

Country reports on Media freedom

2012



South East European Network
for Professionalization of Media

Country reporters

Ilda Londo, Albania

Radenko Udovicic, Bosnia and Herzegovina

Vesislava Antonova, Bulgaria

Sasa Lekovic, Croatia

Borbala Toth, Hungary

Agron Bajrami, Kosovo

Vesna Nikodinoska, Macedonia

Nadine Gogu, Moldova

Dusanka Micunovic, Montenegro

Ioana Avadani, Romania

Jovana Gligorijevic, Serbia

Brankica Petkovic, Slovenia

An Introduction by Aidan White
A Balkan Crisis that Calls for a New Media Vision

It is more than twenty years since democratic revolutions in the eastern fringes of Europe opened up a new era of political pluralism with promises of an end to political control of media and the extinction of fear and self-censorship in journalism.

But as this report illustrates the contemporary picture of media in many Balkan countries – some of them now established members of European Union – is one of tragically unfulfilled promise.

The country reports set out here, meticulously prepared by observers at national level, deserve to be read in detail by everyone concerned about the future of journalism. They provide a sobering context for discussion about the next phase of media development for policymakers and journalists alike across the whole of the European media landscape.

No two countries are the same, but each is assessed according to established benchmarks covering how journalism is practiced and how media work. The reports monitor the levels of threat to press freedom; relations between media and politics; the role of law in media governance; the state of broadcasting; changing market conditions; the scope for ethical journalism and self-regulation; and the role of journalism education.

One major conclusion is that the political landscape is as challenging as ever. Two decades on from political reform and in the aftermath of a devastating sectarian war, media are still fighting battles on behalf of unscrupulous politicians.

There is increasing intolerance, extremism and hate speech. Politicians on all sides remain attached to a political culture that sees journalism as an instrument of power while some media willingly go along with deceptive handling of the truth to suit their political friends.

In each of the countries surveyed contradictions abound, with legal and constitutional guarantees made meaningless by poor government, institutional corruption and political opportunism.

Most threatening, of course, are incidents of physical attacks and legal intimidation which occur in many countries, but are found particularly in **Serbia, Albania, Bosnia-Herzegovina and Kosovo**.

The use of laws of defamation to curb media scrutiny is a scourge that infects almost every national jurisdiction, but in **Slovenia** it is a particular curse with the Prime Minister

and his ruling party in the vanguard of legal actions against journalists. Journalists rightly worry that this creates an intimidating atmosphere for media.

The pattern of undue political influence and legal intimidation is everywhere, but it is most apparent in **Serbia** where in 2011 there were 241 legal cases in the courts, the majority of them for defamation. It is a country guilty of chronic disregard of citizens' rights. The Council of Europe found Serbia deficient in 23 out of 27 indicators of rights protection. It is no surprise that self-censorship in journalism is rampant.

These problems have not gone unnoticed in Brussels where the European Parliament in 2012 told Serbia to put its house in order. The government, anxious to polish up its image, has pledged to make media more independent, but there is widespread fear that this is just an empty promise.

In **Romania** media have played a central role in the country's polarising political turmoil. A high profile confrontation between the country's President and Prime Minister and the coming and going of three governments in one year generated many headlines and criticism that media are too politically engaged. Undue political influence on journalism may increase despite plans to create a more independent system of public broadcasting.

When it comes to the rule of law journalists like everyone else rely on an independent judiciary and fair dealing by the state to deliver the rights and protections that media require.

There are some positive signs – in **Albania**, for instance, the penal code has been cleaned up and four offences that protected politicians from media scrutiny were removed in 2012.

But even when policymakers do the right thing and enact legal protections for media freedom, as in **Moldova** or in **Montenegro**, which erased defamation and insult laws in 2011, a lack of institutional support, a weak judiciary and the absence of political will can render the law ineffective.

One recurring and troubling message from these reports is the lack of transparency not only in the way media do business but also in their ownership structure. Often the real ownership and financial standing of media is hidden in complex structures that defy intelligent analysis.

This is not just a problem in South East Europe, but it raises major questions of governance and accountability of media. In any democracy it is essential that there are strong transparency rules, particularly for media which can exercise a direct political influence on national affairs.

In **Bulgaria** there is an astonishing absence of transparency raising concerns about who really owns media and who pays for journalism in the country. The rise of the New Bulgaria Media Group, which dominates the media landscape, for instance, is particularly worrying. This company's labyrinthine ownership and funding structure defies easy analysis. The lack of effective supervision and monitoring has already prompted a European Union investigation.

Across the region media are troubled by economic crisis and structural change that has led to the decline of the newspaper and magazine sales. At the same time there is increasing volume of traffic in Internet and online journalism.

But the market is by no means operating freely. The advertising cake is often unfairly distributed and political and corporate interests may combine to deny independent media from much-needed revenues. As ever, a lack of transparency in allocation of public and state advertising leads to winners and losers defined not by performance, but by politics.

Across Europe all politicians are scratching their heads about how to regulate media in the digital age, but few countries can match **Hungary** for heavy-handed governmental interference in journalism.

The country's one-party media law, which led to a startling European-wide controversy and condemnation by all of Europe's political bodies, has been amended no less than 12 times and in some 200 articles since it was controversially passed into law. However, it remains on the statute books and with powers, albeit less draconian than before, to intimidate media and levy heavy fines on journalists.

There is little chance of it being replaced in advance of elections in 2014 and meanwhile there is a vacuum and uncertainty over media regulation that only reinforces self-censorship.

The regulation challenge is particularly felt in public broadcasting, where governments struggle to transform old-fashioned state networks into genuinely independent systems. Years of neglect and lack of political commitment to public service ideals, often reflected in the tendency to politicise the regulatory bodies that supervise broadcasting.

In crisis-torn **Croatia**, a new member of the European Union, where media are badly affected by the financial crisis and structural change, the public radio system has come under renewed pressure. Although there were amendments to the law covering Croatian Radio and Television in 2012 the system's independence is not guaranteed and the system continues to suffer from "management problems, political meddling and nepotism."

In countries where the international community has played a major role in keeping the peace – **Bosnia-Herzegovina and Kosovo** – there has been enormous investment of expert resources and media development funds to try to forge professional institutions and forms of media regulation that will strengthen tolerance and cohesion in painfully divided societies.

The result is a comprehensive body of media policy and legal protections as well as a bustling information landscape, but there are lingering doubts as to whether this will be enough to create sustainable independent systems.

There are numerous cases of intimidation and threats to journalists and the dark hand of sectarian politics continues to test the capacity of media to rise above simmering conflicts that continue to affect all aspects of society.

In Bosnia a growth of news portals has brought increased pluralism, but it has also increased the scope for hate speech in tragically divided communities. In Kosovo, the problems are made worse by unsustainable conditions – a weak economy, underdeveloped advertising market and a congested media landscape.

The decline of journalistic freedom in **Macedonia** during 2011 and 2012 has caused consternation within the international media community with particular concern over selective and politically-massaged application of broadcast law. The actions against TVA2 in 2012 brought to mind a rebuke from the Council of Europe some seven years ago warning that the law was open to abuse.

But it's not just the law that worries; Macedonia has low ratings on almost all freedom counts with self-censorship, media concentration, and poor protection of economic and social rights. Few countries anywhere have the sort of precarious employment highlighted here – in some cases journalists taking up employment are asked to sign a resignation letter which the employer may activate later when it suits them.

Given the punishing catalogue of difficulties facing journalism it is not surprising to note weakening investment in journalism education and training. There are signs of more in-house training in **Bulgaria**, for instance, and even positive growth of media education in **Croatia**, but everywhere more investment is needed to combat falling ethical standards and bad practice in journalism.

Young journalists with skills and talent graduate from many schools with enthusiasm but find that their opportunities are limited, work is precarious and inside many newsrooms there is too often little regard for the ethical imperatives of journalistic work.

In many countries the discussion about media standards and how to develop credible forms of self-regulation is at the top of policy agenda and this provides an opportunity for journalists to reassert the importance of professionalism and core ethical values.

Towards a New Vision of Media

The final balance sheet from this comprehensive audit of media conditions reveals a considerable democratic deficit with much still to be done by policymakers and media to nourish the journalism needed to combat a suffocating atmosphere of political and corporate corruption.

Indeed, it is impossible not to conclude that this is a critical moment for journalism and democracy in south east Europe. Across the region strategic actions are needed to support independent journalism and to eliminate specific obstacles to media freedom – legal, social, and professional – that are a road block towards democratic reform.

The inclination of legislators and governments to use the law to interfere in journalism is an obstacle to the creation of a democratic media culture. A comprehensive policy shift among political leaders at both national and regional level is long overdue.

The role of international organizations is critical. The persistent and resonating voices of rights defenders in the OSCE and the Council of Europe have done much to expose the failures of governments at moments of crisis, but a more vigorous and strident defence of journalistic freedoms by political leaders is urgently needed.

The European Union, in particular, needs to ensure that the states currently seeking EU membership commit themselves to building a public information space that is open and accessible to all.

A cross-border alliance of politicians ready to speak with one voice on the need for pluralism, tolerance and media policies that will encourage professionalism and self-regulation will be useful, but this should not lead to politically-driven attempts to regulate journalism.

That is a job for media professionals – owners, editors, and journalists – working in partnership with civil society. Media leaders need to commit themselves to deliver ethical content, good corporate governance and journalism free of corruption.

This is the professional bedrock that can sustain national systems of self-regulation that are credible and sustainable.

But that will not happen without a change of mindset inside media. The absence of professional solidarity renders media vulnerable to political interference and weakens the ethical base of journalism. When media owners, editors and journalists fail to stand together in defence of their professional values everyone loses; not just groups inside journalism, but also citizens and civil society at large.

Such change will not happen overnight, but it is long overdue. These reports should serve as a wake-call to media and a stark warning that after many years of complacency and political drift a fresh start for journalism and democracy is urgently needed.

Media freedom in Albania, 2012

Violations of media freedom

In February 2012, Gjovalin Prenga, the Director for Public Relations at the Council of Ministers, filed criminal charges over an alleged libel in Tirana's District Court, seeking a two-year prison sentence for Lindita Cela, a journalist for the daily newspaper *Shekulli*. The journalist claimed in an article that Prenga had ties to the former-communist security apparatus, citing what another official had said. The case went to court, where the plaintiff refused to reconcile with the defendant in the first court meeting. However, after a few weeks, the case was dropped, since the plaintiff withdrew the lawsuit.

This was certainly a welcome step, in view of the recent amendment to Penal and Civil Codes that de-penalize libel and defamation (see Media reform section later this paper) and the long-held commitment of the government to refrain from taking journalists to trial. This case also indicated that there is a need for constant monitoring of such cases in the future, in order to ensure the fair treatment of journalists from a legal point of view, as well as to identify the general trend of both journalistic conduct and the government's stance on the matter.

In June 2012, crime reporter Dashmir Bicaku was assaulted by the bodyguards of a foreign businessman, while taking photos of him coming out of the police station where he was being interrogated. Even though he was in front of the police station, the police apparently did not intervene in the assault. The journalist has started a lawsuit, but as of September 2012, the case has been slow to proceed.

On August 19, 2012, Marin Mema, a reporter with national commercial Top Channel TV was headed for Greece on a private visit, when the Greek border police denied him entry to the country, recalling a report of his on Greece a year earlier. Mema was handed a piece of paper, on which he was allegedly described as a threat to national security, and therefore a *persona non grata*. In an interview with the regional website *Balkan Insight*, Mema linked the ban to a television report he did on the Cham population of ethnic Albanians who were expelled from northern Greece during World War II.

On October 14, the journalists that report current affairs conducted a protest against government, in view of the constrictive police measures regarding an ongoing strike of former prosecuted persons. According to the journalists, it was extremely difficult for them to communicate with the persons that had entered a hunger strike and also to enter the premises where the strike was taking place. Hence, it became increasingly difficult to show the public what was going on and properly report on the strike. The journalists, also supported by the Union of Journalists, demanded that the police relax their measures and

allow journalists to carry out their mission of informing the public on what was going on. On December 26, Habjon Hasani, journalist at the daily Shqiptarja.com, was assaulted by three unknown persons near his newsroom. One of them had asked to meet the reporter, telling him that he had a report to hand him for publication in the media. The moment Hasani got out of the newsroom, he was assaulted and taken by surprise by the person he was talking to and two other young men who were standing nearby at the time. Hasani was hit repeatedly, but there were no major blows or consequences. Soon after, the journalist reported the assault to the police, saying that he did not know any of the men, who are still unidentified.

Media and politics

The reform of media laws and policies has been frozen for some years, due to the political crisis in the country, which has prevented the smooth functioning of the parliament and its commissions. Only recently has parliament been able to make decisions that require a qualified majority, or have worked on laws alongside both opposition and ruling party MPs.

In terms of media freedom and political developments, although press freedom surveys have recorded a steady decline in rankings in recent years, there is no visible government repression. Crimes against journalists and the media are quite rare, unlike cases of more subtle forms of pressure and harassment, which are increasing and which include efforts to control editorial policies through media owners, or by exerting indirect pressure and soft censorship.

More specifically, a continuous and increasing source of concern has been the way that state advertising is distributed and how it affects media freedom and independence. Government expenditure on media advertising and its lack of transparency has been a problem in the past, which led the current government to decide that the practice of paying for advertising should stop altogether. However, both the law and the practices of state institutions' paying for advertising are unclear and not transparent. There are still concerns that the government provides advertisements or advertisement campaigns to media outlets close to power. These concerns have increased in 2011, with claims that media outlets close to the government have received funding for advertisement spots that were either unnecessary, or distributed in a non-transparent and clientelist way. This trend was also mentioned by Dunja Mijatovic, OSCE Representative on Media Freedom, during her visit to Tirana in June 2012.

The Socialist Party further emphasized these concerns in September and October, by denouncing several cases that point to dubious practices of distributing state advertising to media outlets. The Socialist Party published several documents that indicated that in

recent years, several ministries and state institutions had decided to publish their advertising and announcements in media outlets close to the government. The Ministry of Transportation, Ministry of Defense, Ministry of Internal Affairs, Ministry of Integration, and Ministry of Labour, according to the Socialist Party, had distributed millions of USD in advertising by using the criterion of political alignment rather than circulation, audience, or media outlet performance. The Socialist Party claimed that the procedure of distributing advertising was not transparent and it was not fair. Some of the media outlets that had received funding in recent years reacted by saying that the money was spent on public-awareness campaigns and public announcements on important issues. Some also pointed out that the Socialist Party's conduct during its ruling terms was not different.

Media reforms/policy development/self-regulation

Several developments have taken place this year in terms of media reform and policies. In February and March 2012, the Albanian parliament adopted significant reforms to the country's criminal and civil libel laws. The Penal Code amendments included the full repeal of four offenses that granted special protection to national and foreign government officials, and which have been abused in the past to harass journalists. Prison terms, and the involvement of public prosecutors in defamation cases were also abolished. The lawmakers maintained that insults and the deliberate publication of defamatory falsehoods were misdemeanors, to be prosecuted privately and subject to a fine.

In addition, the Civil Code amendments provide greater guidance to judges, by requiring them to consider elements such as truth and the contribution of statements to democratic debate, while also taking into account unjust attacks on reputation. The changes seek to limit damage awards to proportionate levels that do not jeopardize the financial survival of media outlets. Civil libel awards granted by Albanian courts have increased dramatically in recent years, casting a chilling shadow perhaps longer than that of the criminal offenses, which have largely fallen into disuse in the recent past. In this context, the adoption of these amendments have assumed an even greater importance.

On 2 May 2012, the Council of Ministers approved the Strategy of Digital Switchover, which will guide the transition from analogue to digital broadcasting. The first version of the Strategy was drafted several years ago and it has been under discussion, along with the law on broadcasting. Meanwhile, commercial digital broadcasting has been active and widespread in the country since 2004. The parliament approved a law that would regulate this sector in 2007, which has not been implemented so far.

After the approval of the Strategy, the head of the National Council of Radio and Television called for the speedy approval of the draft law on Audiovisual Services, in parliament as of September 2012, so that both the Strategy and the new law would be

implemented. The current version of the Strategy regulates different aspects of switchover, such as: the role, responsibilities and benefits of the public broadcaster; the time lines proposed; a public-awareness campaign; the cost of the switchover; subsidies; coordination with other countries; a migration plan; cooperation with local actors; the building of the RTSH network; securing finances for the public broadcaster; technical standards, etc.

In an attempt to bring current legislation in line with the EU Audiovisual Media Services Directive, the revised law, including digital broadcasting, is currently being discussed in the Parliamentary Media Commission. The main changes envisaged for this law aim to strike a balance between media freedom and respect for human rights, extending regulation to linear and non-linear audiovisual services. The Parliamentary Media Commission organized hearing sessions with stakeholders on February and then again on July. Some of the main points discussed included: the definition of the role and the competencies of the regulatory authority; its independence, and its ability to meet the mission requirements; the role of the public broadcaster and its difficult task against the background of digital switchover; and the delicate issue of their legalization and the future shape of media landscape, including competition and ownership issues. The bill was discussed for a long time by the Commission, gathering feedback from stakeholders and international organizations such as the OSCE and the Council of Europe. In the last three months of the year, the Commission discussed the content of each article in the law after revisions had been made by the working group. However, discussions have been long, and there are parts of articles which Commission members could not agree on; these have been frozen until further discussion. Nonetheless, the Commission has continuously expressed the need to speed up the work, and discussions on the matter are ongoing.

Media market developments

Currently, there is a certain trend of consolidation of ownership, although not to the point of creating a major problem. Consolidation has occurred more in terms of the same group establishing print, electronic, and sometimes online media, rather than by mergers or acquisitions. This is also aided by the lack of any cross-ownership provisions regarding print media. There have been no important changes in media ownership in 2012 as of September 2012; while the typical media owner tends to be a businessman, having economic, often political, interests in areas other than the media.

Regarding print circulations and audience shares, it is almost impossible to draw any clear picture or trends in this respect, given the lack of publicly available data on the media market. Even though there are perceptions as to which media services are the most popular in the country, the circulation of print newspapers and the audience shares of

electronic media are not made public. Recently, there have been attempts to document audience trends for electronic media in the capital, but the data are not public. Meanwhile, other surveys - usually by phone, conducted by media outlets themselves - are not reliable. In this context, it is difficult to speak about media outlets that are more popular than others in an accurate and informed manner. A development that deserves to be mentioned regarding print media is the simultaneous decision of several major newspapers to increase their price, indicating that the crisis in this sector has become more serious.

Another problem is that there are no accurate, transparent and regular data on advertising, due both to the lack of media transparency in funding and the absence of regular, reliable and comprehensive market research on advertising revenue and other similar data. Overall, the latest data available on media advertising, which are only estimates from a media-monitoring company, suggest a steady increase in television advertisement spending, while online media is also growing in terms of advertising spending, albeit quite slowly.

Journalism education and debates

While the debate on the quality of education has been a central topic of debate in the media in 2012, it has been related to its overall quality (especially in terms of public vs. private education) rather than to the education of a new generation of journalists. There have been no major developments in terms of journalism education and curriculum development.

The debate about media, on the other hand, has evolved around several topics, depending on the developments. A topic that tends to emerge frequently is the crisis of the print media and the question on its future, in view of the emerging new and online media, blogs, and other competing forms of information.

Other topics have included the coverage of tragedies in the media, in view of several grave accidents that have happened in 2012. Media coverage has led to some media professionals questioning journalists' conduct in these cases, emphasizing privacy issues, moral behavior, and also the increased reliance of journalists on technology rather than on personal contact.

Another event that sparked debates in the media community concerned the decision of KKRT, the regulatory authority on electronic media, to conduct an online survey on media ethics, by asking visitors on their website which of the five programmes indicated they found ethically wrong. The media outlets producing these programmes, and also other representatives of media community, claimed that this was not an ethical move on behalf of the regulatory authority, showing prejudice against these media outlets and their programming.

In addition, in view of the 100th anniversary of the proclamation of independence of the Albanian state, several conferences, meetings, and seminars were conducted by media organizations, focusing on the achievements of journalism so far and the challenges lying ahead.

In general, media professionalism, the future of traditional media and media ethics seem to be the most widely debated topics in the media community. However, one cannot speak of an ongoing and lively debate, but rather of occasional articles or talks (with some exceptions).

Media freedom in Bosnia-Herzegovina, 2012

Violations of media freedom

The Journalist Help Line backed by the Association of BH Journalists has been operating in Sarajevo for several years. Journalists who believe their rights have been endangered may use this service, and if the complaint is found to be justified (more than 90 percent have been so far), the association informs the public, investigative bodies and various local and international factors working for the protection of journalists' rights. During 2012, 53 reports of the endangerment of journalists' rights were made. It is estimated that there have been at least four times more cases of journalists' rights being endangered, but they were not reported out of fear, or a lack of belief that anything efficient would be done.

According to the Journalist Help Line categorization, the largest number of reported cases (17) were “threats and pressure”. These were mostly verbal threats and attempts to prevent journalists from performing their work. Characteristic cases involving senior politicians are a verbal attack, and insults against Belgrade agency Beta’s Banja Luka correspondent Ljiljana Kovacevic, made by Republika Srpska President Milorad Dodik, who called her a liar and threatened to deny her further entry to the government headquarters. Later, the journalist even denied accreditation for reporting from state institutions, which is an unprecedented case in the previous government and media relations.

Three physical attacks on journalists were registered. The most brutal one was against Stefica Galic, editor of the *Tacno.net* portal. The attack was a result of persecution over the screening of a film about her late husband, a Croat from Ljubuski who saved around 1,000 Bosnians from a detention camp in 1993. Stefica Galic was beaten up by a woman, president of a right-wing association in Ljubuski. She beat Galic as hard as she could, admitting as much to the media, and in the end saying to her: “If you tell anyone about this, you are dead.” Galic reported everything to the police right away, but the police described the case as a fight. “That too is one of the very clear messages regarding this case,” the Association of BH Journalists told us, pointing out that the attack on Nedjo Galic’s wife is a result of an unseen media campaign in Bosnia-Herzegovina.

Two web portals, *Poskok.info* and *Ljubuski-online.info*, wrote in very negative terms about this journalist, and readers’ comments on these articles even called for her execution. The case was reported, and described by the Journalist Help Line, as a “death threat”. Despite the Journalist Help Line’s insistence, a lawsuit was not filed for the crime of incitement to murder. After months of insistence by the Journalist Help Line, a judicial investigation was launched into the media conduct related to this attack. The Association

of BiH Journalists told us there is some possibility that judicial bodies will regard this case as a misdemeanor, rather than the crime of incitement to murder.

One bizarre case concerns Nerves Dedic, Mostar-based *Dnevni List* journalist, who was reporting on a police operation against organized crime. In the town of Stolac, an arrested smuggler beat up the journalist in front of the police. Despite the evident bodily injuries, the attacker was acquitted because the policemen claimed to have seen nothing. After an appeal, the proceedings took place before the higher court from September 2012.

In Banja Luka, an individual dissatisfied with a newspaper's reports stormed into the *Dnevni Avaz* newsroom and hit a journalist and smashed the furnishings. Then he left the newspaper and went to another one, *Press RS*, where he also caused damage. In swift police action, the individual was arrested and convicted.

The Association of BiH Journalists told us they are satisfied with police responses in protecting journalists in the Sarajevo Canton and Republika Srpska; whereas in the rest of the Federation of Bosnia-Herzegovina, the police virtually do not react to protect journalists. Some analysts believe there is strong political pressure on police who usually react "mildly" in cases where criticism of the government or local strongmen are involved.

Media and politics

The fact that Fahrudin Radoncic, the owner of *Dnevni Avaz*, founded a political party (the Alliance for a Better Future of Bosnia-Herzegovina), begins a new phase for the country's media landscape. Recently, Radoncic had (at the same time) been a powerful businessman, newspaper and television owner, political party president and candidate for senior government positions; he has also participated in the refiguring of the parliamentary majority, and has met conditions for his party to move from opposition into government. It is not unusual for media moguls (Radoncic also owns TV Alfa from Sarajevo) to be politically active (the best example would be Italy's Silvio Berlusconi), but strong sympathies for his political party can be observed in *Dnevni Avaz*, as well as in the calculated smearing of other, primarily Bosnian parties. As government in Bosnia-Herzegovina is organized on ethnic principles (i.e., the three constituent peoples, the Bosnians, Serbs and Croats), Radoncic has been fighting for the top spot in the Bosnian electorate and trying to push out other Bosnian parties. However, the problem is not the political battle, in which there are always all sorts of conflicts, principled and unprincipled coalition schemes, but the fact that *Dnevni Avaz* has become a propaganda tool, and that its editorial policy literally follows all the political interests of its owner and his political party. *Dnevni Avaz* had profiled itself as a Bosnian newspaper and protector of Bosnian interests but now, its wider audience is confused as to why it has turned

against those political parties and options that it had once been allied with, and which were once considered a united stronghold of Bosnian interests.

However, in mid-summer of 2012, Fahrudin Radoncic, in order to avoid a conflict of interest, announced an the imminent sale of Dnevni Avaz. In early September, the media reported, quoting federal court documents, that the media magnate and politician Radoncic is no longer the owner of Avaz and other companies which had made him one of the most influential people in BiH. Overnight, his now already ex-wife Azra became the formal owner of Radoncic's media empire. Those better informed claim that this is just legal acrobatics which Radoncic used to avoid the limitations prescribed by the law on conflict of interest which is now in effect. In order to be named minister of security, the position he got with the “recomposition” of the ruling coalition in BiH, he had to “get rid” of ownership of his companies. It had been expected that he would sell Avaz to a foreign media group, but he decided to keep the company in the family, suddenly splitting up with his wife and then ceding ownership of part of his business empire to her by mutual agreement. After that, Azra Radoncic bought another big company, Avaz-roto press, from Fahrudin Radoncic for around 100 million euros. Thus, the transfer of ownership from Fahrudin to Azra Radoncic was completed. An ex-wife, under the law on conflict of interest, is not considered a close relative, which means that legal obstacles to Radoncic’s becoming minister were removed. However, that incumbent minister Radoncic still rules Avaz can be seen from the paper’s editorial policy, which supports his political party and ruthlessly squares accounts with his political opponents.

On the other hand, although it came into private hands a few years ago (to the Selimovic family), *Oslobodjenje* has remained close to the political left (being followed by the Social-Democratic Party). However, it is evident now that it is moving closer to the Bosnian SDA party, which is trying to be thrown out of all levels of government by Radoncic’s party. It is possible that the owner of *Oslobodjenje* is starting to take new positions.

In the Republika Srpska, based on monitoring by independent agencies, *Nezavisne Novine* and *Glas Srpske* show extreme favoritism towards the government in that entity, and this has been a constant, unlike changes that have occurred in the Federation of Bosnia-Herzegovina.

In addition to individual cases of journalists’ freedom being endangered, after a long time, the state placed systematic and open pressure on the media in the Federation of Bosnia-Herzegovina in 2012. In 2011, the Republika Srpska government had exerted pressure in various ways: giving financial incentives to suitable media outlets, and denying information to unsuitable ones. However, in 2012, the practice moved to Sarajevo and was carried out by a government which, while it was in opposition, had criticized the Republika Srpska government for precisely that kind of conduct.

On two occasions the Parliament of the BiH Federation tried to dismiss members of the Steering Board of the public service RTV BiH Federation. In order to understand the problem, we must provide a brief account of the origins of the situation. Most independent analysts and ordinary citizens believe that in today's Bosnia-Herzegovina, the entity public-television services are at the forefront of a deeply politicized media landscape, that they incite ethnic tension, and contribute to political and ethnic conflicts. This is especially worrying because public services have an obligation to represent the public interest in a balanced way and with integrity. Participants in the first Media Barometer, held in October 2011, organized by the German Friedrich Ebert Foundation, and attended by numerous prominent media professionals and people from the state and NGO sectors, raised the most objections precisely in this sphere. They characterized all three public services in Bosnia-Herzegovina as stations which do not fulfill their functions through their programming.

Many associate BiH Federation TV's bias with Bakir Hadziomerovic, its editor-in-chief for television and multimedia. However, he has only been in that top position since early autumn 2011. Before that, he was the editor of "60 Minutes", a programme which covered various current and controversial issues in Bosnia-Herzegovina. Journalists of this magazine used harsh terms, often borderline unacceptable, waging a continuous war on different figures from public life, resulting in numerous lawsuits. Hadziomerovic did not hide his closeness with the Social-Democratic Party, which could be recognized in many of the magazine's contents. In September 2011, the FTV management shut down "60 Minutes" and proposed that Hadziomerovic become editor of television and multimedia, which was approved by the Steering Board. That was a time when Federal Television was heavily on the side of the coalition led by the ruling Social-Democratic Party. The whole "60 Minutes" team started editing the prime-time news programme, boosting its viewership (it became more interesting); but the structure and content of the created programme was not in line with the editorial principles of public-service broadcasting in Europe. After many months of unprofessional and biased news programming, the FTV management, supported by the Steering Board, removed Hadziomerovic and his key staff and appointed new editors for television, who were relatively independent and opened the news programme to all political subjects without making introductory comments in prime-time news programmes (which had guided the audience on how to interpret what they heard).

After this, a tragicomic situation occurred. When a new ruling political coalition was created in June 2012 (the Social-Democratic Party stayed, but changed partners), one of the first decisions of the new parliamentary majority was to appoint a new so-called Provisional Steering Board for radio and television. In other words, to choose, without following a procedure, a body that does not exist in the law. The decision was justified by the stance that the mandates of three Steering Board members had expired and that the situation at this medium was disastrous. However, the financial situation had never been

better, and the programme had never been more professional. The reason was that the Social-Democratic Party had lost control and its partners also wanted to appoint their own people. Candidates of the Social-Democratic Party, the Party for a Better Future, and the Croat Democratic Union, were directly delegated to the Provisional Steering Board. However, after protests in Bosnia-Herzegovina and by foreign organizations working on media and journalist rights (including the OSCE Mission in Vienna), the ruling coalition annulled the decision and announced a vacancy notice for the appointment of new members. But on 29 August 2012, the Constitutional Court of the Federation of Bosnia-Herzegovina ruled that the legislative procedure was not followed in form with the new parliamentary majority, and annulled all decisions that had been made. As a result of this, the attempt towards partisan control of Federation RTV failed.

However, towards the end of 2012, the ruling coalition again tried to appoint its people to the Steering Board. The excuse they gave was that RTV FBiH has received negative audit reports for three years, and that this time, they decided to dismiss the whole Steering Board. The strongest opposition party, SDA, was opposed to that and the whole process was postponed after an incident in parliament. In the meantime, international community representatives called on the ruling coalition not to make decisions that violate legal procedures with the goal of taking control over public media.

An aggravating circumstance for the operation of an independent public-broadcasting service in the Federation of Bosnia-Herzegovina is the fact that the parliament appoints Steering Board members. Although they may not be members of leading structures of political parties, it is clear that those who have the support of the parliamentary majority are supported, regardless of their expertise. The parties could not agree on the appointment of members whose mandates had expired, and previous Steering Board members remained with a technical mandate. As the new parliamentary majority's decisions were "annulled" and then canceled due to the violation of parliamentary procedure, the current members may stay even longer; and with them also, the television's top management which had, albeit belatedly, succeeded in eliminating the propaganda-style programming.

However, after failing with the public-service broadcasting, the federal government is trying to discipline those private media outlets which do not support it. The weekly news magazine *Slobodna Bosna*, quoting sources from the Federation Government, reported that Federation Prime Minister Mirsad Nikić had instructed people who favor him from the tax authorities to scrutinize the operations of the daily *Oslobodjenje*, television station TV1 and *Slobodna Bosna*. These media outlets are extremely favorable to the opposition. And thus, the government is able to "strike back" at the media for their critical questioning of the government's conduct, and the media's efforts towards independent or opposition journalism.

Media reforms/policy development/self-regulation

After the war, for more than ten years, the media landscape in Bosnia-Herzegovina was regulated by the international community. The goal was for the media to become a factor in the building of a peaceful and democratic society: media legislation was passed in line with the highest European standards; a regulatory system was created for broadcasters as well as a principle of self-regulation for print media; the process of transformation of state-run into public radio and television was launched; and equal treatment of publicly and privately-owned media was established. The international community made the assessment, in the middle of the last decade, that Bosnia-Herzegovina could independently take responsibility for the functioning and development of its media system. Although theoretically correct, the assessment proved to be wrong. The general political and social environment is unfavorable for the development of independent, professional and free journalism. Ethnic division and conflict, coupled with all other controversies in Bosnia-Herzegovina's society, have jeopardized or even prevented the implementation of effective media legislation.

Ethnic problems, which are the main concern of the public, has turned news programming into exclusive protectors and defenders of ethnic interests and ideological and political exclusivities. This was a step away from the restoration of hate speech (a faithful follower of armed conflicts and crimes), which now not infrequently hides under the guise of freedom of expression, and the investigative goals of journalism and critical speech. Some newsrooms today resemble the political headquarters of the parties in power or opposition.

All media outlets are poor institutions, either because radio and television subscription fees are insufficient, or because they have no share of the modest marketing cake. Material insecurity makes newsrooms unable to resist different kinds of pressure; journalists are too weak and disorganized to resist the rise of internal ownership and editorial oligarchies which establish criteria of conduct.

A completely new territory for the expression of media conduct, with the increasing influence of the public, are forums on internet portals: a form of media which comes right after television in terms of popularity, and which are much more widely read than newspapers. Interactivity has given ordinary citizens an opportunity to voice their opinions. As this is not professional communication, and as portals do not have effective comment moderation, intolerant speech is rife, to say the least.

Media market developments

According to the Communications Regulatory Agency (CRA) data, in 2012 there were 195 broadcasters on the air in Bosnia-Herzegovina, comprising 148 radio stations (including three as part of the Public Broadcasting System of Bosnia-Herzegovina); and 47 television stations (including three as part of the Public Broadcasting System of Bosnia-Herzegovina). Ten dailies are published (three were shut down in 2009) and, according to the latest Press Council data (2009), there were 184 other editions and magazines that came out over different time intervals. Publication of print media is not registered with the authorities and their statistics are incomplete and not updated, especially because many of them have a short life span. Six news agencies have general and other specialized services. Over the last four years, a large number of news portals were launched and they are increasingly becoming a source of exclusive information and a platform for public debate; but they are also sometimes susceptible to encouraging hate speech and vulgar forms of communication, a phenomenon that generally impacts upon this most democratic medium. Most mainstream media outlets have their own websites.

One of the positive things that has happened in the last ten years is a rise in investments in media advertising. The most successful year by far was 2008, with 251 million euros invested in the media. This comprises gross figures (i.e. total amounts based on marketing price lists), but basically, these are not the real financial results because all media give extremely high discounts. Therefore, marketing experts point out that these figures should be reduced two or even three times.

The latest data for 2011 from the Mareco Index Bosnia agency show estimated real marketing revenues: not gross figures according to price lists, but what was actually paid (with included discounts and balancing). This figure is around 50 million BAM (25,564,594 euros). Television has by far the biggest marketing share: with 78.4 percent in 2009; 70 percent in 2010; and 75 percent in 2011. This is no surprise, as much research shows that this platform is by far the most popular. Advertising goes where most people will see it. An incomparably smaller share in advertising in 2011 was reported for outdoor and print media (8 percent each), and radio and the internet (5.1 percent each).¹ By far the most successful medium in marketing terms is BiH Federation RTV (in 2011 around 11.5 million BAM, or 5,879,857 euros).

The Media Plan Institute's research from 2010 confirmed that 80 percent of citizens consider television their favorite medium. According to research carried out by Mareco Index Bosnia using 'peplemeters', in 2012 the most watched medium during a 24-hour period was BiH Federation TV,² the public service of that entity, with a share of around

1 Mareco Index Bosnia data.

2 The public broadcasting service of Bosnia-Herzegovina has three broadcasters: public service RTV BiH, RTV Republika Srpska, and RTV BiH Federation.

14 percent. The situation was the same in 2010 and 2011. TV Hayat holds second place with a 10 percent share, followed by TV OBN, and TV Pink. The nationwide public service BHT is only in sixth place.

The most watched programmes on television are prime-time news programmes on the public services, Football Champions League matches, as well as Turkish serials, which have been on the increase in the last two years.

Annual research carried out by the Communications Regulatory Agency of Bosnia-Herzegovina shows a constant rise in internet connectivity. Research for 2011, based on internet-provider data, shows that the share of internet users is 57 percent in Bosnia-Herzegovina.

In the last two years, there has been a huge increase in the number of visits to internet portals in Bosnia-Herzegovina. According to website visitor data, news on *Klix.ba*, which is posted on the homepage, has around 80,000 unique visitors. This means that front-page news is read by 2.5 times more readers than similar items in the highest circulation daily papers. The secret of the portal's huge success (in the context of Bosnia-Herzegovina) is that it is relatively fast and attracts readers with its concise style. However, what also contributes to its popularity is the enormous number of (generally unmoderated) comments on articles, and (often witty) street communication on serious media sites also attracts audiences.

What additionally complicates any focus on media professionalism is the appearance of vertical ownership. The owner of *Dnevni Avaz*, the highest circulation daily, has made considerable investments (either on his own or in partnership) in the construction industry, the hotel industry, as well as in some forms of trade. Logically, these businesses are strongly supported by the newspaper, which also serves as a "weapon" for settling arguments with economic and political opponents. On the other hand, *Oslobodjenje*, the daily *SAN*, which shut down in 2011 (it is now a weekly tabloid) and the weekly *Dani*, are owned by the Selimovic family, who also own the Sarajevo Brewery, the Pepsi Cola bottling plant, and a number of large shopping centers across Bosnia-Herzegovina.

Journalism education and debates

Results of research carried out by the Association of BiH Journalists and the German Friedrich Ebert Stiftung foundation show that 9.9 percent respondents in BiH believe that insufficient professionalism is one of the main obstacles to the free operation of the media in 2011. In addition, 17.1 percent of respondents think that criteria should be stricter for those who want to work in the journalistic profession, in order to improve journalistic work and quality of reporting; whereas 32.2 percent of respondents believe

that the first thing that needs to be done to achieve this goal is to improve the journalist education system. Therefore, one-third of citizens maintain that journalistic professionalism is threatened because journalists do not get enough knowledge in the education system.

There are eight journalism departments at universities in BiH (six state and two private). Some journalism professors have any only theoretical knowledge. The main problem is that there are not enough practical classes, which is the foundation of journalism. Students' practical work in the media takes place without a desire to teach them the trade or to help them gain know-how. To complicate the situation even further, there are too many students, primarily those who study in Sarajevo; this discourages and prevents genuine interaction with professors and their assistants.

BiH also has media centers that provide education for journalists and students of journalism: the Media Plan Institute and the Media Centar. Despite often having top journalistic names from BiH and neighboring countries as lecturers, journalists' interest in getting additional education is not high. One reason is the lack of a true media market, as a result of which additional know-how is not a motivation for journalists in keeping their jobs or finding new work. Respondents in the above research generally believe that some kind of license or a professional exam should be introduced, which all media employees would be required to pass. However, that would be difficult to implement as there is no legal framework to support it. In addition, many doubt that a competent licensing authority could be created in such a complex political situation in BiH.

On this note, various conferences in BiH, mostly held with donor support of the international community, usually bring together same-minded journalists and politicians. It is very rare in any conference to find journalists from both entities and all three ethnic groups who would favor either an ethnic or a secular concept, and who would truly discuss professionalism and ways of educating journalists.

Media freedom in Bulgaria, 2012

Violations of media freedom

In Bulgaria, freedom of speech is not prohibited, but the monopoly of a single media group stifles the voices of the other media. Its formation began three or four years ago, but the impact and implementation of a monopoly happened in late 2011 and in 2012. The portfolio of the New Bulgarian Media Group includes seven newspapers (*Monitor*, *Telegraph*, *Politics*, *Weekend*, *Borba*, *Meridian Match*, and *Vseki den*), four of which have serious market power because of their circulation. The influence and interests of the New Bulgarian Media Group extend over at least five other editions and two television stations, in which the group has ownership through offshore companies or shares.

The New Bulgarian Media Group has as its patron Tsvetan Vasilev, the CEO and the biggest shareholder of Corporate Commercial Bank. This bank manages the funds of a large proportion of the state energy company, amongst others. Nearly all acquisitions of newspapers of the New Bulgarian Media Group are financed by money from this bank. Tsvetan Vassilev is the man who recently bought the Bulgarian Telecommunication Company (BTC) (or Vivacom), the biggest telecommunication operator in Bulgaria. He is a key player in the transition from analogue to digital broadcasting. A company connected with him will build three digital networks in the first phase of digitization, which will distribute television programmes. As of September 2012, the European Commission has been running infringement procedures against Bulgaria. The reason is that Bulgaria has failed to comply with the EU rules, and without reason, has limited the number of companies are able to enter this market. As changes have taken place in the lobbying law, banker Tsvetan Vasilev has been favored in the contest for multiplex operators. As of September 2012, contrary to the rules, he is the owner of the infrastructure via the telecommunication operator BTC, owning multiplexes and television channels, thus monopolizing the digital transition. Whoever controls the network dictates the rules to the television channels that will use it.

Concentration of ownership is a serious threat, but it is difficult to trace, due to the frequent lack of clarity about who actually owns a particular media outlet. Ownership in key Bulgarian media outlets is in offshore companies or hidden behind bearer shares. There is not sufficient interest on the part of the state to permanently solve this problem, resulting in large opened pockets for anonymous interests. Reflecting ethnic and political diversity is often skewed in favor of dominant groups or communities that have more resources (including finances) to secure media coverage. The relatively small advertising market also has a negative impact on diversity and sustainability in the media sector. Against the backdrop of media abundance, the advertising market is unable to secure independence for all market players, which leads many media outlets to explore other, non-market means of survival.

Formally, the country provides good legal protection of fundamental human rights and media freedom. In this area, all EU legislation has a direct effect in Bulgaria. In practice, however, things are quite different, because the laws are implemented differently in the everyday work of the media. The justice system is in deep crisis and promotes non-compliance with laws. It also slows the delivery of lawsuits and so discourages efforts towards justice and protection. Against this background of weak protection, journalists are regularly subject to economic, political and editorial pressure. Access to information is often hampered by fabricating all sorts of pretexts. Sometimes, institutions are not competent in providing relevant information to the media, or simply do not have any. Protecting the confidentiality of information sources is often general, acting only on paper. Branches of journalistic organizations in turn are weak and fragmented, and are unable to provide adequate protection, or to react in cases relating to media freedom.

In terms of the diversity and independence of the media environment, it can be argued that in Bulgaria there is a rather formal pluralism based on the amount of media outlets. But the abundance of content does not necessarily reflect diversity. Neither is this a guarantee of the quality of media content. Both diversity and quality are very scarce in Bulgaria. Most media offer uniform content concentrated in a tabloid style.

Media and politics

For more than a year and a half, the Bulgarian media market has been in a process of concentration. Some commentators see this as an effort made by the government to eliminate critical voices ahead of elections next summer. According to the investigative site *Bivol*, Prime Minister Boyko Borisov has put pressure on Lyubomir Pavlov, the manager of the Media Group Bulgaria Holding, one of the largest media groups, to sell the influential national dailies *Trud* and *24 hours* to the New Bulgarian Media Group, managed by Irena Kristeva and her son MP Delian Peevski, who are supposed to have good relations with the government. Media outlets of this group are bought by funds

indirectly provided by the Bulgarian state through the state-energy companies, whose accounts are at the bank that financed all transactions. This scheme was not created by the current government; however, it does nothing to stop it while enjoying comfortable media coverage. This design would be suitable for any government.

The case of the sale of *Trud* and *24 hours* developed over a month and concerns all media outlets in Bulgaria. If these two newspapers get into the hands of the New Bulgarian Media Group, the latter will have an almost 100 percent monopoly of the press market. From a business perspective, it would be close to the end of the newspaper market: it would eliminate any normal competition. From the perspective of the consumer, the problem is the editorial policy of the New Bulgarian Media Group. In their model, the newspapers are not meant to provide objective information to their readers, but to powerfully protect the interests of the owners. This means unconditional support for the government officials (whoever they are) and merciless attacks towards competitors in various businesses where the conglomerate has interests. And their interests have recently increased. Another problem is the fact that the distribution of newspapers is monopolized again by the New Bulgarian Media Group. In summer 2012, Bulgarian publishers and journalists put forward these issues to the European Commission, suggesting that Bulgaria has no political will to change the media business. After this event, the European Newspaper Publishers Association (ENPA) urged the government in Sofia to respond to concerns about press freedom in Bulgaria.

Media reforms/policy development/self-regulation

The Bulgarian market accepted the first media law regulating the operation of the broadcasting market (with texts about the Bulgarian National Television (BNT) and the Bulgarian National Radio (BNR)) in November 1998. Since then, many changes have been made, most of them key for the market. The most important concern is the allocation of airwaves, and in the last five years, the transition from analogue to digital broadcasting.

In Bulgaria, media legislation has been victim of numerous amendments for a long time, some of which have had an open lobby flavor. The appointment of members of the Council for Electronic Media (CEM) is done with nominations by the national assembly (for three members) and the President of the Republic (for two members); in this sense, it is always politically charged. Among the main problems of the CEM is the inadequate monitoring of compliance with appropriate programming, and a lack of penalties for changes in programme content. CEM could also more actively cooperate with civil society institutions in carrying out its activities, as well as during its formation process.

Overall, the country lacks the political will for serious positive changes in media legislation. Although there is a draft of a new, modern media law, as of October 2012, its adoption is blocked by the national assembly. This lack of interest is a sign of support of the current status quo favoring those players, who benefit the most from vague or contradictory positions in the law and their own proximity to the power. According to the Radio and Television Act, BNT and BNR are financed mainly from the state budget (and limited advertising), making both institutions potentially dependent on the political conjuncture.

There have been certain attempts for the gradual depersonalization of television and radio outlets in favor of private broadcasters. Meanwhile, the two public media outlets remain the most balanced sources of information and quality programming; while the private electronic media, including those which are foreign-owned, are more often too commercially oriented and tend to gravitate towards a certain political power.

In September 2012, Bulgaria was at the stage where it was able to adopt a new media law expected to resolve the issue of BNR and BNT funding, in order to become more independent of the state, and to become supported by a radio and TV license fee collected from citizens. The debate on the agenda is whether or not to have a law on print media (using the model of some German states) which is expected to resolve important issues related to media ownership (such as ensuring greater transparency as to who is the actual owner of a print media outlet, and a ban on unknown offshore companies acquiring ownership in the media). In fact, the government is not involved in the clearance of media legislation the year before an election.

Some of the main problems are associated with low efficiency of media self-regulation. The Ethical Code of Bulgarian Media (in force since 2004) has been signed by representatives of many publications in circulation. On the other hand, many media outlets that have adopted the code of practice do not adhere strictly to its provisions. In 2012, a group of influential media interests declared their intention to prepare an alternative code of ethics. This ethical chaos has had a direct effect on the principles of impartiality and accuracy followed by the media. Political and corporate interference in their work, editorial bias, and an imposition of taboos over certain issues or personalities are part of the rules of action. Against this background, it is not surprising that investigative journalism is rare. The adherence to high professional standards in the development of media content is also rare. Instead, self-censorship is thriving. The reasons for this widespread practice are associated with the dependence of journalists on media owners, and the various forms of direct or indirect political influence on journalists' work. Corruption remains widespread, and its forms vary from the acceptance of expensive gifts to serious direct payments for "journalistic services".

This overall picture clearly shows that media freedom is not only a victim of external pressure (exerted on the lines of political and economic networks of dependencies), nor is it restricted to the number of information channels. Problems often arise from within the professional community itself, which is not ready to fully assert its freedom, and often, in turn, benefits from the “comfort” provided by the lack of clear regulations or requirements to adhere to existing rules.

Media market developments

For a country with a population of about 7.5 million inhabitants, the media market in Bulgaria is well developed, in some sectors even overdeveloped. There are 16 national daily newspapers. Although no official statistics are available, there is a large number of weekly newspapers, weekly and monthly magazines. In Bulgaria there is no developed audit bureau, and any information about the circulation of daily and weekly newspapers is taboo. The Association of Advertisers in its open letters has repeatedly expressed dissatisfaction with this fact, and as a last resort has diminished its investments in printed media, not only because of the economic crisis, but also because of a lack of transparency in circulation numbers.

Bulgaria has three licensed radio stations with nationwide coverage, 24 with regional territorial coverage, and 224 with a local one. There are four national television channels which have a license for analogue broadcasting. There are 149 programmes broadcast via cable and satellite, and 33 via digital terrestrial services. Both leading television companies are owned by large foreign investors (bTV Media Group by Ronald Lauder’s Central European Media Enterprises, and New Broadcasting Group, a venture run by the Swedish Modern Times Group). Access to international programmes is virtually unlimited via cable and satellite, and the number of foreign magazines published locally through a franchise is remarkable for a country like Bulgaria. In 2012, internet reach was 57 percent of the population, which is a prerequisite for the further significant expansion of media content consumption.

According to the data monitoring of Be Media Consultant, investment in television advertising grew by 17 percent in the first half of 2012, totaling 378 million BGN (193,271,295 euros). The study reported gross investments of advertisers based on the official television rates and does not accurately reflect the actual market value. The amounts do not include the discounts, bonuses, fees of the advertising agencies and barter contracts. Advertising games, lotteries, television channels and radio stations, publishing, charity organizations, sociological and advertising agencies are also not reported. However, the numbers highlight key trends that drive the advertising market.

Television groups with national coverage dominate the rankings of the channels with the highest advertising revenue. In the top ten appear: four channels from bTV Media Group (bTV, bTV Comedy, bTV Action, and bTV Cinema); four from the New Broadcasting Group (Nova TV, Diema Family, Diema, and Kino Nova); TV7; and the public broadcaster, BNT 1. They have a share of over 92 percent of all funds that advertisers invest in television advertising, or just over 348 million BGN (177,932,304 euros) for the first six months of 2012.

Although bTV is still the biggest player in the market, data shows that the gap with Nova TV is decreasing. While during the first six months of the last year the main channel of bTV Media Group received 42.4 percent of all revenues from television advertising, and Nova TV 22.4 percent, for the first half of 2012 the two broadcasters held 40.3 percent and 25.6 percent of the television advertising market respectively.

In December 2012, two of the main cable TV operators in Bulgaria (Bulsatcom and bTV Media Group) started a public dispute about the fee that the carrier pays for the six TV channels under the umbrella of bTV. According to Bulsatcom, bTV required a three-fold increase of that fee; while according to bTV representatives, Bulsatcom already pays larger fees to other TV channels. Bulsatcom, whose share of the TV distribution market is 35 percent, has stopped broadcasting bTV Media Group's six channels. Simultaneously TV7, which is owned by Alegro Capital but is still controlled by media mogul Tsvetan Vasilev, also announced that Bulsatcom offers discriminative fees. According to media reports, this was an attack on Bulsatcom for its ongoing push into becoming a fourth mobile operator. In addition to controlling TV 7, Tsvetan Vasilev is also a major shareholder in Vivacom, the third mobile operator which has set a foothold in the DTH market, dominated by Bulsatcom.

Another aspect of the story is related to the transition to digital terrestrial broadcasting, starting in March 2013. In this new environment, TV networks are the ones that would pay fees to multiplex operators instead of the other way around. Thus, bTV probably attempts to secure its financing before starting paying multiplex operators. In January 2013, Bulgarian prosecutors started pre-trial proceedings against the TV+ network (related to Bulsatcom but officially an independent company, since Bulgarian law prohibits carriers from owning media). This was largely seen as another stage in the attack against Bulsatcom for trying to become a fourth mobile operator.

Least studied are the print media and radio services. In combination with the financial crisis, there has been a serious decline in advertising revenue of these media platforms. Market shares in these two areas are difficult to calculate. By one percent is the growth of the market of press advertising in the first half of 2012 compared to the same period last year: this is shown by the Be Media Consultant monitoring, measuring the investments according to the official tariffs of media outlets. Real investments in this type of

advertising are closer to 30 million BGN (15,338,992 euros), rather than the official 58.6 million BGN (29,962,164 euros).

Journalism education and debates

Journalism is taught mainly at Sofia University's St. Kliment Ohridski. The first major department to study journalism and mass communications was registered there. Each year, approximately 500 students are accepted in three main fields: journalism, PR, and publishing. Specialty journalism is considered modern and popular, which has led to the opening of journalist faculties at several universities in Sofia and around the country. In these new faculties the students receive basic knowledge of the profession, but acquire weaker practical skills.

Some media outlets in Bulgaria have internal programs for the additional training of trainee journalists. Publishing groups such as Economedia (*Capital weekly, Capital Daily, Dnevnik.bg*), and Media Group Bulgaria Holding (*Trud* and *24 hours*) have developed intern programs that make a preliminary selection of candidates to write for the publications.

A key event for the Faculty of Journalism and Mass Communications at Sofia University's St. Kliment Ohridski is the Media Fair, where students and representatives meet with media business delegates. The conference discusses issues important to the market, and this enables students and faculty to stay close to current and most relevant topics. After the week-long conference, a collection of the most important presentations, reports and speeches is published. The event maintains a website, the only deficiency probably being the fact that no statement is available in English.³

³ See <http://mediafair.wordpress.com/>.

Media freedom in Croatia, 2012

Violations of media freedom

Verbal attacks by politicians against journalists have taken place. In July 2012, the Mayor of Zadar verbally assaulted the local journalist Hrvoje Bajlo (from web portal *Zdnews*) without any reasonable explanation, after he was asked a regular journalistic question. The same reporter in August 2012 was sentenced to a suspended prison sentence for allegedly insulting a competitor website editor, even though he had no idea of the proceedings against him. This demonstrates the existence of pressure on the judiciary regarding “unsuitable” journalists.

There was also the discrimination of a civil society actor during a public television debate. The contribution from the activist in a debate about environment pollution was banned on HTV, allegedly because of inappropriate clothing, but actually it was just to prevent him from stating his arguments to opponents in the studio and to television viewers.

Croatian Radio Television (HRT), the country’s public broadcaster, has experienced a series of internal incidents in which political representatives and public figures have reportedly exerted pressure on the public broadcaster. Even at the beginning of 2012, 57 HTV journalists participated in a video spot demanding that HTV be a real public-service broadcaster, claiming that on HTV there is a lot of non-professionalism, conflicts of interest and corruption. These journalists later claimed that they were subjected to pressures and threats from the management.

On 22 April 2012, the high-profile journalist Maja Server, editor of the show “Croatia Life”, received a warning of possible dismissal for an alleged professional mistake after pressure from circles close to the Catholic Church. Another incident occurred on 4 May 2012, one day after the celebration of World Press Freedom Day. Veteran journalist Elizabeta Gojan was warned that she could be dismissed from her job after she criticized HRT practices in a speech on World Press Freedom Day in interviews with *Deutsche Welle* and the Split-based daily *Slobodna Dalmacija*. Gojan said that scandals, irregularities and internal bickering at HRT have undermined the quality of its programming and that a decreasing number of people are tuning in. On all occasions, Gojan reportedly expressed her opinion in her capacity as a journalist and as a representative of the Croatian Journalists’ Association (HND).

In August 2012, the editorial of the *Glas Koncila* newspaper, the unofficial organ of the Catholic Church in Croatia, attacked a report by Croatian Radio on a religious meeting in Udbina, despite almost all the media publishing a similar report about the event. Even the

management of Croatian Radio was charged, along with the journalist who regularly monitors religious events, that someone was sent to the meeting as a political journalist in order to deliberately provide a false report.

Pressure on local media is not so well known to the public, but is permanent, such as the Zadar example mentioned above. For example, HND protested in March 2012 against the dismissal of Monica Šporčić-Harak from the position of director and editor in chief of Radio Novska.

In addition, there is a general problem of (lack of) freedom of the media due to the political and financial relationships of powerful and influential media executives. The result is that in some media outlets, journalists are not free to do their job professionally, there is self-censorship, and no unpleasant facts are allowed to be published about certain politicians and business people. If a journalist does this, he is threatened with dismissal from his job on the grounds that this is a consequence of the economic crisis, which requires staff reductions.

In Croatia, more than 500 journalists have lost their jobs, and the trend of layoffs is continuing. According to the HND, on average 29 journalists are losing their jobs monthly. Those not laid off have had their salaries reduced. Sometimes, the positions of laid-off employees are staffed by people dismissed from other newsrooms, or by beginners for a small honorarium. According to the statements of fired journalists, their dismissal under the pretext of the financial crisis is really a result of the fact that the journalists have not subjugated their professionalism to the financial and political arrangements of their employers. This assessment is also shared by HND, which publicly opposed the decision for the layoff of 18 journalists of the closed-down weekly *Forum*. In late August 2012, these journalists were fired, although according to the contract in the event of termination of the *Forum*, the management has to reinstate them in their home newsroom (as highlighted in *Večernji list*).

At the end of the year, one radio program and one TV programme has been canceled from the public-service media (Radio Sljeme, Croatian TV). Both programmes dealt with religious issues, and the Catholic Church and CSOs which support catholicism accused the HRT (CRT) management of attacking the rights of Catholics to express their religious beliefs.

Veteran journalist Jasna Babic became freelance from 2009, after EPH fired her (officially because of breaking corporate rules, but actually because of public opinion on some matter). Babic was taken into custody for 30 days by a court decision. The official explanation is that Babic did not appear in court, despite 16 calls. She was charged with defamation. Babic was released after three days because of reactions from around Croatia and international organizations dealing with media issues. The Open Society Institute, in

its report on media freedom, emphasized that the journalistic profession has been degraded in Croatia. Turkish journalist Vicdan Özerdem was arrested at the Croatian border, on a warrant by Turkish authorities, because of her journalistic work. Özerdem, who has German citizenship, was released after four months in jail, to go back to Germany.

Media and politics

In Croatia, the following laws directly regulate the media scene: the Media Law; the Electronic Media Law; the Law on Croatian Radio and Television; and the Law on Croatian news Agency (HINA). Indirectly, the following laws are also very important for the media: the Law on the right to access to information; the Law on Copyright and Related Rights; the Labour Law; and the Law on the penal procedure. There is no law on print media that we need, argue media experts, who also maintain that existing laws are vague and sometimes contradictory. The Ministry of Culture responsible for the media announced the adoption of a media strategy, but not until 2013.

The Croatian Radio Television Law has been amended again. Although the December 2010 law was formulated in such a way as to guarantee the political independence of the public broadcaster, it did not meet those expectations. Management problems, political meddling and nepotism prevailed. High-profile scandals and suspensions of journalists were aired on television. The new amendments, however, gave the parliament the upper hand in choosing and appointing the director general, as well as appointing the programming council and monitoring committee members. The June 2012 draft amendments to the Croatian Radio Television Law stipulate that the parliament will be in charge of all the bodies governing and overseeing Croatian television: the Programme Council; the director general; and the monitoring committee. The HRT director general, and members of the abovementioned bodies, will be chosen and appointed by the parliament. However, the eleven-member Programme Council will also include two members representing the HRT journalists; although these legal solutions institutionalize political interference. According to the amended law (passed in the parliament in July 2012), HRT management has already been changed. Journalists have a non-binding consultative role in the choice of the HRT editor-in-chief.

After the amendments to the HRT Law, the former director general of HRT was dismissed, and a temporary one was elected. Also, the programme management was changed. The new director general was named at the end of the year, when he started in his new position. He announced huge changes in the HRT (CRT) organisation structure, but his first actions were to take away most of the financial decision-making from the Monitoring Board.

The government, instead of a press conference, communicates with the public using social networks, but most journalists find that the result is very bad and that it is actually a one-way communication. Citizens do not receive satisfactory information and reporters are unable to ask fundamental questions about the government's work. HND and the non-profit GONG have publicly protested against this situation.

Media reforms/policy development/self-regulation

The self-regulatory body in charge of journalism ethics is the Journalists Honor Council, a part of HND. This body deals with denunciations against journalists and media. Detailed information about all solved cases is published in the HND quarterly publication, *Novinar* (The Journalist). Most of the media outlets concerned do not publish such information at all.

The Croatian Media Council, established at the end of 2011, has also to deal with ethical defaults and freedom-of-media violations. Media companies do not have their own self-regulatory bodies. Only the daily *Večernji list* has a sort of readers' ombudsman on a regular basis.

Media market developments

In the first half of 2012, there were no significant official changes in media ownership. The biggest owners of print media in Croatia are the German WAZ group and the local tycoon Ninoslav Pavić (fifty-fifty in Europapress Holding, the *Jutarnji list* daily and almost 20 other publications) and Styria from Austria (dailies *Večernji list*, *24 sata* and *Poslovni dnevnik*, and the weekly *14 sata Express*). Although in early 2012 there were rumors that WAZ would sell their shares in the newspaper in Croatia as the company had done in some other countries in South East Europe (namely Serbia and Bulgaria), it has not happened yet.

The NCL Group decided to close down weeklies *Nacional* and *Extra* because of financial problems. The oldest Croatian daily, *Vjesnik*, owned by the government, was closed down as well as the weekly *Forum* owned by Styria in August 2012.

The legal obligation of the publisher/broadcaster is to annually disclose in its own media the ownership data, total revenue and the average circulation sold, or the average viewership/listenership in the previous year, and its plan for the next year. These data must be also submitted to the Croatian Chamber of Commerce. "However, these figures are useless both to the legislators and to the advertisers because there is no mechanism for control of the published data," warns Rajko Naprta, director of the paper, printing and

media within the Industry of the Croatian Chamber of Commerce, and this is also confirmed by ABC Croatia, a company that deals with auditing the circulation of printed media.

There are about 2,500 print media registered in Croatia, but according to the Croatian Chamber of Commerce, about 600 are active. About 390 print media were de-registered in 2012, and many others ceased publication, although the termination of their activities was not officially announced. There are 14 daily newspapers, 75 weeklies, bi-weeklies, and 26 monthlies and periodical publications.

In the first six months of 2012, the total circulation of daily newspapers fell compared to the same period last year by about 12 percent, while the total circulation of magazines and other periodicals grew by 1 percent. At the same time, the number of pages in newspapers and magazines has been drastically reduced. The circulation of specialized magazines is growing.

VAT on printed media is 10 percent and publishers are seeking to abolish it, or at least to have it reduced to 5 percent.

More than 4,000 journalists and other media workers are employed in the media industry, worth more than two billion HRK (over 266 million euros) per year, according to data supplied by Boris Trupčević, President of the Association of Newspaper Publishers in the Croatian Employers' Association.

In Croatia, there are six television stations with a nationwide frequency. Three have two channels each: the public-service Croatian Television, and two private broadcasters - Nova TV and RTL Croatia. CMC, CAPITAL NETWORK and SPORTS TV have one channel. Alongside these operate 22 regional and local television stations.⁴

According to the latest data available on viewership supplied by the independent agency, AGB Nielsen, HRT had a full-day audience share of 30.9 percent across both channels, nearly two percentage points more than the second most-watched national television Nova TV in July 2012. The most watched show is HTV's prime-time news bulletin. According to the same source, HTV was the most watched television in the first half of 2012.

In Croatia, there are four licensed national radio stations: the public-service Croatian Radio (with three radio stations); the Croatian Catholic Radio; music-radio stations Open Radio and Public Radio.⁵ Independent local radio station, Radio 101, which due to poor financial management was threatened with abolition, was sold to German owners.

4 Source: Agency for Electronic Media.

5 Source: Agency for Electronic Media.

In Croatia, the following news agencies operate: state-owned HINA; IKA (Catholic Information Agency); and private agencies Media Service, STINA and CROPIX (a private photo agency).

In Croatia, there are more than 20 news portals. The best known are *Index*, *Tportal*, and *Net*. In 2012, only here was there a growth in revenues from advertising, but, according to HND data, only by 4 percent. The agency for electronic media denied a national frequency to Kapital Network, because of unpaid taxes.

Journalism education and debates

There are nine high schools and faculties in Croatia which have journalism education departments. Five of them are in the capital Zagreb: the Political Sciences Faculty and Croatian Studies at Zagreb University; and private schools VERN, the High School for PR and Media, Kairos, and Studia Intermedia. The others are the High Journalism School in Rijeka (part of VERN, Faculty of Philosophy, University of Dubrovnik, and the University of Zadar).

Curricula are more serious and more practical every year, including lecturers who were prominent journalists or still are. The competition is rising because the number of media schools is growing.

Legislative proposals are debated by the Committee on Information, Informatization and the Media in the parliament. These are adopted by the Parliament Board, which announces an open competition for leading positions in HRT, HINA, the Agency for Electronic Media, and proposes appointments to the parliament. Discussions on the media scene often do not bring any benefits, because those who decide (politicians, media owners, etc.) have real power, rather than media organizations or journalists.

The Media University, owned by local municipalities of Koprivnica and Varazdin, began at the end of the year in the town of Koprivnica.

At the end of the year, CJA started to organize public discussions on issues like media ownership, violation of journalistic rights, etc.

Media freedom in Hungary, 2012

Violations of media freedom

The conservative Fidesz–Hungarian Civic Union party (Fidesz) and its ally, the Christian Democratic People's Party (KDNP) won the 2010 parliamentary elections obtaining a two-thirds (constitutional or super-) majority. The governing party adopted a set of super-majority laws (as of April 2012, 21 super-majority laws had been adopted⁶), a new constitution and a new media regulation. There were no significant consultations either with the opposition parties, or with professional bodies. The new media regulation, consisting of two laws (Act CIV of 2010 and Act CLXXXV of 2010), has been criticized both at domestic and international levels due to its undemocratic and oppressive nature. Despite several amendments, the regulation is still subject to criticism, as the one-party Media Council, its members being nominated by Fidesz only, is entitled to impose heavy fines on media outlets; frequent modifications create uncertainty, and the laws operate with unclear terms, leaving the possibility for different interpretations even in the case of content regulation.⁷ According to Reporters Without Borders, press freedom worsened in Hungary in 2012.⁸ In January 2013, the Council of Europe is reported as being satisfied with the media regulation amendments recommended by the Hungarian government, which would tackle (among other things), the nomination of the president of the Media Council.⁹

6 “Félidőben indokolt a csapatcsere” [At half-time, swapping teams is justified], 21 April 2012, Nepszava.hu. See http://www.nepszava.hu/articles/article.php?id=542385&referer_id=friss (accessed 30 August 2012).

7 For instance, a commercial national radio station was fined 250,000 forints (851 euros) for making jokes about animals, and the Media Council reasoned that those jokes could have been harmful for children listening to the radio in the morning and the radio did not categorize the programme as such – thus failing to call attention to the possibly harmful content. Media Council, Resolution nr. 1057/2012 (VI. 6.), 6 June 2012. See <http://mediatanacs.hu/dokumentum/151034/m105720120606.pdf> (accessed 13 August 2012).

8 Reporters Without Borders, “Word Press Freedom Index 2013.” See http://fr.rsfs.org/IMG/pdf/classement_2013_gb-bd.pdf (accessed 30 January 2013).

9 Council of Europe press release, “Council of Europe Secretary General welcomes changes to Hungarian laws on the media and judiciary,” 29 January 2013. See http://hub.coe.int/en/web/coe-portal/press/newsroom?p_p_id=newsroom&newsroom_articleId=1329709&newsroom_groupId=10226&newsroom_tabs=newsroom-topnews&pager.offset=0 (accessed 31 January 2013).

The uncertainty created by the media regulation could lead to self-censorship. The pressure on journalists exerted by political and economic actors is not a new phenomenon.¹⁰ Threatening to cancel advertisement contracts is a form of such pressure,¹¹ leading to automatic self-censorship. Interviews conducted with journalists have revealed that the media regulation itself “made no difference one way or another” on the extent of self-censorship.¹² As one of the respondents explained to Attila Mong:

Self-censorship has intensified not because of the Media Act, but because of the two-third majority push of executive power, the unprecedented leverage of that power, and the rise of the Fidesz party. They have their own people sitting in all the institutions that had been regarded as independent before, and this has repercussions on the journalists as well. And if journalists feel less free, they will be less free.

Lack of freedom appears among the public-service broadcasters too. Having restructured the public-service media, MTI (the Hungarian News Agency) exclusively produces – in some cases distorted¹³ – news for all public-service media outlets. During a mass anti-government rally, the news bulletin of MTV, the public service broadcaster did not show the crowds, hinting that there were more police at the venue than protesters. Later, the broadcaster apologized for the “blunder”.¹⁴ Former public-service journalists have been protesting for more than a year in front of the public-service broadcaster's headquarters for the alleged manipulation of the news. The 'rolling hunger strikers' living in tents have been frequently harassed by security guards at the public-service broadcaster, in some cases witnessing violence.¹⁵ An anonymous interviewee told Mong that pressure is being exerted on employees in public-service broadcasting:

10 Sociologist Mária Vászárhelyi regularly conducted surveys among journalists. The most recent in 2006 found that the pressure exerted is sometimes successful. See Mária Vászárhelyi, *Foglalkozása: újságíró* (Profession: journalist), Magyar Újságírók Szövetsége, Budapest, 2007, p. 85.

11 “The Reins on Freedom: Self-Censorship in the Hungarian Press”, Attila Mong (hereafter, Mong, 2012). See <http://www.mertek.eu/en/reports/self-censorship-in-the-hungarian-press> (accessed 30 August 2012). The article was originally published in Hungarian in *Élet és Irodalom*, LVI, Nr. 15, 20 April 2012.

12 Mong, 2012.

13 “How the news gets edited on Hungarian state television”, 14 December 2011, *The Contrarian Hungarian*. See <http://thecontrarianhungarian.wordpress.com/2011/12/14/how-the-news-gets-edited-on-hungarian-state-television/> (accessed 13 August 2012).

14 “To the margins of an early January protest in Hungary”, 8 January 2012, *The Contrarian Hungarian*. See <http://thecontrarianhungarian.wordpress.com/2012/01/08/to-the-margins-of-an-early-january-protest-in-hungary/> (accessed 13 August 2012).

15 Scammer Rosie, “Hunger strike speaks of downward spiral in Budapest”, *Huffingtonpost.co.uk*, 24 January 2012, http://www.huffingtonpost.co.uk/rosie-scammell/hunger-strike-budapest-hungary-downward-spiral_b_1228566.html.

The morning meeting made it obvious what the message of the day, what the overall concept was supposed to be, and we had to shoot the reports with that in mind. There was virtually no relevance to what the interviewed individuals happened to be saying — they had been selected to toe the line anyway — because anything they might have said that did not conform to the concept was cut out. When I was working on a story, they would be standing behind my back, practically dictating what I was supposed to write. If I used the wrong word, they had me change it. They even told me how to do the cutaways.¹⁶

During the 2011 radio-frequency allocation process, the Media Council's preference towards three operators (one linked to Fidesz and two linked to Churches) became apparent.¹⁷ Meanwhile, the ten-year-old frequency of Klubradio, a left-liberal talk radio station often critical to the government, is being temporarily renewed by the Media Council, and the future of another frequency won by the radio station is being discussed in court.¹⁸

In 2012, there was one physical attack against a journalist of Index.hu, whose nose was broken by an extreme-right protester at an anti-government rally.¹⁹

Media and politics

Since its adoption, the 2010 media regulation has been amended 12 times at over 200 points.²⁰ The amendments were needed partly as a response to requests by the European Commission.²¹ Under the pretext of the Hungarian media regulation, a decision was made at the level of the European Union about the foundation of a high-level group, which as

16 Mong, 2012.

17 Standards Media Monitor, “The Media Council's tender procedures for broadcasting frequencies”. See <http://www.mertek.eu/en/reports/the-media-councils-tender-procedures-for-broadcasting-frequencies-executive-summary> (accessed 30 August 2012).

18 “Mapping Digital Media, Hungary”, p. 59; “Klubrádió can begin its fight anew for the 92.9 MHz frequency”, 13 July 2012, *Hungarian Spectrum*, see <https://hungarianspectrum.wordpress.com/2012/07/13/klubradio-can-begin-its-fight-anew-for-the-92-9-mhz-frequency/> (accessed 30 August 2012).

19 “Halál rátok, zsidók!” [“Death on you, Jews!”], Index.hu video, 23 October 2012, http://index.hu/video/2012/10/23/ferenciek_tere/.

20 Péter Bajomi-Lázár, “Murphy médiatörvénye” [Murphy's media law], in *Élet és Irodalom*, LVI, Nr. 30, 27 July 2012.

21 “Media: Commission Vice-President Kroes welcomes amendments to Hungarian Media Law”, 16 February 2011. See <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/89> (accessed 30 August 2012).

Neelie Kroes (European Commission Vice-President for the Digital Agenda) wrote, examines “what media pluralism and freedom means in practice, and what can be done to improve the culture and law that supports it”.²² Some other amendments were needed because the Hungarian Constitutional Court ruled parts of the regulation unconstitutional in December 2011. Even though the Hungarian parliament improved the law, according to Dunja Mijatovic (OSCE Representative on Freedom of the Media) the “media legislation can still curb media pluralism and put the media at the risk of political control”.²³ Despite the critiques formulated at the domestic and the international levels, the Hungarian media regulation remains largely unchanged. The domestic democratic forces in Hungary are too weak to exert pressure on the legislation, and the European Union is busy with the euro crisis. The Hungarian media regulation will remain intact unless democratic forces gain the necessary majority in the upcoming parliamentary elections in 2014 and decide to adopt a new regulation.

Media reforms/policy development/self-regulation

The 2010 media regulation introduced the institution of co-regulation in order to increase self-regulation. A co-regulatory agreement is drafted and signed by the Media Council and the given media content provider or other media-related organization, and the Media Council ensures compliance with the agreement. Several organizations have signed such an agreement.²⁴ The international expert mission visiting Hungary in 2011 explained that “co-regulation is no substitute for self-regulation and in Hungary it is effectively outsourcing censorship with the co-operation of national and international media owners alike”.²⁵

An independent initiative is that of the Editors' Forum, which has created common, ethical guidelines for its members who are chief editors.²⁶ Such an initiative might restore the public's faith in journalism and the media in general.

22 “Neelie Kroes, Defending media pluralism in Hungary”, 5 January 2012. See

<http://blogs.ec.europa.eu/neelie-kroes/media-pluralism-hungary/> (accessed 30 August 2012).

23 “Revised Hungarian media legislation continues to severely limit media pluralism, says OSCE media freedom representative”, 25 May 2012. See <http://www.osce.org/fom/90823> (accessed 30 August 2012).

24 Including the Advertising Self-regulatory Body, the Association of Hungarian Publishers, the Association of the Hungarian Electronic Broadcasters, and the Association of Hungarian Content Providers. Gabriella Raskó, “Co-regulatory Agreements between the Hungarian Media Self-regulatory Bodies and the Media Authority”. IRIS 2011-9:1/23. See

<http://merlin.obs.coe.int/iris/2011/9/article23.en.html> (accessed 30 August 2012).

25 “Hungary: International mission condemns chilling effect and calls for change”, 17 November 2011, Article 19. See <http://www.article19.org/resources.php/resource/2851/en/hungary:-international-mission-condemns-chilling-effect-and-calls-for-change> (accessed 30 August 2012).

26 Samaruddin Stewart, “Media, Ethics and Hungary”. See <http://www.cimethics.org/newsletter/feb2012/media-ethics-hungary.htm> (accessed 30 August 2012).

Media market developments

The decreasing circulation figures of quality print dailies seems unstoppable, while online audiences are increasing. By 2011, the internet became the second-most important news source after television.²⁷ The shift in news consumption suggests that audiences are migrating from offline to online news sources.

Since 2008, the economic crisis has been hitting the advertising market hard.²⁸ Online platforms are taking an increasing share of the shrinking advertising revenue, while the share taken by the print press is decreasing.²⁹ In the last two years, not only the economic crisis, but the distorted advertisement revenues distributed by state-owned companies have affected the media landscape. The state-owned companies are financing those media outlets associated with the governing party's hinterland, leaving nothing or just a pittance to the other media outlets which may be critical of the government.³⁰

Among the two national commercial radio stations, which received their frequencies in 2009 under scandalous circumstances,³¹ one went bankrupt, and the other one – belonging to the hinterland of Fidesz – is making a profit (supposedly not unrelated to the fact that it received most of the advertisement revenue of the national gambling company in 2011).³² Similar phenomena can be observed with print dailies: the left-liberal *Népszava* got no advertisement funds from state-owned companies, and left-liberal *Népszabadság* got a minor amount from them. Meanwhile, the right-leaning, conservative *Magyar Nemzet* enjoys a larger share of advertising revenue from state-owned companies,³³ even though its circulation is 50 percent lower than that of *Népszabadság*.

27 “Közvélemény-kutatás a magyar lakosság hírfogyasztási szokásairól és a média megítéléséről” [Public opinion survey of the Hungarian population on news consumption habits, and opinions about the media], National Media and Infocommunications Authority [Nemzeti Média- és Hírközlési Hatóság, NMHH], Budapest, 12 December 2011, pp. 4–5.

28 Based on the data of the Hungarian Advertising Association, in 2007, the total net spending was 744,100,911 euros, which dropped to 542,509,222 euros in 2011. However, the methodology of the Association changed during these years, thus comparison between the two data does not make sense.

29 Hungarian Advertising Association, advertisement spending reports 2007–2011.

30 Ildikó D Kovács and Attila Bátorfy, “Az állam a médiapiacra 2012-ben,” [The state on the media market in 2012], *Kreativ.hu*, December 19, 2012, http://www.kreativ.hu/media/cikk/az_allam_teljesen_ratelepedett_a_mediapiacra.

31 “Mapping Digital Media, Hungary”, pp. 67–68.

32 “Strangling the media in Hungary: How it works”, in *Hungarian Spectrum*, 20 June 2012. See <http://hungarianspectrum.wordpress.com/2012/06/20/strangling-mediain-hungary-how-it-works/> (accessed 30 August 2012).

33 Based on data derived from the AdexPlus programme, indicating advertising spendings in list prices. Actual prices might differ.

Yet *Népszabadság* seemed to have another problem besides financing. The majority owner of the daily is Ringier, but a foundation linked to the Socialist Party (MSZP) has an almost 28 percent share. Ringier wanted to buy shares in the foundation, but the latest news suggests that it is the foundation that might purchase Ringier's shares. The underlying explanation might be the Media Council's ban on the merger between Ringier and Axel Springer, with some suggesting that selling *Népszabadság* could be the price of this merger.³⁴ In January 2013, it seems that the foundation will not purchase *Népszabadság* after all; instead, Ringier and the editorial board of the daily are moving into the same offices.³⁵

In January 2013, the British Daily Mail Media Group sold regional dailies *Délmagyarország* and *Kisalföld*, the latter having the largest circulation number of its kind, to the owner of tabloid daily *Bors*.³⁶

Journalism education and debates

There have been several organized events related to journalistic education and journalism in general. In 2012, the Center for Independent Journalism organized workshops on ethical standards and teaching ethical standards in Journalism Studies. There was a conference about the role of public-service media, organized by a Facebook group involving media professionals in April 2012. A debate has been going on for months between two media lawyers, namely between Media Council member András Koltay and university lecturer Gábor Polyák, about the 2010 media regulation. A pamphlet about the focal points of a future media regulation was published in August 2012. These initiatives and the foundation of the Editors' Forum indicate that there is a need for discussion about the media.

The issue of comments posted online has generated a debate as well, especially if libel is involved. Court decisions indicate that the status of online comments is somewhat unclear, as Péter Nádori, chair of the Association of Hungarian Content Providers (MTE) pointed out in an essay. He wrote that providing a commenting option was hardly considered as a web-hosting service; post-comment moderating was not a solution, as a

34 Gergely Karácsony, "Szoci pártlap Fidesz támogatással?" [Socialist party newspaper with the support of Fidesz?], 6 July 2012. See http://karacsonygergely.blog.hu/2012/07/06szoci_partlap_fidesz_tamogatassal (accessed 30 August 2012).

35 "Összeköltözik a Népszabadság és a Ringier" [Népszabadság and Ringier moves together], Index.hu, January 23, 2012, http://index.hu/kultur/media/2013/01/23/osszekoltozik_a_nepszabadsag_es_a_ringier/.

36 Márton Galambos, "Amerikaiak happolták el a zsíros falatot" [Americans took the juicy bit], Origo.hu, January 18, 2012. <http://www.origo.hu/gazdasag/20130118-a-bors-kiadoja-szerzte-meg-a-kisalfoldet-es-a-delmagyarorszagot.html>.

comment even deleted within a few minutes can be brought to court; pre-comment moderating was not a solution either, as a court might consider it as edited content, thus excluded it from being a web-hosting service; and it made no sense to move the server abroad, as a website operated from abroad can be brought to court as well. Nádori noted that a sensible solution for a website was to disable the commenting option – as a website did in 2011.³⁷ MTE produced a discussion paper about how to approach comments by the different actors,³⁸ and even organized a conference with the media authority, which was dedicated to commenting.³⁹ In June 2012, the Supreme Court sentenced the blogs of MTE and Index.hu for defamation committed by comments posted below their articles – regardless of the fact that the comments had been deleted.⁴⁰

37 Péter Nádori, “Kommentek a magyar interneten: a polgári jogi gyakorlat,” [Comments on Hungarian internet: civil code practice], In *Medias res*, I, Nr. 2, 2012, Pp. 319–333.

38 MTE, “Kommentek a magyar interneten: problémák és lehetőségek [Comments on Hungarian internet: problems and opportunities], 2012, <http://m.blog.hu/mt/mte/file/MTE%20komment%20lehetosegek%20vitaanyag.pdf>.

39 MTE, “Konferencia Meghívó – Kommentek a magyar interneten.” [Conference invitation – Comments on Hungarian internet], December 5, 2012, http://mte.blog.hu/2012/12/05/konferencia_meghivo_kommentek_a_magyar_interneten_980.

40 Pfv.IV.20.217/2012/5, June 13, 2012.

Media freedom in Kosovo, 2012

Violations of media freedom

Between January and September 2012, the most notable attack against media freedom was the adoption of a new Criminal Code that provides prison sentences for journalists found guilty of breaches of the Code for what they report in the media, or for refusing to reveal their sources (see below). According to media outlets, there have been several cases of pressure, threats, and actions against journalists and media outlets.

Media organizations reported the case of a freelance photo reporter being beaten by police forces during an opposition demonstration in January 2012. A video was aired of Vedat Xhymshiti being beaten by a Kosovo police officer in the presence of other policemen until he was unconscious, giving undeniable proof of force being used against a journalist. Kosovo Police have stated that the case will be investigated, but as of September 2012, there was no official conclusion to the investigation.

Cases of police officers, or other state officials, threatening journalists who report critically have been recorded by the Kosovo Association of Professional Journalists.⁴¹ As in previous years, the trend of high officials, such as municipality chairmen, threatening journalists has continued. In March 2012, there was a complaint from journalists producing the weekly “Justice in Kosovo” programme,⁴² describing a threat made to them by Ramadan Muja, the chairman of Prizren municipality. Anonymous threats have also been reported, such as the daily Express claiming to have received a bomb threat in March 2012 in relation to an article on the illegal gasoline trade. Another anonymous telephone threat was reported to have been made against Bajrush Morina, editor of the Bota Sot newspaper, in July 2012.

The precarious situation in Kosovo’s north, where Serbian radicals resist the rule of law institutions of Kosovo state, as well as those of international missions in Kosovo (including from the EU mission EULEX) is a continuous high risk area for journalists and the media. In May 2012, two Kosovo journalists reporting from the northern part of the city of Mitrovica were attacked by a group of unidentified Serbs. Musa Mustafa, a correspondent with the Koha Ditore newspaper, and Alidin Damati, reporter for the Kosovapress News Agency, suffered light injuries in an attack that they claimed was ethnically motivated. Kosovo Police opened an investigation into the case, but no results have been publicly presented yet.

41 See the website of the organization: <http://www.apjk.org/?cid=1,1> (accessed 30 August 2012).

42 Videos of the programme can be viewed at: <http://www.jetanekosove.com/en/Justice-In-Kosovo> (accessed 30 August 2012).

In the city of Mitrovica in July 2012, Kosovo Police forcefully entered the premises of TV Mitrovica, acting upon a decision from the municipal government. According to the reports, the police occupied the premises and demolished some of the media equipment there, under the pretense that the premises were owned by the municipality. The Independent Media Commission has reacted, saying that whatever the contest about ownership of the premises, the police and the municipality have no right to confiscate media equipment, or to enter premises forcefully, without a court order.

Between January and September 2012, there were several high-level court criminal cases against journalists, for libel and defamation. Mostly, it was politicians suing the journalists under the provisions of Criminal Code. The three most notable cases (against Agron Bajrami, editor-in-chief of the Koha Ditore newspaper; another against Vehbi Kajtazi, senior reporter of Koha Ditore; and against Kastriot Jahaj, a reporter with the “Justice in Kosovo” television programme) were closed after a Supreme Court ruling to decriminalize libel and defamation.

Other cases against journalists were brought in civil procedure, with parties demanding compensation for what they claim to be libelous reporting against them. One such highprofile case is in procedure in September 2012 having begun in May 2012, against the economics editor of Zëri newspaper, Arbana Xharra.

The problems that media and journalists face in Kosovo are by no means restricted to Albanian professionals. In August 2012, it was reported that officials of the Municipality of Gracanica have made public some emails sent by Budimir Nivic, a Serb journalist, who reports for the “Voice of America” programme in the Serbian language, and also hosts a regular, independently produced Serbian-language television program, “Freely in Serbian”.⁴³

In December 2012, Koha Ditore journalist Vehbi Kajtazi was threatened by University of Prizren professor, Enver Sopjani, because of an article detailing an anti-corruption investigation against Sopjani’s brother, a policeman. Sopjani made the threat in public, with several people present, by shouting at journalist Kajtazi: “I will cut your throat, with a razor-blade”.⁴⁴ Although Sopjani is teaching at University of Prizren, which was founded by the Kosovo government and Parliament three years ago, and for some time was acting as rector there, there was no public reaction from the government or Parliament against this attack.

43 Videos of the programme can be viewed at: <http://www.slobodnosrpski.com> (accessed 30 August 2012).

44 Report can be read at <http://koha.net/?page=1,13,126344> (accessed 31 January 2013).

In December occurred a brutal attack against organizers of a public event which included the promotion of an issue of the magazine Kosovo 2.0. The attackers were groups of Islamist activists and a group of football hooligans, who stormed into a theater where a public round-table on issues related to sex and LGBT rights were to be discussed, and where a special edition of Kosovo 2.0 on these issues was to be promoted. While the police had prior knowledge that such an attack was possible, and while there were some policemen present at the event, they did not stop the attack and vandalism that occurred. During the days that followed, there were many statements of support for Kosovo 2.0 and condemnations of the attack.⁴⁵ However, the obvious voice that remained silent was that of the Islamic Community of Kosovo; while the police investigation has so far been unable to identify the attacker.

Media and politics

For years, after the 1999 Western involvement and establishment of a UN interim mission in Kosovo, the OSCE has been mandated to help the media to reorganize itself, in a totally new environment, after a devastating war, and in the middle of a transitional period for a society that until recently had no experience of a democracy.

In the initial post-war period, OSCE's assistance contributed greatly to creating a very energetic media community, with many newspapers, local radio and television stations; meanwhile, the European Broadcasting Union took up the job of creating a public broadcaster, in place of the previously state-owned one. The UN, together with the EU and the OSCE, had a mandate that included helping Kosovo build sustainable legal, economical and social structures that would serve as pillars for a democratic system to take root in a place that was still in search of a definitive political status. The political status of Kosovo was resolved in 2008, after a period of negotiations, and with a declaration of independence; but there are still lingering questions about the level of success in organizing a sustainable media environment, where journalists and media may be independent and free.

Today, most of Kosovo's newspapers, radio stations and television channels – including RTK, the biggest public broadcaster – are seen as being under pressure from and/or the control of political and economic interests that are mostly concentrated within the government and Kosovo's political elite. In cases where interference does not work, there is a worrying level of pressure, threats and attacks that have been noted, while the judicial system is too weak (and itself under political control and pressure) to be able to assist a free media. This is a bad omen for the future of free, independent and professional

45 For more detailed reactions, see <http://www.kosovotwopointzero.com/en/blog/8th-box/general-condemnation-for-the-aggression-against-the-launch-of-k2.0-sex-edition-18-12-2012> (accessed 31 January 2013).

journalism, which itself is in decline (although there is a respectable amount of outlets and journalists who still believe in freedom of speech and freedom of media in Kosovo).

During December 2012 and January 2013, the regular process of electing new board members of the Radio Television of Kosovo, and the parallel process of electing the new management of this public broadcaster, has turned into what can easily be identified as the clearest sign till now of politics interfering in media.

On January 2⁴ 2013, because of several months of political infighting, Parliament has not been able to elect new members of RTK Board. Parliament is also having problems electing new members of the Independent Media Commission, which is in charge of licensing and monitoring the broadcasters in Kosovo.⁴⁶

The evening before the vote, on January 23, 2013, the incomplete RTK Board held a meeting at an unusually late time – just before midnight – and unanimously elected Mr Mentor Shala as General Director of RTK.⁴⁷ His election was immediately considered by opposition parties and parts of civil society as political, while Mr Shala himself has been labeled as a government-sponsored choice.⁴⁸ While Mr Shala denies he is politically connected to the government, during January there were increasing voices of criticism towards him and RTK for the programming: especially the live broadcast of Kosovo's ruling Democratic Party Convention, on January 26, 2013, which was done at the expense of other news, including a bus accident which was “ignored” in favor of the ruling party convention.⁴⁹ Public pressure forced the presiding member of the RTK Board, Rrahman Pacarizi, to agree that there was a mistake in the editorial decision to broadcast the party convention and “lessen” the importance of the accident news,⁵⁰ but the editor-in-chief of RTK TV, Mufail Limani, defended the decision saying that “the PDK Convention was the biggest event of the year for RTK”.⁵¹

46 See <http://www.telegرافي.com/lajme/desh-ton-zgjedhja-e-anetareve-te-bordit-te-kpm-se-dhe-rtk-se-2-28480.html> (accessed 31 January 2013).

47 See <http://www.rtklive.com/new/index.php?cid=1,3> (accessed 31 January 2013).

48 See <http://m.telegرافي.com/lajme/opozita-nuk-e-pranon-shalen-per-drejtor-te-rtk-se-2-28508.html> (accessed 31 January 2013).

49 Details of reactions against RTK's editorial decision in favor of the live broadcasting of a ruling party convention while “ignoring” other news such as an accident involving a bus and 60 school-children can be read at: <http://gazetajnk.com/?cid=1,979,4561> (accessed 31 January 2013).

50 Rrahman Pacarizi statement reported in the media, see <http://www.telegرافي.com/lajme/pacarizi-rtk-nuk-duhej-te-transmetonte-kongresin-e-pdk-se-2-28608.html> (accessed 31 January 2013).

51 Muafil Limani's statement to the “Klan Kosova” cable TV, as reported by telegرافي.com <http://m.telegرافي.com/lajme/limani-konventa-e-pdk-se-ngjarja-e-vitit-per-rtk-ne-2-28685.html> (accessed 31 January 2013).

Be as it may, the situation at RTK shows vividly the extent of political interference with public broadcasters and the media in Kosovo, which is certain only to increase with local and general elections getting nearer.⁵²

Media market developments

Kosovo, the newest Balkan country of around 2 million inhabitants,⁵³ has a very lively media landscape, which includes: three national television broadcasters; six national radio stations; seven daily newspapers; a dozen cable television stations; more than 100 local radio and television broadcasters; two press agencies; and a variety of web portals. The media landscape in Kosovo also includes a number of minority-language media outlets, with a substantial Serbian-language local media.⁵⁴

This great number includes a fair level of professional and independent media outlets, which subscribe and aim to meet the highest professional journalistic standards, as defined across Europe and the West. But it also includes a high number of media outlets that are below such standards, and themselves become a tool for political, economic and other vested interests of various groups in Kosovo (often directly in opposition to what can be called the public interest).

The media market in Kosovo is still a weak one. While there is generally an inflation of media outlets, a very small number seem to be self-sustainable. The weak economy and small and crowded market makes life difficult for the media, while the advertising market also remains underdeveloped.

Unlike most other countries in the region, there is no major foreign investment in the Kosovo media, and the current level of general investment in media is quite low. In electronic media (above all in television) the penetration of cable channels based in Albania pose additional competition to the understaffed and financially weaker Kosovo media outlets.

As far as audience shares and circulation is concerned, there is a lack of reliable data. In 2012, there was no research or opinion poll, while many media outlets claimed their dominance, despite lacking a factual basis.⁵⁵

52 Local elections are due by the end of 2013, while general elections might be held next spring.

53 Kosovo declared independence on 17 February 2008. According to a 2011 census, which was not carried out in the northern part of Kosovo, the country has 1,733,872 inhabitants. See: <http://esk.rks-gov.net/eng/> (accessed 30 August 2012).

54 See the Independent Media Commission website: <http://kpm-ks.org> (accessed 30 August 2012).

55 At least three daily newspapers in Kosovo publicly claim through their advertising to be “the number one.”

Media freedom in Macedonia, 2012

Violations of media freedoms

Media freedom, as a crucial factor for exercising freedom of expression, significantly worsened in Macedonia during 2011 and 2012. The reports from prominent international NGOs on democracy and freedom of information, such as Reporters without Borders,⁵⁶ and Freedom House⁵⁷ called attention to its deterioration. The 2013 Press Freedom Index of Reporters without Borders ranks Macedonia on 116 place which is a drop for 22 places compared to 2012. The report, on Albania, Montenegro and especially Macedonia, finds the following reasons for these countries being dragged down on the list: “judicial harassment based on often inappropriate legislation; the lack of access to public data; physical and psychological violence against those who work in news and information; official and private advertising markets used as a tool; the grey economy’s hold over vital parts of the media.”⁵⁸ RWB raise concerns about the possibility that the Macedonian parliament will “legalize censorship”. Macedonia’s fall, as the report states, is also due to “the arbitrary withdrawal of media licenses and deterioration in the environment for journalists.” Apart from this, RWB in its 2012 report, drew attention to “the journalists with no economic security, and the polarized media that are funded from unclear sources”.

The report of Freedom House highlighted a significant downgrade in the country’s ranking and classified Macedonia as a country with the lowest level of freedom of the press in the region, due to “the declining legal environment, including politicized decisions by regulatory bodies and the lengthy pretrial detention of a leading opposition-oriented media owner in a politically fraught tax case.”⁵⁹ For the World Press Freedom Day, 3 May 2012, the Macedonian Institute for Media (MIM), the Association of Journalists (AJM) and the Independent Union of Journalists and Media Workers (IUJMW), warned that the situation in the media is alarming⁶⁰ and has significantly worsened.⁶¹

56 “Never-ending decline of Macedonia’s media”, Reporters without Borders, 25 June 2012. See <http://en.rsf.org/macedoine-never-ending-decline-of-macedonia-25-06-2012.42873.html> (accessed 30 August 2012) (hereafter Reporters without Borders, 2012).

57 Freedom House, 2012, Freedom of the Press 2012. See <http://www.freedomhouse.org/sites/default/files/Booklet%20for%20Website.pdf> (accessed 30 August 2012).

58 2013 Press Freedom Index, http://fr.rsf.org/IMG/pdf/classement_2013_gb-bd.pdf (accessed January 2013)

59 See the case study of Velija Ramkovski.

60 “The Freedom of Media in Macedonia is alarming”, AJM, 9 October 2012. See <http://www.time.mk/read/8265cbb33b/a1ba3a375d/index.html> (accessed 9 October 2012).

61 “Freedom of media worsened, substantial changes are needed”, MIM, 3 May 2012. See <http://www.mim.org.mk/index.php?>

One of the most evident examples for the selective application of legislation, to which the RWF report refers, among other matters, was the revocation of the license of TV A2 in June 2012, the year after TV A1, its sister company, ceased working. The Broadcasting Council (BC) withdrew its license on the grounds that the programming format, as a television news channel, was not respected. It is indicative that the revocation happened after TV A2 announced that they would resume broadcasting news and current affairs programmes with an editorial policy critical of the government.⁶² MIM responded that the Law on Broadcasting Activity contains no explicit provision that violations of the programming format would provide grounds for revocation of a license. On the contrary, during the drafting of the Law on Broadcasting Activity in 2005, experts from the Council of Europe clearly warned that such a provision in the law should not exist because of the possibility of its abuse.⁶³ MIM called for BC to inform the public whether other broadcasters fully adhere to the programming format, or whether there is a selective application of the law, since such cases were present. The case was brought before the Administrative Court, since TV A2 submitted an appeal to the BC decision.

Still, the most problematic case of the violation of media freedom in Macedonia occurred on 24 December 2012, when journalists covering the work of the Macedonian Parliament were forcibly expelled from the public gallery by parliamentary guards, and obstructed from reporting on the session in which the state budget for 2013 was to be adopted. The event happened in a context of political tensions in and outside Parliament. The oppositional MPs were literally dragged out from the Plenary Chamber by the guards, as they protested against the adoption of the Budget. The journalists were stopped from witnessing the forcible removal of the oppositional MPs from the Plenary Chamber. At the same time, in front of the Parliament building, large groups of supporters of the incumbent party and the opposition gathered, separated by the police forces which were preventing a bigger incident from happening.

Shortly after, a group of media organizations reacted with a joint statement⁶⁴ condemning the attack over the journalists and the democratic values in Macedonia. The statement criticizes the act of the parliamentary guards as a brutal breach of journalists' right to report on issues of public interest. Removing the journalists from Parliament by force was against the Rules of Procedure of the Assembly of the Republic of Macedonia, which

[option=com_k2&view=itemlist&layout=category&task=category&id=10&Itemid=90&lang=en](http://www.mim.org.mk/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=10&Itemid=90&lang=en) (accessed 30 August 2012).

62 Reporters without Borders, 2012.

63 "Reaction of MIM on the revoking of the broadcasting license of A2 TV", MIM, 13 June 2012. See http://www.mim.org.mk/index.php?option=com_k2&view=item&id=423:reakcija-na-mim-za-odzemenata-dozvola-na-a2-tv&Itemid=90&lang=en (accessed 30 August 2012).

64 Joint statement of Association of journalists of Macedonia, Macedonian Institute for Media, the Independent Union of Journalists and Media Workers, Media Development Center, Center for Civil Communications, *Civil - Center for Freedom, Media Diversity Macedonia, NGO InfoCenter*. Accessed through: http://mim.org.mk/index.php?option=com_k2&view=item&id=439:zaednicka-izjava&Itemid=90&lang=en.

previously did not decide to close the session for the public. Banning journalists from reporting ultimately breached the Constitution of the Republic of Macedonia, which forbids censorship and guarantees the freedom of expression and freedom of the media.

In early January 2013, the AJM filed a complaint to the Ministry of Interior, asking it to identify the officials responsible for issuing the order for the forcible removal of journalists from the Parliament gallery, but also to identify the executors of the decision. The Ministry replied that it could not determine “an excessive use of force or abuse of power” against the journalists, but on the contrary, they considered that the police acted in accordance with the laws. Their statement is in contradiction with what video materials, flooding social networks and internet media, portray.⁶⁵

An additional problem related to the incident was that very few media (*TV 24 Vesti* being one of the rare examples) reported live on the situation in and outside the Parliament. Even the Public Service *MRTV* did not provide sufficient information on the developments of the situation while it was ongoing. Furthermore, the media close to the incumbent government were justifying the behavior of the parliamentary guards, who according to them, had protected the President of the Parliament from the violent conduct of the opposition MPs.

Seeing the ignorance by the media, MIM on the very same day of the incident, started a Facebook page - Journalists and citizens in defense of the right of freedom of expression – aiming to open a space for the citizens and media community to share information, photos and video materials from the incident,⁶⁶ and to express freely their opinion. The page has 460 members, through which the content virally reached 16,000 Facebook users in the period between 24–30 December, 2012, around 340 of whom posted comments and other materials.

Media freedom is jeopardized through the violation of the rights of freedom of expression and freedom of association, as well. Self-censorship is one of the widespread problems in the Macedonian journalism, as confirmed by the reports of the European Commission. It is a result of several interconnected factors: the socio-economic situation of journalists; political and economic pressures; a lack of knowledge, motivation and professional integrity; as well as fear of high penalties for defamation and slander (before the Law on Civil Responsibility for defamation and slander was brought in November 2012). In the past year, several political debate shows were pulled from the regular programming on different TV stations, which was perceived as censorship by the media community

65 Some of the video materials related to the incident in the Parliament:

<http://www.youtube.com/watch?v=SgtQj3AOUSI&feature=youtu.be>

http://www.youtube.com/watch?feature=player_embedded&v=-oTqWdXmZJc

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http://www.youtube.com/watch?feature=player_embedded&v=-oTqWdXmZJc

(“Win-Win” and “Zbor po zbor” on *TV Alfa*, “NIE” on *TV Sitel*, “X/O” on *Kanal 5*, “Politiko” on *TV Nasha* and shortly after that, on *TV Sonce*). Though the reasons were not directly given in all cases, these programs, anchored mostly by prominent senior editors, were pulled because they were not in accordance with the editorial policy of the media or had a critical tone towards officials or institutions, as the media reported.

Economic and social rights are infringed in many media, whereby journalists are working without any employment contract. There are cases where, in some media while signing a contract, the journalists simultaneously sign a resignation letter as well, which could be activated whenever the media owner finds it appropriate. Additionally, joining the trade union is seen as unacceptable at many media outlets, forcing some journalists into secret membership. More than 20 union members and activists, including its president, were fired, or are at risk of losing their jobs or being downgraded. The Union and other media organizations point out that forms of pressure over journalists in the newsrooms are common and vary: from marginalization of journalists who are thinking differently from the editorial policy; to the redistribution of suitable or unsuitable journalists across different media; or not renewing the working contracts; to ignorance of topics or articles with a critical tone towards institutions and officials.

Throughout the year, AJM and the Union expressed concerns about frequent verbal threats and pressures against journalists by public officials or citizens. The Association and the Union appealed to the institutions to protect the journalists and enable safe conditions for performing their work professionally. In the past two years, around 10 physical assaults against journalists occurred.

Case study

One of the examples often referred to in relation to the worsening of media freedoms in Macedonia in the past two years, was the ceasing of operations of the influential *TV A1*, and three related newspapers, as a result of investigation for tax evasion undertaken against their media owner, Velija Ramkovski. In the period from 2006 to 2008, Ramkovski was actually supporting the current government but in 2009, the situation changed and he distanced himself. Thereafter, his media outlet, which regarded the government with strong criticism, became an obstacle for the government.⁶⁷ Though Ramkovski was sentenced for the charges in 2012, the manner of ceasing his media outlet was disputable. TV A1’s broadcast frequency was withdrawn by the Agency for Electronic Communications (AEC) without the previous approval of the Broadcasting Council (BC), which initially awards the license. The domestic and international media

67 “Disastrous summer for Macedonian Media”, Reporters Without Borders website, 2011. See <http://en.rsf.org/macedonia-disastrous-summer-for-macedonian-17-08-2011,40797.html> (accessed 30 August 2012).

organizations then criticized the selective procedures the institutions had undertaken, and appealed for keeping *TVA1* on the air, for sake of the public interest and the protection of media pluralism.

Media and politics

The importance, for the EU integration of Macedonia, of the media, freedom of expression and professional standards was confirmed when this topic was named as one of the five priority activities of the High Level Accession Dialogue (HLAD) between the Republic of Macedonia and the European Union, launched in March 2012. The government declared that by the end of 2012, it would fulfill the objectives from the Roadmap for the implementation of the Priority activities of the HLAD, which relate to media, or more precisely: 1) amending defamation legislation; improving court practices and strengthening professional standards; 2) improving enforcement by the BC of media-ownership rules and amendments to the legislation.⁶⁸

The HLAD has been a strong incentive for the Macedonian government to make additional efforts to improve the media environment. In June 2012, AJM and the government agreed on a draft law on civil responsibility for defamation and insult, which was shared with the Council of Europe for comment and recommendations. In November 2012, Parliament adopted the Law on Civil Responsibility for Defamation and Insult, which will enable the decriminalization of offenses against honor and reputation, but will also encourage implementation of the jurisprudence of the European Court of Human Rights and Freedoms in the domestic judiciary system. On this occasion, AJM appealed for public officials to demonstrate more tolerance of public criticism in the media, and for journalists to adhere to professional standards and ethics. The Law introduced the responsibility of journalists, editors and media owners, instead of only for journalists, which had been common practice in the past. The maximum level of compensation for non-material damages is 2,000 euros for a journalist, 10,000 euros for an editor, and 15,000 euros for the media owner (legal person). Some media and civil-society organizations reacted that the Law contains provisions that can introduce censorship, such as Article 23, which stipulates that the plaintiff can ask the court to determine temporary measures for forbidding further publishing of insulting or defamatory statements. Part of the media community recognized an attempt for misuse of this article, that could especially affect the investigative journalism. Parliament adopted a Law, announcing that the problematic parts will be solved with amendments in the future.

68 Interim report from the Government of Republic of Macedonia to the European Commission. See http://www.sep.gov.mk/Default.aspx?ContentID=36&ControlID=HLAD_banner.ascx (accessed 30 August 2012) (hereafter, Interm report).

In January 2012, the parliament adopted changes to the current Law on Broadcasting Activity, regarding the increase of the broadcasting fee for the Public Broadcasting Service (PBS) (from two to three euros), increasing the advertising time on PBS, and allowing it to independently organize lotteries. The explanation of the proposers was that, in this way, the financial viability and independence of public-service broadcaster MRTV, which is being criticized for the politicization and lack of quality programs, would increase.

Comments and suggestions for amending the Electoral Code in the parts related to the media were submitted to the Parliament of the Republic of Macedonia by AJM, the Union and MIM in October 2012. Three organizations find problematic the following parts of the Electoral Code: it increases the advertisement time in the pre-election period, contradicting with the Broadcasting Law and the AVMS Directive of the European Commission, which sets the principle of a maximum of 12 minutes (20 percent) of advertising per hour; the Code allows the media to donate to political campaigns up to 5 percent of their annual turnover; and the State Election Commission takes jurisdiction over the press in the pre-election period. The three media organizations expressed concerns, especially regarding the practice of the media to give discounts for the political advertising to the participants in the election campaign, and consider it as a donation. This opens the possibility for direct bribery of the media, and their misuse for political purposes. The media organizations suggested amendments to the Electoral Code that will prohibit the media from donating to political parties. This suggestion was not included in the amended version of the Electoral Code.

At the end of 2011, the Ministry of Transport and Communications presented the concept for drafting a new law on media, which apart from traditional broadcasting, audio and audiovisual media services and the issuance of electronic internet publications, also contained a proposal to regulate the press issuance and the distribution of press; it additionally penetrated the editorial aspects of the functioning of all media, including electronic publications. Though it is undisputable that a new law must be brought about as a result of the necessity for the alignment of Macedonian legislation with the European Union Directive for Audiovisual Media Services, the media community is divided regarding its adoption, fearing possible government control over the media. During the first half of 2012, two Technical Assistance and Information Exchange (TAIEX) missions were organized, as well as consultations and debates with different stakeholders in the media sphere. Although, a wide public consultation process on the draft law was announced to take place by the end of 2012, it did not happen, nor has the draft law yet been presented to the public.

The Academy for Judges and Public Prosecutors conducted training sessions regarding jurisprudence of the European Court of Human Rights (ECHR) on freedom of expression. In the period of April–June 2012, two training sessions were conducted for

the implementation of Article 10 of the ECHR for judges and prosecutors working with defamation cases. The training was also attended by journalists and professional media organizations. In the meantime, important judgments of the ECHR are being translated.

The HLAD obliges the government to take steps to ensure the full enforcement of the articles from the Law on Broadcasting Activity that are related to conflict of interest and illegal concentration. In this direction, the BC has initiated a further interpretation of Article 11 from the Law on Broadcasting Activity, which stipulates that “political parties, state bodies, bodies of the state administration, public enterprises, local self-government units, public-office holders and members of their families, may not pursue broadcasting activities or appear as founders or co-founders of broadcasters, or acquire ownership of broadcasters”. Before the summer the BC asked all broadcasting operators to align their operation with the conflict of interest provisions from the Law by 30 September 2012, otherwise they would initiate a procedure for reacquisition of the license for conducting broadcasting activity. Among those who have not complied with the Law are some of the most influential television stations with a national broadcasting license. BC has also required the broadcasters, whose founders or co-founders are joint stock companies, to reveal and submit data on their founders and co-founders, as well as data on their shareholders and their exact share.⁶⁹

Though on one hand the government tried to appear cooperative and eager to manage the chaotic situation in the media, on the other, the last year has seen an increase in the number of BC members from 9 to 15, creating the impression that it wants to impose control over this regulatory body. Namely, that the new members were appointed on the proposal of new authorized nominators: the president of the state; the Association of the Units of Local Self-Government; the Commission for the Protection of Competition; and the State Commission for the Prevention of Corruption. Apart from the fact that some of the appointed members are close to the ruling parties, a principal remark is that the new nominators do not have the institutional grounds to nominate members to the BC, since they are regulators themselves. One of the newly appointed members was elected president of the regulatory body in April 2012.

During the summer of 2012, BC launched a consultation process for drafting a new strategy for the development of the broadcasting activity for the period 2013–2017; and in that purpose, opened a wide consultative process with different stakeholders. In December 2012, BC presented a draft text on the new Strategy, in the preparations of which, the TAIEX experts were involved. The draft strategy contains the following relevant topics: media pluralism and diversity of program content; illegal media concentration and ownership transparency; the economic potential of the broadcasting industry; regulation for audio and audiovisual media services; audiovisual media services in the digital environment; and media literacy. In December, public discussions were

69 Interim report.

organized with the relevant stakeholders. The main goal of the Strategy is to stimulate pluralism and high-quality media production based on professional standards and principles; to enable protection of the pluralism of ownership; to enhance the independence of the Public Broadcasting Service; and to successfully complete the digital migration that would enable development of innovative programs and services. The new Strategy, according to the BC, should this time be adopted by Parliament, as a guarantee for its implementation, bearing in mind that the previous Strategy for the period 2007–2012⁷⁰ was neglected by the BC and the relevant institutions.

Media reforms/policy development/self-regulation

Self-regulation in the Macedonian media community has been on the agenda for two years. AJM, MIM and the School of Journalism and Public Relations are mostly working in this area. In September 2012, the Council of Honor of AJM was the only self-regulatory body in Macedonia, existing since 2001. Its primary task is to protect and to promote ethical principles, criteria and standards of professional and responsible journalism, as stipulated in the Code of Ethics of Journalists of Macedonia. One of the rare training sessions for members of the Council of Honor of the AJM was held at the beginning of 2012.

In 2010, AJM initiated the formation of a Council of Ethics in Media, a tripartite self-regulatory body composed of representatives of editors and journalists, media owners and representatives of civil society in Macedonia. Throughout 2012, AJM had held consultations with a number of editors and media owners, but also with its membership about the importance of self-regulation and the variety of models that could be applied in Macedonia. At the end of the year, AJM and MIM started a project for creating a supportive environment for the establishment of the Council of Ethics in Media, that will include not just press, but also both broadcast and Internet-based media. In the frames of the project, the consultations with the media community intensified across Macedonia. A Working Group, consisting of representatives of journalists, editors and media owners, was composed to lead the project and draft internal procedures for functioning of the Council of Ethics. The project also foresees the monitoring of 10 broadcast and print media on how much the professional and ethical standards are respected. The most explicit cases of violations in the media will be used for testing the procedures upon which the Council will make decisions in the future. The procedures will be developed with the assistance of the Press Council of Kosovo.

In order to contribute towards the improvement of the situation in the media sphere in Macedonia, two cutting-edge initiatives were undertaken during 2011 and continued throughout 2012. The Association of Journalists of Macedonia (AJM) started talks with

70 “Strategy for the Development of the Broadcasting Activity (2007-2012)”, 2007, Broadcasting Council.

the government of the Republic of Macedonia in regards to five burning issues: a review of the media legislation; establishing fair and transparent mechanisms for government advertising; improving the situation with the public-service broadcaster MRTV; the decriminalization of defamation and libel; and increasing professional standards. After the incident on December 24, 2012, AJM stopped talks with the government, “until the return of the constitutional order in Macedonia and until the perpetrators and the authorities of this shameful behavior are not being detected and punished according to the law.” Apart from completing the decriminalization of defamation and libel, the other four remaining issues were postponed.

The other initiative started in 2011, led by the Macedonian Institute for Media in cooperation with AJM, gathered around 200 media professionals who discussed the burning issues in the media sphere. The process resulted in the adoption of an Action Plan,⁷¹ the main aim of which is to serve as a platform where further policies and steps in the direction of improving the situation with the media in Macedonia can be built and implemented. The document identifies the priority problems, categorized into three groups: 1) inconsistent media policy and insufficient implementation of the media laws; 2) a lack of institutional autonomy and editorial independence of the public-broadcasting service MRTV; and 3) a serious lack of quality in journalism, ethical and professional standards. A process of conceptualizing a list of project ideas followed, containing concrete activities that professional media organizations and institutions should undertake in the future. Both initiatives, of AJM and of MIM, are complementary, while the Action Plan also provides grounds for AJM talks with the government, especially in the overlapping areas.

Self-regulation is also part of the Action Plan, which apart from establishing a tripartite body, suggests that media (especially the PBS) create and practice internal codes and self-regulatory mechanisms. Among other things, these suggestions are based on the analysis of “The issue of self-regulation in the media in Macedonia” conducted by MIM in 2011, and the insights which MIM and AJM gained on roundtables and conferences organized on this topic in the frames of the SEENPM project on self-regulation, supported by UNESCO and the EU.

Journalism ethics has been a burning issue in the media sphere in the last 20 years, despite the Code of Ethics of Journalists of Macedonia becoming accepted in 2001. Deterioration of professional standards has worsened over the years, as a result of political and economic pressures over media and journalists, self-censorship (which is commonly practiced), a lack of continuous training and specialization of mid-career journalists, an inadequate educational system, a lack of literature, a lack of financial investments in the media, etc.

71 “Action Plan of MIM and AJM for improving the situation with media in Macedonia”. See www.mim.org.mk (accessed 30 August 2012).

Professional standards are priorities in the Roadmap of the HLAD, in the talks between the government and the AJM, and are addressed in the Action Plan. One of the most relevant projects regarding this issue with a wide impact, carried out by the School of Journalism and Public Relations, started in 2011 and continued in 2012. The School implemented two big research projects focused on media reporting on inter-ethnic and inter-religious topics. Both projects were conducted with the technical support of the UNESCO Office in Venice, within the United Nations Joint Program to Enhance Inter-Ethnic Community Dialogue and Collaboration. The first research project explored the attitudes, perceptions, and practices of newsrooms in terms of diversity reporting; while the second, intended to identify the extent to which the media respected the professional principles on inter-ethnic and inter-religious issues. How much the journalists respect professional and ethical standards was the core issue in both analyses.

AJM organized several activities that tackled ethics in journalism, among which a handbook, *Ethics in Journalism*, was published.⁷² The handbook was published in frames of the project for multi-ethnic dialogue in the media community, implemented by UNESCO, AJM and Delegation of the European Union. It represents a practical guide for the interpretation and practice of professional standards in journalism in a multi-ethnic environment such as Macedonia, and intends to be of use to media professionals, students, media owners, and the wider public.

Case study

One of the most debated cases for breaching ethical standards in the past year has involved the PBS MTV. During the summer of 2012, in a movement to reform the PBS, new editorial board took over the process of re-branding information programming. The new editor of information programming came from the editorial board of the defunct TV A1, as did several other journalists and producers. These changes were introduced as a result of the efforts for increasing MTV's ratings among the audience. Still, very soon after the new crew took over the leadership, MTV (and other media as well) published in its news program unofficial information (taken from Facebook) about a Greek citizen with Macedonian origins who had allegedly been killed in Thessaloniki by members of the ultra-nationalist party, Golden Dawn. In addition, MTV broadcast a statement by the president of the Macedonian World Congress, who claimed that the murder had indeed occurred, and called for war with Greece and said that, for Macedonia, this event represents a provocation for war. MTV distanced itself from this, but the information on the murder was not confirmed by officials in Macedonia, nor in Greece in the following days. It was made clear that the public service and other media had misled the public,

72 "Priracnik za etikata vo novinarstvoto" [Handbook for the Ethics in Journalism], 2012, Causidis, Tamara and Bojarovski, Zoran, Skopje: AJM. See <http://www.znm.org.mk/drupal-7.7/sites/default/files/Priracnik%20za%20etika%20vo%20novinarstvoto%20maj%202012.pdf> (accessed 30 August 2012).

breaching professional and ethical standards. The event initiated a fervent debate in the media community, and it was stressed that mistakes like this, had led towards the decline of the profession and an increase of public distrust in the media.

Media market developments

In order to tackle the problem with several influential media, BC has initiated consultancies and a review of the interpretation of articles of the Law on Broadcasting Activity, referring to media ownership (see earlier report).⁷³ By the end of the year, eight broadcasters had made changes in their ownership structure, including two TV stations with a national-level license (*TV Kanal 5* and *TV Nasha*), two local TV stations, two regional, and two local radio stations.

In the case of *TV Sitel*, the TV station with biggest audience share on the market, there was no change in its ownership structure, but it is interesting to note that Ljubisav Ivanov Zingo, whose son is the director of the TV station, resigned from the position of MP, in order to comply with Article 11 of the Law on Broadcasting Activity. While in practice these changes satisfy legal forms, the question remains as to whether they will make substantial difference in the style of reporting of some media, bearing in mind their close relationships with the business and the political parties, a major problem in the media sphere, which is recognized by domestic and international organizations.

Other important changes in the ownership structure were made in the founding companies of *TV Alfa*, broadcasting nationally via satellite, and *Radio Kanal 77*, broadcasting nationally as well. *TV Alfa* was considered to be more critical towards the government, but the new owner with majority shares (a Serbian company owned by Veselin Jevrosimovic), was subject to speculations regarding his alleged connections with the ruling party. Shortly after the sale, the editor-in-chief of *TV Alfa* was changed, while a group of young journalists were brought in from several pro-governmental media.⁷⁴ The media also spread information that a group of experienced journalists already working in *TV Alfa* would not get their contracts renewed or would be fired, because of the supposed change in editorial policy.⁷⁵

73 Government of Republic of Macedonia, “ИЗВЕШТАЈ на Владата на Република Македонија до Европската Комисија за статусот на реализација на активностите од ПАТОКАЗОТ за реализација на приоритетните цели усвоени на Пристапниот дијалог на високо ниво” [Interim Report from the government of the Republic of Macedonia to the European Commission on the status of the ROADMAP for implementation of the Priority activities of the High Level Accession Dialogue], 2012, Skopje. (Online source) Accessed through: http://www.sep.gov.mk/Default.aspx?ContentID=36&ControlID=HLAD_banner.ascx (accessed 30 August 2012).

74 PlusInfo website, accessed through: <http://www.plusinfo.mk> and Libertas website, accessed through: www.libertas.mk

75 A1on website and , accessed through: http://a1on.mk/wordpress/archives/81623?utm_source=daily.mk

The major change in media ownership in the print industry happened in January 2012, when the German WAZ sold Media Print Macedonia to the Macedonian company “Orka Holding”, close to the ruling party VMRO-DPMNE. This was reflected in the editorial policy of some of its editions. In November, editor-in-chief of the leading daily, *Dnevnik*, resigned after an article was pulled in the printing house, without his knowledge.

At the end of August 2012, MPM resold 50 percent of its shares in the newspapers to the Serbian company “Internet Group” which owns the web-portal *Telegraph*, which has around five million visitors monthly. The new shareholder announced the opening of the tri-lingual (Macedonian, Albanian and English) web-portal, *Telegraph MKD*, which would incorporate the current world trends of web journalism.

Though there are no exact official numbers, the print-media circulation continued dropping during 2012. Unofficial sources from the print media suggest that the most influential daily *Dnevnik* and the daily with the highest circulation, *Vest*, has seen a decrease in circulation in the period of June–August 2012 (partly due to the summer period), which is a drop on last year. On the other hand, new informative newspapers and weeklies have shown up on the market during 2012, a trend that started at the end of 2011. Online news services flourished as well during 2012, including *A1on.mk*, as a continuation of the work of the defunct TV A1. Some of them succeeded in becoming established as relevant sources of information. Still, the polarization of those highly critical towards the government, and those who favor the government was evident, leaving little space for neutral sources.

The data provided by Nielsen Audience Measurement in the period of January–July 2012 show that among the six major television stations broadcasting at the national level, commercial TV Sitel had the biggest share followed by commercial TV Kanal 5. Still, while MRTV 1, the primary channel of the public broadcaster, which broadcasts in Macedonian, was in fourth place in the period January–May, in June its share almost doubled. This was due to the European Football Championships, broadcast exclusively on the PBS. This was also reflected in the audience share of *TV Kanal 5*, which dropped by 5 percent in June compared to the period March–May 2012. Another assumed reason for the decrease in *Kanal 5*’s viewing figures during the summer was the inconsistent programming schedule, according to analysts. The data from July to December 2012 confirm the leading position of *TV Sitel*, followed by TV stations with national coverage *Kanal 5*, *PBS MTV 1*, *Alsat-M*, *TV Telma* and *TV Alfa*.

In a situation of economic crisis, two commercial national television stations, *TV Sitel* and *TV Kanal 5*, were found on the list of the 200 biggest and most successful companies in Macedonia during the summer 2012.⁷⁶ Their profits increased rapidly, with one of the

76 “200 najgolemi i najuspesni kompanii vo Makedonija 2011” [The 200 biggest and most successful companies in Macedonia 2011], 2012, Euro Business Center-Skopje. See

reasons being that they overtook the market and audience shares of the defunct *TV A1*. *TV Sitel*'s profit was three million euros in 2011, which was a 483 percent increase on 2010, when it was 516,000 euros. *TV Kanal 5* made a profit of 1.5 million euros and increased its profit to 372 percent on 2010. The two television stations did not reveal details as to how they made such a profit, when they were asked by economic magazine *Kapital*.⁷⁷

It must be emphasized that one of the biggest problems in the media sphere in Macedonia is the allocation of finances from the state budget for public campaigns and advertising in the media and the possibility of governmental influence over editorial policy. The reports of international institutions and organizations stress that “public expenditure on state advertising is a significant source of revenue for some broadcasters, but is not sufficiently transparent, and therefore has the potential to undermine editorial independence”.⁷⁸ In recent years, the government has often been accused that it favors certain media outlets and has allocated finances to television channels which are supportive of the government.⁷⁹ These accusations mostly refer to the non-transparent allocation of budget funds, without taking into consideration the data for audience ratings (i.e. viewership and listenership), as is the case with economic advertising; this means that these funds are allocated on the basis of who is close to the media.⁸⁰ The government in 2008 was second, in 2009 was the fifth largest advertiser on the market; while in 2010, according to the BC analysis, it was in 18th place.⁸¹ The 2011 BC analysis of the broadcasting market⁸² shows that the government climbed to fourth place on the list of the biggest advertisers on the media market. The two biggest parties (the ruling VMRO-DPMNE and the opposition-leaning SDSM party) also show up on the list of advertisers, in 23rd and 11th place respectively, due to the parliamentary elections held in 2011.

http://www.eurobc.com.mk/utd_200_mk.html (accessed 30 August 2012).

77 See <http://www.time.mk/read/d39d62b0da/864992c934/index.html> (accessed 30 August 2012).

78 European Commission, Progress Report on Macedonia for 2009. See http://ec.europa.eu/enlargement/pdf/key_documents/2009/mk_rapport_2009_en.pdf (accessed 30 August 2012).

79 “Development of Media in Macedonia according to UNESCO Indicators”, 2012, MIM (hereafter Development of Media in Macedonia).

80 Development of Media in Macedonia.

81 “Analysis of the broadcasting activity market for 2010”, 2010, Broadcasting Council.

82 “Analiza na pazarot za radiodifuzna dejnost za 2011 godina” [Analysis of the broadcasting activity market for 2011], 2012, Broadcasting Council. See http://www.srd.org.mk/images/stories/publikacii/publikacii_2012/analiza%20na%20pazarot%20za%20radiodifuzna%20dejnost%20za%202011.pdf (accessed 30 August 2012).

Journalism education and debates

In Macedonia, journalism studies are available at a number of state and private universities and faculties, which offer a diploma in journalism, communications and other fields connected to the media. Still, the general trend in all faculties and universities this year is a decrease in the number of students enrolled in undergraduate journalism programs.

Regarding the developments related to journalism education, most faculties have modernized their undergraduate and postgraduate curricula and adjusted them with ECTS in recent years. Postgraduate study programs have begun at the School of Journalism and Public Relations (SJPR) in Media Management and Multimedia, and Management of Strategic Communications. Both study programs are new in Macedonia, incorporating experiences and knowhow in the development of higher education, supporting an interdisciplinary approach as well as the latest trends in both fields of study. The topics of intercultural communication and sensitivity, respect for and management of diversity are infused throughout the overall curricula of the two study programs. The SJPR since 2011 has been a holder of the UNESCO Chair of Media, dialogue and mutual understanding, whose primary goal is to raise the quality of higher education in journalism and communications, in accordance with international and European standards.

During 2012, the state university “Goce Delcev - Stip” also introduced new postgraduate studies in Communication Management and Public Relations, as well as in Mass Communications and Management in Media. The journalism programs at undergraduate level were developed in order to increase the number of subjects related to journalism, PR and communications. The faculty launched a student newspaper *Studentsko eho* (Student echo) for journalism students, who also have the opportunity to produce and anchor short programs broadcast on TV Iris, the local television station, and on the university radio.

MIM is one of the most active media organizations in the sphere of journalistic education. Currently, it is a partner in the Inter-ethnic Integration in Education Project, implemented by the Macedonian Civic Education Center in partnership with other local NGOs, the Ministry of Education and Science, the Bureau for the Development of Education, and other educational institutions. The main goal of the project supported by USAID is to create the political, social and economic environment needed for Macedonia to achieve sustained inter-ethnic integration in schools, in other educational institutions and, eventually, the whole society. During 2012, MIM implemented projects mainly related to development of civic activism and new media. MIM is also a part of the project “Roma in the public” that includes training, production and cooperation with NGOs with the purpose to increase the visibility of Roma-related issues in the region. A group of 18 journalists, Roma and others, (six each from Serbia, Macedonia and Bosnia-Herzegovina)

completed training for using multimedia techniques in reporting. The media products have been published on the web portal Tocak.org.

AJM is also working in the area of informal education for journalists. In the period January–August 2012, AJM was engaged in the process of organization training for journalists to improve their skills for reporting on events with a multi-ethnic dimension. The training emphasized the media role in the process of resolving multi-ethnic disputes, and the need for a moderate approach and media sensitivity when covering issues tackling multi-ethnicity. The Balkan Investigative Network organized a summer school in Macedonia for South East European Journalists in investigative journalism, bringing together distinguished journalistic names from Europe and USA in August 2012. In the area of the media, the Center for Civil Communications implemented the project “Access to information – as a source for better information quality”, to encourage Macedonian journalists to more effectively use public information.

Trying to stimulate rare debates on professional and ethical issues, MIM in the period September-December organized two relevant events involving journalists, editors, media managers and owners. First, middle-level editors were targeted, using workshops and debates on different issues of professional interest, such as: how to successfully manage a newsroom; how to implement editorial standards and principles; the future of local media, etc. This was followed by lively debates on: what the perfect editor means; what skills multimedia editors should have; whether independent journalism exists; the need for the development of internal newsroom guidelines, etc. The trends and perspectives of the media market in Macedonia was a topic of the conference for media owners and media managers, which brought to the table representatives of the most influential media, regulatory bodies, institutions, as well as several managers and owners of successful media in the region. Both events attracted attendants and interest from the media community, and this was reflected in media coverage and social networks.

Most of the research, debates, as well as the collection of books from domestic and foreign authors regarding journalism and communications were initiated and conducted by the SJPR in the past year. The School published four books (two translations and two from Macedonian authors), on the subject of media and communications. In 2012, MIM also contributed towards enriching the body of media literature through publishing the analysis “Development of Media in Macedonia according to UNESCO indicators”⁸³ conducted throughout 2011. The analysis intends to represent a mechanism for the continuous and consistent scanning of the media landscape, for the needs of the media industry, media experts, academia, students, and the wider public.

Regarding the debates about media within the academic community and the industry, SJPR (within the UNESCO Chair activities), organized several conferences gathering

83 Development of Media in Macedonia.

media, journalists, professional associations, and representatives from public and state institutions. Conferences tackled issues such as: “Journalism Education, Professional Values and Cultural Diversity”; Media, Communication and Culture of Tolerance”; and “Principles of inclusive Journalism in the Reporting on Inter-ethnic and Inter-religious Issues”. In May 2012, the SJPR invited representatives from all universities and faculties in the country that have study programs in Journalism and Communication/Public Relations for a workshop on curricula development entitled: “Diversity Education in Communication and Journalism Programs”. The aim of the workshop was to raise awareness of scholars and academics as to the importance of infusing journalism and curricula with diversity issues and to exchange experiences and ideas on how to mutually improve the quality of diversity education. In the joint debate, participants emphasized that the academic community must raise questions about ethnic and religious divisions in society, as well as all other forms of discrimination and social exclusion. In May 2012, a round table was organized focused on the “Media framing of the events related to the murder at Smiljkovci Lake” which happened near Skopje on 5 April 2012, with an aim to provoke discussion about the role the media can perform in building social cohesion or in deepening the existing divisions in society.

AJM also organized a series of debates on topics related to the role of media in calming ethnic tensions, gathering editors, journalists, representatives from regulatory bodies and other professional media organizations within the UNESCO project for enhancing multi-ethnic dialogue in the media community in Macedonia. One of the debates was dedicated to improving cooperation among newsrooms producing content in different languages with the public-broadcasting service, MTV. The conclusions stressed the need for the production of educational programming with multi-ethnic and multi-cultural content, and further discussion of models for establishing a joint newsroom for journalists working in different languages.

The NGO Infocenter is another media organization that conducts quarterly monitoring of the media reporting, and publishes its “Media mirror” analysis as a potential platform for debate on the media. For the period January–April 2012, the report focused on the media coverage of the High-Level Accession Dialogue between Macedonia and the European Union, confirming once again that respect for journalistic standards and proper analytical approach is almost completely non-existent in many media outlets in Macedonia, while journalists commonly act as mere transmitters for the statements of political figures (in this case related to European integration processes).⁸⁴

Overall, debates in the media community are rare, but what is important to mention is the increasing interest for professional discussion within social networks. Most editors,

84 “Media Mirror: High Level Money, High Level Dialogue”, 2012 , Infocenter. See <http://nvoinfocentar.org.mk/event.asp?site=mm&menu=&lang=eng&id=1492> (accessed 30 August 2012).

journalists and media, are on Facebook, and use it for expressing their attitudes and opinions, and disseminating information on different matters related to journalism and the media. Unfortunately, social networks are very often used for discrediting those that do not think alike.

Media freedom in Moldova, 2012

Violations of media freedom

Most violations of journalists' rights in 2012 involved limiting access to information, but there were also cases of physical abuse, withdrawing the license of a television station, and vandalizing of a newsroom.

On the night of 5 May 2012, four men attacked Vladimir Vivici, a cameraman with the multimedia news agency OMEGA (affiliated with the opposition Communist Party), in the street. There was no evidence that the case was related to Vivici's profession, so local media NGOs called upon law-enforcement bodies to investigate the case in an objective and transparent manner.⁸⁵ According to a press release by the Ministry of Internal Affairs, the aggressors were identified, and a criminal case was opened. In July 2012, the crew of Prime TV were attacked while shooting a news report in a public place. They were physically and verbally abused by two persons, who claimed to be the owners of the place. A criminal case was opened. In August 2012, Victoria Ocara, a reporter with Jurnal TV, was injured in Balti while reporting on a local demonstration. She was attacked by several protesters and was hospitalized with a head injury. A person suspected of hitting the journalist was arrested.⁸⁶

On 5 April 2012, the Broadcast Coordinating Council (BCC) withdrew the license of NIT TV, a private station with nationwide coverage. The decision was made as a consequence of repeated violations of multiple legal provisions, including the station's failure to comply with the principle of pluralism in newscasts. A number of international institutions⁸⁷ expressed their concern about the withdrawal of NIT's license. At the same time, local media NGOs said they regretted the harsh sanction by the BCC but did not think it was illegal, and asked for sanctions to be applied to all television stations that failed to comply with the laws. The management of NIT went to court, but as of September 2012, no ruling has been made in this case. Meanwhile, NIT broadcasts online at *Nit.md*.

On 8 April 2012, the headquarters of local channel Elita TV in Rezina, broadcasting to five towns in Moldova, was vandalized. Some broadcasting equipment was destroyed and some were stolen. According to the management of Elita TV, the vandalism was linked to their refusal to sell the station to certain politicians. A criminal case was opened and one suspect was arrested.

85 Independent Journalism Center, Association of Independent Press, Association of Electronic Press APEL, Center of Investigative Journalism, and Journalists Union. Available at www.ijc.md (accessed 30 August 2012) (hereafter Ijc.md).

86 Ijc.md.

87 Namely the Council of Europe, the EU Delegation to Moldova, and the United Nations in Moldova.

Media and politics

Media experts relate the improvements of press freedom with the adoption of laws that provide greater protection of journalists' rights in the past three years. However, not all of them are working properly. Two years after the parliament passed the Law on the Privatization of State Periodicals (covering about 50 regional and local publications), for example, only a few media outlets were either privatized or liquidated in compliance with the regulations. Moreover, in the second half of 2012, the Ministry of Economy developed a draft law on completing the Law on Public Propriety Administration and Privatization, that provides the exemption of local state periodicals from privatization. Thus, if passed, the new Law's provisions will nullify the Law on the Privatization of State Periodicals. Also, not all judges apply the Law on Freedom of Expression, meanwhile ruling in defamation cases either because they are not familiar with the new provisions or because they choose to disregard them.

In 2011, media NGOs worked out a new draft of the broadcasting code. After public debates and reviews by local and international experts, the draft was revised and sent to parliament at the end of 2011, but in 2012, no relevant steps have been taken to pass it. There have been unofficial allegations that some parliamentarians are not interested in passing a new code because they are "hidden" media owners, and are also not interested in a law that would risk their businesses by prohibiting media monopolies and concentrations. Instead, in July 2012, the parliament passed a law changing the definition of 'product placement' to restrict media-service distributors from inserting advertisements and teleshopping sections into programmes rebroadcast in Moldova.⁸⁸ In December 2012, Parliament voted for extending (until July 2013) the period of time that media-service distributors may insert advertisements and teleshopping sections into programmes rebroadcast in Moldova without being penalized. Some NGOs⁸⁹ blamed Parliament for the decision, saying that certain deputies were protecting their media businesses.

In 2012, media NGOs started reviewing the Electoral Code in terms of media coverage of election campaigns. Advocacy campaigns were conducted to persuade deputies to change the legislation to ensure proper working conditions for journalists, and to avoid media concentration. A draft of a new Electoral Code has been sent to the parliament. The amendments are being analyzed, and have been under discussion as of December 2012. NGO experts are also working on amendments to ensure the transparency of media ownership in Moldova.

88 Starting January 1st, 2013, advertisements and teleshopping sections must be broadcast only as part of original programmes and shows.

89 Association for Culture Development and Author's and Related Rights Protection APOLLO

Media reforms/policy development/self-regulation

Most Moldovan media outlets are subject to the Code of Ethics for Journalists developed by the Press Council in 2010 and 2011.⁹⁰ The code governs the conduct of journalists in print and broadcast media, in state and private outlets, and can also apply to online journalists. In addition to the code, Moldovan broadcasters use the Code of Conduct for Broadcasters approved by the Broadcast Coordinating Council in 2007. It includes a series of principles to which broadcasters must adhere in order to ensure fair, comprehensive and balanced coverage of all important events, as well as socio-political pluralism.

Media market developments

Print media outlets are mostly owned by private, limited-share companies, but no reliable data are available on broadcast media ownership in Moldova. However, as media experts note, there are several groups that have a unique editorial policy, and in some cases employ the same editorial teams.⁹¹ Thus, the major political parties - namely the Liberal Democratic Party, the Democratic Party and the Communist Party - seem to be backed by certain broadcast, print, and online media outlets. In some cases, the parties use the outlets openly (for instance NIT by the Communist Party or Prime TV by the Democratic Party), while in other cases the bias is more subtle.

According to the last Barometer of Public Opinion,⁹² public broadcaster Moldova 1 ranks number one in public preferences (31 percent), followed by Prime TV (21 percent) and Pro TV (12 percent). It is worth noting that in 2012, two relatively new stations, namely Publika TV and Jurnal TV, registered an increase in their audience shares. In 2012, 6 percent of respondents said they got information from Publika TV compared to 3 percent in 2011, while this indicator for Jurnal TV was 8 percent compared to 6 percent in 2011. Audience research conducted by IMAS INC Chisinau showed a slightly different picture. Prime TV tops public preferences with an average quarterly rating (AQR) of 4.3 percent and a daily reach (DR) of 47.9 percent, followed by Moldova 1 (AQR 2.3 percent and DR 34.5 percent), NIT (AQR 1.7 percent and DR 26.2 percent) and Pro TV (AQR 1.1 percent and DR 19.7 percent).⁹³

90 See

www.consiliuldepresa.md/fileadmin/fisiere/fisiere/Cod_deontologic_al_jurnalistului_din_Republica_fi_nal.pdf (accessed 30 August 2012).

91 “Media landscapes in Eastern Partnership Countries”, 2011, Yerevan Press Club.

92 Barometer of Public Opinion, Public Policies Institute, April 2012. See http://ipp.md/public/files/Barometru/Brosura_BOP_05.2012.pdf (accessed 30 August 2012).

93 “Sondaj: Audienta mass media din Republica Moldova”, IJC, 2012. See www.ijc.md/Publicatii/sondaj/Raport_TV_MediaMas_1203.pdf (accessed 30 August 2012).

Among radio stations, the most popular are Radio Noroc (DR 14.6 percent), Radio Moldova (DR 11.9 percent), and Russkoe Radio (DR 11.4 percent).

The daily *Komsomolskaya Pravda v Moldove* (printed in Russia with a local insert) registered the largest readership indicators in March 2012, with an average issue readership (AIR) of 3.1 percent. It was followed by *Timpul de dimineata* at 1.3 percent AIR and *Adevarul* at 1.0 percent AIR. Among weeklies and biweeklies, *Comunistul* (4.7 percent AIR), *Jurnal de Chisinau* (4.5 percent) and *Saptamana* (3.8 percent), had the largest audience share; while among magazines, *Liza*, *Sanatatea* and *Tainele sanatatii* had the largest AIRs at 2.5 percent, 2.3 percent and 2.0 percent, respectively.

According to the last auditing report issued by the Auditing Bureau of Circulation in June 2012,⁹⁴ there have been some changes since June 2011. The major newspapers reduced their circulation figures by 8-50 percent. Thus, the figures for the daily *Adevarul* dropped from 21,000 copies a week in 2011 to 12,000 copies a week in 2012; and for the daily *Timpul de dimineata*, the decrease was from 28,000 copies to 25,000 a week in 2012. In May 2012, the bi-weekly *Jurnal de Chisinau* circulated 15,000 copies a week compared to 20,000 copies in June 2011; and *Komsomolskaya Pravda v Moldove* reduced its circulation figures from 60,000 copies a week in June 2011 to 52,000 copies a week in June 2012.

Experts noted an increase in advertising revenues in 2011. However, figures are much lower than those for the region as a whole. In 2011, the television advertising market accounted for about 16 million euros a year;⁹⁵ the most popular radio stations competed for 1.5 million euros in advertising. The print advertising market accounted for about 20 percent of the total market, with 5 million euros for advertisements published in newspapers and one million euros for those in magazines. Experts forecast a growth in online advertising in 2012 of up to 1.5 million euros compared to 1.3 million euros in 2011,⁹⁶ based in part on the growing number of internet users.⁹⁷

94 “Auditul tirajelor. Declaratii pe propria raspundere”. See <http://bati.md/audit.htm>

95 According to the Media Sustainability Index 2012. See http://www.irex.org/sites/default/files/u105/EE_MSI_2012_Moldova.pdf (accessed 30 August 2012).

96 “Piata de publicitate s-a triplat in ultimii doi ani”, *ECONOMIST*. 22 April 2012. See http://www.eco.md/index.php?option=com_content&view=article&id=793:piaa-de-publicitate-online-s-a-triplat-in-ultimii-2-ani-&catid=105:marketing-pr&Itemid=476; “Piata de publicitate online in 2011 si 2012”, February 2012. See <http://blog.gurau.md/?p=950> (accessed 30 August 2012).

97 “Piata de publicitate din Moldova este estimata la aproape 35 de milioane de euro anual”, November 2011. See http://www.publika.md/piata-de-publicitate-din-moldova-este-estimata-la-aproape-35-de-milioane-de-euro-anual_509271.html (accessed 30 August 2012).

Journalism education and debates

There are six state and private educational institutions that provide either undergraduate or graduate journalism training in Moldova: Moldova State University, Free International University of Moldova (ULIM), Moldova Slavic University, University of European Studies of Moldova, the Gagauzia State University in Comrat, and the University of Tiraspol (Transnistrian region). They offer long-term education of up to five years, providing students with officially recognized diplomas.⁹⁸ Nonetheless, all the above institutions are still operating with limited human and financial resources, and are struggling to keep up with the fast-paced emerging media market.⁹⁹

The Chisinau School of Advanced Journalism is a graduate program run by the Independent Journalism Center in Chisinau since 2006. It trains 16-18 journalists annually on a ten-month intensive course, and is the only institution to instruct journalists using the latest technologies, and with highly qualified experts and professionals in the field.

Some alternative education is conducted through special courses, seminars and workshops. This type of training does not have academic standing, and certificates issued by the organizers (mainly NGOs) are not officially accredited.¹⁰⁰ Media NGOs provide several (two to four) face-to-face training sessions every month, usually free of charge. There are also a few short-term training courses provided in workplaces. In some cases, the training programs are organized by local NGOs with support from foreign donors, because the media lack financial resources. Unfortunately, the opportunities offered by various media NGOs are not fully exploited, they are sometimes ignored by journalists or by editors, who are not pleased by the absence of their employees for short courses.

Debates about the situation in academia and the media are usually organized by media NGOs, sometimes in partnership with local universities. Also, opposition parties organize debates and hearings on media freedom in parliament. Thus in July 2012, the parliament organized a public debate on the situation of the media in the country; and for the first time, representatives of local media NGOs (Independent Journalism Center and Association of Independent Press) were invited to attend.

98 An exception being the University of Tiraspol.

99 "Media Landscapes of Eastern Partnership Countries", 2011, Yerevan Press Club.

100 Media Sustainability Index, IREX, 2011.

Media freedom in Montenegro, 2012

Violations of media freedom

The biggest incident in 2012 occurred in early March, when a journalist at the daily *Vijesti*, Olivera Lakić, was assaulted in front of her residential building. The assailant hit her several times on the head causing minor injuries. The police arrested the assailant, who Mrs Lakić had identified, and he was sentenced to nine months in prison in July. However, the police have not discovered who ordered the attacks. Ever since the attack, Mrs Lakić has been granted 24-hour police protection. This journalist has been investigating cases of so-called high-profile corruption and organized crime. Last year, she received threats after writing about suspected cigarette smuggling at a factory in northern Montenegro. In February 2012, the court sentenced to one year in prison a person who had falsely reported himself of making threats to Mrs Lakić, but the High Court annulled the verdict. The police and prosecutor's office have not officially terminated the investigation on the suspected illegal cigarette production in the aforementioned factory. Those who have ordered the threats on Mrs Lakić and *Vijesti* are still unknown.

In the case of death threats to journalist Olivera Lakić and her daughter, prosecutors issued an indictment against Milenko Rabrenović, driver of the then police director Veselin Veljovic. A prior investigation lasting several months found him directly linked to this incident. Rabrenovic was questioned at the beginning of December, but he denied his guilt. Former police director Veljovic was also questioned, now in a citizen's capacity. Late in December, prosecutors also brought in the high-ranking police official, Siniša Stojković, under suspicion that he had "intervened with basic prosecutors not to undertake further actions in the proceedings against the suspect Rabrenović".

In the beginning of November, lawyer Ana Kolarevic, sister of Prime Minister Milo Djukanovic, sued publishers of dailies *Dan* and *Vijesti*, as well as the weekly *Monitor* because of a series of articles in which she was connected to the "Telekom affair". The affair refers to accusations of US investigative bodies that in the acquisition of Montenegrin Telekom in 2005, Magyar Telekom bribed several Montenegrin government officials, including the "sister of a senior Montenegrin government official" with 7.35 million euros. In separate lawsuits, Kolarevic asked *Vijesti*, *Dan* and *Monitor*, for 100,000 euros each as compensation for mental suffering brought upon her with the publishing of these articles. Managers of the sued newspapers said that this case showed that Kolarevic's brother, Milo Đukanovic, is continuing the policy of prosecuting the independent media, critics of the regime, trying to silence them with high-compensation requests. They also added that the complaint was a "classical case of violence and intimidation" and that Ana Kolarevic had presented a "legitimate media topic from the

view of public interest, since, as a lawyer and former judge, she had participated in public affairs some of which are, to put it mildly, controversial”.

Following the electoral rally of the ruling Democratic Party of Socialists (DPS) held on October 4 in Pljevlja, three party supporters attacked correspondents of dailies *Vijesti* and *Dan*, both physically and verbally. The attack followed a speech of then Prime Minister Igor Luksic in which he classified these dailies, and certain non-governmental organizations with critical attitude toward the government, as opposition, saying that “all mixed together [they] do not smell so good”. A minor offenses court fined two of the attackers with 400 and 200 euros. The third one, an ex-police inspector, was processed in the first instance at a criminal procedure at the Basic Court, and fined with 800 euros. During the incident, the ex-police officer was quoted as saying to a *Vijesti* correspondent: “I shall drink your blood one day.”

The names of those who ordered and committed the acts of setting fire to four vehicles belonging to *Vijesti* on three separate occasions in 2011 are still unknown. In a separate process, in late August 2012, the court dismissed as unfounded the charges filed by *Vijesti* against the state of Montenegro, due to the destruction of these vehicles. The charges entailed compensation worth 8,600 euros. The plaintiff claimed that the state had done nothing to protect the daily’s employees and property. The court determined that the state’s responsibility in this case had not been proved.

In the past five years, *Vijesti* has paid about 200,000 euros on verdicts in Montenegrin courts and legal services (*Source: director Vijesti*).

In early March 2012, the Basic Court in Nikšić sentenced a man to three months in jail after he had attacked, with two of his associates, the broadcast crew of *Vijesti* whilst working in November 2011.

The weekly *Monitor* will be on trial again for charges filed by Safet Kalić, who regional police forces suspect of being one of the Balkan drug lords. He is currently on the run and an Interpol warrant has been issued for his arrest. He and his family members are on trial for money laundering, and their assets acquired from drug smuggling are to be confiscated. In July 2012, the High Court in Podgorica annulled the lower court’s verdict for the second time, dismissing Mr Kalić’s charges, according to which he has suffered emotional distress and a loss of honor due to articles published in *Monitor*. Mr Kalić is claiming 30,000 euros in compensation from *Monitor*. The High Court has not accepted the lower court’s explanation, according to which the articles on Mr Kalić’s business deals were published in the public interest, and following professional standards.

Internet portals continue to publish comments which present abuse of freedom of speech (immoderate and abusive words, hate speech). Most of these cases occur on *Vijesti*'s

website, which has the most visitors. Administrators are either not doing their job well, or they intervene only in drastic cases of the abuse of freedom of expression. The Media Council for Self-Regulation warned about such cases in their December report.

Case studies

One case deserves a special mention in this report. It is the case ‘Mugoša vs. *Vijesti*’, which in July 2012 reached a verdict after a three-year trial. This case is an example not just of violence against journalists, but also of organized pressure of several state bodies on media freedom. In August 2009, the mayor of Podgorica and his son attacked Mihailo Jovović, the editor of *Vijesti*, and photojournalist Boris Pejović, after the journalist had taken a picture of the mayor’s official car illegally parked in the city centre. Mr Jovović had to seek medical help for severe pain in his ear. It was established that his eardrum had been perforated as the result of the punches (which is a severe physical injury according to Montenegrin laws), and he underwent an operation the following day. When it was revealed that Mr Jovović had a perforated eardrum, the mayor of Podgorica, who is a very influential person within the authorities, took great efforts to present himself and his son as victims, and the journalists as assailants. His driver, who had seen the incident, became involved in the case. The driver sought medical help the following day, 12 hours after the incident, alleging that he was experiencing headaches and dizziness. A doctor, who is a radiologist and a friend of the mayor, used a CT scan to establish that the driver was suffering “permanent brain damage” from the attack. The prosecution did everything in its power to indict Mr Jovović, even though court experts claimed in three reports that the driver’s alleged injuries could not have been caused by Mr Jovović’s punches. The investigation and the trial have lasted three years. The prosecutor’s office established within 24 hours that the mayor of Podgorica could not be criminally charged. He has been fined 400 euros. The case ended on 23 July 2012 with a verdict, according to which Mr Jovović has been acquitted, while Miljan Mugoša has been sentenced to six months on parole.

The state prosecution appealed against a court ruling from July 2012, according to which daily *Vijesti* editor Mihailo Jovović was acquitted of charges of inflicting light injuries to a driver of Podgorica Mayor Miomir Mugoša. The *Vijesti* editorship stated that the prosecution’s decision to make this appeal presented a “continuation of a several-year-long farce”.

The daily’s editor, Mihailo Jovović, and photojournalist Boris Pejović immediately filed criminal charges against the mayor of Podgorica, Miomir Mugoša, and his son, Miljan, after the incident. They claimed they had been beaten, while a gun had been put against Mr Jovović’s chest. Mr Jovović had even taped part of the altercation and the subsequent discussion with police officers, and offered this as evidence for his claims. The

prosecution did not even mention the gun during the investigation and trial, while nothing has been done about the charges filed by the journalists.

Serious pressure on *Vijesti* began right after this incident, along with attempts to disrepute its owners. Just a few days after the incident, Milo Đukanović, the then prime minister and president of the ruling party, accused *Vijesti* of media violence, claiming that the “owners and representatives of independent media covered in veils of democracy and freedom of speech, can declare personal and unprincipled wars against certain people, jeopardising their dignity”. The pressure has not stopped. In the meantime, two prosecutors who have been handling this case have advanced professionally; and the doctor, based on whose report the editor of *Vijesti* was indicted, has been awarded the highest award of the capital city of Podgorica.

Media and politics

The authorities consider the dailies *Vijesti* and *Dan*, as well as the weekly *Monitor* as threats, because they write about corruption cases and links between the representatives of authorities, business, and crime. Former Prime Minister Milo Đukanović is very direct in his accusations. During an interview in April 2012, he said that *Vijesti* “has turned into a monster” and called its founders “media mafia” and people with a “progressive encephalitis”. He accused the founders of *Vijesti* of being “obsessed” with him, adding that this is “political pathology”. Previously, Mr. Đukanović labelled people from the media as “dishonorable and unaccomplished”, calling them “political mice that need pest control above all”, and labelling their journalism as “blood thirsty”.

Pobjeda, the oldest daily newspaper in Montenegro, is predominantly under state ownership, and Srđan Kusovac, its editor-in-chief, is also very active in attacking those media that criticize the authorities. Mr. Kusovac has been accusing (almost every day for years) the founders of *Vijesti* and certain journalists of *Monitor* of business machinations and brokerage, calling them criminals. The prosecutor’s office cannot seem to put an end to these accusations, either not investigating them or doing so very slowly, thus making these suspicions look reasonable. Milka Tadić Mijović, the director of *Monitor*, and journalists Sonja Radošević and Milena Korać Perović filed criminal charges in April 2012 against *Pobjeda* and its management on suspicion of committing crimes of discrimination based on gender, belief, political and other opinions, spreading hate and encouraging violence.

The articles published in *Pobjeda* labelled the aforementioned journalists as “scum”, “cows”, “whores”, “worthless”, “promiscuous women”, and other offensive names. The government has not considered any of the numerous initiatives to depose the editor-in-chief of *Pobjeda* so far. *Pobjeda* has been working illegally for the past ten years,

because the Media Law passed in September 2002 stipulates that the state cannot be the founder of print media outlets (article 7). *Pobjeda* was given one year to be privatized (article 47), but as of September 2012, this has not happened.

Media reforms/policy development/self-regulation

Under unrelenting EU pressure, media self-regulation was reinstated in Montenegro in 2012. Three such bodies have been set up. The Journalistic Self-Regulatory Body (NST) stopped working in April 2010 due to irreconcilable differences within the Montenegrin media community about professional and ethical standards. Those differences are so big that they have led to polarization and even conflict among Montenegrin media outlets. The Media Council for Self-Regulation was set up in March 2012, and has gathered more than 20 print and electronic media outlets. So far, this body has received 25 complaints and published four monitoring reports. In March 2012, the dailies *Vijesti* and *Dan* and the weekly *Monitor* set up the Press Council, a self-regulatory journalistic body of print media with national coverage. Even though their goals are almost identical – education of journalists, promotion of professional and ethic journalistic standards – these two bodies (i.e. their leading members) do not recognize each other and have no contact. The Self-Regulatory Council of Local Print Media was set up in early April 2012, but its influence is minimal.

Since defamation and insults were erased from the Criminal Law in 2011, Parliament adopted the Law on Amnesty for those convicted of defamation and insults in June 2012. The amnesty includes all those who have been sentenced for such crimes according to the old Criminal Law; the verdict has the force of *res judicate*, but has not been enforced yet. The reason for this law lies in the verdict on journalist Petar Komnenić, who has been ordered to pay 3,000 euros in fines for defamation. After he refused to do so, the fine was replaced by a four-month prison sentence, which has not been enforced. In the meantime, defamation has been erased from the Criminal Law, so it was necessary to find a way to keep Mr Komnenić from going to prison for a highly suspicious and never fully investigated case. Erasing defamation and insults from the Criminal Law does not absolve journalists of the responsibility for their work, because calling for an offense can be done via civic lawsuits.

In Montenegro, there is ongoing debate on possible changes to criminal law, which would treat the attacks on journalist as attacks to “officials performing their official duty”. Advocates of these changes believe that this solution would offer better protection to journalists, as well as more efficient prosecution and more severe punishments for attackers. In November 2012, the NGO Center for Democracy published an opinion poll which showed that 55 percent of citizens believed that attacks on journalists should be treated as attacks on official persons. The same poll showed that 37 percent of citizens

believe that media freedom in Montenegro is being violated to a large extent, while 20 percent said that there is no media freedom violation. 20 percent of interviewees said that the government is mostly responsible for violation of media freedom.

Media market developments

Several large changes occurred in the Montenegrin media market in 2012. The commercial TV station, TV IN, which had the highest audience rating several years ago, stopped broadcasting on October 25. A labor inspection closed it due to debts incurred toward its employees. Around 60 employees of this broadcaster sued the owners and management, claiming that they owe them between 250,000 and 300,000 euros for salaries and pension contributions. The station owners had never stated the reasons for stopping the broadcasting, and had never explained how they intended to pay their debts to their employees and the state.

In order to cut costs, Television Atlas, which used to have national coverage, has stopped transmitting its programmes via terrestrial transmitters, so it is only broadcast via cable systems.

A powerful regional company (along with TV PINK), First Serbian Television (Prva Srpska Televizija), with mostly Greek capital, has entered the Montenegrin market by purchasing PRO television.

According to the latest market research, the TV audience share was the following: TV Vijesti 28.5 percent; TV Pink M 20.4 percent; TVCG (PBS) 15.8 percent; TV Prva 12.4 percent; satellite channels 9.4 percent (*Source: IPSOS STRATEGIC, November 2012*).

Market research on print media has not been conducted in the last quarter of the year. According to market research in May-June 2012, the television share was as follows: TV VIJESTI 27.5 percent; PINK 19 percent; Montenegrin Radio and Television (national broadcaster) 14 percent; PRVA 6.8 percent; and TV IN 5.2 percent (*Source: IPSOS STRATEGIC*).

The research on people's confidence in Montenegrin TV broadcasters, conducted by the NGO Democracy and Human Rights Centre (CEDEM) in December 2011, shows that TV VIJESTI has 38.3 percent, TV IN 18.7 percent, Montenegrin Television 17.6 percent, TV PINK 9.8 percent, and TV ATLAS 4.5 percent.

The total budget for television advertising in 2012 is between 6.5–7 million euros, which is at last year's level, but it is possible that there will be a 5 percent boost due to a possible increase in political advertising, considering that elections are due on 14 October 2012.

When it comes to confidence in print media, the dailies *Vijesti* and *Dan* continue to dominate: *Vijesti* 53.2 percent; *Dan* 29.3 percent; *Pobjeda* 14.1 percent; and the daily *Dnevne novine* 0.6 percent (source: NGO CEDEM, December 2011.) *Dnevne novine* has been distributed for free since 7 May 2012. This daily still has a problem with distribution at certain press distributors' kiosks. *Vijesti* and *Dan* oppose the idea of *Dnevne novine* distributing their editions for free at the same kiosks where their editions are being sold.

It is not possible to have precise data on the circulation of the Montenegrin daily press, because the companies consider it a trade secret. The total budget of print media in 2012 is about 3.5 million euros, but it is possible that it might increase by 5 percent, just like television. The budget for internet advertising this year amounts to about 340,000 euros.

It is noticeable that companies which are in total or majority state ownership mainly advertise in the media that report on the government's and ruling parties' activities without much criticism. There is no indication as to what amounts are being dealt with here.

Journalism education and debates

Journalism studies have been present in Montenegro since 2003, at the Political Science Faculty at the state university (University of Montenegro). Apart from the faculty, the only relevant institution for gaining journalistic knowledge is the Journalism School at Montenegro Media Institute. It was set up in 2003 in cooperation with the Danish School of Journalism. The program is based on the 'learning by doing' method. So far, eight generations of young journalists have finished this school, and most of them work successfully in the Montenegrin media.

The Montenegrin media community is very segregated, and so polarized that the representatives of the leading media cannot gather to discuss even the most important professional issues. The representatives of the Faculty of Journalism rarely take part in public debates about professional and ethical standards.

Media freedom in Romania, 2012

Violations of media freedom

Attacks against journalists are rare, but they remain unpunished and do not trigger a public outcry. Romanian journalists working with foreign media have been targeted by a once-famous publication (now only available online at *Cotidianul.ro*) as “foreign agents” with a mission to discredit the country. NGO support for journalists has resulted in the publication of a right of reply (Liliana Ciobanu, a freelancer working with CNN and *The Guardian*), but attacks have continued.

Attacks have been circulated on television by several politicians and political analysts close to the government. Even if the information has been proven false, the politicians did not apologize. On the contrary, one of the most vocal critics of these journalists has been promoted as a minister.

Prime Minister Victor Ponta himself stated publicly that the negative coverage Romania received in the German media is due to still-active agents of the communist *Securitate* (political police), which infiltrated Germany over 20 years ago.

In a similar case, journalist Carmen Valica, a correspondent in Brussels with the public radio, has been accused of having misled European officials, asking questions based on false information. The journalist was called to Bucharest days before her mandate was supposed to end. The Ethics Committee of the public radio judged that she had violated no professional rules. The board of the public radio endorsed this decision, and the journalist has been cleared of all accusations. The post of Brussels correspondent has been assigned to another person, though.

Media and politics

Since January 2012, Romania has lived in political turmoil. A street protest in January resulted in the fall of the Emil Boc government. The next government, led by Prime Minister Mihai Ungureanu, was dismissed after 45 days in power, via a non-confidence vote, after a significant number of MPs had switched camps and joined the then-opposition parties. The third government of 2012, led by the Social-Democrat leader Victor Ponta, launched a very aggressive offensive to take the keys of power of state institutions: the chairmanship of the both chambers of the parliament; the ombudsman; the prefects (the government’s representatives in the regions); the key positions in the national Institute for Statistics; the National Archives; the public procurement authority; and the Official Monitor. The government also launched penal procedures against some

Constitutional Court judges (withdrawn after a harshly negative EU reaction) and the opposition. All this culminated with the suspension of President Traian Basescu. The referendum for the president's impeachment did not attract 50+1 percent of registered voters, but the government claimed that the number of voters had not been updated. After revisiting the voting lists, the Constitutional Court ruled that the referendum was not valid, so President Traian Basescu resumed his mandate. In December 2012, Romania had general elections that resulted in a landslide victory of the coalition formed between the Social Democrat Party, the National Liberal Party and the Conservative Party. Mr Ponta was appointed as prime minister, but the tensions between him and President Basescu still persisted, although muted via a "non-aggression pact".

The media followed the fierce political fight and became acutely polarized. No direct political attacks against the media were registered, except for a few innuendos from the interim president, Crin Antonescu, regarding the pro-Basescu media ("Do you still exist?" he asked a journalist when the latter stated his position the *Evenimentul Zilei* newspaper), and the public advice of President Basescu to his supporters not to follow the television stations run by his political enemy, Dan Voiculescu.

The electoral campaign in November-December 2012 harshened the tones in the media, turning them into full-fledged propaganda channels for their preferred political camp. As a rule, the campaign for the general elections has been rather lame, and lacking concrete political offers. The main separation fault was if the candidate (and therefore the media) was "pro" or "against" President Traian Basescu (his mandate expires in 2014, so he was not relevant for the current campaign). All national TV broadcasters have received warnings or sanctions for their performances during the electoral campaign, with the public TVR emerging as more balanced than the private channels.

Public media have been staffed with "friendly" leaders and executives, and the critical tone toward the government has been somehow muted (but not completely eliminated).

The Broadcast Council composition has been refreshed as five new members (out of eleven) replaced those whose mandates ended in November 2012. The new members are generally low profile, and with limited experience in broadcasting. The new chairperson of the Council was elected: Ms Laura Georgescu, a former TV producer who has held, since 2004, a technical position in the government. The Council was almost non-functional after politically fuelled tensions among members prevented the adoption of decisions. The situation became so drastic that some of the members addressed Parliament, asking for mediation. The new composition has a majority that reflects the majority in Parliament, and is expected to secure the functioning of the Council, if not its balance.

Media reforms/policy development/self-regulation

A new draft law on public-service broadcasters was released by Raluca Turcan, the head of the Media Committee in the Chamber of Deputies on 12 September 2012. The bill re-runs some of the suggestions pushed by civil society in the previous years: the separation of the positions of chairman of the board and general manager; reserved places on boards for civil society representatives; stopping the practice of dismissing the boards in cases when the annual report is not endorsed by the parliament (this was the main political tool to control the boards and dismiss them when the political majority changed – all but one board has seen themselves dismissed before the end of the lawful four-year term). The draft stirred no significant public debate and was not yet submitted to the Parliament.

In late November, the government announced the adoption of an Emergency Ordinance to modify the Audiovisual Law. According to the new rules, the cable operators would be obliged to arrange the TV stations in their packages in the decreasing order of their audience rates. The advertising contracts should be signed only between announcers and media, the advertising agencies being limited to a “consultancy” role. More important, all sanctions dictated by CNA would be suspended if contested in court and were supposed to be applied only after a final court decision was issued. Such a move would have furthered crippled the Broadcast Council which had barely functioned since May, with members finding it difficult to agree on sanctions against law violations. The Emergency Ordinance – an act that has the power of a law, even if adopted by the government, and entered into force the day of its publication – came as a surprise for both the Council and the media operators. Following a public outcry, it was sent for review to the Broadcast Council and the Competition Council. It has not been published yet, so it has produced no effects.

Media market developments

The media sector has been severely affected by the economic crisis. The market was overcrowded, weak and distorted by unfair competition (including from the state) to begin with. The crisis and the strong politicization of the media outlets have aggravated the situation. With a handful of exceptions, all media outlets in Romania registered budgetary deficits in 2011, with advertising revenues dropping as bad as to 30 percent of 2009 levels. Over 6,000 jobs were lost between 2010–2012, and many outlets disappeared or maintained only a feeble online presence. Audience and circulation figures decreased constantly.

Public television (TVR) have accumulated huge debts over the last five years (over 140 million euros). This is the result of a combination of risky managerial decisions (buying expensive films and sports programmes, with small returns on investment) and the

deliberate cropping of TVR revenues via governmental decisions (decrease in the television license fee, increased VAT, and a compulsory amount of revenue going to the national film-production fund). In March 2012, the fiscal authorities froze TVR's accounts. They were un-frozen temporarily once the new board was installed, but they got 60 days to come up with a recovery plan. This plan included the closing of two of the six TVR channels (TVR Info, the all-news channel created a year ago as an alternative to the very biased private news channels, closed from 15 August 2012; and TVR Cultural, the channel dedicated to cultural programmes but which had a very low audience, close to zero, closed perform 15 September 2012). The plan also included the firing of some 800 employees (out of the current 3,000), identified via a professional activity and competence screening. The process was marred with procedural faults and re-run twice. Critics of the process claimed that it was used to eliminate people loyal to the former management. Lay-offs are to start in 2013. TVR received a seven-year term to pay its rescheduled debt to the state.

On 19 September 2012, the Ministry for Communication and Information Society (MCSI) launched a public debate on a strategy for the transition to digital television. The new deadline was set for 17 June 2015 (the initial one was 1 January 2012). The new strategy has two phases. Under the first one, two multiplexes are to be allocated to state-owned Radiocom, the only one judged ready to quickly provide 15 digital channels at DVB-T 2 standard. This solution had been previously criticized by private operators, as it gives the state a privileged position on the market and turns it into a gatekeeper.

The cable operators appeared at the forefront of the media market through disputes with some TV channels. RCS-RDS, one of the two major cable operators, emerged as the most active in launching its own TV channels with original content. It launched an all-news channel, followed by niche channels specializing in documentaries and lifestyle formats. It decided to stop transmitting the DTH system of the channels of the Antena Group (popular Antena 1 and Antena 3 among them), blaming it on the too high price requested by the group, and accusing it of "abuse of dominant position". Later on, another major cable operator, Focus Sat/ UPC made the same decision. The matter is being investigated by the Competition Council. Later on, RCS-RDS decided to eliminate from its cable programmes all the channels produced by Discovery, and immediately launched its own channels, similar in content. The move was contested as abusive by Discovery, but was eventually endorsed by the Broadcast Council.

Journalism education and debates

There have been no significant developments in this respect. Apart from a general discontent regarding the ever-poorer quality of the media voiced by politicians, policy makers and the public, there is no public debate about the fate of journalism. Universities are not influential in this respect (despite some EU projects regarding the profession, in which Romanian universities participate).

Notably, the situation of the media and the way they operate in a very tense political climate became a topic for discussion on various media channels, as well as in social media. While these discussions have not led to any significant result, their presence in the public sphere demonstrates the interest and, more often than not, the concern of the public regarding the quality of journalistic products and the independence of the media sector.

Media freedom in Serbia, 2012

Violations of media freedom

In May 2012, during the presentation of the report on media freedom, prepared according to the list of 27 indicators from the Council of Europe, it was concluded that in Serbia, only four out of the 27 European standards have been fully satisfied. Most standards were considered to be in the “grey area”, while in several fields there are serious divergences. These divergences relate, above all, to: the media market; the protection of media from unjustifiable political influence; labor rights; and the safety of journalists. It has been highlighted that the state has influence over the media: financing selected media outlets; acting as competition to private media; as well as that the media can only resist financial and political influence subsequent to the regulation of the state's role in the market.

Perhaps the best known example of suppression of media freedom in Serbia is the case of B92 TV journalist, Brankica Stanković. A well-known professional in the field of investigative journalism, including successful disclosures of corruption, she has made a series of television programmes regarding the relationship between football club managers in Serbia and organised crime syndicates. In one television programme, Stanković presented a series of evidence regarding the affiliation of football supporters' organizations with drug cartels. During a football match in December 2009, Partizan Belgrade supporters hurled around the stadium stands a blow-up doll, while singing songs, the lyrical content of which essentially comprised death threats addressed to Stanković. The lawsuit against the supporters was initially rejected, while during the retrial in July 2012, the hooligans were convicted. However, the problem rests with the fact that each of the sentences issued were below the statutory minimum, with all the accused receiving probation. The only individual to receive a 16-month prison sentence is the leader of the hooligan group Milan Radosavljević Kimi, who was on the run at the time. Subsequent to the broadcast of the first episode of her television series, Brankica Stanković was threatened via all available systems of communication, while further threats were written as graffiti throughout the centre of Belgrade. Since then, even three years later, she has been under constant police protection.

One of the most recent examples of political repression over the media profession is the case of Dejan Ignjić. In July 2012, Dejan Ignjić was fired from the Novi Sad daily *Dnevnik*, because he refused to modify and “tone down” the questions addressed to Igor Pavličić, the Mayor of Novi Sad. Ignjić stated in his letter to the media, the President of Serbia and Western embassies, that according to a previous agreement, he had sent a set of questions to the Mayor's Office regarding the city's public services. Subsequently, the editor of the city chronicle called him in for a talk, demanding that he alter the questions and send the new ones to the Mayor's Office because “they were found lacking in style”.

Having refused to do so, the following day, he was informed that his contract had been terminated. Ignjić alleges that during Igor Pavličić's first term from 2008, while writing for *Građanski list* and *Dnevnik*, he was blacklisted, that he was informed of this in the Mayor's Office, and that no one had answered the questions he emailed.

During the first half of August 2012, journalist László Szász/Laslo Šaš was released from prison, after receiving clemency from Tomislav Nikolić, the President of Serbia. László Szász was imprisoned on 20 July 2012 after a final verdict, according to which he had to pay 150,000 RSD (1,320 euros) for defamation of László Toroczka/Laslo Torockaj, the leader of the right-wing extremist movement *Hatvannégy Vármegye Ifjúsági Mozgalom/Omladinski pokret 64 županije* from Hungary. This was modified to 150 days in prison, because Szász did not have the necessary funds to pay the fine. Szász wrote in the readers' comments section of the Hungarian-language daily newspaper *Magyar Szó*, on 24 April 2007, that Toroczka was responsible for damages sustained by the Hungarian television station, which occurred during a protest, to the amount of ten million HUF (33,821 euros), and that he was a fear-monger and a hypocrite. On 4 February 2011, the Municipal Court decided that the claims were offensive and László Szász should pay 150.000 RSD (1,320 euros). The verdict was confirmed by the Court of Appeals in Novi Sad on 19 April 2011. The verdict was a week away from becoming obsolete. The trial could not have been held in the period between 2008 and 2010, because László Toroczka was banned from entering Serbia due to inciting riots. Prior to this, he was banned for five years from entering Slovakia. Information can be found on Hungarian internet portals that Toroczka had been sentenced for assault on the Hungarian television with damages of ten million HUF (33,821 euros), as well as that he is one of the leaders of a political organization to which Anders Breivik, perpetrator of the 2011 Norway attacks, sent his Manifesto. The Journalists' Association of Serbia (*Udruženje novinara Srbije - JAS*), the Independent Journalists' Association of Serbia (*Nezavisno udruženje novinara Srbije - IJAS*), and the Independent Journalists' Association of Vojvodina (*Nezavisno društvo novinara Vojvodine - IJAV*) wrote a letter to the President of Serbia Tomislav Nikolić, requesting amnesty for László Szász. In accordance with the procedure, the request for amnesty was issued by Szász himself, and once Nikolić conferred with the opinions of the Municipal Court in Subotica, the County Jail and the Ministry of Justice, he declared amnesty for Szász.

A six-year-old girl from Eastern Serbia died in January 2012, because her mother denied her food. Journalist Milijana Stojanović wrote about the possibility that the child had been abused, and initiated a question of responsibility to the Municipal Prosecutor because the investigation was found lacking in this respect. Stojanović was accused of defamation, and is required to pay 300 euros in compensation to the prosecutor. Milijana Stojanović wrote an article which dealt with the girl's fate, referring to the doctor's findings, municipal prosecutor's official records, and anonymous criminal charges made by an employee of the Social Work Centre. In December 2012, a higher court in a second

degree trial officially cancelled the verdict, claiming that Stojanović was not guilty. After reading of the verdict she said: “I quit writing about the girl when the trial started. Maybe, if I had written more, the girl would still be alive today.”

In November 2012, a far-right group called the Serbian People’s Movement Naši (SNP Naši) published a list of media and non-governmental organizations they claimed to be anti-Serb and “financed by Western secret services”, urging the authorities to outlaw them. A month later, they put up posters with the same content in several towns and cities. SNP Naši is best known in Serbia for its support for the idea of a Greater Serbia and for inciting violence against the gay population. Serbia’s Public Prosecutor filed a motion to the Constitutional Court to ban all extremist organizations in 2009.

The motion against SNP Naši was based on the grounds that it was aimed at the violent overthrow of the constitutional order and incited national, religious and racial hatred. In November 2012, the Constitutional Court dismissed the motion, stating claims that the association’s threat against the constitutional order had not been confirmed.

The fact that there is a great number of lawsuits against journalists in Serbia was confirmed in August 2012 by Vukašin Obradović, the President of the Independent Journalists’ Association of Serbia (IJAS). In Serbia, provisions regarding defamation and damage to reputation and honor open up vast opportunities for lawsuits against media outlets. According to the data provided by IJAS, there were 242 legal proceedings, including criminal ones, initiated before the High Court in Belgrade in 2011, principally concerning defamation, due to the publication of certain information in the media. Court proceedings financially exhaust journalists and media outlets, while also imposing self-censorship. Due to this climate, just over a year ago IJAS established a service providing free legal advice before the courts. As of September 2012, this service has been provided to ten media professionals. Obradović pointed out that the court procedures against journalists encourage self-censorship amongst journalists, while financially draining media outlets, journalists and editors who are on the receiving end of the court procedures. Obradović has highlighted the expense of court costs and attorneys’ fees: “As for the necessary changes in law, we expect the decriminalization of defamation. We’ll see how the events unfold, considering the political changes which have taken place in Serbia.”

Media and politics

In the draft resolution regarding European integration, the European Parliament expressed support for Serbia’s candidate status, drawing attention to the state of the media and the pressures it faces. The Foreign Affairs Committee of the European Parliament adopted a draft resolution in Brussels on 1 March 2012, in which it is requested that

Serbian authorities guarantee media independence. In addition, the adoption of the Media Strategy and the state's withdrawal from media ownership has been welcomed. During the vote on the draft resolution, the Committee rejected the Romanian representatives' demand for the Romanian minority to receive additional rights. The European Parliament expressed concern about attempts to control and interfere in Serbia's media, and about requests from the Serbian authorities to guarantee "media independence from political pressures and other influences" (according to the document adopted by the Foreign Affairs Committee of the European Parliament). The draft resolution indicates that "strong and independent media are a necessary element of a democratic order and welcomes the adoption of the Media Strategy, commending the Serbian authorities' Action Plan to implement these strategies". EU MPs have underlined the need for future steps against a concentration of media ownership and a lack of transparency in the media. With media ownership in question, in just the last six months, three media affairs have emerged in Serbia.

Media market developments

Since 1 June 2012, regular publishing of the weekly *Ekonomist* has been interrupted, while the editorial staff is on strike because the employer owes them six months' worth of salaries, including unpaid taxes, and social insurance. In their press announcement, the *Ekonomist* editorial staff emphasized that the official proprietor of the *Ekonomist* is the Media International Group, with its headquarters in the United States of America, but the actual owner is Božidar Đelić, the former Deputy Prime Minister of Serbia. As stated, Đelić – from the moment of purchasing the then *Ekonomist* magazine – transferred management rights to another person. "Delayed salary payments and inconsistent payment of taxes and social benefits specifically threaten a staff of five pregnant employees and mothers, because they cannot lawfully exercise their right to compensation of maternity leave, although Đelić in his election campaign advocated, repeatedly and on several occasions, the rights of pregnant women and mothers," indicated the *Ekonomist* editorial staff. In the announcement, Đelić was asked whether he had been present at all key meetings, speaking about the future of the company, plans for the future and the need for employees to show patience in receiving their late salaries, and about the fact that the crisis has made an impact across all sectors, including the media. They did not receive an answer to a single question.

Two large commercial television stations, TV Pink and TV Avala, are owned by Željko Mitrović, even though the law prohibits such a concentration of ownership. In neither of the two television stations have the employees received salaries for months, and in 2011 and 2012 they decided to go on strike, which resulted in the owners promising to pay out the remaining salaries, which they only partially did.

The fate of *Politika*, the oldest daily newspaper, intensified at the end of 2011, when the Liberal Democratic Party discovered that the company Kurir, owner of one of the largest tabloid newspapers in Serbia, is attempting to purchase the shares owned by the German company WAZ in three separate media houses (*Politika*, *Dnevnik* and *Novosti*); meanwhile, behind that attempt can be found individuals from the country's political leadership. Allegedly, directly behind this attempt are members of the Democratic Party: Dušan Bjelopetrović, the Adviser in the Ministry of Justice; Dušan Petrović, the Vice President of the Democratic Party; and Slobodan Homen, the State Secretary in the Ministry of Justice. All have the aim of monopolizing media influence and of ruling the media scene prior to the election campaign. The Liberal Democratic Party then argued that the money for the realization of this transaction was primarily requested from the funds which the European Bank for Reconstruction and Development, via the government of Serbia, provides through subsidized credit for media aid.

The entire affair quietened down at the beginning of 2012, until recent events took an unexpected turn. The German company WAZ announced the sale of 50 percent of its shares in *Politika* to the East Media Group company from Moscow. What turned this business transaction into a real thriller is the complete lack of transparency of the East Media Group's ownership structure, and the unconfirmed rumors that behind it are Serbian businessmen who already own shares in other local media. In September 2012, it turned out that the real owner of East Media Group is Farmakom. On September 17th, Deputy Prime Minister Aleksandar Vučić told the prime-time news broadcaster RTS that Farmakom was forced to take part in the *Politika* acquisition via its daughter companies, and that the whole operation was masterminded by "the now largest opposition party" (i.e., the Democratic Party, DS). Vučić told RTS that Farmakom "was not genuinely interested in the transaction and it was merely a favor for the biggest political party in the previous government".

In October, it was announced that the government had ended negotiations with Bogićević and had made a deal which will see him retain shares and become a passive partner, with no right to interfere with the running of the company. That means that the state is now running *Politika* without any restrictions whatsoever.

After years of speculation that he is the actual owner of the daily *Press*, Miroslav Mišković, President of Delta Holding, himself confirmed on November 13th that speculations were correct. In his press release, he said that he was withdrawing from *Press*, within which he was the largest individual owner. Two days later, *Press* decided to cease print editions, keeping only the online version.

The ever-increasing concentration of tycoon capital in the ownership of media, including other methods of pressure (most frequently through denials of advertising, the primary source of income for most) leads to ever fewer reports on corruption or suspicious

dealings by tycoons themselves in traditional media. Thus, there has been a sharp increase in the popularity of social media, anonymous blogs and websites specializing in collecting evidence of corruption.

Media reforms/policy development/self-regulation

When media content is discussed, an increasing problem is posed by direct disrespect for the ethical code of practice, especially when dealing with media treatment of adolescents and victims. Although the law is unambiguous that adolescents and victims should only have their initials published, not their full name, media reports contain more than enough facts pointing to their identities. In August 2012, almost all of the daily newspapers published photographs of a girl murdered by her father, photos of their family home, including detailed reports of her funeral, followed by the details of the relationships between family members of the victim. This case, and that of an adolescent who died leaping from a building in Belgrade, prompted a fierce reaction from journalists' associations and the public at large. IJAS constantly reminds of the ethical code of practice but the media, in constant competition for ever-greater sensationalism to secure circulation and profits, actually consciously ignores professional standards. It is important to emphasize that this problem is not only to be found in tabloids but rather in all leading daily newspapers. Presumptions of innocence for the accused, when media reports are concerned, are almost entirely absent. The culmination of such oversight being the point in case in February 2012: when IJAS reacted to accusations of pedophilia, the tabloid *Kurir* effectively called for retribution, even though court proceedings had not begun yet.

Journalism education and debates

A journalism degree is mostly based within university programmes, but there are also many private schools and courses, held by prominent journalists. The main problem regarding university programmes is a lack of practical tuition, so essentially, after four years of study, and after securing a university degree in Journalism, students are only equipped with pure theory and no practical skills. With regard to private schools, they have different programmes, from one month to one year in duration. However, students usually have to pay fees which are not always proportional to the quality of knowledge they gain. Also, for young journalists, there are not many opportunities for internships, so they are pretty much on their own. Many of them decide to volunteer in newsrooms, but then they work for free, with little or no chance of ever receiving a salary.

Media freedom in Slovenia, 2012

Violation of media freedom

Oppressive developments in the field of media freedom in recent periods are often connected with defamation actions by powerful political figures or groups (mostly belonging to the right-center of the political spectrum) against the media or individual journalists. These actions are associated with strong rhetoric and other methods of disqualification of certain (critical) media outlets or journalists, including, for instance, the systematic disregarding of requests from those media outlets or journalists for information or interviews. Such actions consider the media and journalists as an instrument for deepening political polarization and conflicts (i.e. with political agents or political enemies) and result in (or legitimate) various forms of campaign against certain journalists or media, some of which include anonymous online death threats.

Current Prime Minister Janez Janša and his political party have initiated numerous defamation actions against journalists and the media. Some of these are now at a final stage: the defamation action against Magnus Berglund (where Janez Janša has requested 1.5 million euros in compensation) in connection with bribery allegations made during a programme broadcast on Finnish television station YLE in September 2008;¹⁰¹ and a defamation action against daily newspaper *Delo* (where the party requests 300,000 euros in compensation) in connection with the newspaper's 2009 same bribery allegations of the purchase of armoured vehicles worth 275 million euros from Finnish arms manufacturer Patria, during the previous Janez Janša government in 2006. Despite new developments in court procedures in 2012, the final result of the defamation actions are not known yet, since court decisions are still subject to appeals.

At the same time, Matej Šurc and Blaž Zgaga, two investigative journalists who wrote a series of books about the alleged involvement of Slovenian politicians (including current Prime Minister Janez Janša) in arms trafficking during the Balkan wars of the 1990s, have recently been targets of online discrediting campaigns, and even calls for physical violence against them.¹⁰²

101 "Former PM sues Finnish journalist for 1.5 million euros before the Slovenian Court", Reporters without Borders, 2 February 2012. See <http://en.rsf.org/slovenia-former-pm-sues-finnish-journalist-02-02-2010,36268.html> (accessed 4 September 2012).

102 "Two journalists threatened for saying politicians were involved in arms trafficking", Reporters without Borders, 2 December 2011. See <http://en.rsf.org/slovenia-two-journalists-threatened-for-02-12-2011,41507.html> (accessed 4 September 2012).

In 2012, simultaneously with an atmosphere of “war” between political party/political leader in power and some media outlets and journalists, media freedom in Slovenia was affected by a decision from the government to introduce harsh fiscal measures in 2013 against print media and public-service broadcasting. Even though the measures, after several months of tension, were finally mostly abandoned in December 2012, it still lingers as a threat, and remains an instrument which can be used in order to discipline a critical media environment.

In addition, the developments within media sector itself have endangered media freedom on the grounds of disrespect for the social rights of journalists, and oppressive actions of media publishers against trade unionism. This includes the case of the unfair dismissal of the journalist trade union leader, Alma M. Sedlar, by a magazine publisher. The European Federation of Journalists raised their concern, emphasizing that the measure “represents a serious threat to legal certainty and will endanger the constitutional right to trade union activities and journalists' duties arising from the professional autonomy”.¹⁰³

Media and politics

Media regression in Slovenia is growing in economic and political terms. In political terms, the new government (appointed after the early elections of December 2011), composed of center-right political parties, and led by Prime Minister Janez Janša, has the tendency to revisit previous conflicts with major media outlets from their period in government during 2004–2008, when they introduced repressive legal and other measures against the media and journalists.

Since February 2012, when the new government was appointed, several actions and measures have been introduced which have gradually undermined the independence and stable functioning of the public-service broadcaster RTV Slovenia. It was this media organization, alongside the main daily newspaper *Delo*, which was the focus of “take-over” actions during the mandate of Janez Janša’s government in 2004–2008.

The measures of the government have included the replacement of four members of the Supervisory Board of RTV Slovenia appointed by the previous government, followed by – allegedly unlawful¹⁰⁴ – dismissal of additional five board members appointed by the previous composition of the parliament. A local leader of the ruling party was appointed

103 “EFJ concerned by attacks on trade union rights in Slovenia media”, European Federation of Journalists, 31 May 2012. See <http://europe.ifj.org/en/articles/efj-concerned-by-attacks-on-trade-union-rights-in-slovenian-media> (accessed 4 September 2012).

104 Legal department of the parliament issued an opinion declaring the dismissal of the members of the Supervisory Board of RTV Slovenia is not in accordance with the law. See <http://www.rtv-slo.si/slovenija/predlog-razresitve-nadzornikov-rtv-slo-ni-skladen-z-zakonodajo/292237> (accessed 31 January 2013).

for the new president of the Supervisory Board of RTV Slovenia, being soon after that appointed by the Government also for a member of the Supervisory Board of a state owned Telekom.

Additional measure by the government undermining stable functioning of public-service broadcaster was a decision to cut the license fee by 10 percent in 2013,¹⁰⁵ even though RTV Slovenia had requested an increase of one euro.¹⁰⁶ In September 2012, the management of RTV Slovenia announced that the decrease of the license fee would result in layoffs of up to 300 staff members. However, after several months of heavy criticism, coming even from smaller parties represented in the government, in December 2012 the decision was changed in a way to introduce not 10, but 5 percent cut of the license fee for RTV Slovenia in 2013.

At the same time, in autumn 2012, a new broadcaster, Planet TV, founded by the state-owned Telekom, started its operations, including news bulletins. This is considered a politically motivated project, recruiting staff who had taken high positions within the public-service broadcaster RTV Slovenia during the previous Janša government. Telekom owned company is also a publisher of the news web-portal *Planet Siol.net*, which has been undergoing editorial and staff changes in line with the change in government and preparations for the launch of the new broadcaster.

The way how business connections, including those of state-owned bank Nova KBM in the regional center of Maribor, were organized in 2010 to enable Maribor's *Večer* newspaper to be bought by a small, unknown computer company, was investigated by the Commission for the Prevention of Corruption of the Republic of Slovenia. In August 2012, the Commission presented a detailed report, and disclosed findings about the corrupt involvement of the state-owned bank in a deal for the buyout of *Večer*.¹⁰⁷ The deal, which aimed at putting *Večer* under the control of a publisher connected to center-right political groups, was stopped by the Ministry of Culture during the term of the previous left-of-center government.¹⁰⁸

105 It would mean a decrease of 1.2 EUR per month per household.

106 The previous, left-of-center government had approved the request for an increase of the licence fee twice during its mandate: the first time in 2009 from 11 to 12 euros monthly; then in 2011 (to be applied from the beginning of 2012) by 0.75 euros per month.

107 Korupcija v upravi NKBM (Corruption in the NKBM administration), *Večer*, 20 August 2012. See <http://web.vecer.com/portali/vecer/v1/default.asp?kaj=3&id=2012082005817431> (accessed 2 September 2012).

108 *Večer* is owned by *Delo*, the biggest daily quality newspaper in Slovenia, which has been trying to sell it for several years. At first on the request of the anti-monopoly body and in September 2012 in desperate need for money for its debt-ridden publisher Laško Brewery, which is actually offering *Delo* itself for sale on international tenders. The involvement of the Ministry of Culture in supervision of the deal with buyout of *Večer* was part of the legal procedure that follows the decision of the anti-monopoly body.

The case is part of a bigger story about “the Slovenian dailies [which] have financially fallen victim to the appetites of Slovenian tycoons”,¹⁰⁹ and includes the largest daily *Delo*, being owner of *Večer*, and at the same time on sale itself. Especially *Delo*, being for many decades main national daily and second biggest employer in the media sector in Slovenia, has been exposed to trade-games between its owner, brewery Laško, and political groups in power. Another sudden replacement of both editor and manager happened in late 2012, contributing to deepening of its business and professional crisis.

The financial difficulties of *Delo* and the news about potentially massive layoffs were welcomed by Vinko Gorenak, the Minister of Interior, and a prominent member of the ruling party. On Twitter, he wrote that “it is good news” and that once it happens, “we can expect more fair reporting”. His intervention was criticized by many public figures. The journalists’ association published a statement claiming that it is not appropriate to welcome layoffs in any industry, and that such a statement from a member of the government about the media proves his lack of understanding of the importance and the role of the media, “behavior which is below the basics of political culture”.¹¹⁰ In similar fashion as his minister, the Prime Minister Janša later publicly discredited *Delo* by saying it is not trust-worthy “even when publish obituaries”.

Media reforms/policy development/self-regulation

The policy framework established at the time of the previous center-right government led by Janez Janša during 2004–2008 is still in place, since two media laws prepared by the left-liberal government in 2010 and 2011 have both been rejected, one through a national referendum. The failure of media reforms prepared by left-liberal political groups has resulted in additional delays for the adoption of the Audio Visual Media Services (AVMS) Directive. Under the threat of sanctions by the European Commission, the law on AVMS was compiled and adopted in the last month of operations of the previous parliament, fast-tracked without public consultation.

In such a polarized political and unsound legal environment, the new government has recently amended part of the media legislation, providing local and regional non-commercial broadcasters the right to have access free-of-charge to the multiplex operated by public-service broadcaster RTV Slovenia. There are indications of new changes to media laws in order to serve the interests of specific groups in times of recession. The sector will also be affected by a new law on electronic communications, which was

109 The truth for sale, Slovenia Times, 2 September 2011. See <http://www.sloveniatimes.com/the-truth-for-sale> (accessed 4 September 2012).

110 “Izjava ministra Vinka Gorenaka pod nivojem osnov politične kulture” [Statement by Minister Vinko Gorenak on the basis of political culture], Association of Journalists in Slovenia, 30 August 2012. See <http://novinar.com/wordpress/izjava-ministra-vinka-gorenaka-pod-nivojem-osnov-politicne-kulture/> (accessed 4 September 2012).

adopted in December 2012. The changes includes introduction of a collective body on the top of the converged regulator Apek (an agency responsible for post and electronic communications, including telecommunications and audiovisual media services) after long period of having on the top of the agency an individual decision-making position of a director, directly appointed by the government. The new solution responds to criticism made in the European assessments of regulator's independence,¹¹¹ however the new collective body – a council of the agency – is again entirely appointed by the government.¹¹²

Slovenia has never adopted a model of media self-regulation, which would include three parties: the publishers/broadcasters, the journalists, and the public. Still, the traditional model, with an ethics council established within the journalists' associations, was reformed in 2011, in a way that, for the first time, also included representatives of the public beside journalists themselves. The number of complaints submitted to the self-regulatory body has been gradually increasing: in 2011 it received 53 complaints in comparison with 44 in 2010.¹¹³ There are also more and more cases in which the parties involved in the procedure before the ethics council are making use of lawyers, which probably reflects the situation in which the judgments of the council are often used as a reference in court cases.

The work of a Listener and Viewer Ombudsman, which was established within RTV Slovenia in 2007, has not managed to gain prominence and adequate recognition within the public-service broadcasting system. Still, it has managed to serve the needs of viewers and listeners to have a distinct mechanism to deliver complaints and reactions. According to the annual report of the Ombudsman, there were 344 complaints submitted in 2011, mostly referring to television programming, and mostly concerning news and current affairs.¹¹⁴

111 See the study »Indicators for independence and efficient functioning of audiovisual media services regulatory bodies«, conducted on behalf of the European Commission, at <http://www.indireg.eu/?p=8> (accessed on 31 January 2013).

112 See the law on electronic communications, adopted in December 2012 at <http://www.uradni-list.si/1/objava.jsp?urlid=2012109&stevilka=4315> (accessed on 31 January 2013).

113 Annual report of the ethics council of the Association and Trade Union of Journalists, 2011. See http://novinar.com/wordpress/wp-content/uploads/2012/01/NCR_porocilo-o-delu-2011.pdf (accessed 4 September 2012).

114 "Annual report of the ombudsman of RTV Slovenia", 2011. See http://www.rtvlo.si/files/varuhinja/letno_porocilo_2011.pdf (accessed 4 September 2012).

Media market developments

The economic crisis continues to affect the media industry, especially the quality press, whose ownership since privatization in early 1990s has been subject to political trading. Several media groups are facing collapse; non-strategic owners are escaping from news media companies, including Brewery Laško (owner and publisher of the quality daily *Delo*, and the tabloid daily *Slovenske novice*, and through *Delo*, the regional daily *Večer*). The media market is dominated by the television sector, which takes 70 percent of advertising, primarily the biggest commercial broadcaster, Pro Plus, which is owned by American corporation CME. (The Pro Plus media empire includes the POP TV channel, which has the highest audience share, as well as channels Kanal A and Pop Brio, six pay-TV channels; it also owns 12 websites, including the popular *24ur.com*, and the first Slovenian video-on-demand service, Voyo).

The allegedly politically motivated launch of a new TV channel *Planet TV*, founded by state-owned Telekom Slovenije, has happened in autumn 2012. Its independent position is questioned in terms of political reporting, but even more, regularity of its market position is challenged through regulatory bodies by competitors such as Pro Plus and RTV Slovenia.

Political interventions and significant role of the state shape media market development in Slovenia ever since the break up with socialism. The measures announced by the government in the autumn of 2012 to be applied in 2013 have been described by analysts as a “fiscal devastation of media sector”.¹¹⁵ The analyses referred to the decision of the Government to increase VAT for print media for 10 percent and to decrease the license fee for the public service broadcasting for 10 percent, claiming it is rather politically motivated measure aiming to punish and discipline hostile media environment while providing insignificant benefits for the state budget. The analyses show that such measures would have a devastating effect on the media sector, which even without such measures faces faster decline in growth and profitability than it is the average in the Slovenian industries.¹¹⁶ The Slovenian journalists’ association sent a “letter of concern” to relevant international organizations asking for support in opposing to introduction of such devastating measures.¹¹⁷ Finally, in December 2012, the introduction of the two measures have been mostly abandoned.

115 »Fiskalno uničevanje medijskega prostora« (Fiscal devastation of media sector) by Iztok Jurančič, *Medijska preža* (Media Watch Journal) No. 43, December 2012., pp. 20-21.

116 Ibid.

117 »Letter of concern about the Slovene government's recent decision to increase the value added tax (VAT) on printed media«, Association of Journalists in Slovenia, 15 October 2012.

Journalism education and debates

Journalism education in Slovenia is still provided mainly at the university level within the Faculty of Social Science at the University of Ljubljana. Analyzing the titles of diploma theses in Journalism and Media Studies between 1990 and 2011, students are predominantly focusing on subjects such as professionalism and ethics, media representation and discourse, although rarely conducting critical analyses of the media political economy.¹¹⁸ There is no tradition of mid-career journalism training, and no institution which would regularly provide such courses (with some sporadic exceptions of training programs within large media organizations).

In terms of debates on professional ethics, the July 2012 arrest of experienced political reporter Vladimir Vodušek (owner of the small, private Info TV) on suspicion of blackmailing a businessman and threatening to disclose harmful information unless money was received, also indicates the need for more mechanisms and a better environment to provide the freedom, quality and integrity of media and journalism in Slovenia.

118 "Gorazd Kovačič, Je razlog za razredno zmedenost novinarjev v izobrazbi?", *Media Watch Journal*, 41/2011. See <http://mediawatch.mirovni-institut.si/bilten/seznam/41/izobrazevanje/#1> (accessed 4 September 2012).



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