspaper *Azadlig*, Ganimat Zahid, also remained in custody, arrested on charges of hooliganism despite several presidential decrees that pardoned a number of other prisoners. His brother, journalist Zahid Sakit, was pardoned by a presidential decree in April 2009 after almost three years in prison. All three cases were largely seen as politically motivated to stop government criticism in media.

In 2009, an additional six journalists and two bloggers were convicted on criminal charges and imprisoned: editor Serdar Elibeyli and reporter Ramiz Tagiyev from *Nota* newspaper; *Milletim* newspaper editor Faramaz Allahverdiyev; *Azadlig Harakatchilari* union boss Tahmasib Novruzov; Fanat.az journalists Zahid Ezemet and Nadir Mukhtarli; *Ideal* newspaper founder Nazim Quliyev, and; bloggers Adnan Hajizade and Emin Milli. In the last case, the two were assaulted while at a restaurant; after reporting the assault, they were instead charged with hooliganism.

Panelists showed the divide between established media and the nascent blogosphere in Azerbaijan by saying the arrest of Hajizade and Milli was not a particular threat to media freedom. They argued that the bloggers were not known by the general public and did not represent credible media in Azerbaijan. Panelists noted that Hajizade and Milli graduated from universities in the US and Germany, respectively, and—in the opinion of the panelists—enjoyed close connections with those embassies in Azerbaijan. However, the arrest of the bloggers sent a warning to the entire online media community about their security and safety, especially given the fact that NTRC has been engaged in talks with European organizations about the possible introduction of regulations for the Internet sector.

Licensing of broadcast media remained political in Azerbaijan. The National Television and Radio Council (NTRC) remained nominally in charge of the licensing process but was largely seen as the implementing instrument of the president's office. Five out of six national television stations are considered to be close to government. According to Khuduoglu, there has been total government control over the broadcast licenses in place, and therefore there are a limited number of television stations in Azerbaijan. "In short, a person from the street will not be able to get a license," he concluded. For example, around 5,000 Sumgayit city residents petitioned NTRC for a local television frequency in 2009, but their request was denied. NTRC claimed that a frequency was not available for tender. The case has being appealed in the Court of Appeal.

Recent examples of questionable licensing include two television stations that received licenses in 2008 and started broadcasting in 2009. Regional broadcasters Sheki and Yevlax TV won their licenses in the absence of other contenders and were believed to be backed by people close to government circles. No new broadcast licenses were issued in 2009.

Khalid Aghaliyev from the Media Rights Institute pointed out the shortcomings in the formation of the NTRC. In his view,

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.

there should have been transparency and public debates as to who should be nominated to the NTRC and what characteristics the members should have. None of these took place in Azerbaijan. "Therefore, it is no surprise that this entity works under the direct supervision of the government and fails to demonstrate an objective policy."

Mammadli also considered that the Council of Europe–mandated NTRC failed to meet European recommendations and standards. Nine candidates, nominated by the president, serve as its board members, and there was neither competition nor alternative candidates to choose from. Its current composition does not reflect the political spectrum in the country.

Unlike broadcast media, print media enjoyed unlimited market entry. The registration procedure for newspapers and magazines was further simplified in 2009 with the introduction of a "single window" system for entrepreneurs. In contrast with previous years, founders of new print media were expected to undergo the same simplified registration procedure as other entrepreneurs with the Ministry of Taxes and submit a letter of intent to the Ministry of Justice outlining details of the proposed media outlet, such as its title, founders' contact details, etc. According to new regulations, they are entitled to start up the new media organization five days after submission of these materials. But in practice, it was taking up to three weeks for the Ministry of Justice to issue a certificate of registration. Nevertheless, media owners hailed the introduction of the new registration procedure, saying that it made the process less complicated and bureaucratic in comparison with previous years, when they had to undergo full-scale registration with the Ministry of Justice, which could take months.

However, other laws do treat media differently than other businesses. Changes to the law in 2009 saw a deterioration of broadcasters' control over their own property. According to changes made to the broadcast law, broadcasters are expected to apply for permission two months in advance should they choose to sell their property, and only if permission is granted may they sell it. This came as an additional lever of control over television and radio station owners and was viewed as narrowing their property rights.

On a positive note, in 2009 Azerbaijani print media continued to enjoy a VAT exemption for production and distribution.

While some physical attacks against journalists were reported in 2009, fortunately none of these attacks were serious. Other minor forms of harassment are also a common nuisance for media professionals. The government's record of prosecuting crimes against journalists remains poor. Investigations into the murder of the editor-in-chief of *Monitor*, Elmar Huseynov, in 2005 have not yielded results. Huseynov had a history of several imprisonments and lawsuits with government officials.

State media continued to receive preferred treatment over opposition and independent media. Tarana Tarverdiyeva, a training instruction with Women's Media Watch, observed that state media access to public information is easier than for commercial media. Opposition media encounter difficulties in getting high-ranking officials to speak and share information. Journalists who work for pro-government media have better chances of getting interviews and information on important issues. Only state-run AzTV is accredited to tape the president's daily meetings. Mammadova observed that all newspapers willing to cover presidential meetings are referred to the official Azertac news agency, whose reporting is favorable to the government.

By law, state-financed AzTV has editorial independence from the government. However, in practice it serves as a propaganda tool for the government. In 2009, AzTV received AZN 30 million ($37 million) from the state budget; funding for public İTV decreased from AZN 14 million ($17.5 million) in 2008 to AZN 8.5 million ($10 million) in 2009, whereas independent television stations received no funding at all.

Despite efforts by civil society and the international community, libel is still a criminal offense, and journalists can be—and routinely are—imprisoned for defamatory writing. According to Azerbaijan's laws, it is the defendant's obligation to prove his or her innocence in a libel case. In 2009, according to Agaliyev, 49 defamation cases against journalists were filed. State officials continued to enjoy preferential treatment before courts, and none of the libel cases against journalists resulted in verdicts in their favor. The absence of an independent judiciary contributes to self-censorship among journalists and editors.

However, panelists took as a positive sign the fact that two bills on defamation were prepared in cooperation with international experts and submitted to parliament. By the end of 2009, a campaign to lobby for the bills continued, and there was hope that it might be adopted in 2010.

Mammadova stressed that difficulty accessing public information contributed to defamatory reporting. "State television itself failed to provide information during the scandal with the *Eurosong* vote-rigging. Even the body that deals with information itself failed to help journalists—to prevent them from running false information," she said. Tahir Mammadov, head of the public affairs department for public broadcasting, disagreed with the statement, saying that his mobile was on throughout the entire period for all media, including pro-opposition *Azadlig*, to contact him.

Panelists agreed that not all government agencies are aware of their obligation to provide information. The opposition media have difficulty getting the information they require to inform their audience. Panelists noted that the Foreign Affairs Ministry and, to a lesser degree, the Natural Recourses and Ecology Ministry are often better about releasing information.

Panel participants welcomed the presidential order that every state agency should create its own website to facilitate access to public information.

Azerbaijani media generally enjoy unrestricted access to international news and news sources. Although some foreign radio broadcasts remained banned from Azerbaijan, this posed more of a problem for the average citizen than media professionals, as many alternative means are available to access international news. Media outlets use news sources of their choice, and there are no problems citing foreign news sources.

Entry into the journalism profession is mostly free. Practicing journalism does not require a special license. However, some state activities may be covered only by journalists working for state media. Further, one of the new requirements to start up a new media outlet is that the editor-in-chief must hold a university degree. Panelists agreed that is a way to ensure high editorial standards, which they agreed is a problem for the Azerbaijani media.

Panelists felt that it is too easy to become a journalist, to the detriment of professional standards. Tarverdiyeva recalled that in Soviet years, in order to become a journalism student, applicants had to have two years of experience with media and articles printed in newspapers. "Nowadays we end up with journalism students who applied for other faculties, failed, and are forced to study journalism in order to get a diploma."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Azerbaijan Objective Score: 1.68

The score for this objective remained roughly the same as last year, thanks to almost all indicators remaining unchanged. Only indicator 5 (pay levels for journalists) showed some change, increasing slightly. All indicators scored very close to the overall objective score.

Fair and objective reporting remains a luxury that only a few media outlets can afford. This is partly because newspapers are mostly started as state organs, to further a specific political purpose, or to promote an individual's ambitions. Launched as a propaganda tool, founders of these newspapers care very little about professional standards and quality. In a statement to the press, the chairman of the Media Council, Aflatun Amasov, said that one person could be behind 10 such newspapers.

Tarverdiyeva observed that too often journalists are not expected to conduct background research into a story and lack perspectives from all sides concerned. It is particularly true in stories that concern military, social, and financial matters. "Instead of trying to get to the core of the issue and investigate its reasons, they often choose to run with think-tanks' made-up concepts. Too often, in the absence of facts, opinion is delivered as news," she said.

At television stations, to raise audience ratings in an effort to attract advertising, there is a proclivity for criminal news and reporting scandals. Commercial Khazar TV's evening news program runs footage of corpses accompanied by music to advertise its criminal news angle. All popular entertainment shows are known to have used *podstava* (paid actors) to exacerbate tension during news programs to raise ratings.

Regarding ethics, all media share a single journalism code. In 2009, Women's Media Watch continued its campaign to urge all media outlets to develop their own guidebook for journalists. Independent ANS TV has long had its own guidebook, updated regularly and mandatory for all new employees. However, the editor-in-chief of the influential newspaper *Zerkalo*, Elchin Shikhlinski, considers such a guidebook redundant and a waste of time.

Public perception of media ethics is also shaped by fraudsters. ANS TV exposed a group of people who had been using journalist credentials and posing as staff from its investigative television program *Ich Kheber* to extort money in the regions. ANS TV launched hotline to report future abuse of its name.

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).

Mammadov considered that the reason for such a high number of lawsuits against journalists is partly because there is not a strong media self-regulatory mechanism in place. "As long as we turn a blind eye to cases when some people abuse their status as journalists and write lies and defamation, there will be cases when journalists are prosecuted," he said. Mammadov drew a parallel between the local situation and the media councils in the EU, saying that in some EU countries the latter enjoy a high decree of authority, including the ability to suspend or even close down guilty newspapers. In his view, such a practice would lead to a higher decree of accountability on behalf of journalists. "As a spokesman myself, I often find myself in situations when newspapers report complete lies. I call their editor, and they tell me that they heard the 'information' at a funeral or wedding and promise to immediately change it. It can hardly be called a responsible journalism," Mammadov said. In his view, newspapers rectify their mistakes when it is too late and the damage has been done. Therefore, citizens are forced to take matters to courts.

However, there are some efforts underway to this end, and not without controversy. In 2009, the Media Council continued its efforts to expose what it called "racketeer" newspapers. In September, the chairman of the Media Council, Aflatun Amashov, announced that there were 200 racketeer newspapers in Azerbaijan. "We have already named 80 such newspapers. Soon we will announce another 30 of them," he said. Amashov sent a message to "those who were behind" such newspapers to stop. Amashov's fight against blackmail of citizens under the guise of journalism received resistance. One of these newspapers, *Tezadlar,* filed a lawsuit against Amashov.

Panelists acknowledged that they all practice self-censorship to some extent. In their view, self-censorship emerged as a result of a large number of lawsuits, attacks against journalists, and impunity of those who committed them. "It became too easy to target journalists. And editors openly tell their employees that they should be able to defend themselves. Many reporters interpret this as 'the survival of the drowning person is in the hands of the drowning person,'" said Tarverdiyeva. Aytekin Alkhasli, reporter for ANS TV and Radio, noted that regional media professionals face a more difficult situation than those working for national outlets: "As a regional correspondent of ANS TV, I enjoy incomparably more freedom as to what I report and how I report."

The April 30 shooting at the State Oil Academy revealed that government, opposition, and independent media interpret coverage of key events differently. Some pro-government media tried to downgrade the significance of the event, whereas some pro-opposition media exaggerated the story, making it into a terrorist attack on the state. All seven national television stations were given instructions not to run emotional footage from the scene, and censorship was exercised throughout the days following the incident.

In contrast with traditional media, Internet media proved to be fast and effective in their coverage. Within minutes after the incident, students and eyewitnesses uploaded footage taken with mobile cameras onto YouTube and various other sites. It was an eye-opening experience for many to see that nontraditional media, not taken seriously before, left behind traditional media, including television, for coverage of hot news.

Gabil Abbasoglu, editor-in-chief of the popular lent.az online news agency, admitted that the State Oil Academy incident revealed a number of shortcomings that could be prevented. The website of APA news agency, an umbrella company that includes lent.az, totally collapsed, unable to handle the huge number of visitors.

A survey conducted by Women's Media Watch on May 2 revealed that many Internet users regarded the State Oil Academy tragedy as a turning point. "It proved that television stations, newspapers, and news agencies were not able to deliver news as it was happening. Also, it was great to know that we now have a channel to get uncensored news. Frankly, I have more confidence in Internet news, because it is not censored," IT specialist Aziz Elkhanoglu told the survey.

Pay levels of journalists differ slightly depending on where they work. But generally speaking, journalists are not among the well-paid in Azerbaijan. Independent and opposition media struggle to get advertisements to survive. Government-affiliated media generally do better, but even they do not offer competitive salaries. Journalists believed that one of the reasons for the underdevelopment of investigative journalism is the lack of financial incentives. Etibar Babayev, director of Baku Slavic University Television Studio, observed that journalists are expected to produce stories every day in order to keep the media organization running, whereas investigation requires days, if not weeks, of research—something that media outlets simply cannot afford.

The prevalence of entertainment programming over news and information programs became a real problem in the fall 2009. To remain competitive in the race for audience ratings, commercial television stations gave preference to entertainment programs and conflict-based reality shows. Alkhasli said, "It is a shame to see that some stations run concerts all day long, like Gutb television in Guba."

In October, the head of the presidential administration, Ramiz Mehdiyev, submitted an op-ed on the necessity to stop the trend; it was published in the official Azerbaijan

newspaper. The op-ed opened up heated debates over the issue that proved to be of concern for many people. All television stations were expected to "draw a lesson" from the op-ed and reconsider their programming policy. As a result, a number of entertainment shows either dropped completely or underwent changes to make their format more educational or informative. Thus, Lider TV's *Car Show*, which enjoyed the highest popularity rating in Azerbaijan, stopped. Another popular entertainment show on Lider TV, *Dostum* (*My Friend*), changed its format. Instead of having performers sing each night, they had to compete in a song competition.

ANS TV managed to avoid much of this shift to entertainment. Its vice president, Mir Shahin, told the press that the company continued to observe a balance between entertainment and current-affairs programming and did not see the need for drastic changes. "We want rules to be applied for everyone," Mir Shahin was quoted as saying, an apparent hint that pro-government television stations were the ones to be blamed for ratings competition.

Facilities and equipment used by media vary by media type and individual outlet. In Baku, many media enjoy equipment that is modern and efficient. Facilities in some of the regions underwent modernization in 2009. Television stations in Sheki, Guba, Yevlakh, and other areas received new equipment with the government's support. Alkhasli said she was originally impressed by the latest digital equipment of the local television station in Khachmaz but soon learned that its professional standards failed to be as good. Further, poor Internet access and up-link opportunities remain problematic for media in the regions.

Among television channels, ANS TV and İTV are seen as offering quality niche reporting. Among newspapers, *Zerkalo*, *Ekho*, *Yeni Musavat*, and *Azadlig* offer niche reporting on business and social issues. Panelists thought that Khazar TV improved its news programming, especially by providing visuals and graphics.

Investigative reporting remains problematic in Azerbaijan. The opposition papers do not investigate; they merely print rumors or innuendo. Most broadcasters are controlled by the authorities or owned by friends of the ruling party and therefore do not engage in investigative journalism, either.

OBJECTIVE 3: PLURALITY OF NEWS

Azerbaijan Objective Score: 1.72

The score for Objective 3 remained nearly unchanged compared with last year. Indicator 4 (news agencies) did improve somewhat, but this was offset by a similar loss for indicator 7 (wide range of social and minority issues covered in media). Only indicator 3 (state media are nonpartisan) scored much differently than the overall objective score, lagging behind by slightly more than half a point.

Panelists agreed that with so many news media options, overall there is a notion of pluralism in the media. Media outlets give spin to stories to better suit their political interests. The same interview might be used by pro-government media to stress the country's achievements while pro-opposition media use the same interview to highlight the government's failures; independent media might go with a completely different angle. Therefore, one has to check several news sources in order to have a complete picture of the story. This seemingly pluralistic approach to news testifies to the compromise of editorial standards for the sake of political interests.

Difficulty obtaining opposing opinions affects fair reporting. While opposition media refuse or find it difficult to obtain information from the government, some government media outlets choose to completely ignore the political opposition's views on issues. It is believed that all pro-government television stations have blacklist policies that determine who can be interviewed and what topics can be covered. The list is being constantly updated and is based on their loyalty level to government circles. Therefore, opposition leaders rarely appear on television, the people's major source of information, except for some appearances on ANS or the public İTV.

Khuduoglu pointed out that the lion's share of Azerbaijani media is still state-run. Nearly every state agency has its own newspaper, and their number and circulation contain some 80 percent of the whole media. Another 10 percent is run by political opposition parties. Only the remaining 5 to 10 percent of newspapers can claim political independence.

In 2009, the new AzTV Idman sports channel started broadcasting. This represented the government's continued efforts to develop controllable media at the expense of commercially independent networks.

Bloggers and other Internet media continued to develop but are not yet seen as full-scale alternatives to traditional media sources, except in emergency situations like the April 30 shooting incident at the State Oil Academy. The slow development of Internet media is also linked to high tariffs for low-quality Internet service.

Access to domestic media is not restricted. Citizens can freely use social networks, such as Facebook, Twitter, YouTube, etc. A number of politicians, parliamentarians, and public activists use social networks. However, there is a mixed perception regarding privacy expectations of these networks.

For instance, in one incident *Yeni Musavat* and *Azadlig* newspapers published photos of a Nakhchevan official's child, taken from Facebook, to demonstrate his father's wealth.

NTRC's ban on RFE/RL, VOA, and BBC broadcasts on Azerbaijan's FM frequencies came into effect on January 1, 2009. Despite media reports regarding the continuation of negotiations for the resumption of these foreign broadcasts, NTRC chairman Nushirevan Maharramli confirmed that the "issue is over." There are no restrictions on listening to other foreign broadcasts or reading foreign news. Foreign print editions are not easily available, as there are a limited number of subscriptions, and only a few distribution companies provide foreign titles.

Internet tariffs remained relatively high, despite the Ministry of Communications and Information Technologies' efforts to bring prices down in January and then again in April 2009. But in most instances Internet providers failed to switch to new, lower tariffs and instead offered higher speed for the same tariffs. According to the Azerbaijan Internet Forum, 95 percent of Azerbaijan's Internet users still use low-quality dial-up, and only 5 percent had access to ADSL services.

State media continue to spend a predominant amount of time reporting on government leaders. AzTV carries detailed reports from the president's meetings and trips on a daily basis. Official Azerbaijan newspapers also have a twisted perception as to what its "official newspaper" status stands for. Its editor-in-chief, Bakhtiyar Sadikhov, has argued that the newspaper's tagline reads "the paper only publishes stories that reflect the interests of the state." In his view, the paper serves the national interests of the country by keeping the public informed of the government's work.

Panelists agreed that there are plenty of news agencies gathering and distributing news. As Babayev put it, the problem is the quality, not the quantity. "There is no lack of news agencies. But as in previous years, there is a lack of information of public interest," he said.

Although news agencies are not selective in offering their services to all media outlets, government-affiliated media end up using the official Azertac and semi-official APA and Trend news agencies most often. However, Turan new agency is seen as offering alternative thinking and has a restricted subscription by independent and opposition media. Aghamaliyev said he enjoys the fact that news reporting by news agencies differs drastically: "I wouldn't want [pro-opposition] Turan to report similarly to [pro-government] APA."

All private broadcast media produce their own news programming. ANS TV maintained leadership for its independent news programs, which to some extent differs from the public İTV and commercial television stations seen as close to the government.

Transparency of media ownership still remains problematic. Among commercial television stations, only ANS TV's founding ownership was made clear to public and laid out on its website. "There is no uncertainty as to who owns ANS TV," said Mammadli. "But if you make a request regarding who is behind Space TV, someone will certainly show up, but this wouldn't be a real person who is behind it," he continued. Mammadli also said the same is true for many opposition newspapers as well. It is difficult to say who is behind which newspaper.

Mammadova said that the Council of Europe's efforts to establish the identity of the owners of ATV revealed names of wives of two high-profile officials. She considered that the identity of national television stations should be public information. Mammadov argued that it was not important for the public to know who the real founder behind a media organization was. "It is important that we know the people who manage them," he said.

Several newspapers are published in the languages of ethnic minorities. Alkhasli, a northern-regions-based reporter, said that she does not encounter problems while reporting on ethnic minorities. In her view, this is partly due to the fact that media representatives are aware and trained to be considerate of sensitive issues: "For instance, there was an incident in Gusar when a man of Lezgyn origin raped an Azeri woman. I covered the story but put aside his national identity."

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.

When covering religion, due to Azerbaijan's secular status, the media are cautious not to glamorize foreign religious influences wanting to propagate their religious views, including Wahhabis and others. Gender misbalance in the management of media has its effect on coverage of gender-related issues. Male bosses supervise women's programs, and issues of women's health, abortion, single mothers, etc. are still not seen as appropriate and therefore are not welcome in most media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Azerbaijan Objective Score: 1.62

Panelists provided noticeably better scores for indicator 5 (government subsidies for private media) and indicator 7 (audience ratings and circulation data), leading to a small overall increase in the score for business management this year. The increase in indicator 7 made it the leading indicator, scoring just slightly more than half a point higher than the overall objective score. Other indicators remained the same as last year and scored very close to the overall objective score.

Selective placement of advertising remains a major reason for the poor business performance of media outlets. Panelists agreed that while editorial standards and professionalism remain as media's "muscles" to be worked upon to make the sector stronger, its "arteries" are advertising. Advertising by and large bypasses independent and pro-opposition media. With few exceptions—like Azercell, the mobile communications giant—private businesses do not place their advertisements in pro-opposition media, fearing pressure from the government. Therefore, independent and opposition media are largely dependent on subscriptions or individual sponsorships and financing by the owners.

According to distribution companies, only one newspaper, opposition *Yeni Musavat*, continued to work with profit in the absence of any advertising. Demand for the newspaper was so high that even pro-government distribution companies had to deliver it to meet their customers' needs. *Yeni Musavat* was founded, and is run, by former Musavat Party deputy chair Rauf Arifoglu. An experienced journalist and politician, Arifoglu managed to create a private daily newspaper that enjoys one of the highest circulations in the country. In September 2009, the newspaper launched its newly designed website, which has become similarly popular. To keep sales of its print copies high, its website is updated only after noon.

In his interview with Women's Media Watch, Arifoglu admitted that to keep *Yeni Musavat*'s circulation high, at times his team had to compromise editorial standards by running sensational headlines to grab the attention of what he called the "unhappy constituency." "Our audience is those who are not happy with government policy, and their needs cannot be ignored," he said.

Major opposition newspaper *Azadlig* was struggling to survive in the total absence of advertising. "No matter how good or bad our newspaper is, we won't get advertising. This is why a switch to color print is not an option for us. It won't bring advertising, and those who read us are happy to do so in black and white," *Azadlig* director Azer Ahmadov told WMW.

According to the law on mass media, advertising may not exceed 40 percent of the space in a print publication, but in practice most print media do not exceed 30 percent. For broadcasters, advertising may not exceed 15 minutes per hour or airtime.

Advertising agencies are developing, but generally advertising remains one of least transparent sectors. Most of the sponsorship and advertising deals were made possible after the advertiser's representatives were secretly given *shapka*, which is a bribe of between 5 percent and 40 percent of the total deal. Media that are struggling to make ends meet are forced to take or leave these terms. But even these packages have strings attached: advertisers are reluctant to back anything that could be interpreted as criticism of the government. Therefore, projects advocating human rights and democracy, investigative reporting, political debates, and true analytical journalism have no chance of getting commercial sponsorship. Only nonpolitical projects, such as cooking shows, style and fashion, health, song competitions, etc., receive sponsorship.

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

BUSINESS MANAGEMENT INDICATORS:

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

In some instances, magazines have been launched to help entrepreneurs get around the 18 percent VAT on advertising: rather than going through an advertising agency, the business can use the magazine for some of its advertising needs.

While independent media struggle for sales, subscriptions to pro-government newspapers and magazines are mandatory for government agencies. For instance, the editor of the official newspaper, Bakhtiyar Sadikhov, said it was only natural that government employees are expected to subscribe to *Azerbaijan* to be aware of government affairs. Other pro-government newspapers such as *525-ci Qazet*, *Ses*, *Iki Sahil*, and *Sharg* also enjoy "financial help" with mandatory subscriptions.

There is no ban on selling advertising for state media outlets. For instance, state-financed *Azerbaijan* newspaper receives a large share of advertising from funeral announcements and condolence notes. It is seen as prestigious to place condolence notes in the newspaper that is read by decision-makers. Similarly, state-run AzTV enjoys an increase in advertising during public holidays, as companies pay for congratulatory messages to the Azerbaijani people, broadcast on the channel that is widely watched by government officials.

However, panelists saw it as a positive development that NTRC is trying to end advertising on AzTV and İTV. The chairman of the NTRC, Nushirevan Maharramli, said that NTRC has already submitted such recommendations to the government in order to ensure an equal playing field for commercial broadcasters. NTRC's move met resistance from the leadership of AzTV and İTV. By the end of 2009, the government had not responded to NTRC's suggestions.

In another positive development, 2009 saw the launch of the Media Support Foundation, established by presidential decree. Independent experts and foreign observers ridiculed the idea of setting up a government body to help media become independent of the government. However, many media leaders saw this as an opportunity to help struggling media benefit from gigantic oil profits. The editor-in-chief of *Zerkalo* newspaper, Elchin Shikhlinski, argued that US government funds support local media and that an AZN 10,000 ($12,500) grant funding for a media organization is a drop in the ocean, especially in light of the profits the country is making.

The foundation's first action after its launch, on the occasion of Azerbaijan Press Day, was to allocate AZN 10,000 in one-time support to each of more than 40 regularly operating print media and news agencies. Pro-government, pro-opposition, and independent media organizations were all on the list of grant recipients. The move was lauded by media leaders, including those from the opposition. The foundation then continued to allocate grants based on competitions for journalists and media organizations. However, the head of the foundation, Vugar Safarli, was criticized for running the foundation too tightly. Journalists claimed it is easier to appeal to the European Court of Human Rights than for the foundation's grant competition. They said there are too many bureaucratic obstacles to enter the competitions. The foundation's charter envisions that only organizations that have been registered for more than one year are eligible to apply. This precondition keeps out media-rights organizations, which have been refused registration for political reasons or granted registration only recently.

Audience research usage by media outlets is somewhat sporadic. Newspapers have their own ideas about their readership based on perception rather than research. Television networks have more information about their ratings. To attract more advertising, television stations have routinely pointed to audience ratings produced by AGB/Nielson, an international ratings service. Television program schedules have been altered based on the findings. Thus, ANS TV's *Elgizin cume akhshamlari* (*Thursdays with Elgiz*) show, which hit a record 20 percent audience share in Azerbaijan, was among the most viewed, and yet the most criticized, programs. Run during primetime at 10 pm, this reality-based scandal show was seen by some as demoralizing the public and socially detrimental. However, its high rating ensured it a second season, too.

Some television stations have reservations about the objectivity of the ratings. They claim ratings have deliberately been altered to divert attention from news and current-affairs programs in favor of entertainment shows.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Azerbaijan Objective Score: 1.79

The small increase in score for this objective resulted primarily from panelists giving somewhat better scores for indicator 1 (trade associations) compared with last year. Otherwise, indicator scores remained mostly static. As with last year, indicator 3 (media-support NGOs) scored the highest, just slightly more than half a point higher than the overall objective score. The rest of the indicators fell within half a point of the score.

Trade associations and other supporting institutions have very little power to improve the protection of media rights and interests in Azerbaijan. There is no independent organization bringing together broadcasters. Attempts to obtain official registration for an association of regional broadcasters

failed in 2005-2006. In 2009, a group of leaders from Yevlax, Ganca, Lenkoran, and Khacmaz television stations announced their intent to establish a Regional Broadcasters' Council. By the end of 2009, it was not clear if this organization was registered or functioning.

The Media Council bills itself as a self-regulatory body able to reconcile opposing sides in cases of conflict between media and private companies. Following his re-election as its chairman, Aflatun Amashov is more aggressively advocating media-rights issues. His fight against racketeer journalists, described above, includes media close to the government. In his televised speech, Amashov said that some high-ranking government officials were behind some of the "racketeer" newspapers.

Several professional organizations are active but also possess little power to change the situation facing the media. The Journalists Union, created during Soviet years, is nominally the largest journalist organization. The Yeni Nesl Journalists Union and the Democratic Journalists League focus mainly on training. Mammadova said that the Journalists Union is a nominal structure and does not protect the rights of media professionals: "There are news media in Azerbaijan where journalists can be fired instantly, and no one stands up to resist it. Who needs a trade union if it is useless?"

Mammadli said that there are a number of media-rights NGOs that raise different issues of concern regarding media, but they fail to satisfactorily unite journalists to facilitate their own defense. Supporting NGOs include the Media Rights Institute and the Institute for Reporters Freedom and Safety. Their activities include documenting threats to media outlets and journalists, providing analyses of and tracking legal changes, and assisting journalists who find themselves in legal battles. The Women's Media Watch is relatively new.

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 January 2009, a group of senior journalists signed a petition calling on foreign donor organizations to stop giving grants to organizations that they called "non-journalist media NGOs." The petition said that these grant projects were not improving the situation for the media and were mismanaged or misappropriated. The petition claimed that these NGO even went so far as to make up cases to justify obtaining donor funds, but that in reality they fell short of protecting real journalists. Well-known journalists such Shahvalad Chobanoglu, Zamin Haji, Khalig Bahadur, Qan Turali, Seymur Baycan and many others signed the petition, which prompted debates in the media about the efficiency of media-rights organizations.

The legislature considered changes to the NGO law that would have prohibited NGOs from receiving more than half of their funding from foreign sources, forced registration with the state, and mandated that NGOs operating nationally have a presence in at least one-third of the country's *rayons* (administrative regions). Fortunately these provisions were struck from the final version passed in June, even though the law kept provisions preventing foreigners from starting NGOs and limitations on the activity of foreign NGOs.

Universities make attempts to provide practical knowledge for students of journalism. Baku State University and the Slavic University have television and radio studios. ANS TV has the US-Azerbaijan Journalism Academy together with the US Embassy in Azerbaijan. AzTV opened its Television and Radio Academy to provide in-house training for its employees. All of this was seen as a positive sign to improve journalists' professionalism.

Overall, panelists felt that the existence of alternative training programs for journalists who lack "traditional" education offered by NGOs is a positive sign. "These short-term courses, arranged by local and international organizations, successfully fill gaps that state education cannot provide. For instance, there is training for journalists writing on legal issues, the economy, and citizen journalism. They are free, convenient, and encourage personal development," said Mammadova.

Azarbaycan Printing House remains the most used printing facility. Despite a number of new private printing companies, formerly state-owned Azarbaycan is the cheapest. In 2009, *Azarbaycan* and, partially, *Zerkalo* newspapers offered color print newspapers, and several others switched from black and white to color.

However, newspaper distribution is mainly dependent on pro-government structures; the independent Qaya company continued to offer a rare alternative. Khuduoglu considered that the 40 percent, and in some instances up to 50 percent, distribution charge makes those considering starting up a print media outlet think twice before starting up a

newspaper business. He pointed out that only competition could bring down the distribution charges and boost the newspaper market. Mammadova noted that Qaya does not have a regional network, and distribution of newspapers willing to criticize the government in areas outside Baku is dependent on the pro-government Metbuat Yayimi or Azermetbuatyayim companies, which causes real problems for distribution throughout the country.

Even in Baku there is selective distribution of independent and opposition newspapers. For example, the chief of Baku's subway system banned the sale of opposition newspapers within the system, claiming he disagreed with what they wrote. The government directly interfered with distribution in the past by confiscating the kiosks of Qaya. These have not been returned despite a presidential decree ordering their return in 2005.

List of Panel Participants

Aytekin Alkhasli, reporter, ANS TV and Radio, Gusar region

Khaled Aghaliyev, deputy director, Media Rights Institute, Baku

Ayten Mammadova, senior reporter, *Azadlig*, Baku

Gabil Abbasov, general director, Lent.az news portal, Baku

Etibar Babayev, dean of the Media Center, Baku Slavic University, Baku

Tarana Tarverdiyeva, training instructor, Women's Media Watch, Baku

Ilgar Ibrahimoglu, COE Information Center, Director, Baku

Şhahbaz Khuduoglu, director, Chap Evi Publishing House, Baku

Alasgar Mammadli, lawyer, IREX, Baku

Tahir Mammadov, head, Public Television and Radio Public Relations Department, Baku

Moderator and Author

Sevinc Osmanqizi, chairwoman, Women's Media Watch; chairwoman, The Network of Women Journalists, Baku

The Azerbaijan study was coordinated by, and conducted in partnership with, Women's Media Watch, Baku. The panel discussion was convened on December 21, 2009.

Investigative stories are rarely carried on national airwaves, the mainstream television newscasts have become increasingly homogenous, and newspapers tend to be significantly opinionated. Yet, an avid, media-savvy news consumer has a growing diversity of news sources on hand, ranging from print to audiovisual.

GEORGIA

OVERALL SCORE: **1.82**

Georgia's rolling political theater keeps the nation's news media from growing into democratic, professional maturity. Pressures stemming from the previous year's economic meltdown, Russian invasion, and domestic instability continued into 2009, stunting development of the news business. Additionally, the nested doll–style media ownership systems and inferior ethical practices impair public trust in the news media.

The media reflect some plurality of viewpoints, but the media scene remains split along political fault lines, and only a few outlets maintain a critical distance from the partisan struggles. The ruling elite, insecure in the face of significant domestic and external challenges, lords it over the largest news companies to shape the national narrative. On the other side of the fence, another group of media companies marches lockstep with the political opposition. It leaves the impression that running a news business is often simply a tool to advance political ends.

Investigative stories are rarely carried on national airwaves, the mainstream television newscasts have become increasingly homogenous, and newspapers tend to be significantly opinionated. Yet, an avid, media-savvy news consumer has a growing diversity of news sources on hand, ranging from print to audiovisual. Also, news traffic is increasing on social networking sites, blogs, and forums. YouTube and Facebook postings, in particular, inform the national discourse.

The launch of a new quality, weekly magazine added another voice to the existing plurality of perspectives, but the handful of professional, quality news services remains largely an exclusive club for intellectuals. Many independent news outlets depend on international donors for life support.

The panel assessed the market environment as uncompetitive, and panelists gave Objective 4, Business Management, the lowest score since 2003. Georgia's active civil-society sector and an increase in the international development community's attention to the country's media situation helped keep journalism issues in the national spotlight. A 2009 report by global corruption watchdog Transparency International has also informed public debates on the obscure ownership structures in the television business. Several panel participants said that Georgians have no way of knowing who the people behind their television screens are. The growing diversity of journalism education programs accounts for the relatively optimistic assessment of Objective 5, Supporting Institutions, which at 2.14 received the highest score of the five objectives.

GEORGIA AT A GLANCE

GENERAL

> **Population:** 4,615,807 (July 2009 est. *CIA World Factbook*)

> **Capital city:** Tbilisi

> **Ethnic groups (% of population):** Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (2002 census)

> **Religion (% of population):** Orthodox Christian 83.9%, Muslim 9.9%, Armenian-Gregorian 3.9%, Catholic 0.8%, other 0.8%, none 0.7% (2002 census)

> **Languages (% of population):** Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% (*CIA World Factbook*)

> **GNI (2008-Atlas):** $10.79 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $4,850 (World Bank Development Indicators, 2009)

> **Literacy rate:** 100% (male: 100%, female: 100%) (2004 est. *CIA World Factbook*)

> **President or top authority:** President Mikheil Saakashvili (since January 25, 2004)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print: 73 newspapers, 87 magazines (yellowpages.ge); Broadcast: 47 television broadcasting licenses, 5 special television broadcasting licenses, 4 cable broadcasting licenses, 28 radio broadcasting licenses, 7 special radio broadcasting licenses (Georgian National Communications Commission)

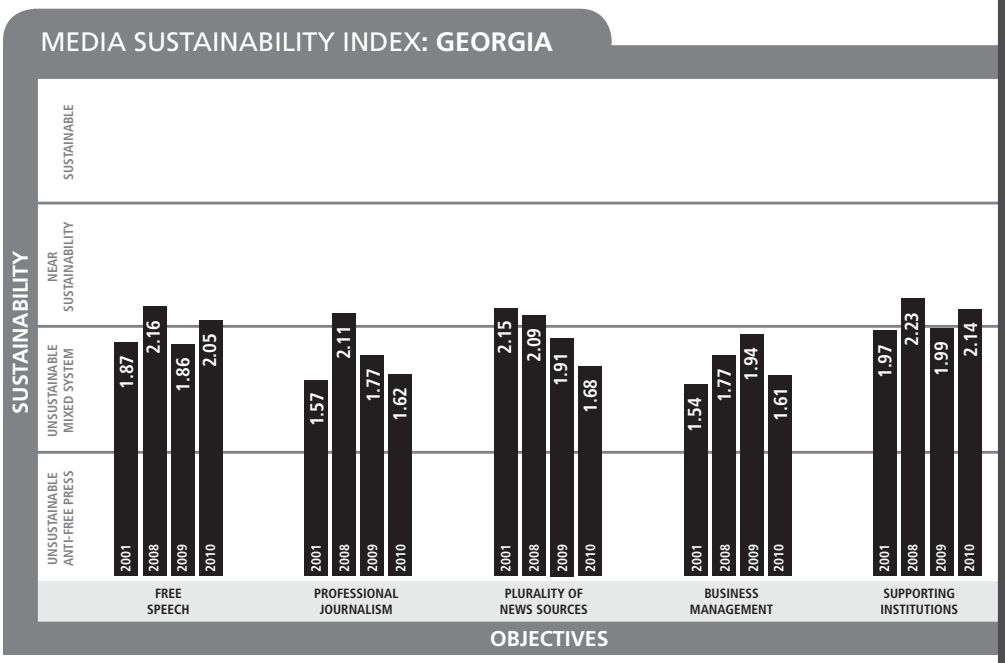
> **Newspaper circulation statistics (total circulation and largest paper):** *Rezonansi* (5,000-7,000 daily), 24 Saati (average 4,200 weekly), *Kviris Palitra* (45,000-50,000 weekly) (individual newspaper claims)

> **Broadcast ratings:** Highest rated television outlets in Tbilisi: Rustavi2, 5.04%; Imedi, 3.86%; Channel 1, 1.03% (TV MR GE, Licensee of AGB Nielsen Media Research)

> **Annual advertising revenue in the media sector:** For television, approximately $35 million; unknown for print and radio (TV MR GE, Licensee of AGB Nielsen Media Research)

> **News agencies:** AP Bureau, Reuters Bureau, Agence France Presse (representatives), Bloomberg (local representative), Black Sea Press, Novosti Gruzia, Sarke, Interpressnews, Iprinda, Itar Tass, Kavkazpress, Media News, Prime News, Prime News Business, Pirveli, Georgian Business Consulting News, Georgian Hot News (www.yellowpages.ge)

> **Internet usage:** Over 1 million users (Georgian National Communications Commission)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Georgia Objective Score: 2.05

Moving the country's generally liberal media laws from paper to reality remains a challenge. Some panelists said that free media are often sidelined through discriminatory enforcement of laws and regulations. Most of the panelists said that attacks on the press often proceed with impunity. Mistrustful of courts, the news media are wont to protect their rights by drumming up support of their audiences, nonprofit groups, and international organizations. Still, human-rights groups, activists, journalists, and opposition political parties always speak up against violations of free speech, as seen in cases with *Batumelebi* and Adjarian TV.

But the panelists diverged on how deep the problem of law enforcement is. Those working for outlets with a penchant for government criticism painted a morose picture, where decisions by courts and industry regulators seem politically motivated. Others had a less pessimistic impression.

The Internet is free of government regulations; however, newspapers, radio stations, and television outlets (including satellite broadcasts) must secure a license from the regulator.

Some panelists and international watchdog agencies charge that the Georgian National Communications Commission (GNCC), which oversees telecommunications and broadcasting industries, is pandering to the executive branch. GNCC, they say, maintains a stranglehold on the broadcast news market, barring or restricting access for companies that are not in the government's good graces. Several panelists suggested limiting GNCC's purview to technical aspects and reducing the regulator's ability to manage broadcast content.

The chief of the commission, Irakli Chikovani, took over the regulatory body in June 2009 after a stint as director and shareholder of Rustavi2, the alleged flagman in the pro-governmental fleet of television news channels. Chikovani sold his 30 percent stake in Rustavi2, but Nino Jangirashvili, director of Kavkasia news channel, said that the fact that the chief of the commission used to have a business interest in one of the regulator's licensees is a flagrant conflict of interest. She went on to say that GNCC overlooks license violations by the government-friendly channels but constantly finds fault with opposition-minded television outlets.

GNCC has let broadcast license requests from two community radios linger for three years now. GNCC keeps repeating the excuse that it needs to survey opinion in the area before awarding the license, said Mamuka Kuparadze, director of Studio Re Association, which partners with the radios. The radio stations were designed to cater to ethnic minorities in the Marneuli and Ninotsminda areas.

Panelists considered the tax environment to be generally liberal and nondiscriminatory, but outstanding tax liabilities have piled into a burden that threatens to crush several small, local outlets. Channel 25, a shoestring television company based in Batumi, the seat of the coastal Achara region, has battled through courts and public-appeals tax claims of some GEL 600,000 ($345,165). The channel director, Merab Merkviladze, claims that the overdue tax debt and delinquency fees stem from a period when Achara's ruler, Aslan Abashidze, seized the company from its owners. The owners reclaimed Channel 25 after Abashidze was ousted in 2004.

Merkviladze argued that the company should not be charged taxes and late fees deriving from a period when legal owners could exercise no control over the television's financial operations.

After the Batumi city court turned down the company's appeal on October 9, Channel 25 announced that the imminent tax lien would put the kibosh on Achara's only independent broadcaster. The Georgian Association for Regional Broadcasters, other journalism advocacy groups, and the parliamentary minority stood up for the channel. The Ombudsman's Office and the Ministry of Finance promised to find a solution, and the opposition Christian Democratic Party started drafting legislation on tax amnesty for floundering media outlets, whose financial woes are a holdover from the volatile years of President Eduard Shevardnadze's rule.

However, other panelists argued against a blanket tax reprieve that would inevitably include those debt-saddled media outlets that, unlike Channel 25, have only themselves to blame for the tax backlog and were underwritten by the government or other political groups in the past.

"Some of these regional television stations used to be financed, directly or indirectly, by the authorities and have put independent media outlets in an uncompetitive position," said Ia Mamaladze, chairwoman of the Georgian Regional Media Association. Natia Kuprashvili, executive director of the Georgian Association of Regional Television Broadcasters, countered that an order for just one company to write off debt is unrealistic, while indiscriminate amnesty would strip the authorities of a potential tool of influence and set a good example of solidarity within the news industry. Although Channel 25's fate was still up in the air when the MSI went to press, panelists believed that finance authorities would find a solution.

Violence against journalists intensified in spring and summer during another bout of the opposition's street campaigns to unseat President Mikheil Saakashvili. Several journalists were beaten on July 15, when baton-wielding policemen

confronted a group of demonstrators who were demanding the release of six detained protesters. Amid the tumult, police seized cameras from journalists, including a Reuters cameraman. Law-enforcement authorities later admitted to the excessive use of force, apologized, and returned the cameras, but the reporters said images that they had taken at the scene were erased.

Jangirashvili said she had received assurances from the authorities that the policemen who overstepped their authority during the clash would be punished. Police also promised to reimburse her for the damage to her company's video camera. However, according to Jangirashvili, police have yet to make good on both promises.

Reporters working for the government-sympathetic media also suffered abuse in that period. Time and again, the Public Broadcasting Company's news crews had to deal with catcalls and booing from protesters lined up outside the company's office. On one occasion, several opposition activists physically abused the company's morning news anchor, Nika Avaliani. The political leaders who led the protests offered only mild, if any, criticism of the attack and picketed the police station demanding release of the offenders.

Batumelebi, a well-respected and international award-winning newspaper based in Batumi, said that local law-enforcement officials blackmailed the paper's investigative reporter, Tedo Jorbenadze, to recruit him for intelligence assignments. In a statement released on November 25, *Batumelebi* said that after Jorbenadze declined the offer, operatives of the local division of the Interior Ministry's special operations department threatened to spread alleged photo evidence of his homosexuality, which is heavily stigmatized in largely conservative Georgia, according to the panelists. *Batumelebi*'s appeal sparked a major media and civil-society outcry, and the Interior Ministry has launched an investigation into the allegations.

Political forces continue to joust for sway over public television, which is generally viewed as tilting toward the ruling establishment. Georgian Public Broadcasting (GBC) trustees are nominated by political groups, and appointments to the board are made on a near-parity basis. The presidential appointees dominate the board of trustees, which has increased from nine to 15 members this year.

In December, President Saakashvili proposed to the parliament a choice of 21 candidates to fill the seven vacant seats on the board. Various political groups lobby for most of the candidates, while only a few are backed by the media associations. Zviad Koridze, a freelance reporter and media analyst, said that the board must be composed of apolitical media professionals and civil-sector representatives to free the broadcaster of partisan influences and turn into a truly public service–oriented news outlet. Three candidates who fit the above criteria were eventually approved by the parliament on December 18, 2009. While panelists agreed that the qualifications of these three—Shorena Shaverdashvili (editor of *Tskheli Shokoladi* and *Liberali*), Nino Danelia (a journalism professor at the Georgian Institute of Public Affairs), and Lia Chakhunashvili (dean of the Caucasus School of Media)—are beyond reproach, some panelists said that the political elite still maintains a decision-making majority on the board.

Tamar Kordzaia, of the Young Lawyers Association, said that recent changes in the law afford GBC unfair advantages. Not only does the company pull revenue via state subsidies and commercial advertisement, but now it may also set up private companies that can generate and sell audiovisual content. The daily newspaper *24 Hours,* often seen as government-leaning, continues to be an exclusive distributor of the government's tender announcements, and this places other market players on unequal financial footing.

Kordzaia said that state funding of public broadcasting, which has been entirely subject to parliamentary approval since 2008, limits GBC's financial and political independence. Late in December 2009, however, the government restored the previous funding arrangement, setting a bottom line for GBC funding at 0.12 percent of national GDP.

Some journalists on the panel complained that a growing apparatus of press-relations officers and other gatekeepers choke off the media's access to public officials and

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

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing 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.

information. Regional outlets say that the local authorities tend to release public records only after 10 days—the maximum term allowed by law—or sometimes media must go to court to force the authorities to provide public information.

There is little government interference with individual entry into the journalism profession and the domestic media's free access to, and use of, international news.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Georgia Objective Score: 1.62

In Georgia, journalism falls short of fundamental standards of fairness, objectivity, and fact-based reporting, according to the panel. Political fealties impair editorial integrity in the mainstream media, and many news outlets repeatedly demonstrate poor ethical judgment, the panel found.

Liana Tsiklauri, a Public Radio producer, said that television channels often stretch ethical boundaries by showing the faces of accused underage criminals and victims of violence. Journalists also sometimes put crime witnesses at risk by reporting on them openly, she said. In addition, Koridze deplored the deficit of sound, hard facts on the television news and said that reporters do not tend to fact-check information and views provided by their sources. "Rather than commenting on the facts, the facts are constructed through comments," Koridze noted.

Davit Paichadze, a journalism teacher and anchor on Channel 1, added that television journalists report news in a perfunctory manner and choose to dwell on the sensationalist aspects. Medea Imerlishvili, of Mtsvane Talgha private radio, said—and others agreed—that broadcast journalists seldom consult experts when working on their stories.

The panelists also brought up ethical concerns about Real TV, a new, aggressive arrival with a stated mission to unveil the true faces of political figures and events. When a popular opposition leader, Irakli Alasania, declined an interview request from the allegedly pro-government Real TV, the channel taunted him by conducting an interview with his effigy.

After almost two years of arduous efforts, spearheaded by the prominent journalist Ia Antadze, in December a group of journalists and lawyers produced the Georgian Charter of Journalistic Ethics. Backed by key European agencies, including the Council of Europe and the European Commission, the panel explained that the omnibus ethics charter is designed to become a self-regulatory solution for Georgian media's deficient ethical practices. As the effort was led by a group of journalists critical of the government, many government-friendly reporters simply chose not to sign it, although some did.

While it remains to be seen how effective its enforcement mechanisms are, a nine-member press council was set up to report on compliance with the charter's guidelines. By signing the charter on December 4, 137 journalists assumed the responsibility of adhering to the document's principles—essentially, internationally accepted tenets of journalism ethics.

A Code of Conduct for Broadcasters, issued by the GNCC, was also adopted in 2009. The editorial guidelines require news channels to produce well-sourced, fact-based, and balanced news. The 40-page paper also prescribes rules on privacy and confidentiality. This legally binding document was offered to broadcasters as a self-regulation mechanism. The GNCC maintains that the companies are free to decide themselves how to react to violations of the guidelines by their staffs, and that these decisions may not be subject to legal or administrative sanctions. Jangirashvili, however, is wary of the guidelines; she argued that the document and associated laws are vague enough that regulators could potentially use it to penalize the nonconforming broadcasters.

Kordzaia, however, maintained that noncompliance with the new code of practice may entail no legal responsibility for broadcasters, and the regulator cannot exploit the guidelines to interfere with the private broadcast content. The GNCC does reserve the right to take administrative measures should a broadcaster fail to create an in-house system to enforce the code or display a lax record of handling viewers' complaints.

Panelists agreed near unanimously that self-censorship is commonplace in the news media. They cited the impact of political influences on editorial decisions as the main reason

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 addition, Koridze deplored the deficit of sound, hard facts on the television news and said that reporters do not tend to fact-check information and views provided by their sources. "Rather than commenting on the facts, the facts are constructed through comments," Koridze noted.

behind the selective coverage of news. Rather than facing direct pressure from their organizations or political forces, many reporters have developed a sense for the kinds of stories and angles that they can safely cover.

Four members of the GBC's board of trustees resigned during the anti-government protests in April 2009, on the grounds that they could not ensure balanced and full coverage of the events. A group of reporters of the embattled private television station, Imedi, voiced similar grievances in May. The reporters claimed that Imedi's management embargoed news that could have been detrimental for the authorities. In addition, government officials criticized Channel 25's decision to air a state-sponsored Russian movie offering the Kremlin's version of the Georgian-Russian war in 2008 as unpatriotic. Merkviladze construed the criticism as an attempt to censor free media.

Criticism of the dominant Christian Orthodox Church, arguably the most influential institution in the country, is an anathema in the mainstream media. Still, this year, more freewheeling news outlets have earnestly covered bickering between the church and libertarian activists. Some Georgian commentators saw these tensions as a symptom of latent turf wars between the church and the government. GBC's Board of Trustees declined calls to hold live debates on the dispute.

Koridze said coverage of religious minority issues in the media is taboo. Tsiklauri and others commented that reporters sometimes use offensive language to describe religious or other minorities. However, Ia Bobokhidze said that reporters and editors tend to steer clear of the religious issues in general, due to the extremely sensitive nature of the topic. She commented that her regional newspaper, *Akhali Gazeti*, received threats from religious activists after it pursued a story on a slugfest involving parishioners and clerics at a church in Kutaisi, Georgia's second-largest city. Local clerical authorities also condemned the newspaper's coverage of the confrontation.

The Patriarchy of the Georgian Orthodox Church officially received GEL 25 million ($14,381,900) from the national budget, and the church has its own television channel. There is no government or civil oversight into the financial operations of the church. The country's powerful Interior Ministry is also impervious to media inquiries, Tsiklauri said.

Panel participants did not feel that entertainment content eclipses news programming. The three national television channels—GBC, Rustavi2, and Imedi—feature state-of-the-art media equipment, sleek visuals, and modern forms of news presenting. Smaller television companies, especially regional outlets, can ill afford to upgrade their broadcasting gear and therefore lag far behind the big three in terms of production finesse, the quality of signal, and the scope of coverage.

Panelists said that journalists are not paid well, but corruption, in the form of selling favorable articles, does not generally take place. Government-leaning outlets provide fawning coverage regardless of how much they pay their journalists, while the opposition media need no further stimulus to attack the government. Suspect injections from political groups, described in Objective 4, are a more pressing concern. In terms of pay, the biggest discrepancies are between journalists in Tbilisi and in the regions, and between television and print outlets, more so than between public and private outlets. Regional outlets complained again this year that many journalists move to Tbilisi for greener pastures.

Some outlets do struggle to upgrade their equipment and facilities. The cash-strapped Maestro television company, an outspoken government critic limited in reach to the Tbilisi metropolitan area, has been trying to scrimp together the money needed to extend its broadcasts nationwide via satellite. The station fought hard to obtain a satellite broadcasting permit, but then it called on its viewers—a humble 2.6 percent of the television market (Television in Georgia – Ownership, Control, and Regulation, 2009)[1]—to help shoulder the costs of satellite transmission.

Regional print media representatives say that local newspapers, mostly sustenance businesses, cannot afford to update technical facilities, and the poor quality of print is a turnoff for potential readers. Print outlets, especially in the regions, are in particular need of assistance, according to the panelists. Panelists noted that in terms of international assistance, equipment and training remain the most pressing needs.

Television and radio channels have diversified niche programming catering to specialized interests such as law or business, but the national broadcasters do not provide airtime for investigative reports.

[1] Transparency International Georgia used the data of local media research company TV MR GE, a licensee of AGB Nielsen Media Research. (Data are representative of the urban population older than four years and cover the first half of 2009).

OBJECTIVE 3: PLURALITY OF NEWS

Georgia Objective Score: 1.68

Overall, a pluralism of views can be found in Georgian media, according to the panel. However, media outlets tend to be singular in their point of view, reflected in judicious omissions, inclusions, and framing in the mainstream news cycle. Media outlets tend to adhere to political loyalties, narrowing the scope of views available from any given source.

Some panelists and international media assessments assert that the ruling establishment holds sway over the dominant news medium—television. The largest news networks, Rustavi2, Imedi, and GBC's Channel 1, are widely believed to be toeing the administration's line.[2] These three dominate the market with nearly a combined share of 70 percent[3] and offer newscasts that rarely differ in tone, order, and content. A European Union–funded study conducted by the Caucasus Resource Research Center revealed that 25 percent of the 1,768 randomly surveyed viewers tune in to GBC's Channel 1 for news. Of those, however, only 26 percent of the respondents said that they fully or partially trust the information provided by the public television channel.

Similarly, newscasts of twin opposition-minded stations, Maestro and Kavkasia,[4] have also often proved interchangeable, and both cover politics selectively (Georgia Comprehensive Media Research: Summary Findings, 2009). Until mid-December, Maestro aired a reality show featuring a key opposition leader's brother, the popular singer Giorgi Gachechiladze, as a host. The setting of the show was a mock cell symbolizing the current political regime. The host has repeatedly called upon Georgians to mobilize and oust President Mikheil Saakashvili from power.

Koridze said that as a result, there is no channel that Georgian viewers can tune to for politically balanced news. Viewers must flip from one channel to another to get both sides of a story. Unlike panel members, however, general audiences seem to have more confidence in the media. A Caucasus Research Resources Centers (CRRC) survey showed that some 47 percent of respondents fully or partially trust the media.

The Internet has drained some audiences away from the traditional media, Paichadze said. Twitter has not proved particularly popular with online audiences, but Facebook and YouTube have a growing journalism dimension in Georgia. The website of the local Radio Free Europe/Radio Liberty bureau and the web-based news service Civil.ge are popular among online readers. A professional, trilingual news outlet, Civil.ge operates under the auspices of USAID.

Urban, educated, and younger audiences increasingly turn to nascent blogs and other web-based information sources to fill the traditional media's news gaps. Still, Internet media cannot quite pack enough punch, as a mere 12 percent of the overall population is estimated to have daily access to the Internet, according to GNCC. Seven percent of the CRRC survey respondents said that they log onto the Internet daily for information on current events, while 50 percent of the interviewees said they never turn to the Internet for news.[5]

While audiences in Tbilisi receive news from a variety of sources and broad perspectives, the coterie of national television networks keeps provincial viewers on the government-friendly news diet, said Mamaladze of GRMA. Tsiklauri, Bobokhidze, and Mamaladze said that most rural residents cannot afford to purchase daily newspapers or install satellite dishes. Furthermore, cable networks have not carried Russia's state television channels since Tbilisi and Moscow waged war over the separatist South Ossetia region in 2008. Some panelists were convinced that the authorities have unofficially instructed cable operators to cut off the channels.

Panelists said that it has become almost a tradition over the past years for a particular television station to take center stage in Georgia's chronic political vicissitudes. This past year, Maestro was at the forefront of antigovernment demonstrations that started in the spring and petered out in summer. November 2007 unrest revolved around Imedi, while Rustavi2 played a vital role in the 2003 Rose Revolution. Both Rustavi2 and Imedi have controversially changed hands since these pivotal events and today are criticized for professing loyalty to the executive branch.

Georgian politics and media have resembled a hall of mirrors, when the founder of Rustavi2, Erosi Kitsmarishvili, the Rose Revolution ally-turned-foe of President Saakashvili, took over the management of Maestro in December 2009. Kitsmarishvili's reappearance as Maestro's manager has prompted comparisons to Rustavi2 and its role in the Rose Revolution. Kitsmarishvili vowed to transform the station into a major 24-hour news channel, a counterweight to allegedly administration-controlled national broadcasters.

[2] The CRRC survey found that 51 percent of their respondents believe Rustavi2 and Channel 1 are pro-government. By contrast, 94 percent of member media professionals, who participated in a focus group, believe that Rustavi2 serves the government's interest.

[3] Transparency International Georgia. (2009, November 20). *Television in Georgia – Ownership, Control and Regulation*. Retrieved from http://transparency.ge/index.php?lang_id=GEO&sec_id=50050&lang_id=ENG

[4] 68 percent and 50 percent of residents sampled in Tbilisi told the CRRC survey that Maestro and Kavkasia are supportive of the opposition.

[5] Caucasus Research and Resource Centers. (2009, November). *Georgia Comprehensive Media Research: Summary Findings.* Retrieved from http://www.epfound.ge/.

While audiences in Tbilisi receive news from a variety of sources and broad perspectives, the coterie of national television networks keeps provincial viewers on the government-friendly news diet, said Mamaladze of GRMA.

He scrapped Gachechiladze's reality show and has embarked on a fundraising mission to get his project off the ground. Kitsmarishvili asked former defense minister Irakli Okruashvili and his wealthy friend Kibar Khalvashi to pick up the tab for Maestro's makeover, Media.ge news service reported on December 15. Okruashvili, a controversial exile now living in France, has repeatedly vowed to fight his former boss, Saakashvili, to the end.

Earlier, in July 2009, President Saakashvili's former chief of staff and close associate Giorgi Arveladze became general director of a media holding that includes Imedi television and radio.

Human-resource decisions by media companies and political institutions have further blurred the line between media and political public relations. Journalists have few qualms about moving to the public relations side and then returning back to the news business. Interior Ministry Spokeswoman Nana Intskirveli became the news chief of Imedi television channel in March. In the same month, Irakli Alasania, one of the main opposition leaders, recruited Rustavi2 reporter Vako Avaliani as a spokesperson. Later in the year, President Saakashvili enlisted two well-known anchors, one from Imedi and another from Rustavi2, as his press relations chiefs.

Television channels tend to use major international news agencies for international news, but local radio and television stations generate original news programming and mostly do not rely on national network feeds. The panelists agreed that news agencies gather and distribute news in a nondiscriminatory fashion.

Minority-language information sources are presented; Channel 1, for example, offers newscasts in minority languages. Alania, often branded as the administration's pet project meant to reach out to separatist South Ossetians, broadcasts in Russian. GBC launched a major Russian-language channel in early January 2010 to cater both to domestic Russian-speaking audiences as well as people in the North Caucasus, within the Russian Federation.

Just as in last year's panel, many panelists said that the lack of transparency in media ownership particularly threatens trust between the media and the public. The true identities of media bosses cannot be traced through the obscure ownership chains. For example, the nation's most watched television news channel, Rustavi2, and the entertainment channel Mze are owned by a mysterious company—Degson LLC—registered in the British Virgin Islands, an offshore tax heaven. Little is known about RAK Georgia holding, which bought Imedi in 2009 for an unspecified sum. The holding is an affiliate of Rakeen Georgia, which, in turn, claims to be a part of a United Arab Emirates–based investment group, RAKIA. But in the latest twist, RAKIA's CEO, Khater Massad, told an Abu Dhabi–based newspaper that neither his group nor any of its affiliates have anything to do with Imedi and charged that his company's name is being used by impostors in Georgia.[6] Similarly, the defense ministry is suspected to be behind another obscure company that owns the Sakartvelo television channel.

Kordzaia said this environment is a result of legal loopholes, as Georgian laws and regulations do not currently require news companies to reveal their ultimate owners. Furthermore, Georgian law fails to insulate the market against the emergence of news conglomerates. Many nongovernmental groups, including GYLA, criticized the government for this; Transparency International has been the most vocal critic. By law, one person or company can hold only one terrestrial broadcasting license for television and one for radio, but it can hold shares in several licensed companies. For instance, the Georgian Industrial Group is a minority stakeholder in both Rustavi2 and Mze.

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.

[6] Keach Hagey. (2010.) The National. *A Riddle for RAK in Georgia.* Retrieved February 5, 2010, from http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100203/BUSINESS/702039962/1005.

Print media run the gamut from liberal to ultraconservative, from quality publications to yellow press. A new privately owned magazine, *Liberali*, debuted in 2009. This *Newsweek*-style weekly with a liberal edge provides in-depth, well-rounded coverage and picks up the mainstream media's slack on many current issues. Readerships of *Liberali* and its quarterly peer, *Tskheli Shokoladi*, are largely limited to Tbilisi's intellectual elite.

Both magazines and bloggers pursued the story on profanity-laced video clips posted on YouTube that ridiculed the head of the Georgian Orthodox Church, Patriarch Ilia II, Georgia's most revered public figure and symbol of the country's national identity. Tea Tutberidze, of government-leaning think-tank Liberty Institute, posted the clips on her Facebook page in November, but the real controversy began when Kavkasia ran a story on what was labeled as an unprecedented attack on the country's most sacrosanct authority.

The church hit back, charging that the authors and promoters of the videos were trying to sow national discord. The presidential administration soon followed suit, condemning the videos. In a move criticized by liberal groups as an attack on freedom of expression, police launched an investigation and tracked down the juvenile authors of the videos. Paichadze cited the case as the first-ever attempt to censor Internet media. Interestingly, a CRRC report found that 68 percent of respondents were interested in journalistic investigations of relations between the church and the state.

OBJECTIVE 4: BUSINESS MANAGEMENT

Georgia Objective Score: 1.61

Advertisement income and purported financial injections from owners have helped national channels through the troubled financial times, while smaller outlets, especially regional stations, are barely making ends meet. The fallout from the international financial crisis, the 2009 bursting of the country's real-estate bubble, and the 2008 war have depressed sales and advertisement incomes, panelists said. The panel judged that the commercial self-sustainability of the media was nowhere in sight and gave this indicator the lowest rating within the category.

Participants of a media conference sponsored by the European Union also concluded that in Georgia, "market forces alone cannot guarantee the sustained existence of the press."[7] Development dollars keep independent media afloat. *Liberali*, which panelists deemed the country's best, if not the only, quality print news outlet, receives vital funding from the Open Society Georgia Foundation. A handful of investigative journalism television studios, such as Reporter and Monitor, are fully bankrolled by international development institutions. These studios, essentially a club of outcasts who quit, were fired from, or were otherwise forced to leave mainstream news outlets, do not generate commercial income; they offer their productions free of charge to television channels.

Transparency International found that incomes reported by television companies in 2008 exceeded by far the estimated sum of their advertising revenues in that year.[8] The report concludes that at least $35 million of the television companies' incomes derived from unknown, non-advertisement sources. Far from being lucrative businesses, Rustavi2 and Imedi changed owners several times, sparking speculations that the formal investors are a front for real interests behind these news stations.

Newspapers and magazines are mainly sold through retailers; subscription numbers are low, panelists said. The Georgian Regional Media Association is compiling a database on the sources of incomes of almost 50 member newspapers and periodicals. "We are trying to introduce transparency so we know who is financed from the local authorities and municipalities, who relies entirely on commercial income, and who receives funding from donors," Mamaladze, of GRMA, said. "We do not aim to discriminate against members based on the sources of funding," she continued. "The members are free to choose their sources of funding, but readers and advertisers must be informed about these sources."

Sakpressa, which distributes newspapers in the regions, said newspaper sales have slipped by more than 30 percent in 2009 as compared with the previous year. Sakpressa representatives attribute the slump to the growing price of newspapers. Additionally, regional press association representatives said that the growing cost of paper and printing, a side effect of the financial crisis and economic estrangement with Russia, has affected the sales and quality of newsprint in the regions.

It is impossible to get a comprehensive, big-picture appraisal of the advertisement market, as there is no professional oversight of the industry. The head of Radio Hereti, Ramaz Samkharadze, and Jangirashvili believe that the advertisement market is also politicized. Businesses are wary of advertising with companies like Maestro, Kavkasia, and

[7] Civil Society on Human Rights Seminar on Media Freedom, Final Report, November 2009.

[8] The assessment is limited to terrestrial and cable broadcasters. Transparency International's estimate does not cover satellite broadcasting license holders, as they are not included in the data of Georgian National Communications Commission.

Hereti that are not in the government's good books, they said. "In many instances, companies receive phone calls from public officials instructing them not to place ads with certain media companies," Samkharadze said. Maestro's director, Mamuka Ghlonti, said that advertisers avoided his company as a result of government pressure. Ghlonti has said that he can barely pay wages to the company's 20 employees, and most of the Maestro staff is composed of interns.

Regional radio stations Hereti, Dzveli Kalaki, Atinati, and Harmonia, in partnership with Tbilisi-based radio station Palitra, developed a creative solution to secure advertising. They formed an association and now offer a combo advertisement package to businesses; they also exchange content, according to Samkharadze.

Television commercials are professionally and locally produced, but advertisement agencies are focused on broadcast media in the capital, while regional and print outlets mostly approach advertisers on their own, the panel concluded. Internet publications and broadcasters have yet to come up with workable business models that will make them self-sustainable. Two Internet television sites, ITV and GeoTV, both bare-bones operations, have a negligible presence. Advertisers have evinced little interest in these online business neophytes with a small, unspecified market share and unclear future.

In 2009, the nonprofit media organization Go Group launched Eyewitness Studio, an online video production that covers Georgia, but also hopes to extend its services to the South Caucasus. The website features professional and citizen journalist–produced short films and multimedia content documenting human-interest stories of local individuals and communities. The service is meant to provide an alternative to the dominant media and to provide a voice for regional populations that are often slighted in the mainstream news. Go Group receives funding from the European Union.

According to the panel, there is no reliable, exhaustive data on circulation, market shares, or sources of income of print outlets; the only figures available are supplied by the newspapers themselves. The panelists believe that many print outlets and publishing houses conceal true sales rates for tax purposes, and newspapers claim inflated circulation rates when dealing with advertisers. Advertising agencies may conduct occasional circulation research for their clients, but that information is closed and not necessarily reliable.

TV MR GE, a licensee of AGB Nielsen Media Research, produces television rankings and market-share breakdown. Panelists said that television companies and advertisers often consult these data.

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

Georgia Objective Score: 2.14

Divisions within the media camp hinder creation of a cross-media, nationwide journalism association or a general accord on professional standards, and last year's report noted that regional associations set up by donors did not prove viable. This past year, however, regional media outlets—including broadcast and publishing associations—have increasingly stepped up efforts to cope jointly with the challenges they face.

Near the end of 2009, associations set a strong precedent of successful cooperation when they spoke up against the intimidation of Tedo Jorbenadze, the journalist from *Batumelebi*, and acted to help Channel 25 out of its tax-burden predicament. Kuprashvili said that representatives of all 26 television companies that are members of her broadcaster's association arrived in Tbilisi to express solidarity with Channel 25. The panelists felt these efforts definitely helped Channel 25; at the very least, they raised public awareness of the channel's predicament and pressured the government to look for solutions.

Kurpashvili's association, the Georgian Association of Regional Television Broadcasters (GARTB), unites regional broadcasters. Kurpashvili said that her association does not discriminate against any regional outlet for membership but tries to ensure they adhere to proper standards of journalism. Mamaladze's association is for regional publishers. Membership is open to all, but the association does try to research the funding sources of its members. However, if a newspaper is sponsored by the government, it can still

become a member. In addition, there is an investigative reporter's association, called Gender Media Caucasus, which works on gender-related issues.

In addition to the 2009 development of the Georgian Media Ethics Charter Association described in Objective 2, several important newspapers, such as *Rezonansi* and *Alia,* formed an association late in 2009, and the Association of Investigative Journalists, uniting the investigative journalism studios Monitor, GNS, and Reportior, was also established. However, while the work of the members of these associations is important, the associations themselves are not important players on the Georgian media scene for now.

A number of civil-rights advocacy groups and journalism associations are active in the country. The Georgian Young Lawyers Association (GYLA), a nonprofit rights group, plays a particularly prominent role in advocacy. The organization is now helping the Regional Media Association compile a list of recent cases of intimidation or other violations of journalists' rights, and it has often offered legal advice to the reporters. GYLA also reviews legislative changes on the media and publishes its conclusions.

As a part of a European Union–underwritten project, GYLA has begun to extend legal counseling services to media practitioners and organizations in the regions. "We deal not only with clear-cut violations of freedom of the press, as this often comes in an indirect form, but also with employment-related disputes that often have implications for journalists' freedom," said Tamar Kordzaia, a lawyer for GYLA. GYLA counselors will be working at several regional centers around the country.

Panelists noted some progress on the media education front, where the choice of quality journalism programs has increased. Tbilisi State University, the nation's flagship state institution, has updated and streamlined its curriculum and offers more hands-on, market-conscious courses, said Maia Mikashavidze, the dean of the Caucasus School of Journalism and Media Management (CSJMM) at Georgian Institute of Public Affairs (GIPA). The Open Society Institute continues to support curricular development and technical upgrades for the school. Another Tbilisi-based public school, Chavchavadze University, launched a new master's program in journalism.

Nevertheless, Jangirashvili said that the skills of public-university graduates leave a lot to be desired. "Most of the young reporters coming from the universities, such as Tbilisi State, do not have any idea how television works; they do not know how to write a script or put together a video package," she said.

There are opportunities for students to get journalist training and degrees abroad, through foreign-donor-funded fellowships or training courses, and media outlets do hire returnees. However, in the past, media analysts and educators complained that this new blood cannot make a major difference until they have a chance to rise to the top of media companies.

Near the end of 2009, associations set a strong precedent of successful cooperation when they spoke up against the intimidation of Tedo Jorbenadze, the journalist from Batumelebi*, and acted to help Channel 25 out of its tax-burden predicament.*

Private schools have also diversified their offerings. A new master's program at the Caucasus University's School of Media (CSM) offers flexible hours to accommodate working students.

The CSJMM and the CSM both have some prominent academics and professionals on their staffs, but the same lecturers tend to teach courses at several schools simultaneously while also proceeding with their professional careers. Mikashavidze said that forming resident pedagogical staffs tied to particular universities is crucial to improving the quality of teaching. At the same time, growing tuition costs limits access to these programs. Lia Chakhunashvili, the CSM dean, explained that Georgian universities do not operate under a tradition of endowments. Private educational institutions rely on tuition as a main source of income, which drives up the cost for students.

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 general, the panelists complained that trainings in Georgia, as a rule offered to mid-career reporters, tend to be geared toward educating reporters on the issues on the global or local development agenda: global warming, gender issues, conflict resolution, economy, psychology, etc. While finding this helpful, several panelists said that a greater focus on practical journalism skills would be more helpful.

There is also a continual need for modern, locally written, or translated academic literature. "It is difficult to create a professional textbook locally when you don't have a long history of teaching independent journalism programs," Chakhunashvili said. An Open Society Institute grant helped CSM update and expand its library resources. To share this resource with other schools, Chakhunashvili said that CSM signed a memorandum with peer educational institutions to make the new media books purchased through the grant available to other journalism schools.[9]

International and local organizations conduct a number of training courses for reporters, but the majority of these courses are geared toward current issues and donor priorities rather than general journalism skills and needs, Chakhunashvili said. In general, the panelists complained that trainings in Georgia, as a rule offered to mid-career reporters, tend to be geared toward educating reporters on the issues on the global or local development agenda: global warming, gender issues, conflict resolution, economy, psychology, etc. While finding this helpful, several panelists said that a greater focus on practical journalism skills would be more helpful. The panelists agreed that investigative reporting skills are one area of need. Media outlets tend to support professional growth efforts, but generally only when it happens on an outside sponsor's dime.

Paichadze said that the new well-trained journalism cadre is having a hard time breaking into the mainstream journalism market dominated by the old guard. "The people who are calling the shots in the media sphere are molding the new arrivals into their likes," he said. There are exceptions, he added, but too few to make a difference.

Panelists observed no political meddling with newsprint facilities. However, the growing cost of paper and printing, a side effect of the financial crisis and economic estrangement with Russia, has affected the quality of newsprint in the regions.

Newspaper publishers and city authorities have been at loggerheads over a new print media distribution scheme; publishers are leery of municipal government attempts to systematize distribution of newspapers and periodicals in bigger cities. A network of identical newspaper kiosks, owned by a municipally selected company, has partly replaced randomly scattered newsstands in Tbilisi. Similar change is afoot in Kutaisi and Batumi.

Publishers fear that monopolization of the distribution market by allegedly government-handpicked companies could potentially become an effective tool to control the print media. The city authorities counter that the new system is part of a wider effort meant to spruce up the urban centers and put street vending in order.

In March 2009, several Tbilisi-based independent newspapers, including *Rezonansi*, which is generally considered a quality paper, and tabloids *Alia* and *Kronika*, boycotted the new kiosks. To preempt accusations of political influence, the owner of the new kiosks, White Distribution Company, then started purchasing these newspapers at different stalls and reselling the copies for the same price through its network. The company, however, said it could not keep up that effort and called on the papers to cooperate.[10]

Television owners argued that political influences shape programming strategies of cable networks. Jangirashvili said that many cable companies are reluctant to transmit Kavkasia and Maestro—both vocal government critics—because they fear retribution from the authorities. Merkviladze also commented that soon after his company started having problems with local authorities, it was taken off the cable network in 2006.

Channel 25's woes provided another example of political interference in television transmission. "Batumi has a dozen cable companies that compete for subscribers, but all refused to transmit Channel 25, and this was not a money issue," said Jangirashvili. "Later, when our case received publicity, most of the cable companies reluctantly agreed to resume carrying Channel 25." Georgian media laws and regulations do not stipulate must-carry rules for cable operators.

Government or business conglomerates do not control access to the Internet.

[9] CSM Dean Lia Chakhunashvili was not on the panel. She provided her responses to the MSI's e-mail inquiry on December 8, 2009.

[10] http://www.media.ge/ka/node/25149

List of Panel Participants

David Paitchadze, assistant professor, Ilia Chavchavadze Tbilisi State University, Georgian Public Broadcaster, Tbilisi

Maia Mikashavidze, dean, Caucasus School of Journalism and Media Management, Tbilisi

Zviad Koridze, independent journalist, Tbilisi

Tamar Kordzaia, lawyer, Georgian Young Lawyers Association, Tbilisi

Nino Jangirashvili, director, TV Kavkasia, Tbilisi

Merab Merkviladze, director, Channel 25, Batumi

Bassa Janikashvili, steering committee member, Radio Utsnobi, Tbilisi

Lia Tsiklauri, producer, Social and Political Affairs Division, Georgian Public Broadcaster Radio, Tbilisi

Medea Imerlishvili, chief of information service, Radio Green Wave, Tbilisi

Ramaz Samkharadze, director, Radio Hereti, Lagodekhi

David Nibladze, project and development manager, Regional Radio Network, Lagodekhi

Natia Kuprashvili, executive director, Georgian Association of Regional Television Broadcasters, Tbilisi

Ia Bobokhidze, editor-in-chief, *Akhali Gazeti,* Kutaisi

Please note that the following participants attended the panel discussion but did not submit scores.

Ia Mamaladze, chair, Georgian Regional Media Association, Tbilisi

Irakli Tsertsvadze, coordinator, Media Support Program, Open Society Georgia Foundation, Tbilisi

The opinions of the following research participants, who did not take part in the panel discussion, were used in preparing this report:

Lia Chakhunashvili, dean, Caucasus University's School of Media, Tbilisi

Mamuka Ghlonti, director, Maestro, Tbilisi

Mamuka Kuparadze, director, Studio Re Association, Tbilisi

Moderator

Ellada Gamreklidze, independent expert, Tbilisi

Author

Giorgi Lomsadze, freelance writer, Tbilisi

The panel discussion was convened on November 13, 2009.

RUSSIA AND WESTERN EURASIA

"The government may restrict the work of media both business-wise—via printing houses, distribution systems, advertising, and tax penalties—and as far as editorial policy is concerned—via censorship, false-information and libel suits, and restricting access to official information," one panelist commented.

BELARUS

OVERALL SCORE: **0.96**

Once again, Belarus fell short of the requirements for at least partial sustainability of its media sector, reflecting the Belarusian media's stagnation in 2009. Prohibitive legal norms and restricted access to news sources were only partially offset by media advocacy efforts and the largely unregulated Internet.

The Belarus government prefers repressing free speech with subtle tools that have the same chilling effect as overt measures. "The government may restrict the work of media both business-wise—via printing houses, distribution systems, advertising, and tax penalties—and as far as editorial policy is concerned—via censorship, false-information and libel suits, and restricting access to official information," one panelist commented. Despite such circumstances, Belarusian citizens can still access alternative viewpoints via the Internet, international broadcasters, and a few surviving private newspapers.

As relations with Russia, Belarus's closest ally, continued to deteriorate, Belarus President Lukashenka tried to further thaw ties with the West, firstly with the European Union (EU). The EU is demanding more political freedoms in Belarus, including unrestricted media. The government mostly paid lip service to political liberalization, but its grip on the media did ease slightly. The authorities retreated, at least temporarily, from regulating online media. An advisory council on the media was set up and non-state actors were invited to discuss media-related issues. Three more embattled private newspapers were allowed back into state-controlled distribution networks, but a dozen more were left outside. The government granted permission to one foreign-donor-funded broadcaster to open a bureau inside Belarus, albeit only for one year.

Elsewhere, the under-reformed Belarusian economy was unable to generate enough revenue to sustain independent media. In fact, Belarus needed billions of dollars from the International Monetary Fund and Russia to uphold its economy.

Two disquieting developments, just several days after the MSI panel discussion was held, called into doubt whether the period of relatively relaxed controls will continue. First, the government appointed a new, more hawkish information minister, Colonel Aleh Praliaskouski. Praliaskouski is a former army officer and head of a department of the presidential security service. His brief connection with the media was serving as director of BelTA news agency, the mouthpiece of government, in 2002 and 2003. Most notable, however, was his tenure as chief of the Lukashenka administration's ideology department (2006-2008). The opposition weekly *Narodnaya Volya* found itself on the wrong side of a costly libel suit filed by Praliaskouski (detailed in the 2008 MSI report). In 2008, he stated the necessity of filtering web content, praising the experience of China.

BELARUS AT A GLANCE

GENERAL

> **Population:** 9,671,900 (January 2009, National Committee for Statistics)

> **Capital city:** Minsk

> **Ethnic groups (% of population):** Belarusian 81.2%, Russian 11.4%, Polish 3.9%, Ukrainian 2.4%, other 1.1% (1999 census)

> **Religions (% of population):** Eastern Orthodox 80%, other (including Roman Catholic, Protestant, Jewish, and Muslim) 20% (1997 est., *CIA World Factbook*)

> **Languages (% of population):** Belarusian, Russian, other

> **GNI (2008-Atlas):** $52.117 billion (World Bank Development Indicators, October 2009)

> **GNI per capita (2008-PPP):** $12,150 (World Bank Development Indicators, October 2009)

> **Literacy rate:** 99.6% (male 99.8%, female 99.4%) (1999 census)

> **President or top authority:** President Aliaksandr Lukashenka (since July 20, 1994)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:**

> **Print:** 1,305 (663 newspapers (9 daily)), 594 magazines and journals, 42 bulletins and 6 catalogues); Radio: 158 radio stations (2 nationwide); Television stations: 71 (6 nationwide) Belarus Ministry of Information, February 2009)

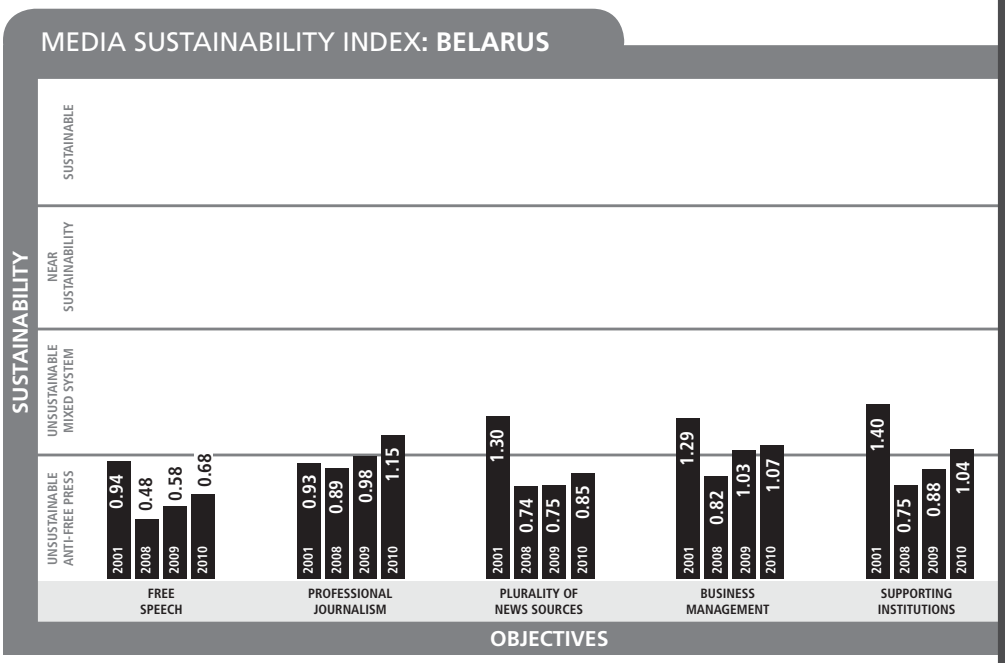
> **Newspaper circulation statistics:** top three: *Sovietskaya Byelorussia* (state-owned, 2,000,000 weekly circulation), *Komsomolskaya Pravda v Belorussii* (independent, 558,000 weekly circulation), *Respublika* (state-owned, 271,250 weekly circulation) (Medusa Advertising Agency December 2009)

> **Broadcast ratings:** Share of television audience: ONT (18.0%, state-owned), NTV Belarus (15.7%, Russian-owned, broadcasting state-controlled), RTR-Belarus (8.4%, Russian-owned, broadcasting state-controlled) (GEVS, December 2009)

> **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, 2009)

> **Annual advertising revenue in media sector:** $ 92.4 million ($56 million television, $14 million press, $6 million Internet, $5.4 radio) (ZenithOptimedia advertising group, December 2009)

> **Internet usage:** 3 million (November 2009 Gemius



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

Separately, a draft of a presidential decree on the Internet was leaked to independent media. Among other provisions, it calls for registration of online media and the possibility of summarily blocking any website. As of this writing, whether the government will move forward with implementing this decree is unclear. But the Internet community and free speech advocates fear the worst, looking ahead to local elections in 2010 and the presidential election early in 2011.

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the situation in the country. Human-rights groups, both domestic and international, believe the article's vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

OBJECTIVE 1: FREEDOM OF SPEECH

Belarus Objective Score: 0.68

Although the Belarus Constitution guarantees the freedom of speech, these provisions are largely not enforced. Despite severe criticism both in-country and abroad, a media law came into effect in February 2009. Comments from MSI panelists on the new law ranged from "tolerably restrictive" to "draconian."

In particular, press freedom watchdogs condemned the burdensome procedures for accreditation of journalists; the information ministry's increased authority to penalize the media and their managers; the sanctions for violating the vague requirement of "compliance with reality" for media materials; the restriction on foreign ownership of media to 30 percent; and most notably, the government's efforts to extend tough controls of online media.

The media law orders existing print and broadcast outlets to re-register with the Ministry of Information. Although the ministry manages registration rather unrestrictively, at least half a dozen small-circulation regional bulletins were unable to register as newspapers under the law. Their applications were repeatedly returned—neither denied nor approved. The ministry cited various dubious reasons for returns: a company being registered at a home address (most common), a paper's specialization being non-compliant with publishing standards, and would-be editors lacking journalism diplomas and experience. Panelists noted that two or three companies with almost identical applications were able to register regional newspapers.

The Internet remains the least regulated of all media and largely unrestricted, although VOIP is banned other than for personal use. Users are not required to register for access to the Internet. And in an attempt to improve its relations with the EU, the government put an informal moratorium on the registration of Internet media.

One of the panelists mentioned other laws detrimental to freedom of speech: the law on civil service (effectively bans access to official information), the law on combating extremism (makes criticizing government policies dangerous), and the criminal code (with numerous defamation provisions).

Politicized courts with judges appointed by the president offer little if any protection—only when the international community applies pressure. Freedom of speech violations in 2009 were hardly causing public outcry, but independent journalists did display some solidarity.

The information and communications ministries issue broadcast licenses in a three-tier process. First, a broadcaster registers a media outlet (the so-called television or radio program) with the Ministry of Information. Then the Republican Commission on Television and Radio Broadcasting, the nine-member body of government officials headed by the Minister of Information, allocates a frequency via a tender. Finally, the Ministry of Communications and Informatization issues a license to use the frequency allocated.

Although a set licensing system is in place, panelists said that the actual allocation is highly problematic. "Broadcast licensing is neither fair nor competitive. And there are no exceptions here," one panelist said.

Broadcasters founded by the president and the Council of Ministers receive frequencies without a tender. This practice allows further government monopolization of media—despite the Constitution expressly banning such monopolies. Furthermore, the media behemoth National State Television and Radio Company pays a registration fee of just $60 to run its three national television channels, one satellite television channel, five national radio stations, and five regional television and radio companies with their own regional FM radio and television production studios. Other applicants pay 40 to 200 times as much to register.

Between February and November 2009, the Ministry of Information registered four radio stations (one state-owned) and seven television channels (three state-owned). In February and August, the ministry announced two tenders to allocate three regional FM radio frequencies each, in the towns of Lida, Pinsk, Babrujsk, Salihorsk, Zhlobin, and Brest.

However, the ministry issued no official reports about bidders or any winners.

On the positive side, Belarus remains a global leader in regulatory reforms to ease conducting business, according to *Doing Business 2010*, the seventh report in an annual series published by the World Bank and International Finance Corporation. For the second consecutive year, Belarus ranked fourth among the top 10 regulatory reformers. Its overall rank climbed to 58 from 85 last year (up from 115 two years ago). On starting a business, Belarus was ranked seventh out of 183 countries—an impressive leap from 98th a year earlier. Starting a business in Belarus requires six days and five procedures, according to the same survey.

Although would-be publishers and broadcasters—just like other businesses—will certainly benefit from those reforms, media outlets also have simplified administrative procedures. The new media law eased registration of media outlets and most notably abandoned the requirement that newsrooms register their locations with local governments. Theoretically, filling out an application form, paying a registration fee, and filing these with the Ministry of Information are enough to start up a media outlet. Within a month of receipt, the ministry is to decide on an application. However, the aforementioned non-registrations of regional newspapers "should be seen as an extra barrier to market entry," said one of the panelists, a media lawyer. Broadcasters go through the cumbersome licensing procedures detailed above.

Belarusian law has other media-specific restrictions, most notably that media operations can be suspended for up to three months following a warning from the Ministry of Information and without a court ruling. Also under the new media law, direct foreign ownership of media is limited to 30 percent for a publisher or broadcaster, and radio stations must air 75 percent Belarusian music. This clause in particular causes stations to lose audiences, as listeners seek more variety and therefore turn less to radio as a source of music.

Taxation in the media sector is no different from other industries, and although the government has made some reforms, all businesses have to cope with one of the most tangled tax systems in the world. According to *Doing Business 2010*, a medium-sized company would spend 901 hours a year preparing, filing, and paying taxes that would total 99.7 percent of its profits. This led to Belarus being ranked 183rd of 183 economies on this indicator in the report.

Crimes against journalists remained rare. However, the panelists agreed that media professionals do not feel secure. The police practice of obstructing journalists engaged in covering opposition rallies continued to thrive, and new developments prompted fears that police were adopting new practices. During peaceful civil actions in downtown Minsk on September 9, September 16, and October 16, 2009, plainclothes riot police obstructed the work of journalists photographing and filming the events and the subsequent dispersals by the police. Each reporter was tackled by two plainclothes commandos, who covered camera lenses and pushed journalists away from the scene and made filming and photographing nearly impossible. The Belarusian Association of Journalists took these concerns to the Ministry of Interior and the presidential administration. The authorities told them that the government investigated the incidents, but no reports were made public.

In addition, several journalists received anonymous threats. On February 6, 2009, Andrzej Poczobut, a correspondent in Belarus for Poland's largest daily, *Gazeta Wyborcza*, found a note on his apartment door warning him to stop his critical reporting or else face retribution. Then his family, including his 8-year-old daughter, received repeated calls on their mobile phones from unknown callers asking for Poczobut's whereabouts. A month later, the Ministry of Foreign Affairs denied his application to renew his press accreditation, on grounds that his reporting was biased and insulting to the president. Poczobut's allegedly insulting articles included a recent police initiative to enforce the fingerprinting of male residents, the deportation of three Polish Catholic priests, new criminal lawsuits launched against recently released political prisoners, and talks between Lukashenka and EU officials.

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 another case, Natallya Radzina, editor of the opposition news website Charter97.org, received an e-mail on July 15, 2009 threatening her with sexual violence if she was not "careful" about what she posted on the site. This came a week after her website reported about the pardon of the leader of the pro-Russian neo-fascist group, Russian National Unity. The story reported details of the government's failure to curb the organization's xenophobic and racist activities, alleging ties with the Belarusian KGB. Back in 2006, the same group had sent threats to several independent regional newspapers.

Iryna Khalip, Belarus correspondent for the Moscow-based independent newspaper *Novaya Gazeta*, has been targeted also. On December 12, 2009 in a memo to her newspaper, she said that she had received anonymous threats by e-mail, phone, and telegram. She was warned not to publish the investigative report she wrote and submitted to her paper on November 22, 2009 about the disputed legacy of the late Georgian billionaire Badri Patarkatsishvili. One e-mail read, "Unless you remove your article, you will go to meet Anna Politkovskaya," referring to the *Novaya Gazeta* reporter who was gunned down in Moscow in 2006. The telegram suggested that Khalip "think about her son when reporting." An unidentified man told Khalip by phone that she should not leave her house if the article is published.

The article was published on December 9, 2009, but there was no follow through on the threats. Khalip said that she believes that the state security service KGB was involved, since details mentioned in the messages suggested that the perpetrators had intercepted her e-mails and bugged her cell phone.

Belarus has no truly public media in the Western sense. With the exception of the Internet, state-owned media outlets prevail. Editors of the biggest nationwide media are appointed by the president, so "they 'by custom' remain editorially dependent," a panelist commented.

Media law does not on its face favor either state media or private media. However, private, independent media routinely face restricted access to official information, mainly via a largely unregulated system of accreditations. Non-state journalists still rarely win access to events attended by the president or other top officials.

Businesswise, state-owned media enjoy subsidized rent, salaries, distribution, and printing on top of $67 million (down from $75 million a year earlier) in direct funding from the state budget. Moreover, a presidential decree of September 25, 2009 exempts state-controlled television channels ONT and STV from VAT and income taxes for three years, on the condition that the outlets reinvest the money to upgrade their technical facilities and buy and produce content. Just a month later, the National State Television and Radio Company secured similar tax breaks.

Belarus has harsh libel and insult laws, with government officials and especially the president having a higher level of protection against criticism. The president does not have to file a suit; the public prosecutor's office "automatically" files. Libel is punishable by up to three years in prison, by two years in a labor camp, or by large fines. The courts have heard no such cases since 2002; however, every year local media assistance NGOs report 15 to 20 so-called "honor, dignity, and business reputation" suits dealt with through the civil law. Meanwhile, state-controlled media regularly involved in smear campaigns against opposition groups go unpunished. Independent media companies are in most cases penalized by fines for far less egregious violations.

As of this writing, there were no reports of Internet service providers or web hosting companies being punished for the content that users store or transmit via their facilities. Still, almost all websites critical of the government are hosted outside Belarus.

Belarus has no access to information law, and access to public information remains restricted, panelists agreed. A provision under the earlier media law, which ordered state bodies and officials to provide information within 10 days of a newsroom's request, was abolished altogether, "leaving independent media even without that insignificant safeguard," a media lawyer commented.

One of the panelists recalled the government "significantly restricting and filtering" information about the swine flu. As the epidemic was gaining strength, the Ministry of Health stopped reporting on the availability of drugs and providing statistics regarding infections and deaths. The ministry started offering percentage data instead, and only to state-controlled media. Their non-state counterparts were largely ignored and had to rely on other, often unofficial sources.

Concurrent with those actions, the Ministry of Information warned that "it would stop any attempts to disinform the population," adding that online versions of registered media were also monitored. Two weeks later, on November 18, 2009, the ministry handed out warnings over swine flu stories to two independent newspapers: the opposition weekly *Nasha Niva* and the Russian-owned popular daily *Komsomolskaya Pravda v Belorusii*. The stories at both newspapers cast doubt on the official version of how the government tackled the epidemic. Following such a warning, the Ministry of Information may suspend a media outlet's operations for up to three months. With two warnings

during a year, the Ministry of Information may seek closure of a media outlet via a court ruling.

Access to international news and news sources—mostly via the Internet—remains unrestricted. Still, the affordability of fast Internet connections hampers the broader use of international sources, as do the cost of subscriptions to foreign news services and the poor foreign language skills among some readers.

In principle, the government allows reprints and rebroadcasts. But in practice, one panelist argued, the state keeps broadcast media under tight control and no news rebroadcasting is allowed. On September 30, 2009, the Ministry of Information issued a warning to Autoradio, a Minsk-based FM station, citing it as "falling short of its creative concept of broadcasting." The Ministry suggested the radio station "take steps to keep to the creative concept of its broadcasting," otherwise its license could be cancelled. Although the text of the warning contains no reference to any particular violation, it is believed to be prompted by the EuroZoom radio program that was produced by the independent European Radio for Belarus (ERB) and then broadcasted daily by Autoradio. ERB is a donor-funded radio headquartered in Poland. Surprisingly, on November 11, 2009, a Council of Ministers directive allowed ERB to open an official bureau in Belarus for a period of one year.

Panelists differed somewhat on whether entry into journalism is generally free. On the one hand, a journalism diploma is not a legal requirement to work as a journalist. In fact, state and independent newsrooms are staffed mostly by those who lack journalism diplomas, according to numerous reports. On the other hand, the government controls admissions to journalism schools. Applicants must provide recommendations from local authorities and then undergo interviews by a special commission that mostly checks on how politically loyal would-be journalists are. Moreover, graduates of journalism schools are subject to Soviet-style "distribution" and must work for two years wherever the government sends them—usually to small state-owned regional newspapers.

Belarusian law requires editors-in-chief to have a diploma or degree in journalism and at least five years of managerial experience. That condition has been in place for years and the labor inspectorate at the Ministry of Labor and Social Protection checks for compliance. In an alarming development this year, the Ministry of Information somewhat transcended its jurisdiction by introducing that requirement of editors as a prerequisite for entities applying to register a new media outlet.

Accreditation also proves to be a barrier for some media professionals. "The accreditation procedure is neither transparent nor open, and is in fact an ideal mechanism to restrict access to information," a panelist commented. Sometimes events are being covered on a pool basis and independent journalists may not be allowed. Online journalists, freelancers, and bloggers have even more difficulty gaining access to information or public events, given that they are not employed by a registered media outlet and have no journalist status.

Panelists could cite only one attempt to fight restricted access in any organized way. In 2007, the House of Representatives (the lower chamber of the Belarusian parliament) denied accreditation to Maryna Koktysh, deputy editor-in-chief of the opposition weekly *Narodnaya Nolya*. Since then, she has unsuccessfully tried to appeal the decision. On December 4, 2009, the Belarusian Supreme Court ruled that "issues related to accreditation of journalists fall outside of courts' jurisdiction and denials cannot be taken to court."

Foreign correspondents must be accredited with the Ministry of Foreign Affairs. The ministry has repeatedly denied accreditations to journalists working for independent donor-funded broadcasters—ERB, Radio Racyja, and satellite TV Belsat—that specifically target Belarus, on grounds that they had been reporting without accreditation.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Belarus Objective Score: 1.15

While commenting on Objective 2, panelists mentioned that giving overall scores on Belarusian media is not easy, given the huge differences between independent and state media. Scoring is especially difficult with regard to objectivity, in-depth reporting, ethics, censorship, and pay levels, one of them remarked.

State-controlled media present one-sided and biased coverage. Quite often, controversial events and issues are simply not covered. Opposition media also push propaganda. Still, Belarus has independent media outlets that try to be objective, despite the government or opposition pressure to "counteract lies." According to one panelist, independent media "have become hostage to a closed society and—to a much lesser degree—lack of culture of professionalism."

With understaffed newsrooms, most independent newspapers and online media find it next to impossible to conduct in-depth research, instead merely scratching the surface of an issue, which affects report quality. Journalists at state-controlled media simply accept as truth what government officials are saying and do no fact checking or background research.

A rather small "pool of experts" is approached for comments, and as a result, the different media outlets present hardly any variety of approaches or opinions, one panelist argued. The experts themselves are in the dark and offering mostly guesswork, given the restricted access to information. Independent think tanks have almost gone extinct or at best become "one-man-bands."

Each of the country's two journalistic organizations, the governmental Belarusian Union of Journalists and the independent Belarusian Association of Journalists, has its own code of conduct. The codes are quite universal: "It all boils down to the Ten Commandments," a panelist said. Another panelist added, "Media operate in such a narrow corridor that there is hardly any possibility to violate ethical standards."

In a surprise move, the government tried to enter the discussion of ethics. Natallya Piatkevich, first deputy head of the presidential administration, accused the media of sensationalizing stories and said it would be advisable to work out a unified journalism ethics code.

Self-censorship is thriving across the media sector, in varying degrees. Some independent media are ready to report on sensitive issues, but journalists know that they are better off not addressing some subjects—for example, President Lukashenka's family as well as the business interests of his family and allies. A business survival imperative leads to newsrooms compromising their ethical standards—at times by not criticizing prominent advertisers, and even by succumbing to requests that certain advertisements not be placed next to political stories or any critical reporting at all.

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 most cases, journalists—especially those at state-controlled newsrooms—are already aware of the corridor within which their reporting should stay. The editors of independent journalists sometimes advise soft-pedaling stories, especially when a publisher or broadcaster is seeking a license or is updating registration with the government. "State-owned media *ex officio* have to conceal public information," a panelist commented. "If that is impossible, they indulge in a mass production of factoids. Independent media tend to cover key events; however, often they are themselves in the dark about important matters."

Panelists said that the media cover almost all key events, but the quality remains a sore point. "You can't say people understood what was going on with the economy or the swine flu," a panelist argued. Blogs and social networks like YouTube, Facebook, and Twitter are hardly contributing anything except for personalized comments.

"Pay levels for journalists are sufficiently low to encourage all manifestations of corruption," a panelist said, but added rather ironically, "The thing is, there is no need to buy journalists that often." A journalist at a regional newspaper earns at least $300 a month in the regions and around $700 in the capital, according to one panelist. Note that in local currency equivalents, salaries remained the same at best as a year earlier. Throughout 2009, the Belarusian ruble slumped 33 percent against the U.S. dollar, including a one-off devaluation of 20 percent to seek a $2.5 billion loan from the International Monetary Fund. In 2009, the median salary in Belarus was around $350 a month.

Overall, journalists working for the state media remained better off compared to their independent counterparts. One of the panelists equated working for the state media to corruption, since "these journalists kept on generous retainers are just spinning the government's line." Apart from higher salaries, state-owned media are still capable of securing subsidized housing loans for their employees.

"With salaries being low and temptations high," said one panelist, journalists and editors do sell stories and provide favorable coverage, mostly in the form of veiled advertising. Sometimes these choices are made to sidestep the legal limitation on the amount of advertising. Occasionally, journalists and editors are offered gifts or trips; for example, a car dealer that organizes a "how-good-our-cars-are contest" and gives cash prizes to authors of the best stories.

By Western standards, Belarusian television maintains a rather high information-to-entertainment ratio. Newspapers contain hardly any entertainment features. Nonetheless, the panelists argued that the media sphere does not include enough news,

and the quality of both information and entertainment programming remains low.

The government also is dissatisfied with the amount and quality of news. On December 14, 2009, President Lukashenka lambasted the state media: "Media are not working today at all. There is nothing to watch on the television both at home, and, luckily for us, abroad. No one listens to radio in Belarus any more. And they watch only music videos on television. This is all entertainment stuff, not interesting at all. I have an impression that managers [of state television channels] have forgotten that they are executors of ideological work."

The basic technical capacities for newsgathering and reporting are available everywhere across the industry, the panelists agreed. However, independent newsrooms are increasingly unable to afford to stay on the cutting edge of the technology or offer good multimedia or multi-platform journalism. They are desperate for faster computers and broadband Internet, as well as photo and video equipment. The software used is almost 100 percent pirated.

At the same time, several panelists cited journalists' reluctance and lack of skills in using the equipment and technology already at their disposal. With government subsidies and centralized procurement of equipment, state-controlled newsrooms are getting more competitive with regard to technology.

With restricted access to information and the lack of resources available to the media, investigative journalism has gone extinct. There is some quality niche reporting, mainly on economics and sports. "There is a need for specialized journalism, yet with media just fighting for survival as businesses and no one willing to invest, there is hardly any market for that," a panelist argued.

Private blogs and on-line media have not offered much of an alternative. Blogs are largely opinion, often based on news in "traditional" media. And online media suffer for the same reasons broadcasters and print media do, including lack of resources.

OBJECTIVE 3: PLURALITY OF NEWS

Belarus Objective Score: 0.85

According to the panelists, news is restricted in Belarus and independent news sources are not readily available. There is some relief thanks to the Internet, small private newspapers, satellite dishes, and foreign radio stations. "There are a lot of state-owned, and very few private, sources of information. Quantitatively, there are more non-state media registered [900 versus 414, according to the Ministry of Information], yet audience-wise, they are largely overshadowed," a panelist said.

State television continued to dominate in 2009. In a September independent opinion poll, 89.8 percent of Belarusians aged 18 and older said that they watch state-owned national television channels; 85.0 mentioned Russian television; 47.2 cited local television stations; 40.9 said cable television; and 22.2 named satellite television. In a March 2009 survey by the same pollster, only 5 percent said they were watching independent donor-funded satellite television Belsat. Novak, a television audience research company, reported the following weekly audiences for state television channels: ONT, 2.42 million; NTV-Belarus, 875,000; Channel One, 620,000.

According to the same March 2009 survey, 50.9 percent listened to state radio and 50.8 percent to private FM stations offering mostly entertainment content. Independent broadcasters based outside Belarus reached far smaller audiences: European Radio for Belarus, 3.6 percent; Radio Racyja, 2.4 percent; and Radio Liberty (Belarusian service), 2.1 percent. (The margin of error for the survey was 3 percent.) These broadcasters also employed the Internet as a key tool in distributing their content.

Meanwhile, the Internet is evolving as an increasingly important source of news: 7.3 percent said in the aforementioned March 2009 survey that they are reading news on the Internet. In October 2009 the weekly audience of Belarusian news websites totaled around 250,000 visitors, according to Gemius, an Internet research company. Blogs

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 social networks have hardly become a source of news on their own, and some "traditional" media have representation online. Internet access remains faster and cheaper in more urbanized areas. New media technology is available—Internet via mobile phones, for instance—but their adoption remains relatively low.

Subsidized, state-controlled publications dominate the print market. Private newspapers are discriminated against in distribution, severely limiting their reach. Most notably, since 2005 the state has banned 10 out of 25 non-state publications from government-owned distribution and subscription networks. Those publications have to rely on their own in-house distribution services.

Several years ago, the government effectively banned foreign news channels from cable networks. In April 2009, five more Russian television channels were taken off cable networks. The Telecommunications Industry Union (TIU), a trade association of cable network operators, elected to remove RTR-Planeta, NTV Mir, Ren TV, Channel One, and TVCi. TIU and its members cited various reasons, such as increased broadcasting fees requested by the proprietors of the disconnected channels and/or their failure to obtain a permit from the Ministry of Information to distribute in Belarus. However, industry sources believe the ban was brought about by criticism of President Lukashenka on some of the Russian channels.

To broadcast or distribute in Belarus, foreign media outlets need express permission from the Ministry of Information. The ministry has rubber-stamped distribution of 378 foreign publications (38 newspapers, 2 bulletins, and 338 magazines and journals). The Russian press is subject to a simplified procedure, but almost all foreign press is restrictively unaffordable for Belarusians. Foreign television channels are available either via cable or satellite. Belarusian cable operators offer 119 television channels, including 60 Russian channels, and several ISPs started offering entertainment programming via Internet protocol television.

Belarus has no truly public media; state-owned outlets are nothing more than mouthpieces of the government, the panelists agreed. State media spend a predominant amount of time reporting on the government and its leaders, while ignoring the opposition, independent trade unions, and NGOs. Usually, state media cover opposition groups only when they are being attacked by state propagandists or the KGB. Sometimes, however, some opposition groups or leaders might get coverage just to sow more discord among the already fractured opposition. They serve the public interest only via educational and cultural programming. "What is more, they do carry weather forecasts," a panelist added sarcastically.

Belarus has four traditional news agencies, and only one of them is state-owned, according to the Ministry of Information. The independent news company BelaPAN has traditionally won accolades for its high-quality reporting and its broad spectrum of services: news subscriptions, the e-paper Naviny.By, photos, infographics, audio, video, and multimedia content.

State-owned BelTA is the mouthpiece of the government. It offers news, photo services, and infographics and publishes the weekly *7 Dnei* and several journals. Separately, BelTA is building websites for local governments and state-owned newspapers and is supplying them with national news. Two more prominent market players—Interfax-Zapad and Prime-TASS—are Russian-owned. A monthly news subscription would cost around $300, according to one panelist. Most media can afford to buy news from one company only, and a handful of big state-owned media covering international news can afford and make use of subscriptions to international news (AFP, Associated Press, and Reuters).

Of the 71 television broadcasters in Belarus, 41 are privately owned. The only television with national reach outside of governmental control is the First Music Channel. The others are small local stations offering a small amount of their own programming, which consists mostly of personal messages (like birthday greetings) and some daily local news in which the government is never criticized. In fact, local governments frown on any critical reporting at all.

Domestic radio broadcasters are hardly producing any news of their own. Instead, they rely on BelTA, Interfax-Zapad, and the Internet. International radio companies targeting Belarus, including the ERB, Radio Racyja, and Radio Liberty, do produce their news, yet their reach is very limited. Some, such as ERB and Radio Liberty, are more important as Internet news agencies, with other Internet portals using their news.

Although the law orders disclosure of the direct owners of media, the real proprietors are not always apparent to an average reader or viewer. This is even more an issue in case of online media or blogs that remain largely unregulated. Media ownership is hardly concentrated other than by the state. The only foreign investment in the media industry is from Russia. In addition to the two aforementioned news agencies, Russian businesses own popular daily *Komsomolskaya Pravda v Byelorussii* and the weeklies *BelGazeta* and *Argumenty i Fakty*.

The panelists agreed that many social and minority issues remained underrepresented. The government places obvious pressure on the media to avoid "sensationalizing" the stories so as not to damage the "social cohesion" of the country. Minority issues are at most discussed on the web

by those affected and within communities themselves. Some ethnic minorities, most notably Polish and Jewish, publish their own small-circulation newspapers and bulletins. Gender, ethnicity, and religions other than Russian Orthodox are among the issues that receive little coverage in the mainstream media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Belarus Objective Score: 1.07

At best, media as an industry is balancing books, the panelists agreed. Independent media outlets are trying to break even mostly, or generating very little profit. State media companies rely heavily on government subsidies and are far from being responsible or well-managed businesses.

The government retains ownership over supporting firms like printing presses, distribution networks, the postal service, and the telecommunications infrastructure. As businesses, these are neither professional nor efficient but might be profit-making given the exorbitant fees they charge. They make money in areas other than providing services to the media. Belsajuzdruk, a press distribution monopoly that operates more than 1,500 newspaper kiosks nationwide, sells everything from cigarettes to toothpaste and stationery, a panelist said. The postal service, Belposhta, retains a monopoly over press subscriptions has turned its offices into mini-banks.

Media companies do some basic business planning, but in most cases project for only 12 months. Media outlets have personnel policies in place, yet very few—only the large and lucrative—could afford to hire dedicated professionals to manage marketing, finance, and human resource management. Having certified accountants is a legal requirement, so most media retain these services. Many do have advertising sales managers and some have lawyers to help media tackle tangled Belarusian legislation so as not to expose themselves to fines and sanctions.

Revenue comes from a variety of sources. State media rely heavily on government funding and, where allowed, on subsidized advertising fees. For years, businesses have been under pressure not to advertise in independent newspapers critical of the government. Government-controlled print media also capitalize on inflated state-imposed subscriptions. Private businesses, state companies, and even government officials themselves have to subscribe to two newspapers and then send receipts to ideology bosses at local governments. Typically, these are the *Sovietskaya Bielorussija*, the organ of Lukashenka administration, and a local state-owned newspaper.

Privately owned media depend mostly on advertising. Personal messages, such as birthday greetings and SMS chats, remain important sources of revenue for local television stations. To some extent, newspaper sales supplement the income of independent publishers. Foreign donors fund independent broadcasters based outside the country, as well as some non-state publications and online media. Private media do not receive state subsidies.

Speaking of the advertising market, a panelist said, "Many companies do not advertise at all, either because they don't need that, can't afford that, or think they can't afford that." In such an environment, the advertising market is hardly able to sustain the existing media—to say nothing of fostering development of specialized media products.

In 2009, the Belarusian advertising market dropped 20 percent to a total of $92.4 million, according to advertising group ZenithOptimedia. To certain degree, the loss was offset by the aforementioned devaluation of the local currency against the U.S. dollar. Still, television remained the dominant advertising medium, with 60 percent ($56 million) of total advertising spent. Print generated $14 million, the Internet $6 million, and radio $5.4 million. The advertising market is rather underdeveloped, especially outside the capital, the panel agreed. There are a lot of creative agencies, very few media agencies, and not a single digital agency. Even at the biggest of agencies, only one person might be tackling media planning and media placement, a panelist added.

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.

Budget-wise, multi-national giants like Procter & Gamble and Colgate-Palmolive and domestic mobile telephone operators continued to dominate the market. Their marketing accounts are still managed by big international advertising agencies and the money is by custom channeled to the national television networks offering the broadest reach. Still, they do sustain other media. Despite the huge discounts they demand, these agencies buy newspaper space or air time well in advance, thus helping the media to close cash flow gaps. Traditionally, regional media companies have relied on classified advertising from local small business and medium-sized businesses, but 2009 saw a more pronounced influx of national advertisers, according to one panelist.

The law limits advertising to 20 percent of total daily broadcast time and 30 percent of prime time (6 p.m. to 10 p.m.). For the press, advertising is restricted to 30 percent of content in non-state, general news publications and 25 percent in state-owned.

Big state-owned media, primarily television channels, are reportedly hiring research companies. But according to the panel, those outlets have made no apparent changes to editorial or programming policies. "Media hardly commission any market research, and when they do get results, these are hardly used," one panelist commented.

For other media companies, media-commissioned market research is restrictively unaffordable. Some regional media companies do make use of their own research, obtained mostly via questionnaires and phone surveys. The government oversees the validity of circulation data, yet actual press sales remain suspect, since Belarus has no independent circulation audit authority.

Broadcast media has seen no improvements in audience data. NOVAK sells ratings on television, radio, and print media via subscriptions to its diary panel, and does quarterly face-to-face polls. GEVS measures television ratings with PeopleMeters. The Independent Institute of Socio-Economic and Political Studies conducts mostly political polls, but sometimes includes television, radio, and newspaper questions in its surveys.

Internet statistics are available from Akavita (via online counters and questionnaires), NOVAK (Internet usage panel), and Gemius (via online counters, online questionnaires, and face-to-face interviews). At best, only generalized information is available to media outlets for free. Detailed data are offered by subscription and affordable only to major advertising agencies and lucrative media companies.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Belarus Objective Score: 1.04

Supporting institutions remain weak in Belarus, with few independent associations or unions, weak journalism faculties, and state-controlled infrastructure.

For trade associations, panelists cited United Media, an association of private regional newspaper publishers. The association has 14 members and is a forum for regional editors and media managers to exchange ideas and experience. It runs its own training program for association members, which include journalists, accountants, advertising sales managers, and other media sector workers. The association also fosters some business cooperation, such as exchanging advertising and buying newsprint in bulk at reduced rates.

Panelists also mentioned the Telecommunications Industry Union, which brings together 95 cable operators and television broadcasters. The union gained some publicity after it was used to oust five Russian television channels from cable networks, as detailed under Objective 3. The panelist said that they doubt that any independent trade association would have a chance to effectively lobby the government.

Belarus has two working associations of media professionals. The Belarusian Union of Journalists (BUJ) is a "governmental" association uniting around 2,000 professionals who work for state-controlled media. BUJ has been functioning so for more than 50 years. Among other government officials, the deputy information minister is on the BUJ board. Although some

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

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

reports suggest that the union is offering some networking possibilities and limited training incentives, one panelist said that BUJ is mostly giving out prizes.

The 1,200-member-strong Belarusian Association of Journalists (BAJ), meanwhile, works to protect independents journalists' rights via legal advice and defense, professional development, and public advocacy. BAJ has won plaudits each year from the panelists for its efforts to promote free, independent, and pluralistic media. However, its resources remained stretched.

Very few "state" journalists are members of BAJ and very few non-state journalists have joined BUJ. Furthermore, both BUJ and BAJ bring together management and rank-and-file employees. No journalist trade union in the country can promote journalist interests independent of management interests.

For almost 15 years, BAJ has been (or rather had to be, as one of the panelists noted) the only press freedom watchdog working in Belarus. Very rarely, assistance might come from the few surviving humanitarian groups, but "they are hardly efficient at all as far as protecting journalists or media is concerned," a panelist commented. "In fact, they are an endangered species themselves." In many cases, these organizations provide mostly publicity for cases and occasional legal assistance. Foreign press freedom groups do monitor and publicize violations, but they have little effect on the government.

State universities in Homiel, Hrodna, and Viciebsk offer diplomas and degrees in journalism, as do several smaller private institutes based in the capital. The most notable, however, is the journalism institute at Belarusian State University in Minsk, which has more than 1,500 students. Panelists indicated that controversy exists over the qualifications of graduates, as their education focuses on "academic programs" and not "substantial practical experience." As one panelist said, "Every time [one of] their graduates comes to our newsroom, he or she needs to be thoroughly retrained or thoroughly trained-up."

The main external educational alternative is European Humanities University (EHU), once a Belarusian university now in exile in Vilnius, just 110 miles away from Minsk. EHU offers two majors: media and communications and visual design and media. Every year the university admits around 30 students. Similarly to domestic institutions, EHU has difficulty providing "training grounds" for students to gain practical experience. Given that the Belarusian government views EHU as a political project, its graduates might face problems finding jobs back in Belarus, as local education authorities might not recognize their diplomas. Moreover, very few are willing to come back, at least at the moment, according to one panelist.

Other minor opportunities include government and foreign donor-funded scholarship programs in Poland, Ukraine, the United Kingdom, and the United States. As in previous years, panelists doubted that graduates will find it easy to locally apply the knowledge and experience that they gain abroad.

Short-term training opportunities—in most cases, offered for free by domestic and foreign media development organizations—remained plentiful, if not always efficient. Many training programs concentrate on general issues while more specific skills (e.g., investigative reporting, online and multiplatform reporting, editing, infographics, etc.) need to be developed, according to a panelist. Furthermore, most training programs and seminars are rather one-off activities and newsrooms and journalists have difficulty planning and making arrangements well in advance. As a result, quite often media outlets are not sending those who might benefit most from such educational programs.

Training offerings for advertising, sales, and finance departments are few. One of the panelists mentioned that webinars are not popular at all, although the technology has been around for several years. Another panelist cited lack of motivation among media professionals to learn on their own or seek out the training possibilities available to them. Foreign organizations offer longer-term hands-on training programs, yet Belarusian journalists' poor knowledge of second languages greatly restricts the number of possible applicants. Meanwhile, regional journalists that have participated in trainings and seminars held abroad sometimes come under pressure from local KGB officers.

Although sources of newsprint are not yet monopolized, the government has grown even stricter about imposing locally produced newsprint requirements onto printing presses and publishers alike. That newsprint is more expensive and of somewhat inferior quality. A technical standards authority has been pressuring several independent newspapers over the quality of imported newsprint they use, although the printing presses made no complaints.

Printworks are tightly controlled by the government via the Ministry of Information, the regulator of both publishing and media industries. Belarus has some private printing houses, yet even they act as meddlesome censors—under the law, a printing house director is responsible for the content of the printed materials produced. Printing houses also have quality issues; for example, they are notorious for being unable to maintain color consistency.

Similarly, the government retains full control over all media distribution channels. The press in Belarus is sold almost exclusively in a limited number of kiosks, owned by state monopoly Belsajuzdruk. Press subscriptions are monopolized

by Belposhta, the postal service. A handful of independent newspapers operate their own very small distribution systems.

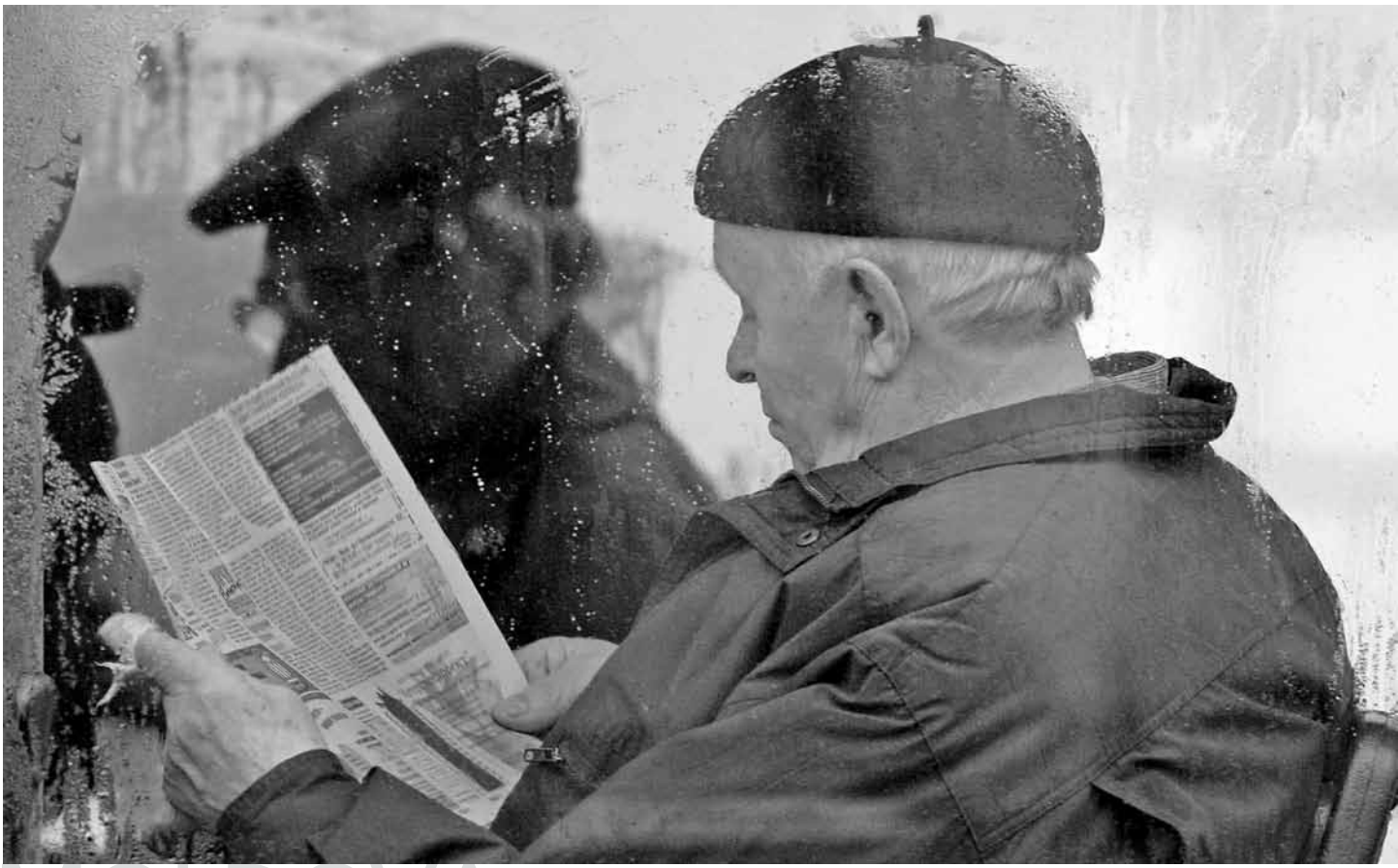
The government owns most television and radio transmitters, with the remaining transmitters controlled via frequency licensing. Cable networks are usually privately owned, although the state significantly influences which channels can be part of cable packages. Private Internet service providers own some last-mile infrastructure, but interconnections are only possible via the state telecom monopoly Beltelecom.

Most importantly, the state controls all international Internet traffic. However, costs are decreasing and bandwidth is increasing. Belarus's direct Internet connection with other countries (Russia and Poland) reached a total bandwidth of 22 Gbps as of the end of 2009, up from 5 Gbps a year earlier. At the same time, Internet fees have lowered considerably: a 1 MB ADSL connection without a traffic cap costs around $35 a month, down from $500 a year earlier.

List of Panel Participants

Note: MSI panelists in Belarus agreed to participate only if they were not named publicly. Amendments to the criminal code were introduced in December 2005 to add an article, "Discrediting the Republic of Belarus," that provides for criminal liability for giving international organizations "false information" about the situation in the country. Human-rights groups, both domestic and international, believe the article's vague wording makes it possible for the government to detain for up to six months anyone reporting negative information or to imprison them for up to two years.

The government led its affiliated media outlets, such as the public broadcaster Teleradio Moldova, into a campaign to discredit the political opposition as well as some civil society representatives. The government accused NGOs and members of the Civic Coalition for Free and Fair Elections 2009 of involvement in the protests.



MOLDOVA

OVERALL SCORE: **1.61**

Political complexities dominated Moldova's media scene in 2009, and the worldwide financial crisis also affected the media. For the first seven months, elections were the focus, and the results of the April 5 parliamentary vote raised serious questions. The governing Communist Party (PCRM) gained 60 out of 101 seats, and the political opposition (including the Liberal Party [LP], the Liberal Democratic Party of Moldova [PLDM], and Our Moldova Alliance [AMN]) won the remaining 40 seats. The parliamentary opposition did not recognize the results.

On April 6, young people organized a silent march, holding candles that symbolized "the death of democracy" in Moldova. Tens of thousands of youth spontaneously gathered the next day, but due to the interference of provocateurs, the protest turned violent, with vandalizing of the parliamentary and presidential buildings. More than 50 police officers were injured, and hundreds of young people were detained; some alleged torture. At least one young person died. The Communist Party leader, Vladimir Voronin, accused the opposition of attempting a coup, and suggested that Romania and Serbia were involved.

The government led its affiliated media outlets, such as the public broadcaster Teleradio Moldova, into a campaign to discredit the political opposition as well as some civil society representatives. The government accused NGOs and members of the Civic Coalition for Free and Fair Elections 2009 of involvement in the protests. Moldovan journalists were also assaulted, arrested, and harassed.

The new parliament was formed, but two attempts to elect the president failed. Eventually, that parliament was dissolved and early elections were set for late July 2009. The media loyal to the governing Communist Party turned the 45-day electoral campaign into an aggressive information war. Some newspapers and a number of important broadcasters, including public outlets, directed propaganda against the opposition, saying that it had no evidence that the April 5 vote was rigged, and blaming the party for the alleged attempted coup d'etat that followed. Despite public awareness of broadcasters' violations of the laws in effect during this period, neither the Central Election Commission (CEC) nor the Broadcasting Coordinating Council (BCC) intervened.

The results of the early elections pointed to a fragile majority for the opposition—53 seats against 48 for the Communists. The opposition parties formed the Alliance for European Integration (AIE) and took power. During the post-electoral period, the media returned to normal activity, although a number of media outlets loyal to the Communists continued to distribute aggressive propaganda. For their part, the Communists, who moved into opposition, complained publicly that the new leadership undertook repressive measures against the freedom of the press.

The MSI panelists continued to see weakness in the Moldovan media sector's ability to meet the information needs of citizens. Due to the impact of the politicization of the media during the election period, the overall rating for the sector fell to 1.61 from 1.81 the year before. In particular, panelists noted a decline in journalistic professionalism, along with continued shortcomings in the business management of media outlets.

MOLDOVA AT A GLANCE

GENERAL

> **Population:** 4,320,748 (July 2009 est. *CIA World Factbook*)

> **Capital city:** Chişinău

> **Ethnic groups (% of population):** Moldovan/Romanian 78.2%, Ukrainian 8.4%, Russian 5.8%, Gagauz 4.4%, Bulgarian 1.9%, other 1.3% (2004 census)

> **Religion (% of population):** Eastern Orthodox 98%, Jewish 1.5%, Baptist and other 0.5% (2000 est., *CIA World Factbook*)

> **Languages (% of population):** Moldovan (official, virtually the same as the Romanian language), Russian, Gagauz (*CIA World Factbook*)

> **GNI (2008-Atlas):** $5.338 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $3,210 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.1% (male: 99.7%, female: 98.6%) (2005 est., *CIA World Factbook*)

> **President or top authority:** Acting President Mihai Ghimpu (since September 11, 2009)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print media: about 170 newspapers and magazines with local and national coverage in Romanian and Russian (www.moldpresa.md); Radio stations: 50; Television stations: 57 (www.cca.md)

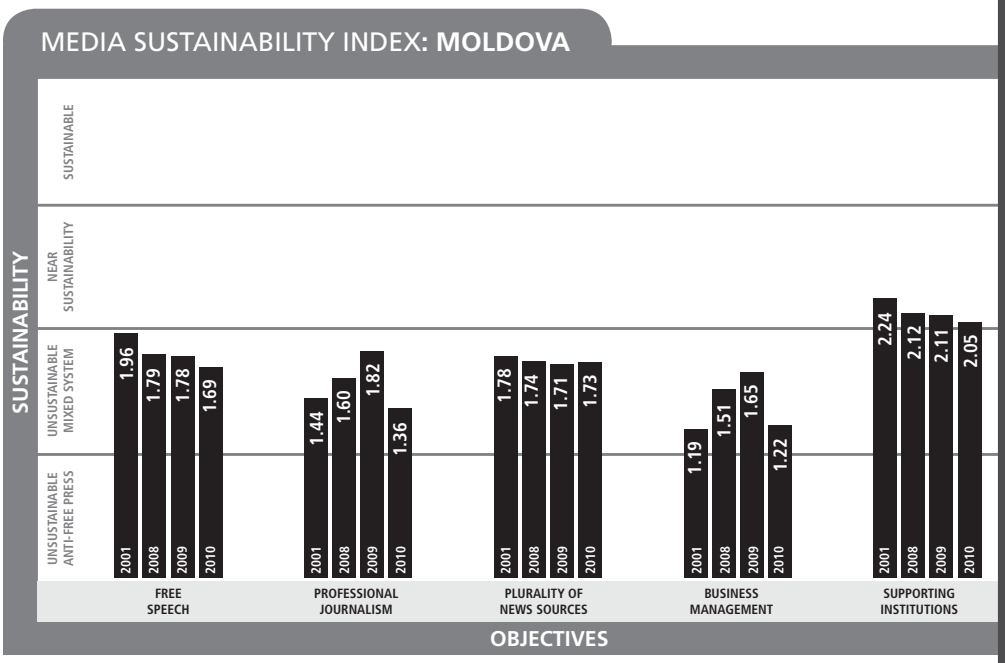
> **Newspaper circulation statistics (total circulation and largest paper):** N/A

> **Broadcast ratings:** TV Moldova 1 and Radio Moldova, both state-owned, are the highest rated broadcasters.

> **Annual advertising revenue in the media sector:** Television: €16 million; Newspapers: about €5 million; magazines: €1 million; Radio: €1.5 million (National Agency for Competition Protection)

> **News agencies:** Infotag, Info-prim Neo, InfoMarket, Deca-press, Basa-press, Moldpres (state-owned), Novosti/Moldova

> **Internet usage:** 850,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Moldova Objective Score: 1.69

Panelists said that despite a generally good legal framework for freedom of expression, some laws still allow authorities to have control. This objective scored 1.69, compared to 1.78 the previous year.

The Constitution of Moldova, the press law, and the broadcasting code guarantee freedom of expression, but some provisions can be used as pretexts to limit this right. The constitution forbids "defamation of the state and the nation … as well as other actions attempting to overthrow the constitutional regime." The criminal code has not been adjusted to the European Convention standards, and provides for fines, community work, or imprisonment for libel against judges and prosecutors. Other criminal offenses include dissemination of certain information that is "protected by law and concerning private life." The administrative code, which provides for up to 30 days of imprisonment for libel and insult, also does not live up to European Convention on Human Rights standards.

On the other hand, a 2000 Supreme Court of Justice decision on protection of honor, dignity, and professional reputation contributes to free expression by establishing that "no one may be punished for criticizing or insulting the nation, the state, or its symbols, unless the criticism or insult was intended and likely to incite imminent violence."

Sorina Stefirta, editor-in-chief of *Timpul de Dimineata,* said that too many fail to assume the responsibilities that come with freedom of expression rights. Rodica Mahu, from *Jurnal de Chişinău*, said that the judiciary is not independent with regard to the media. She recounted her own experience of being inappropriately detained while reporting and seeing the police officers escape punishment.

The Broadcasting Coordinating Council (BCC) is the central regulatory authority, and MSI panelists found fault with its monitoring during the election period. They noted that the BCC surpassed its legal authority during the campaigns when it announced a moratorium on tendering broadcasting licenses. "It is inexcusable that the operation of an independent media regulating body be affected by the political developments in the country," said Vasile State, from the Electronic Press Association (APEL).

Despite public awareness of some broadcasters' violations of the laws in effect during the election period, neither the CEC nor the BCC intervened. Angela Zaharova of Elita TV in Rezina said that "due to the moratorium imposed on broadcasters, they had to be obedient during elections in order to be able to obtain licenses [later]." The BCC applied the same sanction, a public warning, to all television stations monitored during the pre-election period for not having "ensured social and political pluralism," even though, according to the MSI panelists, only NIT TV did not offer the right of reply to an electoral candidate.

In June, the Center for Combating Economic Crimes and Corruption announced the arrest of Valeriu Soltan, a BCC member who was alleged to have helped extort $13,000 from the head of Sanatate, an NGO, in order to secure the broadcasting license for a radio station. According to the panelists, BCC became more independent after the second round of elections in July due to the change in political regime, including by extending Pro TV's license after a court ruling against the agency for denying an extension in 2008.

In addition, after it assumed power, AIE amended the broadcasting code to unblock assigning members to the Council of Observers of the public broadcaster Teleradio Moldova. The government accepted the resignation of the director of the television and radio company MIR, Constantin Staris, who promoted the accusations of an attempted coup by the opposition; and the director of the state news agency Moldpres, Valeriu Renita, who openly supported the Communists in the electoral campaigns.

Rules for entering the media market are generally the same as for other business sectors, aside from the broadcasting license requirements. Doina Costin, of the media law unit at the Independent Journalism Center (IJC), said that state newspapers are at an advantage over independent papers because of the government's financial subsidies to state papers. Also undermining private outlets is the requirement to pay VAT for advertising as for any other services or goods. Costin said that the VAT payment "contributes to the media businesses being underdeveloped and unprofitable." Anatol Golea, general director of TV7, said that having public stations funded by the state budget but not restricted from commercial advertising revenues creates unfair competition for independent broadcasters.

According to Moldovan legislation, public and private media should be treated equally. But in practice, public and some private media are politically influenced. In 2009, the head of the state continued the tradition of issuing press conference invitations only to representatives of the media loyal to the Communists—including the public broadcaster and the state news agency Moldpres, panelists said.

In the countryside, the publications loyal to local administrations receive funding from local budgets and have more access to information than independent publications. Zaharova gave the example of the city of Rezina. The

publication *Farul Nistrean*, which strongly promotes the Communists, received 120,000 Moldovan lei from the Rezina budget for the last quarter of 2009.

The election period saw contests over media content and acts against journalists and their outlets. In February, the Chişinău Municipal Election Council No. 1, at the request of the Communists, ruled that a news item posted on the Unimedia website detailing the platform of the Liberal Party fell under the category of advertising. New Media Group, the owner of Unimedia, stated that the decision was aimed at censoring the independent media, and requested that a distinction be made between a commentary from electoral funds and a news item that presents facts, is of public interest, and cannot qualify as electoral campaigning. Subsequently, the Central Election Commission cancelled the municipal-level decision, saying that the call to sanction Unimedia was groundless.

In another incident, police raided the premises of Albasat TV in Nisporeni and insisted on starting an inspection. The police detained two employees for several hours, and the incident was regarded widely as a warning to the media not to be "inconvenient" for the government, panelists said.

A study of the April 2009 events published by Promo-LEX association stated that Moldovan journalists were harassed during mass illegal arrests. It noted that camera operator Oleg Brega was beaten while filming near a government building and his camera was seized, and police detained and threatened other journalists. Mahu was detained illegally by police, and journalist Petru Terguta, warned of his impending arrest, left Moldova under OSCE escort. Romania Actualitati Radio and the NewsIn agency withdrew their reporters from Moldova in order to ensure their safety. In July, Stepan Piron, the director of the Independent Journalism Center in Gagauzia, said that the Communist Party filed lawsuits against him in an effort to silence his appeals about party campaign tactics.

Media analysts and electoral contestants also pointed to political interference in the editorial activity of the public broadcaster Teleradio Moldova, and criticized the way debates were organized.

Under Moldovan law regarding defamation cases, the rights of the plaintiffs are prioritized over those of the media. Costin said that the civil code allows for excessive sanctions of journalists, who also bear the burden of proof for the truthfulness of their statements. Libel and insult are not offenses under criminal law, but the administrative code provides for imprisonment.

Panelists noted that the European Convention for Human Rights does not provide directly for the protection of the dignity and reputation of an individual. In a case that reached the European Court of Human Rights, *Flux* was sued by a Communist parliament member who said his honor and dignity were harmed by an article. Moldovan courts ruled against the newspaper, but the European court condemned Moldova in November 2009 for violating the newspaper's right of free expression and ordered the government to pay *Flux* €5,000, including €3,000 for moral damages.

Moldova has laws facilitating access to information, but panelists said that the bureaucracy of civil servants often obstructs their enforcement. The law mandates that the government provide requested information immediately, in verbal or written form, if it is available. However, journalists are asked to send written requests that will be answered within 15 days. In September 2009, the Supreme Court of Justice ruled in favor of the Investigative Journalism Center and obliged the government to provide requested information concerning how funds were spent for the reconstruction of a monastery. During the last five years, the center has won 17 lawsuits against state institutions for restricting access to public information.

"Even though we can speak about two types of governance in 2009—Communist and Democratic—public servants continue to keep public information secret," Stefirta said.

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

FREE-SPEECH INDICATORS:

> Legal and social protections of free speech exist and are enforced.

> Licensing 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.

"Initially, the election committee denied *Timpul* access to the lists of sponsors of the Communist Party in both 2009 electoral campaigns. The newspaper was provided access to these lists only after it made a scandal out of this subject."

Local newspapers are in a more difficult situation. "On January 30, 2009, district councilors in Rezina, the majority of whom were Communists, denied media representatives access to their meeting," Zaharova noted. In June, the bodyguards of the Premier Greceanii denied access to journalists from TV-Prim rom Glodeni to the meeting between the Prime Minister and local civil servants. Panelists concluded that authorities and citizens are somewhat unaware that public information is not owned by the authorities.

The government causes no problems in accessing foreign sources of information, according to the panelists. The Internet is not restricted generally, and is a source of international information. However, April 2009 saw some alarming cases surrounding the post-election upheaval. On April 9, Facebook and the social networking website Odnoklassniki.ru became inaccessible to users in Moldova. On April 8, the administrators of the Unimedia information portal reported that their server had been attacked several times. Two broadcasters stopped temporarily the relaying of the programs of Realitatea TV and TVR 1 from Romania on Moldovan territory. As a result of blocking of the Internet sites, OSCE Representative on Freedom of the Media Miklos Haraszti sent an appeal on April 14 addressed to Moldovan authorities, urging them to provide free access to foreign media and create a proper environment for journalists to exercise their profession.

Moldovan legislation does not impose any restrictions on entry to the journalism profession, except for the requirement that journalists seek accreditation according to "the relevant procedure." However, in 2009, the former leadership ignored or arbitrarily interpreted accreditation rules, panelists said. For instance, following the April events, the Ministry of Foreign Affairs withdrew the accreditation of Romanian journalist Doru Dendiu for no stated reason. The journalist had to leave.

Additionally, the local television station Studio L in Causeni was sued for not asking permission to film a working meeting of the election council. "The television station won the case relatively easily, but it was nerve-wracking and time-consuming," State said. He noted that the electoral code states that media representatives have the same rights as accredited observers.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Moldova Objective Score: 1.36

The panelists said that Moldovan media practice two types of journalism: democratic and propaganda. Journalists cover events based on their adherence to one value system or the other, and this became more obvious during the 2009 election campaigns. As a result, the objective for this score dropped sharply, to 1.36 from 1.82 in 2009.

"Even news and stories on controversies are no longer based on several independent information sources," State said. "The monitoring of the activity of nine main television broadcasters during election campaigns showed that the majority of news and stories on controversies aired on most television stations were based on one information source, either official or of the party controlling the outlet. Moreover, the number of stories on controversies aired on Moldova 1 television station was very small, whereas at Teleradio Gagauzia, it was nearly non-existent." According to Petru Macovei, executive director of the Independent Press Association, "of all television broadcasters, only Pro TV, TV7 and TVC 21 try to practice quality journalism. The rest are propaganda tools." Eugen Uruşciuc, director of the Monitor Media Agency, said that often, especially at local media outlets, "even those journalists who know how to produce quality news stories are not able to, because they have to work in two or three places in order to support their families and simply do not always have time to practice quality journalism."

Moldova has had the Code of Professional Ethics Principles for Journalists in place since 1999. In 2006, the national public broadcaster developed two self-regulation documents, and in 2007, the Code of Conduct for Broadcasters was developed in accordance with the provisions of the broadcasting code and approved by BCC. These documents list ethical standards similar to those accepted by international professional journalist associations.

In October 2009, six NGOs operating in the field of media, human rights, and public policy founded the Press Council of Moldova. This self-regulatory body declared itself independent and stated that its major task was to "examine complaints concerning the editorial activity of newspapers, magazines, news agencies as well as web portals." Some of the council's objectives are to enhance media responsibility towards readers, ensure compliance with professional standards and journalism ethics, settle disputes among

readers and publications, promote quality journalism, and increase media credibility. The impact that this new body will have is not yet clear.

Despite the existence of ethics codes, Moldovan journalists neglect ethical standards most often because, according to Mahu, "credibility—the most treasured capital of a journalist—is not a wished-for quality that journalists would like to possess [in Moldova]." Alexandru Burdeiinii, editor-in-chief of the news agency Infomarket Media, said that low salaries force journalists to write paid reports. "It is regrettable that a lack of professional ethics resulted in the so-called 'journalistic polemic,' when journalists fight among themselves, thus 'copying' politicians," Stefirta said. Constantin Marin, dean of the Journalism Department at Moldova State University, stated that media practices in 2009 "proved that the media and journalists often practice political partisanship."

Panel members agreed that in 2009, journalists and editors representing both public and private media practiced self-censorship for political or economic reasons. According to Zaharova, "Before the election campaign, Retro FM radio station unilaterally cancelled its contract to retransmit Radio Free Europe programs. Also, Moldpres agency did not release the news story on the decision of the Constitutional Court as of December 27, 2009 concerning the legal character of the appointment of Mihai Ghimpu as acting president of the country."

Costin said that self-censorship is not necessarily due to government pressure. "Self-censorship practiced by some media outlets is a consciously assumed vice that also stems from their conviction. NIT TV station is a case in point. When, at the BCC meeting on November 6, 2009, the issue of penalizing NIT for violating the principles of objective and fair reporting was raised, the director of the station replied that NIT targeted a certain audience that appreciated this type of journalism, and that such an editorial policy was completely justified."

Stefirta added, "Some advertising suppliers request explicitly that their advertisements shall not be placed close to 'negative news.'"

Panelists said that they believe that the media sieves information to suit the authorities' political agendas, thus ignoring issues of interest to the public. IJC and API monitored seven television broadcasters during their coverage of the April protests and concluded: "Moldova 1, NIT, N4, and Prime TV presented news selectively, provided biased coverage of events, did not abide by the principle of plurality of information sources, [and] manipulated text and images, and thus offered to the audience biased information tendentiously presented from the viewpoint of the central public administration. On the day when the riots occurred, Prime TV and EU TV did not broadcast any newscasts, thus depriving the public of a plurality of information sources. Pro TV and TV 7, both with regional coverage, offered the floor to all parties involved in the conflict."

Blogs and social networking sites often cover issues that cannot be found on the first pages of newspapers. However, rarely do they tackle public interest issues of major importance. "Currently, in Moldova, the majority of blogs resemble more 'personal diaries.' Few journalists keep blogs that would cover civil society developments," Stefirta said.

Panelists agreed that salaries of media professionals have seen no positive changes, and they are not high enough to discourage corruption. There is no difference in the salaries paid to media professionals and those paid to most other professionals. However, local journalists are paid less than their colleagues from the capital. Salaries of broadcast journalists are higher than those of print media journalists, but overall, the share of journalists who "live" on their salary is insignificant. This reality contributes to the phenomenon of journalists migrating from one newsroom to another, and from one political or economic owner to another. This is also why "those who value money more than anything easily slide into corruption," Mahu said. "Only the most dedicated journalists—those who practice it for the sake of the art, or those with social support (a spouse with a better income, parents who work abroad, etc.)—stay in journalism. However, political 'owners' know how to motivate journalists: they offer money, positions, awards, and a good place on the party list."

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

Panel members said that entertainment programs produced abroad and relayed by Moldovan broadcasters overshadow news programs. "Local broadcasters do not produce their own entertainment programs at all. They need more staff and financial resources than they have at the moment," Zaharova stated.

The majority of radio broadcasters tend to produce newscasts first and foremost because they are less expensive. A number of local, regional, and central radio stations broadcast five-minute newscasts hourly. No television station, including the national public broadcaster, can afford this. Usually, television broadcasters put their efforts into evening newscasts. The great majority of television stations fill their airtime by relaying foreign programs, including entertainment, and very few have well-developed news departments. According to the monthly audience measurements of 12 television broadcasters, conducted by the Moldova office of AGB Nielsen Media Research, contests and reality shows far overshadowed newscasts in the ratings in 2009.

Panelists said that the quality of printing continues to be a problem for newspapers, which remain unattractive both for readers and advertisers. There have been some technical improvements in broadcasting, including in the countryside, where international donors have been active with grants for equipment. Generally, however, "local television stations can hardly purchase anything—especially now, during the crisis," State said. In terms of modern technologies, the panelists did make note of the launch of the online radio Jurnal FM and online television Privesc.eu in October 2000, which broadcast live from important events.

Panel members agreed that specialized reports and programs are rare, although the print media offer more than broadcasters. In December 2009, the print publication *Economist* and the online *Business Expert* merged to establish a new newspaper, *Economist*, with 16 pages and a circulation of 6,500 copies. The motivation of print media journalists comes mostly from contests funded by foreign organizations. During election campaigns, the media loyal to the ruling party started broadcasting a new type of "specialized programs" criticizing either certain political parties or some leaders of the opposition parties. Journalists were given "compromising information" based on which "investigations" were produced.

Moldova has some investigative blogs. Regarding the reasons for the online format, Stefirta said, "one of the explanations would be access to information, but also the high cost of producing such reports, especially for television use."

OBJECTIVE 3: PLURALITY OF NEWS

Moldova Objective Score: 1.73

Moldovan citizens have unobstructed access to a multitude of information sources. "However, the majority of the media are partisan, and therefore we cannot speak about trustworthy and objective news," said Golea. Stefirta added, "While newspapers can still reach the countryside, the majority of television and radio stations that broadcast in Chişinău and do not have national coverage remain largely unknown in villages. Social networking websites as well as blogs are popular among young people and…in cities."

Local private broadcasters outside the capital have limited coverage as well as limited production capacity for local news. Reports on local news range from several items a day to one newscast a week. As in previous years, the only accessible source of information for a large part of Moldova's population remains Teleradio Moldova. According to Zaharova, the station is perceived as a reliable source in the regions, which "was obvious after the April events, when countryside residents were cursing young protesters," she said. Lately, a growing number of people, including in the countryside, have been installing satellite dishes to have access to multiple television channels. Nevertheless, due to an insignificant number of Moldovan television stations broadcasting via satellite, these people will not have greater access to local news.

According to the National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI), broadband Internet reached a penetration of 4.63 percent (compared to 23 percent in the EU) in September 2009 in Moldova. The vast majority of Internet users are concentrated in cities. For instance, broadband Internet has reached a penetration of more than 30 percent in Chişinău, and more than 10 percent in Bălți. More than 40 operators provide Internet access, with Moldtelecom holding a 67.2 percent market share and Starnet and ORANGE Moldova with 10.4 percent and 5.3 percent, respectively (www.anrceti.md). Based on the November 2009 Public Opinion Barometer, 8.6 percent of the respondents consider the Internet their primary source for information. Cell phone operators provide SMS news feed service for a fee, but this means of information has not become popular.

Moldovan legislation does not restrict citizens' access to international media, although city residents have much easier access than rural residents. The disparity is due to the unbalanced policy of frequency distribution among radio and

television broadcasters that BCC has pursued since 1997. As a result, the capital and two or three other cities have too many broadcasters and some provinces have none. There are now no frequencies left, so media observers hope that digitalization may allow more stations to enter the market. The same is the case with Internet accessibility.

Thus, the majority of rural areas have access to the public broadcaster and the two private channels with national coverage (TV Prime and 2 Plus, with an insignificant amount of local programming) as well as two television stations (NIT and N4) loyal to the Communist party and with quasi-national coverage. "One can find mainly Russian newspapers on the market, and far fewer—and mainly entertainment papers—from Romania. Well-known foreign dailies cannot be found in Chişinău kiosks," Mahu said.

The government does not directly restrict citizens' media access, aside from the aforementioned blockage of some news and social networking sites in April. However, it has taken indirect steps, noted Vasile Spinei, director of Access-Info Center. He noted that Pro TV was denied a license extension until it sued the BCC, and Vocea Basarabiei radio station's repeated requests for frequencies were denied for years, until the fall of the Communist party.

According to the panelists, neither the public broadcasters nor the state print media reflect the entire political spectrum. They practice political partisanship and do not act in the public interest. "The struggle to ensure freedom of expression at the public broadcaster Moldova 1 is a lost one," said Marianne Mikko, head of the delegation of the European Parliament, at an April 29 press conference. "Therefore, I believe that the necessary reforms should be conducted right now, since, during the five years that I have been monitoring the developments in Moldova, I have not noticed any improvement in this respect."

In the middle of the electoral campaign, three political parties (AMN, PLDM, and LP) refused to take part in election debates aired on EU TV, over objections to its editorial policy. On March 19, PLDM accused state-supportive media of organizing campaigns aimed at discrediting real opposition, saying: "Newspapers, television and radio stations, news agencies, and information portals loyal to the power distribute literally the same news pieces criticizing the opposition and praising the leadership."

After having monitored 24 media outlets, the Independent Journalism Center and the Independent Press Association stated on April 1, 2009 that the media are separated into three groups: one that supports the Communist Party and criticizes opposition, one that criticizes the Communist Party and supports certain opposition parties, and one that tries to provide neutral coverage of the electoral competitors.

Moldova has several news agencies. In addition to print news services, some agencies provide photo and audio services (Info-prim Neo) and online services (Novosti-Moldova). Initially, news agencies in Moldova established themselves as independent and non-partisan bodies. News outlets considered them trustworthy sources of information and were used and quoted extensively by other media. However, according to Stefirta, "The year 2009 saw an obvious deterioration of the situation in this respect, because some news agencies [Omega agency and Moldpres state agency] got openly involved in the election campaign and served the interests of the ruling party as true propaganda tools."

Mahu agreed. "I counted three independent news agencies in terms of their editorial policies—Info-prim Neo, Deca press and Infotag. Media outlets use the news feeds provided by news agencies without always indicating them as sources. I believe that nobody in our media market can afford to subscribe to international news agencies," she said.

The vast majority of private broadcasters in Chişinău produce their own newscasts and current affairs programs. Broadcasters with wide coverage such as NIT TV, N4 TV, Prime TV station, and Antena C radio station basically air slightly altered versions of the news from Teleradio-Moldova. The newscasts on Pro TV, TV 7, TVC 21, and Vocea Basarabiei radio station are distinctly different.

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.

Local private broadcasters are located in Briceni, Edinet, Drochia, Glodeni, Floresti, Soroca, Soldanesti, Rezina, Causeni, Straseni, Cimislia, Basarabeasca, Taraclia, Ciadir-Lunga and Comrat. The majority produce some daily news on community issues. The same is true about the local private radio stations located in Edinet, Glodeni, Orhei, Singera, Anenii-Noi, Tighina, Ribnita, Nisporeni, Cimislia, Basarabeasca, Taraclia and Cahul. Most of them produce news in Romanian and Russian. Local private broadcasters in Comrat produce news in Gagauz as well, and those in Taraclia produce additional news in Bulgarian.

Moldovan media law generally uses the terms "founders/co-founders" rather than the term "owner." This is one reason why citizens do not have access to information about the ownership of media outlets, panelists said, although readers generally can deduce ownership based on the publication's content. According to the press law, in January and July each year, periodical publications and news agencies are required to report sources and value of donations, including the non-financial donations, from local and foreign individuals and legal entities. However, this provision has not been observed.

There is no record of financial corporations purchasing media outlets in Moldova. Officially, the media sector has no monopolies. The broadcasting code stipulates that an individual or a legal entity may own up to two broadcasting licenses for the same area and that "an individual or a legal entity, local or foreign, may be a direct or indirect investor or major shareholder of up to two different types of broadcasters."

No major foreign investments have been in Moldovan media to date, although Romanian and Russian programming has a heavy presence on Moldovan television. At the end of 2009, it was announced that two newly established satellite television stations, Jurnal TV and TV Publika, will receive investments from Germany and Romania. Panelists were divided over whether this development is positive or negative.

The media with national reach fail to regularly cover social issues, the panel agreed. Public broadcasters and state print media have avoided social topics, especially during election campaigns, since it could have had a negative impact on the image of the ruling party. More often than not, in order to avoid controversy, media outlets refuse to cover sensitive issues. Stefirta gave an example: "In 2009, the intention of a religious minority to organize a demonstration in the center of the capital was harshly criticized by the Orthodox church and its supporters. The same harsh criticism was received by media that covered these events and thus 'dared' to invoke the right to free assembly."

OBJECTIVE 4: BUSINESS MANAGEMENT

Moldova Objective Score: 1.22

Panelists said that in 2009, Moldovan media did not progress significantly in obtaining the economic independence that would support editorial independence. Business management deteriorated significantly, according to the MSI scoring, which dropped to 1.22 from 1.65 in 2009.

Panelists noted that the economic crisis pressed the media to become more efficient. However, outlets that develop feasible business plans and implement accounting practices and financial techniques in accordance with internationally accepted standards are an exception rather than a rule. Few professionals see and manage media outlets as businesses. "Business managers are not well trained and do not have the necessary skills to tailor media products to market demands [and] thus contribut[e] to the viability and profitability of their businesses," Macovei said.

In order to survive the financial crisis, local radio broadcasters have either reduced their staff or cut down their production costs by re-broadcasting archived programs. "As advertising is concentrated in the capital, local media outlets try to make ends meet," Mahu said. "State and public media do not manage taxpayers' funds responsibly. The lack of transparency in the spending of public funds, and the quality of media products that have been strongly criticized by taxpayers, prove this point."

National legislation stipulates that public and private media outlets may have multiple sources of funding. Public radio broadcasters and state print media are funded largely from national and local government budgets. Private media draw their funding from sales, advertising, sponsorship, grants, donations, and specialized services. The funding that state media receive is not enough, and because it is transferred annually, outlets are even more politically dependent. The influence of the political factor is also obvious in the case of some important private media outlets, which are more interested in pursuing ideological impact than economic viability. These media outlets (NIT TV, N4 TV, EU TV, radio Antena C, Moldova Suverana newspaper, Nezavisimaia Moldova newspaper, Omega news agency, and others) have been favored financially by the former authorities. As a rule, such media institutions "are taken care of" by their political protectors until they are no longer needed; then are left on their own. EU TV station is a case in point. After the Christian Democratic People's Party, the real owner of EU TV, lost in the parliamentary elections, the broadcaster stopped airing news and current affairs programs, panelists said. They noted

that since October 2009, salary arrears have accumulated, resulting in a strike and the departure of some staff. In the provinces, many private media outlets survive on support from international donors seeking to ensure more pluralistic information sources outside of the capital.

Panel participants agreed that the advertising sector in Moldova is underdeveloped, although they noted some progress. "A growing number of advertisers prefer to work through advertising agencies, which, as a result, started to play a more significant role on the media market. Surely, they work with media outlets based on the audience measurements that they have at their disposal," Stefirta said. However, Golea noted that "prices for audience measurements are extremely high; consequently, few media outlets can afford such a luxury. Moreover, sometimes the results of audience measurements are manipulated."

Both the media and advertising agencies lack marketing specialists. The few experienced agencies are overwhelmed with requests. University students study marketing, but based on foreign textbooks and the experience of other countries that differ significantly from Moldova. A limited number of media outlets use services provided by advertising agencies. *Jurnal de Chişinău*, for instance, draws up to 20 percent of its revenues from advertising agencies, and "the rest is attracted by its staff," said Mahu, the paper's editor in chief. Local print and broadcast media outlets are selling their products themselves.

The situation is different in the case of television stations; international research firms measure their audience regularly. About 50 percent of advertising in Moldova goes into television, and is estimated at €16 million annually, which the director of the National Agency for Competition Protection announced at a November government meeting. The amount of advertising going into newspapers was estimated at about €5 million, whereas the amount going to magazines was estimated at €1 million. Radio broadcasters received about €1.5 million.

Currently, advertising agencies collaborate more actively with media outlets that can supply audience data than with online media. However, according the organizers of the International Specialized Fair, Advertising & Design – 2009, even though the amount of advertising has significantly decreased in Moldova in 2009, "the only type of advertising that did not suffer from the effects of the financial crisis is online advertising—which, therefore, starts to look more attractive." The fast-growing online advertising market represents about 2 percent of the total share of the advertising market in Moldova, and was estimated at $800,000 in 2009. Experts forecast 50 percent growth in online advertising in 2010, based in part on the growing number of Internet users (numbers climbed to about 1.4 million in 2009).

In terms of investment in advertising, foreign companies rate first, followed by local private companies and then state companies. According to the majority of the panelists, with few exceptions, the quality of advertising in all types of media is far from professional.

The share of advertising revenues in Moldovan media is still much below generally accepted standards in other countries. About 60 to 80 percent of revenue from local print media and radio broadcasters comes from sources other than advertising (subscriptions, sponsorships, sales, and services to individuals, companies, and sometimes government bodies). "In Moldova, subscriptions represent a well-rooted tradition. Editors struggle to get the largest share of subscribers" in the print media and also the cable television sector, Stefirta said.

Usually, only television and radio broadcasters, along with newspapers/magazines with the highest ratings, use the space provided by law (20 percent of each broadcasting hour, and 30 percent of the space of a newspaper/magazine) for advertising. The rest of the media outlets, especially regional ones, feel a constant shortage.

The government subsidizes a certain number of media outlets, but lack of transparency about the criteria for fund distribution makes outlets more dependent on the authorities, affecting their editorial policies, Costin commented. The Communist authorities encouraged private media outlets that were loyal to them and discouraged those that were critical of them, Costin added, and 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.

independent *Jurnal de Chişinău* reported in 2009 about the pressure that authorities applied on businesses to withdraw their advertising from non-state media. The government is an insignificant source of advertising for Moldovan media compared to foreign or local private companies. However, distribution of what little state advertising exists is unfair and lacks transparency, and this generated public debates in 2009, panelists said.

Because placement of private and government advertising is in part politically motivated, "market studies are not in demand, let alone the fact that they are very expensive," said Marin. Although there are professional, international companies that do independent audience measurements and provide complex data (including audience demographic characteristics and preferences), only a limited number of media outlets can afford to commission such studies. These outlets use the market study results in order to tailor their products to audience preferences. According to reports provided by AGB Nielsen Media Research, audiences prefer mainly foreign movies and entertainment programs, especially from Russia, rather than local news programs. Some media outlets carry out audience measurements on their own, mainly by means of telephone polls. For instance, *Jurnal de Chişinău* newspaper cannot afford to commission studies but publishes annual reader questionnaires.

Print media circulation figures are random and are usually stated as higher than the reality. In 2009, after a number of attempts over several years, the Audit Bureau of Circulation in Moldova (ABCM) was established. It aims to provide a real picture for the advertising market in the country. Media outlets that try to run as businesses became members of ABCM, while those that survive from sources other than advertising have refused, Stefirta said. "The Audit Bureau of Circulation has not yet become an important factor in managing advertising data," Marin noted.

Golea and Burdeiinii, editors-in-chief of Infomarket Media, said that they feel that market research is not objective, but influenced by the Casa Media advertising agency, which has a near-monopoly on the market and can use studies for its own interests. Casa Media took over Video International Agency for a day in November 2007 under obscure conditions, and currently distributes 72.3 percent of television advertising. The agency has contracts established with five television stations: Prime, NIT, STS, 2Plus, and MuzTV.

Although the amount of online advertising grows proportionally with the number of Internet users, the lack of some independent web counters makes it impossible to get reliable information about online audiences.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Moldova Objective Score: 2.05

This objective scored 2.05 this year, registering a negligible decrease from 2.11 last year. The organizations supporting the media did not manage to avoid the political cleavages of journalists and editors along political lines.

Moldova has a number of independent trade organizations, including the Union of Journalists (UJM), API, APEL, the Association of Cable Television Providers, the Association of Local Television Stations Media Regional, the Association of Local Television Directors Meridian, the League of Professional Journalists (LJP), and others. API, APEL and the Association of Cable Television Providers are the most active. Media Regional and Meridian were founded in 2009, and have not yet asserted themselves in support of their goals for stimulating business development. Notably, LJP was founded at the suggestion of the Communist authorities and provides sporadic attention to the interests of media outlets loyal to the former leadership. API provides legal and technical support to its members, holds professional training sessions, and assists in attracting advertisers. APEL provides assistance and consulting concerning legal, journalism, and management issues to its members. In addition, it monitors the activity of the BCC and works to improve media legislation.

The Association of Cable Television Providers coordinates creation of television channel packages, purchases equipment for its members at better prices, pursues IT market research by sending some of its members to specialized exhibits, and develops policies toward local and foreign cable television distributors, among other tasks. Media Regional assisted its 13 members with organizing and carrying out televised debates during parliamentary election campaigns in 2009, and attracted advertising to be distributed by all its members. Acces-Info Center provided legal assistance to the Investigative Journalism Center, which won a lawsuit against the government.

The Union of Journalists of Moldova (UJM), a member of the International Federation of Journalists and associate member of the Romanian trade union MediaSind, does not operate primarily as a trade union. Mainly, the union issues public statements in cases of violations of members' interests. "We cannot speak now about a professional trade union that could protect journalists' individual rights," Spinei said.

A number of other associations specialize in specific areas, such as the Guild of Agricultural Journalists, the

Sports Journalists' Association, the Association of Business Journalists, the Investigative Journalism Center, and the Young Journalist Center. Also, Moldova has a number of operational clubs, such as the Chişinău Press Club, the Investigative Journalists' Club, and the Journalism Students' Press Club that organize periodical discussions on timely issues. Media bloggers have not established any associations.

A number of organizations advocate for freedom of speech by issuing public statements and protesting. For instance, in February 2009, UJM requested publicly the dismissal of the Interior Minister, and condemned the raid on the television station Albasat in Nisporeni carried out by three police officers without a search warrant. In April 2009, organizations issued a joint statement in which they voiced concern over "the deterioration of the media climate, violations of the right to access to information, and the attacks against journalists" and called on the Moldovan authorities "to ensure media freedom under the obligations incumbent to Moldova as a member of the Council of Europe." In July, the same media NGOs signed a joint declaration to raise awareness about intimidation of journalists during the elections, and said that authorities had restarted anti-democratic practices of entry into Moldova to some journalists on various pretexts.

IJC, Acces-Info, API, and APEL are involved in reviewing media-related legislation in order to bring it in line with European norms. IJC offers legal advising to media outlets and journalists. Eight media NGOs submitted a Media Roadmap to the Parliamentary Committee for Culture, Education, Research, Sport, and Media, as well as to the parliament speaker. The Media Roadmap lists five fields of reforms proposed by civil society: the public broadcaster, the broadcasting coordinating council, the print press, policies to stimulate the development of independent media, and legislative reform. Moldovan media nongovernmental organizations also collaborate with international and regional organizations promoting freedom of speech.

During the upheaval surrounding the elections, the Ministry of Justice accused NGOs and members of the Civic Coalition for Free and Fair Elections–Coalition 2009 of involvement in the protests and required them to submit more information on the protestors. Also, the State Tax Office subpoenaed many NGOs, requiring them to submit, on short notice, all financial documents for 2008-2009 and disclose all income sources. The office found no serious irregularities, nor did it close any NGOs. During the election campaign, the authorities managed to establish Civic Control - Elections 2009 Coalition, a body of 15 Moldovan NGOs, as an alternative to Coalition 2009. The goal of this coalition was to monitor "the content of the stories released by national television, radio, and print media." The reports made public by this organization suggested that its real purpose was to polish the image of the authorities and the media loyal to them, panelists said.

The State University of Moldova, Free International University of Moldova, European Studies University, Slavic University, and the State University of Comrat offer journalism courses. Although political influence is not an issue, finding skilled teachers who have experience in modern media practices is challenging. Marin, dean of the Journalism Department of Moldova State University, noted that in 2009, students from Moldova State University had the opportunity to study in Western universities for two semesters, and to participate in training courses held by European specialists. However, panelists mentioned that few of the students that graduate from foreign universities return to Moldova to exercise their profession.

Moreover, local media fail to find space for the excessive number of local graduates. "Every newsroom can absorb bright young people rather than any graduating journalism student who will need to be taught the profession all over again," said Mahu, sharing her discontent over the lack of practical skills seen in new graduates. Zaharova recalled that a high school student who used to participate in the station's news production returned to the station after graduating from a Chişinău journalism school and asked, when assigned to prepare a vox-pop, whether the survey should be positive or negative. "She had never asked such a question before going for her studies," Zaharova said.

Media professionals have limited choice in terms of short-term training courses. For instance, the School of Advanced Journalism at the Independent Journalism

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.

Center provides a one-year course to about 20 new journalists. In 2009, the Soros Foundation–Moldova offered specialized media training courses to community interest program producers from 11 regional radio stations and 13 regional television stations. USAID also trained regional broadcasters in 2009. National media NGOs such as IJC, API, APEL, Access-Info, and the Young Journalist Center held short-term training sessions, seminars, and conferences for various categories of media professionals. International institutions such as OSCE, Council of Europe, and the EU supported seminars and trainings focusing on media in elections, journalistic ethics, access to information and other topics. All types of training courses are in demand. News editing, business, social topics, and investigative journalism are covered frequently in these programs, but Moldovan media have a great need for training courses on media management, online journalism, marketing and advertising, copyright laws, digitizing the technological process, and others, panelists said.

The panelists shared the opinion that although newsprint is supplied by private companies and the majority of the presses are privately owned, this does not guarantee lack of political influence. "There are only two printers in Chişinău—one is state-owned and the other is owned by a political party leader," Costin said. The lion's share of distribution is controlled by the state company Posta Moldovei. However, the panelists said that after the parliamentary elections in July 2009, these companies have become more flexible. For instance, *Timpul* managed to collaborate with Moldpresa and Posta Moldovei in order to jointly distribute a "book in the bundle." Until recently, it has been nearly impossible to negotiate with these institutions that would always hamper and boycott independent publications," Stefirta said.

The press distribution network, including kiosks, is managed mainly by the state. Burdeinii noted that even though Moldova has a private network of kiosks, distribution is extremely expensive for the media. In June 2009, a new press distribution network was established, managed by the Moldo-Romanian company Megapress. The company announced that it would sell newspapers and magazines in Romanian and Russian published in Moldova, and plans to include international press in the network. Megapress also said it will not discriminate on any grounds—political affiliation, language, or country of origin in particular.

Most transmitters, although not the most powerful ones, are privately owned. Internet services are provided mainly by private companies that use Moldtelecom's network. The authorities do not regulate access to the Internet, although the April events show that they can exercise some level of control.

List of Panel Participants

Alexandru Burdeinii, editor-in-chief, InfoMarket; director, Audit Bureau of Circulation of Moldova, Chişinău

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Vasile Spinei, chairman, Acces-Info Center, Chişinău

Sorina Stefirta, editor-in-chief, *Timpul de Dimineata*, Chişinău

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The Moldova study was coordinated by, and conducted in partnership with, the Independent Journalism Center, Chişinău. The panel discussion was convened on November 13, 2009.

According to panelist Elena Vartanova, dean of the Journalism Department of Moscow State University, "Traditionally in Russia, most social problems are discussed on the interpersonal level. Many public interest issues never find their way into the public discourse. The Internet enables people to expand the domain of public discussion while maintaining anonymity and avoiding physical involvement in the communication process."

RUSSIA

OVERALL SCORE: **1.45**

Surviving the economic crisis was the main challenge for Russian media in 2009, according to the MSI panelists. "The advertising market is especially sensitive to all kinds of shock, and it was badly hit by the crisis," commented panelist Victor Muchnik, vice president of Tomsk Media Group. "By various estimates, the advertising market dropped by about 30 percent. It hit regional media outlets very hard, leaving them more vulnerable to pressure from the government and other forces. In general, the less money, the less sustainable media outlets are."

The political scene did not change significantly in 2009. Political elites continued to use affiliated media organizations as propaganda tools to advance their agendas. Self-censorship increased. Independent journalism remains only on a few television and radio channels and newspapers.

However, one positive trend of 2009 was the expansion of blogs and social networks, which have become a valued communication tool for Russians. According to panelist Elena Vartanova, dean of the Journalism Department of Moscow State University, "Traditionally in Russia, most social problems are discussed on the interpersonal level. Many public interest issues never find their way into the public discourse. The Internet enables people to expand the domain of public discussion while maintaining anonymity and avoiding physical involvement in the communication process. I think that the Internet offers an important alternative to old models of communication in the media sector."

In a new twist in 2009, individual citizens used the Internet to directly address top Russian authorities. President Dmitry Medvedev may have initiated this development, as he started his own blog and invited people to leave comments. In November 2009, police officer Aleksei Dymovsky posted an online video in which he addressed Prime Minister Vladimir Putin and brought up corruption and violations in the law enforcement system. Soon, several other police officers followed Dymovsky's example and posted their videos online.

It should be noted, however, that Dymovsky paid dearly. He was fired from the police force for libel soon after he posted his video. After that, he came to Moscow to a press conference on November 10 (the Day of Police in Russia). Although many journalists attended, most media did not cover the event, as they did not want to offend police on their professional holiday. On December 28, the prosecutor's office initiated a criminal case against Dymovsky for fraud. On January 22, 2010, Dymovsky was arrested.

Panelist Dmitry Surnin, editor-in-chief of the Moscow edition of *Moy Rayon*, said that the Internet is breeding a new political optimism among Russians. "Suddenly, there is a channel that provides an opportunity to reach authorities and others and be heard. People are getting the feeling that they actually can make an

RUSSIA AT A GLANCE

GENERAL

> **Population:** 140,041,247 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Moscow

> **Ethnic groups (percent of population):** Russian 79.8%, Tatar 3.8%, Ukrainian 2%, Bashkir 1.2%, Chuvash 1.1%, other or unspecified 12.1% (2002 census, *CIA World Factbook*)

> **Religions (percent of population):** Orthodox 86.5%, Muslim 10%, Armenian-Grygoryans 0.8%, Pagan 0.5%, Lutheran 0.3%, Buddhist 0.25%, Jewish 0.15% (2002 census, *CIA World Factbook*)

> **Languages (percent of population):** Russian, many minority languages

> **GNI (2008-Atlas):** $1.364 trillion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $15,630 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.4% (male: 99.7%, female: 99.2% (2002 census, *CIA World Factbook*)

> **President or top authority:** President Dmitriy Anatolyevich Medvedev (since May 7, 2008)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 27,425 newspapers, 20,433 magazines (Federal Agency of Press and Mass Communications, 2009); Radio and **Television Stations:** Formal statistics are not available, but the country has dozens of broadcast television channels, hundreds of radio stations, and even more cable, satellite, and Internet television channels. The research company Comcon measured 185 cable and satellite television channels.

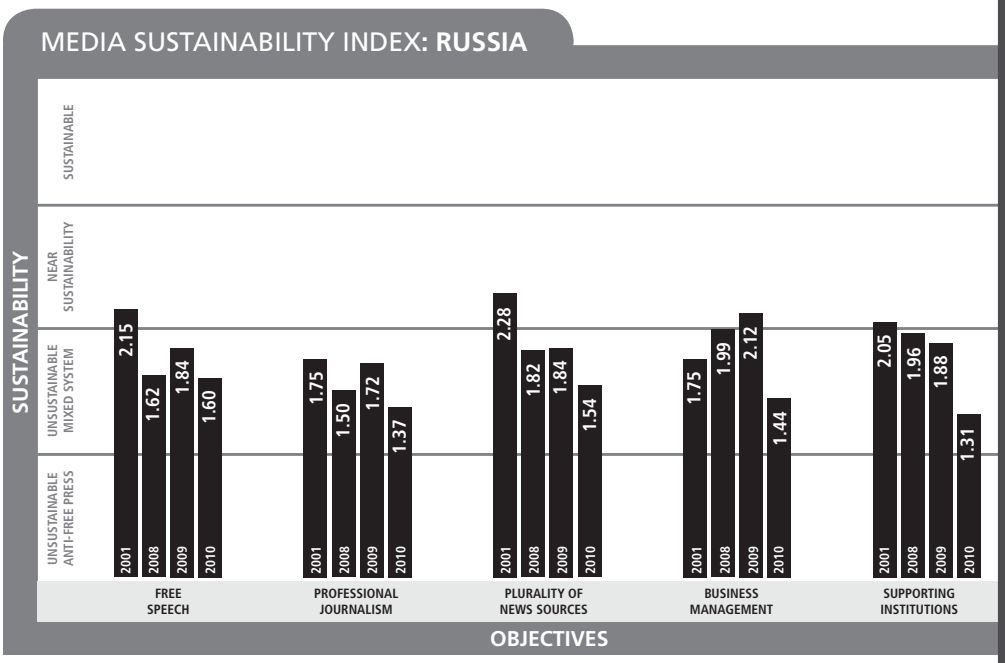
> **Newspaper circulation statistics:** 7.8 billion total newspaper copies, 1.9 billion total magazine copies (Federal Agency of Press and Mass Communications, 2009)

> **Broadcast ratings:** top three television stations: Channel One (18.1%), Rossiya (17.9%), NTV (13.7 %) (TNS Gallup Media)

> **News agencies:** ITAR-TASS (state), RIA Novosti (state), Interfax (private)

> **Annual advertising revenue in media sector:** $8.91 billion (Association of Communication Agencies of Russia, 2008)

> **Internet usage:** 45,250,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

impact by sharing their opinion and voice. So far, it is still an illusion of freedom, but it is a nice illusion. And it is an important new development," he said.

Even with their excitement over new media, the panelists still had a gloomy outlook on the Russian media sector this year. The overall score and scores for all objectives fell compared to the previous year, and were even below the 2001 baseline.

OBJECTIVE 1: FREEDOM OF SPEECH

Russia Objective Score: 1.60

The Russian constitution guarantees freedom of speech, but neither society at large nor the majority of media members value free speech. "Our media are still linked to the vertical, hierarchical model of communication; themes for discussion are selected not based on their significance for the broader public, but based on political agendas developed by elites. The media's agenda continues to be established from the top," Vartanova said.

A considerable portion of the Russian population believes that the state should control free speech in media. According to a 2008 survey by the Russian Public Opinion Research Center, 58 percent of Russians favor the idea of state censorship of media, while only 24 percent are opposed. The same data indicates significant generational differences: Younger people who were educated after the fall of Soviet system favor censorship notably less than older generations. In the 18 to 24 age group, 48 percent of respondents said that they favor censorship and 32 percent are against it, while in the 60 and above age group, 64 percent of respondents are for censorship and only 13 percent are against.

This year, the score for Objective 1 again received a noticeably reduced score. The reduction in score came primarily as a result of lower evaluations of indicators 2 (fair licensing of broadcast media), 3 (market entry), 6 (libel laws), and 7 (freedom of information); these were barely offset by a higher score in indicator 9 (unrestricted entry to the journalism profession). Most of the indicators scored relatively close to the overall objective score, although indicators 2 and 4 (crimes against journalists) fell more than half a point below, and indicators 8 (access to international news) and 9 were the highest, exceeding the overall score by more than a point.

Most panelists said that Russia meets the indicator aspects of legal and social protections of free speech minimally at best. Surnin acknowledged Russia's solid media laws and the constitutional protections of access to information, but said that they are not well enforced. "There are legal mechanisms, and they even work to some extent, but very selectively… [and] officials have a lot of ways to circumvent these laws."

Fedor Kravchenko, managing partner of the Media Lawyers Collegium, said that there is no political will to enforce legal provisions protecting free speech. "In my opinion, this year the state's stance against freedom of speech has become more apparent," he said.

In 2009, the Russian Duma (federal legislative body) continued discussing amendments to the existing media law. Panelist Andrei Allakhverdov, editor-in-chief of the Foundation for Independent Radio Broadcasting, revealed that in February, his foundation managed to organize Russia's first-ever meeting between representatives of radio stations and members of the Duma.

Anna Koshman, executive director of the Alliance of Independent Regional Publishers, brought up the ongoing discussions of the draft law on access to insider information. If adopted as it is currently written, the law would effectively block access to all kinds of business information, so business-focused media have campaigned actively against the law.

In 2009, the Duma enacted a law guaranteeing all state television and radio stations equal coverage of each parliamentary party's activities. According to panelist Andrei Richter, a professor at Moscow State University and one of the country's leading media law specialists, the main problem with the law is that it guarantees equal coverage only of parties' operations, not their political agendas. And on the local level, the law applies only to parties present in the national Duma, rather than to all parties present in regional and local legislative bodies.[1]

Vartanova cited the court decision against the youth reality show Dom 2, on TNT television channel. The show features a group of young people living in a house and trying to "build their love," as TNT describes it. Plaintiffs lobbied for the show's cancellation out of concerns over decency. In the end, the courts struck a compromise decision—to keep the show on the air, but to restrict it to late hours. Vartanova said that this court decision created an important precedent. "We used to have two parallel trends: One, that there is freedom of speech and we can show whatever we want; another, to prohibit and expel everything. A new kind of interaction between audiences, authorities, and media is trying to emerge—one that respects both the interests of people who are interested in certain types of content and the interests of those who may be harmed by this content."

[1] Richter, A. "Without Extra Discussions," in *MediaTrends*, Issue 3, November, 2009. Journalism Department of Moscow State University. p. 6.

A majority of panelists said that in 2009, Russia only marginally met the requirements of the indicator on broadcast media licensing. Although Russia has regulations aimed at ensuring that licensing of broadcast media is fair, competitive, and apolitical, in practice, license competition commissions boldly favor state television companies. "If VGTRK [All-Russian State Television and Radio Broadcasting Company] participates in the competition, it just does not make any sense for others to participate," Kravchenko said. It is quite common for VGTRK to hold more than two licenses for considerably overlapping areas, though such licensing is explicitly prohibited by the regulations.

The criteria used to extend and withdraw licenses are not transparent. "The licensing process can be used—and is actually used—as an effective means of applying pressure on a company," Muchnik said.

If a license applicant wants to challenge a decision, theoretically it could file a court case. But the panelists were not aware of any formal complaints, and an individual media outlet would face serious risks by going to court. The outlet would be suing an agency that regulates its license, and because licensing rules are unclear, it would risk its existing license in the process. The prospects to win such a case are not particularly high, given that the courts are not independent, and court expenses would surely be substantial. The outlet would be standing on its own as well, given that Russia has no associations ready to fight with the state to protect the licensing rights of media outlets.

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 2009, the government called for a temporary moratorium on issuing new broadcasting licenses while it decided which channels would be included in the first multiplex—a set of digital channels. Vartanova counted the decision to switch to digital television this year as one of the most important developments in the media sector.

Opinions varied considerably on the indicator evaluating the fairness of market entry and tax structure for media. Most panelists said that they believe that market entry conditions and tax structure for media outlets are comparable to other industries. Each media enterprise has to register with the Federal Service for the Oversight of Communications, Information Technology, and Mass Communications, but the registration procedure is easy and the fee is affordable. For example, the fee to register a national newspaper is RUB 2000 (less than $70) and the fee to register a regional or local newspaper is RUB 1000 ($35). However, entry into the television market might be restricted by the availability of frequencies.

Mikhail Melnikov, an analyst for the Center for Journalism in Extreme Situations, said that the tax structure for the media is completely unfair. While media outlets are not burdened with taxes heavier than for other businesses, they do not receive any special tax breaks (such as no value-added tax on newsprint, advertising, technical equipment, etc.). Melnikov argued that the media should have no taxes because its product (information) is different from the products of other industries and is strategically important for the country, so it should have no restrictions—even in the form of taxes. Several other panelists said that they gave a low score to this indicator because independent media outlets are suffering from unfair competition with state-owned media. The latter receive funding from the state that cover their operational expenses, but are still allowed to compete in the advertising market.

Most panelists said that in 2009, Russia minimally at best met the criteria for the indicator regarding crimes against journalists. According the Glasnost Defense Foundation, in 2009, eight media professionals were murdered in Russia.[2] The national media reacted to two of these cases—the January murder of Anastasia Baburova, a journalist from *Novaya Gazeta*, in Moscow; and the July killing of Natalia Estemirova, a human rights activist and contributor to *Novaya Gazeta*, in Chechnya. The two cases received national coverage because those journalists were affiliated with the national *Novaya Gazeta*, which is based in Moscow and is well connected with other Moscow-based media.

[2] As of December 15, 2009. See www.gdf.ru/murdered_journalists

These and other crimes against journalists were not prosecuted vigorously. Some panelists attribute this to Russia's poorly functioning law enforcement system. For example, in February 2009, the defendants in journalist Anna Politkovskaya's murder were acquitted by the jury board, which cited shoddy evidence collection by state investigators. "In this country, other murders are also poorly investigated," Surnin said. "And given that journalists are usually murdered on order, such murders are carefully planned and thus more difficult to investigate. This is not driven by prejudice against journalists, but rather our law enforcement system's ineffectiveness."

Panelists confirmed that law enforcement officers still tend to look only for the people who physically commit the crimes against journalists, without exploring who else might be behind the attacks.

In 2009, the Glasnost Defense Foundation registered 55 attacks on journalists[3]—less than in previous years, but many at the hands of law enforcement officers. Boris Timoshenko, head of monitoring at the foundation, noted that the degree of violence against journalists has been decreasing recently, but law enforcement officers still frequently target journalists. Stanislav Glukhov, a publisher from Khabarovsk, described an incident in which a police officer insulted and physically abused a RNT television reporter who was recording video of police arresting two women protesters in front of Khabarovsk Kray Administration. After the case generated publicity, the officer was reprimanded lightly, though the law provides for criminal penalties for preventing journalists from doing their job. But generally speaking, the public does not react strongly to attacks on journalists.

Russia has no laws that explicitly grant any preferences for state media, but in practice, state media enjoy many privileges. They receive funding from the state budget, they benefit from better rent and printing fees, and they receive preferential access to official information. Worst of all, according to the panelists, they are allowed to compete unfairly with independent outlets in the advertising market. State media outlets often sell advertising at very low prices—a practice that severely hurts private media outlets. In addition, noted Koshman, "One of our editors told me that state media publish advertising that is prohibited by law or violates anti-monopoly regulations, because nobody monitors them."

The government has no exact concept for the role of state media outlets, Koshman added. "If they take so much budget money, what should they do [in return]? There is no clear definition of their functions. Even regional governors often do not know how to handle their low-quality subordinate media outlets that are high maintenance financially."

Most panelists said that Russia was far from meeting many aspects of the libel-related indicator in 2009. In Russia, libel is a criminal offense. According to Article 129 of the criminal code, dissemination of libel in the mass media can be penalized by a fine, community service, arrest, or a prison sentence of up to three years. Glukhov, editor-in-chief of *Khabarosvky Express*, received a one-year sentence for an article about a member of the regional legislature that contained information that was proven wrong in court. Glukhov was put on probation instead of serving a prison sentence. He said that once a criminal action is brought against a journalist, investigators can search and seize his or her belongings, e.g. computers, and restrict traveling.

The civil code contains articles dealing with defamation as well. Offended parties must prove malice, but public officials are not held to higher standards. Courts often make decisions in favor of officials despite the evidence. Elena Temicheva, program coordinator of the Agency for Social Information, mentioned the landmark case lodged by Moscow's mayor, Yury Luzhkov, against *Kommersant*. *Kommersant* published an article by politician Boris Nemtsov that contained facts contested by the mayor. For the first time ever in this country, the court ordered a special investigation of the facts presented in this article. The investigation concluded without finding proof of the facts that Nemtsov provided, and Nemtsov and *Kommersant* lost their case. The court ordered each of them to pay RUB 500,000 ($16,675) to Luzhkov in compensation. (Initially, Luzhkov requested RUB 7.5 million [$250,125] in damages.) However, Temicheva's point was that it was surprisingly positive that the court ordered any investigation at all.

Russian law guarantees all journalists access to public information, but in practice, this information is not available readily. In 2009, the Glasnost Defense Foundation registered 290 cases denying journalists access to information, up slightly from previous years.[4] Koshman gave an example of the independent publishing house Inform-Polis, the largest media company in Ulan-Ude, which was denied access to the press conference held when Russia's president visited the city in 2009. Journalists complained and won apologies from public officials, including members of the president's administration, but the apology came too late—they had already missed the opportunity to cover the event.

"I cannot call Russia a completely closed society," Surnin commented. "But the situation has two aspects. On the one hand, public officials and state agencies do not want to provide information. The second is that they are unable to provide information properly, because of their weak

[3] As of December 15, 2009. See www.gdf.ru/attacks_on_journalists

[4] This number is for January-November 2009.

information infrastructure. Also, the situation varies a lot from city to city, and even from one municipal department to another. The working style of press offices can differ considerably—some are completely closed; others are open to cooperation."

Indicators regarding access to international news and entry to the journalism profession again received the highest scores within Objective 1; the country has been meeting most aspects for several years. Even journalists in rural areas have Internet access; thus, according to the panel, foreign language barriers are the only restrictions on using international news in media reports. Temicheva noted that some Russian media have established partnerships with western media outlets and reprint or rebroadcast their news. Additionally, sites such as InoPressa.ru translate articles from other languages into Russian.

Entry to the journalism profession is free; a journalism degree is not required.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Russia Objective Score: 1.37

Russia has few media outlets that meet internationally recognized professional standards of quality. "The notion of journalism is changing," Timoshenko said. "Journalism is sliding down to propaganda and entertainment; to digging into the soiled linen of celebrities. There is less and less true journalism. We have not reached a point where professional journalism is a rarity, but we are close."

Muchnik agreed that professionalism is on the decline. "There are very few people and organizations left to serve as role models for Russian journalists. Journalism in the regions, especially television journalism, was heavily hit by the departure of Internews, which played a large role in improving communication between regional media outlets," he said.

Panelist Tamerlan Aliev, the former editor-in-chief of *Chechen Society* who currently serves as an advisor to Chechnya's president, also deplored the lack of standards in Russian journalism. "There are no professional standards of quality. Journalists are ill-qualified, and even worse, they do not strive to improve. They are satisfied with the quality of their work because their employers are satisfied. And employers care only about filling newspaper pages and air time. Also, there is a generational gap. The older generation of journalists is more professional, but they follow old Soviet standards. The younger generation is unprofessional and does not follow any standards."

This year, the overall score for Objective 2 again put Russia in the lower half of "unsustainable, mixed system" and the score fell by 0.35 compared to last year. Indicators 1 through 5 all suffered lower scores, while the other three remained more or less the same. Nearly all indicators scored within a half-point of the overall average with the exceptions of indicator 3 (self-censorship), which scored about three-quarters of a point lower, and indicator 7 (modern equipment), which scored more than a point higher.

A majority of panelists said that in 2009, Russia only minimally met aspects of the indicator measuring fair, objective, and well-sourced reporting. Andrei Allakhverdov, editor-in-chief of The Foundation for Independent Radio Broadcasting in Moscow, commented on the shortcomings of Russian journalism. "Everybody knows very well that there should be at least two independent sources of information. But in most cases, this rule is not followed. An administrative press release from the administration is taken at face value. A government executive's words are taken for granted. A person needs professional training and courage to check the information. And I don't see these people in the media community."

Journalists often fail to check facts or pursue comments—even from major parties to a story. As an example, Vartanova described the media's coverage of the results of a Russian language test conducted by Moscow State University's journalism department. The purpose of the test was to gauge the objectivity of the results of state exams (now used as the basis to enter Russian higher education facilities). Many first-year students failed the test, and this was covered widely but not accurately. "I can tell you for sure that no media—except *Rossiskaya Gazeta*, where I wrote my interview

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).

myself—provided correct information, consulted experts, or checked with us," Vartanova said. Even *Echo of Moscow*, which usually maintains the highest journalism standards, did not ask the journalism department to comment in its coverage, she added.

Still, Temicheva observed some positive developments. For many years, Russian journalists did not use any sources of information other than state sources. Now, she said, the commonly used pool of sources includes businesses and NGOs.

The panelists noted that some Russian journalists follow ethical standards, usually modeled after standards developed by international professional journalist associations, but in most cases these standards live on paper only.

This year, the self-censorship indicator score was the lowest among all MSI indicators. Self-censorship was rife in 2009 and few media outlets are unaffected. A majority of media outlets are affiliated with the authorities; journalists understand that they serve authorities rather than the public and report accordingly.

Most panelists said that Russian media minimally met aspects of the indicator on coverage of key events and issues. Temicheva said that coverage is "uneven," with some issues—including informal youth groups and trends, social protests, and gender issues—not receiving television coverage at all. "These issues start to appear in the Internet editions of newspapers, but they are never present in the official [print] edition," she said. "Sometimes online media refuse to cover top news presented in official media on principle, because the trust in this news is low."

Pay levels vary across the country and between media outlets. In general, pay levels are low for journalists compared to most other professions. "I pay low salaries, and stick to the average level for the city," Glukhov said. "But my journalists don't write 'jeans materials' [favorable articles that journalists sell to politicians and businesses], and any journalist caught in the act will be fired immediately."

Although Glukhov's publishing house has taken an ethical stance against selling favorable articles, the panelists noted that many media outlets do sell advertorials, which make up an important source of their revenue. In many cases, these advertorials are not distinguished from editorial materials.

Panelists generally agreed that wages and corruption are not related. "I don't think that corruption depends on the level of pay…it depends on the ethical standards of a person; [his or her] personal attitude [and] sense of professionalism and self-respect," said Maria Eismont, director of the Russian Independent Media Program of the New Eurasia Foundation. "It is all about personal values. If a journalist, an editor or a media owner believes in high quality journalism as a public service, he or she will adhere to professional and ethical standards, not practice self-censorship and corruption even if his/her level of income is low."

Entertainment programming eclipses news and information programming, given the lower production costs and lower likelihood of causing problems. "There are more 'yellow' programs and fewer programs that try to reflect and analyze issues without bias. There is much more hysterical and provocative coverage. The news is also getting more uniform," Kravchenko noted.

Most panelists said that Russia less than minimally met this indicator. For example, a weekday on Channel 1 might feature 110 minutes of news, Channel Russia might have 195 minutes, and NTV 130 minutes. Of their 24-hour-a-day broadcasts, the air time dedicated to news represents 7.6 percent, 13.5 percent, and 9 percent, respectively. The rest of air time is mostly entertainment. The stations do broadcast some late night talk shows that touch upon serious topics, so overall the share of news may be a bit higher. Temicheva noted one interesting new trend: The analytical programs and political talk shows on television are now offering their audiences interactive opportunities, either during the broadcast or afterward through online forums.

Some media have much better facilities and equipment than others, but in general, facilities and equipment are considered sufficient and efficient, even outside major cities.

There are some instances of quality niche reporting; for example, Russia has some good business media outlets. But they are few in number, so the majority of panelists said that Russia met this indicator only minimally. Good investigative reporting is still very rare, as it demands considerable time and highly skilled journalists. Allakhverdov gave examples of television journalists investigating by working jointly with law enforcement officers, although true investigative reporting requires that journalists collect information independently.

This year, several panelists expressed concern that journalism no longer has its respected status. "The profession long ago lost its prestigious reputation, compared to perceptions in the 1990s. As a result, there is very little inflow of 'new blood,'" Muchnik said. Eismont added that men specifically are steering away from the field. "Journalism remains mostly a woman's profession in the regions," she said. "First, the pay is low, but more importantly, the prestige of the profession is low. There is a strong chance that someone will humiliate you or refuse to talk, and men cannot bear this, while women usually don't care as much."

OBJECTIVE 3: PLURALITY OF NEWS

Russia Objective Score: 1.54

Russians have a variety of sources of news. By the end of 2008, Russia had about 14,000 daily and weekly newspapers and about 10,000 magazines, according to the Federal Agency for Press and Mass Communications. Total newspaper circulation in 2008 was 7.8 billion copies. The country has dozens of broadcast television channels; hundreds of radio stations; and even more cable, satellite, and Internet television channels. The research company Comcon measured 185 cable and satellite television channels. Approximately 38 percent of Russians use the Internet, and estimates suggest that half of all Internet users create their own content.

On the other hand, about 80 percent of media outlets are owned by or affiliated with state authorities at the federal, regional, or municipal level. According to Koshman, Russia might have around 3,500 information newspapers, but only 10 percent of them are independent. Most television channels offer their audiences only the official point of view.

Online social networks and blogs are emerging as an alternative for consumers losing trust in the traditional media. "People are looking for other sources for their news. Recently, there has not been a single important event that was not taken up in social networks and blogs," Temicheva said. She provided the example of the discussion of the catastrophe of the Nevsky Express train in November 2009. Many bloggers wrote that because state officials claimed that this catastrophe was a result of a terrorist attack, it definitely was not. Still, bloggers often discuss news already reported in the traditional media, so the blogs do not add considerably to the net quantity of news available to people.

Like the other objectives, Objective 3 suffered a reduction in score. Much of this drop came from lower scores for indicators 2 (citizen access to media), 4 (independent news agencies), and 7 (coverage of a broad spectrum of social and minority issues). However, indicator 2 received the highest score again this year and remained about three-quarters of a point higher than the average. On the low end, indicator 3 (state media reflect the political spectrum) again received the lowest score, falling short of the overall objective score by nearly a point.

The panelists' opinions were split on the plurality of public and private news sources. About half thought that Russia minimally met the aspects of this indicator, and another half took a more optimistic view. In major cities, people have access to many news sources. But according to Eismont, in small cities "independent local media offer the only possible source of objective information about local activities, and not all communities have independent options. Municipal newspapers exist everywhere, but there are far fewer private ones. And if there is a private newspaper, it is not necessarily independent and able to provide quality information that people really need. Now, there are many city forums where people discuss various issues. But only young people tap them."

The state does not restrict citizens' access to domestic or international media. Disparities exist between urban and local areas, but they result from differences in the reach of media and infrastructural development, as well as economic conditions, rather than government interference. In fact, the panelists mentioned that the government has taken steps to expand access to Internet and coverage of national television channels.

In Russia, state media reflect only the views of the state and ruling party, and most panelists expressed very negative views while discussing this point. Panelists agreed that certain topics and personalities never would appear in the state media. In Russia, state media is an instrument of propaganda, and outlets spend a predominant amount of time covering government and leaders. Major national television channels belong to the state, and Russians have no national state television channel for culture or a national television channel for children. However, non-state channels offer some quality educational and cultural programming.

Out of three major Russian news agencies, two (ITAR-TASS and RIA Novosti) are state-owned and one (Interfax) is private. The major Russian news agencies are well equipped and can produce various kinds of media content. For example, RIA Novosti has the most advanced multimedia newsroom in Europe and offers its customers text, audio, video, photo, and infographic

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.

materials. Smaller private agencies (Regnum, Bankfax in the Altai Kray, and UralPolit.ru) cover the Urals and Siberia.

National media outlets do use agencies—sometimes to the extent that they stop doing their own reporting. Regarding crediting news agencies, usually the rule of two sources is followed. National media outlets use news only after it appears in at least two agencies, and then the agency is not credited. In some cases, if producers or editors do not want to wait for a second source, they cite an agency as a source. Local media outlets in smaller cities usually do not use agencies; they need mostly local news, which agencies do not produce typically. Only the major news outlets use international agencies.

Independent broadcast media produce their own news programs, but these media are few in number and the quality of the programs is often poor. Panelists were split in their opinions for this indicator. Many independent television and radio companies in the regions enter into agreements with national television and radio channels to minimize production costs and use popular brands to generate more advertising revenue. The local station rebroadcasts centrally produced and programmed content, and usually reserves timeslots for local advertising and news. Muchnik said that working with networks proved to be very negative for the development of television journalism in the regions, as networks are not interested in encouraging local stations to produce their own news or other content.

A majority of radio stations broadcast music and offer only short news programs. According to Allakhverdov, analytical news programming exists in the regions only on radio stations that are members of the Echo of Moscow radio network. These programs are low quality and usually discuss only minor issues.

Ownership of media businesses is not particularly transparent, though it is not too difficult to find information on who owns major media outlets. According to the panel, most consumers do not particularly care who owns media outlets and do not use this information to judge the objectivity of news. In smaller cities, people usually know who owns what. Often, judgment about ownership is based on content: If the outlet presents favorable information about authorities, that outlet is most likely state-owned.

Russia is a country of media conglomerates because this model is more effective economically. According to the 2008 data of the Federal Agency for Press and Mass Communications, about 50 national media conglomerates accounted for 50 percent of all circulated copies and 70 percent of advertising revenue. There are also 100 to 110 regional companies that generate 30 percent of circulation and 20 percent of advertising revenue.

Foreign investment in Russian media is still relatively low. Initially, investment was concentrated in the magazine segment, but now foreign investors have taken an interest in newspapers. The European media group Schibsted publishes *Moy Rayon*, and the German WAZ Medien Gruppe has a share in a publishing house, Novosti Regionov, which owns and operates newspapers in several regional capitals.

Most of the panelists said that Russia minimally met the indicator regarding the media's reflection of social interests. "Most critical themes that attract public attention are either ignored or covered only superficially," Melnikov said. "For example, the media tends to present only positive aspects of issues such as housing and health, while the real situation is very negative."

Temicheva, however, said that the media have expanded the scope of themes addressed. Media outlets that used to ignore social and ecological news now pay more attention. For example, in December 2009, *Russian Reporter* did a quality interview with biologist Kirill Eskov about the human impact on the environment, including a discussion of global warming and possible solutions.

Russia has several minority-language media outlets, which are often funded by the state. Examples include *Vatanym Tatarstan* in Tatar (www.vatantat.ru), *Khypar* in Chuvash (www.hypar.ru), and *Khanty Yasang* in Khanty (http://www.eduhmao.ru/info/3/4502/).

OBJECTIVE 4: BUSINESS MANAGEMENT

Russia Objective Score: 1.44

The overall score for Objective 4 this year suffered a decline of more than half a point as panelists rated all indicators much lower with the exception of indicator 6 (market research), which remained more or less the same. All indicator scores were within a half point of the objective score.

This year, several panelists contested the very concept that well-managed media businesses facilitate editorial independence. According to Eismont, "There is no connection between business efficiency and editorial independence. And this is a reason why all media assistance efforts failed. The idea was, 'Let's help media make money, and once they make money, they will immediately start conducting investigative reporting.' They did not and they will not. Media cannot be efficient businesses because they are public interest institutions. *Novaya Gazeta* is editorially independent, but it loses money and it belongs to an oligarch… It was a mistake to start teaching business models to people who did not yet understand what journalism is about. They have learned

business models, but still they do not understand what journalism and public service are all about."

Editorial independence comes from the values of media owners and editorial staff. Journalists who believe in journalism as public service founded many of Russia's independent media outlets. Referring to the estimate that only 10 percent of newspapers in the regions are truly independent, Koshman said that Russia has about 350 independent information newspapers. "And a portion of them are so independent that they even don't bill themselves as businesses—they just maintain a public interest stance," she said. "Who knows how they survive." Koshman estimated that 100 to 110 independent newspapers outside of Moscow operate as businesses.

Many of these independent newspapers are part of media holdings that include other newspapers and often other media, e.g. radio and Internet projects. Some have their own print houses that take orders from other companies. For example, Glukhov shared that he has a flagship newspaper, *Khabarovsky Express*, and 13 other newspapers, including *Best Recipes* and *Retiree*. In addition, *Grand Express* has its own printing house that generates additional revenue.

The independent media suffer from unfair competition with state media that receive state funding and sell advertising. The economic crisis that hit Russia in late 2008 and continued through 2009 changed this situation to a degree. Some regional media outlets funded by state or big business closed, while independent companies that worked hard to build efficient businesses in earlier years survived. "Companies that focused on the quality of journalism were in a better position than their competitors," said panelist Veronica Dmitriyeva, a regional program director for the Media Development Loan Fund. "Some of them even modestly increased their circulation during the crisis." Indeed, this was true for some local independent newspapers with established business plans and exhibiting professional journalism.

The economic crisis hit Russian media businesses hard. According to the Russian Association of Communication Agencies, the advertising market fell by 30 percent overall.[5] Different media were hit disproportionately: Television lost 21 percent of advertising revenue, radio lost 35 percent, newspapers lost 37 percent, and magazines lost 41 percent. Authorities also reduced the amount of funding to state media. "To survive, media owners had to cut personnel. Many had to lay off 30 percent of staff. Some preferred to avoid layoffs and cut salaries by 25-30 percent. Some had to cancel new projects. Others rented out part of their office space to bring in additional revenue," Dmitriyeva said.

[5] In January – September 2009 compared to the same period of 2008.

Clearly, the crisis pushed independent private media outlets to be more creative and look for new ways to generate revenue, Koshman and Dmitriyeva said. Outlets developed new ways of working with advertisers, started paying more attention to the Internet, and began selling advertising space in their Internet projects. As a result, advertising in the Internet grew by 3 percent. However, in general, very few media outlets operate as efficient, profit-generating businesses. Vartanova claimed that only 5 percent of print media outlets in Russia are profitable.

Distribution companies are inefficient, and often try to generate revenue by charging the media entrance fees and imposing other so-called service fees rather than working to make money from sales of copies.

Most panelists said that Russia met the indicator evaluating the breadth of revenue sources only minimally or less. Revenue streams that feed the media include advertising sales (including advertorials), sales of copies, subscriptions, and state grants.

Advertising agencies support an advertising market. However, agencies were affected severely by the economic crisis in the past year as well, and had to lay off staff. Russia has both international and local agencies. International agencies are usually based in capital cities and manage the advertising accounts of international companies. In smaller cities, advertising agencies are usually local. However, in many small cities, local advertising markets are too small to sustain advertising agencies, and media outlets work directly with local advertisers.

Major advertising agencies rarely work with local media, particularly in smaller cities, in part due to the lack of audience data for local outlets. To address this problem,

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

BUSINESS MANAGEMENT INDICATORS:

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

in 2009, the Alliance of Independent Regional Publishers established the Union of Regional Business Newspapers. The union includes eight local business newspapers published outside of Moscow, and its mission is to serve as a link between national advertisers and local business publications.

Russia has no accepted standards regarding the appropriate percentage of advertising revenue, so panelist opinions on this indicator varied considerably. However, the Russian law on advertising does set limits on the amount of advertising in media. On television, advertising cannot exceed 15 minutes per hour in most cases; radio advertising is limited to 20 percent of airtime; and print advertisements (except in print media registered as advertising circulars) are limited to 40 percent of copy space.

Broadcast media outlets receive all their revenue from advertising. Print media follows two models: Some newspapers and magazines sell copies and advertising space, and some newspapers and magazines are distributed for free and generate all revenue from advertising. The latter group was hit particularly hard by the economic crisis.

The issue of government subsidies this year again was one of most controversial discussion points. Individual scores for this indicator ranged widely, with the majority of panelists thinking that Russia meets this indicator only minimally. Most people said that independent Russian media outlets do not receive government subsidies. Surnin, however, said that the private newspaper *Moscovsky Komsomolets* receives around RUB 1 billion ($33,340,400) per year from Moscow, and in Moscow's budget, this money is called a subsidy.

Many panelists were concerned that authorities are using contracts for placement of information materials, and even grants as instruments of pressure on independent media. "Previously, administrations used to award such contracts only to state media. Now, they select the best media, usually an independent, and seduce it with money," Dmitriyeva said.

Obviously, a media outlet's contractual relations with the government might undermine its editorial independence. But according to Andrei Allakhverdov, editor-in-chief of the Foundation for Independent Radio Broadcasting, some independent media were more than eager to take money from the government to survive during the economic crisis. Kravchenko said that in 2009, the governor of the Moscow region offered local newspaper editors support to cover their operational expenses, but in exchange they would have to behave as government executives. Still, Koshman said, "it is very difficult for independent media to win grant competitions for social projects. On the federal level it is still possible, but local competitions are not transparent and state media receive preferences."

Many media outlets have already learned how to use marketing research, but often it was one of the first budget lines that media outlets cut this year to survive. According to the Guild of Periodic Press Publishers, print media outlets cut their marketing budgets by 50 to 60 percent.

Private research companies produce broadcast ratings and readership figures. The major players in the Russia media measurement market are TNS Gallup Media and Comcon. Major advertisers and advertising agencies widely use TNS Gallup Media data. However, these two companies hire local companies to do media measurement in the regions, and local media have questioned the quality of the work.

The National Circulation Service, established in 1998 as a not-for-profit organization, audits and certifies print runs and circulation of print publications. To be covered by NCS, a media outlet has to become a member and pay an annual fee. By the end of 2009, NCS had 572 members.[6] Koshman said that in 2009, major players in the press market were dissatisfied with NCS and decided to establish an alternative circulation service.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Russia Objective Score: 1.31

The overall score for Objective 5 slipped by more than half a point this year as panelists rated indicator 1 (trade associations), 2 (professional associations), 3 (supporting NGOs), and 5 (training opportunities for practicing media professionals) lower than last year. Scores for most indicators fell close to the overall objective score; only the indicator on journalism associations lagged noticeably.

Russia has several media trade associations, including the National Association of Television and Radio Broadcasters, the Guild of Press Publishers, the Alliance of Independent Regional Publishers, and the Alliance of the Heads of Russian Regional Media. They perform industry research and monitoring and organize trade fairs, conferences, and training programs for their members. They also attempt to lobby for the interests of the media industry.

Panelists said that Russian Union of Journalists (RUJ), a non-governmental association of journalists in existence since the Soviet era, does very little to protect journalists' rights. Glukhov said that his city of Khabarovsk has been without a local RUJ chapter since its chair died several years ago.

However, the panelists said that the issue is not simply that RUJ is inactive and does not protect its members. The deeper

[6] As of December 2, 2009. See http://www.pressaudit.ru/registry

problem is that most journalists do not care about protecting their rights and do not truly value freedom of speech. Unless this changes, panelists said, there would be little benefit in investing in rejuvenating RUJ. The demand has to come from the ground—from the journalism community. According to the panelists, the number of journalists and others who appreciate democratic values is gradually growing, but they are still a minority. Journalists who want to be are independent, and Russia has NGOs that help them. When and if independent journalists feel that they need their own association, they will create it, but not earlier.

NGOs that support free speech and independent media are in Russia, but they are too few, and they have limited resources and access to donor funding. "There is only USAID and some nascent oligarchic charitable structures that are best avoided," Dmitriyeva said. "And this is a terrible situation; it looks like media NGOs are begging for money at the U.S. Embassy."

Timoshenko also noted efforts this past year to again flag the idea that NGOs protecting free speech are agents of U.S. influence. The website Pravda.ru, for example, alluded to this in an article about the Glasnost Defense Foundation's school for bloggers, which was conducted in cooperation with the U.S. Center for Education of Journalists.

Russia has many universities and other higher education institutions offering journalism degrees. Glukhov noted that Khabarovsk alone has three schools offering journalism degrees. Still, the quality of degree programs remains low, so many media outlets prefer to hire entry-level workers without a journalism degree and train them in-house.

Vartanova agreed that academic journalism programs lack a practical approach and maintain a heavy literary focus. The programs are so fundamental, academic, and demanding that students often do not have time to develop enough professional and practical skills. The skills they obtain usually do not meet the needs of a modern newsroom, because most professors belong to older generations. Younger journalists do not teach journalism because the pay is low.

Still, schools have made some strides in addressing education gaps. Koshman noted efforts underway to integrate media outlets and journalism schools. For example, Altapress in Barnaul and *Chelyabinsky Rabochy* in Chalyabinsk established close cooperation with local journalism schools. Temicheva noted that in the past year, a new standard of journalism education has emerged that calls for more specialization and development of niche reporting skills.

Opportunities for short-term training are very limited, so most panelists viewed this indicator pessimistically. According to the Guild of Periodic Press Publishers, print media outlets cut their budgets for staff training by 70 to 90 percent in 2009. Short-staffed by the crisis, these outlets felt that they could not afford to let any employees miss even one or two days for training.

However, the development of online education technologies may help to improve the situation. In 2009, the Alliance of Independent Regional Publishers launched webinars for its members. The most popular webinars related to the Internet, including developing newspaper websites, marketing and promotion, how to generate revenue using websites, and advertising sales to Internet sites. Webinars addressing advertising sales techniques and other financial issues, such as collecting debts from advertisers, also proved popular.

Russia has private and state-owned printing facilities. Prior to the economic crisis, the printing industry was growing, and print houses invested heavily in new equipment. As a result, more newspapers experimented with color. In 2009, however, the demand for printing services fell, and competition increased considerably. Surnin said that this helped his newspaper to get better prices for printing, but by the end of the year, several printing houses went bankrupt and closed.

Distribution of print media remains the Achilles heel of the Russian media industry. In 2009, changes to the tax code upped taxes imposed on distributors, so distributors had to increase their mark-up. Prices of print publication went up 120 to 200 percent, and in turn, newsstand publication prices increased by 20 to 30 percent, resulting in a drop in sales. According to data from the Guild of Press Publishers, the profitability of distribution networks decreased fivefold, and is now about 2 to 3 percent. Subscription prices in 2009 did not change, because the Russian government froze fees charged by the Russian Post Office, which handles the majority of subscriptions in Russia.

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.

Internet access is unrestricted; according to the panelists, no websites are blocked. The state controls transmitters in that broadcasting requires a Ministry of Telecommunication license. However, many private broadcasters have their own transmitters and hold telecommunication licenses.

List of Panel Participants

Andrei Allakhverdov, editor-in-chief, The Foundation for Independent Radio Broadcasting, Moscow

Tamerlan Aliev, aid to the president of Chechnya, former editor-in-chief of *Chechen Society*, Grozny

Veronica Dmitriyeva, CIS regional program director, Media Development Loan Fund, Moscow

Maria Eismont, program director, The New Eurasia Foundation, Moscow

Mikhail Melnikov, analyst, Center for Journalism in Extreme Situations, Moscow

Boris Timoshenko, head of monitoring, Glasnost Defense Foundation, Moscow

Anna Koshman, executive Director, Alliance of Independent Regional Publishers, Moscow

Fedor Kravchenko, managing partner, Media Lawyers Collegium, Moscow Office, Moscow

Stanislav Glukhov, general director and editor-in-chief, *Khabarovskiy Express*, Khabarovsk

Dmitry Surnin, editor-in-chief, *Moy Rayon*, Moscow

Elena Vartanova, dean of the journalism department, Moscow State University, Moscow

Elena Temicheva, program coordinator, Agency for Social Information, Moscow

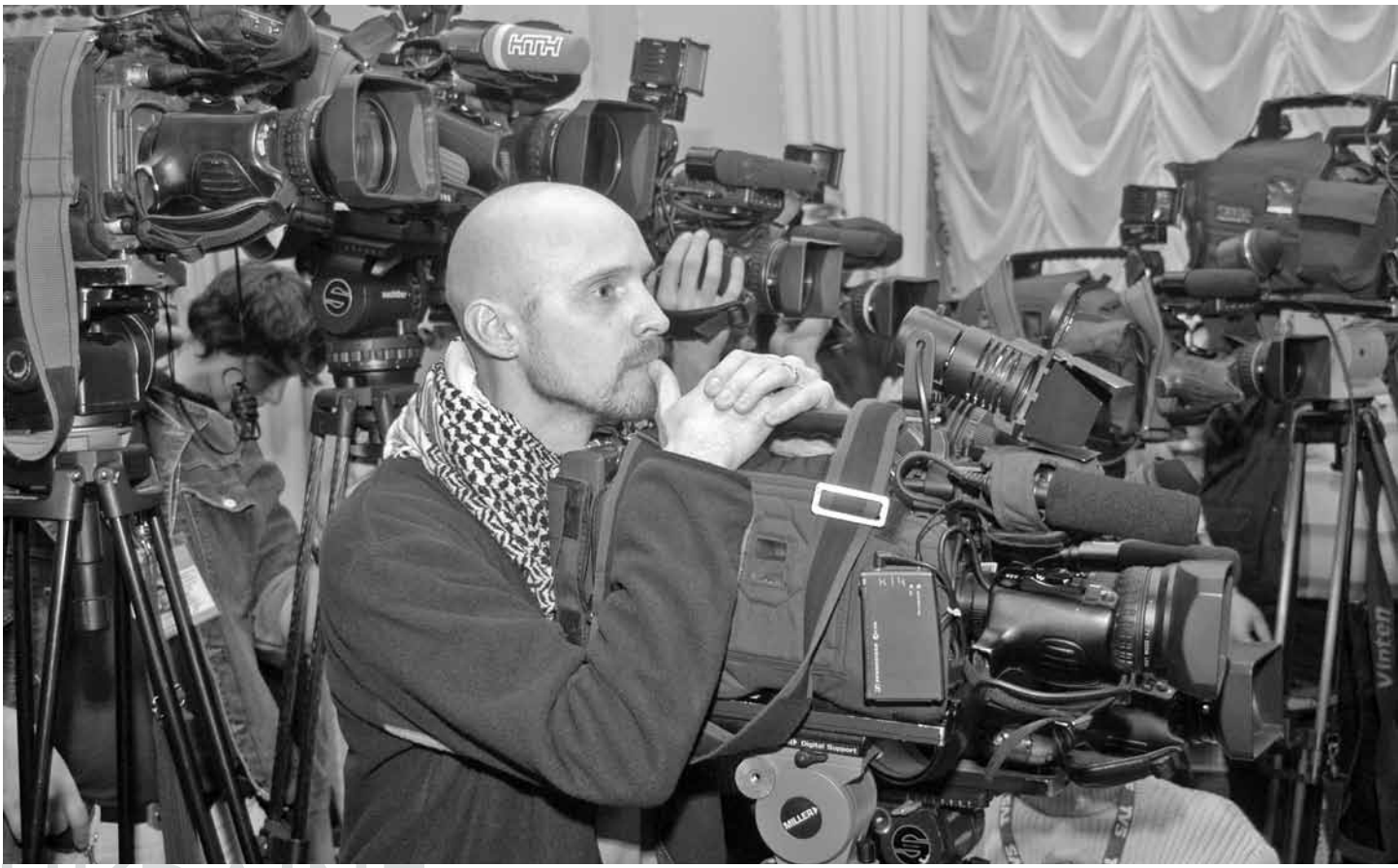
Victor Muchnik, vice president, Tomsk Media Group, Tomsk

Moderator and Author

Natalia Kosheleva, director, Inter-Regional Institute of Media Consulting, Moscow

Note: Conflicting panelist schedules prevented a panel discussion from being held in Moscow. However, individual interviews with panel participants were conducted between November 17 and December 3, 2009. Interviews with panelists based in Moscow were conducted in person, while those with panelists based outside of Moscow completed by phone.

On the eve of the voting, Otar Dovzhenko, deputy editor-in-chief of Telekritika, *summarized the situation: "2009. A wholesale and retail system has become standard for the most influential popular media. Politicians obtain the exclusive loyalty of certain media or media groups by entering into agreements with owners, but access to any media is not monopolized."*



UKRAINE

OVERALL SCORE: **2.05**

In keeping with tradition, an election campaign has exposed the true state of the news media in Ukraine. Ukraine faced its presidential election in early 2010 with an expectation of further suppression of press freedom and continuing erosion of the principles of journalism. Leading candidates of the older generation and their younger counterparts were united in their abuse of the media and disrespect for journalists. In spite of their pre-election rhetoric about media freedom, the political elite remain far from sympathetic to true democratic values.

Free speech was the last myth of the Orange Revolution to be shattered. In fact, as Radio Svoboda reporter Vitaliy Portnikov has said, under President Viktor Yushchenko conditions only simulated free media and encouraged oligarchic competition among them.

On the eve of the voting, Otar Dovzhenko, deputy editor-in-chief of *Telekritika*, summarized the situation: "2009. A wholesale and retail system has become standard for the most influential popular media. Politicians obtain the exclusive loyalty of certain media or media groups by entering into agreements with owners, but access to any media is not monopolized. Such a loyalty is expressed by providing candidates with special conditions or more airtime, more frequent and selective coverage, or silencing information according to the candidate's campaign needs. Other candidates can access outlets only by paying. Instances of boycotting candidates by media are few. All agreements and payments between media and headquarters take place at the level of owners or, more rarely, of top managers. Journalists, having accepted payments, protest little and service the needs of politicians. Most principled journalists are squeezed out of the profession."

Public broadcasting, expected in the immediate aftermath of the Orange Revolution and actively discussed over recent years, has not been established—nor is it likely in the near future. None of the major political forces show sincere support for it. Moreover, there is a risk that a switch from state to public broadcasting, should it come, would be a change in name only unless independence from political pressures could be guaranteed. In the meantime, national and municipal media financed via government still operate, competing unfairly with private media.

The most popular media are owned by tycoons with close political connections. For most of them, the motivation to use media for influence supersedes business interests. For the last several years, major media outlets have been characterized as monopolies; ownership is neither transparent nor open to the wider public. Thus, owners influence editorial policies as media are increasingly under their direct control.

In business terms, it was a hard year, as many media managers were unprepared for the challenges of the economic crisis. Losses could have been smaller with more professional management. The battle between

UKRAINE AT A GLANCE

GENERAL

> **Population:** 45,700,395 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Kyiv

> **Ethnic groups (% of population):** Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 census)

> **Religion (% of population):** Ukrainian Orthodox - Kyiv Patriarchate 50.4%, Ukrainian Orthodox - Moscow Patriarchate 26.1%, Ukrainian Greek Catholic 8%, Ukrainian Autocephalous Orthodox 7.2%, Roman Catholic 2.2%, Protestant 2.2%, Jewish 0.6%, other 3.2% (2006 est., *CIA World Factbook*)

> **Languages (% of population):** Ukrainian (official) 67%, Russian 24%, other 9% (includes small Romanian-, Polish-, and Hungarian-speaking minorities) (*CIA World Factbook*)

> **GNI (2008-Atlas):** $148.6 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $7,210 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census)

> **President or top authority:** President Viktor Yanukovych (since February 25, 2010)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** Print: 27,969 newspapers and magazines (only about 4,000 actually publish), 12 major daily newspapers; Radio stations: 524 stations; Television stations: 647, most being local stations (State Committee on Television and Radio, comin.kmu.gov.ua)

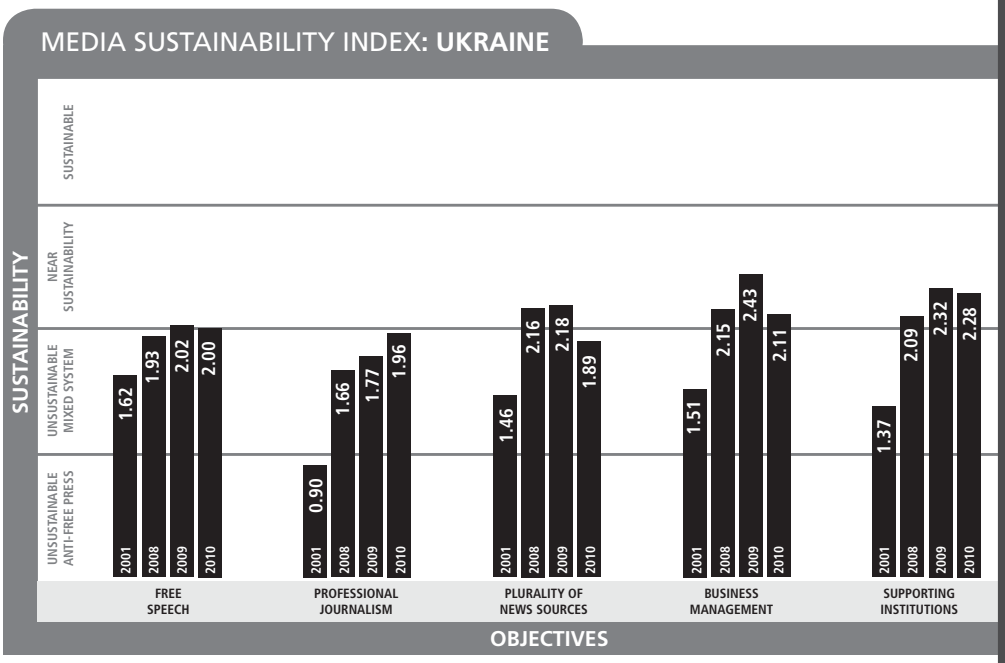
> **Newspaper circulation statistics (total circulation and largest paper):** top dailies: *Robocha gazeta*, *Fakty I Kommentarii*, *Expres*, and *Segodnya* (reliable circulation figures N/A; estimates range from 200,000 to 500,000 copies).

> **Broadcast ratings:** top television: Inter, Studio 1+1, Novyi kanal, STB, ICTV, TRK Ukraina (all private); top network radio: Radio Shanson, Hit FM, Russkoe radio (all private) (TNS)

> **Annual advertising revenue in the media sector:** television: $250 million; print: $172 million; radio: $15 million; Internet: $18 million (All-Ukrainian Advertising Coalition)

> **News agencies:** Interfax (private), UNIAN (private), Ukrainski Novyny (private), Ligabiznesinforn (private), DINAU-Ukrinform (state-owned)

> **Internet usage:** 10.354 million (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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.

television and the press for advertising revenue heated up, and forced national and regional print media to overcome other problems. In an industry short on resources, the quality of media products declined.

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 2.00

Panel participants were unanimous in stating that in spite of generally liberal legislation, enforcement of freedom of speech is rather weak. Broadcast licensing is more corrupt than politically motivated. Crimes against journalists increased slightly in 2009, while successful investigations of such cases remain rather rare. A number of high-profile cases remain unsolved. On the positive side, journalists have the tools to access information, and so far there are no limitations for online media and bloggers.

According to panelist Kostyantyn Kvurt, board chairman of Internews-Ukraine, corruption and political goals drive court decisions and licensing. Decisions and practice are not motivated by the law, democratic values, or protection of the interests of society or even of the state. Law enforcement bodies display a cynical attitude toward crimes against journalists. Generally, the situation is better than in many other countries, as freedom exists, but journalists are on their own when it comes to defending that freedom.

According to panelist Oleksiy Pogorelov, general director of the Ukrainian Association of Press Publishers, the laws can be enforced, but authorities often have to be forced to comply. Otherwise, authorities fail to do their job at all, or fail to do it well.

In spite of Ukraine's rather developed media legislation, harmonized with international norms for many years, essential problems of enforcement remain and the application of laws is getting worse, panelists agreed.

Tetyana Kotuzhynska, president of the Media Lawyers Association and secretary of the National Union of Journalists of Ukraine, said: "Legislation in Ukraine, to a sufficient extent, ensures freedom of speech and freedom of the media. National laws correspond to international standards of human rights as well as free speech. However, execution of these laws remains at a very low level. Ukraine lacks the system to hold civil servants accountable for non-compliance with the laws."

According to Kotuzhynska, Ukrainians do value freedom of speech. According to recent surveys, 50 percent of citizens trust the news media. But solidarity among journalists is very rare: Usually they do not trust reports on violations of their colleagues' rights, suspecting them of serving a public relations, political or commercial purpose.

Presidential elections legislation puts journalists at a disadvantage, as it limits the media's reach in covering elections. Journalists cannot freely discuss and analyze candidates, lest they risk being accused of illegal agitation. Journalists sometimes contract with political parties to represent their interests, and disseminate political advertising or propaganda rather than journalism. It stimulates self-censorship and so-called *jeansa*, or paid-for content. Meanwhile, politicians freely use media to deliver their messages, and often violate the law themselves.

The Pechersk district court in Kyiv prohibited political advertising against then-Prime Minister and presidential candidate Yulia Tymoshenko. Following protests by human rights activists, however, the claim was withdrawn by the plaintiffs.

The state repeatedly attempted to establish state registration for Internet media outlets, but now it is limited only to voluntary registration. The Internet community was also concerned about so-called "Law 404," which aims to fight illegal content, especially pornography, by limiting the access of users to certain sources.

In November, the local department of the Security Service of Ukraine confiscated more than 100 servers of Fregat, an Internet provider in Dniepropetrovsk, accusing the company of illegally retaining and distributing the traffic police database. This interrupted operations of the city news portal and services for thousands of clients.

Broadcast media licensing is not transparent; it is corrupt and politically motivated. Anyone with the resources to launch television or radio stations resorts to corruption or fails, panelists agreed.

One example is the case of Radio Melodiya. Its license was extended pending a court decision, but it was asked to pay a full fee for several years reaching beyond the license term. The request of the National Television and Radio Broadcasting Council (NTRBC) was supported by order of the general prosecutor. Although there were other stations with unpaid license fees, the prosecutor's order applied only to Melodiya. Radio Melodiya appealed to the court, which ruled the penalty was illegal. However, NTRBC then offered Melodiya's frequencies for auction. Unofficial reports indicate one of the council members has business interests in the new recipient of these frequencies.

According to Viktor Danylov, director of Rivne-1 TV and head of Publishing House OGO in Rivne, the broadcast media licensing climate is not improving. NTRBC's practice is to issue a "warning" to a broadcaster, then exert pressure on it. On

the other hand, as noted by Tetyana Rikhtun, an investigative journalist and manager of the Crimean IPC media center in Sebastopol, state television companies obtain licenses with ease and are not prosecuted for any violations.

Viktoria Syumar, head of the Institute of Mass Information, recalled a semi-scandalous distribution of digital multiplexes a year ago, which was never remedied.

A positive trend did emerge in 2009; television and radio companies started to appeal against NTRBC decisions in court. Earlier, they did not dare. A new method of calculating license fees has been approved and is expected to decrease the amounts of fees.

Panelists also mentioned allegedly rebellious attitudes of some members inside the NTRBC against its management. The head of the NTRBC, Vitaliy Shevchenko, and his deputy resigned from management positions, but held onto their memberships, which could mean the start of a velvet revolution in the council and the industry. Some experts said that perhaps "problem-solving" might become more accessible, but also more expensive. It was also noted that NTRBC has become rather lenient toward national broadcasters and remained exacting toward regional broadcasters. Four members of the NTRBC are appointed by the president, another four by the parliament. It is expected that many members will be rotated with the change in national leadership.

Market entry and commercial regulations for media are the same as for other businesses; the Ukrainian tax administration system is very confusing and complicated to navigate for all industries. Publishers enjoy a value-added tax (VAT) exemption for sales and subscriptions of print publications. Nonetheless, Pogorelov stressed, economic legislation, especially taxation, is not equal either within the industry or in comparison with other businesses. VAT exemption privileges are harmful for the industry; VAT exemption grants minor savings, but the exemption is valid only for part of operations and the separate accounting is a tremendous additional workload.

Crimes against journalists increased, said Syumar, whose organization regularly monitors these cases. Investigations of such cases usually fail. Law enforcement bodies often refuse to act. The authorities do not want to establish a precedent that a politician may be punished for violence against a journalist. In October 2009, Hanna Herman, Party of Regions member of parliament and chairman of the parliament's Freedom of Speech Committee, proposed restoring Oleg Kalashnikov's membership in the party. He had been excluded after a well-known case in 2006, when he attacked STB channel journalists—but following a two-year investigation, he was not prosecuted.

Kvurt emphasized that the cynical attitude of the General Prosecutor's Office toward high-profile cases is only worsening. This sends a clear message to the society and journalists that they are free to do as they wish, but if they meet a violent end they are likely to simply get a posthumous Hero of Ukraine award. Moreover, solidarity among journalists is very low, even when there is no doubt whether a journalist behaved properly. It is also not that easy to disseminate information about violations against journalists over all media.

In another case, in spite of the arrest of Gen. Oleksiy Pukach in the Georgiy Gongadze murder, there has been no progress in investigating the journalist's 2000 kidnapping and death.

According to Oleg Khomenok, a media adviser for the Internews Network U-Media project, the guilty usually are not punished in cases of violent acts against journalists by law enforcement officers or other officials. This was the case when prosecutors and the courts refused to bring criminal charges against Communist Party member of parliament Oleksandr Tkachenko, who broke the microphone of STB journalist Olha Chervakova; and also the violent pressure and attempts of militia officers to file a criminal suit against ICTV journalist Tetyana Krugova, who reported a cannabis field. Several cases of beatings of journalists—for example, in Kyiv, Nova Kahovka and Khmelnitksiy—were not prosecuted. On the other hand, Khomenok stressed, the journalism community usually does not want to go to the trouble of turning to the law.

Danylov added that in 2009, in Rivne alone, there were five attacks on media employees. As an exception to the rule,

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.

after tremendous public pressure on law enforcement bodies, the attack on Vitaliy Golubev, chief editor of Publishing House OGO, has been investigated.

At the parliamentary hearings on media freedom in the regions in December 2009, Oleg Nalivaiko, first deputy head of the State Committee on Television and Radio Broadcasting, mentioned that according to official statistics, only two cases of violence against journalists were punished under the criminal code during the past decade. He said that in other cases, authorities prefer to label these acts hooliganism.

Subsidized state and municipal media create unfair competition for private media. Government journalists have civil servant status and therefore are assured of steady increases in salaries and pensions. Legal provisions of editorial independence exist, but are not exercised. However, it is not a given that all state and municipal media will automatically receive subsidies; some outlets may be excluded. Especially now, as budget funds are limited, many municipal papers have been reduced to begging for money from officials. Very often, officials appoint their protégés as chief editors, though they do not necessarily have any journalism experience.

Since 2001, libel has been exclusively a civil issue. Syumar called decriminalization of defamation the last stronghold of free speech in Ukraine. In addition, there are many court decisions stating that a government body cannot claim "moral" damage. In November, the parliament adopted a law providing amendments to the Civil Code on moral damage so that public officials might claim higher damages than average citizens. Although the code uses a number of international standards, such as taking into account the wealth of a defendant and the higher responsibility of public officials, its application can be distorted by judges at their discretion. The president has vetoed the law so far. Panelists said they believe the parliament deputies were aiming to curb the media.

There is a tradition of defamation claims, but court practices vary. According to Kotuzhynska, a rather progressive resolution of the Supreme Court plenary session, which drew upon recommendations to implement provisions of the European Court of Human Rights, was adopted in 2009. Despite this, some decisions of the Supreme Court, with several new judges, did not reflect these positive recommendations. Moreover, a sense of "corporate solidarity" has developed among civil servants and judges. For instance, if a plaintiff in a case against the media is a judge, his claim would be, as a rule, fully satisfied. And the number of judge-plaintiffs is increasing.

Kotuzhynska said, "By and large, in Ukraine there is no 'telephone law' anymore for deciding the court cases on freedom of speech, but the decisions can be called independent only formally: More and more often the decisions are made on auctioneer principles—whichever side provides the larger bribe wins. Recently, such practices are more and more inherent to appeals rather than first rulings: Decisions are made after three to four proceedings, when the sides hint about larger bribes. In 2008, there was a sentence with the largest damage compensation to the newspaper *Biznes*—an award of UAH 22 million ($2.73 million) in the first court ruling. This case was decided in three court rulings, and it has been returned by the Supreme Court to the district court. Now, in 2009, the damage sum is about UAH 6 million ($743,725). The decision is being appealed again. And this is not an isolated example."

Aggravating the situation, courts do not behave independently, according to Danylov. After a much-discussed serious road accident in Rivne at the end of 2008, which was covered by all Rivne media, a suit claiming several hundred thousand UAH was filed only against the independent media outlets: *Rivne Vechirne*, *Rivnenska Gazeta*, Rivne-1 TV and the opposition party newspaper *Volyn*. The plaintiffs were the local chief of party headquarters and his son, a city council deputy who was connected to the accident; they claimed he was falsely accused in the press of being the driver. Other media were not part of the suit.

Panelists agreed that access to information is more or less satisfactory in Ukraine. The panelists deem current law adequate, but an improved law developed with contributions from a coalition of NGOs and international experts has passed a first reading in parliament, which is a positive signal. Lawyers cited several examples of successful court cases that prove it is possible to get results. Publishers mentioned the practice of using legal suits to force authorities to provide information. On the other hand, they said, journalists often fail to file information requests or lawsuits to obtain information. Furthermore, local authorities are not very skilled at proper interaction with the media; they prefer to publish their approved texts in the media outlets they financed. Usually, state and municipal media obtain more information from official sources than others do.

Rikhtun said regional media are not able to sue officials every single time information is unavailable, and complain that they are given the runaround by officials in response to their information requests. It took a month for an Azov and Black Sea Region agency to respond to a journalist's information request by saying the office was not authorized to reply and recommending that the request be sent to a higher body for Crimea. Instead of providing access to socially important information, press offices of local authorities in Sebastopol make up information. Such offices propagandize on behalf of their bosses and do not facilitate media coverage or access to information. Instead of

publishing city council decisions, they distribute comments of the council chairman about the decisions.

Access to foreign news sources is not restricted in any way. The Internet is very affordable and widely used by media outlets. Acquisition of foreign content is widespread. Price is not generally a prohibitive factor, but in current economic conditions some media organizations have had to discontinue foreign subscriptions.

Another limiting factor is the low foreign language proficiency among journalists, a problem highlighted by Syumar. As a result, Russian language foreign sources and media products prevail over other foreign languages.

Entry into the journalism profession is free, and bloggers can obtain accreditation. Special privileges are granted to journalists of state and communal media, who are considered civil servants and therefore enjoy better social security status. Many panelists said that, unfortunately, the profession is full of pseudo-journalists lacking basic skills.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.96

In regard to professionalism, the main problems highlighted in last year's MSI have carried over: paid-for stories in media, pressure by media owners and self-censorship, non-compliance with ethical standards, and lack of self-regulation among journalists.

Monitoring by the Institute of Mass Information shows that at the end of 2009—during the presidential campaign—the volume of paid-for editorial stories at least doubled. According to Syumar, all candidates want to influence editorial policies, and live political talk show scenarios are negotiated with presidential candidates, which is far out of touch with professional standards. Censorship increased due to political interests of owners. Elections have become a business for media.

According to Khomenok, *jeansa* and buyouts of journalists and media outlets have become an almost common phenomenon. Publications which serve audiences honestly can be counted on the fingers of one hand. At the same time, on a technical level, media are very well equipped both at national and regional levels.

Niche reporting is gradually being developed in various areas, such as investigative journalism and social programs.

Pogorelov said there are exemplary professional media outlets, especially print media, both at the regional and national levels. However, there are also plenty of unprofessional journalists; therefore, the average for media professionalism is low. News programs at national television channels provide examples of unbalanced, purchased stories.

According to Kvurt, the main obstacles to high-quality journalism are media corruption, laziness and lack of correlation between a high-quality journalism product and the money earned by a journalist.

Nataliya-Danute Bimbirayte, director of *Vgoru*, a weekly in Kherson, said that in her region, the leading media practice partisan reporting and are well rewarded for it.

Rikhtun emphasized that covering issues from several points of view has not become a professional standard for journalists. For those working in municipal or state media, it is simply impossible. The tendency is worsening: If a few years ago certain authorities concluded agreements with independent media for placement of their information, in 2009 they launched their own print and online media. In Sebastopol, for instance, the chief justice department, the environmental protection department, the local office of the ministry for emergencies and two district councils all publish their own newspapers. The city administration publishes comments from its leaders daily. The main sources of information are press conferences and briefings of officials and deputies, actively broadcast by media. True news and various points of view are available most frequently from Internet sources.

Ihor Kulyas, media trainer for Internews Ukraine, recently discussed the quality of Ukrainian journalism on the Telekritika website. He noted that "lazy" newsroom practices—that is, mere inert broadcasting of products and messages of press offices, politicians and officials—has become ingrained in television news. Searching for facts, alternative opinions and expert opinions is rare. He said hysterical coverage of the flu epidemic, which fed a sense of panic, clearly demonstrated the state of the mainstream media: negligence of all professional reporting standards, and complete social irresponsibility.

Syumar said ethics is a weakness of Ukrainian journalism. It cannot be said with confidence that Ukraine's codified ethical standards are complied with by the majority of journalists. Ethics are not usually discussed in newsrooms, and self-regulation in the ethical sphere is almost absent. Activities of the current ethical commission are rather weak, according to Syumar; but as one exists, it would be difficult to justify establishing another commission. There is no tradition of shunning disgraced journalists; they simply display repentance temporarily, then continue on with their work.

Kvurt said more and more Russian journalists, not always oppositional ones, are hired by trendsetting Ukrainian media. That has led to a transfer from Western media standards

toward Russian journalism standards, which he views as pure propaganda.

"Plagiarism is the standard for many electronic media," Rikhtun said. Fresh news is reprinted by many other media without asking permission of the original journalist. For instance, about a dozen websites cover news in Sebastopol, but only three of them produce their own news—others just republish the work of other outlets. All Sebastopol newspapers regularly publish unmarked advertising—*jeansa*. In some newspapers it accounts for up to 20 percent of editorial material. Especially flagrant violations are seen in state media. For example, the newspaper *Flot Ukrainy* (*Ukraine's Fleet*), published by the Ministry of Defense with state funding, ran paid-for stories discrediting the supreme commander-in-chief and the Ukrainian president.

There are also examples of ethics violations where journalists fail to protect victims of crime. During the presidential campaign, media uncovered a pedophilia scandal in an Artek children's camp, and disclosed the names and photos of children involved.

Most journalists practice self-censorship, panelists agreed. Forbidden topics exist. Syumar said self-censorship is the most serious type of pressure on journalists. The inspired journalism of 2005-2007 vanished, and the economic crisis has become the best excuse for journalists who cite their fear of not being able to find another job if they take a risk and report something controversial. Instead, they tend to succumb to the pressure of owners, which increased, especially during elections.

Danylov agreed that his media, which aim for high-profile stories, have to be very careful. He said his outlets' independence was hard-earned over many years and at great expense. For example, tense relations with the local militia sometimes led it to clamp down on sharing information about its activities with his journalists, but they continued to follow their editorial policies.

Rikhtun stressed that self-censorship is a norm for any editor because criticism of officials is fraught with additional inspections, refusals to renew rent agreements, and loss of advertisers. She mentioned that she had even heard of a case where a local newspaper was paid so well by an oligarch to bury a story that when a politician offered to pay for coverage of the matter, the newspaper refused to do so. Self-censorship also is motivated by fear of distribution obstacles, future limits on access to information, and retaliatory unlicensed software checks.

Panelists agreed that a wide range of topics are covered, but that Ukrainian media generally tend to focus on issues that are rather superficial, easy, convenient and heavy on scandalous content for the average reader. On one hand, media are easily manipulated by the agenda set by politicians; on the other, they try to attract consumers and fight for ratings. Therefore, many socially important topics are left unaddressed by the media, including, for instance, national and international security.

According to Rikhtun, journalists rarely cover issues of government spending, environmental conditions, quality of medical services and other important topics. For example, an environmental post has been operational for four years in Inkerman, but its assessments have never been published by the media.

Salaries of journalists are adequate in Ukraine despite the deep economic crisis, and much higher than many years ago. But in some outlets employees have been reduced and salaries decreased by as much as 40 percent (or remained the same in UAH equivalent in spite of the higher U.S. dollar exchange rate).

In crisis conditions, employment and the security of an assured salary are good motivators. But the panelists said the salary level does not stop corruption among journalists. Corruption depends on the policy and management of media outlets—in properly managed media, even when news is sold at the level of owners, journalists are unable to place paid-for stories. However, it is a rather widespread practice for journalists to combine work as reporters for media outlets and as press officers or public relations consultants for certain companies or persons, for whom they try to place favorable stories. One of the best investigative reporters, Sergiy Leschenko of *Ukrainska Pravda*, commented on the Telekritika website that it is naive to think that journalists can resist corruption under the current conditions. Regular people have to stop bribing the traffic police, then journalists will stop publishing purchased stories, he said.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

At national channels, there are too many entertainment programs, and people cannot get analytical and useful information in news programs, with few exceptions. Political shows tend to be pure infotainment, a stage for politicians. Experts said people are tired of numerous talk shows with the same politicians answering almost the same questions. There are several political talk shows, including clones of the initial "Svoboda Slova" ("Free Speech") at ICTV, "Shuster Live" at TRC Ukraina channel and "Big Politics" with Evgeniy Kiselyov at Inter channel.

On the other hand, there are several pure news channels. News, rather than entertainment, is the core of ratings and popularity at the regional level. As mentioned in last year's Media Sustainability Index study, the problem of saturation with Russian entertainment products—and the difficulty of competing with them because of their low cost—persists.

According to Pogorelov, at national television stations, entertainment programming has eclipsed information programs, and news programs are of very low quality, as if all are from the same production center—the same pictures, the same texts, even virtually the same sequence of stories. And there is too much paid-for information in the news.

In print media, however, there is a lot of quality information, and news genres supersede entertainment.

Access to and affordability of technical facilities is not a factor preventing quality news production by Ukrainian media. Television equipment has become substantially cheaper. A majority of television channels use digital technologies, and radio companies are fully computerized. However, Kotuzhynska noted the serious problem of very expensive licensed software, which many media cannot afford. The authorities can confiscate computers with illegal software.

Quality niche reporting and programming exist, but are insufficient as yet, panelists said. Investigative journalism has gained strength both in the capital and in the regions. There are few new consumer issues and investigative programs on national television channels. Investigative journalism shows gradual professional growth. There are many regional investigative journalists, and several centers focusing on investigations: Svidomo bureau in Kyiv, the investigative project of the Information and Press Center in Crimea, the Investigative Reporting Agency in Rivne and the newspaper *Informator* in Lviv. Networking among them is strengthening, and there have been initiatives to unite investigative reporters. Almost 100 journalists gathered for the second annual all-Ukrainian conference on investigative reporters in November 2009. There was also the Third National Competition for the best anti-corruption investigations.

Lack of resources might set a limit to in-depth reporting. Also, as Danylov complained, even when journalists use state-of-the-art undercover investigative techniques such as hidden cameras and night surveillance for their published investigations, each time they present authorities with evidence of violations the response from law enforcement officials is: "The facts have not been proved."

Kotuzhynska agreed, saying quality investigations are growing but she is afraid that is not sustainable because nothing happens after their articles are published, and this discourages the journalists.

Regional media outlets are strong in covering local issues. Blogging is developing, and bloggers by and large are free to say whatever they want.

Media representatives cited the rather low quality of information programs at talk-radio stations, as well as the similarity of many radio stations and their targeting of wide audiences—while in other places around the world, radio stations tend to focus on niche groups.

OBJECTIVE 3: PLURALITY OF NEWS

Ukraine Objective Score: 1.89

Because Ukrainian media remain focused on scandals, infotainment and politics and their involvement with socially important topics is low, there is insufficient coverage of minority issues such as anti-Semitism, racism, gender issues and sexual minorities.

According to Danylov, national media are more and more grouped into large media holdings. Television newscasts and stories in daily newspapers are as similar as twin brothers.

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.

Regional broadcasters produce their own news programs, which traditionally have the highest local ratings. At the regional level, almost all media cannot afford the expensive services of foreign news agencies, and many cannot afford national agencies.

According to Kvurt, Ukrainian media offerings are rather pluralistic, and the average consumer is able to choose among many sources for information. But the trend is toward takeovers and mergers in politics, business and media. Potentially, along with absence of public broadcasting, that poses a threat to freedom of speech.

Not all news sources are objective, but at least consumers have wide options for comparison. Syumar assessed geographical inequalities as acceptable: Those who want to get news generally can get it. Use of the Internet and cell phones is growing, and the state does not limit Internet, social networks and net services. Anyone can become a blogger with relative freedom to write whatever they want.

According to the state register, from 1993 till mid-2009, 27,696 print publications were registered or re-registered in Ukraine, including 16,366 newspapers and 8,194 magazines. But actually published publications amounted to about 4,000 titles (2,453 newspapers and 1,662 magazines).

According to GfK Ukraine data, the number of Internet users is 8.25 million—about 1.6 million more than in 2008. The Ukrainian Internet audience constitutes 0.4 percent of the global audience (1.73 billion) or almost 2 percent of European Internet users (418 million). Internet penetration is in the range of 27 percent to 30 percent. Andriy Zablockiy, director of the Ukrainian association of Internet advertising, said that once it tops 35 percent, there can be explosive growth of the audience to 50 percent of the population.

Khomenok said 80 percent of Internet users in Ukraine use social networks. Vkontakte, Odnoklassniki, YouTube, Ukr.net and Wikipedia are the most visited sites by Ukrainian users. Access to the Internet is available all over Ukraine; the only issue is affordability. According to an experts report at a U.N. conference on trade and development, in 2010 Ukraine will take 10th place in the world for number of Internet users.

An expert from Gemius Ukraine said time spent on the Web by the average user has grown to 6.28 hours per month, and the average number of connections per month is 45 times. The audience is 52 percent male and 48 percent female.

According to Rikhtun, news sources are numerous, and every year there appear to be more. There is free access to foreign media, however this does not seem to translate to a lot of influence on the range of opinions and events covered. Speakers, typically officials, move from one channel to another and say the same in national and regional publications. Officials either own media or use state and municipal media for their own interests. NGO leaders still do not have proper access to the media. For example, in Sebastopol, the chairman of the city council personally decides which deputies will win time slots on municipal television. Rikhtun charged that the media are full of quotations and opinions rather than news.

Generally, citizens' access to domestic or international media is not restricted. Among foreign media, Russian sources prevail.

Technically, access to international media varies depending on geography: In rural areas and small towns, people rely mostly on a limited choice of television and radio rather than on scarce print sources or the otherwise growing and influential high-speed Internet.

Regional panelists agreed that there are districts with very limited access. In rural areas, people might have two television channels, they may subscribe to one regional and one local newspaper, and few people in villages use the Internet.

According to a July 2009 opinion poll by the Razumkov Center for Economic and Political studies, 55.7 percent of respondents trust the Ukrainian media, while 39 percent do not trust it. Meanwhile, only 35 percent trust the Western media, and 44 percent trust the Russian media.

There is a draft law that would oblige foreign media to obtain permission to be sold in Ukraine. Publications promoting violence, terrorism, hate speech, pornography or having the same title as existing Ukrainian publications will not be able to obtain such permission. Sergiy Miroshnichenko, director of Hachette Filipacchi Shkulev Ukraine which distributes *Elle*, *Maxim*, *Marie Clair* and *Psychologies*, said Russian publications brought into Ukraine illegally amount to 10 percent of Ukrainian circulations. Official distributors of international brands suffer losses due to the "gray market" import of press into Ukraine.

As of mid-2009, the list of foreign channels permitted in Ukraine numbered 109. It does not include the popular Russian channels "Pervyi kanal Vsemirnaya Set," RTR-Planeta, REN-TV and TVCI, but many cable providers still broadcast some of these.

In July 2009, Ukraine finally joined the European Convention on Trans-border television ratified in 2008. The key issue in the convention is that all channels of the member countries can be broadcast via cable networks of other member countries freely—without licensing from local authority. This reportedly is already being executed by Ukrainian cable operators.

State and municipal media do not serve public interests, rather they blindly serve the interests of those in power.

Panelists not only confirmed that the situation has not improved, but they felt it may have worsened.

Numerous news agencies provide information, but their independence is questionable. Bimbirayte said most regional media cannot afford subscriptions to news agencies of greater scope. Her newspaper subscribes to the regional agency that covers southern Ukraine, but she is unhappy with its quality because it carries only 50 percent information and the rest *jeansa*.

Yevgen Rybka, editor-in-chief of Information Agency Ligabiznesinform, said his organization has to save. It subscribes to only one foreign agency and one national agency, which is not enough.

In the broadcast media, both national and local outlets produce their own news products, but Ukrainian channels copy many Russian formats, which are actually copied from international formats.

Media ownership is not transparent. For media experts, it is much easier to figure out ownership now than it once was, but that is simply due to freedom of speech rather than state disclosure requirements. Most people do not know or do not care deeply about ownership issues because of this lack of transparency.

According to Kvurt, Ukraine is an oligarch republic; mergers are taking place in politics, business and media. There is oligopoly in national media, and gradually it spreads over to the regional media. Independent private regional media exist, however.

In 2009, Ukrainian oligarch Igor Kolomoiskiy bought 49 percent of CME assets in Ukraine for $100 million and TET channel, which will be integrated into the 1+1 group. On January 20, 2010, Central European Media Enterprises (the only large foreign investor in the Ukrainian media market, after 13 years of operation here) sold 100 percent of 1+1 channel and 100 percent of Kino channel to Ihor Kolomoykiy, a rich Ukrainian businessman, for $300 million. According to *Korrespondent* (as of January 29, 2010), since then 73.2 percent of the television market of Ukraine is controlled by the business groups of Viktor Pinchuk ($2.2 billion), Valeriy Khoroshkovskiy ($223 million), Rinat Akhmetov ($9.6 billion) and Ihor Kolomoiskiy ($2.3 billion).

In July 2009, the *Kyiv Post* was sold by Jed Sanden's KP Media to Istil group.

Ownership of Inter group is not officially proved, but alleged names of owners have been discussed. For example, when general producer Hanna Bezludna resigned in October 2009, many experts connected this with a change of ownership or influence structure from Dmytro Firtash in favor of Khoroshkovskiy. Many employees were fired. After that, Inter channel changed its sharp anti-government orientation to soft pro-Russian coverage and stopped boosting Prime Minister Timoshenko's presidential candidacy.

In October, U.A. Inter Media Group bought the television channel MTV Ukraina.

Media experts also noticed a new trend. With changes of ownership come changes in outlets and employees, and in many 2009 instances of personnel changes in editorial staff of Ukrainian media, firings were prompted by suspected disloyalty to ownership, which for its part cited unprofessionalism as the cause.[1]

Ukrainian media cover a wide variety of topics, including ethnic minorities, gender issues, sexual minorities, children's rights etc. There is no suppression of this information, but media and media consumers simply do not show deep interest in such coverage. Bimbirayte explained that legal nihilism is inherent both to journalists and average people; people lack a solid awareness about human rights, and therefore these issues are beyond their concern. Other panelists agreed that most of these topics are covered as news only if there are violent accidents or crimes. National journalists generally do not cover sexual minorities or children's rights. However, at the regional level, some media pay attention to these issues to an extent.

Minority-language newspapers exist, but often they are aimed at a very narrow audience and supported by grants.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 2.11

Due to declining advertising budgets and losses on investments by media owners during the economic crisis in 2009, Ukrainian media managers had to either cut administrative expenses and reconsider business strategy, or face closures of media projects and loss of market positions. Print media lost more than 200 publications. Many reduced pages, reduced the frequency of publication, or were transferred to online versions. Some media outlets were sold. All free dailies were closed. There were closures in the segment of business IT, construction publications and women's magazines.

[1] Since the end of 2008, the state register of print media and news agencies has been available at the website of the Ministry of Justice, www.dzmi.informjust.ua. The register of television and radio organizations is available at the NTRBC website http://nrada.gov.ua/cgi-bin/go?page=93.

Mainstream private media outlets operate as profit-generating businesses with efficient management; however, there are lots of media outlets subsidized either by politicians or the state. In the regions, leading media use modern business approaches to increase profitability. Leaders among regional media are usually independent private newspapers and television channels. Local authorities continue to give out funds to weak municipal newspapers with low circulation, low quality and no concept of how to run media as a business.

According to Rikhtun, state and municipal media enjoy privileges that mean regional print media hardly compete with them. Discounts for office rent and utilities fees put state and municipal media beyond competition. Privileges in salaries of writers and editors lure journalists to move to these publications. Municipal media outlets are overstaffed, while private media have to save on everything. For example, *Flot Ukrainy* (*Ukraine's Fleet*), published by the defense ministry in Sebastopol, is a biweekly with 1,200 copies per month and is staffed with 60 employees. In another example, the Chief Department of Justice in Sebastopol announced the list of the three most popular publications in the city by circulation. The third position in the list was taken by *Zerkalo*, surprising even to *Zerkalo* itself, as, with its printed circulation of 2,000 copies—it could hardly outrun private *Sevastopolskaya Gazeta* or *Vesti*. Sometimes, so-called independent media are not true businesses, but tools for promoting their owners or certain political interests. For example, Nezvisimoe Televidenie Sevastopolya (Sebastopol's Independent Television) regularly quotes opinions of Party of Regions representatives and emphasizes the incompetence of opponents.

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

BUSINESS MANAGEMENT INDICATORS:

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

In May 2009, it was reported that press sales would increase by 10 percent over the year, but on account of price increases and inflation rather than circulation growth; the market is expected to total UAH 1.43 billion ($177.3 million). Distributors were also expected to raise their margin, which was 50 percent to 60 percent, because their profitability was lower than 8 percent as in Europe or 17 percent as in Russia. In April, the press sales network Fakty and Kommentarii was closed. Meanwhile, the Ukrainian Association of Press Publishers (UAPP) said its subscription would be lower by almost 10 percent.

Media receive revenue from a multitude of sources, and among them are hidden business and political advertising that influence editorial policy. This influence is not transparent. At successful media outlets, the advertising share of revenue is growing faster than other types of revenues. The economic crisis and the accompanying fall of advertising revenue put many media at risk of bankruptcy. Most professional media survived, but many caved under political influence. Bimbirayte cited an increase of political pressure in her region, leading her to a pessimistic view of the economic independence of media. Danylov said that even for private regional media leaders the economic situation is not sustainable; sources of financing are insufficient.

According to Kvurt, at the national level advertising business is significantly monopolized and corrupted. It is highly hostile to newcomers. This is a potential threat to freedom of speech and the pluralism of voices in society.

Danylov complained that regional advertising revenues allow his channel to produce just six or seven of its own programs, compared with 35 a year ago.

The panelists explained that there are big discrepancies in advertising revenues between national and regional television stations, as well as between television and print press, and also between national and regional print media. Television advertising is monopolized primarily by three agencies which send the lion's share of advertising to 1+1, Inter and Viktor Pinchuk's media holding. Regional television stations are left with little. Television agencies and channels conduct open war claiming inefficiency of print media advertising with dubious arguments. Advertising agencies also are active participants in production and placement of jeansa.

Among advertising agencies working with the print media, there is a certain trend of improvement: Agencies and many advertisers tend to use more regional media to cover all of Ukraine in their campaigns rather than relying on nationwide publications. The regional press association has launched a kind of syndicate sales for advertising within the group.

Panelists agreed that for mainstream national and regional media the ratio of revenue sources meets international norms, and is sometimes even more in favor of advertising than seen in other countries.

According to the All-Ukrainian Advertising Coalition, the 2009 media advertising market (television, radio, print and Internet) totaled UAH 4.437 billion (close to $550 million), down about 20 percent in these segments from 2008, and will gain about 22 percent in 2010. In addition to this figure, political advertising was estimated at UAH 1 billion ($124 million) with more than 50 percent of it in television.

The television advertising market reached UAH 2 billion ($247.9 million), down 26 percent from 2008, with the share of regional television, including so-called advertorial television programs, at just UAH 100 million ($12.4 million), 35 percent lower than 2008. In addition, the television sponsorship market was estimated at UAH 280 million ($34.7 million), down 20 percent from 2008. In 2010, national television stations might add 25 percent in advertising revenues, while regional television might gain 15 percent.

During the economic crisis, television advertising reinforced its leading position. Channels significantly lowered prices and by May were totally sold out. They even escaped the seasonal summer slump, then established auction sales and increased prices.

Major market players have finally decided on independent sales of advertising that increased competition in the market. In November, a new sales house was established for StarLightMedia group, which united Viktor Pinchuk's channels (Novyi kanal, STB, ICTV, M1, M2, QTV), which separated from Inter-reklama. 1+1 channel and TRC Ukraina sell advertising independently. 1+1 channel is still in court proceedings with Prioritet, the agency that has handled its advertising sales for many years.

Print revenues decreased by 33 percent: UAH 1.376 billion ($170.6 million) compared to UAH 2.052 billion ($254.4 million) in 2008. But in 2009, the total press market grew to UAH 1.892 billion ($234.5 million) because the associations of publishers added an estimated 500 extra regional publications and classifieds which were not included before. Out of this figure, only 25 percent went to regional publications. A major portion of display ads, UAH 706 million ($87.5 million), went to magazines, another UAH 317 million ($39.3 million) to newspapers, and the rest, UAH 352 million ($43.6 million), went for non-display ads in various inserts and unmarked advertising (*zakazukha*). In 2010, the print media expects to see a 19 percent increase.

In 2009, the number of closed projects exceeded, many times over, the number of start-ups. By the end of the first quarter, all free daily newspapers disappeared. Business and specialized publications suffered a lot in the economic crisis. Other publications reduced page numbers or publication frequency. In addition, a new law that prohibits alcohol and tobacco advertising on television and outdoors took effect in January 2009, and such advertising in print media was restricted in January 2010, with the exception of specialized publications.

Radio advertising decreased by 25 percent to UAH 120 million ($14.9 million), and might regain 25 percent in 2010. It started to revive in the last quarter of 2009. The industry, primarily in the capital, switched to a new DAR CATI measurement system.

Internet advertising grew by 45 percent to UAH 145 million ($18 million), with a forecast of 40 percent growth in 2010.

Another company that evaluated the Ukraine advertising market—Cortex—published slightly different data: Overall media advertising in 2009 decreased by 26 percent, television advertising by 15 percent, press by 31 percent and radio by 35 percent, and growth in Internet amounted to 45 percent. Cortex predicted 18 percent growth in 2010.

Independent commercial media outlets do not receive official government subsidies. Ukrainian authorities used to conclude agreements on coverage with local media for small amounts of money, and leading regional media were not influenced by this money. Authorities tend to use a selective approach in distributing these costs, and preferentially treat more loyal media.

According to Pogorelov, direct subsidies for press do not exist as the state does not have a policy to promote certain issues. But existing mechanisms allow for speculation and a kind of bribing by officials of those media covering their activities. The VAT exemption for circulation sales and fixed percentage fees for subscriptions via the state post office are types of subsidies. Kvurt added that preferential licensing of broadcasters can be considered a kind of subsidy or bribing of media.

Regular audience and market research is undertaken for mainstream television and print media. They are produced by Media Monitoring, TNS Ukraine and Communication Alliance companies. Regional leaders do limited research on their own. The largest national and regional media leaders participate in research as a cost-effective way to increase the advantage they have over other media. Market research is unaffordable for the majority of media, especially regional broadcasters.

Pogorelov noted that all research companies include in their studies only those media outlets that pay for it; others are not represented in the research and do not have access to the data. This means that less than 10 percent of print publications are monitored. One company, MMI Ukraine Media Research, ranks among the top three researchers in Europe in quality.

Sergei Chernyavskiy, a UAPP media expert, emphasized that press advertising dynamics are measured based on

250 publications which pay for monitoring (3.67 percent of newspapers and 10.65 percent of magazines). Regional publishers, advertising agencies and research companies do not invest in research of market size.

Viktor Chubenko, owner of Zhovta Gazeta Information Group, said research is conducted regularly, primarily in the cities with populations greater than one million. The data are used by large advertising agencies, which pay for it along with special software. During the last decade, regional media research has been conducted several times, either aided by donor organizations or paid for by regional media, but this has not influenced the division of the advertising pie. The causes for this are probably the non-transparency of the advertising market, traditions of favoritism, and organizational weaknesses of regional media. Syumar emphasized that there is no trustworthy system to measure all types of Ukrainian media.

There is no circulation audit. Most print publications, even the leaders, lie about their circulation figures since all their competitors lie as well. Nobody calculates true circulation figures. Several past attempts to create an audit bureau of circulation failed. Pogorelov said advertisers and advertising agencies, not the industry, are primarily to blame because they are not interested in investing money to get this verification instrument.

Cortex experts said that the market share of the press decreased from 30 percent in 2008 to 25 percent in 2009, and may decrease to 24 percent in 2010.The lack of high-quality modern measurements of press circulation is an obvious obstacle for the print industry to increase market share, yet its absence is due to lack of interest by print media. Many magazines, in fact, printed 10-20 times fewer copies than claimed circulation.

A television panel was created long ago as a way to favor several top television channels, said Kvurt. Technically, 200 People Meters are available in Kyiv, and some 20 meters are available in regional centre such as Rivne. These data do not reveal anything specific about regional television. According to Danylov, the absence of quality research of newspaper audiences in the regions, false circulation figures, and unavailability of broadcast ratings for regional broadcasters restrain the development of the advertising market and, consequently, the economic independence of media.

For the Internet there are several metering systems, both Ukrainian and foreign. They measure audience and clickability. The panelists argued over how reliable they are, mentioning scandals with the most popular (Bigmir), and finding some cause for hope with Polish Gemius. But Pogorelov insisted that exaggeration of ratings is a software and computer specificity and it will be always so. Furthermore, he said, Internet measurements and the availability of data are fantasy at best. Panelists pointed out that media outlets can exaggerate or lie in interpreting this data.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.28

According to Syumar, the level of industry self-regulation is low. Professional associations defend primarily business interests, and do not stimulate better-quality informing of the society or a higher level of professionalism.

Among the major achievements of the Ukrainian Association of Press Publishers are the conference of publishers and distributors in September 2009, panel discussions with Internet media on copyright issues, representation of the Ukrainian press at international markets (reporting to the World Association of Newspapers and other international organizations), work on legislation, lobbying for and reacting to legislative initiatives, and legal assistance to members. The UAPP also created classifications of print media, which help the industry to evaluate itself, and it helped the all-Ukrainian advertising coalition to measure the advertising market, especially in regions and in classifieds—having added some 600 publications to their estimations.

The younger Independent Regional Press Publishers Association conducted a token event, the First Ukrainian Newspaper Congress in October 2009, which was a small international forum to help participants feel associated with world media. The association also attempted to create a joint sales house for regional print media in order to reapportion the advertising pie (an estimated $3 million) by combining efforts of many regional publishers. The group is now limited and unites the advanced regional leaders, but it is too early to judge the results.

The Independent Association of Broadcasters (IAB) conducted a digital forum in September 2009, an international conference on the transfer to digital television. IAB established a website to facilitate exchanges of programs among television companies all over Ukraine and held its annual congress in May 2009.

According to Gennadiy Sergeyev, director of the Chernivtsi television company, media NGOs and trade associations conduct training workshops, render legal assistance, lobby and help to measure the media market. Danylov agreed that trade associations work rather effectively; they are moderators of various professional exchanges, they work with legislative initiatives, and they support the media in legal cases. However, they are still developing their strategies and becoming more professional, a process that will take years.

The panelists improved their assessment of the National Union of Journalists of Ukraine, the largest Soviet-type organization, which united all municipal media employees. Previously, the journalists of independent media kept away from it. Now its membership has started to grow (exceeding 17,000), because they conducted a number of sound professional competitions. About 1,000 people joined in the past year, and 32 percent are under 30 years old. However, one panelist cautioned that this may not necessarily be a sign of success, but possibly attributable to the requirement by Schengen Agreement embassies that a journalist's application for a visa include certification from a professional association—motivating many journalists to seek membership. Some regional affiliates have become better and more useful for journalists.

Rikhtun said that thanks to NGOs, conditions are developing to support the professional growth of journalists. There are opportunities to raise professionalism through internships abroad.

But there is a big gap in fighting for the professional rights of journalists. The idea of the independent media trade union failed both in Ukraine in general and in Sebastopol. This influenced the quality of journalism and professional solidarity of the media. Management is used to dealing with dissenting journalists on a case-by-base basis, not by law. By and large, journalists earn salaries in envelopes, meaning that only part of the salary is official and taxed according to the law. The other, often larger part is paid unofficially—without taxation, without legal documents. If any conflict arises, the employee cannot prove the true size of his salary.

There are many national and regional media-support NGOs, such as Internews Ukraine, the Institute of Mass Information, the Academy of Ukrainian Press, the Regional Press Development Institute, the Media Reform Center, the Association of Journalists of South Ukraine (Kherson), the Journalism Initiative (Kharkiv), the Poltava Media Club, Media Professionals in Cherkassy, the Information and Press Center in Simferopol, the Association of Free Journalists in Crimea etc. There are also examples of smaller regional organizations of journalists. The Media Law Institute and the Association of Media Lawyers deals with media legislation and the legal protection of media and journalists. Almost all of them rely on financial support from international donors. The NGOs do not have other sustainable sources of income, partially due to legal restrictions on economic activities of non-profit organizations. Nonetheless, the "third sector" in Ukraine is rather well developed.

Pogorelov said trade associations, media and human rights NGOs work together effectively, but many initiatives meet either open resistance by the powers-that-be or deep misunderstanding of free speech and free press issues.

According to Kvurt, monopolization of political life pushes efficient and reputable NGOs to the edge of extinction. The panelists said they feel the international community is tired of Ukraine and seems to believe that it achieved democracy and free media. There is no tradition of support for NGOs by central powers or municipal authorities. It does not appear this will change in the near future. Even if it did happen, panelists said, they fear such financing would be a channel for new "pocket" institutions to steal state funds and discredit the practice.

The problem of low-quality journalism degree programs remains unchanged. The academic education system is inflexible. Curricula and teaching are outdated, and education falls far short of meeting industry needs. Few graduates are hired by media outlets.

The only quality academic program for journalists is the Journalism School of the Kyiv-Mohyla Academy (NAUKMA). Razvitie Ukrainy (Development of Ukraine), the foundation of Rinat Akhmetov, the richest Ukrainian oligarch, is financing a new media course on the digital future of journalism at NAUKMA.

The industry compensates for the lack of professional education with short-term training courses. But these are insufficient to satisfy the industry's needs. Due to the economic crisis, overall demand has diminished, and the number of training courses offered has dropped accordingly. Three-day workshops are hardly being filled, and the longer courses do not have a chance to become self-sustaining. Internews Ukraine used to offer longer courses in television journalism, and almost reached sustainability before the economic crisis, but now they go unfilled. Media owners and employees can afford to pay for some short workshops; Danylov said he allocated funding every year for his staff

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.

to attend some workshops. In 2009, the International Renaissance Foundation financed the Laboratory of Legislative Initiatives to conduct a program with the journalism school New Ukraine; but these were just four three-day workshops for some 25 participants.

Danylov said there are successful short-term journalism school and multimedia workshops. He said his budget for outsourced training was smaller in 2009, but often his employees are interested to pay part of the costs themselves. He said newsrooms motivate journalists to seek self-education. Training workshops are sufficiently available, Danylov said. According to the panel, those who want to study find opportunities.

However, according to Khomenok, during the economic crisis demand for training workshops has dropped substantially and donor support is necessary for long-term journalism training initiatives.

Private printing facilities are available, and access to them is not constrained by political influences. Pogorelov stressed that the country does not have a centralized system to buy newsprint, and local producers do not supply enough of it.

The situation with retail newspaper stands and kiosks varies in different regions. The two problems inherent to the system are bribing at the level of the local government and strong competition: If a retail network belongs to certain publisher, competitors have problems getting distributed by it.

Sergiy Chernyavskiy, the UAPP media expert, estimated the annual volume of the distribution market as UAH 289 million ($35.8 million), with 6,222 press sales outlets having average revenue between $1,000 and $2,200.

There are not enough press kiosks per capita in Ukraine, and the State Committee on Television and Radio said in October 2009 that the government had prepared a resolution and allocated funding to enlarge their number. Local bodies will be responsible for its implementation. In April 2009, the parliament adopted a moratorium on the dismantling of press kiosks in order to favor the industry.

The state monopoly postal service, Ukrposhta, increased subscription delivery prices 28 percent in January 2009. Its representatives commented that it would increase the subscription price for nationwide publications by only 2 percent to 8 percent. Ukrposhta delivers subscriptions of about 10,000 titles, or 1.2 billion copies.

The Law of Ukraine on the state support of media and social security of journalists provides for limitation of subscription delivery fees to 40 percent of production cost. The difference between the calculated fee and this limit has to be compensated from the state budget. Usually it is compensated, with delays. Any publication can get it if it proves the relevant figures. The number of publications which enjoy this privilege is about 90 titles, with total single-copy circulation of 4.1 million, which is equal to 35 percent of all subscriptions. This privilege is helpful for newspapers with large circulations, and those who enjoy it advocate for it. They also say that it curbs Ukrposhta from further tariff increases; otherwise more media would receive this privilege. Ukrposhta and DP Pressa are not happy with delays in compensation from the state, and usually delay payments to the media for this reason.

List of Panel Participants

Nataliya-Danute Bimbirayte, director, Vgoru weekly, Kherson

Viktor Danylov, director, TRC Rivne-1; owner, Publishing House OGO, Rivne

Tetyana Kotuzhynska, president, Media Lawyers Association; secretary of the National Union of Journalists of Ukraine, Kyiv

Kostyantyn Kvurt, chairman of the board, Internews-Ukraine, Kyiv

Oleksiy Pogorelov, general director, Ukrainian Association of Press Publishers, Kyiv

Tetyana Rikhtun, manager, IPC Sevastopol media center; investigative journalist, Sebastopol

Yevgen Rybka, editor-in-chief of Liga news project, Information Agency Ligabiznesinform, Kyiv

Viktoria Syumar, executive director, Institute of Mass Information, Kyiv

The following participants filled out a questionnaire but could not attend the panel discussion.

Viktor Chubenko, publisher, Zhovta Gazeta Information Group, Poltava

Oleg Khomenok, media advisor, Internews Network U-Media project, Kyiv

Tetyana Lebedeva, member of the National Council for Television and Radio Broadcasting; chairman of the Independent Broadcasters Association, Kyiv

Gennadiy Sergeyev, director, TRC Chernivtsi, Chernivtsi

Moderator and Author

Kateryna Laba, executive director, Regional Press Development Institute, Kyiv

The panel discussion was convened on December 21, 2009.

CENTRAL ASIA

"The year of 2009 could be called legislatively regressive," said Diana Medvednikova Okremova. "The world community unanimously stated that the laws adopted invalidate all attempts of Kazakhstan to reconcile itself with democratic states, [and] that these laws discredit the state in the eyes of the global community—even more so in view of its OSCE chairmanship.

KAZAKHSTAN

OVERALL SCORE: **1.44**

In 2009, the Organization for Security and Cooperation in Europe (OSCE) selected Kazakhstan to assume the rotating chair for 2010. As the first former successor state of the USSR to have this honor, Kazakhstan had potential momentum for a new democratization. Citizens anticipated the enhancement of democratic reforms and legislative amendments in the sphere of civil society and media development.

Instead, this year proved disappointing for civil activists and media practitioners. Just before taking the OSCE chairmanship, Kazakhstan adopted two laws on Internet regulation and on recognition of private life immunity. The first law equates the Internet with mass media (with all the disadvantages as written in Kazakh law), while the second law provides for up to five years of imprisonment for the publication of "illegally collected information" on a person's private life. In addition, the state reshaped restrictive amendments into, as journalists described it, a "patched" law on mass media.

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Various media-related protests and large media forums colored the year also. The politicized manslaughter trial of human rights advocate Evgeny Jovtis served as a rallying point for proponents of enhanced civil rights. The Eurasian Media Forum annual conference, chaired by the president's eldest daughter, convened in April. According to its website, the forum "facilitates the professional development of the Eurasian media and promotes international public understanding of Eurasian issues," among other goals. During discussions of Internet regulation at this meeting, members of the "For Free Internet!" movement picketed near the forum. Almost all of them were arrested. The delegate from *Respublica*, Evgeniya Plakhina, rushed the conference hall and told the international delegates of the legislative changes described above.

In a positive development, 2009 saw the convening of the second annual Media Kurultai, a professional conference for media, NGOs, and officials. This was an important step for the dialogue between the authorities and media; it allowed the NGOs to describe their work and challenges, and the problems of Kazakh-language media were spelled out for the first time.

KAZAKHSTAN AT A GLANCE

GENERAL

> **Population:** 15,399,437 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Astana

> **Ethnic groups (% of population):** Kazakh 53.4%, Russian 30%, Ukrainian 3.7%, Uzbek 2.5%, German 2.4%, Tatar 1.7%, Uygur 1.4%, other 4.9% (1999 census, *CIA World Factbook*)

> **Religions (% of population):** Muslim 47%, Russian Orthodox 44%, Protestant 2%, other 7% (*CIA World Factbook*)

> **Languages (% of population):** Kazakh 64.4%, Russian (official) 95% (2001 est., *CIA World Factbook*)

> **GNI (2008-Atlas):** $96.24 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $9,690 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.5% (male 99.8%, female 99.3%) (1999 est., *CIA World Factbook*)

> **President or top authority:** President Nursultan A. Nazarbayev (since December 1, 1991)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 937 total, 5 main daily papers, 6 other main weeklies; Radio: 4 main stations, over 40 total; Television Stations: 14 local cable networks

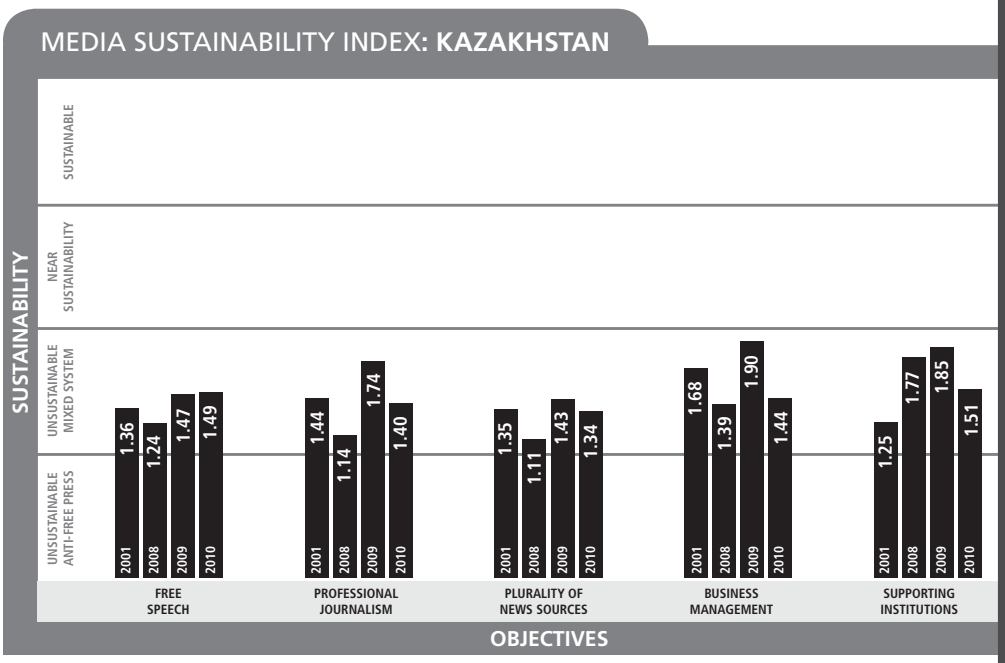
> **Newspaper circulation statistics:** Top three: *Vremja* (private, Russian language), *Karavan* (private, Russian language)

> **Broadcast ratings:** Top four television stations: Khabar TV, Kasakh TV (Kazakhstan 1), KTK (Kazakh Commercial TV), El-Arna

> **News agencies:** Kazinform (state-owned), Interfax Kazakhstan, KazTAG, Kazakhstan Today

> **Annual advertising revenue in media sector:** $60 million (2007, Video International Analytical Center)

> **Internet usage:** 2,300,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kazakhstan Objective Score: 1.49

Legal provisions regulating mass media activities in Kazakhstan are controversial. The constitution supports freedom of speech, but law enforcement is based on other key legislation that restricts this freedom. Authorities can detain journalists and sentence them to imprisonment, based on the criminal code; a civil code provides broad opportunities for officials to ruin media companies; and an administrative code empowers authorities to close media companies and confiscate their property. According to the panelists, if 20 percent of all norms protect freedom of speech, 80 percent threaten it.

"Everything is relative; we can compare the situation with even more closed and totalitarian regimes in our region and see that our situation is still more or less free. But if we speak about true freedom and mechanisms of its protection, the tremendous gap between Kazakhstan and countries with developed democratic institutions becomes obvious," panelist Tamara Kaleeva said.

Kazakhstan has legal norms that place responsibility on officials to refrain from obstructing professional activity and providing false information. But according to the panelists, journalists did not take advantage of these provisions in 2009, nor did they attempt to lobby for adoption of the law on access to information[1] to protect broadcast journalists. "In 2009, Kazakhstan started developing a new information law.[2] Officials indicate this law is going to be progressive; however, NGO experts involved in the bill's development are less certain," panelist Olga Kaplina said.

Practically speaking, Kazakhstan has no social mechanisms to protect freedom of speech. The panelists expressed the belief that freedom of speech is an abstract value for civil society, and the wider public is not ready to fight for it. When authorities manage to suppress media freedoms, citizens just vote against biased media with their remote controls, switching to foreign television through cable or satellite.

Panelist opinions were split on the development of the online protest group "For Free Internet!" Some of the more optimistic panelists believe that this civil movement, which emerged in response to the law on Internet, helped unify journalists, bloggers, and the public into a social force. The more pessimistic panelists said that acknowledging a social group, or speaking of any real level of solidarity, would be premature. "I think that to mention blogs as a type of civil journalism is too early. This is a crowd of disconnected users, who prefer gossiping or cursing, rather than fighting for their rights. And the existing movement 'For Free Internet!' is perceived by many as technically illiterate and noisy, rather than a real social force," panelist Yaroslava Naumenko said.

At the end of the year, official applications from bloggers and other citizens registered online, in accordance with the newly adopted law on the Internet, surprised local officials.

The Ministry of Culture and Information still issues licenses, and according to Naumenko, "television broadcast licensing remains a closed and corrupt sphere in Kazakhstan." During 2009, the license competitions committee conducted just one contest, distributing 18 FM radio channels in large cities and four regional radio channels. After the contest, the government suspended issuance of frequencies pending the transition to digital broadcasting. However, the panelists are not convinced that the moratorium can hold out until digitization takes place. As panelist Beisen Kuranbek stated, likely this limitation would be released first, as happened in Russia, and frequencies would be "unfrozen."

Kazakhstan's approach to digital conversion has raised many questions and objections, according to the panelists. The state has repeatedly referred to an absence of radio frequencies, but an air of secrecy surrounds government allocations. Even the members of the frequency distribution committee have no information on the availability of frequency bands. Panelists also questioned the concept development and the main stages of program implementation (such as creation and maintenance of multiplexes, purchase of set boxes, and training of personnel). The state-owned Arna-Media is entrusted with those responsibilities.

According to panelist Sholpan Zhaksybaeva, executive director of the National Association of Television and Radio Broadcasting Companies of Kazakhstan (NAT), "the holding consisting of Kazteleradio, other public channels, and newspapers will not promote the interests of non-state broadcasters. Any enterprise, whether it is public or private, tends to gain profit. Since it is obvious that Arna-Media will not gain profit from its own media companies, its whole profit will be gained from private and non-state media companies exclusively."

Zhaksybaeva also lamented the lack of citizen input in the conversion process and the related possible consequences for private media. "There has been no public discussion on the transition to digital television in Kazakhstan. It is presented

[1] The Law on access to information is included in the state plan until 2014. Public discussion is conducted around broader access to information, rather than around access to socially important information in journalism. Within the frame of the projects supported by the international organizations, officials went to foreign countries to become familiar with European practice. However, despite this investment, a quality law has still not been developed.

[2] http://www.medialawca.org/document/-1833

as a small technical innovation. Not a single dialogue took place between the state, broadcasters, civil society, and the public, outside of the conference of NAT Kazakhstan 'Digital Broadcasting: Technical Revolution and the Interests of Society.' The public's lack of awareness will facilitate easy repression of any dawning of non-state television in Kazakhstan."

Aside from the issues they identified around future digitization, the panelists said that the current practice of frequency band allocation is problematic. They charged that a contest conducted in April was fraught with multiple violations, many centering around TOO Elorna Tynysy, a newly established company viewed as pro-government. TOO Elorna Tynysy received all 18 frequency bands, and according to the panelists, it is affiliated with the television and radio company Era,[3] which obtained frequency bands despite violations last year. The panelists took special note that the company obtained its license for broadcasting two weeks before the formal contest for frequency bands allocation. Technically, the company obtained its frequency band legally, since other contenders failed to prepare their documents to the correct specifications (some applicants failed to number the pages of their proposals, others failed to bind the pages properly, etc). Criteria such as experience, the company's reputation, and the high quality of broadcasting content in other cities were not taken into consideration as important factors, panelists claim.

Kostanai TV, a very reputable company with five years of operational history, lost the 2009 competition based on formalities. The contest committee includes only two representatives of civil society: one is a representative of NAT, which protects the interests of its members; and one usually represents a government-owned NGO.[4] Only the NAT representative can present objections—which typically do not carry any weight. NAT and other media organizations have attempted and failed so far to remove the licensing function from the Ministry of Culture and Information and facilitate a transparent process for issuing frequency bands.

For now, cable and satellite television appear to present more development opportunities. Media companies can raise signals to Yamal, Intelsat, or Sputnik satellites. In addition, a foreign television channel, K+, broadcasts via satellite to Kazakh territory.

[3] There are rumors that the television station Era actually belongs to the prime minister, Masimov Karim. According to panelists, the management composition in the new company Elorna Tynysy matches Era. Therefore, the fact that this company got its frequency band was not just coincidental. That is why Masimov Karim is against the proposed version of "Concept for transition to digital broadcasting," according to which withdrawal of the frequency band is possible.

[4] The composition of the contest committee is determined by the ministry.

Kazakh law treats media businesses like any other type of business, without providing any preferences or imposing any additional requirements, according to the panel. Several years ago, media companies received a customs break on the importation of media equipment. This privilege allowed media companies to import expensive equipment, although it quickly became obsolete and needed frequent replacement. Later on, this critical privilege was canceled, and despite lobbying from NGOs and business associations, a return looks unlikely. "The customs benefit for media companies is crucial. After all, media equipment must be replaced more frequently, as opposed to, for example, vehicle repair equipment," panelist Gulnara Asanbaeva said.

Recently, the state applied a zero VAT rate for media enterprises, which stirred up controversy and provoked different reactions from various outlets. In autumn 2009, an anti-crisis council of media managers[5] was established to unite large media companies. The council applied to the government to return the zero VAT rate. Some media NGOs objected: The president of the Kazakhstan Association of Newspaper Publishers, Sergey Mirolyubov, stated that such a privilege could indirectly cause growth of salaries of mass-media partner companies.[6] Private media companies with relatively low revenue also objected, since payments other than VAT impact their bottom line. They argued that large media companies that also had a zero VAT rate would get additional power, and could force small media companies out of business.

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.

Detailed content regulation (on the basis of language, for example) is another feature that separates media enterprises from other businesses. For these reasons, the panelists evaluated this particular indicator fairly low, and agreed that despite the appearance of legislative equality between media and other businesses, media outlets face unique obstacles in practice.

Threats and attacks against journalists seen in recent years did not subside in 2009. Such incidents are not generally investigated, and if an active investigation is declared, the case will usually remain unsolved. One official strategy is to portray attacks on journalists as unrelated to their professional activity, even when connections are obvious. Kazakhstan's monitoring of free speech, such as that conducted by Adil Soz International Foundation for Protection of Freedom of Speech for many years, describes various such cases in 2009. In one example from Adil Soz: "On September 22, unknown assailants beat the journalist and human rights activist Ainur Kurmanov near his house. He was hospitalized with serious head and hand injuries. Doctors evaluated his condition as medium grave. His colleagues believe the attack was planned with the purpose of intimidation and was related to human rights protection and professional activity of the journalist."[7]

In another example, authorities found no connection with professional activity in the murder of Sayat Shulembaev, a journalist with the video information portal Stan.TV who was killed in his apartment in December 2009. However, some of his colleagues stated that they believe that he was targeted because of his work.

In 2009, bloody fighting erupted between law enforcement organizations, including the National Safety Committee (NSC), the finance police, and the Office of the Public Prosecutor. Journalists who covered this fighting faced raids, threats, and other forms of pressure, yet it is clear that none of these violations were recorded. Attacks on camera crews and photographers also grew common, yet authorities did not investigate or initiate proceedings.

Sometimes, law enforcement bodies treat journalists aggressively as well. Panelists recalled that when staff of Stan. TV covered mass riots in Sary Arka, police destroyed their equipment. A public apology from the head of the police station settled the case.

Adil Soz monitoring reported another incident on September 24. Unknown intruders broke into the print house Kometa S, which prints *Golos Respubliki* (*Voice of the Republic*, a pseudonym for the troubled weekly *Respublica*). They roughed up one of print house staff members, three staff members were taken away, and several staff members were locked in the building of the print house and denied access to lawyers or members of the media. Copies of *Golos Respubliki* were removed from the printing press and taken away. Adil Soz reported that this incident was perpetrated by the Finance Police.

The authorities favor "quieting down" journalists with legal tactics. In early January 2009, authorities detained Ramazan Esergepov, the editor-in-chief of *Alma-Ata Info*, straight from an Almaty hospital, with no regard for his health condition. The authorities deemed Esergepov's publication of the article "Who rules the country—president or NSC?" a criminal act, invoking the provision against "illegal collection and dissemination of information containing state secrets" and "abuse of power." The court found him guilty and convicted him to three years in prison. Appeals failed.

By law, there should not be any advantages for either state or independent media. However, in practice, public/state media and private media companies linked to key politicians enjoy considerable advantages. According to panelist Erjan Suleimenov, "Dariga Nazarbaeva [the eldest daughter of the president] has media holdings that distribute products at very low prices, and related enterprises enjoy privileged tax rates."

Naumenko agreed and provided another example. "State newspapers receive tremendous amounts of money, and this information is not available to the general public. Let's say in Pavlodar, where the average salary is KZT 30,000 [$200], a journalist from *Zvezdy Priirtyshiya* received KZT 100,000 [$675] before the crisis, and a column writer who wrote brief articles once every two weeks received KZT 70,000 [$475]. In state newspapers, the rates are even higher. Of course, the work of journalists should be compensated, but not from the pockets of taxpayers. Some of these journalists go on assignments all over the world, eating well at the expense of taxpayers, but they write incoherent materials that nobody needs. This is the shame of Kazakhstan's journalism."

Suleimenov said that the state uses multiple mechanisms to weaken private media. "Everybody is equal before the law. But in practice, the conditions that private media companies operate under, in terms of obtaining licenses and frequency bands, channels of official information, and subsidies for state media, kill private outlets," he said.

Other perks of state media include steady funding streams, the continuing practice of forced subscription to state periodicals, a greater share of advertising revenue, privileged access to information, opportunities for plum assignments, and state awards.

[7] www.adilsoz.kz

With regard to libel and defamation law and court cases involving the media, Kaleeva noted that officials enjoy greater legal protection than regular citizens. Kazakh law has several provisions that protect the honor of the president, prime minister, judges, and law enforcement bodies. Defamation is a criminal offense, while the civil code provides liability for damaging honor, dignity, and business reputation. Procedurally, the criminal code provides that the claimant should prove his or her claims, while in the civil code, equality of the parties is established.[8] Legislation does not take into account the initial source of information or a quote. Regardless of the original source, media companies are always accused or are co-defendants.

Criminal and civil pressure on Kazakh journalists increased in 2009. Three times more defamation cases were recorded in 2009 than in 2008, with some cases involving huge amounts of claims against journalists and media outlets and some resulting in prison terms. Examples include a lawsuit against *Respublica* filed by BTA-Bank that led to a KZT 60 million ($400,000) judgment for the plaintiff; the trial of TOO Tengizneftstroy against *Uralskaya Nedelya* and journalist Lukpan Akhmedyarov that resulted in an award of KZT 70 million ($466,000) for the former; and a lawsuit filed by a subsidiary director of copper giant Kazakhmys against the editor of *Nashe Vremya* for KZT 1 million ($6,700). Regarding this last case, panelists said that it was written based on strict documentary evidence of established environmental law violations.

Naumenko said that Internet writers likely will be targeted next. "With amendments introduced into the law on Internet regulation, a blogger could, in principle, be convicted just by presenting a printout of a disagreeable comment to the court. I am confident that pretty soon we can expect to see bloggers on trial."

According to Kaleeva, the situation in the regions is in no way more liberal. She said that even a regular citizen can be charged. For example, Alpamys Bekturganov, an *aksakal*[9] from West-Kazakhstan oblast, was convicted and sentenced to a year in prison for a press conference speech in which he spelled out regional problems.

In August 2009, in a show of solidarity, more than 30 leading media companies and media organizations from Kazakhstan's journalism community presented a statement against the unjustified toughening of judicial standards towards journalists. The statement read in part: "…Judicial decisions contradict fundamental values of Kazakhstan society. In a country that declared the right to freedom of speech and creative work, it is intolerable to criminalize and deprive of freedom those people who publicly expressed their opinions and beliefs. Collection of billions and millions of tenge for moral damage compensation should not be acceptable in a society that respects the right for freedom of opinions and convictions."

The statement demanded from the government and the president several immediate measures:

- For the Parliament: Decriminalize defamation, regulate amounts of moral damage compensation, and restrict judicial suspension and closing of media to exclusive cases only as provided for by the Constitution;
- For the Supreme Court: Summarize the practice of judicial decisions on protection of personal non-property rights to be in line with constitutional rights for freedom of opinion and conviction, freedom of speech, and creative work;
- For the Office of Public Prosecutor General: To initiate review of cases against journalists sentenced to prison for performing their professional duties, as well as citizens criminally punished for public presentation of their opinions and convictions.

In addition to charging journalists under defamation laws, authorities use other laws and legal cases to punish critical journalists as such opportunities arise. One 2009 case involved Tohniyaz Kuchukov, a journalist from *Vremya*, and another involved the human rights activist Evgeniy Jovtis.[10] Public opinion was split regarding the guilt of the accused and the fairness of the court's decision; some considered the sentence related to imprisonment fair, while others believed that the police saw an opportunity to put a troublesome journalist and human rights activist behind bars. Panelist Shoplan Zhaksybaeva said, "Guilt has not been proven in the case of Jovtis. Everything depends on who is accused. In a similar case, the son of large construction company director got into a car accident in Almaty and three students were killed. He escaped abroad, and the case gradually faded."

Kazakh law formally provides for public access to official information. However, officials have many loopholes through which they can dodge compliance. For example, they might refer to official, professional, and state secrets, which

[8] According to amendments to Criminal and Civil Codes as of 2008

[9] *Aksakals*, or elderly men, in Kyrgyz and Kazakh traditions symbolize wisdom and knowledge and demand cultural respect.

[10] The accused were involved in similar car accidents with pedestrians while they were driving, and in both cases the victims died. Law enforcement practice in these cases normally follow this pattern: upon public forgiveness of the representatives of the suffered party and upon payment of compensation, the sanction in the form of imprisonment is not applied. The court usually suspends the sentences, or sometimes closes the case. Yet when Evgeny Jovtis got into such a situation, after official forgiveness from the mother of the person who died, the sister and uncle were assigned as official representatives instead. The Kuchukov trial occurred at the same time. Both were convicted.

are protected by law. The law on state secrets is applied extensively; newspaper editor Ramazan Esergepov received a three-year jail sentence in August 2009 under its terms.

In fairness, it should be noted that journalists do not always employ all legal methods at their disposal to access information. For instance, although *Evening Taldykorgon* fought with local authorities to gain access to socially important information, no media companies or journalists initiated trials to enable access to closed information, according to Adil Soz.

Often *akimats* (local government officials) deny access to information for regional private media companies, openly stating absolutely illegal reasons to deny private outlets information. On one hand, the legal illiteracy of local officials is obvious; on the other hand, such cases demonstrate a deepening trend of centralization of authority.

Legislative restrictions on information access also obstruct investigative journalism. The sale of special equipment, such as concealed cameras, is under strict control of the state. Last year, a young boy found with a video camera hidden in a pen was convicted and detained for violation of these provisions of the law.

Nonetheless, new technologies are making access to pre-cleared information easier. "The development of electronic government tools in Kazakhstan improved information access for journalists. Sites of public organizations are updated fairly regularly," Kaplina said.

Opportunities to subscribe to foreign press materials are limited only by financial resources and editorial priorities. Tougher copyright regimes and recent staff reductions result in many regional and national newspapers publishing digests of reports from international media. The Internet presents more opportunities to access free video materials. A majority of websites are accessible, but the main provider, Kazakhtelecom, blocks some of them (e.g., Live Journal). Lack of knowledge of foreign languages, especially among older professionals, is another barrier to the use of foreign media sources.

Admission to the occupation is unrestricted. A journalist is not required to obtain any special license; no bodies are tasked with certifying journalists. However, the editorial line of a journalist's parent organization influences his or her inclusion into the pool of reporters covering certain officials.

This sphere has seen some disturbing developments with regard to entrance, though. In particular, some notorious MPs suggested introducing mandatory psychiatric exams for journalists to be permitted to work. Fortunately, such proposals did not elicit much response. As Kaleeva noted, the status and the image of the parliament is so low that the MP statements had little effect. However, there is always a danger that the suggestion could be taken up by officials with more influence.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kazakhstan Objective Score: 1.40

Objective coverage is an unrealizable dream for journalists in Kazakhstan, according to the panelists. Asanbaeva said that people who are tired of the propaganda glorifying Kazakhstan found on Khabar television channel, for example, or in *Kazpravda,* joke that they would really like to live in such a remarkably successful country. Almost all media outlets exhibit an inclination towards either the state or towards the opposition. As Kaleeva said, "The political engagement of media owners, and the economic dependence of editors on the state budget or on opposition financing, deprive the public of objective coverage."

Panelists agreed that the media clearly do not refer to several sources. Often, pieces are presented without even one source, with just the opinion of a journalist, and in some publications, the journalist just introduces minimal changes into press releases. This can be attributed partially to laziness and low professionalism, panelists said, but some journalists rationalize their careless approach by blaming the difficulties in obtaining information from several sources and the limited circle of experts on certain matters. Panelists understand that these excuses, while not acceptable, have an element of truth. Key official sources, including the majority of ministers, prime ministers, and the president of the country, are closed from access. Ministers became even more inaccessible

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).

to journalists after Nazarbaev's speech last year, when he denied the economic crisis and accused "incompetent members of the government and irresponsible journalists" of disseminating such rumors.

The panelists also discussed the problem of turnover in journalism and the need to develop mentorship programs. On television, and especially at Kazakh-language channels, journalists tend to be rather young, new to the profession, and completely ignorant of ethical standards and principles of balanced journalism. As panelist Beisen Kuranbek stated, "A journalist older than 35 in the leading Kazakh-speaking television companies is already a dinosaur. The trend toward hiring young, glamorous journalists resulted in the rupture of editorial traditions. The journalists lack basic knowledge; they support their owner's objectives without question. Before, we called such journalists 'shameless.'"

Although the professional community has not adopted a general code of journalistic ethics, the media sector has drafted various documents, such as the Declaration of Moral Essential Principles of Kazakhstan Journalism and the Ethics Code of Kazakhstan Journalists. The documents were signed and adopted by several media companies, but they have neither formal nor practical effect.

Several panelists said that they believe that these efforts are just another attempt by authorities to apply more pressure on journalists. According to the panelists, some international organizations may have been misguided in their advocacy for ethics initiatives for Kazakhstan. Their first step was to develop projects to promote ethical standards, and the second step was to lobby for their adoption among media companies and journalists. The organizations also did not factor in the lack of media freedom, and started imposing ill-fitting versions of ethical standards and institutions based on the model of European media, which enjoy greater freedom. All these attempts failed because journalists were not on board.

According to the panelists, it is unnecessary to adopt ethical standards in order to protect the rights and dignity of regular citizens. As Kaleeva stated, "First of all, regular citizens are not interesting for media. News subjects are mostly high-ranking officials, and they are protected from criticism from the part of media by various legal mechanisms. Second, such cases as coverage of HIV-infected children and similar problems are made by specially trained journalists quite ethically. There is not a single case recorded in relation to violation of the rights of children or parents."

At the same time, 2009 brought examples of scandalous violations of ethical standards in terms of judicial and criminal current events coverage. Khabar television transmitted specially produced films during judicial proceedings about groups of accused people who were called criminals even before court decisions had been made; these people were denied the presumption of innocence.

Another example is the treatment of a murder case of a woman with three children in Astana. Law enforcement bodies were still carrying out the investigation when an MP appeared on the air, named the murderer, declared him guilty, and demanded the death penalty for him. A media chorus supported the MP's assessment, and only one journalist from Astana raised the possibility of the accused person's innocence and that the court had failed to present indisputable evidence of his guilt.

Self-censorship was already intense in Kazakhstan, but the toughening stance of law enforcement practices has increased the pressure on journalists. "Self-censorship is a major problem for journalists in Kazakhstan," Kaplina said. "Very often the owners of media demonstratively punish those journalists who fail to obey internal secret rules, to teach them a lesson. Thus, in Uralsk, TDK-42 television channel director Likpan Akhmedyarov asked an oblast *akim* an 'inconvenient' question. After that the owner arranged a demonstrative investigation into [his] television company and blamed the journalist, accusing him of exposing the whole team [to repercussions]."

A journalist who writes objectively, openly, and without censorship about key problems of society, about real political and economic processes, and sometimes even about social and cultural issues, faces serious risks. Punishment could be a prison sentence for slander; paying millions in fines for the damaging honor, dignity, or business reputation; or disciplinary action by the outlet's owner. Owners, grasping the extent of co-responsibility for their content, try to play safe. According to panelists, often conflicts and controversy happen inside editor's offices, when the editors censor materials or change them significantly. The journalists of *Liter/Akyn* many times challenged the editor-in-chief because of censorship. However, the owners did not support the protest of the journalists.

In another example, imprudent management by TV-Art, a Karaganda television company, led to its closure and a warning to other media. On June 10, a court decided to block this channel's transmission and to annul its registration. During an on-air SMS chat, where the audience sent messages from their mobile phones, a text appeared in the Kazakh language containing a call for international dissent. The management of the channel cited a technical error, as the moderator did not know the language and did not follow instructions on clearing any questionable messages with the management. The company disciplined the moderator.

However, the supervisory body demanded the channel's closure. According to Beisen Kuranbek, this case forced many regional television companies to halt interactive communication and all types of live chats.

Sharp self-censorship and other repressive tactics prevent journalists from covering the most important events and topics in the country. According to Asanbaeva, with most media outlets, "news content does not differ from the official interpretation of events." The most urgent economic, political, and international problems remain beyond the scope of attention of most media outlets. For example, the Kazakh government is rumored to have sold a million hectares of land to the People's Republic of China, yet the media are silent on this topic. The media has paid scant attention to the economic crisis.

Kazakh law does not provide a clear enough definition of the topics that should be closed to the public, or what constitutes "socially important" information. The understood list of universally prohibited topics is broad, however. All information related to the president's family is secret; media are prohibited from writing about his illegitimate children or his health, or adultery by the president's family members. Panelists mentioned various sanctions towards *Megapolis*, which published material about scandals involving Goga Ashkenazi and the president's son-in-law.

The information related to Rakhat Aliev, the president's former son-in-law, has become an especially prohibited topic in Kazakhstan. According to the panel, only on channel K+, which broadcasts via satellite from abroad and on YouTube, is it possible to mention his name. Kazakh websites are programmed to omit his name automatically, whether authors are presenting positive or negative information about him. In addition, there have been attempts to jam K+ channel's signal. Thus, according to Adil Soz monitoring results, "from October 26, the website of K+ [www.kplus-tv.net], with direct Internet broadcasting from Hot Bird satellite, appeared to be inaccessible for Kazakhstan's population using the services of Nursat and Kazakhtelecom providers. According to its owners, the site was blocked after its television signal was blocked from Yamal-200[11] satellite.

But journalists can never be sure whether a given topic might suddenly become closed for discussion. Thus, when an accident involving exploding ammunition occurred in Arus, it turned out that shooting footage and presenting this news would involve disclosing state secrets. It is dangerous as well to bring up prohibited topics in casual social networking sites on the Internet. For instance, after adoption of the new Internet law, authorities began monitoring the Internet site www.Zona.kz, which earlier had a reputation for unruliness. The website then dropped coverage of political scandals and prohibited topics.

The Ministry of Culture and Information has tried to meet the requirements of various media by disseminating a list of topics "recommended for coverage" on a weekly and monthly basis. For instance, adoption of abandoned children is the most recommended topic at the moment.

Interestingly, Kazakh-language media permit critiques of international relations in a historical sense: Soviet history in these periodicals is a very popular topic and practically always is described as "genocide" and occupation of Kazakhs by Russian imperial authorities. The Russian-speaking media, as a rule, do not refer to the recent historical past or the Soviet era.

Panelists questioned the wording of the indicator assessing pay for journalists. Kaleeva argued that officials of different ranks receive much higher salaries for their work, but this has not prevented corruption, and independent journalists lack enough power to even have opportunities to profit illegally. Some panelists, however, did find a correlation between pay and corruption. "Journalism salaries are inadequate in all regions," Antonenko observed. "The practice of gifts, selling of air time, and ordered materials flourishes. Salaries in state-owned and private media are about the same, but in the first case, the reporter is protected from possible troubles related to professional activity."

In 2009, for many journalists and other specialists, salary rates fell—both in state-owned and private media companies. Some companies turned to layoffs. The unexpected devaluation of the Kazakh tenge by almost 25 percent in several days hurt the financial standing of most media companies, especially private ones. Royalty payments, upon which many media outlets depend to boost incomes, fell as well, and influential politicians cut back on their funding of media outlets. Even state-owned outlets that receive significant sums of money from the state budget were affected by the economic crisis. According to expert observations, leading media outlets, including the television and radio companies Khabar and Kazakhstan, reduced managements considerably. The owner of *Karavan* proposed an alternative to his staff: either reduce staff by 30 percent or reduce salaries by the same amount. The journalists agreed to reduce their salaries, provided that all staff members could keep their jobs. Channel 31, after selling its main holdings to a Russian company, reduced its staff almost by 70 percent.

Kaplina noted, "The crisis equalized average salaries in the sector with that in other fields. The journalism profession is no longer considered a highly paid one, which caused an outflow from the profession." However, panelists said that the economic crisis affected partner professional spheres, too;

[11] www.adilsoz.kz

thus, a significant number of journalists who left for public relations jobs were forced to return to journalism.

Regional journalists, as a rule, receive less pay. Distinctions exist among media outlets as well as internally, as payment is made on an individual basis using a merit-based system, rather than by seniority. Also, the gap in income depending on language persists: Russian-speaking journalists traditionally receive higher pay than their Kazakh-speaking colleagues. The disparity is related primarily to the fact that Kazakh-language media receive a lesser share of advertisements. State efforts to support Kazakh-language media and align incomes have failed. However, the career development prospects of Kazakh-speaking journalists are much stronger than those of Russian-speaking journalists.

Some panelists described a more positive scenario. According to Beisen Kuranbek, journalists in his area of Taldykorgan are well compensated. "On average, salaries in other professions are about KZT 25,000 [$165], while in our television and radio outlet, the average salary is about KZT 55,000 [$365]. In addition, a good journalist can receive additional payments up to KZT 100,000 [$665] as a bonus for extra work," he said.

The trend away from news and toward entertainment continued in the past year. The largest television channels canceled a significant number of information analysis programs. For example, by 2009, only two news programs (one in Russian and one in Kazakh) remained at Channel 31, RNR closed its *Reporter* program, and some companies even took a two-month break from news programs. Meanwhile, television and radio company Khabar and other news programs in state broadcasting did not reduce news programs but significantly increased the volume of its entertainment programs. News programs return lower ratings and are unprofitable. Suleimanov noted, "A drop of public interest in news occurred in September. This was recorded not only by a Gallup survey, but also by the research-analytical organization OIK. The president had publicly denied the economic crisis in the country. The population understood the lack of usefulness of such news; it is like a weather forecast that never comes true. Does it make any sense to watch it?"

State policy to support Kazakh-language broadcasting also resulted in more entertainment programs. With the amendment introducing language percentages and monitoring, Kazakh-language programs must be broadcast during prime time. But often they are endless concerts and other "traditional" and often low-quality products. Kazakh-produced entertainment programs are not very popular; the only exception is the music contest *Eki Elduz* (*Two Stars*), which mimics a Russian program. Other programs that copy Russian programs receive poor ratings; Russian-produced entertainment programs are much more popular.

A majority of large television and radio companies have continued their technical modernization despite the economic crisis. Channel 7 was equipped in 2009 according to the most advanced multimedia standards. State-owned channels, with solid investments from the state, also continue to be able to upgrade their equipment. This past year, state-owned television channel Kazakhstan purchased 18 remote trucks; some were transferred to its regional branches.

In order to compete with the well-equipped regional offices of the largest television and radio companies, local stations also need to upgrade their facilities. Even small private regional television and radio companies, which naturally do not have much money to buy remote broadcasting equipment, manage to find cheaper, yet effective alternatives, working with municipal services to craft their own mini mobile stations.

Specialized journalism is practically non-existent, with the possible exception of economic news. The crisis stirred up interest in economic journalism even more, and some international organizations have supported the development of economic journalism. While not fully developed as a genre, economic news became an integral part of all news on television and in some specialized periodicals. Otherwise, opportunities for journalists to specialize are limited by lack of funds to hire and support development of specialized staff, and by political factors such as restricted access to public information and the wide range of prohibited topics.

Current conditions do not support the development of investigative journalism at all, according to the panelists. Asanbaeva noted that under the investigative journalism heading in a legal newspaper, a reader finds official press releases with slight adjustments. Furthermore, programs are designed based on the will of the owners, commercial profit, and the whims of channel management. "As a result, almost no quality children's programs, education programs, or documentaries are produced. The only sector well covered in media is economics," Kaplina said.

OBJECTIVE 3: PLURALITY OF NEWS

Kazakhstan Objective Score: 1.34

The number of media companies in Kazakhstan, both private and state-owned, is rather significant and continues to grow. However, whether or not Kazakh media adequately addresses the needs of certain social groups is questionable.

Some panelists said that the Internet is quickly filling any gaps on that front. Kaplina commented, "There are indeed many media companies in Kazakhstan. The launch of SMS

news distribution from KazTag news agency is a positive development in 2009… Every year, the users of social networks such as Twitter and Facebook grow. In Kazakhstan in 2009, several portals were created that post news and blogs and are essentially social networks, such as kaztube.kz, yvision.kz, and nur.kz."

In addition, mobile networks have begun to develop news services, and though they are not yet widely in demand. Information service packages are including brief versions of news.

However, officials have shown a willingness to block websites. Naumenko gave one example: "Blocking of the blog platform livejournal.com, due to the blog of disgraced relative Nazarbaev Rakhar, is another shame for the country and evidence of narrow-mindedness of officials."

Diana Medvednikova Okremova was another of the panelists with a more negative assessment. "There are very few sources of information and they are not objective," she said. "The Internet is still expensive, not all have access, and sites often are blocked. Television channels offer polluted journalism. But the main issue is that society is often not even interested in what is happening politically. Few people know what stands behind certain media, who finances them, and for what; people are not interested. They are consumed by social problems: paying their mortgages, keeping their jobs, and bringing up children."

Cost remains a major hurdle for many. After a jump in inflation in spring 2009, newspaper prices went up significantly. Specialized media were the first to be closed during the crisis. They are practically absent now, while glossy periodicals flourish. The expense of cable television, Internet access, and print periodicals force citizens to buy cheap Chinese satellite dishes that provide pirate signal reception with a strange package of channels, including NTV, DTV, some regional Russian channels, Turkmen channels, MTV, and fashion channels.

Although the conventional knowledge was that cable television usually develops in large cities, studies show a different picture. In Almaty slightly more than 60 percent of households are connected to cable, but in small cities such as Aktau or Atyrau, 90 percent of the population watches cable television. Despite the high prices of cable broadcasting, viewers must switch to those services because they cannot receive signals through regular antennas.

Currently, cable television has become more problematic, as legislative initiatives are underway to influence cable packages. The Ministry of Culture and Information has already started to control content, under the pretext of protecting people from pornography, terrorism, and other types of extremist ideologies. Behind these moves, panelists see the intent of state structures to force cable networks to include in their packages such television channels as Khabar and Kazakhstan.

In general, access to domestic and foreign media is still unrestricted, aside from financial limitations and language limitations. There have been exceptions, including the blocking of Life Journal and satellite channel K+. Officials claim that they have nothing to do with these cases. For example, in the case of the television channel Kazakhtelecom, officials blamed "unknown hooligans."

State media simply express the official point of view and do not act in the public interest. Furthermore, despite significant state subsidies, they do not broadcast enough educational programs, and there is no state children's channel or even a state channel with a notable segment devoted to children's programming. During 2009, media advocates spelled out repeatedly the need for a separate educational channel, but this has not materialized.

Kazakhstan has seven active news agencies: Kazakhstan Today, Kaz Info, Kaz TAG, Interfax, www.vesti.kz, www.gazeta.kz, www.inform.kz, and Ria-News (Russian; registered locally). Foreign news agencies include Associated Press and Reuters. Only Ria-News, Associated Press, and Reuters Video provide video materials. Most agencies work on a subscription basis, but the prices are not affordable for all media companies. The active development of electronic government resources also cost news agencies business.

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.

Media companies do not always acknowledge materials obtained from news agencies; reference is made only in scandals or in political news, when media companies would like to reduce risk by pointing to another outlet as the primary source.

A new information portal, Bnews (http://www.bnews.kz/), was created last year. Positioned primarily as a business news agency, it publishes information on other sectors as well, and offers both print and video news. However, the panelists consider it rather one-sided and government-leaning.

Some media companies had to reduce or stop producing their own programming as a result of the 2009 economic crisis. The television channel Turan Turkistan, for example, stopped producing news. Practically all radio stations either removed news from the air completely or replaced it with news from agencies.

At the same time, some regional television channels were able to continue producing some news programs facilitated by regional news-sharing initiatives (described in Objective 5). In principle, for the regional television channels, news is the only unique product; regional companies try to differentiate themselves from the news of large national channels and to speak more to local populations and their problems. Still, all regional stations reduced their own programming in the past year. A majority of them dismissed news journalists and hired Internet researchers as replacements. These staff members collect news briefs from the Internet resources at minimal cost. Radio stations can no longer be considered media outlets, panelists said, as most of their airtime is filled with music.

According to a majority of the panelists, even specialists in the media sphere cannot always guess media ownership. Ownership information is not accessible anywhere in official channels, and rumors spread broadly. The origin of the many media entities owned by Dariga Nazarbaeva or her ex-husband Rakhat Aliev is not clear. However, the readers of newspapers usually can guess ownership based on the interests advocated.

As Naumenko stated, "Citizens in Kazakhstan do not know who owns media companies. As a rule, [companies] are not registered by the true owners or firms, and there are no laws that would require disclosure of the actual founders. Moreover, Nazarbaev's family most often owns resources—although this is impossible to confirm—or large financial-industrial groups, which keep media to lobby their interests exclusively."

Kazakhstan has some minority-language periodicals, including in Uzbek, Korean, and Uigur. These newspapers are funded fully by the state. Programs in German, Korean, and Ukrainian remain on state channels, but their political or economic impact is negligible. Minority-language media exists only to perpetuate the desired image that Kazakhstan is a model of ethnic friendship. Other social minorities have few opportunities to express their interests in the media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kazakhstan Objective Score: 1.44

Most media companies in Kazakhstan are focused on politics, not making money, and few outlets are profitable. According to the panelists, "no more than 20 percent of private media companies in Kazakhstan are economically independent."

Local media outlets, and especially television, are more likely to turn a profit. Each region has private television and radio stations and newspapers that enjoy a near-monopoly in terms of audience coverage and advertisement volume. Examples include Taldykorgon's main newspaper, *Talgykorgon*; Otrar's *Rabat*, which now sponsors TV Otrar and is an example of a highly effective enterprise; and *Novy Vestnik*, which is published in Karaganda by a former citizen who now lives in Canada. *Novy Vestnik* is profitable to the extent that its owner does not intend to close his troublesome but very profitable enterprise. Some radio stations report high income, such as Russian radio, Europe+, and Radio NS. Their cumulative share in the advertising market is 77 percent.[12]

A small number of television channels do not receive subsidies from shareholders and owners. They include STV (former Rakhat channel), which minimized its costs for media content production; and STS (formerly Channel 31), because costs for producing media content and advertising competition have changed.

Preferential treatment for state media companies especially hinders private large media enterprises. Public media companies affect the overall advertising market by offering heavy discounts, and private outlets cannot compete. Suleimenov provided an example: The annual budget of the state television channel Kazakhstan in 2009 amounted to about $60 million—comparable to the entire advertising market—while the annual budget of the television channel Khabar (half-owned by the state) made up about $40 million.[13]

According to TNS Gallup monitoring results, the advertising market grew 3.6 percent in 2009. Advertising revenue is the biggest source of revenue for private media enterprises. Private media outlets still may receive state money based

[12] www.tns.-global.kz TNS Gallup Media Asia

[13] According to Video International, in 2009, total advertisement market in Kazakhstan made up of $80 million.

on tenders to cover specific social-political problems, but accepting state subsidies is fraught with serious consequences that lead to dependence on the authorities. State media companies receive huge amounts of money, and an even greater share of the advertisement market and public relations budgets. According to Kaleeva, "Income sources are diversified; however, advertisement income is not sufficient. Income from the state limits editorial independence."

The television channel Kazakhstan once did not show any advertisements, since 100 percent of all costs were covered by state subsidies.

Given the overall reduction of advertising revenue,[14] many media companies again returned to such services as private advertisements, condolences, or announcements on private events. The television channel KTK continued to invest in cinema production in 2009. This year, that experience was rather successful: the series *Kara—Champion* was produced for KZT 30 million ($200,000) and brought KZT 50 million ($330,000).

For the regional television channels, traditional concerts brought significant money. According to Kuranbek, as soon as he was assigned as the manager of Jetysu Television he stopped showing the concerts, but letters flowed, asking to return them to the air. There were even calls from the local "white house" with the same request. "It turns out that this is our ethnic tradition," Kuranbek said. "In addition, these concerts bring some money to the company."

Print media suffered the most from the jump in inflation and the economic crisis in general. Apart from income from sales and subscriptions, state subsidies provide the biggest portion of revenue for newspapers. Both private and state print media companies compete for state funds. Often in such contests, the most effective and popular private periodicals win.

Advertising agencies in Kazakhstan are quite developed. The advertising market of the country before the economic crisis was considered to be the third among CIS countries (after Russia and Ukraine). In 2009, the advertising market fell by 18 percent compared to 2008. According to the data from TNS Gallup Media Asia during "Media Kurultai-2009," print media and radio suffered the most. Even with the downturn, the total volume of the advertising market was $471.6 million.[15]

According to the panel, the advertising market in the largest cities underwent a period of division and weeding out of non-professionals. The economic crisis only intensified this process, and network agencies won. Arna-Media and Video International are the largest network agencies. Due to the fall in the market, agencies developed so-called "anti-crisis packages" to stimulate small and medium business. TNS Gallup research identified several general trends: the volume of advertisement dropped considerably for all media companies, but especially for print and radio; the diversity of advertisement messages decreased in all media; and the average advertisement output did not change significantly.

Large advertising agencies are still reluctant to operate in the regions. The process of market centralization and monopolization at the regional level is hindered due to poor knowledge of local media influence and a lack of reliable ratings and research.

Additionally, regional advertisement agencies are not always professional. One panelist described a shocking advertising campaign against alcoholism. On huge billboards in Taldykorgon, a child is shown with visible physical development problems and the headline "Mother, why am I a monster?" But for the most part, large agencies work creatively and professionally. There are wonderful examples of advertisement campaigns as well, including those addressing social topics such as combating drug addiction and reducing child abandonment.

Article 9 of Kyrgyzstan's law on advertising stipulates, "advertisements in television and radio programs… should not exceed twenty percent of the total volume of broadcasting per day, except for scrolling script [tickers]." For print periodicals, there is no such threshold for the volume of advertisement. Article 8 of the law indicates that "… subject matter should be determined by print periodicals

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.

[14] Total volume of advertisement costs, according to official price lists, reduced by 18.3%. Maximum reduction of budgets occurred in press. www.tns.-global.kz TNS Gallup Media Asia

[15] Evaluation of the market was presented by TNS Gallup Media Asia and includes four spheres: television, radio, print media, and outdoor advertising.

independently. Print periodicals distributed by subscription should indicate thematic area of the periodical in the condition of subscription." The legislation prohibits only advertisement of alcohol products, breast milk substitutes, tobacco products, and certain restricted goods and services.

Non-governmental media companies receive funding from the state to support implementation of public information policy. In 2009, 44 newspapers, 46 magazines, 19 television channels, three radio stations, and one news agency received state funds. Half of those receiving state funds are private, including some large and well-known newspapers such as *Vremya*, *Izvestiya Kazakhstan*, *Moscow Komsomoletz in Kazakhstan*, *Komsomolskaya Pravda in Kazakhstan*, and regional media including small outlets such as Alva (a television channel in Zyryanovsk, East-Kazakhstan oblast). State subsidies often allow smaller media to survive; however, local administrations often consider subsidies carte blanche to interfere with the news and editorial policy of private outlets.

At the same time, procedures for allocating state funds are not transparent. Private media companies usually win competitions that offer scant production funding, which results in poor-quality programs. Taking this into account, along with the pressure from the authorities that accompanies state subsidies, many media companies stated that they would not compete for state funding in 2010.

Marketing studies are more popular today; even some regional media companies now pursue this research. However, there are very few research organizations that provide quality marketing studies and consulting services. Academics from various local universities—and even some people and institutions that have no familiarity with survey methodologies at all—try to fill the empty niche of market research experts and sociologists. Most often, they employ primitive surveys conducted by asking people in the street.

Medvednikova described cases in which media outlets spent considerable amounts for marketing studies and were left disappointed. "Study results were absolutely obvious, at the level of common sense, with no practical ideas on what should be changed. There are no reliable research agencies that would be trustworthy; they are corrupt and will provide the results they believe are desired." Kaplina also noted, "It is impossible to calculate incomes, and the agencies sometimes provide made-up figures."

Regarding print research, Naumenko commented, "Few periodicals conduct marketing studies and identify their group of readers. It is unclear why. Most likely it is because state newspapers receive their money anyway, and private newspapers will receive money from their founders—oligarchs—while others will be closed."

TNS Gallup has more or less established audience surveys, and most media companies, public and private, perform marketing studies regularly. However, during the discussion at the annual Eurasian media forum, a TNS Gallup representative said that investing in the publication of study results does not make sense, because media do not buy or use them to plan their programs. (There are some exceptions; for example, Channel 31 forms its broadcasting program based exclusively on popularity ratings.) It is more likely that for most media outlets, such studies are symbolic. For example, at Khabar television, the economic program *Your Entrance* has one of the lowest ratings among all its programs, and a psychological talk show draws a large and stable audience, according to the survey. Yet the economic show remained and the psychological show was canceled.

No organization audits the circulation of print media. Panelists doubted the reliability of the circulation figures published by leaders of the print market, and in particular of *Karavan*.[16] The lack of reliable data was cited as one of the reasons that almost 30 percent of advertising companies turned from print journalism to websites. However, Naumenko had the opposite view. "Advertisers do not demand true figures. In this respect, online periodicals can provide some perspective, but unfortunately, Kazakh advertisers treat those with skepticism because the Internet audience is still small," he said.

In 2009, media companies with established online social networks (e.g., Otyrar-TV in Shymkent and radio station NS) started using Internet resources to study their audience.[17] Many regional media even formed some "pools of readers" to assess and to adjust their broadcasting.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kazakhstan Objective Score: 1.51

In 2009, the number of trade associations did not change. Kazakhstan has two television and radio broadcasting associations: NAT, which has been active for many years as a membership organization; and the Association of Television and Radio Broadcasters of Kazakhstan (ATRB). Some panelists described ATRB as an organization existing only on paper,

[16] This is the old title, at the moment the title of the newspaper is in the form of a slogan that starts from Karavan word; the change of the title did not cause changes of the staff and the strategies of this periodical.

[17] See more details in the following Internet sources: Kazakhstan television channels in social networks. http://www.internews.kz/newsitem/02-12-2009/9810; Kazakhstan radio stations in social networks. http://www.internews.kz/newsitem/07-12-2009/9856; Kazakhstan newspapers in social networks. http://www.internews.kz/newsitem/10-12-2009/9916

but last year it did convene a conference for journalists, and the government designated it as the civil society structure to develop and strengthen media outlets. Also recently established are the Kazakhstan Association of Newspaper Publishers and a professional association of Internet publishers that has not yet begun operations.

Panelists described a case that resulted in some criticism of NAT. In 2009, ART was facing closure and the withdrawal of its license and frequency. ART's journalists asked NAT for help in starting a campaign to protect the staff and company and to draw nationwide attention to its plight. Other media outlets stood ready to support the campaign. It appears that NAT did reach out to the head of the station to help, but the owners deferred, believing that the station would be saved anyway. When those hopes proved false, the owners attempted to mobilize the campaign with NAT, but it was too late. ART's journalists later blamed NAT management, saying, "We trusted you and paid our membership fee, and you did not protect us and we lost our jobs."

Internews Network has proven valuable in supporting news distribution across Kazakhstan. Internews helped to organize regional television companies to devise a pilot satellite-based news sharing pool beginning in autumn of 2009. This initiative began spontaneously when Taldykorgon media shared with other local networks its footage of a fire. Then, during a gas crisis, regional companies came to appreciate footage-sharing arrangements when colleagues in Astana provided simultaneous translation from government officials commenting on the problem. Each regional television and radio company provides coverage from at least one local news item per day, which is believed to have regional reach. In addition, Internews publishes relevant Russian material, facilitating inter-regional integration and providing citizens with more exposure to local news. Panelists said that this cooperative effort has resulted in improved news coverage.

According to the panelists, Kazakhstan has a limited union presence. "Unfortunately, human rights lawyers have not managed to establish a trade union. Journalists appeared to be passive in this regard. There are no specialized unions of bloggers and journalists," Naumenko said.

Although not a union, a club of editors-in-chief was established in 2009. Some panelists referred to the trade union of television and radio company Jetysu as the only positive example of Kazakh unions. Jetysu's union monitors labor rights and provides support to members in difficult situations. Members pay membership fees—a sign of their trust in the union.

The Union of Journalists in Kazakhstan intensified its activity in the past year, after a long dormancy. The union participated in lobbying for a bill advancing the interests of journalists and media owners, and in campaigns to protect oppressed journalists Lukpan Akhmedyarov and Ramazan Esergepov. However, as panelists stated, these were just first steps by the organization, which for many years existed in name only. In many respects, the union is still pro-government and does not meet the requirements for a real trade union.

Kazakhstan lacks self-regulatory bodies for the journalism community. Interest in this issue is growing in Kazakhstan's journalism and legal circles, though, with journalists mostly supportive of the notion amid skepticism from the government.

Media NGOs constitute the broadest and most active network for protection of the rights of journalists and freedom of speech in the country. The Media Alliance of Kazakhstan was established in early 2009, including about 10 Kazakh NGOs from different regions. Its purpose is to develop the media sphere of the country, to enhance professionalism, and to strengthen legal support of journalists. In addition, the public foundation Institute of Media Standards was established in 2009, providing strategic management training programs for media leadership.

The publicly funded Adil Soz International Foundation for Protection of Freedom of Speech, Medianet, Media-Center, and Media Life are active in cities and in the regions. Media NGOs provide legal advice to journalists and editors. However, few journalists and editors actually apply for advice and support, despite the pressure and risks they face. Suleimanov, coming from his own experience with judicial proceedings as a co-defendant in a slander lawsuit, assumed that journalists often do not apply for legal advice since they are fearful of acting apart from their company's management.

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 2009, in an extraordinary development for students and teachers of journalism, a ministry grant established professional multimedia studios at the Kazakhstan Institute for Management, Economics, and Strategic Research (KIMEP) and at Kazakhstan State University (KazSU). These advanced facilities could significantly change the character of professional training of students.

Traditionally, potential employers have skeptically viewed graduates of journalism departments. Graduates are assumed to be poorly trained and unprepared for the professional world, while teachers blame the outdated equipment. Many panelists expressed concern that trainers themselves lack understanding of how to operate modern equipment; the overwhelming majority of trainers are not technically adept and have never worked in practical journalism.

In addition, more journalists are trained in universities than the field can employ. According to the panelists, annually about 500 journalists graduate, but at a time when many professional journalists are losing their jobs, the chances are slim for newcomers to find good positions. The absence of mentorship programs, the low entry-level salaries, and the difficult and risky nature of journalism cause high turnover rates among young journalists.

Existing journalism academic programs need to be analyzed critically and reformed, according to the panelists. KIMEP and UNESCO have launched a pilot effort with this mind, aimed at the convergence of economic journalism, political communication, and online technologies. Other NGOs also have turned their attention to university journalism students: Dessenta started training students from eight regional universities with a grant from the European Commission.

At the end of 2009, based on an order from the education ministry, an evaluation of chairs and departments of journalism training programs was carried out.[18] According to the results, the five top institutions included Almaty State University, KazSU, LN Gumilev Eurasian National University, KIMEP, and Kostanai University.

The panelists said that practicing Kazakh journalists have sufficient opportunities to attend seminars, conferences, and other training programs, both through international organizations and with the support of companies. In 2009, short-term training sessions were conducted on subjects such as linguistic issues; social topics including HIV/AIDS, domestic violence, alcoholism, and drug addiction; environmental journalism; and training for lawyers of media entities. Adil Soz received grants from the state for the second year for the legal education of journalists. The Soros Foundation-Kazakhstan has supported more training programs on economic journalism, and Internews held training programs for managers and program directors to aid in addressing the economic crisis.

The panelists identified only the journalism school Medianet as working systematically and providing different types of training to journalists. These programs are not academic ones, and so do not provide any status to graduates. Some media companies, which are seriously concerned by the shortage of qualified personnel, also run practical "journalism schools" to quickly train young professionals. Panelists gave higher marks to residential training programs, believing their format to be ideal—the whole journalist team being trained along with the management, rather than journalists alone, since they lack decision-making power.

However, the panelists cited a shortage of multimedia training opportunities, especially given that many donor organizations that have been working in this area have curtailed training programs. (Panelists pointed to Internews as an exception; it has offered regional training for journalists.) Many organizations conduct trainings that do not meet professional standards, panelists added, and some managers are more inclined to pay for training of their advertisement and ratings specialists than technical crews.

Printing enterprises are subject to political factors. For example, the weekly *Respublica* has been forced to use pseudonyms such as *Golos respubliki* (*Voice of the Republic*) and *Moya respublika* (*My Republic*) in order to be printed. According to a February 20, 2010 report by RFE/RL, *Respublica's* editors think that the government has ordered printers not to offer their services to the weekly. On the other hand, state-favored print houses receive numerous benefits: preferred orders of glossy expensive magazines, state orders for printing particular products, etc. Panelists claimed that print houses allow periodicals to provide false circulation statistics.

Media distribution channels are not totally free. Half of the country's television transmitters belong to the state, and Kazakhtelecom enjoys a 70 percent share of the ISP market. In 2009, the authorities did not allow cable television providers to show the film *Borat*,[19] which was being broadcast on MTV. One cable operator had to cite "technical difficulties" for its failure to show the film, while the owners of other cable networks did not comment. Given the coming digitization, an even deeper monopoly might become possible, as media observers anticipate that multimedia platforms will belong to the state.

[18] A total of 23 universities train journalists in the country.

[19] The 2006 Sacha Baron Cohen film *Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan* was perceived as a humiliating derision of Kazakh culture. There were no official opinions, but this film was secretly blocked from distribution in Kazakhstan.

List of Panel Participants

Bejsen Kuranbek, director, Jetysu Television, Taldykorgan

Diana Medvednikova (Okremova), director, Northern Kazakhstan Legal Media Center, Astana

Erjan Sulejmenov, general director, Media Standards Institute, Almaty

Galija Azhenova, director, Public Center of Expertise, Adil Soz International Foundation for Protection of Freedom of Speech, Almaty

Gulnar Asanbaeva, associate professor, Kazakhstan Institute for Management, Economics, and Strategic Research, Almaty

Olga Kaplina (Groznaja), project manager, Internews Network, Almaty

Sholpan Zhaksybaeva, executive director, National Association of Television and Radio Broadcasting Companies of Kazakhstan, Almaty

Tamara Kaleyeva, president, Adil Soz International Foundation for Protection of Freedom of Speech, Almaty

Vjacheslav Abramov, director, MediaNet International Center for Journalism, Almaty

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

Andrej Antonenko, news manager, TAN TV, Almaty

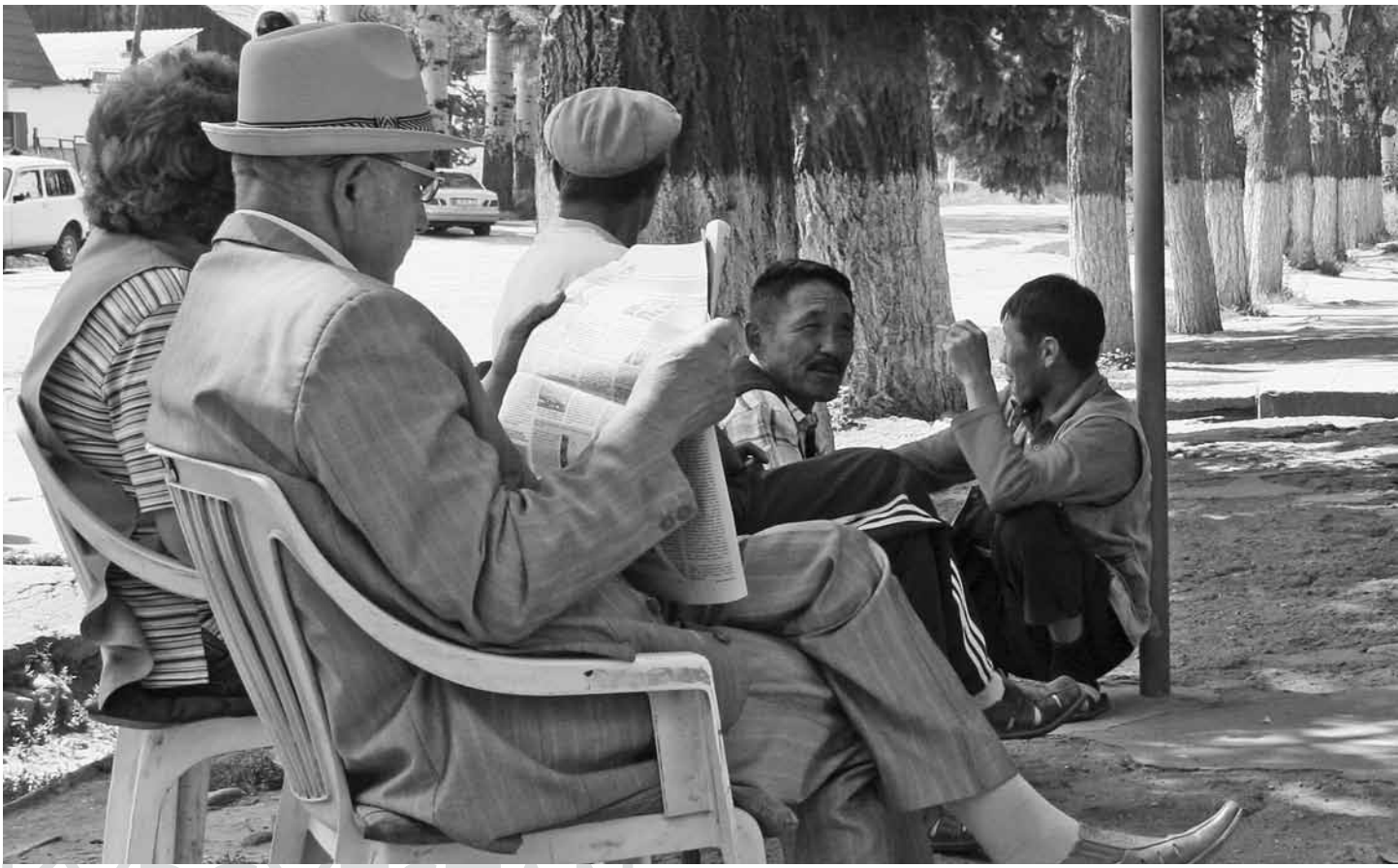
Yaroslava Naumenko, blogger and journalist, Almaty

Moderator and Author

Gulnara Ibraeva, chair, Social Technologies Agency, Bishkek, Kyrgyzstan

The Kazakhstan study was coordinated by, and conducted in partnership with, Social Technologies Agency, Bishkek, Kyrgyzstan. The panel discussion was convened on January 12, 2010.

The society is indifferent to all violations of freedom of speech, including the persecution of journalists. The panel also noted that previously, NGOs were quick to react to violations against journalists, but this year, that support has largely dissolved.



KYRGYZSTAN

OVERALL SCORE: **1.92**

Continuing the trend noted in last year's MSI, Kyrgyzstan adhered to the regional pattern of declining media freedom, despite its liberal legislation. Last year was a presidential election year, and elections are always a litmus test for the media. Kurmanbek Bakiev was re-elected, but the election results were disputed and criticized by international organizations. To the MSI panel, the campaign season left no doubt that there are no politically unbiased media serving public interests in Kyrgyzstan.

Several journalists were murdered or severely wounded in Kyrygzstan in 2009. Serious attacks against journalists have become more frequent, and investigations rarely seem sincere. The society is indifferent to all violations of freedom of speech, including the persecution of journalists. The panel also noted that previously, NGOs were quick to react to violations against journalists, but this year, that support has largely dissolved. Self-censorship and fatigue prevail in many organizations. Media and the NGOs work in silos, focused on their own survival. Professional solidarity is lost, but strongly needed.

Still, there were some glimmers of hope. The year 2009 was a rich for lawmaking initiatives. Media NGOs and media representatives successfully lobbied to withdraw a bill that would have introduced Internet regulation. This was an important victory that meant the state continues to allow free access to the Internet, satellite, and mass media. While it is hard to find independent viewpoints in Kyrgyzstan's media, online media have emerged to help fill the information gaps. More than 200 blogs have been registered, and the blogosphere Kyrgyz.today is being developed. In addition, Kyrgyzstan's first video website was launched, joining the regional radio website Most, the blog Next, and infosites including Talasnews.kg and Issykkulpress.kg.

Internet access is fairly affordable and available practically everywhere in the country. Even in the most remote locations, there are commercial enterprises that provide Internet service. In addition, civil-society organizations provide Internet access in the regions. Although social networks (for instance, Twitter, YouTube, and Facebook) have not fully taken off as a source of news, this looks set to change; new technologies played an important role in a national scandal that erupted in a school, when footage was posted on YouTube and disseminated on the Internet via mobile phone.

The small signs of promise, though, could not overcome the overall repressive environment for the media. Thus, this year's panel concluded on a pessimistic note, and the overall MSI score remained virtually the same as last year's.

KYRGYZSTAN AT A GLANCE

GENERAL

> **Population:** 5,431,747 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Bishkek

> **Ethnic groups (% of population):** Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, Dungan 1.1%, Ukrainian 1%, Uyghur 1%, other 5.7% (1999 census)

> **Religions (% of population):** Muslim 75%, Russian Orthodox 20%, other 5%

> **Languages (% of population):** Kyrgyz 64.7% (official), Uzbek 13.6%, Russian 12.5% (official), Dungun 1%, other 8.2% (1999 census)

> **GNI (2008-Atlas):** $ 3.932 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $2,130 (World Bank Development Indicators, 2009)

> **Literacy rate:** 98.7% (male 99.3%, female 98.1%) (1999 est., *CIA World Factbook*)

> **President or top authority:** President Kurmanbek Bakiev (since August 14, 2005)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 4 main dailies, 4 other main papers, 250 total; Radio stations: 6 main stations, 31 others; Television stations: 7 main stations, 3 local cable networks

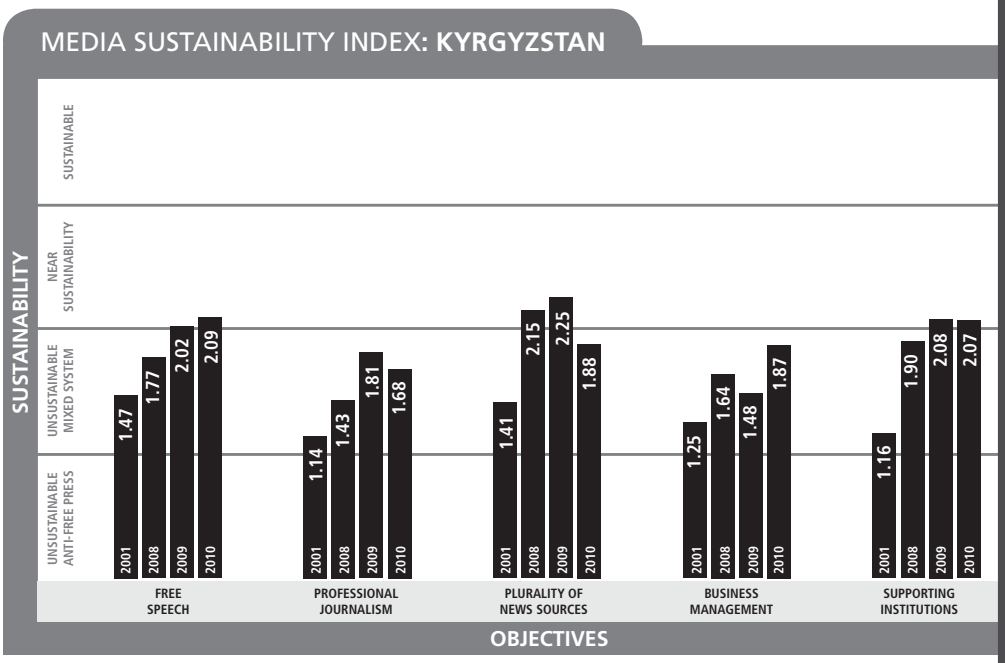
> **Newspaper circulation statistics:** Top four by circulation: *Super Info* (Circulation: 80,000, private, Kyrgyz language), *Vechernij Bishkek* (Circulation: 50,000, private, Russian language), *Pyramid* (Circulation: 40,000, private, Russian language), *Delo* (22,000, private, Russian language)

> **Broadcast ratings:** Top two: National TV and Radio Broadcasting Corporation (state-owned, both languages), 5th Channel (private, both languages)

> **News agencies:** Kabar (state-owned), AKIpress (private), 24.kg (private), Zamandashpress (private)

> **Annual advertising revenue in media sector:** $5 million in 2008

> **Internet usage:** 850,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Kyrgyzstan Objective Score: 2.09

The constitution and the legislation that regulate the media guarantee freedom of speech, access to information, and the special status of journalists. Aside from articles that criminalize libel, media legislation is in line with international standards. There are also legislative provisions that are intended to protect journalists, but they are often worded vaguely and lack enforcement mechanisms. For instance, the criminal code bars obstructing the work of a journalist. However, given multiple attacks on journalists in the past year, the article has done little to protect journalists. Given the lack of enforcement, according to the panel, even Kyrgyzstan's liberal legislation has not led to freedom of speech.

In recent years, officials have tried to improve media legislation through efforts such as the 2008 law on television and radio broadcasting, but the changes were not always progressive. Some panelists pointed to Article 8 of the new law as particularly problematic and risky for some media, as it mandated that 50 percent of all content be presented in Kyrgyz, the state language. Practically all electronic media, with the exception of the National Television and Radio Broadcasting Corporation of Kyrgyzstan, find it very challenging to find Kyrgyz-speaking journalists and video materials. They also lack the resources to dub films, concerts, and other content in Kyrgyz. Accordingly, only OshTV and MezonTV are bound by the requirement.

Last year was rich for lawmaking initiatives. Following a long debate among media, media NGOs, and Members of Parliament Alisher Sabirov and Dinara Moldosheva, an Internet regulatory law was withdrawn from the parliamentary agenda. Among other undesirable provisions, the bill would have recognized websites as mass media. Under pressure from Internet companies and media NGOs, draft amendments were revised. Later, the ministry itself was dissolved, and the bill was removed from the agenda. This was an important victory in that the state continues to allow free access to the Internet, satellite, and media.

In addition, last year parliament proposed that two bills that would impact the media be opened for discussion and expert examination, including a law protecting state secrets initiated by the state national security service and another protecting children and youth from certain types of information. Due to a lack of constructive interaction between parliament and media organizations, many initiatives came to a standstill.

Unfortunately, journalists do not use available legal mechanisms advantageously. In particular, despite complaints of restricted access to official information, no journalists have recently used legitimate measures against those who restrict access to information. At the same time, two years ago, a precedent was created when the representative of a regional NGO, Maxim Kuleshov, won a court victory over local governing bodies. Journalists, however, are passive in protecting their professional rights.

The panel noted that the system of kinship and local community pressures make it difficult for journalists to take legal action against authority figures who violate the freedom of speech, causing an underlying conflict between legal and traditional norms. According to the panel, society is indifferent to violations of freedom of speech and persecution of journalists.

Broadcast licensing has been especially contentious in the past couple of years. Previously, broadcasting did not require a license, and frequency bands were allocated by the State Agency on Communication (SAC). Despite the expected clarification of the regulatory procedures, the process of issuing frequency bands is not transparent, as reported in last year's MSI. The situation has not improved; there is still no scheme for allocating frequency bands. Additionally, there is no reliable information on the availability of frequency bands, applicants' status, and approval timeframe. Even the panelists had contradictory information: while one expert believed that there was a secret moratorium for frequency bands allocation, others presented factual information that frequency bands were indeed issued.

In 2009, the Europe Plus radio station and the television company AntennTV obtained licenses. AntennTV's frequency ban was not surprising to the panel; AntennTV's owner was a businessman and city council deputy, and the authorities felt his station was likely to benefit the ruling authority during oblast elections. As for Europe Plus, this company has been waiting for eight years to get its frequency band to broadcast in southern regions, and it is not clear why a frequency band was finally issued now.

According to media experts, allocation of frequency bands is often politically motivated. Not surprisingly, the application of OshTV Ltd. has failed for five straight years. Despite clear evidence that frequency bands are available, SAC's official response is that there are no free frequency bands, and OshTV's request is denied repeatedly.

The dearth of information about frequency bands and on the opportunities and risks related to making the switch to digital broadcasting is a key issue of the day. At a conference

on digital television and radio broadcasting it was announced that in Bishkek city there were just two spare television frequency bands and four in Osh oblast. In some northern areas, however, there was a surplus. Interestingly, 80 percent of frequency band resources belong to the military, while just 20 percent are civilian. Frequency band resources must be converted, but the issue has not been addressed.

With the transfer to digital technologies, the situation is likely to become more difficult. In Kyrgyzstan, there is no officially approved method for transferring to digital broadcasting, and there are no legal or secondary legislation acts that would regulate the transfer. Many television and radio companies are left to wonder when and on what timeframe and criteria this transfer is supposed to occur. In 2009, Kyrgyzstan started the process of transferring to digital broadcasting in Batken oblast, as a pilot location. Confusion persists over the correct mechanism to obtain a digital frequency band and exactly how—and under whose authority—they will be allocated. Five Osh television companies—OshTV, Mezon-TV, Dastan, DDD, and Keremet—applied to the SAC requesting band allocations for digital broadcasting in Batken oblast; all were denied.

According to regulations, media are the same as other businesses. In practice, however, the panel marked some key distinctions. First, the authorities do not determine the end product of other businesses, whereas in the context of radio and television, language restrictions are stipulated. Second, licensing, frequency allocations, etc. are subject to political influence. Third, for print media, the VAT (value-added tax) is applied twice (upon purchase of materials such as paper and then upon production), significantly affecting the price of newspapers and magazines. In addition, the state-run media receive support from compulsory subscriptions, various grants, and priority advertising privileges, significantly reducing the chances of success for private media business enterprises.

The panel emphasized an amended tax code as a positive change in the regulatory sphere. The VAT was reduced, the advertisement tax was cancelled, and simplified schemes of taxation were introduced for media enterprises having turnover of not more than KGS 4 million ($90,000). Practically all media are in this revenue cluster.

The journalism community believes that legislation should provide compensatory benefits to the media. With digital equipment costs of up to $600,000 for an average television and radio company, electronic media have requested tax benefits on the transfer to digital broadcasting. However, as Alisher Sabirov, a member of parliament, stated, the ideology of the new tax code bars tax benefits to any sectors.

There were many serious crimes against journalists in 2009. While attacks have become more frequent, investigations into such crimes, when conducted at all, usually lead nowhere. In late December 2009, the news agency 24.kg published a piece titled "Kyrgyzstan police acknowledge their own weakness in investigating attacks on journalists." This piece presented information, provided by the Ministry of Interior, on the results of criminal investigations initiated on more than 10 crimes against journalists in 2009, including murders, beatings, and robberies. In most of these cases, investigations were suspended because suspects could not be identified, or because the allowable investigative time period elapsed. In some cases, investigations led to charges, and the cases are awaiting trial.

In one of the most severe cases, Almaz Tashiev (who earlier worked for *Agym*), was attacked in Osh and died from his injuries. A criminal case was initiated, and two junior police lieutenants were charged by the oblast public prosecutor. The case is under consideration by the court. Seitbek Murataliev, the editor of *Jylan*, was also murdered in his home, where he was found with multiple knife injuries. The investigation is ongoing. In March in Bishkek, three unknown assailants beat and severely wounded Syrgak Abdyldaev, a *Reporter* correspondent, who was taken to the emergency room. Although a criminal case was initiated, no defendant could be identified, and the case was later dropped.

Abdibakhab Moniev, the deputy director general of *Achyk Sayasat*, Yrysbek Omurzakov, editor of *Tribun*, and Kubanych Joldoshev, a reporter from *Osh Shamy*, were physically

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.

attacked or threatened. In Moniev's case, investigative proceedings were suspended after the investigation term expired. In Joldoshev's case,[1] Joldoshev found an envelope with a live round from a Kalashnikov and a threatening note. Investigations are ongoing. Alexander Evgrafov, a *BaltInfo* reporter, was beaten. The public prosecutor did not initiate criminal proceedings. There were also a few robbery attacks on journalists. In a case against OshTV operator Bakhadyr Kenjebaev, a suspect was arrested, and the case was submitted to court.

One shocking case occurred on December 16, 2009 in Almaty, Kazakhstan. Gennady Pavluk, journalist and editor of the online edition of *Belyi parokhod*, was thrown from his sixth floor apartment. Pavluk was hospitalized in a coma; he died on December 22. According to his colleagues, Pavluk was targeted because of his professional activity in Kyrgyzstan. Pavluk has been linked with the opposition leader Omurbek Tekebaev, and had been developing the Ata-Meken political party website.

Some panelists raised the possibility that both authorities and opposition forces might be involved in such crimes. "There is certain deliberation in the crimes that have been committed recently toward journalists... Having learned a lot during elections of opposition parties, I am of the opinion that opposition leaders could be involved, although they deny it. Not everything is simple in political parties, even within the party, relationships are sorted out roughly using all resources," said Alexander Kulinsky, chairman of the Committee for Consideration of Complaints on Mass Media.

Elmira Toktogulova, owner of the news website Tazar, believes that the low professional development of journalists and their willingness to abandon their principles contribute to the sad state of journalism. In her view, the journalists' inability to work with the facts, their self-censorship, their fear of pursuing worthwhile topics, and corruption among journalists lead to a society that treats journalists with distrust and indifference. She suggested that if journalists wrote their articles on relevant topics based on careful investigations, then crimes against journalists would provoke a response from society. Today, the society assumes that if a journalist uncovers sensational information, the revelation was ordered by political forces.

Blogging has not gained widespread credibility in Kyrgyzstan as a form of journalism, although more than 200 blogs have been registered. Politicians and authorities lag in their familiarity with new technologies, although, ironically, the panel noted that videos and photos of sex and drinking scandals involving opposition politicians made their way to YouTube.

As noted by Khaliljan Khudaiberdiev, president of OshTV, though the state guarantees journalistic freedoms, discrimination of non-state media obviously exists, and there is a bias toward state-owned media. The editors-in-chief of the state media are appointed directly by the national or regional leadership, and state-owned media are funded from the state budget.

Pressruns of the state media are maintained exclusively by forced subscriptions and services, and partner enterprises in the distribution and delivery of press, such as the Kyrgyz postal service, grant preferences for state-owned media. Still, the legislative requirements are similar to all media regardless of their ownership.

Oblast state periodicals receive some subsidies from the government, but they are scanty and cover only minimal wages. While oblast and municipal state editions are set to privatize in 2010, the staff of these regional periodicals do not wish to end their dependence on local authorities. Furthermore, there is nothing to actually privatize—there is almost no equipment in editorial offices, and the staff of periodicals have, for a long time, worked for local public administrations. The financial state of regional state-owned media is poor, and these outlets are resistant to change.

State-owned media also receive numerous incentives and awards. During professional holidays, the authorities give awards (including monetary bonuses) primarily to journalists from state-owned media. In 2009, almost 99 percent of all awards were distributed among journalists of NTVRC for the Day of the Journalist. State journalists also enjoy privileged access to official information. The panel noted that a secret journalists' pool was created by the presidential secretariat, and not even all state media representatives are included in this pool.

Libel and "insulting honor and dignity" are considered criminal acts in Kyrgyzstan. However, the panelists were not aware of any journalists brought to court in 2009 for these offenses. According to one panelist, a conference held with public prosecutors, supported by a Soros-Kyrgyzstan Foundation project, discouraged filing criminal charges in libel cases. In recent years, however, the trend has shifted from criminal against journalists to civil suits. This creates the appearance of a constitutional state that respects freedom of speech, yet many journalists fear the ruinous fines of criminal cases much more than the penalties of criminal suits.

[1] According to the opposition edition *El Sozu*, law-enforcement was involved in the attack, since highway policemen stopped the taxi and took the driver away during the period when unknown "hooligans" beat Joldoshev, slashed him with knives, and warned him to stop writing. For more details see *El Sozu*'s November 6, 2009, edition.

The odds are stacked against journalists charged in civil suits related to honor, dignity, and business reputation. First, such suits have no statute of limitation. Second, there are no exceptions for "public personalities" in Kyrgyzstan, and journalists must prove their innocence. Third, the judges often have an arbitrary approach to determining damage amounts, even ignoring Supreme Court guidelines.

On the other hand, certain rules have been established to determine moral damages. According to information from the Media Representative Institute, last year court awards averaged KGS 20,000 ($450). However, the average associated legal costs were as high as KGS 111,000 ($2,475). In political suits against journalists, moral damage amounts could ruin a periodical completely. For instance, in 2009, the Janat hotel obtained KGS 1 million ($22,300) in a court decision against the opposition periodical *Uchur*, without any financial justification according to the associated article on protection of honor, dignity, and business reputation.

A lack of competent judges in media legislation is another factor affecting outcomes of judicial proceedings toward journalists and media. As one panelist noted, when considering cases of protection of honor and dignity, judges tend to rely not on media legislation, but rather on legislation they are more familiar with.

Despite Kyrgyzstan's rather progressive information access law, access to information cannot be considered open. The laws are not respected by many public offices. "Access to information for journalists is completely dependent on the whims of the leadership of various public administration bodies," stated Marat Tokoev, the chairman of the Journalists' Public Association, in an interview with the author of this report.

The panelists noted three main problems surrounding implementation of this law. First, public offices frequently lack organized procedures regarding information flow. Second, officials use loopholes in the law to restrict information selectively. For instance, the president's secretariat significantly reduced access for journalists to presidential events. Third, journalists are unaware of procedures for the release of official information. If a request is denied, journalists generally lack the legal resources to fight the denial. Furthermore, they generally need the information quickly and do not have time to appeal.

The parliament of Kyrgyzstan remains fairly accessible to the press. In 2009, the parliament commenced work on improving its own information strategy and press service. The Ministry of Health has garnered high marks in this regard, while the press service and official site of the Ministry of Interior are relatively efficient and open as well. However, many officials, especially in the regions, lack professionalism and do not interact with journalists efficiently. For instance, in Talas oblast in 2009, the Department of Internal Affairs press secretary could not manage information flow, preferring to refuse journalists access to information. This official was disciplined after journalists complained, demonstrating that journalists, at least in some settings, do have recourse. Since then, journalists in that oblast have been able to obtain information from the agency without difficulty.

As in previous MSI studies, panelists considered access to foreign information and news sources generally free. They noted, though, that central and capital media have wider access to Internet materials due to faster, more reliable Internet connections in Bishkek and in Osh, as well as more people who speak and read English. Due to the language barrier, regional media rarely use Internet resources aside from Russian websites.

Entry into the journalism profession remains unrestricted, and a license is not required. There are dozens of higher-education institutions in the country that train professional journalists. However, journalism is not considered a prestigious occupation, and society rates quality of education as very low. A majority of practicing journalists have neither special, nor professional, education. The panelists noted that remarkably, in the parliamentary press center, a 15-year-old blogger was accredited.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kyrgyzstan Objective Score: 1.68

The events in April 2009 in Petrovka and the protests in Balykchi in July 2009 provided a sort of litmus test for journalistic standards in Kyrgyzstan. Both events were covered very subjectively; journalists failed to include the perspectives of several key sources. In Petrovka, media openly sympathized with Kyrgyz and Russian residents, who smashed up Kurdish houses after a Kurdish man was accused of raping a child. In Balykchi, about 500 supporters of the opposition presidential candidate protested against what they felt were irregularities in the election in front of the mayor's office on election day; the rally was broken up by riot police. Most media outlets relied on materials from news agencies, which in turn presented only the official position of the White House.

"When the events in Petrovka were covered, unprofessionalism became visible. No journalists tried to find out the opinion of Kurdish minority. Nobody talked to them; nobody even tried to find out what happened from their perspective. Now the question is whether or not the

accused person is guilty. But nobody looks into it. Journalists did not try to talk to the representatives of ethnic minorities until they arranged press conferences themselves and until they spelled out their opinions in this regard. Journalists just did not want this objectivity, because of their personal perceptions toward the Kurdish minority," said Kulinsky.

According to the panel, part of the problem is that there is pressure on journalists and legitimate challenges to accessing several sources. The primary problem, though, concerns the professional level of journalists. Journalists are frequently careless about the information they obtain, and they do not double-check it. The panel reported a lot of examples this year. For instance, newspaper *Delo#* published material about a girl who was severely injured in a car accident and who needed financial support to go to Germany for surgery. *Delo#* wrote that the required amount was collected and that the relatives had already taken her to Germany for treatment. After 10 days, the relatives of the girl discovered the mix-up, which resulted in the fact that instead of the €20,000 they needed, they managed to collect only €2,000. The journalist did not contact the relatives to clarify basic information.

Almost all journalists, including news agencies, print media, and electronic media, tolerate unprofessionalism, according to the panel. During interviews, journalists often do not use recorders or take notes, leading to misprinted names and distorted facts. Ivan Kutimov, founder of *Vest* and *New Farmer*, observed, "Reporters do not check their sources. They are subjective. They confuse the notions: fact, comment, and analysis. Their interviews are unprofessional, and they ask banal questions. Journalists tell what the source wants to say, rather than what the reader wants to know. Half of the interviews in media are essentially advertisements."

Gulbara Imankulova, director of the Mass Media Resource Center in Talas, said that the majority of training events for journalists are a waste of time, noting that despite many trainings carried out on professional topics, the regional journalists from Talas newspapers still start all their brief articles with the word "recently" and leave out key elements. "Many (journalists) have never even heard about the standards. This is a painful issue for the journalism community… Financially strapped editions are forced to think about ethics in the last turn," said Emil Kadyrov, executive director of the Association of Publishers and Distributors of the Periodical Press.

According to the panel, those journalists who use more than one source to double-check the information are rare. "Of course, there are examples of quality, professional journalism. But it would be wrong to say that this is common. Newspaper circulations are a clear indicator for this—they are limited mainly for this reason, rather than due to a small population, as the press used to say," said Kadyrov. Young journalists do not create their own network of sources and are poorly trained to look for the information or people able to confirm the information. In general, journalism in Kyrgyzstan remains in a deep crisis, a problem intensified by brain drain, the political situation in the country, and poor higher-education opportunities for journalists.

Ilim Karypbekov, a public relations specialist with the secretariat of the president, noted, "There are no single or commonly accepted standards in the country that are in line with international standards. The attempts of various organizations and small groups of media representatives to introduce such standards have not made a significant impact. First of all, there is resistance from a majority of journalists. The state is interested in the appearance of commonly accepted standards and ethics rules within the media community and is open to cooperation."

Violations of the ethics code are plentiful. Often, journalists do not violate only professional, but also human, ethics. Violations often occur due to ignorance of professional ethics. Accepting remuneration for covering—or not covering—various events is fairly common among journalists. This is especially the case for state-owned media, according to the panel. Noted Kutimov, "Journalists from Kyrgyzstan today are ready to write and to publish any material, including 'black PR,' as long as they are paid."

Plagiarism is routine as well. A majority of electronic media news issues borrow news tape from news agencies without citing the source, and sometimes take the credit. One panelist described how one of his articles, on an environmental topic, was published on the website of the Central-Asian

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).

information magazine *Oasis*. He said that five Internet news sites published his work without crediting him, while some even presented this material as their own.

In an attempt to address these ethical shortcomings, on April 16, 2009, the Committee for Consideration of Complaints on Mass Media held a press conference of journalists of Kyrgyzstan, where amendments were introduced into the ethics code of Kyrgyzstan's journalists (which was adopted in 2007). In a new twist, this time the representatives of large newspaper offices and state-owned media participated in the process; in general, many more media representatives were involved in 2009. The state demonstrated its interest and readiness to collaborate to establish and promote ethical standards. As distinct from colleagues in Kazakhstan, the Kyrgyz journalism community does not fear that state cooperation in matters of ethics would become an additional instrument to pressure journalists.

Self-censorship is common in Kyrgyz media. In the current political situation, amid systematic attacks on journalists, such behavior is motivated by journalists trying to not only keep their jobs, but also trying to stay alive. The panelists had many examples to share, describing how they had succumbed to self-censorship to save their own lives, or the lives of their reporters. The panel explained that many editors feel responsible for the safety of their journalists, and that is why they resort to self-censorship. One independent editor, Turat Akimov, noted, "Only kamikaze or inexperienced journalists work without self-censorship. My correspondent Abdyldaev Syrgak, who emigrated later on, clashed with me because I heavily edited his materials; he became angry and shouted that I 'castrated the text.' But unfortunately, I could not act otherwise to save him."

The panel noted that a lot of pressure rests with the editors, and they should make decisions based on the principle of "do no harm." They should not pursue sensational stories and should not put the source of information at risk. That is why self-censorship in this context could be considered as a rational strategy, in the current context of Kyrgyzstan.

In covering important topics and events, the panel agreed that the problems do not stem from legal restrictions, but rather in enforcement. There are no precedents of journalists fighting for access to socially important information. Journalists understand which topics are essentially off-limits, such as criticizing the reasons behind the energy crisis in Kyrgyzstan and related matters (for instance, fatal cases in surgery operating rooms due to power outages), topics related to property of the first family, international conflicts and inter-ethnic tensions, or analysis of Kyrgyzstan's development or economic crisis[2]. Any information about mass riots and general dissatisfaction is undesirable. (For instance, the population found out about student disturbances in Osh related to rising education fees only several days after the fact.)

In addition, as before, specific "closed areas" depend on the level and status of media. Thus, if a newspaper is pro-governmental, then the prime minister and his activities are not criticized. The same is the case for regional media—regional authorities have immunity there. Coverage of forbidden topics opens journalists and media businesses up to persecution, and therefore they tend to avoid the most important political, economic, and social topics. In this context, the panel noted that in 2009 Freedom House's rating of media freedom in Kyrgyzstan finally was downgraded to "not free."

Salaries in the media sector remain low, and income levels are particularly unattractive for regional journalists. They are higher for the staff of Bishkek television channels. The average salary of a popular journalist working for television channels in the capital is about $300-$500, far higher than print media salaries. State media salaries are received from different sources, mostly in the form of various bonuses obtained from advertisements. Official salaries and royalties are still low, about KGS 2,000 to KGS 3,000 ($45-$67); they have not been revised in about a decade. Royalty funds save the situation and help journalists approach standard costs of living. In the regions, however, there are often no royalty funds, or they are too small to be helpful. Thus, Issyk-Kul oblast newspapers (both in Kyrgyz and in Russian) forged an agreement to equalize royalty fund allocations for journalists.

The economic crisis appeared to peak in June-July 2009 for journalists. Mass reductions of staff occurred in many private media, while advertisement cash flows were reduced significantly. Pyramid TV applied a "summer cost-reduction" plan, providing unpaid vacation for the staff. This year, for example, the whole staff of NTS had two months of forced rest. State media are not authorized to make staff reductions; usually those require governmental regulations or decrees of the president. Therefore, state journalists might work for 0.25 or 0.5 of the normal rate and show up in an editor's office once a week, doing a very small amount of work. Journalists often turn to farming or other income-generating activity to survive.

In addition, journalists, operators, and stage managers of the regional companies employ *shabashka* (unofficial

[2] Even statistics are contrary to global trends, according to official sources; key economic indicators in Kyrgyzstan remained stable, or even showed improvement. For instance, depth, acuteness, and area of poverty are reduced every year.

arrangements or moonlight work) strategies to survive. Sometimes they also resort to blackmail, demanding money to cover, not cover, or cover a certain event in a particular light. According to the panel, paid pieces are considered routine practice; journalists do not consider receiving money for coverage as something unethical or unprofessional.

Low salaries and increased risks have made journalism an unattractive profession. The inflow of young specialists to regional media stopped, and competition in journalism departments is a thing of the past. This is especially visible in the composition of students in journalism departments and in regional newspaper staff compositions. Men work in the media less and less frequently, since they cannot support their families on journalism. The most successful students do not work in the field of journalism at all, lured by higher salaries in advertising and public relations. According to one discussion participant, there are many ex-journalists who are working for gold-mining enterprise "Kumtor" as dump-truck drivers, mining technicians, and other specialists. Most students either avoid journalism from the very beginning or very quickly abandon it. Thus, often the students who end up working in the media are not the best. Many media workers, having obtained primary professional experience in Kyrgyzstan, have great ambitions to go abroad (Kazakhstan, Russia, and even farther) in search of a better life.

Media in Kyrgyzstan are not immune to the global trend of replacing news programs with entertainment programs. One entertainment Kyrgyz-language newspaper, *SuperInfo*, enjoys the biggest circulation in the country (up to 100,000). Practically all editions in Kyrgyz are some mix of social, political, and entertainment media. According to Kutimov, who owns some regional periodicals, circulations of social-political periodicals are at least two to three times less compared with that of entertainment magazines. Entertainment programs dominate the radio market as well; the volume of news or other non-entertainment information is minimal. Kadyrov offered another take, commenting, "The one who presents the information in a more interesting way wins. It is not so important if its news or entertainment. This is how it should be." Television channels, as a rule, are limited to news production and two to three talk shows on social, political, and economic topics. Entertainment programs occupy the rest of the airtime.

Khudayberdiev said that he wanted to remove weekly concerts and dedications (the customary placing of congratulatory advertisements on programs) from his broadcasting programming due to their poor quality. Eventually however, he had to increase the time to 2.5 hours, since the audience of this genre appeared to be significant in number.

Many television companies utilize SMS broadcasting, using a ticker. However, for private television companies, this type of revenue generation is extremely risky, and many television operators, despite the economic benefits, refuse to broadcast these types of messages to avoid being accused of promoting nationalistic extremism or other objectionable content.

At the same time, the volume of news increased on NTRC. Evening news increased up to 45 minutes, and a new evening talk show was created on political problems. However, while the volume of news increased, the quality did not. The same traditional actors—the president, his closest circle, and members of the government—dominate coverage.

Turning their attention to equipment and facilities for the media, the panelists noted their concern about the impending transfer to digital broadcasting. Although the transfer is discussed within official circles, the panel said that the lack of real plans and calculations related to support packages to re-equip the electronic media is one of the most problematic areas in the development of journalism. For private owners of regional media, the matter of re-equipping appears to be a medium-term threat. Based on Khudaiberdiev's calculations, the regional small television studios will require about $600,000 to transfer to digital technologies.

In 2009, a pilot project to implement the transition to digital broadcasting took place in Batken oblast. The government purchased equipment, including 4,000 receivers made in China. However, the first Batken digital channel was not included in the package of digital cable SmartTV; this was rumored to be because the majority of the receivers were non-operable, and no funding was provided to lay fiber optic cable from Batken to Osh. According to unconfirmed information, the state plans to transfer Jalalabad and Osh oblast television channels to digital technology, which indicates there are state plans related to transition to digital broadcasting, though these have not been shared with the public.

More generally speaking, the status of equipment of private electronic media, and in particular of television channels, is far from perfect. Said Kadyrov, "There are well-equipped papers, and there are those who write on their laps. Everything depends on whom media belongs to." As a rule, there is enough funding to buy semi-professional and cheap cameras, computers, etc. Not a single regional company (and national television companies) buys professional software to produce and process their products. Even the most successful in terms of technical equipment, such as NTVRC, encounter permanent shortages of equipment: servers and other equipment are obsolete, and breakdowns are frequent. Regional state television studios are in a terrible state—they are millions in debt for power and utilities, they are unable to

purchase equipment, and they are managed unprofessionally. State-owned national outlets, ElTR and NTVRC, received significant technical support this year.

The problems of periodicals are not always related to the lack of equipment. For many years, Internews provided technical support to media, and especially to radio companies. During the past two years, such support has dried up, since most media outlets have already received such assistance, but the quality of their products has not improved proportionally. Furthermore, the equipment itself is operated with multiple violations. Often, journalists have not been exposed to even the simplest equipment. For instance, a journalist from the regional newspaper *For Coal* had to come to the capital to learn how to operate a grant-provided professional Dictaphone. In many media outlets, there are journalists who cannot use a computer; they continue writing their materials by hand and then pass them to technical staff to type, as in the Soviet days.

Specialized journalism is limited, though there have been some examples, including criminal news, automobile engineering, health care, parliament, and economics. For instance, in the news block of NTVRC, economic news became a permanent feature in 2009. Unfortunately, though, critical economic issues with a political angle, including ownership and redistribution of wealth, are avoided. Glossy magazines appeared last year for women, and periodicals on development, repair, and design have also joined the print media market.

However, in general, there are no schools in the country to train journalists on specialized topics, and media cannot afford to support specialization of correspondents. Furthermore, only limited types of specialized journalism enjoy a response from the audience. It is interesting that the stock exchange tried to create a pool of economic journalists; however, the attempt was not successful. Adel Laisheva, program director of Internews in Bishkek, noted, "Quality journalism requires more financial resources and is not highly demanded in our country. For instance, even if business journalism were developed, there would be few people who would watch or listen to it. In the context of our country, quality (specialized) journalism is unprofitable." Kulinsky commented on the demise of parliamentary niche journalists: "Several years ago, the best journalists aspired to be parliamentary correspondents; it was prestigious. Now, being a parliamentary journalist is considered exile, which reflects, first of all, the decay of the parliament in Kyrgyzstan." Investigative journalism, under the current tightening controls of the dictatorship, could not emerge; even the pilot training programs were doomed to failure in principle.

OBJECTIVE 3: PLURALITY OF NEWS

Kyrgyzstan Objective Score: 1.88

There are a lot of information sources in Bishkek and in Osh, but there is a deficiency of information sources in the regions. The panel commented that in Kyrgyzstan there is only one media outlet, which with great reserve could be called a national one: NTVRC. For the sake of fairness, ElTR and Channel continue to expand, but there is no national coverage yet, unfortunately. All the rest, including the stations from Bishkek, cover local events. Bishkek media differ in that they have access to central authority. In contrast, outside the capital, oblast newspapers survive on the information available in the oblast center and surrounding areas. But there is very little information in these newspapers on what is going on beyond an oblast's center, not to mention news from other oblasts.

Practically each region of the country exists in its own information bubble, although southern regions are influenced by parts of Uzbekistan and Kazakhstan, and Russian influences are felt throughout the country. Kyrgyzstan is the only CIS state where broadcasting of the First Channel RF (ORT) and RTR is provided practically without limitations and with governmental support.

The trend of citizens looking for alternatives to national media on their own increased in 2009; at a certain point, the population of the country started addressing the problem of finding information on its own. In remote regions, people are increasingly turning to satellite television.[3] This is especially noticeable in such towns as Kara-Balta, Karakol, and Talas and in remote villages of all oblasts of the country.

In the regions, television and radio broadcasting are poorly developed, while the newspapers arrive late and are too expensive for rural readers. In Karakol (the center of Issyk-Kul oblast), for example, *Arguments and Facts in Kyrgyzstan* costs KGS 45 (about $1), while in Bishkek the same newspaper costs almost two times less. During 2009, prices for print editions also increased in the capital: thus, the retail price of private opposition periodicals is KGS 12 ($0.03), which is comparable with the cost of a loaf of bread of not the best quality. State media are a bit cheaper; national periodicals cost about KGS 10 ($0.20), while regional periodicals are a little cheaper.

[3] The cost is limited to a one-time fee for a dish; usually, there are no additional payments for channel packages. The free package usually includes about 40 channels, including such Russian channels as NTV, DTV, TV-3, some Turkmen channels, fashion and luxury channels, and some others.

As for media content, it is unlikely that media in Kyrgyzstan present the entire diversity of events and the whole range of opinions in the society. The overwhelming majority of media tend to present the official perspective, and it became meaningless to refer to different sources. Different newspapers published by opposition politicians or forces affiliated with opposition are the only alternative, but pressures on opposition media outlets and the strategy of "neutralizing" certain opposition politicians has sharply reduced the ranks of opposition media. The opposition periodicals *Reporter*, *Faces*, *Forum*, and *White Sail* have faded into history. As noted by Kubat Otobaev,[4] "When lies and disinformation prevail in the society, it is very hard to be a source of alternative information. Under these conditions, work that was based on a range of different opinions often is perceived as the voice of opposition."

In January 2009, the secretariat of the president was established. Formally, this structure was supposed to replace the presidential press service, but in reality it became a center to govern the country's entire media sphere and tighten its grip; now a majority of news agencies and other media channels increasingly present official information approved by the secretariat. Oxana Malevannaya, formerly general producer of Channel 5, was appointed to lead the secretariat. Once appointed, Malevannaya quickly transferred key journalists from Channel 5 to the management of NTVRC, and now she leads both channels. The former competitors now are like twins in terms of their broadcasting pattern.

At the same time, a new online media have emerged to help fill the information gaps: the blog Kyrgyz.today is being developed, and Kyrgyzstan's first video website was launched, joining the regional radio website Most, the blog Next, and infosites Talasnews.kg and Issykkulpress.kg.

Social networks (for instance, Twitter, YouTube, and Facebook) are not fully understood yet and do not serve as a source of news, with rare exceptions. Still, social networking tools were used to disseminate video materials smearing opposition politician A. Tekebaev on YouTube and by Bluetooth[5] distribution via mobile phones. In addition, new technologies played an important role in a national scandal that erupted when footage was posted on the Internet after a teacher beat a student. The material was placed on YouTube and disseminated on the net via mobile phone. Kyrgyz society became actively engaged in discussing the problem, while some school principals then maneuvered to prohibit the use of cellular phones by students while at school.

News agencies that post their tapes on the Internet undoubtedly are sources of information for the residents of large cities. Many users start their mornings looking through news of news agencies of Kyrgyzstan and other countries. However, according to Internet providers, the number of Internet users remained the same during last year. Based on various estimations, about 10 percent of the total population uses the Internet.

Internet access is fairly affordable and available practically everywhere in the country. Even in the most remote locations, there are commercial enterprises that provide Internet service. In addition, civil-society organizations provide many Internet access opportunities in the regions. However, the limited number of Internet communication providers working in the regions leads to lower connection quality and relatively high prices. The situation is improving now, after Aknet began offering satellite Internet service in 2009.

There was no monitoring or surveys to help determine the exact reach of Internet use in the country. However, it is understood that private Internet access is still not affordable for all citizens. For example, Aknet installation costs about $80 for private users, with monthly fees of about $50.

In general, citizens have unrestricted access to domestic and foreign media. The main factors limiting Internet access and access to foreign media include cost, lack of foreign-language knowledge, and a lack of interest in news (or a preference

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.

[4] These remarks were made in a roundtable presentation titled "Coverage of political conflicts in the Kyrgyz Republic: How to maintain balance of views?"

[5] It is not known who publicized this information; however, according to the panel, such video could only be in possession of the authorities, and in particular the National Security Council. Material discrediting presidential contender Atambaev was broadly disseminated on the Internet.

for entertainment channels). Panelists additionally noted the accessibility of contraband television signals via cheap Chinese satellite dishes.

However, the panel noted that it is difficult to find local news in many regions. According to Kutimov, "only a handful of local media present local news." He also noted, "In the regions, people use the Internet very little." Cable television is rapidly developing in the capital and in Osh city. AlaTV has more than 50,000 customers in Bishkek. Other cable networks include Sekatel, Dolon, and SmartTV.

Last year was a presidential election year, and elections are always a litmus test for the media. The 2009 elections left no doubt in the panelists' minds that there are no politically unbiased media serving public interests in Kyrgyzstan. First of all, a list of specialists, politicians, and public figures to be invited on the air was strictly controlled. Coverage of parliamentary activity of the opposition Social Democratic Party of Kyrgyzstan (SDPK) party was also demonstrative. While some MPs from this minority party got onto the list of forbidden persons for the air, coverage of SDPK party activity was only critical, and some SDPK representatives were openly defamed.

According to the panel, though, not only state-owned media continue to demonstrate open bias and partiality. Conflicts among opposition forces and the split of *Achyk Sayat* into two editorial offices openly fighting with each other demonstrated the interests that determine the content of the two new editions, *El Sozu* and *Nazar*.

Both local and foreign news agencies continue to operate in the country. Local news agencies include Kabar, the state news agency, as well as a handful of private agencies: Akipress, 24 kg, Z-press, and Tazar. Another, Zamandash, is more inclined to analytics, filled with analytical materials translated from English analytical materials that focus on issues relevant to Central Asia. The panelists noted a decline in Akipress's quality recently; it is obvious to them that this agency encountered increasing roadblocks to covering key problems. Uncharacteristically, it covered the events in Petrovka village and in Balykchy in accordance with the official account.

Over the past year, 24.kg enjoyed priority access to information, along with other perks of interacting with the government, thanks to the friendly relationship between its chief and the chief of the secretariat of the president. However, all agencies sometimes work unprofessionally, making errors and failing to conduct thorough fact-checking. Practically all national and regional media rely heavily on information from two key news agencies—Akipress and 24.kg—and copyright issues are not generally raised.

Few media outlets subscribe officially to any foreign agencies, except for Channel 5 and NTVRC, which have agreements with Reuters, and ElTR, which has an agreement with Euronews. The reason that foreign agencies are not more popular stems from unaffordable subscription prices, but some other factors come into play as well. On one hand, not all topics covered by western agencies are considered relevant. On the other hand, the Internet provides enough free news to adequately satisfy the demand. Third, there are outlets that manage to use unlicensed material without any sanctions.

Most television channels produce their own news, excluding some regional channels (such as the southern television companies DTV and DDD). The few radio outlets that do present news tend to borrow news digests from local agencies.

Media ownership is completely nontransparent. Consumers may only guess ownership based on who is denounced or glorified.

The panel addressed rumors of a confrontation between two large entities. The first one belongs to the son of President Maxim Bakiev and includes all key private media and influences a majority of state media. But during the past year, the president's younger brother, Janysh Bakiev, appeared on the media scene; he already owns a group of print publications in the Kyrgyz language, such as *AyatPress* and Tribune.kg. In 2009, he also purchased a print distribution network, Kyrgyzbasmasoz.[6]

Print periodicals are published in national minority languages, with state support, under the umbrella of ethnic cultural centers. National television programs in ethnic minority languages practically ceased to exist, even in limited format. It only presented Ukrainian, Uzbek, and Uigur programs once a year, up until spring 2009. Such deinstitutionalization naturally reflects changes in the national policy of the state. The rhetorical slogan of Akaev's era, "Kyrgyzstan is our common home" under the pressure of elites, has been completely forgotten, and international relations now are regulated not by rhetorical strategies and by construction of symbolic myths, but by repression.

Private media are regulated only in terms of restricted opportunities to cover the problem of international relations. Certain nationalistic attacks and declarations are permitted in Russian-language media. For instance, nobody restricted nationalistic hysteria in the newspaper *Delo#* toward the Kurd population while covering international strife in Petrovka village. The panel charged that nobody

[6] It is interesting that upon removal of kiosks from central streets and squares based on regulation of city administration of Bishkek, only Basmasoz kiosks were left in their usual places.

responds to systematic nationalistic provocations toward the Uzbek population in some private periodicals, such as the newspapers *Uchur* and *El Sozu*.

There is only one Uzbek-language newspaper among state-owned media, *Ush Sadosi,* which is dependent on the government. There are some Uzbek-language private media, including the television stations Mezon, Osh TV, DDD, DDV, and some print periodicals. Nevertheless, one panelist noted the disappearance of Uzbek media programming from state television channels as a reflection of the trend of growing nationalism in state policies.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kyrgyzstan Objective Score: 1.87

The question on whether media in Kyrgyzstan can be considered highly effective businesses provoked lively discussion among the panelists. Some panelists believe that media could be profitable, even in the economic crisis. Some print periodicals that increased their circulations could serve as example, such as *Delo#* and *SuperInfo*. The following electronic media reported year-end profits: NTS and Europe Plus. *SuperInfo*'s owner used his profits to found a television channel, Super TV, in the cable network AlaTV, while *Vest* profits enabled a new entertainment edition, Vest+, to launch, despite the reduced Russian-speaking population. Other panelists view media as low-profit and highly risky businesses in the current political and economic climate of Kyrgyzstan. The cost of producing media products sometimes is hardly covered by the revenue, and even stable incomes do not reduce the heavy political costs.

In terms of related businesses, they continue to be generally unprofitable. Even the independent printing house, which last year's MSI reported had been moderately successful, also suffered—not only because of the economic crisis and the closing of some periodicals that were published in this print house, but also because its management changed. During 2009, despite the printing of election campaign materials, the clientele base did not grow. As a result, the printing house management had to raise the tariffs for its services by 12 percent on average.

Kyrgyzpochtasy,[7] the Kyrgyz postal service, used to be a hindrance to the print media, due to the fact that it owed great debts to periodicals (KGS 11 million [$245,420] as of April 2009). In comparison, in April 2008, the debt amounted to KGS 17 million ($379,300). In 2009, the Association of Publishers and Distributors of Periodicals intervened and established a consultative group that was to mediate between the publishers and Kyrgyzpochtasy. Several meetings were held during the summer, chaired by the deputy minister of transport and communications. As a result of such lobbying, with the participation of business associations, Kyrgyzpochtasy started paying its debt.

Advertisements continue to provide the main source of income for media. Traditionally, regional media receive a smaller portion of advertising. In 2009, losses from reduced advertisement flow in regional media actually reached 50 percent compared with 2008. For media outlets in the capital, this dropped slowed with the entry of Beeline telecommunications company to the market, with its rather intensive advertisement campaign. Beeline's advertising strategy forced its competitor, Megacom, to increase its advertising budget. However, only a small share of this advertising revenue was redistributed among the regional media.

Subscriptions do not factor into the budgets of private print periodicals but often form a significant share for state-owned newspapers. Sponsorship is not popular in the country, and grant opportunities diminish every year. Still, regional television and radio companies depend completely on grants to buy equipment.

The opposition press is almost excluded from the opportunity to generate income from advertisements. Even if an advertiser is ready to place ads in such outlets, the authorities might exert their pressure to prohibit support of disloyal media. For state media, governmental subsidies are a

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.

[7] In Kyrgyzstan, the state enterprise "Kyrgyzpochtasy" is the main partner of print periodicals for distribution and delivery; it has a wide network of post offices (more than 900) countrywide and occupies a monopoly position. More than 150 print periodicals are distributed in Kyrgyzstan with the help of this network.

prominent element in their funding, although public funding is allocated unequally among different media. The volume of financial support to the regional media is especially small.

The advertising market, according to the panel, is not yet fully formed. On one hand, there are some large advertisement agencies, such as Rubicon, Deka, and Lenta. Each agency operates under, and serves, a particular media outlet. There is no monopoly of one national advertisement agency; the spheres of influence are divided among different agencies. However, the panel did note the growing role of Lenta. Lenta diverted a huge flow of advertising money away from NTVRC by placing local advertisements on the retransmitted Russian channel RTR.

Advertising revenue depends on various factors, including the geographic status of a media outlet, whether it is state-owned or opposition-owned, and whether it is television, radio, or print. Since the market is limited, even large advertisers, such as mobile operators, are not interested in local media. The lack of reliable monitoring hinders the development of an advertisement market in the regions. Nevertheless, some advertisement agencies are rather successful in the regions. The owner of Mezon TV, Mirzakhodjaev Javlon, successfully works with advertisers in the southern region.

According to the regulatory framework, the scope of advertisement in media should be limited. It should not be more than 30 percent of all material in social and political periodicals. For several years, *EB* (*Evening Bishkek*) received official permission from the antimonopoly committee for advertisements. In 2009, its official permit was not extended, but the newspaper did not reduce the percentage of advertising, which continues to occupy a large portion of its space. It appears that violations for some entities are not punished in any way, whereas for other media such behavior would be a problem.

It is interesting to note that the election, for the first time, did not bring advertisement revenue to the regional media. Only a small group of media in the capital benefited. The campaign was arranged in a new way, with different terms of advertisement costs for presidential contenders. Most presidential contenders relied on print periodicals for advocacy: *Our President* for Kurmanbek Bakiev, and *Forum* and *Uchur* for the opposition candidate Almazbek Atambaev, and others.

Independent media do not receive state subsidies. There is a system of preferences for some nongovernmental media that are affiliated with the authorities in the form of forced subscriptions, in particular. For instance, the state has indirectly subsidized the party newspaper *Ak Jol*, for which support is arranged in the regions. For instance, in Chui oblast, according to the information of our experts, each *rayon* had to subscribe at least five thousand readers.

Marketing research is poorly developed. Separate agencies conduct media research from time to time, but the quality is considered poor. One of the panelists, Kubanychbek Taabaldiev, the director of Zamandash Press news agency, described his experience when Zamandash hired a company to optimize sales and demand. The company conducted research for a significant sum (about KGS 200,000, or $4,500), but the results appeared to be just a series of recommendations at a common-sense level. The marketing strategy fell far short of expectations.

Some media practice their own research, aimed at soliciting audience feedback to improve their products. *Vest* carries out such independent research. Many media, and especially TVRC, refer to researchers only to obtain high ratings to use to attract advertisers. There is not a single marketing agency in the country that works systematically in the media sphere. The only research group, MED Group, monitors ratings of media and of individual programs. It is impossible to determine the independence of this research, and it is not affordable for all media.

There are obstacles to studying the real picture regarding print circulation; no reliable figures are available. Leaders of the independent print house and the Support Center for Mass Media have tried many times to initiate "revisions" of circulations of various newspapers and magazines printed in other print houses, but their efforts have been ignored by other printing house managers.

Some regions have their own researchers, who carry out rating surveys once a year. The cost of this research is low, but the results cannot be considered reliable due to the lack of transparency in the methodology developed. The situation is a little better regarding Internet media, though. A majority of websites collects their own visitor data and carry out surveys on expectations and values.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kyrgyzstan Objective Score: 2.07

Kyrgyzstan has a couple of trade associations, including the Association of Publishers and Distributors of Periodicals (APDP), which includes 20 members so far, and the Association of Radio and Television Broadcasters (ART). In 2009, APDP's first year of full-fledged work, the association proved influential in the print media sphere. APDP conducted ratings contests among print media and

actively lobbied for its members during negotiations with Kyrgyzpochtasy. APDP also works on the development of media legislation in the interests of its members. APDP intensively and consistently worked on elaboration of draft amendments to be introduced into the law on media. The association, together with the Mass Media Support Center, also contributed significantly to training workshops for print media staff. These workshops on marketing and management, publication design, and advertising issues were well received by the media community. ART also works as a membership association; it has continued its focus on attracting advertising for regional media and ensuring ads are distributed proportionately.

Although trade unions for journalists exist on paper, they have been inactive for many years, and the media community has held ongoing discussions on the need to restore them. The panel noted that there is a strong need for a trade union, citing extreme labor code violations in recent years that journalists and other media workers have no protection from.

In 2009, the leaders of some media organizations revived discussions on trade unions, with no success. A survey conducted by the Committee for Consideration of Complaints for Mass Media has shown that the level of confidence of media organizations is low and that many journalists balk at paying monthly membership fees of about KGS 100 ($2.25). On the other hand, practically all journalists would like to receive support when their labor rights are violated. At the moment, certain trade union functions are performed by Journalists, an NGO working in close cooperation with Finnish journalist trade unions.

There are many NGOs in the media sphere that work to expand democratic freedoms and support the rights of journalists and citizens. The most active NGOs include Journalists, Media Representative Institute, Committee for Consideration of Complaints for Mass Media, and Internews Network. In addition, some human-rights organizations, such as Citizens Against Corruption, help protect the rights of journalists.

A crisis has developed regarding the activity of media organizations and media donors. Last year, the MSI panel reported a very collaborative relationship between the media and NGOs and noted that NGOs were quick to react to violations against journalists. This year, the panel reported that support has dissolved. Despite the significant volume of work performed, and the broad range of services provided, the panel felt that NGOs have not been supportive of freedom of speech. Akimov noted, "When Syrgak was attacked, only three organizations, out of more than 7,000, called and expressed their readiness to help. Many of these NGOs applied to us during better times, asking us to help cover their activities and recognizing our influence. But it turned out that they are not concerned with the problems of media and journalists; they do not value freedom of speech." Kulinsky said that fatigue prevails in many organizations. Media and the NGOs work in silos, focused on their own survival. Professional solidarity is lost, but strongly needed.

In 2009, right after replacement of the science and education minister, work began to introduce amendments into the journalism curriculum in higher-education institutions. However, these undertakings ended quickly in a view of a new reorganization of the government. Media NGOs started working to improve quality of training for professional journalists by arranging training for lecturers. There is a particular weakness in the training of production personnel. Most lecturers do not have any practical journalism experience and are unable to teach new technologies. So far, there has been a gap between theory and practice. However, one notable development to address this gap in 2009 was the opening of an updated journalism laboratory in the BHU journalism department.

According to the experts, among higher-education institutions that train journalists, the Turkish university, Manas, excels. Its mass communications students have the opportunity to practice in Turkish media and receive hands-on practical training in television and radio.

Some large media outlets independently arrange media schools of various types and approaches. Some aim to train staff for their own outlets, while others use their brand to profit from the training process.

There are fewer and fewer short-term training opportunities for journalists and other media staff each year. Only Internews has been working in this capacity

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.

for some time now, conducting trainings for students and practicing journalists. Internews also helps to arrange practical residential trainings for local media.[8] Clearly, one organization cannot provide enough training for the whole country. Furthermore, while training opportunities for journalists are sharply reduced, there are even fewer opportunities for technicians: operators, stage managers of television channels, press photographers, etc. Internews media training programs will continue only until the end of 2010. Khudaiberdiev commented, "As a media owner, I can firmly state that training programs for production personnel, which are arranged by Internews, perform a most important job for us. After such workshops, my staff members display a completely different, modern understanding of the business. If those programs would be closed, small regional television and radio companies would be put at risk. We cannot tolerate this."

The experience of Internews Network, according to Laisheva, demonstrates that the most effective short-term training courses are those that allow training of more than one person on a team, include editors, and adopt a practical focus. As regional participants noted, it is especially difficult for young staff members to get to Internews workshops, where the stars of Russian journalism conduct master classes and competition for training slots is tough.

Also missing in editorial offices is a mentoring system, which is a permanent challenge for both media and for the entities that provide training. Due to high employee turnover, training programs have to perform the same trainings again and again. Still, there are many short-term thematic workshops and trainings. Regional journalists need all kinds of training most urgently, because there are very few young people in the regional media, and once they obtain minimal experience and knowledge, they tend to leave. Media organizations have long tried to find a solution to this problem. There were talks about establishing an academy of journalism, but this proved impossible without private investment. Some media try to provide their own training to journalists, operators, and marketing staff, as in Kutimov's group, Europe. APDP and the Mass Media Support Center arranged a summer school of media management, where the training is provided on a paid basis.

A rather broad range of printing houses serve Kyrgyzstan. There are a lot of small print houses, but most newspapers and magazines are printed in two major print shops—the state-owned Uchkun and the independent printing house of the Mass Media Support Center. The establishment of the independent print house, breaking up the monopoly held by Uchkun, was a key factor in facilitating the freedom of print periodicals. Although it is not free from pressure, so far the print house has managed to uphold the right to conduct impartial business and provide service to different groups of media. The printing house also became a model of media management and helped develop the capacity of many media outlets in Kyrgyzstan by providing training and high-quality service.

In the sphere of electronic media, 95 percent of resources, such as relay, transmitters, and communication lines belong to JSC Kyrgyztelecom; signal transmission is still monopolized. JSC Kyrgyztelecom is not transparent; there is a governmental share in this company's stock, but the shares and identities of other owners are unknown. As the panelists noted, this monopoly puts pressure on the media, because the technical dependence of the electronic media could mean a lack of guarantees for signal transmission at any given moment.

Print publications were distributed through kiosks until recently, when Basmasoz was purchased by the president's brother, Janysh Bakiev. In 2009, the situation worsened, because all kiosks, except those belonging to Basmasoz, were relocated or partially liquidated. However, there is still no monopoly for the importation of foreign periodicals and periodicals distribution.

The Internet is developing intensively. Aknet became a leader in 2009 in terms of sales, according to the panel, because it provides high-speed satellite Internet. This has enabled access to live video magazines, which were previously blocked by traditional providers that received their signal through Russia and Kazakhstan.

[8] One-time trainings are provided by other projects of international organizations; in 2009, Deutsche Welle conducted workshops for radio staff, and for managers of electronic mass media.

List of Panel Participants

Adel Laisheva, program director, Internews, Bishkek

Alexander Kulinsky, chairman, Committee for Consideration of Complaints on Mass Media, Bishkek

Gulbara Imankulova, director, Mass Media Resource Center, Talas

Ivan Kutimov, founder of *Vest* and *New Farmer*, Kara-Balta

Kaliljan Khudaiberdyev, president, OshTV, Osh city

Kubanychbek Taabaldiev, director, Zamandash Press news agency, Bishkek

Natalia Lyubeznova, correspondent of Interfax news agency; journalism trainer, Bishkek

Turat Akimov, independent journalist, Bishkek

Elmira Toktogulova, owner, Tazar news website, Bishkek

Emil Kadyrov, executive director, Association of Publishers and Distributors of the Periodical Press, Bishkek

The following participants filled out questionnaires, but did not attend the panel discussion.

Ilim Karypbekov, public relations specialist, secretariat of the Kyrgyz president, Bishkek

Roman Milovatsky, director, Association of Radio and Television Companies of Kyrgyzstan, Bishkek

Moderator and Author

Gulnara Ibraeva, chair, Social Technologies Agency, Bishkek

The Kyrgyzstan study was coordinated by, and conducted in partnership with, Social Technologies Agency, Bishkek. The panel discussion was convened on December 19, 2009.

Although the overall economy and governmental control continued to oppress Tajik media, the sector saw several encouraging developments in 2009. The panelists perceived a slight drop in self-censorship, and the Community Council for Mass Media was established in late November 2009, with support from OSCE and the National Association of Independent Mass Media of Tajikistan (NANSMIT).

TAJIKISTAN

OVERALL SCORE: **1.45**

Notable political developments in Tajikistan in the past year included a summit of the presidents of Afghanistan, Pakistan, Russia, and Tajikistan in Dushanbe in late July. The leaders met to discuss energy cooperation and joint actions against terrorism, extremism, and drug trafficking. Another significant event was the launch of the Sangtuda-1 hydroelectric power plant, built by Russian company InterRAO UES (OJSC). However, Uzbekistan's withdrawal from the United Central Asian Energy System strained relations between the neighboring countries, as parts of Tajikistan are almost entirely dependent on Uzbek electricity in the autumn/winter period.

International terrorist organizations have increased their activities in Tajikistan. Groups include the Islamic Movement of Turkestan (formerly the Islamic Movement of Uzbekistan), Al Qaeda, and Salafia, the Wahhabi fundamentalist Islamic religious movement. In 2009, the Tajikistan Supreme Court officially banned the activities of Salafia, whose ranks include more than 20,000 members, according to intelligence services. Also in 2009, the government adopted a new law on religion and placed Islamic religious education under the control of the Ministry of Education.

In 2008, Tajik authorities focused on opposition, civil society, and the mass media in anticipation of the February 2010 parliamentary elections. Specific setbacks for the media included increasing licensing problems and an official decree threatening to further limit information access. The decree paves the way for officials to charge journalists for information—up to $8 per page or interview. Although officials have not moved to enforce the measure so far, the announcement elicited a strong reaction from the media community.

Although the overall economy and governmental control continued to oppress Tajik media, the sector saw several encouraging developments in 2009. The panelists perceived a slight drop in self-censorship, and the Community Council for Mass Media was established in late November 2009, with support from OSCE and the National Association of Independent Mass Media of Tajikistan (NANSMIT). Composed of independent and state media representatives, the council aims to improve the quality of journalism and media ethics. However, many journalists doubt its efficiency and legal capacity, and not all associations and media outlets supported the initiative.

In other developments this year, a new news agency, TOJNEWS, was established and is fully functional with its own website. The Tajikistan MSI panelists noted that some bloggers are starting to address issues typically avoided elsewhere. The government has completed drafting legal documents paving the way for a Farsi-speaking channel aimed at audiences in Afghanistan, Iran, and Tajikistan. In general, though, the panelists said that the Tajik public is largely apathetic about the media, and the public does not exhibit much interest in serious publications. Freedom of speech and its advancement in society is seldom mentioned, making the work of journalists much more challenging.

TAJIKISTAN AT A GLANCE

GENERAL

> **Population:** 7,349,145 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Dushanbe

> **Ethnic groups (% of population):** Tajik 79.9%, Uzbek 15.3%, Russian 1.1%, Kyrgyz 1.1%, other 2.6% (2000 census)

> **Religion (% of population):** Sunni Muslim 85%, Shia Muslim 5%, other 10% (2003 est., *CIA World Factbook*)

> **Languages:** Tajik (official), Russian widely used in government and business (*CIA World Factbook*)

> **GNI (2008-Atlas):** $4.074 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $1,860 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.5% (male: 99.7%, female: 99.2%) (2000 census)

> **President or top authority:** President Emomali Rahmon (since November 6, 1994)

MEDIA-SPECIFIC

> **Number of print outlets, radio stations, television stations:** 210 print media outlets, 22 television stations, and 10 radio stations

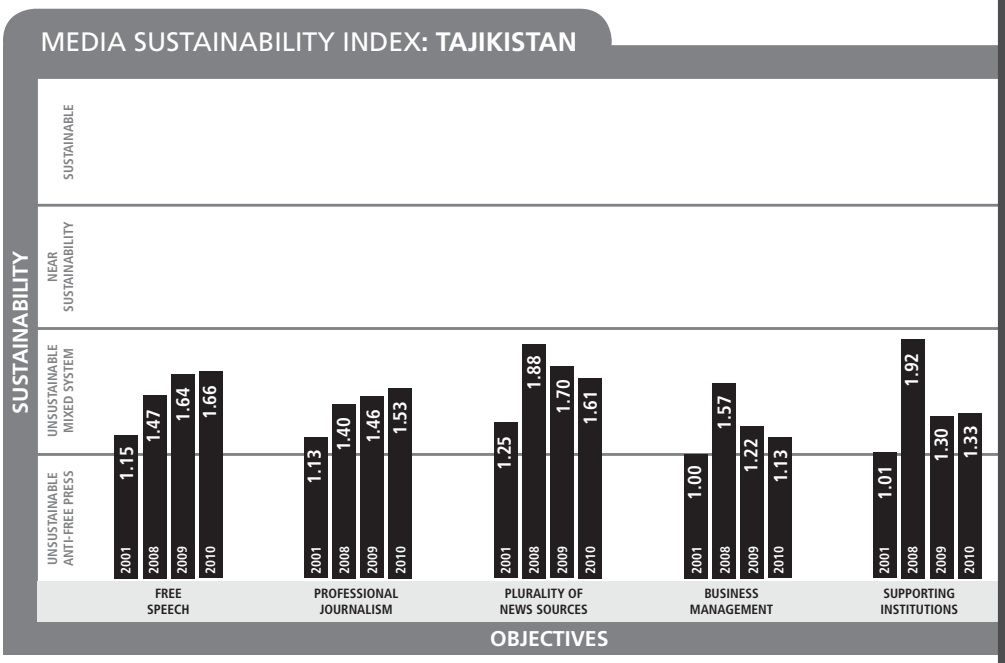
> **Newspaper circulation statistics (total circulation and largest paper):** *Oila*, *Faraj*, *Asia Plus*, and *Charkhi Gardun*

> **Broadcast ratings:** N/A

> **Annual advertising revenue in the media sector:** N/A

> **News agencies:** Asia-Plus, Avesta, Varorud, Interpress-service, Tojnews, Zerafshan-times (all private), and Khovar (state-run)

> **Internet usage:** 600,000 (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Tajikistan Objective Score: 1.66

This year's score for Objective 1 did not change significantly from last year's score. Most of the indicator scores stayed close to the overall objective score, except for indicator 2 (broadcast licensing), which was far lower than the average; indicator 8 (media access to foreign news sources), which scored nearly a point above the objective score; and indicator 9 (free entry into the journalism profession), which scored nearly a half a point higher than the objective score.

The Tajikistan information sector is subject to a number of laws and regulations, including the Tajik constitution, the Law on Press and Other Mass Media, the Law on Television and Radio Broadcasting, the Law on Information, and regulations on broadcast licensing, as well as numerous articles in the civil and criminal codes.

According to an analysis conducted by the Institute of Information Law Problems in Moscow regarding media laws in the former Soviet republics, Tajikistan has an average level of press freedom. Its score is 5 out of 13, which places it ahead of Kyrgyzstan, Uzbekistan, and Turkmenistan. As noted in last year's MSI, the constitution proclaims freedom of the press and bans censorship, and there are special laws on mass media and television as well as guarantees on citizen access to information. Laws and regulations allow non-governmental media to determine which languages they use. Although the criminal code prohibits impeding a journalist's legal and professional activities, and bars officials from refusing to provide citizens with access to information, no one has actually been charged under these articles in the history of independent Tajikistan. Still, Tajik law has the framework in place to defend journalists' rights.

Theoretically, these laws should provide Tajik mass media with a favorable environment; however, the government implements the laws selectively. According to Turko Dikaev, the NANSMIT Coordinator in Kulyab Region of Khatlon Province and an *Asia-Plus* reporter, "Authorities refuse to admit that they cannot enforce their own legislation. The authorities only pretend that they want to enforce the laws, but enforcement is hindered by the corruption and the dependence of judicial and prosecutorial authorities of the country's leadership." Negmatullo Mirsaidov, editor-in-chief of *Varorud*, agreed, and noted, "The media is passive and does not demand law enforcement." Rano Bobojanova, head of the Center for Gender Research, added that court decisions are issued under pressure, and journalists who challenge the system are burdened by financial problems and audits.

Since 2007, NGOs and media associations have demanded repeatedly that the four criminal code articles on slander and defamation be abolished, but the panelists agreed that authorities are not likely to consider demands that would relax their control over the media.

Despite the fact that Tajikistan's population clearly prefers television, new television stations face complicated licensing procedures, stall tactics, and a lack of transparency in their attempts to secure licenses. The panelists agreed that broadcast licenses are not distributed in accordance with the law. Eight non-governmental electronic media outlets are still awaiting broadcast licenses. Since 2004 (in 2007-2008), broadcast licenses have been granted to the pro-state television station Simoi Mustaqili Tojikiston, the Imruz radio station (which is private, but has familial ties to the president), and the state-run Bahoriston and Jahonnamo television stations. A national public radio station, Farkhang ("Culture"), also received its license and began broadcasting in early 2009.

Noting that all the licensing committee members are government officials—not a single journalist is among them—the panelists emphasized that a public committee or an independent organization should issue licenses. According to regulations, the work of the committee should be transparent, and mass media is expected to publish reports on its activities; however, this is not the case. "The work of the licensing committee is not transparent; furthermore, it ignores applications, though it is required to respond within a month," said Vera Kulakova, director of Vatan, an independent radio station. "Thirteen applications from radio and television stations await the committee's decision, but licensing depends on the political situation, and clear preference is given to entertainment channels."

Saidumron Saidov, head of the Sughd Regional Association of Professional Journalists, mentioned that two television stations in the Sughd region have been waiting for licenses for four years already. "The licensing committee is incompetent and fears competition from independent outlets, and as long as it is comprised of Television-Radio Committee officials, they will never issue a license to their competitors," he said. And according to Kulakova, although no one can purchase a radio or television transmitter without a license, only those who already have a transmitter can apply for a license.

Dikaev described Internews's blocked attempts to start an independent radio station in Kulyab. "The Mayor of Kulyab agreed, but requested that they receive permission from the head of the Khatlon Province administration, who ignored their request," he said. Jamoliddin Saifiddinov, a reporter for

According to Turko Dikaev, the NANSMIT Coordinator in Kulyab Region of Khatlon Province and an Asia-Plus *reporter, "Authorities refuse to admit that they cannot enforce their own legislation. The authorities only pretend that they want to enforce the laws, but enforcement is hindered by the corruption and the dependence of judicial and prosecutorial authorities of the country's leadership."*

the Avesta Information Agency, described a similar case in Kurgan-Tube.

The licensing committee has renewals at its disposal to use as another pressure tactic. According to the law, each broadcaster must renew its license every five years, though actual licenses are issued for various terms—sometimes for as little as a year. Samonien, a private company from Dushanbe, has been unable to resume broadcasting since 2005, even though various courts have overruled the licensing committee's decision to deny the license renewal. Finally, at the end of March 2009, the Supreme Economic Court ruled on the case—but in favor of the committee.

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 terms of market entry, the situation has not improved over last year. Although media outlets can enter the market with relative ease (a newspaper can be founded by any citizen, even with no journalistic background), surviving in the market and simply making a profit remains extremely difficult. Nurali Davlatov, deputy editor-in-chief of *Faraj*, said that the media market is saturated, all the niches are filled, and the competition is severe. Furthermore, the media is subject to more government scrutiny than any other kind of business. The authorities do not view the media sector as a commodity producer, and tax officials interpret the criminal code and tax code articles at will to pressure the media sector. Kulakova added that taxation of print and electronic media is different. The system for print media is simpler—they do not pay VAT, whereas electronic media pay all kinds of taxes.

Journalists are targeted frequently with lawsuits. In 2009, two journalists were charged in criminal courts. In one case, the court of the Rushan region of the Gorno-Badakhshan Autonomous Province (GBAP) charged journalist Ozodbek Hosabekov with defamation for publishing an open letter in *Asia-Plus* titled "Where has the money gone?" The letter was addressed Deputy Prime Minister Asadullo Gulyamov and criticized local construction activities. Hosabekov was convicted and sentenced to 200 hours of compulsory community service.

The second case was against Pulat Umarov, the former editor-in-chief of the weekly *Tong*, published in Khujand in Sughd Province. He was charged with misappropriation of a grant received from an editorial board and was punished with a two-year suspended sentence. The panelists said that *Tong* might have been guilty of accounting irregularities, but it was singled out for extra scrutiny because it often prints articles critical of tax management.

Last year saw cases of journalist harassment and physical attacks. In January 2009, Abdulmumin Sherkhonov, a reporter for the independent *Pajvok*, was roughed up in the streets of Kulyab, Khatlon Province. The attackers, never identified, disappeared from the scene of the crime. Sherkhonov said that one of the attackers showed him a police ID card. The police later questioned three suspects, but none were law enforcement officers.

When an outlet publishes articles critical of the government, the authorities usually conduct a review to validate the facts and issue a response to the editorial board. Even in cases not ultimately brought to court, journalists face significant intimidation, and many panelists recounted tales of threats or pressure. Khurshed Niyozov, the head of the Center for Journalistic Investigations, reported a case involving a newspaper editorial that criticized the establishment of a joint communication center under the communication

ministry that was intended to control all of the Internet and mobile traffic. The deputy prime minister behind the plan demanded that the paper reveal the name of the author and threatened the paper with a lawsuit. Niyozov also recalled problems after a print publication ran articles criticizing Tajik Aluminum Company (TALCO).

Tajikistan showed some positive signs regarding freedom of speech, which may account for the slight increase in this indicator's score over last year. Nazarali Pirnazarov, the editor of *Events*, said that he believes that mass media have become stronger and they are not as easy to scare. Despite the fact that official clerks demand the names of authors, journalists are aware of their rights and are reluctant to reveal names, he said.

NANSMIT's media monitoring publication has described incidents of infringement of journalists' rights. The latest issue, from September 2009, recorded cases of authorities unjustifiably restricting or totally refusing to provide access to socially important information; law enforcement officers summoning journalists without justification; authorities performing unsanctioned searches and seizures that resulted in violations of the right to personal immunity; and journalists being publicly defamed for their professional activities. Panelists noted that journalists do not feel protected by the existing laws, and none of the frequent violations—rights infringement, persecution, lawsuits—evoke any social response, let alone public outrage.

Even colleagues within the media sector are not always supportive of one another. Khalikjanova said that he believes that media members have become more self-serving recently than ever before. Davlatov agreed, and illustrated with an example of a public rift between two Tajik-language newspapers, *Ozodagon* and *Nigokh*, that erupted into mud-slinging played out in the pages of their papers for several issues in a row.

Tajik bloggers still feel relatively safe, though they are few in number. According to Davlatov, the government has almost no idea of what bloggers are—at least for the time being. "We still need two or three years until their numbers increase considerably," he said.

Mirsaidov said that the state-run media benefit from a system of preferences, including permanent financial backing and compulsory subscriptions. State media representatives are always invited to press conferences and granted contact with newsmakers, because they belong to the president's press pool. The government rarely invites other reporters, mainly those linked to the opposition, even to fill seats, because they often ask "embarrassing questions." Pirnazarov noted that information is still traditionally "passed down," and independent reporters are not invited to parliament sessions, government meetings, or presidential receptions. All panelists noted the privileged status of foreign journalists accredited in Tajikistan. "Journalists who represent foreign, and especially Russian, media find it much easier to receive information from the officials than those who work for local, especially Tajik-language, media," said Niyozov.

> *"The work of the licensing committee is not transparent; furthermore, it ignores applications, though it is required to respond within a month," said Vera Kulakova, director of Vatan, an independent radio station.*

Tajik criminal law covers libel and defamation. In June 2007, parliament passed a decree outlining criminal liability for libel on the Internet. By law, Internet service providers are responsible for libel, but according to the panel, to date no one has been brought to court under the Internet libel ruling. In addition, legislators have added criminal code clauses on slandering civil servants. In July, the court fined the editorial board of *Paykon* TJS 300,000 (about $69) for criticizing the Tajik State Standardization Department; the court classified the statements as defamation.

The media community in Tajikistan reacted sharply to news that journalists might be charged for access to official information. The panelists unanimously criticized the new decree, issued in October 2009, which opens the door for officials to charge journalists up to $8 per page or interview for information or to conduct interviews with officials. This applies to all media, print or electronic, regardless of the size of the outlet. Davlatov urged all media in Tajikistan to unite in their fight against the decree, which violates basic rights and might send newspapers into bankruptcy. The president's office assured journalists that the fee is just to cover the costs directly related to information provision—photocopying requested documents and/or materials, sending them by mail, etc.—and claimed that such a practice is common in all developed democratic states. But journalists are wary that clerks will interpret this decree as they see fit. In protest, the media community has issued statements jointly through the journalists' association and individually through various outlets. So far, officials have not enforced the rule.

Tajik citizens can access international news relatively easily, though they face some obstacles. First, the country has an unreliable electrical system that experiences widespread outages during the winter months. Second,

Niyozov recalled the media's challenge in covering the November 2009 failure at Nurek, the country's largest hydroelectric facility, which left half of the country without electricity. Reporters were unable to find any officials, who had all had turned off their mobile phones.

Internet services are prohibitively costly ($35 to $70) in comparison to the average income (equivalent to about $25). Third, the government often monitors international information. The monitoring is evident when sites such as Fergana.ru, Centrasia.ru and Arianastorm.com—which publish critical information on Tajikistan—appear blocked, especially in the regions. Thus, the opportunity to learn about events in foreign countries is unrestricted, but access to news concerning Central Asia or remote areas of Tajikistan is limited.

According to the Ministry of Transport and Communications, only about 10 percent of Tajikistan's population uses the Internet. Tajik families who earn an average income tend to buy a computer and pay for Internet access. A still broader channel of foreign information—satellite and cable television—is becoming widespread in Tajikistan. Many citizens, especially those residing in cities, now use satellite dishes as a source of real-time and objective information.

Journalists do not need a license or professional education to enter the profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tajikistan Objective Score: 1.53

The score for this objective went up just slightly from last year, and most indicators did not change dramatically. The biggest increases were seen in indicator 6 (balance of entertainment and news), which went up nearly a third of a point; and indicator 5 (pay levels) which went up a quarter of a point. The score for indicator 8 (niche and investigative reporting) slipped a little more than a quarter of a point.

Tajik journalists face significant challenges in collecting and publishing timely, accurate, and objective information. Limited access to official information and roadblocks to obtaining interviews and statements from government officials complicate the work. Sayfiddinov noted that in the regions, journalists must work increasingly harder to acquire information from local officials. Officials must direct any inquiries to their direct supervisors, who in turn pass on the request to their supervisors. Consequently, a simple clerk or press secretary must receive permission for an interview from the head of the local administration.

The law on information further limits access to official documents by requiring a written request, after which the government must officially respond (verbally or in writing) within 30 days. Since public officials are key sources of information in Tajikistan, such procedures make it very difficult for journalists to provide timely coverage of key events and issues.

By order of the president, all ministries and departments must organize quarterly press conferences and provide a certain amount of official information on their activities during this period. However, some departments have been closed to the mass media since 2005. For example, the Ministry of Defense and the State Committee for National Security consider their activities to be state secrets. They provide information and press releases only to the state-run media, and only on an irregular basis.

Niyozov recalled the media's challenge in covering the November 2009 failure at Nurek, the country's largest hydroelectric facility, which left half of the country without electricity. Reporters were unable to find any officials, who had all had turned off their mobile phones. Citizens were unaware of the event for more than three hours. In another example, security and law enforcement agencies responsible for fighting militants this past summer in Tavildara, eastern Tajikistan, failed to provide reporters with reliable information. The panelists noted that in cases of *force majeure*, government

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).

officials refrain from providing any information until the presidential administration grants permission.

Journalism ethics remains a significant problem in Tajikistan. The panelists agreed that journalists widely employ unprofessional techniques. "Not only are ethical norms ignored; sometimes laws are even broken," Davlatov said. "People who have been detained are often referred to as 'arrested,' their names are made public, photos are shared, and their privacy is violated."

The panelists mentioned frequent changes in source quotes and interview transcripts, which causes problems for media outlets—especially print outlets, which then have to publish a refutation. The panelists recommended addressing these lapses by conducting more ethics training sessions for journalists, including compulsory education in legal issues, and internships in other Central Asian countries and Russia.

Journalists made some advances in addressing ethics in the past year. Between May and September 2009, OSCE, NANSMIT, and the journalists' association organized a number of roundtables to discuss a proposed ethical code for Tajik journalists. The code was adopted at the end of October. The group established a new social institution, the Press Council of Tajikistan, at the same time.

Niyozov noted that not all Tajik journalists recognize the code or the council, however. "We are not sure the council is going to help journalists," he said. "It could become just another bureaucratic tool, colluding with the authorities to suppress us; whereas the code, based on the German one, has several articles that are unacceptable for us." Pirnazarov lamented that the code was adopted without prior discussion with journalists from all over the country.

Journalists have learned to cope with the risks of their work by compromising their professional standards, turning to self-censorship or using anonymous information sources. Kulakova said that although journalists try to respond to all the major, important events in the country and raise controversial subjects, self-censorship remains a major challenge for journalists, editors, and publishers. Saifiddinov noted that officials especially detest local reporters who write articles for independent newspapers published in the capital city. Saifiddinov said that even the opposition newspaper, *Millat*, has resorted to censorship lately, and he himself refrains from writing critical material to avoid problems with local authorities. Pirnazarov said, "Journalists can be prosecuted and face all sorts of pressure from the authorities for publishing critical material, particularly on religious themes or the political situation. Reporters often resort to anonymous sources, but this further exacerbates the problem. The authorities then imply that the journalist invented everything."

"Not only are ethical norms ignored; sometimes laws are even broken," Davlatov said. "People who have been detained are often referred to as 'arrested,' their names are made public, photos are shared, and their privacy is violated."

The panelists discussed several cases in which journalists were dismissed for publishing truthful and objective articles written upon their editors' requests—which were excluded from the newspaper. Davlov said that such case caused him to resign from *Nigokh*. Given these circumstances, journalists tend to practice self-censorship and avoid topics perceived as off limits.

While the panelists acknowledged the undeniable prevalence of self-censorship, some said that every year journalists grow more aware of their rights and censor themselves a little less. As noted in last year's report, a handful of Tajik newspapers, including *Faraj*, *Ozodagon* and *The USSR*, have displayed a willingness to conduct risky investigations of unfair trials, fraud and corruption, and forced migration. Pirnazarov added that some events, including lawsuits against independent newspapers, are covered only in blogs. The Center for Journalistic Investigations, headed by Niyozov, has helped to encourage the growth of the investigative reporting genre in Tajikistan. Niyozov reported that Tajik investigative reporters have explored issues including the 1992-1997 civil war, social topics, economics, and ecology. However, some panelists said that investigative reporters still do not present opposing viewpoints in their work.

Newspaper editorial boards frequently do not show backbone against the government, and many subjects are understood to be off-limits for the press. Examples include the president, his family, and key officials; the activities of TALCO or the State Committee for National Security; corruption in the supreme government bodies; and drug trafficking. According to Niyozov, "Everyone is aware of corruption in the state medical and educational institutions; however, it is rather dangerous to write about it. Papers then receive indignant phone calls from the ministries with a request to publish a disclaimer." He claimed that whenever critical materials are published in his newspaper, the officials consider them pre-paid or tailored upon request.

Pirnazarov observed that many editors-in-chief and media holding executives view their papers as a type of business rather than as creative work. Hence, they accept an excess

Pirnazarov noted that newspapers are incorporating materials acquired from blogs. "The blogs of Salim Ayubzoda, the radio Liberty *reporter in Prague, are extremely popular—they are reprinted by the* Asia-Plus*;* Events*,* Facts and Commentaries*;* the USSR*; and* Nigokh *newspapers," he said.*

of public relations and other pre-paid materials, which, in combination with self-censorship, cause Tajik journalism to fall short of professional standards.

According to the panelists' data, salaries and royalties in the state-run media are especially low, and the rates have not changed since 2007-2008, despite the financial crisis and sharp rise in prices for food and oil. Although working for state-run media outlets is not easy, journalists often prefer to work there because this grants them an annual paid vacation, a sanatorium voucher at a reduced price, and paid sick leave—which is not the case at most private (independent) media outlets.

The panelists said that low salaries invite hidden advertising and journalist corruption. According to Mirsaidov, "Most materials published by the independent media are tailored upon request, though it is never revealed that these are PR or pre-paid publications." Safarmo Butabekova, Khorog city radio station editor, reported that salaries in state-run regional media do not exceed $25 a month, leading almost all regional journalists to work anonymously for other media outlets or Internet editions on the side. Saifiddinov shared that he has to work for three to five newspapers to be able to support his family.

Saidov said that private television stations, in northern Tajikistan at least, pay higher salaries than newspapers, thanks to advertising revenue. Also, some national media outlets have improved their situation again this year; the two state-run television channels raised staff salaries to an average of $50 to $60 a month, and they allow employees to earn extra wages by attracting advertisements and participating in the production of commercials. Their pay is still much lower than that of private, independent mass media, however.

Journalists working for foreign outlets still enjoy significantly higher pay. Their minimum income can be estimated from help-wanted advertisements of private media. An average salary offered in such advertisements is at least $150 per month for a journalist and at least $250 per month for an editor. However, regional reporters' salaries are significantly lower (20-25 percent) than those of their colleagues in Dushanbe. The panelists noted that nearly all of the best journalists work as correspondents for foreign media outlets in Tajikistan, while local journalists have to write for several newspapers and Internet editions.

Kulakova said that entertainment programs supplant analytical and informational reports. "There is no balance now, as 'yellow' press prevails over socio-political media. The overall reading level of readers is not high, and they demand [simple] materials," she added. Davlatov said that newspapers seldom have their own news service, so they may wait for reports for almost a week. Even though the news has become obsolete by then, editors still have to fill up pages.

Electronic media devote up to 70 percent of their broadcasting time to entertainment programs. The four national state television channels allocate most time to entertainment programs and concerts. As a result, people have nicknamed it "forever holiday." Kulakova charged that radio stations continue to fill the air mainly with pirated music and songs, while television broadcasts pirated material. The panelists emphasized the need for television and radio channels featuring national and regional news, and said that such outlets could be very popular.

The panel noted that not all editors and broadcast outlets have adequate technical equipment. Dikaev reported that journalists working for rural newspapers in particular lack recorders, cameras, computers, and other equipment. Butabekova said that the Gorno-Badakhshan radio station where she works is still using old equipment dating back to the 1970s, including worn-out magnetic recording tape.

Aside from some indications that investigative journalism may be improving, Tajik media have a shortage of highly specialized journalists. Lola Khalikjanova, editor-in-chief of the Institute for War and Peace Reporting's office in Tajikistan, said that journalists trained in economics are needed especially.

OBJECTIVE 3: PLURALITY OF NEWS

Tajikistan Objective Score: 1.61

According to Dikaev, the overall circulation of all the newspapers published in Tajikistan does not exceed 200,000 copies. "The financial crisis caused the circulation of even the most popular papers to drop by 15-20 percent," he said. Tajikistan has no daily newspapers; almost all publications are weekly and come out on Wednesdays or Thursdays. Davlatov

said that he considers the absence of daily newspapers "a shame for journalism."

According to the panelists, mass media do not represent alternative viewpoints, and state-run media deny the opposition any chance to express their opinions.

International organizations continue to work with the civil society sector to improve information sources for citizens. OSCE has helped to open information centers in several regions, providing Internet access and a wide selection of periodicals. However, as described in last year's report, due to Islamic customs these centers are hardly visited by women, except for NGO activists and public figures. The Tajikistan National Press Center and the Media Resource Center in Dushanbe are extremely popular with journalists because their services include a library of books on journalism, newspaper files, and access to the Internet and information from Tajik news agencies. In addition, a project subsidized by the Internews Network helped to establish local television studios in 14 regions of Tajikistan. These media outlets use modern digital technology and are much better equipped than their state-run regional counterparts.

However, the growing potential of regional media has not helped to improve inter-regional information exchange. Residents of the capital still stay informed of international events more easily than residents in towns and villages only a few miles away. Neither state-run nor independent printed and electronic media have reporters in the central part of Tajikistan.

While panelists said that SMS news service is still non-existent in Tajikistan, many newspapers have called for reporting on interesting events via SMS. Pirnazarov noted that newspapers are incorporating materials acquired from blogs. "The blogs of Salim Ayubzoda, the radio *Liberty* reporter in Prague, are extremely popular—they are reprinted by the *Asia-Plus*; *Events*, *Facts and Commentaries*; *the USSR;* and *Nigokh* newspapers," he said. According to his data, only the Tajik bloggers Nazzik and Ravshan provided interesting and honest coverage of certain socio-political events and touching on issues avoided elsewhere, such as lawsuits against independent newspapers. The public does not rely on social networks yet, as only one social network, *odnoklassniki.ru*, is available in Tajikistan.

"Satellite dishes and receivers have become more accessible, and many people can afford them now more than they could two or three years ago," the panelists said.

Almost all private newspapers in the capital and large cities are sold out on Thursday or Friday. Due to the limited scope of delivery and small circulation areas, independent editions published in the capital do not reach the remote provinces. One panelist noted that citizens in GBAP cannot obtain news easily. The national printed press is delivered only to the administrative center of the province, the city of Khorog, and regional centers may receive newspapers more than a week late, if at all. Readers often resort to services of people who go to Dushanbe by plane, or pay a small fee to long-distance truck drivers to bring newspapers from the capital city.

According to the Department of the Press under the Ministry of Culture, 69 state-run newspapers publish regularly in the regions. The circulations of most do not exceed 500 to 1,000 copies. Due to technical and financial hardships, most of them come out only twice or even just once a month, and few have proven profitable despite their considerable circulation. The exceptions include the newspapers *Diyori Tursunzoda (City of Tursunzade*), with a circulation of 5,000; and *Khakikati Sughd* (*Sughd Province*), with a circulation of 4,000 to 6,000.

Despite the popularity of newspapers, prices are prohibitively high. The panel estimated that only 10 to 15 percent of the population can afford to buy newspapers. The retail price of printed media is quite high, typically TJS 1.00 ($.23) to TJS 1.50 ($.34). Dikaev commented that when people are faced with the choice between a newspaper and a loaf of bread, they choose bread.

On the other hand, the range of information received via Russian and other foreign channels is growing. Panelists

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.

Most governmental and state-run print media still rely on subscriptions, which are mandatory for government employees, as their primary source of income. Governmental media increase their circulations and ensure profits only due to subscriptions. Private media are more focused on advertisements, classifieds, and PR materials that also attract more advertisers.

noted the increasing popularity of satellite television in the countryside as well as cities. "Satellite dishes and receivers have become more accessible, and many people can afford them now more than they could two or three years ago," the panelists said.

The government uses direct and indirect ways to restrict citizen access to media. A severely limited electrical supply, which becomes scarcer every year during the fall and winter, cuts off rural residents from all sources of information (domestic and foreign). Battery-run portable FM radios become the main source of information during this period. In the winter/spring of 2009, some regions were almost completely cut off from all sources of information—they did not receive electrical power at all, while others were lucky to have it for four to six hours a day. The panel noted that during the fall and winter, electricity often appeared available only when programs about the president or important political events were broadcast. Any program of a local channel can be interrupted in order to show important Tajik political events, especially the ones in which President Rakhmon is involved. This is why residents of major cities have satellite dishes, according to the panelists.

Access to the Internet, especially in remote regions, depends on the electrical supply and other technical issues, and panelists suspect that authorities block access to foreign sites that they find objectionable. According to the panelists, Tajik viewers without satellite service have been deprived of receiving the Russian RTR *Planet* channel. The Television-Radio Committee of Tajikistan disconnected it for payment arrears. And the ORT channel, formerly broadcast by the television center of the Russian military base in Tajikistan, was terminated when its frequency was given to a local CMT channel.

Given that Tajiks often learn about events in their own country from Russian television channels and the Internet, the panel concurred that Tajik national radio and television do not provide citizens with relevant, socially important information. Mirsaidov noted that Tajik television is especially lacking when compared to broadcasts of other countries.

Panelists agreed that all the state-run media are partisan, and that private (independent) lack the courage to fill the gap adequately. The media still tend to avoid showing accidents, military clashes, and natural disasters in the news. Typically only state television reports on these events several days later, and only after presidential security representatives can shoot footage. People learn about these events from various sources—some via the Internet, others by managing to phone relatives and acquaintances in the affected regions.

Tajikistan has eight news agencies: the independent Asia-Plus, Avesta, Varorud, Interpress-service, Zerafshan-times, TOJNEWS, Simonews, and the state news agency Khovar. They operate with varying degrees of success and try to cover news from all over the country. Three news agencies—Pamir-Media, Paem, and Hatlon-press—closed at the beginning of 2009 for financial reasons (their grants expired). The panelists praised Asia-Plus and Avesta for providing timely information online, though since 2007, half of Asia-Plus news has become inaccessible to free-of-charge users of the site. (It charges for some content; a newsfeed costs more than $50 a month). In general, the high cost of services prevents many newspapers from subscribing to news from information agencies, and according to Davlatov, not all of them provide references to the sources of information. The websites of Avesta, Zarafshon-times, Khovar, and Tojnews are completely open.

The panelists said that material from the websites of BBC Radio, Radio Liberty, Reuters, AP, AFT, Itar-TASS, RIA News and other agencies are often used with reference to the source; some media outlets continue to use their information without paying, counting on their understanding that Tajik media outlets cannot afford to pay.

Saidov reported that state-run television depends exclusively on news provided by Khovar, whereas private FM radio stations and private television channels broadcast news provided by independent agencies.

Kulakova said that all Tajik FM radio stations broadcast in a similar format, and one can distinguish between them only during their brief news programs. One exception is the Tajik-language Imruz radio station, which specializes in news and analytical programs. Panelists noted also that most information agencies' material is devoted to international events, as they can be simply reprinted from other sources and they require no local resources.

Panelists Saidov and Dikaev mentioned the importance of inter-regional information exchange. Saidov said that the

electronic media produce few programs on their own—only short news reports, entertainment programs, and occasional talk shows. He said that he thinks that this happens because the professional level of journalists is inadequate. "Interesting television programs such as live television talk shows often fail because their anchorperson asks inappropriate or out-of-place questions. In the past, many production studios used to provide private companies with their products, but they all ceased operation after a licensing system was introduced in 2005."

In general, media ownership is not considered highly transparent, though according to the panelists, ownership information is acquired easily from the Ministry of Justice. Only journalists are familiar with the sponsors of their publications and know in whose interests certain independent radio and television stations operate. The most influential political groups aspire to have their own electronic media outlets, or at least loyal outlets that allow access to a much broader audience than printed media. Some financial heavyweights develop their own mass media operations; for example, the *Oriyon* International Media Holding, which is owned by the head of the country's largest private bank, Oriyon Bank. This group founded Imruz radio station, and has expressed an interest in setting up its own television company and advertising agency.

Aside from some local publications in the Uzbek and Kyrgyz languages, Tajikistan has very few minority media outlets. However, the first national channel does broadcast news in Uzbek, Arabic, and English. Uzbek ethnic groups have the widest choice of media outlets in their mother tongue: In addition to local media, there is a national governmental Uzbek-language newspaper, *Khalk Ovozi*, and a non-governmental newspaper, *Dustlik*, distributed in all places with a large Uzbek population. *Dustlik* is published by the Association of National Minorities of Tajikistan and addresses issues relating to the Uzbek diaspora. "There are no information programs in minority languages in the regions; the state television broadcasts some programs in Russian and Uzbek, and that is it," Bobojanova said. "Residents of Sughd Province, who live close to the Uzbekistan border, can view Uzbek television, but no Uzbek newspapers are delivered there."

Additionally, a newspaper in the Turkmen language is published in the Jilikul Region of Khatlon Province, where many Turkmen speakers live. Butabekova said that Kyrgyz-language newspapers with circulations of 500 copies are distributed in the Murghab and Jigratal regions of GBAP, where a large proportion of the Kyrgyz population lives, but these newspapers are printed in the Kyrgyzstan city of Osh and then delivered to Tajikistan.

Pirnazarov added that the most influential advertisers—commercial banks—seldom advertise in printed media and prefer the wider audience of television.

Although panelists agreed that national minorities are apparently free to develop their own media without any restrictions, Tajikistan continues to see a national trend of increasing chauvinism, accompanied by infringement of minority rights.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tajikistan Objective Score: 1.13

Although mass media in Tajikistan have come a long way from performing the role of political mouthpieces, and strides have been made in turning out quality products and satiating the market demand for diverse information sources, Tajik mass media outlets are not profitable businesses. Most private (independent) media are subsidized either by grants or sponsors. One exception is that publishing houses have become profitable—but only because they agree to carry out simultaneous price hikes.

In a country where, according to official statistics, 60 percent of the population lives below the poverty line, a considerable part of the population's income comes from a shadow economy. Despite efforts at reform, Tajik businesses

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.

Nevertheless, Niyozov added that all these organizations morally support journalists and organize their education. "Their main goal is to defend the journalists' interests, draft laws, and lobby our interests to the authorities," he said. He commented that the way associations defend the media resembles an obituary.

use a universal strategy of concealing revenue. According to the panel, the mass media follows the national trend, and hides revenue by publishing camouflaged advertising, reporting lowered circulation to tax authorities, and printing unrecorded copies.

Tajikistan still has a relatively low level of economic development, despite its abundant natural resources. The country has significant mineral deposits and rich hydropower resources—60 percent of all of those in Central Asia. TALCO remains the country's main industrial enterprise. Cell phone operators, Internet providers, commercial banks, international organizations, and embassies continue to supply the bulk of advertising revenue. Kulakova said that print media advertisements are not cost-effective enough, and advertisers prefer banners and television commercials, most of which are not produced by professionals. Pirnazarov added that the most influential advertisers—commercial banks—seldom advertise in printed media and prefer the wider audience of television.

According to Davlatov, advertisements fill up to 30 percent of newspapers and 10 percent of radio broadcasting time, and although television is supposed to devote the same 10 percent, the real figure is about 30 percent of broadcasting time. Niyozov noted that not every newspaper receives advertisements—most depend on their circulation and loyalty. "For instance, *Faraj* does not receive any advertisements," he added.

Grants from foreign donors continue to keep most regional media outlets afloat. Many close down as soon as the grant expires, as they usually do not develop business plans to ensure their long-term financial stability.

The panelists agreed that the practice continues of distorting print circulation figures. Some print media understate their circulation in order to lower tax liability; others overstate it to increase the popularity of their publications. Some printed media, in conspiracy with printing shops, print off-the-record copies that are later sold tax-free. Camouflaged advertising and PR materials are yet another way to avoid taxes by concealing revenues. The panelists mentioned that the law limits television advertisements but the lack of monitoring enables television stations, especially those that are state-run, to conceal their advertising revenues.

Media managers use incentive programs to encourage journalists to attract advertisers, offering 30 to 50 percent of the total advertising fee as a commission. However, this practice can lead to journalists spending their time writing custom-made advertising materials. The owners of non-governmental outlets such as Asia-Plus, Charkhi Gardun, and Oila have created marketing departments to research existing and potential advertising markets.

Many successful editors develop other kinds of businesses to supplement their publishing income. The richest media company in the country, Charkhi Gardun (headed by Akbarali Sattorov, the Head of Tajikistan's Association of Journalists), purchased its own printing house in 2008. The company is also engaged in the delivery of newsprint, consumables, printing plates, construction, and other businesses. The media company Oila has its own advertising agency, Tyron, and a printing house, Oila Print, with state-of-the-art equipment.

Most governmental and state-run print media still rely on subscriptions, which are mandatory for government employees, as their primary source of income. Governmental media increase their circulations and ensure profits only due to subscriptions. Private media are more focused on advertisements, classifieds, and PR materials that also attract more advertisers. Tajik-language *The USSR* is the only newspaper printed in Dushanbe that is completely free of advertisements, and it enjoys broad circulation—which enables it to pay for itself, according to its editor.

The state does not subsidize any private (independent) media outlets. Panelists reported that in spring 2009, editors of the country's 10 leading newspapers applied to the government and the national bank, asking for an interest-free loan due to the crisis. Their request was ignored. On the other hand, according to Saifiddinov, the head of the Shaartuz regional administration (southern Tajikistan, Khatlon Province) helped the regional newspaper *Sadokat* and the regional publishing house by allotting $1,000 from the regional budget to purchase computers and printing equipment. Earlier, the regional administration provided them with a new building and distributed lots of land among their experts.

Local administrations occasionally subsidize non-governmental regional television stations. Saidov reported that independent television stations in Sughd Province receive subventions

(one-time donations) from the local budget. Nevertheless, such scant sources of income lead either to closure of these media or their reliance on sponsors.

Market and rating surveys of the mass media sector are conducted sporadically and irregularly, and they use no research methodology. Mirsaidov believes that media outlets do not want to invest in them, while donors do not provide any grants for this purpose. Media owners continue to reject the idea that these surveys are necessary; they typically judge their publications' popularity by circulation alone. The panelists recalled that three years ago, the Zerkalo Center for Sociological Research conducted all surveys, and last year, the OSCE in Dushanbe conducted surveys. Now, surveys are not conducted at all. Only Asia-Plus and Avesta still conduct surveys by phone, in focus groups through their newspapers, or on their websites.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tajikistan Objective Score: 1.33

Tajikistan has 12 professional associations: NANSMIT, the Media Alliance, the Association of Independent Electronic Mass Media, the Fund for Memory and Protection of Journalists, the Journalist Association, the Association of Publishers, the Association of Sports Journalists, the Association of Journalism Teachers, the Center for Journalistic Investigations, and the Association of Professional Journalists of Sughd Province. Tajikistan also funds one union: the Journalists' Union of Tajikistan (JUT). The youngest organization of media professionals, Media Alliance, arranges for the defense of journalists, makes public statements, and participates in court hearings against mass media employees.

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.

While some panelists noted considerable improvement in the activities of media-supporting institutions, some panelists, including Niyozov and Dikaev, said that the Journalists' Union remains a pro-governmental organization supported by the authorities. Nevertheless, Niyozov added that all these organizations morally support journalists and organize their education. "Their main goal is to defend the journalists' interests, draft laws, and lobby our interests to the authorities," he said. He commented that the way associations defend the media resembles an obituary.

According to Davlatov, "JUT and NANSMIT have lobbied for a new law on the press, but their efforts have been futile, [since] they are unable to conduct constructive dialogue with the government." Although media institutions have not succeeded in lobbying the parliament, some panelists said that they see a positive sign in JUT and NANSMIT working cooperatively, co-signing the common statement, and holding joint roundtables and conferences.

Others took a pessimistic view of the utility of associations and claimed that journalists have no sense of solidarity. Despite the efforts of several media associations, journalists often must protect their rights themselves, and media outlets do not support colleagues who run into problems with the authorities. Panelists recalled that neither NANSMIT, JUT, nor Media Alliance protected their colleague, Shukhrat Shodiev, who was arrested illegally in Uzbekistan and spent 20 days in jail in that country. No NGO in the country protects the rights and freedoms of journalists. The government does not react to statements by NANSMIT—only to international organizations such as the OSCE, Reporters sans Frontiers, and Freedom House. Niyozov said that he believes that NANSMIT can function only if it receives grants from international organizations.

Most panelists see the solution to these problems as the establishment of an independent, professional union for Tajik journalists, committed to protecting the rights of mass media, defending its members, and helping to solve conflicts between journalists and their employers. A few panelists suggested that this role might be filled by the Press Council of Tajikistan, founded in October 2009.

Regarding the role of NGOs, Bobojanova observed, "The activities of both international and local NGOs in support of media have declined, and there is no cooperation and solidarity among journalists either." Dikaev said that the mass media and their founders reach out to journalist associations only if they or their employees need assistance. "The JUT and NANSMIT can function only if they receive financial support from international organizations. Yet most NGO activities rarely reach the regions, except for carrying out rare seminars and trainings that are only for independent journalists," he said.

Formal professional training of journalists has not improved in the past year, according to the panelists. Tajikistan has one faculty of journalism and five departments of journalism, which teach about 100 students a year. The panelists claimed that the skill levels of the graduates are very low; students do not receive even the most basic computer skills training, much less experience practicing using professional software. Instructors employ outdated methods, and the course material is based mainly on the history of journalism. Kulakova said that higher education institutions lack an interactive approach. Furthermore, Bobojanova claimed that students still have no access to the Internet to complete their education, and no higher education institutions are providing access. She also cited a lack of opportunities abroad for students of journalism. In addition, students that do study abroad tend to not return to Tajikistan, or upon their return, arrange to work for international organizations or embassies.

Media leaders are seldom satisfied with the graduates' professional level, which does not correspond to current quality requirements. Therefore, both governmental and non-governmental media outlets compete to obtain good and promising journalists and entice them with higher royalties. However, none of them start selecting promising candidates while the students are still in college. Only about 10 to 15 percent of those who graduate from the Faculty of Journalism of the State National University start working in media outlets. There is no surplus of journalists because graduates do not want to, and many of them cannot, work in the profession. Working in mass media has become an occupation mainly for women.

Only Charkhi Gardun Holding and Asia Plus Media group conduct training and retraining sessions for their employees in the workplace. Panelists said that state media employees seldom attend seminars and training classes; their editors do not allow it. This accounts for the sharp difference between the professional skills of independent media journalists and state media journalists. For example, according to the panel, independent media present more references to authoritative and competent sources, whereas journalists within the state media outlets write in the first person, imposing their own opinions upon the reader.

The panelists stressed the hope that USAID-supported media projects might be renewed, and that Internews Network trainings for journalists would continue—with special emphasis on training journalists in various specializations, ethics, and legal issues and with the help of regional trainers or those invited from Russia. The Internews seminars devote a lot of time to advertising, management, and multimedia journalism, and the panelists consider these training sessions to be the most efficient and fruitful for journalists. However, panelists also complained that international support is insufficient, and claimed that contrary to their mission, international organizations cooperate with no more than two or three media outlets, and deny assistance to others.

Panelists did suggest that the trainings conducted by NGOs and international organizations are too short (often one to two days) to lead to measurable improvement. Additionally, trainers from foreign countries do not understand Tajikistan's media environment. According to Kulakova, the trainer's level does not always meet expectations and requirements. "American or European experts, who are invited to conduct these trainings, do not understand the specifics of our work and try to teach something or conduct surveys," she said. Niyozov added that very few training sessions are conducted for Tajik-speaking media members.

The panelists said that all publishing houses in Tajikistan are private, but none are really independent. Several panelists noted that the state printing houses' monopoly continues, and the governmental printing house, Sharki Ozod, still chooses which editions to print and which to reject, often on political grounds. "Sharki Ozod always gives priority to the governmental newspapers and not to private ones," Niyozov said. He also recounted a conversation that he had with Akbarali Sattorov, the head of Tajikistan's Association of Journalists and director of a private media holding. Sattorov told him that if a phone call was received "from above," he would stop printing *Faraj*, which is considered an opposition newspaper. At the same time, according to the panelists, the prices charged by the private printing houses Intishod (owned by A. Sattorov) and Oila media holding are higher than the state house's prices.

Most private printing houses are still equipped with outdated machines. The panelists agreed that it would be ideal if Tajikistan could mirror Kyrgyzstan's system and open new printing houses for independent newspapers in Dushanbe and regional centers such as Khujand, Kurgan-Tube, and Khorog.

Problems persist in print distribution as well. The authorities have privatized Tajikmatbuot (Tajik Print) in the names of their relatives. The company is interested mainly in disseminating governmental editions; opposition newspapers can rarely be found in its kiosks. Public distributors, mainly retired women who sell newspapers and magazines, still must pay "interest" to Tajikmatbuot. Panelists suggested that an alternative distribution network be established, and that media outlets ought to devote funds for the network's operation (booths, delivery to other cities, etc.).

List of Panel Participants

Rano Bobojanova, Center for Gender Research; lecturer, Department of Journalism, Khujand State University, Khujand

Nurali Davlatov, deputy editor, *Faraj* newspaper, Dushanbe

Safarmo Butabekova, editor-in-chief, Khorog Radio, Khorog

Turko Dikaev, reporter, *Asia-Plus*, Kulyab

Vera Kulakova, director, Vatan independent radio station, Dushanbe

Negmatullo Mirsaidov, director, *Varorud*, Khujand

Khurshed Niyozov, head, the Center for Journalistic Investigations, Dushanbe

Nazarali Pirnazarov, editor, *Events* newspaper, Dushanbe

Saidumron Saidov, chairman, Association of Professional Journalists of Sughd Province, Khujand

Jamoliddin Saifiddinov, reporter, *Avesta* information agency, Kurgan-Tube

Lola Khalikjanova, editor, Institute for War and Peace Reporting, Dushanbe

Moderator and Author

Lidiya Isamova, correspondent, RIA News, Dushanbe

The panel discussion was convened on November 20, 2009.

The government owns virtually all outlets and dictates all content—mostly consisting of praise for the president. Citizens must look to satellite television, radio, and, to a limited degree, the Internet for their information needs.

TURKMENISTAN

OVERALL SCORE: **0.33**

In an apparent bid to improve its international standing, Turkmenistan is opening itself up slightly to the world. During the era of Saparmurat Niyazov, the previous president of Turkmenistan, such a statement would have been unthinkable. For 20 years, the state lived under the dictatorship of Niyazov, who gave himself the name Turkmenbashi ("Leader of all Turkmen"). He died in late 2006, reportedly of a heart attack, and former Health Minister Gurbanguly Berdymukhammedov became president in 2007. Observers denounced the election as neither free nor fair by international standards.

A member state of the former Soviet Union, Turkmenistan is a rather isolated Central Asian state but is one of the region's largest exporters oil and gas. Turkmenistan is actively trying to expand its gas routes; Berdymukhammedov recently launched a new gas pipeline to China through Uzbekistan and Kazakhstan and to the Indian Ocean. Leaders of Uzbekistan, Kazakhstan, and China attended the official opening of this important project in December 2009. Political observers say that the improved pipeline system is behind the country's efforts to polish its international image.

Berdymukhammedov has made some improvements to the country's pension, education, and health care systems. In addition, he abolished the law mandating visas to travel to areas of Turkmenistan bordering neighbor states. He also ordered the government to rewrite Turkmenistan's constitution and legal codes, in order to meet international standards. Despite these gestures, the government continues to exercise strict control over the media, and freedom of speech is non-existent. The government owns virtually all outlets and dictates all content—mostly consisting of praise for the president. Citizens must look to satellite television, radio, and, to a limited degree, the Internet for their information needs.

Turkmenistan continues to draw the harshest international criticism for its repression of the freedom of speech. Once again, it landed on the Reporters Sans Frontières (RSF) "Enemies of the Internet" list in March 2010, and was labeled one of the worst violators alongside China and North Korea. RSF warned the international community against falling for the recent overtures, saying, "Turkmenbashi's successor has been preparing this diplomatic offensive for some time, but one should not pin any hopes on his government's change in tone. The Turkmen regime is hoping to woo the international community with a new approach, but we urge its potential partners to look at the realities of a country."[1]

In the 2009 MSI, Turkmenistan scored 0.33 overall out of 5.00 possible, virtually unchanged from last year's 0.32 and still reflecting an "unsustainable, anti-free press" situation. While none of the objectives changed dramatically, scores dropped slightly in objectives 1 and 2, and scores rose slightly in objectives 3, 4, and 5. The biggest drop was again in Objective 1, freedom of speech.

[1] IFEX, 23 September 2009. EU Trade Agreements Ignore Media Repression http://www.ifex.org/turkmenistan/2009/09/23/trade_abuses/

TURKMENISTAN AT A GLANCE

GENERAL

> **Population:** 4,884,887 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Ashgabat

> **Ethnic groups (% of population):** Turkmen 85%, Uzbek 5%, Russian 4%, other 6% (2003 est., 2009 est., *CIA World Factbook*)

> **Religions (% of population):** Muslim 89%, Eastern Orthodox 9%, unknown 2%

> **Languages (% of population):** Turkmen (official) 72%, Russian 12%, Uzbek 9%, other 7%

> **GNI (2008-Atlas):** $14.26 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $6,210 (World Bank Development Indicators, 2009)

> **Literacy rate:** 98.8% (male 99.3%, female 98.3%) (1999 est., *CIA World Factbook*)

> **President or top authority:** President Gurbanguly Berdimuhamedow (since February 14, 2007)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 24 national and local papers, 15 magazines; Radio: 5; Television Stations: 5

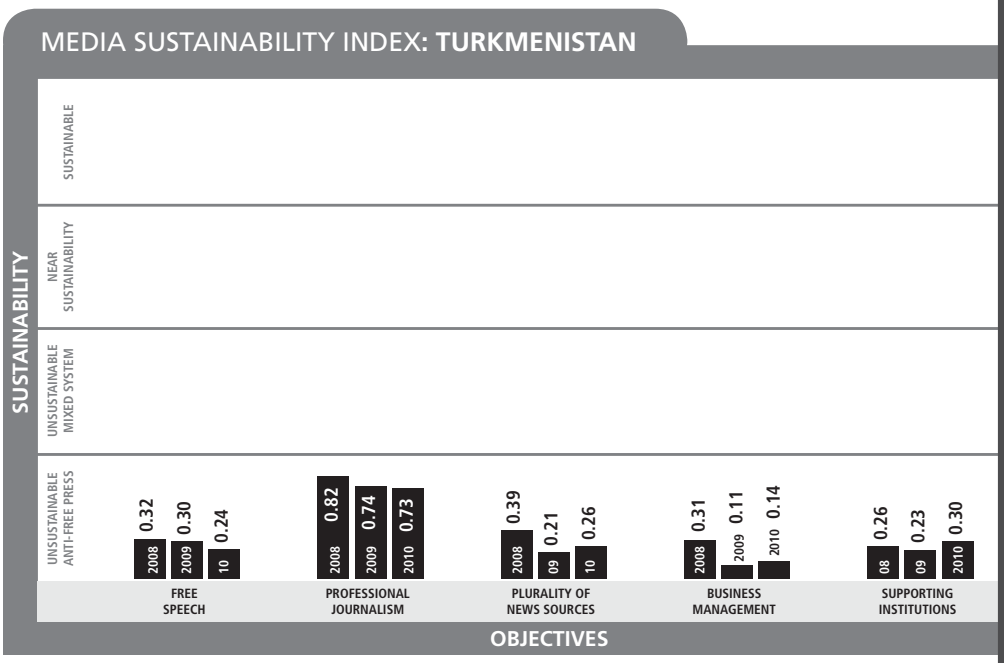
> **Newspaper circulation statistics:** Top two by circulation: *Netralniy Turkmenistan* (Russian language state-owned daily), *Turkmenistan* (Turkmen language state-owned daily)

> **Broadcast ratings:** N/A

> **News agencies:** Turkmendovlethabarlary (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 75,000 (2008 est., *CIA World Factbook)*



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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Turkmenistan Objective Score: 0.24

Turkmenistan's score for Objective 1, down just slightly from last year's 0.30, reflects the deteriorating situation in Turkmenistan for freedom of speech. Indicator 2 (licensing of broadcast media) dropped to the lowest possible score. Among individual indicators, scores remained about the same, but there were dramatic drops in indicators 3 (market entry) and 8 (media access to, and use of, foreign sources). Only indicator 7 (public access to information) even attained a 0.50.

Freedom of speech is deteriorating in the country despite the fact that, on paper, the law provides comprehensive protection for freedom of expression and freedom of the press. Government officials either are unaware of laws or continue to ignore them. Although Berdymukhammedov announced his plans to reform media legislation, the panelists expressed skepticism. "The process is very slow, and the laws and regulations are not enforced because of the lack of political will of the government," one panelist said.[2]

According to another panelist, "We saw some willingness in 2009, on the part of Turkmen authorities, including those responsible for media, to open up a little bit and consider examples of media development in the region. Still, little has been done, and willingness does not make up for the lack of legal and social norms protecting free speech and access to information." Another panelist said, "Turkmenistan still operates on the basis of a 1991 press law."

The Turkmen government ignores its own laws, controls all blacklists, and employs harassment to control journalists who write anything critical of national policies. "There is simply no free speech inside Turkmenistan," said one panelist. "A culture of 'access' does not exist." For those reasons and because of the fear of persecution, Turkmen journalists are quick to refuse opportunities to contribute to foreign mass media outlets.

Article 28 of the new constitution (revised in September 2008) gives Turkmen citizens the right to freedom of conviction, expression, and information, provided that the information is not a state secret. The existing Law on the Press and Other Mass Media in Turkmenistan protects the freedom of the mass media and contains guarantees of freedom of information. However, one panelist said that these rights and freedoms remain on paper only. "What we have is state-controlled media, without any attempt to create or facilitate the creation of a professional public or private media industry in the country," said one panelist.

In addition, Article 43 of the new constitution guarantees judicial protection of citizens' dignity, private and political rights, and freedom. However, several panelists commented that the constitution does little in practice. Those rights "are very often violated, and the citizens face persecution by undercover authorities," a panelist said. Another panelist added that "there is no legal protection available in cases of freedom of speech violations." According to another journalist, "Legal guarantees of free speech do exist, but the practice is similar to how things were done in the USSR—on paper, you had liberal laws, but their practical enforcement was very different."

The law states that libel and invasion of privacy are criminal offenses. The libel law gives special protection to government officials, public figures, the state, and state symbols. The burden of proof is on the accused, and convictions can lead to as many as five years in prison and a fine up to "30 average monthly wages," according to Turkmenistan's press law.

The government requires mass media to have licenses to function in Turkmenistan. Licensing fees differ, depending on the applicant. Government entities, for example, do not have to pay a licensing fee to launch a newspaper in Turkmenistan. Turkmen individuals or corporations, on the other hand, must pay "100 times the size of the estimated average monthly wage," as stated in the law. The State Publishing Association, Turkmenmetbugat, issues licenses, with approval of the Ministry of Internal Affairs and the Cabinet of Ministers. The government can reject an application for a variety of reasons, including a "negative" conclusion of the Turkmenmetbugat expert committee. "Private media outlets are denied licenses for political reasons," said one of the panelists.

The government owns and controls tightly all newspapers, magazines, television stations, and radio stations in Turkmenistan. All media organizations are officially censored, and journalists working for these organizations self-censor as a matter of professional survival. The president appoints and dismisses editors-in-chief. The only news agency in the country is the government's Turkmendovlethabarlary (TDH).

Furthermore, the president regularly and publicly tells the media what they should print and broadcast. During a meeting with Security Council of Turkmenistan in July 2009, he stated that "mass media has an important task for the patriotic upbringing of the young generation of the nation." The government forces journalists to cover key political events and issues, such as the president's meetings with foreign guests, as well as the development of the so-called

[2] Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel for Turkmenistan. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the situation of media in the country.

tourist destination, Avaza, including new hotel openings, new agreements signed with foreign companies, etc. All coverage must be in favor of the government.

All Turkmenistan journalists work for government media; the country has no independent media outlets. Those very few journalists who are brave enough to veer away and contribute to foreign media outlets must do so secretly. "Journalists working for Radio Free Europe/Radio Liberty [RFE/RL] are blacklisted; they are not allowed to travel abroad for training," noted one panelist.

The panelists said that authorities continue to have no regard for freedom of speech. Security services keep tabs on the media by visiting their offices, opening correspondence, monitoring journalists' movements, and making it clear what subjects are permissible.

Turkmenistan's news is dominated by praise of the president, focuses disproportionately on the accomplishments, plans, and activities of government leaders. Material produced by the state news agencies, and subsequently broadcast on the state television and radio channels, differs very little. Turkmen journalists have few, if any, opportunities to work on their professional skills.

US Department of State 2009 Human Rights Report details several serious incidents in 2009 where Turkmenistan's government agents allegedly detained, harassed, and intimidated journalists and their families in 2009. Journalists working for RFE/RL seemed to be a favorite target, in particular. RFE/RL correspondent Soltan Achilova was accused of producing reports that criticized national policy, and she was interrogated for two days. She was not released until she signed an agreement to stop working for RFE/RL until she obtained formal press accreditation.

Also detailed in the State Department report, RFE/RL reporter Gurbandurdy Durdykuliyev, in Balkanabat, was harassed in April. A Molotov cocktail hit his house, his house and car were vandalized, and his door was smeared with feces. The authorities disrupted the wedding of another RFE/RL reporter's family member, harassing the bride-to-be, and eventually turning off the electricity at the wedding reception. In July, the authorities pressured RFE/RL reporter Osman Halliyev to stop working for RFE/RL. When he refused, he reported that security authorities pressured administrators at his son's school to expel his son. According to the panelists, Turkmenistan citizens, too, are successfully intimidated into silence. "Crimes against journalists cause public outcry only outside of the country. People inside are afraid of protesting against such crimes," said one panelist.

As with all programs of study, journalism students must pass a number of examinations, including the state language, the sacred book of *Ruhnama*, and the history of Turkmenistan. The journalism program accepts only 10 students each year from the entire country. An admissions committee established by the Ministry of Education decides whom to admit to the program.

The US Department of State Human Rights Report on Turkmenistan noted that there is no independent oversight of accreditation procedures for journalists, the criteria is not clearly defined, and all foreign correspondents must apply for accreditation (and they only receive visas to cover specific events, such as conferences, where they can be monitored easily).[3] One panelist noted that the licensing process is politicized.

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.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Turkmenistan Objective Score: 0.73

This year's score for professional journalism slipped just slightly from last year's score, reflecting how little has changed in this area. The highest scores were awarded for indicators 6 (entertainment programming does not eclipse news) and 7 (facilities and equipment for gathering, producing, and distributing news are modern and efficient), following the state's efforts to modernize printing houses and television stations. All panelists assigned the lowest possible

[3] US Department of State, 2009 Human Rights Report: Turkmenistan http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136095.htm

score to indicator 3 (journalists and editors do not practice self-censorship).

All the panelists agreed that true journalism is nearly absent from Turkmenistan, as media exist exclusively for political gain. Panelists commented on the difficult conditions under which media members are expected to produce. "The local media environment remains under the strict control of the security agencies, and is used only to promote government policy and glorify the personality of Mr. Berdymukhammedov," one panelist said.

As an instrument of propaganda, journalism in Turkmenistan cannot meet professional standards of quality. "Turkmen journalists do not have the opportunity to show their professionalism," one panelist said, and a working journalist remarked, "The shortage of professionalism affects the quality of journalism." Turkmen journalists are not allowed to approach stories objectively or use diverse sources to produce news stories for mass media outlets. The very few journalists who contribute to foreign media outlets often do so under a pseudonym to avoid harassment.

Domestic journalists and foreign news correspondents engage in self-censorship due to fear of government reprisal, but official censorship persists as well, as the state continues to prohibit reporting on opposing political views or any criticism of the president. Journalists working for the state media produce pro-government reports under pressure of state censorship. "No independent reporting exists," said one journalist, while another journalist said, "Any coverage critical of government policies is banned."

The panelists gave various examples of governmental control of media leadership positions, including President Berdymukhammedov's sacking of Begli Aliev, head of Turkmenistan's state-run Altyn Asyr television channel. The channel announced that he was dismissed for "grave shortcomings in work and failing to perform duties entrusted to him." No report was found detailing the replacement for Aliev. In addition, the government fired Annamyrat Poladow, editor-in-chief of the government newspaper *Turkmenistan*, for "health reasons." Former editor-in-chief of *Art and Literature*, Amanmuhammet Repova, was appointed as the editor-in-chief of *Turkmenistan* on April 13, 2009.

Journalists cover key political events and issues in the country—but in favor of the government, and as approved by their supervisors. "Editors may prevent reporters from covering certain events," one journalist noted. "For example, the event connected with an armed clash in one of the residential districts of Ashgabat in 2008. The media covers no acts of protest. There is less talk about the spread of infectious diseases, like AIDS or swine flu." Newspapers and the television channels all report the same thing—praise for the president. Even news about problems, such as natural disasters and public health threats, are avoided, according to a Turkmen Initiative for Human Rights (TIHR) report.

Again this year, no new data is available on Turkmen journalists' salaries or whether they are sufficiently high to discourage corruption. However, this year's panelists said that pay levels for journalists are not high, but average. One MSI panelist in 2007 said that journalists' salaries are are comparable to average civil-servant salaries, and another believed that they are high enough to prevent corruption. Another 2007 panelist did not feel salaries were high enough to discourage corruption. To put corruption into context: In its 2008 Corruption Perceptions Index report, Transparency International ranked Turkmenistan as one of the world's most corrupt countries, sharing 168th place (out of 180) with several countries, including Iran and Haiti.

This year, panelists said that entertainment programming dominates the local media in particular—a change from last year's assessment. Last year, this indicator earned a slightly higher score, and the panelists reported that people wanted more entertainment programming. The panelists this year said that people tend to get most information they need through television and satellite media. News programs are available according to a regular schedule.

Most journalists agreed that all media outlets are well equipped with advanced technological facilities. Last year's report noted the government's plans to build a 211-meter-tall television tower in Ashgabat; plans have moved forward, and the Turkish Polimeks Company is expected to have the tower built by October 2011.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

OBJECTIVE 3: PLURALITY OF NEWS

Turkmenistan Objective Score: 0.26

Plurality of news sources improved just slightly over last year's score, although most indicator individual scores did not change dramatically from the previous year. Indicator 6 (ownership transparency) received the lowest possible score.

Currently, Turkmenistan has five television channels, including one international channel, four radio stations, 24 newspapers, and 16 magazines. The fifth television channel, known as Turkmen Ovazy, broadcasts music and came on the air in 2009.

According to the US Department of State's 2009 Human Rights Report on Turkmenistan, "The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of the Russian newspaper *Argumenti I Fakti* and other nonpolitical periodicals appeared occasionally in the bazaars."[4] In June, the government began permitting state agencies and institutions to acquire subscriptions to foreign academic and scientific periodicals. However, officials continue to claim that foreign publications are widely available. "There are no prohibitions to accessing foreign press," said a teacher from the Institute of International Relations of the Ministry of Foreign Affairs during the Central Asian Media Conference, held in October 2009 in the capital city of the Kyrgyz Republic.

The US Department of States Human Rights Report on Turkmenistan noted, "Almost all print media were government financed. Except for the private but government-sanctioned Turkish newspaper *Zaman*, which reflected the views of the state newspapers, the government imposed significant restrictions on the importation of foreign newspapers."[5] One panelist added that "people consider newspapers particularly untrustworthy, as they are full of propaganda; there are publications that are paid for and do not contain real information." The government controls radio and local television as well, but satellite dishes providing access to foreign television programming are scattered throughout the country. Citizens also receive international radio programs through satellite television access.

The panelists had mixed opinions on the reliability of domestic coverage by international news sources. Some state international broadcasters—for example, Azatlyk Radio (RFE/RL Turkmen Service)—cover topics that local sources do not. Others say that international sources are often exclusively negative in their coverage of domestic issues. At least one panelist reported that people say that the number of information sources available in Turkmenistan has increased considerably over the past year. In particular, they mention an increase in Internet access and the number of international channels available on satellite television, inclusive of Russian and Turkish outlets. One panelist said, "Despite an oppressive media environment and limited sources of news and information, many people in Turkmenistan consider it easy to find the news and information they want."

People rely first on television for their information needs. Many households have two dishes—one to receive signals from Russia and one for signals from Turkey and Europe. These dishes receive hundreds of television and radio channels. "[People] are more likely to use Russian television stations for news and information—inclusive of ORT, Rossiya, NTV and Ren-TV channels—than they are Turkmen sources because of the variety of information and entertainment programming," said one journalist. Another panelist said that some people watch local TV-4, Yashlik, and Miras channels. In addition, the government television station TV-4 retransmits Russia's Channel 1 for about two hours per day—about 20 minutes of which is devoted to news.

RFE/RL's Turkmen-language broadcast, known as Azatlyk Radio, is the second major independent source of information in Turkmenistan and perhaps the best source of independent information on domestic affairs. RFE/RL correspondents are under severe pressure from the government, yet Azatlyk Radio manages to report—often comprehensively—on stories

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.

[4] US Department of State, 2009 Human Rights Report: Turkmenistan: http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136095.htm

[5] US Department of State, 2009 Human Rights Report: Turkmenistan: http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136095.htm

that local media will not touch. Listeners are attracted to information particularly about domestic events, including a broad spectrum of social interest issues. Foreign mass media outlets, including RFE/RL, approach many controversial stories that are not reported upon inside Turkmenistan. Examples include when Turkmen and Chinese workers clashed in eastern Turkmenistan, when Turkmenistan banned students from studying at foreign private universities, and a bus accident that killed 10 Turkmen children. In addition, no state media reported on Turkmenistan's denial of entry to US Peace Corps volunteers in August.

Internet access increased modestly during the year. Government-owned Turkmen Telecom remains the main provider to the general population. It continues to issue new Internet accounts to businesses and organizations, and reportedly began issuing new accounts to private individuals for the first time in years. Turkmenistan has approximately 15 state-owned Internet cafés nationwide, and multiple NGO-sponsored facilities, private businesses, and business centers have been granted Internet access. However, the government's administrative requirements for connection, including a signature from the local police station, continue to impede access. The government monitors citizens' e-mail and Internet usage, and cuts service for accounts used to visit sensitive websites.

Although the government reduced Internet cafe fees to approximately ($2) per hour in April 2009, access remains prohibitively expensive for the average citizen, considering that the average salary in Turkmenistan is about $200 (depending on the region).

Access to specific websites remains inconsistent. In March, the government allowed the Russian cellular telephone provider MTS to begin providing mobile Internet service to its business customers, including citizens. According to a Turkmenistan.ru news story, the government also granted free Internet access to disabled customers from some select secondary-level schools. In June, MTS was able to offer this service to all of its customers—more than 800,000 subscribers by year's end.

The content of government media outlets varies little, presenting only one point of view. For the last several years, the government has provided extensive funding to Turkmen mass media outlets, including television, in order to aid production of their own stories and programs. Before that, Turkmen television stations simply replayed certain programs over and over to fill airtime. But now, channels have the latest cut equipment, cassettes, cameras, and other technologies. According to the panelists, television stations have been equipped enough to produce live programs since 2003.

As a result of the firm state monopoly over the media, transparency of media ownership is not an issue. Everyone understands that the government owns virtually all aspects of the media sphere.

All media in Turkmenistan are in the Turkmen language. The only minority-language publications available are the national, general interest, Russian-language daily newspaper *Neytralniy Turkmenistan* and the advertising paper *Habarlar,* which is published both in Russian and Turkmen, according to *Kronika Turkmenistan*. Publications are not available in the languages of Turkmenistan's other minorities. About 20 percent of the people living in Turkmenistan are not ethnic Turkmen, though the figure differs from source to source. However, the US Department of State lists 72 percent of the population as Turkmen ethnic.

OBJECTIVE 4: BUSINESS MANAGEMENT

Turkmenistan Objective Score: 0.14

Objective 4 barely changed from last year's MSI study. Indicator 2 (media receive revenue from a multitude of sources) dropped to the lowest possible score. Objective 4 (advertising revenue as a percentage of total revenue in line with accepted standards) fell as slightly as well, but most other indicators rose just enough to score close to the objective average. Poor performance for this objective comes down to the government's dominance over the economy and its payment for all media expenses from the state budget.

Turkmenistan's economy, like all other aspects of Turkmen society, is controlled by the government. Its economy is one of the least free in the world, ranking 171 out of 179 nations in a 2010 Heritage Foundation report on economic freedom. "Regulation is opaque, enforcement is inconsistent, and cronyism is rampant. Foreign investors face a highly politicized and corrupt system. Financing is largely controlled by the government. Property rights are enforced intermittently, and corruption remains widespread," the report said.[6]

All domestic mass media are under strict state control and financed by the government of Turkmenistan. "Without private media, there cannot be a media market," one panelist said. "There are no media businesses, and there is no editorial independence." The only newspaper to approach independence, *Zaman*, is under control as well and has limited editorial independence, according to one panelist.

[6] 2010 Index of Economic Freedom, Heritage Foundation. http://www.heritage.org/index/Country/Turkmenistan

Government funding, mandatory subscriptions, and a small amount of advertising support the state-run media. Given that Turkmenistan has no independent media of which to speak, and the government pays for all media, editors and media managers are under no pressure to worry about advertisements or other income issues. However, at least one study participant said that advertising is developing in Turkmenistan, with the rise of the foreign investment in the country's economy. "The private sector does use the print media and television for advertisement," another panelist added. Quoting a television journalist from the capital city, IWPR reported, "It is very difficult for an NGO to place an ad…"

Also, IWPR reported that a representative of an NGO in Ashgabat said that he asked state television to help him produce an advertisement to be shown on World AIDS Day on December 1, but it turned him down, saying that the health ministry would need to grant special permission.

"There are limited possibilities for market research," said one panelist. "Yet there are restrictions for media outlets to conduct in-country research to obtain information about the audience demographics and preferences." However, RFE/RL reported that it conducted an in-country survey with a small focus group in 2008 and 2009—the first time it had undertaken such a survey.

Broadcast media have no ratings system. The circulation figures that the government maintains for its print publications are inflated by the system of mandatory subscriptions. Government employees, who represent the majority of employed people in the country, have long been forced to subscribe to government publications.

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

Turkmenistan Objective Score: 0.30

Short-term trainings organized by OSCE and UNDP offices in Turkmenistan lifted Objective 5 just slightly, with indicator 5 (short-term training opportunities) scoring well over 1.0. In fact, no other Turkmenistan MSI indicators even came close to 1.0. All other indicators remained almost the same as last year, and indicators 1 and 2 (trade associations and journalists' associations) received the lowest scores possible.

Turkmenistan has no trade associations or professional associations that represent the interests of the media, provide member services, or work to protect journalists' rights. In theory, the Institute for Democracy and Human Rights under the President of Turkmenistan exists to handle these functions. Yet "journalists do not receive support from this institution," one panelist said.

Essentially, Turkmenistan has no need for an association of media owners, since the government is virtually the only owner. The law does not protect workers' rights to form unions. Again this year, no new information available on unions is available, but at least two unions for journalists were operating in 2007. The Union of Journalists of Turkmenistan was founded in 1992 with a charter that included "the protection of [journalists'] interests against state and public organizations, founders, and publishers of the media," according to a 2001 IWPR article by Nazik Ataeva.[7] But as reported in last year's MSI, this union is an ineffective, quasi-governmental organization that represents government workers to the government, according to a 2007 panelist familiar with its operations. The non-governmental Shamchirag Association of Journalists of Turkmenistan, which has existed for at least eight years, is apparently little better.

"There are also no non-state institutions engaged in media development; no professional associations except for the old Soviet-style Union of Journalists that seems to exist only on paper," added one panelist.

Workers in the NGO sector are subjected to the same kind of pressure as independent journalists. Most nominal NGOs are actually controlled by the government, and independent NGOs or informal organizations face government persecution. "NGOs supporting free speech and the independent media are prohibited in the country," confirmed one panelist.

Although the constitution and law provide for freedom of association, the government restricts this right in practice.

[7] Ataeva, Nazik. June 1, 2001. "Obedient Turkmen Media." Institute for War and Peace Reporting (IWPR) http://www.iwpr.net/?p=rca&s=f&o=176174&apc_state=henirca2001

The law requires all NGOs to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the Ministry of Economics and Development and the MOJ, and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property. The government routinely denies registration to NGOs and other private organizations, using subjective criteria.

Journalism education is in its infancy, and short-term trainings are scarce. For students wanting to pursue a journalism degree, studying journalism abroad is the only way to study and train effectively.

In the panelists' experience, a candidate has no way to get admitted into the only journalism program of Turkmenistan without personal connections to top-ranking officials from the Ministry of Communications and Culture and/or the Ministry of Education. The reason is that the program accepts only 10 students per year from among the 115,000 to 130,000 students across Turkmenistan that graduate from secondary-level schools each year and wish to continue their studies at universities. The Ministry of Education has a policy to distribute equal admission from all five regions of the country, and of the two students accepted from each region, one is from the region's main city and the other from a rural area.

Two programs in journalism were established this year at the newly opened Institute of International Relations, which cooperated with the OSCE for short-term trainings. But according to one journalist, the programs "are all state-controlled, and access for study is limited." According to a teacher from the institute, Osman Hemzayev, the programs can accept up to 10 new students for the program.

"There are opportunities for students to get a journalism degree abroad, but it is problematic," one panelist said.

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.

Another panelist gave an account of an incident involving the government and an international group of journalism students. "This summer, about 50 students from the American University of Central Asia based in Bishkek were prevented from travelling at the Ashgabat airport. The Turkmen authorities gave no explanation for this ban. Journalism students were among the banned students. This bizarre situation created fear for the students studying abroad regarding whether they'd be able return to their home after their study."

Short-term training opportunities exist, but they are possible only with the support of international organizations such as OSCE and UNDP, and according to one panelist, "they are available only for journalists designated by the state." In 2009, there were training courses on writing about health topics and classes on general skills for journalists. A two-week course in November sponsored by the OSCE trained journalism students at the Foreign Ministry's Institute for International Relations. Specifically, the training addressed ethics for journalists, legal issues, press freedom, and the globalization of the media. It also helped students build writing and interviewing skills.

To regulate domestic printing and copying activities, the government requires all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. Additionally, the government owns all publishing companies. Publications on topics that are out of favor with the government, including fiction, are not published. Channels of media distribution are under state ownership as well. Only some kiosks are in private hands.

In the panelists' experience, the Turkmenistan media sector has qualified journalists, but due to editorial pressure, expected self-censorship, and government control, journalists have no choice but to cover assigned events only, and in a pro-government way. To gently encourage Turkmen journalists despite these seemingly insurmountable obstacles, the panelists suggested that the international community concerned with freedom of the press should work with the government (such as the Ministry of Communications and Culture) because the top officials dictate what to cover and how to approach subject matter.

"I am not convinced they can achieve much," one journalist noted. "Even the best-trained journalist will have no room to maneuver."

List of Panel Participants

Due to the political environment in Turkmenistan, IREX did not conduct an in-country panel for Turkmenistan. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the situation of media in the country.

The Internet, the only possible route for uncensored information to enter the country, is also tightly controlled—access to all opposition and critical news websites and blogs is blocked. The government applies sophisticated filtering technology to control the flow of information via the Internet.

UZBEKISTAN

OVERALL SCORE: **0.55**

In 2009, Uzbekistan remained on the oppressive political course it chose after the notorious 2005 Andijan massacre, with conditions for the mass media continuing to deteriorate. Despite pressure from the international community, the Uzbek government is cracking down on foreign media, local journalists, civil society, and independent political groups. Even though the government claims to respect human rights, plurality of opinions, and freedom of speech, any attempts to obtain objective information about developments in the country are fraught with obstacles.

Uzbekistan has no independent media. All broadcast and print media are controlled tightly by the government. Constitutionally, there is a ban on censorship, but in reality, censorship is very intense. Following several show-trials of editors and journalists, editors have learned to censor materials as a matter of survival. Editors approve only information uncritical of the government. The Internet, the only possible route for uncensored information to enter the country, is also tightly controlled—access to all opposition and critical news websites and blogs is blocked. The government applies sophisticated filtering technology to control the flow of information via the Internet.

The government is continuing its crackdown on local journalists that intensified after the Andijan events. Many independent journalists and rights activists have been jailed, and often are portrayed in local media as national enemies. In 2009, Uzbekistan had three major cases of oppression of journalists. On February 22, 2009, Dilmurod Saiid was charged with extortion; a local woman testified that Saiid forced her to extort money from another journalist. Saiid was found guilty and sentenced to 12-and-a-half years in prison. Another journalist, Kushodbek Usmon, was reportedly detained on February 23, 2009. Usmon was arrested on suspicion of hooliganism, but later was charged with libel and "affront." Finally, Umida Akhmedova, a prominent journalist, photographer, and documentary filmmaker (she directed the controversial documentary Burden of Virginity), was arrested on January 13, 2009. She was criminally charged with insulting and libeling the Uzbek people through her work.

International human rights organizations criticized the EU decision this past year to lift the last, but the most potent, of the series of sanctions imposed on Uzbekistan in the wake of the Andijan events, when the state refused an international investigation into the incident. As the Uzbek environment for human rights and freedom of speech has not changed significantly since then, Freedom House called this EU decision "a grave mistake,"[1] and warned that it sends the wrong message about the EU's commitment to principles of human rights.

[1] Freedom House: Lifting of EU Arms Embargo on Uzbekistan Sends Wrong Message on Human Rights http://www.freedomhouse.hu/index.php?option=com_content&view=article&id=299:lifting-of-eu-arms-embargo-on-uzbekistan-sends-wrong-message-on-human-rights&catid=35&Itemid=124

UZBEKISTAN AT A GLANCE

GENERAL

> **Population:** 27,606,007 (July 2009 est., *CIA World Factbook*)

> **Capital city:** Tashkent

> **Ethnic groups (% of population):** Uzbek 80%, Russian 5.5%, Tajik 5%, Kazakh 3%, Karakalpak 2.5%, Tatar 1.5%, other 2.5% (1996 est., *CIA World Factbook*)

> **Religions (% of population):** Muslim 88% (mostly Sunnis), Eastern Orthodox 9%, other 3% (*CIA World Factbook*)

> **Languages (% of population):** Uzbek 74.3%, Russian 14.2%, Tajik 4.4%, other 7.1% (*CIA World Factbook*)

> **GNI (2008-Atlas):** $24.74 billion (World Bank Development Indicators, 2009)

> **GNI per capita (2008-PPP):** $2,660 (World Bank Development Indicators, 2009)

> **Literacy rate:** 99.3% (male 99.6%, female 99%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Islom Karimov (since March 24, 1990)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 663 newspapers, 195 magazines, 13 periodical bulletins; Radio stations: 35; Television stations: 53 (Uzbek government)

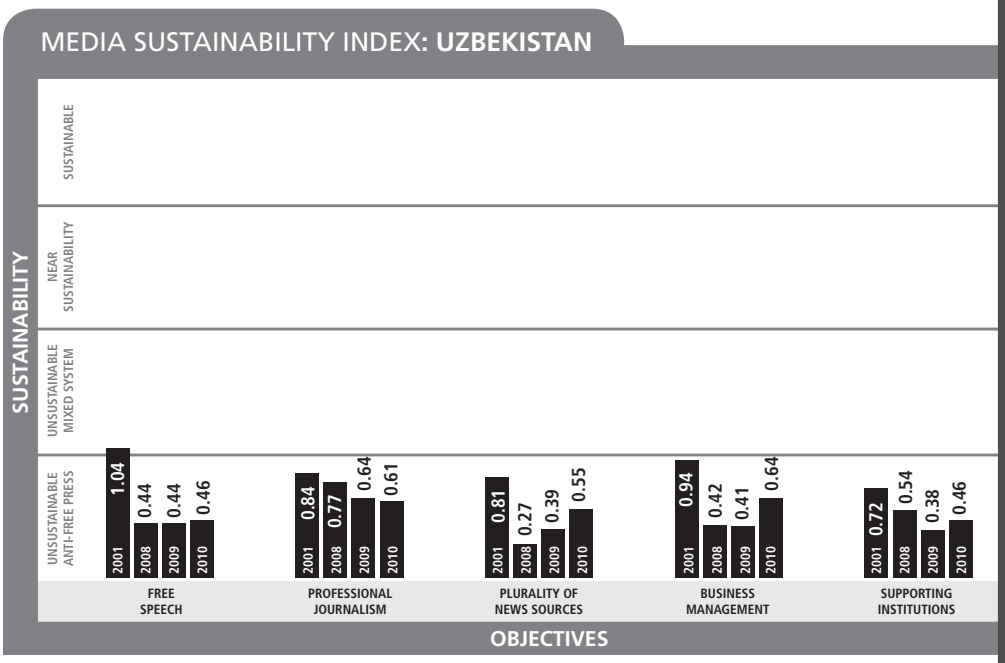
> **Newspaper circulation statistics:** Total newspaper readership is estimated at only 50,000; top publications include *Khalq Sozi* (state-run daily), *Narodnye Slovo* (state-run, Russian language daily), *Ozbekistan Ozovi* (published by ruling party) (Library of Congress, Federal Research Division)

> **Broadcast ratings:** N/A

> **News agencies:** Uzbekistan National News Agency (state-owned), Jahon, Turkiston Press

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 2,469,000 million (2008 est., *CIA World Factbook*)



Annual scores for 2002 through 2006/2007 are available online at http://www.irex.org/programs/MSI_EUR/archive.asp

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

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

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

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

OBJECTIVE 1: FREEDOM OF SPEECH

Uzbekistan Objective Score: 0.46

As seen in many of the former Soviet states that changed from communism to democracy, in Uzbekistan, democracy lives only on paper—especially when it comes to freedom of speech. Reality contradicts the state-controlled propaganda that portrays democracy as flourishing in Uzbekistan.

The Uzbekistan constitution guarantees the freedom of thought, expression, and convictions, and all state bodies are obliged constitutionally to allow any citizen access to information relating to rights and interests. The legal framework concerning the freedom of media corresponds to all norms of international human rights. However, this legal framework is far from perfect and has plenty of loopholes, which limit the scope of journalism.

Moreover, virtually all power in the government is in the hands of the president Islam Karimov, who ignored the article of the constitution that prohibits a third presidential term. He ran for the presidency again in December 2007 and won the election. Clearly, authorities respect neither the constitution nor other laws on the media, creating highly unfavorable conditions for protection of the freedom of speech.

In 2006, the Uzbek government issued a decree stating that journalists and ordinary citizens of Uzbekistan have no right to cooperate with foreign media that the Ministry of Foreign Affairs has not accredited. After the bloody Andijan events, when foreign media disseminated to the whole world the shocking news about the uprising and massacre, the government nearly stopped accrediting foreign media.[2] This decree renders it impossible for the foreign media to hire Uzbek citizens as sprinters to get firsthand information.

Licensing of broadcast media is managed by the State Inspection of Communication, the government agency in charge of controlling mail and telecommunications system. The Agency for Press and Information is responsible for registering print media, polygraphic activity, and advertising agencies. On paper, legal provisions guarantee fairness and transparency of the licensing process, but reality contradicts the law. Given the government's harsh treatment of opposition interests, the licensing for broadcasting and printing is given only to trusted people close to the inner circle of the government. Hence, there is no competition or fairness in obtaining media licenses, although applications are accepted openly. While appealing a rejected license application is technically possible, no media outlets attempt to appeal.

The legal framework guarantees that media may enter the market without unjustified restrictions, and reasonably protects the right to start and run a business. Given the harsh economic conditions, the State Tax Committee promised tax breaks for all economic entities in 2010. However, media companies face a more complicated registration process than other business entities, and they face additional bureaucratic obstacles in obtaining licenses as well.

Journalists are afraid to express freely opinions that are critical of government. The National Security Service reportedly sends all media outlets a list of topics that the media must not cover critically, and journalists and editors self-censor accordingly. The Uzbek media sector has no substantial pluralism, as the state's total control over the local media results in one-sided content that is always pro-government.

A few years ago, journalists in Uzbekistan were subjected to frequent physical attacks and harassment. However, when the international community started pressuring the Uzbek government, the authorities shifted their tactics in fighting independent journalists. Today, independent journalists collecting information critical of the government are most likely to be accused of libel, fraud, defamation, and extremist activities aimed at overthrowing the Uzbekistan constitutional regime.

Independent journalist Dilmurod Saiid was reportedly detained on February 22, 2009. Saiid worked at Ezgulik, a local human rights organization, where he defended Samarkand-area farmers. He also reported for a number of online news websites, including Voice of Freedom and Harakat, an independent news agency. Saiid was charged with extortion, and a local woman testified against him, stating she was forced by Saiid to extort money from a local journalist. After a five-month trial—in closed proceedings without his defense team, family members, press, or human rights defenders present—Saiid was found guilty and sentenced to 12-and-a-half years in prison. Human Rights Watch said that Saiid was "prosecuted and convicted because of his efforts to expose local officials' abuse of power and corruption and his willingness to fight for the rights of farmers in the Samarkand region."[3]

The very next day after Saiid's detention, another journalist, Kushodbek Usmonov, was arrested in Asaka, a city in the

[2] The Ministry of Foreign Affairs claims that there are seven Russian, two British, one French, one Belgian, four Chinese, three Turkish, three Kyrgyz, two Kazakh, three Azeri news organizations accredited in 2009, as well as one Latvian, and one Iranian news organization. http://mfa.uz/rus/pressa_i_media_servis/press_slujba/sob_korr/.

[3] Human Rights Watch, *Uzbekistan: Free Journalist Sentenced to Over 12 years,* <http://www.hrw.org/ru/news/2009/08/03/uzbekistan-free-journalist-sentenced-12-years> (August 3, 2009)

eastern region of Andijan. Usmonov, 67, was arrested on charges of hooliganism allegedly brought forward by his nephew. However, at the beginning of the court process, the prosecution changed the initial charges to libel and affront, Articles 139 and 140 of the Uzbekistan's criminal code. Usmonov was sentenced to six months in prison, and was released in July 2009 after completing his sentence. Human Rights Watch reported that during the trial, Usmonov "testified that he had been subjected to torture and ill-treatment, including being beaten with hard objects in the groin and abdomen, and being forced to lie naked face down and being threatened with rape if he did not confess his guilt."[4] However, the judge ignored his statement that he had been tortured, and no investigation was held into the alleged torture. Human rights activists believe that Usmonov's critical publications of high-ranking authorities and police officials at the Andijan regional police department are the real reasons behind his arrest.

Umida Akhmedova, the prominent journalist and filmmaker, and director of Burden of Virginity, was arrested on January 13, 2009 by the city police department of Tashkent. She was criminally charged with insulting and libeling the Uzbek people through her works that depict the daily life of Uzbeks. In her documentary, sponsored by the Swiss embassy in Tashkent, Umida Akhmedova openly discusses the traditional ban on premarital sex, which is a taboo topic in local state-controlled media. Joel Simon, executive director at the Committee to Protect Journalists (CPJ), stated in his appeal to Uzbekistan's president that the "conviction of Umida Akhmedova on trumped-up charges of libeling and insulting the Uzbek people is yet another step backward for press freedom."[5] In February 2010, Akhmedova was convicted of slandering and insulting the Uzbek people, though the three-year prison term carried by the conviction was waived. In addition, Fergana.ru reported that authorities are pressuring a woman appearing in the documentary to file a claim of a suffering against Akhmedova.[6]

The Internet is the least controlled mass media in the country, and the Uzbek government strenuously filters the information coming via Internet. Until 2006, Internet censorship and filtering was largely undeclared, and the Uzbek government denied its deployment of sophisticated technologies and adoption of laws to filter the Internet. Most international news agencies' websites are blocked. The Uzbek government understands that for the Uzbek opposition, which mainly lives in exile and cannot operate in the country, the only way to reach the Uzbek audience is via the Internet. Therefore, the government applies severe filtering of information coming from opposition and exiled dissidents. OpenNet Initiative reported, "Among the Commonwealth of Independent States countries, Uzbekistan is the undisputed leader in applying Internet controls."[7]

Citizen journalism, a new phenomenon flourishing in neighboring counties including Kazakhstan and Kyrgyzstan, is not yet popular among Uzbek citizens. Even though Internet penetration is comparatively high in big cities of the country, people are not showing much interest in blogging, micro-blogging, podcasting, or videocasting. Uzbekistan's mass media law states that mass media includes "websites… and other forms of information transmission." As the law does not clearly define "website," any online page publishing information, including blogs, can be equated to mass media in Uzbekistan. However, no incidents of trying Uzbek bloggers under mass media laws have been reported to date.

The government does not control entrance to journalism schools. However, the authorities do impose restrictions on the professional activities of independent journalists. Independent journalists working for foreign media outlets are not given accreditation to work in the country. As only accredited journalists can attend most official events, many doors are closed to journalists with no accreditation.

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.

[5] CPJ/IFEX, *CPJ urges Uzbekistan to acquit Umida Akhmedova, release imprisoned journalists,* <http://www.ifex.org/uzbekistan/2010/02/19/independent_journalists/> (February 17, 2010)

[6] Fergana.Ru, *Uzbekistan: Za Umidoi Akhmedovoi Ustanovlena Slezhka*, (in Russian) <http://www.ferghana.ru/news.php?id=14082&mode=snews> (February 24, 2009)

[7] OpenNet Initiative Uzbekistan fact sheet, http://opennet.net/research/profiles/uzbekistan

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uzbekistan Objective Score: 0.61

Professional journalism standards in Uzbekistan remain low and are far from attaining international standards. Due to the lack of quality journalism schools and trainings, journalists working for state-controlled mass media make poor one-sided reports, and their work is more akin to propaganda than journalism. Government-sponsored journalism schools have not changed significantly since the Soviet Union era. When covering political and economic issues, journalists are often biased, as the state does not allow coverage of alternative viewpoints or those that contradict official opinions.

Despite the fact that blogging is gaining popularity in neighboring Kazakhstan and Kyrgyzstan, and is often conceived as citizen journalism there, blogging is not widespread in Uzbekistan. The Uzbek blogging community is mainly located in the LiveJournal platform. Wordpress, a famous blogging platform among the émigré Uzbek community, is blocked in Uzbekistan. Topics bloggers cover include movies, music, and leisure, but no politics. Uzbek bloggers never openly criticize the Karimov political regime or its officials, as they are afraid that the government can identify them easily by IP addresses and friend lists in their blogs. However, in November 2009, LiveJournal bloggers in Tashkent organized a flash mob via their blogs to gather and grieve over trees in the park that were cut with the decision of the government.

In the past, all journalists had to submit articles to authorities ahead of publication for approval. In 2002, the government banned this form of official censorship but replaced it with post-publishing censorship, in which journalists and editors are punished for information already published. The National Security Service's list of topics that editors must avoid include the country's socio-economic problems, the activities of opposition parties, human rights violations, high ranking officials in the government, the president and his family, and Andijan events. Given the venality of judicial system of Uzbekistan, journalists have to self-censor in order to avoid any negative governmental repercussions.

Journalists cover key events and issues in the country only after obtaining approval from the authorities. Therefore, foreign media are generally the first to cover events, even in an emergency situation. Local media wait for the government's approval, and report only the government's version of events. That was the case with the 2005 Andijan events; explosions in a military depot in Kagan in 2008; and the May 2009 bombings in Khanabad, a town on the border with Kyrgyzstan. In that event, a group of armed militants attacked a police headquarters, customs checkpoint, and National Security Service office. As almost all foreign media outlets are banned in the country, information is often spread among the population by rumors.

Corruption in journalism is widespread, and can be linked to the low wages in mass media. Salaries are particularly low for local journalists in smaller cities. In the capital and larger cities, the situation is a bit different. The salaries in state-owned and private mass media are also a bit higher, as a result of income from multiple sources: government support, advertising, and sponsored articles and television programs. Journalists are frequently driven to quit, or find additional jobs, because of low wages. Ethical standards are not high, and journalists gladly accept gifts. Many do it openly, in fact, considering it a form of recognition for their work.

Entertainment programs prevail in broadcast media content. State-owned television channels are popular among consumers because of foreign soap operas. People are not typically interested in news programs on local television channels, as the programs are not objective and do not reflect the real situation in the country. Russian television channels remain popular.

Only state-owned media, and only those in the capital and big cities, have decent facilities and equipment for gathering, producing, and distributing news. Private media, and media in smaller cities and remote areas, cannot even afford high-speed Internet. As noted in last year's report, some journalists in remote areas still are untrained in using new equipment, lack basic computer skills, and are unaware of the resources available via the Internet.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

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

OBJECTIVE 3: PLURALITY OF NEWS

Uzbekistan Objective Score: 0.55

Given the government's tight control of mass media, plurality of news in Uzbekistan is very poor. Widespread self-censorship severely affects the quantity of critical materials. Journalists are afraid to express alternative viewpoints on issues such as foreign and internal policy, economy, and religion.

Popular print media can be divided roughly into two categories by content: propaganda and entertainment. State-owned newspapers such as *Pravda Vostoka* and *Khalq Sozi* are propaganda-oriented publications. Just like *Pravda* during the Soviet era, these outlets usually represent the government and deliver its messages. Entertainment-oriented media typically publish crossword puzzles, celebrity news, and coverage of television programs. The media sector has something of a third category as well: privately owned Russian and Uzbek papers, including *Novosti Uzbekistana*, *Noviy Vek*, *Hurriyat* and *Mohiyat*. Less popular than entertainment and propaganda-oriented papers, they give government-friendly information and offer no alternative viewpoints.

With entertainment shows dominating their content, television channels can spare little time for news programs. The state channel Ozbekiston once had a popular primetime news show, Ahborot ("News" in Uzbek), but it has become a government mouthpiece, portraying only positive aspects of life in Uzbekistan. This trend is apparent with other television channels as well. Independent journalists joke among each other that if the Uzbek government persecutes them, they will flee to the utopian country portrayed in Ahborot, and request asylum.

The panelists believe that, paradoxically, the plurality of viewpoints in mass media has decreased since May 2002, when the Uzbek government eliminated official censorship. Previously, at least some critical materials about local governments, private business institutions, or low-profile authorities passed national censorship authorities, and as a high-profile governmental agency conducted the censorship, the subjects of these materials did not dare appeal.

Despite the government's desperate attempts to filter its content, the Internet remains the least controlled media in Uzbekistan. A small part of Uzbekistan's Internet-using population can find alternative viewpoints online. However, almost all websites with political and human rights content that the government views as sensitive remain inaccessible to Internet users in Uzbekistan. Uzbek Internet users complain constantly that they cannot access such websites as Eurasianet, Ferghana, Uznews, Centrasia, Lenta, IWPR, and popular blogs Neweurasia and Registan, which are blocked in country because they present content critical of Uzbekistan. With the development of Internet tools for bypassing Internet filtering, advanced Internet users can surf blocked websites via so-called "anonymizers" and "proxy servers." However, Internet users also complain that popular anonymizers and proxy servers are constantly blocked. Due to Uzbekistan's extensive Internet filtering, Reporters Sans Frontières included the Uzbekistan government on its list of the world's top 12 "Enemies of the Internet."

Online social networks, such as Facebook and MySpace, are not yet used widely; however, the newly emerging Uzbek social network, VseTut, is becoming popular. Internet users in Uzbekistan mostly use the Russian online social networks Odnoklassniki and Moy Mir. Due to poor Internet speed, not everyone can use YouTube. However, it is popular among those who have access to high-speed Internet. Twitter, which is becoming popular in neighboring Kyrgyzstan and Kazakhstan, has not taken off in Uzbekistan.

Prior to the elimination of official censorship, it was taboo to criticize the government's foreign and international policies, the president, his close people, or other high profile officials. However, official censorship passed critical materials targeting local issues, particularly feuilletons. After 2002, with the ban of official censorship, articles critical of local issues have almost dried up. On June 27, 2009, in his congratulatory address to Uzbek journalists on their professional holiday, president Islam Karimov called upon journalists to be braver and write critical articles about "pseudo-leaders," who believe that their official position "gives them a right to

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

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

impose their personal wills on people." Nevertheless, it did not result in elimination, or softening, of self-censorship in Uzbek media.

State-run media reflect only the government view, rarely rising above propaganda. Without any legal opposition in the country, Uzbek leaders receive disproportionately generous coverage. Last year's study found that state media lean strongly toward educational and cultural programming.

Uzbekistan still has no independent news agencies. The government controls the gathering and dissemination of news through three main agencies: Uzbekistan National News Agency (state-run), Jahon (run by the Ministry of Foreign Affairs), and the Russian-language news agency Turkiston-Press. There are few differences between the agencies.

Ownership of private media outlets is not transparent; this information is not openly available. However, media experts believe that all media outlets in the country are owned and controlled by a certain group of people close to the president's family.

As reported in last year's MSI study, the media reflect and represent a very narrow spectrum of social interests. The government tolerates no controversial topics in the press.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uzbekistan Objective Score: 0.64

Transparency International ranked Uzbekistan as the 7th most corrupt country in the world in 2009.[8] Most media outlets, especially newspapers, struggle just to cover operational expenses, let alone turn a profit. There is an emerging advertising market, but it is fully controlled by the government. Deep-rooted corruption in political and economic spheres, and the heavy regulatory environment of Uzbekistan, do not allow media outlets and supporting firms to operate as efficient and professional businesses. Most media organizations would not survive if not for subsidies from the government or private owners.

Media organizations, both state and privately owned, work hard to diversify sources of income. With the diminishing interest of the population in news sources, informational newspapers are forced to survive mostly on state subsidies and a trickle of advertising revenue. In Uzbekistan, usually the yellow print media enjoy sales. The most popular yellow magazines are *Tasvir*, *Darakchi* and *7x7*, which are sold in Uzbekistan as well as Uzbek communities in neighboring Turkmenistan, Kyrgyzstan, Tajikistan, and Kazakhstan. Each of these newspapers claims weekly circulation from 40,000 to 60,000. However, state and private media outlets alike inflate circulation numbers in order to attract more advertisers.

According to governmental sources, Uzbekistan has about 1000 media outlets throughout the country. Most of them are at the district and village levels, focus on local news, and include very few promotional materials. However, in recent years, advertising in media has been developing to play a significant role with regional-level newspapers and magazines.

The media market of the capital city, Tashkent, is more developed and considerably ahead of regional media in placing advertisements. Several major publishing houses grab the biggest share of the advertising market. They include Tasvir, The World of Economy and Law, Shark Press, Jahon, and a few others. Large companies hold more than 40 percent of the country's advertisement market. Despite how the advertisement market is developing, most media outlets still cannot survive without state subsidies.

In Uzbekistan, market research is in the early stages of development, and does not significantly shape the media products to the requirements of the market. SIAR-Uzbekistan, founded at the end of 2007 as a branch of SIAR Research and Consulting Group, conducts media market research. SIAR-Uzbekistan won the May 2007 tender of the Tashkent Advertising Association to undertake the first significant media research project in Uzbekistan since 1998.

In early 2009, SIAR-Uzbekistan conducted a People Meter analysis of Uzbekistan's television channels. According to its findings, the most popular television channels among

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.

[8] Transparency International Corruption Perceptions Index2009: http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

capital city residents are the state channel Ozbekiston and the youth channel Yoshlar. The company also identified the 20 biggest television advertisers, most of which are mobile network operators and manufacturing companies. SIAR-Uzbekistan is also planning to evaluate the print media and radio in Uzbekistan.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uzbekistan Objective Score: 0.46

The Andijan events in 2005, when governmental troops opened fire at unarmed civilians and reportedly killed hundreds, started a new, repressive era in Uzbekistan. Human rights watchdogs reported that the Uzbek government unleashed a fierce crackdown, unprecedented in proportion, on civil society. Due to restrictions and persecutions, many NGOs were forced to close down.

Today, the Uzbek government still exercises tight control on all professional unions and associations, trade associations, and NGOs. The few media organizations exist not to promote and protect rights of journalists and media organizations, but to keep them under the government's control.

National Association of Electronic Media (NAESMI), a professional association of private Uzbek broadcasters, represents television and radio outlets. Founded as part of a government initiative in 2004, NAESMI's purported main goal is to establish an equal market for broadcasters, encourage broadcasters' active participation in building civil society, represent common interests, and protect the rights of association members. However, media experts believe that NAESMI's true goal is to control the activities and content of broadcast media. Despite the stated voluntary nature of membership, members were reportedly forced to join the association under the threat of losing their licenses.

The Creative Union of Journalists, also founded by a 2004 government initiative, represents professional journalists in Uzbekistan. The charter claims that the union's main objectives are "to enhance the role and status of journalists in society, helping to protect the rights and interests of journalists working for various newspapers and magazines, television and radio stations, [and] publishing houses and news agencies, regardless of ownership." Due to the government's tight control, union activity is limited to representing journalists on the state level and organizing various competitions among them. The union does not protect the rights or interests of repressed journalists.

The Public Fund for Support and Development of Independent Print Media and News Agencies supports non-governmental print media. The stated aim of the fund is to support independent print media by funding development projects aimed at strengthening professionalism and technical capacity. Just like other supporting institutions, the activity of the fund is also friendly to the government. Independent media observers state that the projects implemented by the fund do not include projects in strengthening freedom of speech, championing pluralism, or fighting censorship.

Uzbekistan has no supporting organizations to protect the interests of bloggers and citizen journalists, and no media development NGOs are operating in the country. Internews Network used to provide journalism training, but it had to leave Uzbekistan in 2005.

The quality of journalism schools in Uzbekistan is low. Journalism departments at government-sponsored universities, such as the National University of Uzbekistan and the State University of World Languages, have poorly developed curricula and need to be updated to meet modern journalism requirements.

Short-term professional journalism training sessions are attended only by independent journalists. The National Television and Radio Company offers training on technical topics. International media development organizations operating in neighboring countries, especially Kazakhstan and Kyrgyzstan, invite Uzbek journalists to their journalism training sessions. The US Department of State, the Open Society Institute, and other international organizations offer training programs for journalists from Central Asia, including Uzbekistan, in neighboring countries, Europe, and the US. Independent journalists from Uzbekistan do attend these trainings; Uzbek journalists attended at least two of these courses, in online journalism and investigative

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.

journalism. However, competition is tight, and only a limited number of journalists meet the requirements and are accepted. Therefore, such programs are not an option for the vast majority of journalists. Furthermore, these well-trained independent journalists, who are often critical of government, face constant harassment and prosecution by Uzbek authorities. A number of professional journalists had to leave Uzbekistan, and are now in exile.

There are both state-owned and private printing facilities in the country. The Press and Information Agency is in charge of the country's printing and distribution infrastructure. Therefore, private print houses usually print materials friendly to the government, in order to avoid problems with authorities.

The state controls all media distribution channels, except for some privately owned shops and kiosks. In 2009, more than 34 ISPs were operating throughout Uzbekistan. They all receive Internet service through the state-owned company Uzbektelecom, which filters Internet content critical of the government.

List of Panel Participants

Due to the political environment in Uzbekistan, IREX did not conduct an in-country panel. This chapter represents desk research conducted on the situation, interviews, and the results of questionnaires filled out by several people familiar with the situation of media in the country.