REGIONAL FACTSHEET

MEDIA SELF-REGULATION IN THE WESTERN BALKANS AND TURKEY

EXAMPLES, CHALLENGES AND RECOMMENDATIONS

Nedim Sejdinović

OUR MEDIA:
A civil society action to generate media literacy and activism, counter polarisation and promote dialogue
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WHY MEDIA SELF-REGULATION MATTERS

As a space for freedom of thought and expression and open debate, the media has since its inception shown a tendency to break away as much as possible from the state and its regulatory mechanisms, which are perceived as a (potential) restraining factor. The ideal of media freedom and liberal democracy is: the space for public information should be legally defined only to the extent that enables free and equal media competition in offering quality content and diverse voices and opinions, with the absence of political and other influences. The role of the state regulation in this approach to media policy is complemented by self-regulation, which – to put it simply – aims to send a message to the public that journalists and media (media founders), in cooperation with representatives of civil society, are capable enough to regulate by themselves the implementation of professional standards in media, balancing freedom and accountability and working in the public interest.

In the discussion on self-regulation, the terms “professional” and “ethical” standards of journalism are used, which is not unusual. “Professional” standards are a somewhat broader term, which includes “skills of the trade”, but they mostly contain ethical considerations. Ethics and journalism should be inseparable concepts like ethics and medicine. As a rule, journalism without ethics has negative and sometimes disastrous consequences for society, which could be seen in the region (Western Balkans and Turkey). On the other hand, under the guise of imposing ethical rules, the state can threaten the level of achieved media freedom. In this regard, self-regulation is located at the point where the state, society (general, public interest), and media touch and intertwine. By advocating for greater accountability of media, society is protected, but at the same time media that care about ethics (and as such are the only ones with grounds to call for a special role and protection) are protected from the state and society.

Media self-regulation promotes media ethics by pointing out its concrete violations and their (potential) consequences, but also the advantages of adhering to standards.
As a rule, having only symbolic sanctions for non-compliance with ethical standards, media self-regulation refers to the public interest, to the imperative to respect high standards in order to protect the credibility and reputation of the profession, and to accountability in public communication. It promotes media ethics by pointing out its concrete violations and their (potential) consequences, but also the advantages of adhering to standards. Media self-regulation shows citizens which media work in the general, public interest and enable them to think critically and make important life decisions based on quality information and insight into different opinions. Self-regulation at the same time protects the media: those that adhere to the code in functioning democracies are protected from court proceedings, more precisely from possible fines and compensations, given that the code and numerous articles of umbrella media laws are in clear correlation. Self-regulatory mechanisms also often have the role of a mediator between the media/journalists and the citizen harmed by media content, which is supposed to bring the latter appropriate out-of-court satisfaction and free the media from court expenses. Dialogue and mutual learning take place through the work of self-regulatory mechanisms, because through the processing of complaints and decisions, they, as mediators, explain to the media and journalists how the citizens think and how they view them, what bothers citizens and, on the other hand, they explain to citizens how the media and journalists act and make decisions. Effective self-regulation can boost – or at least reduce the erosion of – trust in media, which can lead to citizens themselves in certain situations demanding that the state intervene in the media sphere in different ways (even restrictively). Lately, various countries, precisely because of the erosion of trust, have introduced new media regulations, but they still mainly rely on encouraging different forms of self-regulation and education.
Research on the situation and problems of media self-regulation in the Western Balkan countries and Turkey leads unequivocally to the conclusion that self-regulation can significantly improve the media and the media system only in countries where there is already a relatively high and stable level of media freedom and, in general, public accountability.

In this regional overview (factsheet) we summarize findings of the country research reports on media self-regulation, produced by the country researchers Ilda Londo (Albania), Anida Sokol (Bosnia and Herzegovina), Florent Spahija (Kosovo), Milica Bogdanović (Montenegro), Marina Tuneva and Vesna Nikodinoska (North Macedonia), Milica Janjatović Jovanović (Serbia) and Sinem Aydınlı (Turkey) within the project "Our Media: A civil society action to generate media literacy and activism, counter polarisation and promote dialogue". The research was carried out in the seven countries in the period from March to July 2023 under guidance of the regional research coordinator Brankica Petković (Peace Institute, Ljubljana), assisted by Anida Sokol.

Media self-regulation in the region has proven to be suitable for improving the field of public information, but it is powerless to bring it closer to the

For media self-regulatory mechanisms to be functional and effective, a stimulating political, social, economic, and media environment is needed.

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1 The country reports are available at the website of the the South East European Network for Professionalization of Media (SEENPM) at https://seenpm.org/our-media-publications/

2 The project is jointly implemented by nine media development organisations from the Western Balkans and Turkey with the financial support of the European Union. The coordinator of the project is the Foundation Mediacentar Sarajevo. Partners in the project are the Albanian Media Institute in Tirana; Bianet in Istanbul; the Macedonian Institute for Media in Skopje; the Montenegro Media Institute in Podgorica; the Novi Sad School of Journalism; the Peace Institute in Ljubljana; the Press Council of Kosovo in Pristina; and the South East European Network for Professionalization of Media (SEENPM).
public interest on its own. In order for media self-regulatory mechanisms to be functional and effective, a stimulating political, social, economic, and media environment is needed. The existence of the following is necessary: as minimal political pressure and instrumentalization of media as possible, a market that facilitates long-term media sustainability, dominance of journalists and media who adhere to ethical and professional standards, and a highly aware and media-literate audience, with an appetite for quality media content. Also needed is an encouraging and functional legal environment, independent and accountable institutions, and a high degree of rule of law. The existence of a democratic tradition and a tradition of media freedom should not be overlooked either. Finally, media self-regulation can be strong and efficient in those societies which normally adhere to ethics in various areas. Self-regulation is largely ineffective in conditions of dramatic pressure on media, such as open censorship, closure of media and arrests of journalists, despite the efforts of self-regulatory bodies. The report from Turkey states that journalism in this country is “an unsafe and risky job, with low wages and a high risk of prosecution”, and that there is a serious decline in the level of media freedom, so the question of self-regulation is in the background, considering that repressive media laws were adopted in this country in 2019 and 2022, which the professional public calls “censorship laws”.

Despite some shortcomings and room for improvement, in all the observed countries there are relatively good self-regulatory acts, similar to those in countries with a rich democratic tradition, as well as numerous self-regulatory mechanisms. Nevertheless, unfortunately, it cannot be concluded that they achieve the main goal to a greater extent – which is to improve the quality of the media offer. Sometimes it is a question of weaknesses in self-regulatory bodies and mechanisms – where additional work is needed – but to a much larger extent it is a consequence of an inappropriate media, political and social environment.

Self-regulatory mechanisms in this region generally did not arise from the internal needs of the profession and society, but were most often formed with the initiative, support, and some sort of mentorship of international organizations. The unequivocal political influence on the media landscape indirectly and more often directly spills over into the field of self-regulation, making it weaker, especially in cases of a strongly divided media landscape. In Montenegro and Serbia, acceptance of the competence of the self-regulatory body by a larger number of media is directly related to political divisions or divisions into professional media and media close to the government. In Turkey, this division is even more dramatic due to the political context.

All this, however, does not mean that additional effort should not be invested to improve self-regulatory mechanisms in this part of Europe. It is a long, painstaking, and complex process that depends on many factors and is prone to ups and downs, as the national reports show.
There are various forms of media self-regulation in the Western Balkans and Turkey. They exist at the level of journalist associations, general self-regulatory bodies, and within public service media, as well as in some cases at the level of private or civil society media. The regulator’s code has the force of a by-law, but conditionally speaking, it too can be viewed as self-regulation, as adherence to media ethics is its primarily goal.

The first type of self-regulation is that at the level of journalist associations, which is slowly dying out in the Western Balkan countries and Turkey, among other things because many journalists are not members of professional associations. There are many such associations in some countries of the Western Balkans and Turkey, and some of them are organizations close to the government, which is why professional journalists do not trust them. The second level is general self-regulatory bodies, which mainly focus on print and online media and which already now have a long tradition of work, but their influence is far from satisfactory. In addition, they face the problem of sustainability, i.e. funding. Broadcasters – radio and television – are, on the other hand, traditionally the primary subject of regulation by the state due to the use of frequencies that are a public good.

All public service media in the region have internal codes of ethics, but there is generally no evidence as to whether or how they are applied, nor what the indicators and evaluators of potential positive changes are. It is extremely difficult to assess the extent to which they are implemented in practice and they should certainly be improved in terms of content. Thanks to project activities, but also to awareness of the need to improve their image, examples of internal codes adopted by private media or private media groups have also been reported in all countries, but it is difficult to assess to what degree they are applied.

Although they are not classic self-regulation, the reports also analyze binding (by-law) ethical acts adopted by regulators for broadcasters. The key problem of this mechanism is the unequivocal and undisguised influence of the government on the work of these institutions, which are supposed to be independent. This, of course, affects the implementation of the code in these media companies. Political influence can also have an extremely negative impact on models of potential co-regulation, i.e. legal prescription of self-regulation, and the role of self-regulatory mechanisms in the decisions and work of regulators, courts and other state institutions.

Over the years, self-regulatory acts in most countries have been adapted to technological innovations that have dramatically changed the media landscape and the very concept of journalism and media, facing them with new ethical challenges. There is room for further improvement of these acts, considering that the online media sphere is developing and changing very rapidly in technological and business terms. Unfortunately, research shows that self-regulatory bodies, as a rule, lack the capacity to sufficiently monitor and address the complex online media space, where the...
most numerous ethical violations are reported. The Council of Media Ethics of Macedonia notes a trend that shows that in 2021 and 2022, around 90% of the decisions of this body regarded online content. The provision on publishing accurate and verified information was violated most often, followed by the rule on distinguishing news from opinion, and after that the provision on hate speech and discrimination. A large number of unregistered/anonymous media operate online as well, which resist both legal regulation and self-regulation.

Although they are not a classic part of self-regulation, we should finally point out the positive example of fact-checking organizations that significantly contribute to this field, by finding and deconstructing disinformation and other harmful contents that are directly related to violations of the code of journalism.
Codes of ethics, as a key act of media self-regulation, exist, with lesser or higher quality and elaboration, in all observed Western Balkan countries and Turkey. Regardless of the differences, they all contain provisions aiming to encourage truthful, responsible, and objective journalism, protect journalistic and editorial autonomy from political and other pressures, and encourage the media to pay special attention to protection of citizens, especially minority groups and vulnerable groups. Although the word is generally not mentioned in this form, there are articles in the codes of ethics that prevent disinformation and other malicious media content.

Self-regulatory acts are created and passed in different ways, there are different bodies behind them, some are aimed at all media staff, and some only at professionals in a specific type of media, for example in print and online media. What they have in common is that their development included the efforts of journalists and other media staff in these countries, but it was mostly encouraged by international organizations, and that there is a discrepancy, in some cases huge, between what they prescribe and what happens in media practice. They also have in common that these are rarely acts that have been accepted by the entire media community, be it journalists or public media. In Bosnia and Herzegovina, for example, there is declarative acceptance of the Press and Online Media Code by the majority of media, regardless of other divisions, but the majority still do not implement it in practice.

For the most part, in all the observed countries, general journalism codes have been improved, following the spirit of change, but in some, this has not happened, at least not to the desired extent. In some countries, the codes themselves were innovated (Albania, Montenegro, Kosovo, and BiH), and in others they were supplemented with additional guidelines for online journalism (Albania, North Macedonia, Serbia). Researchers from Montenegro and Turkey, for example, believe that their general codes are largely outdated. The technological revolution that has changed both the concept of media and the concept of journalists, while placing new ethical challenges before media professionals, is a long-term process and, given the changing character of the online media sphere, codes of ethics that (also) address this area will be prone to change in the coming years and even decades.

The codes, both general and internal, have been innovated mainly by addressing the technological specificities of the online sphere, but they are harmonized with the "old" ethical norms. For example, on the initiative of the Council of
Media Ethics of Macedonia, Guidelines for Ethical Reporting for Online Media were adopted in 2021. They address some general ethical issues in media, such as editorial accountability, timely, accurate, and objective information, reporting on sensitive groups, combating discrimination and hate speech, relation to sources and copyrights, and others, but also those related to the specific internet environment, such as relation to user comments, archiving and changing content, etc. Although only two years have passed since the adoption of the document, experts indicate the need for its improvement.

In addition to the general codes on which the operation of self-regulatory bodies is based, there are, or there were before the establishment of self-regulatory bodies, also internal acts of journalist associations, which prescribed ethical norms that each member must satisfy. The norms are or were prescribed either in special documents or in an association’s statute. If a member does not comply with the norms, they can be warned, internally or publicly, and then expelled from the association, as a rule. According to the results of the research, these acts are no longer effective in most countries, i.e. they are almost not applied at all, among other things due to the fact that many journalists are not even members of journalist associations. Within the BH Journalists Association, there is a Journalists’ Honour Council, but it has not been active in recent years and the code has not been amended since 2004, and the situation is no better in most journalist associations in the region either. In some countries, there were initiatives to establish, similarly to bar associations, institutions that would issue a journalist’s licence that would be linked to the code of ethics, but this was soon abandoned, among other things because it is an area of potential abuse that could endanger the already modest level of media freedom in the region.

In nearly all the observed countries, there are self-regulatory acts (codes of ethics) within the framework of public service media and they mostly represent an annex to the employment contract. However, this act often contains sections related to labour rights and discipline and other relations within the media company, so there is an initiative to adopt a new act dealing exclusively with ethical dilemmas. In Serbia, as the most drastic example, at the end of 2022, the public service Radio-Television of Serbia adopted an internal code of ethics, which does not address media reporting at all, but rather emphasizes potential conflicts of interest of employees and prohibition of use of confidential information, as well as employee conduct in public appearances. Another problem – stronger in some countries, weaker in others – is political influence on public service media, which certainly has consequences for the implementation of the internal self-regulatory act. At Radio-Television of Kosovo, regardless of clear rules in the internal code, journalists and editors publicly express their views and are even directly involved in political activities. A third problem is that there is usually no body or there is an ineffective body that implements the code of the public media service (North Macedonia is an example where there is a good quality act, but no body for its implementation), and there are definitely no clear indicators or evaluation mechanisms. It is difficult to assess how much they are applied in practice and whether they lead to the desired positive changes in reporting.
With regard to self-regulatory bodies and mechanisms for controlling the implementation of the code of ethics, in the observed countries we recognize the following forms: general self-regulatory body operating at the national level, honour courts within journalist associations, and some entities that deal with the implementation of the internal code at public service media (for example, in Montenegro the ombudsman and advisory body, in Kosovo the board of directors). In Montenegro, there is also an ombudsman at private media who is a link between recipients and editors/journalists and who also works on the improvement of media ethics and compliance with internal ethical rules.

There is no clear rule on how general self-regulatory bodies were created in the individual observed countries. Their establishment was directly related to the specificities of the local media landscapes, civil society, and also the political environment. In some places, they were founded by a group of journalists (Turkey), in some by a group of journalist associations (BiH), and in some through the cooperation of journalist associations and associations of media founders (Serbia), while in some only a group of media stood behind them (Montenegro, Kosovo). In other countries, they were created through the cooperation of journalist organizations, media, and non-governmental institutes (North Macedonia), and some are not even separately registered. The Albanian Alliance for Ethical Media, founded by the Albanian Media Council and a group of media, is not registered as a separate legal entity, which makes it significantly more difficult for it to access donor funds, which in the region are one of the main sources of sustainability of self-regulatory bodies. There is no doubt that international organizations played an important role in the creation of these bodies, either by initiating the process, through education, or through funding.
Differences exist both in operational practices and in procedures. Self-regulators are mainly focused on the implementation of codes in the area of print and broadcast media, leaving traditional broadcasters to regulation, although there are cases where these bodies admit all media in their portfolio. The Press Council of Turkey, for example, had competence over the public media service until a few years ago. Some self-regulators are only able to “sanction” media that accept their competence, while others address the work of all registered (print and online) media in the country. Some self-regulatory bodies – councils, or relevant complaint commissions are composed exclusively of media experts (Montenegro), some are a combination of journalists, representatives of media owners, and media experts (North Macedonia, Kosovo), while others also include in their complaint commissions representatives of civil society (Albania, BiH, Serbia). Some act only upon receiving a complaint by the injured party or an organization that protects the rights of the group to which the injured party belongs, while others consider all applications. For many years, the Press Council in Serbia faced a statutory problem that allowed only the injured party or their representatives to file an application, but this was resolved by enabling the members of the Complaint Commission themselves to delegate a particular case to be decided.

The main self-regulatory bodies in the Western Balkan countries and Turkey have a long, multi-decade tradition and over time have matured and eliminated some shortcomings related to communication with the public and public recognition, as well as making some controversial decisions. However, a long tradition does not in itself mean greater efficiency and recognizability or a stronger influence on the media landscape. For example, the Press Council in Turkey has existed since 1988, but due to unfavourable political circumstances, it has been marginalized, the reason being that there are dramatic problems in the media sphere in this country, which include open censorship, banning of some media and media content, and even arrests of journalists, all of which puts self-regulation on the back burner.

Unfortunately, not one of the existing general self-regulatory bodies has come close to the significance that such institutions have in some developed democracies. They are not sufficiently recognized by the public, they lack the necessary authority, and even many media professionals do not recognize their importance. Perhaps the best indicator of their narrowed social influence is the number of complaints addressed to these bodies, which in some observed countries is at a symbolic level despite frequent violations of the code of ethics. Let us cite the example of Montenegro, where the general self-regulatory body, the Media Self-Regulatory Council, received only 16 complaints over three years (2020, 2021, and 2022). On the other hand, in Bosnia and Herzegovina, the number of complaints submitted to the Press and Online Media Council has been increasing.

Although the researchers found that some self-regulatory bodies made debatable decisions (for example, the Press and Online Media Council of Bosnia and Herzegovina), it cannot be said that the main consequence of
their poor efficiency is of a subjective nature. We have already said that for proper functioning of these bodies, there should be a conducive environment in which ethics and accountability matter, in which journalists and media build self-respect by working in the public and not particular interest, and in which political elites do not perceive the media as a means at their service. Self-regulatory bodies do not have mechanisms for punishment, but can only act publicly through announcements, advice, and recommendations, which in these societies has a limited effect.

Self-regulation has less influence on the online media sphere than on traditional media, which is a consequence of both the insufficiency and weak capacity of self-regulatory mechanisms, but also of the complexity of this field, including the problem of the number of unregistered/anonymous portals, which resist regulation and especially self-regulation.

Nevertheless, there are certain comparative advantages that self-regulatory bodies have or may have. If they have authority, their decisions may influence specific court cases against the media or journalists, given the intertwining of ethical norms and some provisions of umbrella media laws. If the self-regulatory body makes an authoritative decision that a media outlet has not violated ethical provisions in a specific case, as a rule the lawsuit against it would be dismissed. Therefore, there have been cases where media outlets, upon receiving a lawsuit for a specific media content, requested that the self-regulatory body also comment on the case. Before that, self-regulatory bodies also have the possibility of mediation between the media outlet and the party harmed by a media content. With the application of self-regulatory mechanisms and with the measures taken such as correction, apology, content removal, and others, they are able to offer adequate satisfaction to the other party and protect the media outlet from financial expenses. The Press and Online Media Council of Bosnia and Herzegovina states that as much as 70 per cent of complaints are resolved through mediation.

In all the monitored countries, a problem was noted with the sustainability and funding of self-regulatory bodies. An ideal solution would be if media which are the founders or members of the self-regulator were to fund its work, but this is a difficult idea to achieve in some countries, because media that adhere to ethical principles and support the work of the self-regulator are the ones that barely survive. A solution is for the self-regulator to be funded by the state, directly or indirectly. In Montenegro, these bodies are funded by the state Fund for Pluralism. This example demonstrates that clear mechanisms should be established for all state funding in order to thwart political influence and prevent negative effects on the credibility of self-regulation. In Serbia, the role of the Press Council has been strengthened by amending the law, since the opinion of this institution will be taken into account as an important criterion in allocating funding for media projects. It remains to be seen how this legal provision will function in practice, but the state could indirectly support self-regulation by stimulating media that adhere to the code of ethics in different ways, according to the opinion of the self-regulator or regulator.
An interesting example is the registry of online media in Macedonia, which was established by the Council of Media Ethics (CMEM) and the Association of Journalists of Macedonia (AJM). Registration is possible for portals that follow the ethical standards of journalism, and if they stop doing so, they can be expelled. Transparency in funding and ownership is implied for all registered media and in the future they will have to have at least two employees and regularly publish new content. This solution can additionally differentiate between professional and amateur media on the internet.

The attempt of some self-regulatory bodies to open their sessions to the public/media (BiH, Serbia) in order to reach both media professionals and citizens is worthy of praise, but this effort can only have a significant effect in the long term, in conjunction with other factors. Self-regulatory bodies that perform monitoring of the media landscape, that is, monitoring and analysis of compliance with media ethics, use the presentation of results for greater visibility and boosting their public authority.

Self-regulatory bodies that operate within associations (usually honour courts) are mostly a passive mechanism. In some countries, there are numerous journalist associations, some of which do not adhere much to journalistic ethics. Even so, a large number of journalists are not members of any association. The weakness of journalist associations is also hidden in sustainability issues, because being able to live on membership fees is unrealistic and often in the search for funds, which do not imply institutional support, they put their basic activities – among them concern for adherence to the code of journalism – in the background. A large number of journalist associations have been affected by political circumstances as well, and their weakness is also reflected in disunity.

As for bodies that implement internal ethical codes at public service media or private media, they are rare and insufficiently efficient, that is, there are no parameters with the help of which the results of their work could be established. The implementation of ethical codes adopted as by-laws by regulators for broadcasters is also directly dependent on political influence on this body, which was reported in all the observed countries.

In Montenegro, there are media ombudsmen both at the public media service and at some private media, who represent citizens at these media companies, which is certainly an example of good practice. In Turkey, there is an example of an independent national media ombudsman, created under conditions of strong pressure on media freedom. This institute was established thanks to the efforts of media expert Faruk Bildirici, who was the representative of readers at the Hürriyet newspaper for years. Some other media have also accepted his role of being an independent mediator for complaints. Regardless of the
fact that this mechanism is insufficiently successful in the case of Turkey, the possibilities and needs for its implementation in other countries of the region should be considered, especially in those that have a pronounced problem with political pressure on media freedom.

Finally, the positive experience of fact-checking organizations that are complementary to self-regulation mechanisms in media should be highlighted. These organizations are the protectors of one of the main ethical norms in journalism – the norm of truthfulness and verification of information. They are also recognized on a global level as a barrier to the collapse of the media profession and the explosion of disinformation. They represent one of the mechanisms of protection of citizens from media abuse. These organizations in some countries of the region contribute to compliance with the code of ethics by finding, cataloging, and deconstructing disinformation and other harmful content. In this field, the cooperation of individual domestic organizations with large internet companies and social networks is important, which can influence the improvement of the local media landscape. In BiH, for example, the fact-checking platform “Raskrinkavanje” verifies the accuracy of information disseminated in the media and on social networks based on a specific methodology, in cooperation with Facebook. Similar cooperation has been established in some other countries as well.
The issue of self-regulation of online media and social networks is a current problem throughout the world and countries individually or together (EU, Council of Europe) are trying to come up with mechanisms to regulate the online media space. In democratic countries, self-regulation mechanisms are encouraged, which include internet companies, professional media, and fact-checking organizations, with support for programmes that impact the growth of media literacy. The fundamental question is: how to prevent the online media space from being a space of hate speech, disinformation, and other content dangerous to society, while at the same time not jeopardizing freedom of expression.

In this regard, the experiences of the countries included in the research vary. Turkey is introducing strong regulatory restrictions that include the banning of certain media and media content. The aim of these restrictions is not combating disinformation and hate speech, but suppressing freedom of speech, critical journalism, and media pluralism. The country’s regulator, the Radio and Television Council, has also been in charge of the online space since 2019, which has enabled the government to establish dominance over digital media and suppress freedom of speech in them under the guise of combating false information. This example, as well as the example of other countries with a low level of media freedom, indicates that regulatory mechanisms, when it comes to the internet media sphere, should be reduced to the lowest possible level due to the possibility of abuse.
On the other hand, self-regulation in the other analyzed countries is not giving good results: the online media space is chaotic, the code of ethics has virtually no authority in it, and there is a large number of unregistered/anonymous media that are opposed to both regulation and self-regulation. Nevertheless, in some countries, after the adoption of specific acts, modernization of existing ethical codes, or adoption of additional guidelines for the online environment, some progress has been reported, but it is more symbolic and far from desired. In Albania, for example, there are websites that were known for violating ethical norms and then started paying significant attention to journalistic ethics. In BiH, the number of flagrant violations of ethical standards has decreased, an increasing number of organizations are reacting to unprofessional content, and some media are discussing the introduction of rules and guidelines within media companies.

Mechanisms of self-regulation and regulation are resisted by those online media that are not registered in the country in which they operate and/or are hosted in other countries. Access to them is impossible or very difficult even in the case of dramatic violations of the law, whether they are criminal acts, circumvention of media laws, or laws regulating the field of copyrights. Unfortunately, not only these media but also “legal” media ignore the standards of journalism and, in pursuit of as many readers as possible, publish – at best – sensationalist content and content with clickbait headlines. Some international organizations have even organized training programmes aimed at helping the media achieve a stronger presence on the internet and social networks, without the lecturers even knowing the basics of the code of journalism.

The online media space, after all like the traditional media space, is an area of political propaganda. The research also talks about the long-term active operation of partisan “bots” that are especially active during election campaigns and using user comments or fake profiles on social networks for propaganda, as well as about online portals that operate during election cycles. When it comes to user comments, online media face serious challenges. They are mostly viewed as part of the editorial content and there have been court proceedings in which these media had to pay fees for comments. Laws and the judiciary sometimes impose high demands on online media, which they cannot respond to due to their low capacities. This discourages unregistered/anonymous online media from registering and entering the legal system. Thus, the possibility that they will accept self-regulatory mechanisms is diminished. Some media do not have enough resources to (pre)moderate user comments, that is, to promptly remove those that contain elements of hate speech, incitement to violence, and other forms of inappropriate communication.

The question is how to stimulate online media to register, enter the legal system, and accept the competence of self-regulatory bodies. One of the solutions noted in some countries is that only registered media have access to state funds and one of the criteria for the allocation of funds is compliance with the code of ethics. The solution from North Macedonia is interesting,
because it additionally makes a distinction between professional and non-professional media. Registration in this country is possible for those portals that follow the ethical standards of journalism, and if they stop doing so, they can be expelled. Transparency in funding and ownership is implied for each registered media outlet, and in the future they will also have to have at least two employees and regularly publish new content.

In most countries, self-regulatory acts have been updated in the context of technological challenges and the reconfiguration of the media environment. But since this is a dynamic field, the process is not finished and they will have to continue to change in accordance with changes in the technological environment. For example, the role of artificial intelligence in the creation and distribution of online media content is a phenomenon that has not yet been addressed in these acts. In some countries, public debate is ongoing on this issue and its ethical repercussions. In this regard, constant education of employees in media, as well as citizens, is essential, both at the national and local levels.

The question is how to stimulate online media to register and accept the competence of self-regulatory bodies.
VI.
PUBLIC SERVICE MEDIA: CHALLENGES AND EXAMPLES OF SELF-REGULATION

Public service media in the region, including both local and regional ones, mostly have internal acts that address journalistic ethics (Albania, BiH, Montenegro, Kosovo, North Macedonia). Some of these acts have been updated in accordance with new media platforms, but the dynamic internet media landscape demands and will demand new updating. With regard to these acts, researchers recognize several problems. The first is that these are documents of a broader scope, which address not only ethical dilemmas, but also the field of labour rights and obligations and other relations within a media company, as well as protection of its reputation. At the public media service of Serbia, there is an internal ethical act that does not address news reporting at all, but only the conduct and actions of employees. At the public media service of Turkey, an appropriate act does not exist and this company has excluded itself from the authority of the Press Council, that is, it is not currently subject to any self-regulation mechanism.

A problem with codes of ethics at public service media in the region is also the inefficiency, i.e. absence or inactivity of bodies dealing with their implementation. There are no clear indicators or evaluation findings anywhere to assess their implementation. In addition, political influence on public service media was also identified – in some places less strong, in others very strong – which certainly affects the ethics of reporting and the implementation of internal rules. It is precisely in the area of political propaganda or bias that the most frequent violations of professional ethics at these media are recognized.
The establishment of the ombudsperson self-regulatory mechanism at Radio-Television of Montenegro is an example of good practice, but this mechanism needs to be developed and become more efficient and visible. The small number of complaints from citizens regarding the work of the public service is evidence of this. It is important that a person who is considered credible by both the journalist profession and the general public comes to this position. The selection of the RTCG ombudsperson was criticized by part of the public because she is not a media expert or a journalist, but a TV director by profession.

Public service media, by definition, should be committed to the public interest and the public interest, above all, requires adherence to ethical standards. The operation of these media is defined by regulations and there are control mechanisms (e.g. management bodies that include representatives of the public and regulators for broadcasters) that are supposed to supervise their work, including in the area of professional standards specified by law.

In addition to the umbrella media law, there are also legal acts and by-laws that further specify their operation, which contain provisions that are in agreement with existing self-regulatory codes.

Regarding the self-regulation of public service media, the situation in the observed countries is the worst in Turkey, whose public media service resists any kind of self-regulation. In 2018, it refused further jurisdiction of the local Press Council, in the context of legalized censorship and dramatically threatened freedom of speech. Political debates and divisions also reflect on the operation of public service media and their implementation of laws and ethical norms. The public media service at the state level in BiH had to update its editorial guidelines to stipulate that employees are prohibited from using hate speech, glorification or minimization of war crimes, aggressiveness, inappropriate expression, and use of obscenities. These changes took place following problematic appearances on social media by individual BHRT employees. Such editorial guidelines do not exist at the entity television broadcasters, FTV and RTRS, which stands out for problems with adherence to media ethics and continuously and undisguisedly propagating the interests of the ruling party.

In the framework of public service media, there are also mechanisms, under different names, whose aim is to protect the interests of citizens (programme committees in Serbia, ethics commission in North Macedonia, ombudsperson in Montenegro). However, these bodies are not sufficiently functional, their work is insufficiently transparent, their competences are not specified enough, and the way they are elected is in most cases problematic due to political influence. In Montenegro, the ombudsperson at the public media service operates with some problems: the ombudsperson is formally the guarantor of public interest, but due to weaknesses in the prescribed procedures, position and powers, is placed in a dependent position. At the public media service of Albania, there is a code of ethics created by international experts, the quality
of which, according to professionals, is extremely high. However, there is no body in charge of its implementation. The well-developed internal ethics act of Kosovo RTK is implemented by the board of directors, which is certainly not a good or efficient solution. The situation is somewhat similar in BiH: programme directors are specifically in charge of implementing the code. The ethics commission at the Macedonian public service is active, but there are objections to its work, among other things due to its composition: the body has more technical staff than journalists.

That the protection of citizens’ interests at public service media is not at a favourable level is indicated by the fact that citizens, as a rule, submit a very small number of complaints to these media. Citizens do not seem to trust that by submitting complaints they can exert influence on public service media, which are funded directly through a mandatory fee or indirectly through the state budget using their (public) money.
When it comes to good practices in self-regulation and implementation of ethical codes, in nearly all the observed countries there are more or less elaborate ethical codes (self-regulatory acts), of a general nature, but also those at the level of individual media companies, media groups, or corporations, be they public or private media. Many of them are at least somewhat aligned with the new media challenges brought about by technological changes and changes in the production, distribution, and consumption of media. Additionally, other different documents were created that place media ethics in the context of specific global phenomena (for example, in the case of a pandemic). Further, some international acts were translated and became part of domestic (self) regulations.

There are also elaborate self-regulatory mechanisms (press councils, ombudspersons, ethics commissions) in the countries of the region, which are mainly based on the experiences of Western democracies. Although they do not achieve the desired effects, they are a significant pledge for the future and a foundation for further steps to strengthen them. Despite the subjective weaknesses of self-regulatory bodies and institutes, in terms of capacities, internal organization, and debatable decision-making, it must be underlined once again that their lack of success in achieving goals depends to a much greater extent on the political and social context. And in the observed countries, it implies strong political influence on the media landscape, low level of rule of law, insufficiently efficient institutions, lack of democratic tradition and tradition of media freedom, low level of media literacy, dysfunctional media market, and, in general, low expectations and standards of ethics in society.
Although they are far from desired, the effects of self-regulation do exist, despite numerous obstacles. Among a certain number of media and journalists, an awareness of the importance of ethical reporting is maturing, but citizens also recognize to a greater extent than before which media are working in their interests and which are only working in their own or the interests of the owners or groups they represent. It is a slow process, but that does not mean that support for self-regulation should be abandoned.

There are numerous initiatives in countries of the region that aim to increase the effects of self-regulation, numerous researches and analyses are being conducted, and education programmes and discussions are held. All this can have a positive effect on the implementation of media ethics in the long run. Among examples of good practice, we can include public sessions of complaint commissions of the self-regulators in some countries (Serbia, BiH), which have a promotional character both for these bodies and for media ethics and are also an instrument to encourage a higher level of media literacy.

In some countries, the position of self-regulators is improved through specific legal solutions. For example, in Montenegro, through the possibility of co-funding their operation from the fund for media pluralism. Or, as in Serbia, by tying access to specific state funds to compliance with the ethical code and adherence to the decisions of the self-regulators. In practice, these things do not work entirely as stated in the law, but in this way opportunities are introduced for increasing the influence of self-regulation and refining these solutions if there are efforts to abuse them in practice.

Many media in the region have themselves understood the need to adopt internal ethical documents and introduce self-regulatory mechanisms, which is certainly a good sign, regardless of the fact that it is difficult to assess how much this practice leads to positive changes in media practice. There is also pressure from the public and civil society to improve and more widely apply ethical rules in media, especially public service media. Although the institute of media ombudsman does not function too well in practice (Montenegrin example), if it were developed, it could be declared a good practice.

Some self-regulatory progress in the region is also present as a result of the fact that civil society organizations whose operation does not focus on media increasingly recognize the importance of media freedom and journalistic ethics and within their competences participate in processes aimed at improving the conditions for free and responsible work of media in accordance with the public interest. In Albania, civil organizations participated in the drafting of the Media Strategy. Of course, there is also monitoring of the media landscape, which is carried out by civil society organizations in these countries and which is extremely useful.

Fact-checking organizations have a positive influence on media ethics and public communication ethics. In some cases, media contact fact-checking organizations to help them eliminate shortcomings in specific media content (for example, the fact-checking portal FakeNews Tragač in Serbia).
The key problem of self-regulation and its mechanisms in the countries of the region lies not in their existing formal shortcomings, but in insufficient efficiency. And efficiency is directly related to the overall political and social environment. Consequently, more progress in this field can be expected in conditions of a positive change in the context in which self-regulation functions. On the other hand, improvement of the quality of the media offer and adherence to media ethics, along with other factors, can lead to the desired positive changes in society. Contrary to that, in Turkey, what is most drastic is restriction of media freedom and political instrumentalization of media, even in the legislative field. The legislative environment in the other observed countries is better, but due to dysfunctional democracy and disrespect for the rule of law, laws are not enforced and development of free and quality media is suppressed.

A major problem for self-regulatory bodies is their sustainability and lack of stable and sufficient financial, spatial, staffing, technical, and other capacities. An ideal solution according to which media that are founders or that accept the authority of the self-regulator would fund its operation, which is the practice in countries with a developed market and democracy, would be difficult to implement in the region at this moment. Many media, especially those that adhere to the ethical code without making compromises in the face of commercial and political interests, face serious and chronic financial problems. The example of Montenegro, where the operation of self-regulatory bodies is co-funded by the state fund for media pluralization, brings risks of political influence. For now, the solution for funding self-regulatory bodies is largely found in support from donors from foreign countries and the European Union in the frame of their development assistance. However, these funds are neither sufficient nor can they be a long-term solution. On the other hand, funds from foreign donors are necessary and it would be very harmful for the development of media and media ethics in the region if international foundations stopped supporting the development of self-regulation in the observed countries.
Self-regulatory acts – ethical codes for media and journalism in the region – do not lag significantly behind countries with functional democracy, but this does not mean that it is not necessary to continue to work on their improvement, in line with technological changes and other challenges and requirements of the time. This process should be inclusive, which implies the involvement of the academic community, expert organizations, organized civil society, and mobilization of a wide range of citizens in consultations and acceptance of good solutions. This certainly also applies to working on self-regulatory acts and mechanisms for ethics and professional standards of public service media, but also private media that count on citizens’ trust.

What is needed is additional and continuous engagement of self-regulatory bodies on their own promotion and promotion of media ethics and emphasis of the benefits that adherence to media ethics brings to media, citizens, and all of society. The broader civil society and the media themselves should be involved in this promotion and public service media could play a special role.

Journalist associations should improve their internal acts related to adherence to the code of ethics and reactivate courts of honour. This would send a message to both the public and to their members on the importance of respecting ethical standards and gradually restore the threatened dignity of the profession. Cooperation between journalist associations and media industry associations is needed in order to improve media ethics, bearing in mind that these associations might have different interests on many issues. An ideal model of a self-regulatory body or mechanism, according to international expert analyses, would include a tripartite composition – representatives of journalists, media (the media industry), and the public, with the representatives of the public being consensually chosen by the representatives of journalists and media. However, solutions for the self-regulation model for media always arise from conditions in the specific environment and time, from the support and capacities of the actors who develop, implement, or refine the solutions in that environment and time.
• Civil society and citizens, professional associations, and independent institutions in countries in the region, but also the EU through the process of integration, as well as developed democracies through bilateral channels, should exert continuous pressure on the governments of the countries in the region to improve media legislation, the independence of relevant institutions and courts, and the overall rule of law, and to alleviate pressure on media freedom, regulatory bodies, and public service media, in order to create an environment for more efficient media self-regulation.

• Through media legislation, legislative definition of the state advertising system, and establishment of transparency of media ownership, the state should ensure a functional media market and an enabling environment for media freedom and plurality, thus creating conditions that are more favourable for self-regulation.

• States and state institutions, in cooperation with relevant actors in the media industry and civil society, should systematically encourage formal and informal education systems for media and information literacy.

• Experts in media regulation and media systems, regulators, and self-regulators should encourage debate and offer solutions for cooperation mechanisms between regulatory and self-regulatory bodies and the introduction of specific forms of co-regulation that would contribute to the protection of public interest in media, a better offer of media content and services, a higher level of compliance with regulations and standards in media, and boosting citizens’ trust in media and knowledge and awareness of the importance of media and information literacy.

• Professional associations of media and journalists, state bodies, and international donors, encouraged by existing self-regulatory bodies, should launch consultations to come up with models for long-term sustainability and financial stability of self-regulatory bodies. Given that state assistance could threaten their independence and that it is still not realistic for them to
be funded by media, the possibility should be considered to provide temporary yet medium-term institutional support from international funds, which would be used to develop the capacity of these institutions, increase transparency, promotional and professional activities, improve their work through the use of modern tools, monitoring, and analysis, and develop a strategy and action plan for long-term sustainability.

• If one of the long-term solutions for funding self-regulatory bodies, in a certain percentage, are state funds, it is necessary to establish precise and efficient mechanisms that prevent political influence, that is, prevent negative effects on the credibility of self-regulation.

• Through professional discussions of relevant actors, conceptual and organizational solutions should be considered and the required capacities should be analyzed for general self-regulatory bodies to extend their jurisdiction to all types of media.

• Self-regulatory bodies in the region should achieve closer cooperation. The possibility of forming a regional alliance of self-regulators should be considered, especially since ethical problems in media very often have a cross-border nature.

• Self-regulatory bodies, through an inclusive process, including expert organizations, the academic community, and representatives of citizens, should work on continuous improvement of self-regulatory acts and mechanisms of action.

• Self-regulatory bodies should continuously work on increasing their visibility through the improvement of various mechanisms of communication with media, civil organizations, and citizens, including public sessions of complaint commissions. Monitoring of adherence to media ethics carried out by some self-regulatory bodies may increase both their visibility and their public authority.

• Public service media should create modern ethical codes that would also be the result of an inclusive process and provide clear procedures for their implementation, which would include indicators of success and evaluation of the process. The code should contain mandatory elements.

• Public service media in particular, but other media as well, should ensure efficient formal and technical solutions and mechanisms for easier two-way communication with citizens. Internal ethical codes should continuously be promoted publicly.

• The possibility should be considered to establish media ombudsperson institutions as a form of self-regulation both at the state level and at the level of public service media, but also within individual media, media associations, or media corporations. It is important that these persons are professional...
and that they enjoy a good public reputation and trust. Personification of self-regulation could lead to better communication between citizens and media and advance ethical processes.

• States should establish mechanisms through legislation that will stimulate the operation of self-regulatory bodies and promote the value of media ethics. Media that adhere to journalistic ethics should be granted privilege through easier access to state resources or in another way.

• Self-regulatory bodies and fact-checking organizations should develop systematic cooperation and synergy.

• Public service media should be heavily involved in the process of systematic promotion of media ethics and self-regulatory mechanisms. In this regard, closer cooperation is also needed with self-regulatory bodies, as well as with fact-checking organizations.

• Media and journalist associations should continuously raise awareness and knowledge of ethical challenges in the profession and professional solutions for these challenges by continuously organizing education programmes for journalists and other media staff to acquire knowledge in the field of new technologies and in the field of European media regulation.

• All media, not only public service media, should to a greater extent promote media ethics in their content and highlight its importance. In this sense, it is important that they monitor and report on the work and decisions of self-regulatory bodies.

• Journalist associations should restore to a greater extent the role their courts of honour once had, in charge of matters related to violations of the journalistic code by their members.

• Media can clearly indicate the rules of commenting for users and choose either their pre-moderation or post-moderation (subsequent removal of inappropriate content or removal of inappropriate content at the initiative of others).
LITERATURE AND SOURCES


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MEDIA SELF-REGULATION IN THE WESTERN BALKANS AND TURKEY

Examples, challenges and recommendations

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