EUROPE PROGRAM

Media Freedom in the Western Balkans

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FOREWORD

Media freedom is a crucial component of the reform and democratization processes of the Western Balkan countries but is faced with numerous challenges throughout the region. Key issues include the lack of media pluralism and of independent and unbiased reporting, the difficult financial situation of many outlets, as well as a lack of professional capacities and transparency in the media sector. Many media outlets experience a great deal of political interference, and the spread of disinformation and hate speech in the media has increased considerably in many countries of the region. The developments in the context of the pandemic have once again highlighted the importance of independent and fact-based reporting. A case in point is the disinformation surrounding COVID-19 and the vaccine in the region as well as the low visibility of the EU and its support to the region during the pandemic.

In order to strengthen media freedom in the region, it is crucial to identify the key structural challenges and to find ways to ensure pluralism, transparency, and financial viability in the media sector as well as independent and unbiased reporting and to combat disinformation and hate speech. To discuss these issues and develop specific recommendations for action, the Aspen Institute Germany organized a closed-door virtual expert workshop entitled "Media Freedom in the Western Balkans" in October 2021. The expert workshop convened a group of about 40 experts, think tankers, and journalists from the region as well as decision-makers from the EU, its member states, and international organizations for a multi-perspective, open exchange on media freedom.

This publication contains the key recommendations and input papers developed in the context of the aforementioned workshop. The workshop was organized in the framework of the project "Aspen Western Balkans Stakeholder Forum 2021," which was kindly supported by the German Federal Foreign Office. All statements of facts and expressions of opinion contained in this publication are the sole responsibility of the author(s) and do not necessarily reflect the position of Aspen Germany or the Federal Foreign Office. We would like to express our gratitude to all workshop participants and, in particular, to all authors of input papers for contributing substantially with their expertise and for providing thought-provoking impulses for discussion and constructive solutions. Finally, we would like to thank our rapporteur Sandra Schwalen as well as our facilitators Adelheid Feilcke and Christian Hagemann for their contribution to the success of the workshop.

SUMMARY AND KEY RECOMMENDATIONS

The recommendations below were developed over the course of the workshop entitled "Media Freedom in the Western Balkans," organized in the framework of the project "Aspen Western Balkans Stakeholder Forum 2021," which was kindly supported by the German Federal Foreign Office. Please note that this summary only provides a collection of the points raised by workshop participants. They do not necessarily reflect the positions of Aspen Germany or the Federal Foreign Office on the issues addressed.

Media Pluralism, Viability, and Ownership

- Media viability needs to be improved: the current media markets in the Western Balkan (WB) countries are too fragmented. Due to the small size of WB media markets, there is only limited potential for generating revenues through advertising and subscriptions. This makes it more difficult for private media outlets to survive when in competition with state-funded outlets or with outlets that benefit from state-sponsored advertisement. Therefore, media pluralism and access to information and independent critical reporting is often hampered. Entry points to the media market and financial sustainability for media outlets must be supported through exploring alternative sources of financing for independent media, such as through philanthropy or user-funded platforms.

- There must be more transparency of media ownership and financing. Many media companies are owned or funded by domestic authorities (or a foreign state) without widespread public knowledge. Potential political dependencies or affiliations of media outlets need to be clearly communicated to consumers so that possible biases in information can be assessed.

- Lack of transparency in ownership and financing structures is a particular problem with online media platforms, with some of them even mimicking existing media outlets to spread fake news. Online media outlets should thus be required to have a clearly visible imprint.

- Media licenses should only be granted based on pre-defined criteria, rather than given out freely. Lack of criteria has led to an oversaturated and fragmented media market in parts of the WB.

- When it comes to state advertising in media, there should be clearly defined and transparent rules in place, ensuring that the payments for advertising do not exceed their value (e.g., price caps for advertisement).

Legal Frameworks & Institutions

- Existing media regulation must be reformed and improved.
    - Regulatory institutions must exist independently of state influence to prevent appointments based on political affiliation. Key positions in regulatory bodies should not be appointed by the executive, but by parliaments. Parliaments should adopt a general merit system to establish regulatory bodies.
    - Regulatory bodies must follow efficiency rules, i.e., how quickly they must respond and act and how long they must monitor outlets in the case of an offense. In some cases, regulatory institutions that are formally independent actually purposefully do not act (e.g., simply observing improper behavior for years without acting).

- Self-regulation of media companies could be an alternative to government regulation, but it must be demanded by the public. If media outlets feel pressure from consumers to provide transparency on funding and contents, they will be more likely to change their behavior.

- Changes to media legislation need to be conducted in an inclusive manner, involving all relevant stakeholders, including media representatives, non-governmental organizations, and journalists.

- In the end, most improvements to legal frameworks and institutions can only occur, if rule of law is strengthened in the region. Without it, no law can meaningfully change the media landscape.

Safety of Journalists and Independent Reporting

- Journalists in the WB face intimidation and threats to their reputations and their persons, sometimes from the state or with public approval, if they report unpopular stories or opinions. There must be zero tolerance of any sort of threats to journalists, which must also be communicated by public officials.

- There is a need for increased solidarity and networking between journalists in the face of threats, such as through strengthening of journalists' associations and journalist labor unions. There should also be training for media professionals on best practices of reporting to make journalists less vulnerable to attacks on their reporting.

- Multi-stakeholder collaboration among state institutions, international organizations, journalists' associations, and civil society organizations (CSOs) dealing with media issues should be strengthened by establishing biannual fora and regular dialogue, among other things, to coordinate reactions in cases of attacks.

- Data on attacks/threats on journalists and their working conditions must be collected and regularly published to illustrate the scope of the problem.

- It is necessary for a wholistic societal/institutional reform to improve the safety and professional situation for journalists in the WB, as some parts of society approve of threatening journalists and in general, journalism is not a respected career in the region. This is due in part to state control of mainstream media, which scorn journalists and media outlets that criticize the government, leading to a negative view of journalists in society.

- To better protect journalists, state structures should be improved, such as through mechanisms to follow up on threats and attacks, especially on digital threats where local police are often unable to act. Such mechanisms should be monitored by independent regulators to ensure they are doing their job properly.

- The EU should call out WB political elites who threaten journalists in its annual reports. They should also call out the increasingly toxic narratives by WB governments (calling journalists enemies of the state or foreign agents) and should consider sanctions in extreme cases.

- Journalists throughout the region face difficult working conditions, including low wages, short-term contracts, lack of social security benefits, with female and young journalists especially affected. This dire economic situation of journalists oftentimes leads to self-censorship and a lack of independent reporting. Journalists' associations should thus be strengthened.

- In order to build the necessary conditions for unbiased, objective reporting and to strengthen diversity among journalists and in reporting the following measures should be taken:

    – Strengthen press councils and improve self-regulatory measures;

    – Improve journalistic education and on-the-job training;

    – Enforce widespread ethical standards in newsrooms;

    – Promote examples of quality journalism.

- Journalists should continuously increase their quality standards of reporting through education and on-the-job training and adhere strictly to them. Special focus should be given to a clear distinction between objective news and subjective commentaries, which would increase not only the transparency in reporting but would serve as a protective measure against undue criticism.

- The EU should also support independent journalists in the region. EU pressure on state institutions also could help reform police, courts, and prosecution in cases of attacks on journalist.

Disinformation & Hate Speech

- Public officials in the region oftentimes tend to be at the center of the problem and not the solution as they contribute to spreading disinformation and hate speech, or act as enablers for foreign influence. Political elites oftentimes have incentives to spread false information about their opposition and to enhance their political narratives – they are often able to do so through state captured media networks. The EU should pressure WB governments to stop this practice by publicly naming and criticizing such behavior and by incorporating the fight against disinformation and hate speech into the enlargement progress.

- There must be efforts to build resilience in society against disinformation and hate speech, such as:

    – Media literacy should be improved through information campaigns, media literacy projects, and by integrating media literacy into public school curricula;

    – Fact-checking organizations who call out fake news should be supported and receive public and EU funding.

- Legislation to ban and penalize hate speech should be passed by parliaments of all WB countries and must be consequently implemented.

- Exert pressure on service providers and platforms such as Facebook and Twitter to monitor and penalize users spreading disinformation and hate speech, especially influencers with great followings who spread hate speech.

- Supervisory bodies with real independence are needed to monitor hate speech and disinformation on social media and on traditional news platforms (mainly television).

- Journalists should collaborate to establish clear standards of a "netiquette" (i.e., a code of conduct on the internet). Furthermore, they should strengthen cross-regional solidarity in promoting a policy of zero tolerance against threats or insults on the internet, for instance by publicly demanding accountability in several outlets and filing lawsuits.

EU Involvement

- Media freedom needs to be a more important part of the accession process as it is a prerequisite for the fulfilment of the Copenhagen Criteria. This could be achieved through EU monitoring tools, where funding could be used as a conditionality to ensure WB states protect journalists, refrain from political intervention in the media, and combat disinformation and hate speech.

- In order to help protect WB journalists, EU benchmarks on journalist safety should have more weight, including sanctioning states that spread dangerous narratives like calling opposition journalists enemies of the state or foreign agents.

- The issue of journalists' safety and disinformation/hate speech in the WB needs to be more widely known regionally and across Europe, especially as these issues exist worldwide. This could be achieved by supporting international journalists' networks and associations, and by including the situation in EU progress reports on the region.

- The EU funding process for independent media outlets should be improved, as the current complicated, bureaucratic process is not feasible for many smaller outlets, which do not have capacity for applying to complex grants. Project-based funding is also not a sustainable method of supporting quality journalism. A special focus should be put on local and minority media outlets.

- EU officials need to be more vocal in criticizing state interference in media and hate speech.

- The EU supports many media literacy initiatives in the region, which should be further utilized and streamlined into curricula of public schools.

Media Freedom in Albania: Such a Frail Thing!

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A Diverse Media Ecosystem: Quantity Does not Equal Quality

Albanian media has gone through major transformations as a consequence of the country's socio-cultural, political, and economic developments, technological advancements, global media trends, and, more recently, due to the COVID-19 crisis. The development of media in Albania in the past three decades has not been linear; rather, it is characterized by a dynamic, rich, and diverse media landscape with the main feature being the dominance of clientelist media, marked by a subtle interdependence and interrelation among media, politics, and business.

There is a dual broadcasting system, including the Albanian Radio Television (RTSH), which is the main public service broadcaster and a thriving private media with 7 national TV channels, 3 national radios, 48 local TV channels, 56 local radios, 2 commercial multiplex (TV and digital platforms), and more than 650 online media platforms. Despite the exponential growth in the number of media outlets in the past decade, particularly online media, the quality of media content remains a challenge. Compliance with ethical standards and copyright rules as well as professionalism are still not yet well established due to a variety of reasons. Generally, private media outlets do not have established ethical standards. Journalists lack proper training on compliance with ethical standards as not all have a degree in journalism. Professional development (continuous on-the-job training) and capacity building of journalists is limited, and university curricula need to be further updated. The climate of intimidation towards journalists and precarious working conditions also hinder compliance with ethical and copyright standards.

A welcome achievement was the formation of the Albanian Alliance for Ethical Media, which established self-regulation mechanisms in 2020. Managed by the Albanian Media Council, this alliance is a voluntary group of 16 Albanian media outlets dedicated to rigorously implementing the Code of Ethics for Journalists.[1] The alliance seeks to enforce a functioning self-regulation mechanism by receiving and reviewing complaints from the public regarding ethical violations by online media outlets. The alliance provides online media with recommendations, which, however, are not mandatory. The logo of the alliance will be displayed on its members' websites as the seal of ethical media.

The Constitution of Albania guarantees media freedom as well as freedom of expression and information, but such provisions are not thoroughly implemented in practice. Signs of deterioration of freedom of expression, freedom of information, and freedom of the press can be witnessed in the larger system. Albania's media freedom decreased during 2020, leaving the country ranking 84th in the 2020 World Press Freedom Index, having dropped two positions compared to 2019 (then ranked 82nd).[2] The 2021 World Press Freedom Index ranked Albania 83rd raising an overall concern about government pressure on the media,[3] manifested through legal changes, public verbal attacks on media, and concentration of public information among others. According to Freedom House, the intermingling of powerful business, political, and media interests inhibits the development of independent news outlets, and therefore, most outlets are seen as biased.[4]

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[1] This Alliance is supported by the project "Freedom of Expression and Freedom of the Media in South-Eastern Europe (JUFREX)," an Action in the framework of the Joint Program of the European Union and the Council of Europe "Horizontal Instrument for the Western Balkans and Turkey II." A full list of founding members of the Albanian Alliance for Ethical Media can be found under this link: https://aleancaetike.media/members/ (accessed October 27, 2021).

[2] Reporters without Borders, *Albania Report 2020*, (2020), https://rsf.org/en/albania (accessed October 15, 2021).
[3] Reporters without Borders, *Albania Report 2021*, (2021), https://rsf.org/en/albania (accessed October 15, 2021).
[4] Gjergji Vurmo, *Nations in Transit 2021: Albania*, Freedom House, (2021), https://freedomhouse.org/country/albania/nations-transit/2021 (accessed October 15, 2021).

Structural Challenges to Media Freedom

One of the broader structural challenges to media freedom in Albania is the role of the government and state authorities and their attempts to introduce legislation that hinders media freedom. In 2020 and 2021, the government of Albania has attempted several times to introduce changes in the legal provisions in ways that have been deemed as violating the freedom of expression and freedom of media by civil society organizations (CSOs) and independent journalists. For instance, the government increased pressure on the media in 2020 by once again threatening to adopt a new defamation law despite criticism from press freedom organizations, and although the Venice Commission advised against it in June 2020.

More than one year after the Venice Commission issued its opinion on the matter, the above-mentioned legislation still has not been amended to meet the required standards and still is listed as in process in the Albanian Parliament registry, while the government claims it has been withdrawn. However, early in October 2021, during a visit of the OSCE Media Freedom Representative, Albanian authorities reiterated their will to bring draft media laws in line with international standards.[5]

Furthermore, the Audiovisual Media Authority's (AMA) performance as a regulatory authority has been marked by political contention regarding its independence and operating practices, with increased concerns following the election of a person politically affiliated with the ruling party as chair of AMA in July 2021.[6]

In September 2021, the government announced the establishment of a new Media and Information Agency (MIA) that would centralize the government's public relations and public information within a single entity. Civil society organizations, media associations, and international press freedom organizations have already expressed concerns about the impact of MIA in limiting the access to public information.[7] Currently, limited access to public information is deemed as a major hindrance to conducting quality journalism, particularly for critical and investigative media. The limited implementation of the legal framework on freedom of information primarily due to a lack of political will, a culture of secrecy and retaining public information, and limited mechanisms to implement accountability and transparency measures of governmental institutions directly affects the quality and independence of reporting.

Another structural challenge regarding media freedom is that the legal framework concerning media looks good on paper but faces critical shortcomings in its implementation. The legal and policy framework concerning media in Albania has been in constant transformation. With the support of international partners and due to the European integration process, the overall legal and policy framework in Albania is being aligned with democratic standards. Although on paper the law on audio-visual media and the law on access to information should serve as further guarantees for media freedom, in practice, "full implementation of this legislation still remains a challenge."[8] For instance, provisions for freedom of information (FOI) requests are not fully implemented in practice, with public institutions tending to delay, uphold, and even deny requests for public information.

Additionally, Albania's state institutions have not yet established effective mechanisms specific for journalists and media staff to provide protective measures when they are threatened. In addition, journalists face gender-specific challenges in the media sector (e.g., few women in editorial and management positions; sexual harassment; online smear campaigns;

5   OSCE Representative on Freedom of the Media, "During Visit of OSCE Media Freedom Representative, Albanian Authorities Reiterated Will to Bring Draft Media Laws in Line with International Standards," OSCE, October 14, 2021, https://www.osce.org/representative-on-freedom-of-media/500902 (accessed October 15, 2021).

6   IJAS, "Safe Journalists Network Sent a Letter of Concern to the Speaker of the Albanian Parliament and International Organisation," *Safejournalists.net*, July 1, 2021, https://safejournalists.net/safejournalists-network-sent-a-letter-of-concern-to-the-speaker-of-the-albanian-parliament-and-international-organisation/ (accessed October 15, 2021).

7   International Press Institute, "Albania: MFRR Urges Government to Scrap New Media and Information Agency," October 11, 2021 https://ipi.media/albania-mfrr-urges-government-to-scrap-new-media-and-information-agency/ (accessed October 15, 2021).

8   European Commission, *Albania 2019 Report,* Commission Staff Working Document, SWD(2019) 215 final, (May 2019), https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-07/20190529-albania-report.pdf (accessed October 15, 2021).

digital safety). Even though Albania has ratified the Istanbul Convention and reports regularly to the Council of Europe, its implementation is not yet effective. Various cases of physical attacks and serious threats against journalists due to their reporting remain unresolved by authorities: for instance, the assault with automatic firearms on the home of the father of the Albanian crime reporter Klodiana Lala in 2018; the 2017 attack on journalist Elvi Fundo, who is reported to have fled the country and to have sought asylum in Germany; and the detonation of an explosive device at the home of journalist Elion Ndreka in 2020. The 2021 Council of Europe (CoE) Report found that at the end of December 2020, there were six active alerts on Albania, six others that were resolved, and one killing.[9] Since June 2020, statistics on journalists' safety and impunity of attacks have also been published by the Safe Journalists Network with a total of 17 incidents: 9 physical attacks against journalists and 8 non-physical threats.[10] The overall challenges related to the ongoing justice reform and vetting process affect the capacities and resources of prosecutors and courts to deal with cases of assaults on journalists.

Another structural challenge is the limited political will to provide a functioning and supportive environment for media freedom. A symbiotic relationship between media corporations, politicians, and businesses based on clientelism and other vested interests hinders the overall media freedom and independence resulting in limited media plurality, concentrated ownership, and low trust in media by the general public. Editorial independence is affected by the interrelations between media, politics, and business. For private media, separation of the newsroom from management and marketing as a condition for ensuring editorial independence is not always possible due to the small size and limited resources of many outlets. In general, there are no additional rules adopted by private media to safeguard

independence from media owners and managing bodies. The most common forms of pressure that media owners and managers exert over newsrooms or individual journalists are cancellation of shows, reporting, or other news content, intimidation, economic insecurity, harassment, and control over content and framing.[11]

The public broadcaster (Albanian Radio and Television – RTSH) is obliged by law to ensure editorial independence. A positive step in this direction was the online publication of the RTSH editorial policy outlining the key principles of its editorial independence, including the code of ethics and professional standards.[12] Despite the progress of transformation of RTSH into a public service media, in practice it is mostly perceived as favoring the ruling party in its news coverage.[13]

On a positive note, some non-profit media outlets, fact-checking initiatives, and investigative media have managed to maintain editorial independence.[14] However, self-censorship is still present due to the climate of intimidation, fear of SLAPPs (strategic lawsuits against public participation) and other lawsuits, financial insecurities, and the precarious state of journalists' labor rights. For instance, according to data published by the Albanian Helsinki Committee for 2020,[15] 52 percent of journalists surveyed said they feared they would be penalized in some way if they went ahead with a particular story. Over 33 percent said they had left a story halfway through after realizing it would not or could not be published without consequences for them.

Attempts to Discredit Journalism

Another major concern is the government's attempt to make journalism obsolete with a combination of anti-media sentiments, denigrating language, and closing the doors to

9 Council of Europe, "Platform to Promote the Protection of Journalism and Safety of Journalists," https://www.coe.int/en/web/media-freedom (accessed October 15, 2021).

10 Safejournalists.net, "Western Balkans Journalists' Safety Index: Narrative Report [Albania] 2021," https://safejournalists.net/safejournalists-index-tirana/ (accessed October 28, 2021).

11 Blerjana Bino, *Albania – Indicators on the Level of Media Freedom and Journalists' Safety in Albania 2020*, Independent Journalists Association of Serbia, (2020) https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf (accessed October 15, 2021).

12 RTSH Editorial Policy can be accessed at: Radio Televizioni Shqiptar, https://rtsh.s3.eu-central-1.amazonaws.com/4fe8d4a8 05a246d7a33ff6dc658036e9_202004071647.pdf (accessed October 29, 2021).

13 Focus groups with journalists, December 2020.

14 Bino, *Albania – Indicators on the Level of Media Freedom and Journalists' Safety in Albania 2020*.

15 Albanian Helsinki Committee, *National Media Freedom Barometer Albania 2020*, (Tirana: 2021), https://ahc.org.al/wp-content/uploads/2021/10/Barometri-Kombetar-per-Lirine-e-M edia-2020.pdf (accessed October 28, 2021).

journalists by not granting press conferences and concentrating public information. Anti-media sentiments are voiced by political actors, particularly the prime minister, Socialist Party MPs, and ministers who persistently add to the pressures on the media, especially towards independent, critical, and investigative media outlets. For instance, at the start of the COVID-19 crisis, Prime Minister Edi Rama urged the public to "protect themselves against the media."[16] The use of denigrating language has turned reporters into possible targets of attack.

The practice of clear and explicit condemnation of the attacks on journalists has not been established in a genuine manner. On the contrary, government officials themselves attack journalists verbally. And when there is a public condemnation, it is mainly done in the context of political confrontations. The Prime Minister shuns press conferences and instead relies on his own TV station ERTV to create and distribute pre-edited audio and video clips to the press. Under the Socialist Party, other state institutions have emulated this model and now send out prepared news packages to private TV stations and newspapers.[17] The result is limited scrutiny by the media and a lack of exercising their watchdog function, instead acting as the "mouthpiece" of the authorities.

Precarious Working Conditions for Journalists

In terms of the economic position of journalists, major challenges persisted in 2020 and 2021, particularly regarding employment, working conditions, safety, and professional development. Working conditions of female journalists are in most cases more difficult than those of male journalists, particularly in terms of salaries and leading positions in the newsroom, but also regarding intimidation and harassment.[18] Journalists working for online media portals and local media outside of Tirana face more challenges than their counterparts in

mainstream media and in Tirana.[19] Field journalists report that they feel unprotected from physical threats. Young journalists face additional challenges, including a lack of solidarity from their experienced peers.

Labor rights are not fully respected (e.g., lack of job contracts, unpaid overtime), particularly in private, local, and online media. Journalists do not generally sue their employers when these labor rights are not respected because of possible repercussions, prolonged legal procedures, and additional financial costs. Young journalists and women also face significantly more challenges. For instance, a 2020 study on journalists' labor rights shows that 62.5 percent of young reporters say that they work over 40 hours per week, which is the limit set by the national labor code, compared to only 28.5 percent of journalists with more than ten years of experience working in the same positions.[20]

Lack of employment contracts and inadequate social security and other welfare security policies remain issues of concern. The general working conditions of journalists, which deteriorated during the COVID-19 pandemic due to the financial constraints of media with reduced advertising and other sources of income, remain concerning as well. No collective agreements have been signed for the protection of labor rights of journalists in the private media. There are no trade unions for journalists in private media in Albania, either. Finally, not all journalists have access to free legal aid provided by the media outlet where they are employed.

Safety of Journalists: Increasing Intimidation and Pressures

The arbitrary use of other legislation such as state of emergency and anti-COVID-19 restrictions as well as the increasing number of SLAPPs in the Albanian media landscape is notable as a mechanism to censor, intimidate, or silence independent media. Although

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[16] Gjergj Erebara, "Rama Takes his War on Media to Albanians' Phones," *Balkan Insight*, March 13, 2021, https://balkaninsight.com/2020/03/13/albania-premier-urges-citizens-to-protect-themselves-from-the-media/, (accessed October 18, 2021).

[17] International Press Institute, "Albania: MFRR Urges Government to Scrap New Media and Information Agency," October 11, 2021 https://ipi.media/albania-mfrr-urges-government-to-scrap-new-media-and-information-agency/ (accessed October 15, 2021).

[18] Valbona Sulçe Kolgeci and Endrit Shabani, *Research Study on Journalists' Labor Rights,* Albanian Helsinki Committee, (May 2020), https://ahc.org.al/wp-content/uploads/2020/07/Research-Study-on-Journalists%E2%80%99-Labor-Rights.pdf (accessed October 23, 2021).

[19] Bino, *Albania – Indicators on the Level of Media Freedom and Journalists' Safety in Albania 2020.*

[20] Sulçe Kolgeci and Shabani, *Research Study on Journalists' Labor Rights.*

journalists are free to organize themselves in professional associations, such associations still face many hardships in terms of limited resources, capacities, networking, and overall ability to advocate vis-à-vis the government for changes towards an enabling media environment. Concerns over the safety of journalists have increased in 2020 and 2021, with incidents including threats against the life and physical safety of journalists, non-physical threats and harassments, actual attacks, and threats and attacks on media organizations. Institutions in Albania do not publish data about attacks on journalists and their impunity. Attacks on the safety of journalists are generally condemned by state officials and are considered a breach of the freedom of expression. However, it is important for the law enforcement agencies to properly investigate the cases which is oftentimes not the case. Nonetheless, physical attacks against journalists are not systematic in Albania.

Key Recommendations

For Policy-Makers and Institutions

- Ensure full enforcement of legal guarantees for freedom of expression and freedom of media and an enabling media environment in line with international standards.

- Review media legislation to bring it fully in line with international standards on freedom of expression, especially regarding concerns about disinformation, misinformation, and malinformation in the online media.

- Ensure that changes in the media legislation are conducted in an inclusive manner involving all relevant stakeholders, including media representatives, NGOs, and journalists.
- Strengthen media ownership transparency through better legal and accountability provisions.

- Enhance the transparency and account-ability of regulatory authorities of media.

- Strengthen the enforcement of the Freedom of Information Act.

- Ensure a policy of zero tolerance for intimidation and attacks against journalists, as well as for threats against the media, including in political discourse.

- Ensure enforcement of the Labor Code and strengthen the protection of Albanian journalists' labor and social rights.

- Collect and publish regular data on journalists' safety, working conditions, and other related issues.

- Strengthen inter-institutional and multi-stakeholder collaboration among state institutions, international organizations, journalists' associations, and CSOs dealing with media and security issues by establishing biannual forums and regular dialogue and reactions in cases of attacks.

- Tackle the issue of digital safety of journalists and increase capacities of public institutions to address digital safety issues for journalists and media professionals, particularly female journalists.

For Independent Media Organizations and Civil Society

- Establish a union of journalists for protecting labor rights and support and empower journalists who are hesitant to report violations of their labor rights.

- Ensure capacity building, resource mobilization, and fundraising for journalists' associations.

- Build and strengthen self-regulation mechanisms with executive capacities.

- Support female journalists, young journalists, and journalists working in local media with more solidarity, mentorship, and networking opportunities.

For the International Community (EU and Other Actors Working on Media Freedom in Albania)

- Support the Alliance for Media Ethics and other independent media organizations, journalists' associations, and civil society organizations with financial resources, expertise, and exchange of experiences with peers in the EU, as well as the enhancement and expansion of the existing self-regulatory mechanisms with executive capacities.

- Support financially independent media (private, not for profit) that focus on fact-checking and investigative journalism and foster professionalism of journalists through capacity building, mentoring, networking, and mobility.

- Support female journalists, young journalists, and journalists working in local media with targeted empowerment programs.

- Support capacity building, resource mobilization, and fundraising for journalists' associations.

- Explicitly require compliance of the legal framework on media freedom with international standards and also consider conditioning aid in case of non-compliance.

Challenges to Media Freedom and Pluralism in Bosnia and Herzegovina

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Current State of Affairs

Media freedom in Bosnia and Herzegovina (BiH) is guaranteed in theory but significantly limited in practice. On the surface, BiH's media scene shows evidence of media pluralism, as is evident in the number of existing outlets: 43 TV stations, 143 radio stations, 53 broadcasting licenses, 9 daily newspapers, 189 magazines (daily, weekly, periodical), 8 news agencies and approximately 2,000 online media outlets.[1] However, the real picture is far from pluralistic: media organizations are divided along entity, ethnicity, political lines, and narratives. They are heavily affected by a lack of independent funds, i.e., funds which are free of political affiliation and/or control, and a lack of respect of journalistic rights.

The COVID-19 pandemic has further eroded the already weak position of journalists, leaving them with no protection against threats and violence. For instance, the access to governmental press conferences was often limited to "trustworthy" newsrooms known for their positive coverage of the government's position and critical stories reporting on harmful decisions of the government in the context of its response to the pandemic were discredited as betrayal and anti-patriotic behavior. It is not unusual to witness political officials threatening journalists, even at official press conferences, without any consequences.

Aggressive behavior in official capacity is further aggravated through the hostile narratives and hate speech on the internet (social networks in particular) that go without punishment, leading to an increasing number of citizens who accept physical punishment of journalists – 19 percent of BiH citizens believe attacks on journalists are justified.[2] According to the Media Freedom Index of Reporters Without Borders (RSF), BiH ranked 58th out of 180 countries in the world in 2021, making it best ranked out of all Western Balkan countries (Kosovo 78th, Montenegro 104th). One reason is that BiH is politically mostly decentralized so that political control and influence are not centralized in one person or party. Therefore, slightly more freedom and opportunities are available for independent journalism in BiH than in other WB countries, including access to international funding. The RSF report points to the polarized political climate, marked by constant verbal attacks and nationalist rhetoric, which has created a hostile environment for press freedom in BiH, with editorial policies reflecting ethnic divisions and hate speech.[3] The 2020 European Commission report indicates that serious concerns over political pressure, intimidation, and threats against journalists, particularly female journalists, persist, while the authorities continue to downplay the significance of and respond poorly to such incidents.[4]

The overall political situation in BiH is deteriorating and this has severe effects on media freedom: political narratives, characterized by strongly nationalistic and hostile positions against other ethnic groups in the country have created a strong division among media outlets now recognized as an extended arm of certain political parties or

[1] Data from Communication Regulatory Agency (RAK) at: https://www.rak.ba/en/ (accessed October 11, 2021); data from Press Council of BiH at: https://english.vzs.ba/ (accessed October 11, 2021).

[2] When questioned whether attacks on journalists are unacceptable or justified, an average of 19% of respondents said they are justified; by entity, it is 24% of respondents in Republika Srpska (RS) and 16% in the Federation of Bosnia and Herzegovina (FBiH). Source: BH Novinari, *Freedom of the Media in BiH 2020: 2014-2020 Comparative Report,* (April 2020), https://bhnovinari.ba/wp-content/uploads/2020/05/Free

dom-of-the-Media-2020_Repot_Valicon_MPR-eng-1.pdf (accessed October 13, 2021).

[3] Reporters without Borders, "Bosnia-Herzegovina: Further collapse of public service broadcasters," https://rsf.org/en/bosnia-herzegovina (accessed October 13, 2021).

[4] European Commission, *Bosnia and Herzegovina 2020 Report*, Commission Staff Working Document SWD(2020) 350 final, (October 2020), http://europa.ba/wp-content/uploads/2020/10/2020_bosnia_and_herzegovina_report.pdf (accessed October 11, 2021).

groups. Aside from the clear affiliation, in BiH there are cases of media outlets which are directly owned by political and/or business representatives, which further adds to the political polarization. Media ownership that remains hidden further erodes trust in media reporting, leaving citizens in belief that every journalist and every media outlet is "bought."

Like in other countries in the region and beyond, social media and the "fake news" phenomenon is further complicating an already troubled media scene in BiH. According to research conducted by the journalists' association BH Novinari in 2020, about 41 percent of respondents are getting their news from the internet and/or social media.[5] If compared with 53 percent of respondents who are getting their news from TV, which for decades remained the most dominant news source (mass media), it is evident that internet-based outlets are becoming a significant factor in the overall media consumption in the country (and in the region).

For that reason, the spread of misinformation mostly through online and social media is even more troublesome: they have a very wide reach, sources are blurred, and the effects are politically damaging. For that reason, education programs on media literacy are needed more than ever. They need to be carefully designed for different target groups, with a specific focus on the older generation (50+) as they are found to be the most likely to share information from social media without checking sources or taking any steps to verify facts stated in it.[6]

The Situation of Media Outlets and Journalists

Media outlets are suffering from the transition process almost to the same extent as political systems transitioning from one form of government to another. The traditionally big and clumsy newsrooms in public service TV and radio stations are in constant financial difficulties, which leads to a decreasing quality of their content, while their financial dependence on political elites downgrades their position to political subordination – whoever is in power will rule over media content. Most private media are owned by mostly politically affiliated individuals or businesspeople close to political circles who use these outlets to promote their business agenda. These media outlets are mostly understaffed and lack capacity. Often, particularly in the case of online outlets, content is produced by a single person who acts as editor-in-chief and director. A lot of media outlets rely heavily on content provided by larger media agencies, creating a feeling that contemporary journalism in BiH is mostly using a "copy-paste" model.

In 2020, a total of 26 cases of attacks, threats, and other forms of pressure on journalists and media in Bosnia and Herzegovina were recorded.[7] Of these, five were cases of threats and violence against female journalists. In the same period, BH Novinari registered six death threats to journalists and ten verbal and other forms of threats, seven attacks and threats against media outlets, and three physical attacks on journalists and media employees. The Free Media Helpline, which operates within the association BH Novinari, recorded 69 cases of violations of journalists' rights and media freedoms during the year. In addition to threats and violence, a number of cases are reported in relation to violation of journalists' labor rights, mobbing, defamation lawsuits, and violations of the right to free access to information.[8]

Overall, Bosnia and Herzegovina is a poor country where almost 50 percent of people live on the verge of poverty, with about 18.56 percent living in absolute poverty.[9] In such an environment, financial support to media and journalists is a luxury for the majority of citizens: financial contributions, buying outlets, or crowdfunding schemes to support independent journalism is pushed down on the priority list by simple survival needs. According

5 BH Novinari, *Freedom of the Media in BiH 2020: 2014-2020 Comparative Report.*
6 Nadia M. Brashier and Daniel L. Schacter, "Aging in an Era of Fake News," *Current Directions in Psychological Science*, Vol. 29(3) (2020): 316-323, https://journals.sagepub.com/doi/pdf/10.1177/0963721420915872 (accessed October 13, 2021).
7 Maja Radević, *Bosnia and Herzegovina: Indicators on the Level of Media Freedom and Journalists' Safety in Bosnia and Herzegovina 2020*, BH Journalists Association, (2021),

https://bhnovinari.ba/wp-content/uploads/2021/07/BiH-ENG-2020.pdf (accessed October 11, 2021).
8 Ibid.
9 Matthew Cline, "Top 10 Facts about Poverty in BiH," The Borgen Project, https://borgenproject.org/facts-about-poverty-in-bosnia-and-herzegovina/#:~:text=Bosnia%20and%20Herzegovina%20is%20a,in%20absolute%20poverty%20in%20Bosnia (accessed October 13, 2021).

to a survey of BH Novinari,[10] 57.5 percent of journalists are employed full time and 19.3 percent are part-time employees. The average monthly income of journalists usually ranges between 500-1,500 BAM (250-750 EUR), while the average salary in BiH is about 500 EUR. Around every tenth journalist (7.2%) has a monthly income of even below 500 BAM (250 EUR).

As a consequence, the precarious economic position makes journalists susceptible to political influences and does not motivate them to take a professional approach to work. Journalists are pressured by their media organizations such as by paying below-average wages and irregular incomes, not paying journalists' benefits (pension and health insurance) regularly, and keeping their contracts limited to one month to keep them in check. All this creates a feeling of constant economic insecurity and concern for existence, and in many newsrooms directly leads to (self-)censorship, selective publication of information, and various other types of pressure and mobbing.

Political influence on media has essentially nothing to do with the form of media ownership (public or private), but rather it is a result of financial control of the budget (for public media) and advertising and marketing contracts (for private media). Although the Public Broadcasting System (PBS) is expected to be impartial, in reality it is most exposed to political pressure and censorship. The selection of management positions and editorial boards is directly in the hands of political representatives (through direct appointment of the management board, which selects a director and editor in chief), while the budget is adopted by parliaments on the respective administrative levels. The limited amount of money collected through monthly (mandatory) subscriptions is not sufficient to ensure independence from political influence.

Budget allocations for the PBS have significantly impeded its independence. For example, BHT (the state-level TV channel) is under constant pressure by nationalistic structures, fighting against anything that represents the state level. RTRS (Republika Srpska (RS) TV channel) is more of a private TV station for Member of the BiH Presidency Milorad Dodik and his party where no independence and no professional standards are recognized any longer. FTV (Federation of Bosnia and Herzegovina (FBiH) TV channel) is struggling with various political influences due to the decentralized political environment on this administrative level. Advertising money available in the country significantly decreased even prior to the pandemic, as the BiH marketing share is not clearly defined and protected. Through cable TV distribution, television channels from neighboring countries (mainly Croatia and Serbia) are broadcasted widely throughout BiH, thus also entering the advertising market within BiH. These channels with a much larger reach represent a strong competition for local outlets, significantly decreasing the interest in advertising directly in BiH.

At the same time, reporting standards are regularly disregarded, and reporting is largely incomplete and one-sided, often lacking multiple and diverse sources of information. Direct or indirect, real or implied pressure of political elites is evident through biased reporting, particularly on issues important to or raised by political officials. While no one would willingly admit they are self-censoring their work, the general observation is that it is easier for journalists not to take on certain topics, rather than to face problems afterward. There are a few bright examples, mostly within non-profit newsrooms specializing in investigative reporting, but those stories are successfully suppressed by mainstream media, and access to these is limited to social media and online platforms.

The Role of Existing Legal Frameworks and Institutions

The legal framework in the field of media in BiH reflects both the ethnic diversity and administratively divided structure of the country, as well as the influence of international organizations in the state-building process. BiH's laws guarantee media freedom and include the right to access information. There are also laws against defamation and laws on

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[10] Radević, *Bosnia and Herzegovina: Indicators on the Level of Media Freedom and Journalists' Safety in Bosnia and Herzegovina 2020.*

communications in place. However, most of the legislation adopted in the country requires additional laws to be adopted on the lower administrative levels to accommodate for BiH's complicated structure, which further diminishes their effectiveness.

One of the major accomplishments of international collaboration is the fact that defamation has been de-criminalized, changing it from a felony punished by imprisonment to a monetary fine if found guilty. It is a significant step forward in securing free press and freedom of expression because journalists no longer have to fear being imprisoned for their reporting. Unfortunately, an increasing number of defamation lawsuits, particularly those filed by politicians, continue to have a self-censorship effect on journalists, as potential financial fines could have a devastating effect on already underpaid journalists. Until the end of 2020, the Free Media Helpline of the association of journalists BH Novinari recorded 389 active defamation lawsuits against journalists in BiH. An additional 58 complaints have been registered in 2021 thus far.[11]

When it comes to access to information of public interest, the Law on Free Access to Information (FOIA) was adopted in 2000, but its implementation is flawed and inconsistent. FOIA is regulating the right to request and access all information held by public institutions, allowing insight into information of public interest. Currently, several initiatives are looking into amending the existing laws (there are altogether three laws, one at each administrative level). Public institutions, led by the Ministry of Justice of BiH, are proposing further downgrading of the existing legislation (which is far from perfect) by extending a list of exceptions from application of the law, further limiting the access to public information. On the other side, civil society in cooperation with international organizations (EU Delegation to BiH, OSCE, and others) are proposing a European model of the law that would allow increased transparency and proactive publishing of information held by public institutions. Further problems are arising from pronounced conflict between the Law on

Protection of Personal Data and the Law on Free Access to Information, where personal data of persons of public interest are being protected from public scrutiny.

When it comes to the institutional framework, as in other areas, BiH has a great deal of independence in theory. Print and online media are under the jurisdiction of the Press Council of BiH, the first self-regulatory body to be established in the WB and Southeast Europe, and whose establishment was supported by the BiH print and online media industry and the journalists' community. Its bodies include representatives of the media industry, the public, and journalists. The Press Council's mission is to improve ethical and professional standards in print and online media by supervising the application of the Press Code, and educating journalists and the public about the necessity to respect freedom of expression and ensure responsible and professional reporting.[12]

Digital media are regulated by the Communication Regulatory Agency (RAK), a state-level body combining the competencies of the Independent Media Commission and the Telecommunications Regulatory Agency, which had previously operated separately. The mandate of the Agency is defined by the Law on Communications of BiH. The Agency's mission is to regulate the market for electronic communications and the audiovisual sector in Bosnia and Herzegovina and to manage and control the frequency spectrum. The goal is to create the conditions for the application of new technologies, the development of a competitive sector of digital communications and the provision of quality services in the best interests of the end-user, as well as the continuous development of media freedom for the benefit of citizens and society.[13]

Reality, however, shows that political interference through the appointment of management structures in RAK and through participation of politically affiliated media owners and editors in the bodies of the Press Council is an impediment to the independence of media regulation. Further, the mandate given to the Press Council to regulate online media

[11] Nedim Pobrić, *Investigations and Processing of Attacks on Journalists and Media Workers in Bosnia and Herzegovina*, BH Novinari, (2021), https://bhnovinari.ba/wp-content/uploads/2020/11/Attacks-on-journalists-in-BiH-investigations-and-processing.pdf (accessed October 25, 2021)

[12] Press Council in Bosnia-Herzegovina, "About Us," https://english.vzs.ba/index.php/press-council-in-bih/about-us (accessed October 11, 2021).

[13] Bosnia and Herzegovina Communication Regulatory Agency, "About CRA," https://www.rak.ba/en/about (accessed October 11, 2021).

has proven to be inadequate without a significant improvement of the legal framework for registration and operation of online platforms.

Recommendations

- Adopt the Law on Transparency of Media Ownership (proposed by the association of journalists); define criteria and ensure transparent financing of the media from budgets at all levels of government.

- Amend the Defamation Law to ensure the implementation of the case-law of the European Court of Human Rights and harmonization of case law in BiH; reduce the number of defamation lawsuits filed against journalists by politicians and other public officials, for instance, through limiting the rights of officials and politicians to file defamation lawsuits in their capacity as public persons.

- Increase the capacity of regulatory institutions (the Press Council, in particular), through the adoption and strict implementation of a code of ethics for journalists, to develop special institutional mechanisms and legal solutions to combat hate speech, online violence, and threats to journalists on websites and social networks and require online media to have a clearly visible imprint.

- Amend the Freedom of Access to Information Act to provide journalists with adequate and timely access to information of public interest and at the same time improve the transparency of the work of public institutions.

- Following the recommendations of the European Commission, put pressure on the competent public institutions to ensure a more adequate protection of journalists through changes in criminal legislation and efficient processing of attacks on journalists within the judicial system. For instance, an initiative toward the BiH Parliament has been submitted to declare journalists on duty as official persons (similar to police officers or other officials), rendering attacks against journalists equal to an attack on a person in official capacity, which could increase reaction of authorities and decrease the number of attacks due to the possible sentence.

- Request the authorities to establish special funds to assist the media at the cantonal, entity, and state levels to, at least partially, remedy the economic consequences of the pandemic and avoid shutting down certain media outlets.

A Country with No Print Newspapers: Kosovo's Media Environment Amid a Changing Political Scene

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Until March of 2020, Kosovo had five daily newspapers in regular circulation. While the circulation of these newspapers was relatively low, with the most-read daily *Koha Ditore* selling an average of 10,000 copies per day, one could still see newspapers at the newsstand. Today, Kosovo is probably the only country in Europe without a single daily newspaper in print – thanks to the pandemic. [1]

The pandemic had such a tectonic effect on the financing of private media outlets – from the most basic circumstance of not being able to sit in cafes and read newspapers in the morning, to people's incomes suddenly being shifted to other priorities – that all of Kosovo's dailies decided to stop their print versions. Now, the fight for audiences and trust has been shifted entirely to online platforms.

These online outlets offer breaking news fast, as well as flexibility for reporters on the ground in terms of shortening the path from news gathering to its publication. However, the pitfall – in Kosovo and elsewhere – is that quality tends to suffer as a result. There is less time for editorial oversight, less importance placed on in-depth analysis, and, as a result, more unreliable reporting, and more space for mistakes to be made.

The biggest problem with online outlets is that the Kosovo Press Council has little to no oversight over online media. Unlike TV channels, they do not need licensing permissions from the Independent Media Commission to operate. A growing number of online outlets are not registered with the Press Council. Little is known about their ownership and funding, and they often resort to single-source reporting which can be misleading. Cases of defamation and hate speech in online and social media are rarely followed up by the police or relevant prosecutorial bodies.

Kosovo has scored relatively well in terms of media freedoms compared to its neighbors in the Western Balkans in the past, even though it dropped eight places from the 70th to the 78th position in the Reporters Without Borders ranking in 2021 compared to the previous year.[2] Serbia ranks lower at 93rd, Albania is at 83rd and North Macedonia ranks 90th. Only Bosnia and Herzegovina at 58th outranks Kosovo.[3]

While the media scene in Kosovo has enjoyed a higher level of pluralism than in its neighboring countries Albania, Serbia, and North Macedonia – there are a significant number of completely independent online and TV news outlets that provide a steady stream of reliable information, such as Koha Ditore, Prishtina Insight, Kosovo 2.0, and Kallxo.com among others – concerns remain high regarding public smear campaigns against critical journalists, as well as threats and, in some cases, physical attacks on journalists.

Journalist associations have been active in condemning cases of threats and attacks against journalists. Their common complaints tend to be that the police offer little follow-up on cases after they are reported, and that they have little to no influence on the implementation of labor laws in newsrooms, especially in private outlets. While the law itself is decent, journalists themselves will accept lower salaries and work without contracts or enough contractual protections as asking for better conditions could lead to hiring difficulties or outlets refusing to hire a journalist. This situation makes journalists vulnerable to pressure.

[1] Florent Bajrami and Llazar Semini, "Pandemic Leaves Kosovo Without Printed Daily Newspapers," *AP News*, May 3, 2021, https://apnews.com/article/europe-kosovo-health-coronavirus-newspapers-7271839b973f67d3af6ddbf88a6f7fba (accessed November 30, 2021).
[2] Die Morina van Uijtregt, "Kosovo Falls Eight Places in the World Press Freedom Index," *Exit Albania*, April 4, 2021, https://exit.al/en/2021/04/20/kosovo-falls-eight-places-in-the-world-press-freedom-index/ (accessed November 29, 2021).
[3] Reporters Without Borders, "2021 World Press Freedom Index," https://rsf.org/en/ranking/2021 (accessed November 30, 2021).

In addition to that, the lack of financial sustainability of independent outlets, further exacerbated by the COVID-19 pandemic, leaves the media vulnerable to political and business interests.

A Tectonic Shift in Politics Realigns the Media Scene

The first year of the pandemic in Kosovo was coupled with a change in the main governing party. The Democratic Party of Kosovo (PDK) was in power from 2007 until early 2020 either as the main party or as part of the governing coalition. Media observers have continuously identified the party as having exercised its power in the country through its strong influence on Radio Television of Kosovo (RTK), the public broadcaster, and several outlets such as *Gazeta Express* and *Klan Kosova* to which it gave preferential treatment.

The October 2019 elections brought Kosovo's main opposition party, Vetëvendosje (VV or Self Determination), to power as the election winner poised to lead the governing coalition. The party, built around a protest movement formed in 2004-2005, promised to be a fresh face in politics and bring an end to the meddling both in the media and in public institutions, which had become characteristic of PDK-dominated mandates – although the Democratic League of Kosovo (LDK) also perpetrated such activity.

This presented the most significant change in the country's political scene since Albanian-language outlets began to operate more freely following the 1999 NATO bombing of Yugoslavia that led to a withdrawal of Serbian political presence in Kosovo, which had placed significant barriers on the freedoms of Albanian-language outlets and Kosovo Albanian journalists.

While in opposition, Vetëvendosje nurtured a more transparent approach to journalists, in line with their role as the main and most vocal opposition party in parliament. PDK's attempt to topple the party in the midst of the pandemic – helped by the U.S. Envoy to the Western Balkans Richard Grenell, acting on former U.S. President Donald Trump's directives[4] – further hardened the Vetëvendosje's stance against PDK, LDK, and the outlets that supported them.

The resignation of president Hashim Thaçi, one of the founders and previous leaders of PDK, in late 2020 due to a war crimes indictment led to a further power vacuum in the country.[5]

It should be taken into consideration that Vetëvendosje has not been the most amenable to criticism. As is the case in North Macedonia after the fall of the government led by VMRO-DPMNE, the party and its representatives often resort to the argument "Do you want the old guys back?" when someone criticizes their work.

A Facelift for the Public Broadcaster?

The Radio Television of Kosovo continues to be the best financed and most stable source of employment for journalists in Kosovo. The budget for RTK, however, is approved by the parliament, which leads to a situation where the political parties in power can exercise significant influence on its content. During the Thaçi period, the broadcaster went as far as to feature special segments on his birthday during the evening news program, a practice not too different from leaders with an autocratic hold on power.

The current Prime Minister from the ranks of Vetevendosje, Albin Kurti, disbanded the board of RTK in June 2021 after allegations of "nepotism, mismanagement and fealty to political parties"[6] had plagued it for years. A new professional board has not yet been approved (at the time of writing), mainly because PDK and other current opposition parties have failed to appear in parliament to vote on its formation.[7]

[4] Patrick Kingsley, "Coronavirus Helps Bring Down Kosovo's Government, With Nudge From U.S.," *The New York Times*, March 25, 2020, https://www.nytimes.com/2020/03/25/world/europe/kosovo-serbia-coronavirus.html (accessed November 29, 2021).

[5] Una Hajdari, "Thaçi Quits as Kosovo's President After War Crimes Indictment," *Politico Europe*, November 5, 2020, https://www.politico.eu/article/hashim-thaci-quits-as-kosovo-president-over-war-crimes-indictment/ (accessed November 29, 2021).

[6] Xhorxhina Bami, "New Board no Silver Bullet for Troubled Kosovo Broadcaster," Balkan Insight, December 3, 2021. https://balkaninsight.com/2021/12/03/new-board-no-silver-bullet-for-troubled-kosovo-broadcaster/ (accessed December 5, 2021).

[7] Ibid.

However, the new government has also announced a cut in the public broadcaster's budget by a hefty sum of around 2.2 million EUR to around 8.9 million EUR, with the excuse that the broadcaster was already bloated financially, but which could leave it vulnerable to financial influence from business interests from other political parties in the country or lead to cuts in staff.

Serbian and Albanian Language Reporting: Two Separate Worlds

RTK 2, the entirely Serbian-language channel of the public broadcaster in Kosovo, is the only fully incorporated Serbian-language outlet catering to the Serb minority in the country.

Serbian is one of the two official languages in Kosovo, yet few if any reporters in the country have access to the Serb-majority enclaves and the Serb-majority north of the country. This is because few reporters below the age of 50 have a working knowledge of Serbian, and most have little to no ties to the Serb communities in the country so they remain unfamiliar with their problems.

This circumstance is troubling considering that the EU-facilitated dialogue between Kosovo and Serbia is one of Kosovo's main international obligations. One of the key goals of the dialogue, besides coming to a final agreement between the two countries that would lead to some form of recognition of Kosovo's independence by Serbia, is an improvement of the relationship between the two communities through the better integration of the Serbian community.

This becomes difficult when the Kosovo Albanian majority has little to no access to news from these communities. Articles about the Serb community are often distorted and one-sided, an effect that is amplified by the fact that the main Serb political party in the country, the Serbian List (*Srpska Lista*), has not shied away from using offensive language directed at the Albanian community and from questioning Kosovo's independence, despite the fact that some of its members receive salaries from the state budget as members of the country's parliament.

Another important factor is the influence of Serbian media outlets on the Kosovo Serb community. Serbia is notorious in the Western Balkan region for its high number of government-controlled tabloids.[8] These tabloids, as an information source which Kosovo Serbs also resort to, have often driven a further divide between the Kosovo Albanian and Kosovo Serb communities.

At the same time, Kosovo Albanians often believe the tabloids represent a unanimous opinion of people in Serbia – which is unfortunate, since the tabloids also use racist and offensive language when reporting on Kosovo Albanians.[9]

One of the leading independent Serbian language outlets in Kosovo, *Kossev*, which is based in the main Kosovo Serb city of North Mitrovica, has often been the subject of attacks and criticism by Serb nationalists in Kosovo as well as those close to the Srpska Lista party. Srpska Lista does not react well to criticism of their involvement in the Kosovo parliament, the influence of Serbian President Aleksandar Vučić on their policy, and the abuses of the Serb community in the country – which *Kossev* regularly reports on.

There is little to no solidarity between Kosovo Albanian and Kosovo Serb journalists. Kosovo Serb journalists are also less likely to react to attacks on their Albanian counterparts – leading to a very divisive situation in the media scene itself, which affects the objectivity and breadth of the news they respectively produce.

Lack of Criticism Toward Nationalism

One of the main weaknesses of the Kosovo media scene is its insular nature compared to outlets in the rest of the WB, due to language barriers and minimal cooperation with the rest of the region, except for Albania. While respectable mainstream outlets in Serbia,

8 Svetla Miteva, "Serbian President Fumes as Twitter Exposes his 'Friendly Media'," *Euractiv*, August 19, 2021, https://www.euractiv.com/section/enlargement/news/serbian-president-fumes-as-twitter-exposes-his-friendly-media/ (accessed November 29, 2021).

9 See for instance: Informer.rs, "Rasulo Kod Šiptara - Razvodi, Abortusi, Droga, Pad Nataliteta... Šarić: Srbija ima šansu da u potpunosti vrati svoju otetu svetu zemlju!", *Informer*, October 19, 2021, https://informer.rs/svet/balkan/645561/goran-saric-srbi-natalitet-povratak-kosova (accessed December 8, 2021).

Montenegro, North Macedonia, Croatia, and Bosnia and Herzegovina would shy away from espousing nationalist ideals, the fact that Kosovo outlets do not have many other media scenes to compare themselves to leads to a lack of self-criticism when it comes to reporting on nationalist rhetoric.

A clear indicator of this is the fact that few outlets (if any at all) in Kosovo criticized the repeated statements by Prime Minister Albin Kurti that he would support unification with Albania.[10] In fact, while Vetëvendosje clearly has an anti-corruption and anti-nepotism platform that will likely pull the country out of the damaging practices that defined it during the governments of previous parties, the party's flirtation with the idea of a unification with Albania has raised eyebrows both regionally and in Brussels. Journalists in the country have failed to push back against this narrative or to offer a more critical approach.

A New Batch of Private TV Stations with Unclear Financing Mechanisms

While print newspapers have become extinct in Kosovo, several new TV channels have been created in the past year or so, seemingly breaking the trend of lack of financing for news outlets – raising suspicions as to their independence. Most notable among them are T7, affiliated with Gazeta Express, a private Albanian-language outlet known for its sensationalist reporting; and ATV, which is a channel whose publicly known financing is declared to be tied to the Arena of Contemporary Education (AAB) College, a private university in Pristina – as peculiar as that seems.

There has been little concrete reporting on the sources of financing for these outlets or their editorial approaches, and current legislation does little to enforce increased transparency in their operations. The only available instrument here is hearsay, with independent journalists being aware that certain outlets lean in favor of Behxhet Pacolli, the millionaire hotel and construction magnate who has his own political party, AKR; or Kadri Veseli, the former head of PDK and its suspicious intelligence wing. T7 is believed to be financed by the American

Hospital in Prishtina, a lucrative private medical institution in the capital. The creation of two new channels was also announced – one affiliated with the internet provider Telkos, and another affiliated with PDK. The large number of TV stations with unclear financing mechanisms could be worrying for media independence and reporting standards. Most indicative perhaps is their poaching of independent journalists from established critical TV channels such as Kohavision due to better salaries.

Recommendations

- A multi-party expert parliamentary commission should be established to monitor the independence of the public broadcaster and issue regular reports on its financing, political bias, and coverage of topics of national importance.

- Existing journalist bodies, such as the Kosovo Press Council and the Independent Media Commission, should be given more power to sanction media behavior considered unprofessional and unethical. Currently, their reactions are limited to statements.

- Investigations should be carried out by the prosecution and auditors to monitor the financial activities and the extent of labor protections in media outlets. The existing legislature should be implemented to encourage more transparency in the financing of private news outlets.

- EU or government schemes that encourage increased cooperation between Serbian and Albanian language outlets should be implemented, including for instance language lessons for journalists from both communities.

- A labor law should be enforced that protects the salaries and labor rights of journalists and their unions, to make it more difficult for journalists to be pressured by their editors and to ensure their financial independence.

[10] Orlande Crowcroft, "I Would Vote to Unify Albania and Kosovo, Election Winner Albin Kurti Tells Euronews," *Euronews*, February 16, 2021, https://www.euronews.com/20

21/02/16/i-would-vote-to-unify-albania-and-kosovo-election-winner-albin-kurti-tells-euronews (accessed November 30, 2021).

Media Freedom in Montenegro

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Media freedom has been one of the worst-rated areas in the European Commission's progress reports on Montenegro for years. Reporters Without Borders ranked Montenegro 104th among 180 countries covered by the 2021 World Press Freedom Index.[1] The main reasons for Montenegro's poor reputation in the field are frequent and unresolved attacks on journalists and instances of intolerance of official institutions concerning freedom of speech. Financing of media from public sources has also been tainted with a lack of transparency, while the public broadcaster was until recently heavily controlled by the Democratic Party of Socialists (DPS), which lost power after 30 years in the 2020 parliamentary elections.[2]

Given the relevance of media freedom for the overall democratization of the country, this paper aims to highlight key structural impediments to media freedom and pluralism, to provide an overview of legal and institutional frameworks, and to assess the extent to which they are conducive for progress in the field. Disinformation and working conditions for journalists are also analyzed, particularly in light of the COVID-19 pandemic.

Polarization, Weak Self-Regulation, and Low Media Literacy: Causes and Consequences of Poor Media Freedom

Following the 2020 shift of power in Montenegro, the polarization of media outlets based on political affiliations has become even more evident. However, there has also been a change in the media landscape. The previous management of the national public broadcaster RTCG, which was associated with the former ruling party DPS, has been replaced by the newly appointed Council. On the other hand, a new local public broadcaster has been established with 2.5 million EUR of support by the capital Podgorica, which is still run by the coalition gathered around DPS. Two private television channels with national coverage (Adria and PRVA TV) until recently pursued an editorial policy oftentimes associated with the Serbian regime of Aleksandar Vučić and the domestic pro-Serbian political formation Democratic Front, one of the constituents of the new parliamentary majority. In October 2021, the takeover of 51 percent of ownership of the Vijesti media outlets by the United Media Group, chaired by the Serbian businessman Dragan Šolak whose media outlets in Serbia are largely perceived as opposed to Vučić, was announced. Still, it was reported that the current Vijesti co-owners from Montenegro retained their autonomy, namely through the right to maintain their editorial policy.[3] According to the public opinion polls, Vijesti outlets are among the most trusted and visited news outlets: the online portal is regularly visited by a majority of the population (56.3 %), while TV Vijesti is regularly watched by 61.4 percent.[4]

The market of daily newspapers and online news portals was less affected by the changes of ownership or editorial policies. The media outlets close to President Milo Đukanović, such as *Pobjeda*, *Dnevne novine*, *Portal Analitika*, *Antena M*, *Aktuelno*, etc. have kept reporting disproportionately in favor of the DPS. On the other hand, Nikola Marković, deputy editor of the daily newspaper *Dan*, has resigned from his position on the claims that he does not support the new editorial policy of this media outlet. Previously perceived as a pro-Serbian, oppositional newspaper, the editorial policy of

[1] Reporters Without Borders, "Montenegro: Dubious Justice, Problematic Legislation," (2021), https://rsf.org/en/montenegro (accessed November 13, 2021).

[2] European Commission, *Montenegro 2020 Report*, Commission Staff Working Document SWD(2020) 353 final, (October 2020), https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/montenegro_report_2020.pdf (accessed October 13, 2021); Reporters Without Borders, "Montenegro: Dubious Justice, Problematic Legislation."

[3] N1 Beograd, "United Media i Vijesti potpisale pismo o namerama za ulazak u partnerstvo," *N1*, October 1, 2021, https://rs.n1info.com/biznis/united-media-i-vijesti-potpisale-pismo-o-namerama-za-ulazak-u-partnerstvo/ (accessed October 13, 2021).

[4] D.C. "Istraživanje CGO pokazalo da se najviše vjeruje Vijestima", *Vijesti online,* June 17, 2021, https://www.vijesti.me/vijesti/drustvo/548971/istrazivanje-cgo-pokazalo-da-se-vijestima-najvise-vjeruje (accessed November 8, 2021).

Dan has become more nuanced and critical of the new government since the August 2020 elections.

Overall, as demonstrated by the brief overview, the polarization of media along political affiliations has continued in Montenegro. It is further reflected in the absence of self-regulation mechanisms or bodies, which could assemble all the major media outlets under the same umbrella. The Media Council for Self-Regulation continues to gather the largest number of media outlets, which are predominantly closely associated with the former regime. Other relevant outlets, including *Vijesti Daily* and Vijesti TV, *Dan Daily*, RTCG, and *Monitor Weekly* have their own internal self-regulatory bodies.[5] The community of media experts and journalists is divided on the issue of the need of a common self-regulatory body. Mutual distrust has been fed by the fact that the Media Council for Self-Regulation has been deciding on complaints against media outlets outside of its scope until 2017, when they abolished this practice.[6]

The polarization of media and the absence of proactive collective external self-regulatory bodies, in combination with poor media literacy of the public, are hampering the country's progress in the field of media independence. For several consecutive years, Montenegro has been at the bottom of the ranking within the Media Literacy Index, in 31st position among the 35 European countries included in the Index, suggesting its low capacity to deal with the effects of fake news and disinformation.[7] Media literacy is currently taught only as an optional elective course to approximately one third of high school students.[8]

Laws and Institutions Not Conducive to Media Freedom

In 2020, Montenegro adopted new laws on media and on the national public broadcaster RTCG. The law on media brought some positive changes, such as more autonomy for journalists as well as an emphasis on increased transparency in the allocation of public money to the media. This is expected to finally demonstrate how the share of ads by public authorities in the advertising market, estimated at 2 million EUR annually,[9] is distributed. The law also includes the establishment of the Media Pluralism Fund aimed at boosting the media coverage of under-represented communities and topics of public interest. Still, media experts raise doubts about the effectiveness of the announced fund, especially if it is allocated based on the minimum amount prescribed by the law (1.1 million EUR). They recommend an increase in funds if the aim of encouraging media pluralism and diversity is to be met.[10]

The 2020 law on media introduced the obligation of online media outlets, under the threat of misdemeanor liability, to remove comments containing illegal/banned content, including hate speech, breach of assumption of innocence, integrity of minors, etc. no later than 60 minutes after noticing or receiving a report. However, monitoring conducted by the Centre for Civic Education (CCE) in a one-month period during 2021 revealed that all of the most visited websites contained comments with illegal content.[11]

Despite the opposition of media workers and civil society, the law on media has kept the provision which stipulates the duty of journalists to reveal the information source

5 Vijesti.me, "Borba za medijsku samoregulaciju: Između slobode i sijanja mržnje," *Društvo profesionalnih novinara Crne Gore*, July 2021, https://dpncg.me/aktuelnosti/vijesti/497-borba-za-medijsku-samoregulaciju-izmedu-slobode-i-sijanja-mrznje (accessed October 11, 2021).
6 Ibid.
7 Open Society Institute Sofia, "Media Literacy Index 2021," (March 2021), https://osis.bg/?p=3750&lang=en (accessed October 11, 2021).
8 Redakcija Pobjede, "Ministarstvo za to da se predmet medijske pismenosti uvede u škole," *Pobjeda*, July 31, 2021, https://www.pobjeda.me/clanak/ministarstvo-za-to-da-se-predmeta-medijske-pismenosti-u-uvede-u-osnovne-skole (accessed October 11, 2021).
9 Direct Media company estimates that the share of advertising by public bodies is 2 million EUR, while the entire commercial advertising market is worth 11 million EUR. See: Milica

Bogdanović, *Političko-ekonomske osnove medija i komunikacija u Crnoj Gori koje šire mržnju, propagandu i dezinformacije*, Institut za medije Crne Gore, SEENPM, Mirovni institut, (September 2020), https://seenpm.org/wp-content/uploads/2020/09/Resilience-publication-1-MNE-natio nal-language.pdf (accessed October 12, 2021).
10 Ana Nenezić and Miloš Vuković, *Analiza o uslovima za poslovanje medija i biznis barijerama za medijsku industriju u Crnoj Gori*, Media Association of South-East Europe (MASE), (September 2020), https://www.masee.org/images/pdf/MASE MedijiUCrnoj_GoriAnalizaMedijskeIndustrije.pdf (accessed October 12, 2021).
11 Damir Suljević, "Comments on portals not in line with the Media Law," Centre for Civic Education, March 20, 2021, http://cgo-cce.org/en/2021/03/20/komentari-na-portalima-izvan-do mena-zakona-o-medijima/#.YwgmpS0Rqu6 (accessed October 14, 2021).

when it is necessary for the protection of national safety, territorial integrity, or health protection.[12] Such provisions leave a lot of space for potential abuse. For example, in the past, a Montenegrin journalist was summoned by the prosecutor to reveal a source of information regarding one of the country's biggest corruption affairs around the privatization of the national tele-communications company.[13]

In general, a politicized judiciary has been standing in the way of greater media freedom in Montenegro. There has been a controversial decision of the Supreme Court that a decision of parliament cannot be questioned by local courts. This decision followed the cases of the parliament's dismissals of several former members of the council of the public broadcaster RTCG, who stood in the way of the former management and undue influence of the DPS. The parliament dismissed several members due to minor breaches of the Law on Prevention of Corruption, and the decision of the Supreme Court was seen as stripping the last safeguard against undue politicization in the field. Despite the stance of the Supreme Court, lower courts decided that the dismissal of Goran Đurović and Nikola Vukčević, both RTCG council members, had been unlawful. On the other hand, the Administrative Court was three years late to decide on merit that Nikola Vukčević had not breached the clauses for prevention of conflict of interest, which previously determined his dismissal.[14]

These cases are illustrative of how poor performance of institutions, undue politicization, and a weak judiciary hamper media freedom in the country. This particularly affects the cases of attacks on journalists: the most severe among them remain unresolved, despite the institutional mechanism that gathers media workers and editors with the key decision-makers and law enforcement authorities (the Commission for Monitoring Authorities Responsible for Investigations of Threats and Attacks on Journalists, Murders of Journalists, and Attacks on Media Property). The reluctance of authorities to provide required information negatively affected the Commission's work. Despite obvious failures of the prosecution in the resolution of cases, the Prosecutorial Council and other relevant institutions have not launched any disciplinary liability procedures or investigations into the causes of the weak track record in the field.

In 2021, the new council of RTCG was appointed by parliament. Previously, the European Commission warned that the 2019 appointment of the Council had not succeeded in improving RTCG's editorial independence and professional standards.[15] The new council has replaced the management, but the procedure is disputed due to allegations of conflicts of interest and ineligibility of the new director.[16] In addition, civil society organizations active in the field had previously urged decision-makers to pass amendments to the law on RTCG. Their proposals aim to reduce political influence in appointments of members of the RTCG council by ensuring that the members representing civil society have a credible track record in areas required by the law, such as culture, media, and human rights protection.[17] The initiative has not been taken up so far.

COVID-19, Disinformation, and the Position of Journalists

The media market has been severely hit by the economic crisis, caused by the outbreak of the COVID-19 pandemic. Even before 2020, one out of the four daily newspapers in the country had negative net revenues, while out of the three private televisions with national coverage, two also suffered financial losses in 2017, 2018,

[12] The Law on Media, Official Gazette of Montenegro.

[13] Srđan Janković, "Reakcije: Saslušavanje novinara zbog Telekoma atak na medije," *Radio Slobodna Evropa*, September 20, 2012, https://www.slobodnaevropa.org/a/reakcije-saslusa vanje-novinara-zbog-telekoma-atak-na-medije/24714662.html (accessed October 13, 2021).

[14] Tea Gorjanc Prelević, "Slučaj Nikole Vukčevića: Još jedna 'zakašnjela pravda gotova nepravda,'" *PCNEN*, April 21, 2021, https://www.pcnen.com/portal/2021/04/21/slucaj-nikole-vukce vica-jos-jedna-zakasnjela-pravda-gotova-nepravda/ (accessed October 13, 2021).

[15] European Commission, *Montenegro 2020 Report,* Commission Working Document SWD(2020) 353 final, (October 2020),

https://ec.europa.eu/neighbourhood-enlargement/system/files/ 2020-10/montenegro_report_2020.pdf (accessed October 13, 2021).

[16] B.Č.J. [Pobjeda], "Čeka se rješenje Ministarstva na Đuro-vićevu žalbu," *Radio i Televizija Crne Gore*, September 29, 2021, http://www.rtcg.me/vijesti/drustvo/336185/ceka-se-rjese nje-ministarstva-na-djurovicevu-zalbu.html (accessed October 13, 2021).

[17] Ivan Ivanovic, "NVO traže hitne izmjene Zakona o RTCG na vanrednoj sjednici Skupštine," *Vijesti online*, January 28, 2021, https://www.vijesti.me/vijesti/drustvo/507361/nvo-traze-hitne- izmjene-zakona-o-rtcg-na-vanrednoj-sjednici-skupstine (accessed October 14, 2021).

and 2019.[18] The media market was also troubled by unfair competition, since the operators with bigger shares of foreign production could compete for advertising money under the same conditions as the television networks with only domestic production. Although in 2018 the three private national television networks urged the regulator for electronic media to exclude cable operators without domestic production from the domestic media buying market, their requests were not met. [19]

The average monthly salary of journalists in Montenegro is lower than the national net average of 530 EUR. Although the government employed a variety of measures to help media outlets survive the crisis,[20] the trade union of media workers has without success urged the government to condition its support on the obligation for managements not to lay off employees or to directly subsidize their salaries.[21]

In Montenegro, women occupy more positions in lower-paid professions. This is mirrored in the media sector as well with a particularly pronounced gender gap. Although women hold a majority of the editorial positions, men hold a bigger share among media owners. It is thus believed that female editors and journalists do not have sufficient autonomy in their everyday work. Reporting still often suffers from gender stereotypes.[22]

In an atmosphere of increasing hate speech and political polarization, journalists and media outlets are increasingly becoming targets. According to the CCE, there have been 14 physical and verbal attacks on journalists between January and late August 2021. The impunity of older cases contributes to a tense atmosphere.

Despite widespread disinformation, especially in the context of the pandemic, the traditional media outlets are not the main source of fake news. The key sources of disinformation in Montenegro are predominantly social networks and media outlets from other countries in the region, predominantly Serbia, whose tabloids *Kurir.rs, Espresso.rs,* and *Alo.rs* are among the 20 most visited websites in Montenegro.[23] In general, disinformation in the country is perceived to be connected to malign foreign influences. However, the underlying issue remains that Montenegro lacks a strategic framework, institutional coordination, and effective measures to combat disinformation.[24]

Conclusion and Recommendations

The overall media environment in Montenegro represents a model case, illustrating the main deficiencies in the country: politicized and weak institutions, including the judiciary, and a legal framework not fully aligned with international standards. New developments concerning digitalization and a polarized media scene are further challenges to the task of ensuring more favorable conditions for media freedom and pluralism.

Recommendations for the National Government

- Financial support and other types of aid to media should be conditioned on the protection of working conditions of journalists, preferably by requiring employers to use part of the public funds to pay salaries and to refrain from downsizing the staff.

- The law on media should be amended to remove provisions which may lead to the abuse of protection of informants by deleting the long list of exemptions which require journalists to reveal an information source.

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[18] Nenezić and Vuković, *Analiza o uslovima za poslovanje medija i biznis barijerama za medijsku industriju u Crnoj Gori.*

[19] Ibid.

[20] These measures encompassed a delay of certain financial obligations and a relief from the obligation to pay fees to regulators; loans by Investment and Development Fund; and direct support for financing content related to COVID-19.

[21] Predrag Nikolić, "Opstanak medija u doba korone: Od lošeg ka gorem," *safejournalists.net*, May 9, 2020, https://safejournal ists.net/opstanak-medija-u-doba-korone-od-loseg-ka-gorem/ (accessed October 12, 2021).

[22] Bogdanović, *Političko-ekonomske osnove medija i komunikacija u Crnoj Gori koje šire mržnju, propagandu i dezinformacije.*

[23] Ibid.

[24] Dragana Jaćimović, "Freedom of Expression on Social Media in Montenegro," in *European Youth: Addressing Digital Challenges*, ed. European Policy Centre – CEP, (Belgrade 2021), 18-21, https://mladirini.org/wp-content/uploads/2021/10/European-Youth.pdf (accessed October 14, 2021).

- The government should enhance its own efforts in mapping disinformation and increasing media literacy by improving curricula and extending the scope of educational institutions offering education in media literacy.

- The government should ensure that the amount of money distributed through the Media Pluralism Fund considerably exceeds the legal minimum.

- The government should ensure that the Commission for Monitoring Authorities Responsible for Investigations of Threats and Attacks on Journalists, Murders of Journalists and Attacks on Media Property has enough capacities and autonomy to exert pressure on all branches of power to resolve cases of attacks against journalists and media.

- In close cooperation with civil society and the parliament, the government should amend the law on the national public broadcaster to reduce undue political influence in the composition of its council, by reducing the role of parliament and prescribing more clear competencies of the prospective council members.

Recommendations for EU Institutions

- The poor assessment of media freedom and pluralism in Montenegro should be accompanied by a clear roadmap for national authorities with measurable recommendations.

- The benchmarks or conditions devised by the EU to monitor progress in the prosecution/follow-up of attacks on journalists and media property should have more weight in the overall assessment in the field. They should also entail consequences if the tangible results or liability for mishandling cases of attacks and murders are not established.

Media Sector Hotspots in North Macedonia: Decisive Reforms Long Overdue

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Introduction

This article identifies the most prominent risks for media and journalists' freedom in North Macedonia in 2021. It also suggests several possible courses of action aimed at improving the position of media and professional journalism in the increasingly digitalized media environment.

The political turmoil of 2015 and 2016 in North Macedonia brought about the destabilization and eventually the fall of the semi-authoritarian right-wing government led by VMRO-DPMNE (Internal Macedonian Revolutionary Organization – Democratic Party for National Unity). As the political process unfolded (with apparent security consequences), various actors, both domestic and transnational, proposed roadmaps for an orderly transition and subsequent reforms that inevitably needed to follow. Most notably, the European Commission outlined its "Urgent Reform Priorities"[1] for the then still Former Yugoslav Republic of Macedonia. The so-called "Blueprint"[2] for the most pressing reforms in different areas was published by civil society ad-hoc sectoral groups. These reports recognized the urgent necessity for media system reforms, based on previously conducted analyses.[3] They noted the existence of corrupt links between mainstream media and top government officials, the financial instability of the public service media and private media, the precarious employment status and poor working conditions of journalists, and the intimidation of journalists and a subsequent environment of fear that encourages self-censorship. It was clear in 2017 that tackling these issues was going to require a serious commitment and sufficient democratic capacity of the new government in Skopje which pledged to be reformist in character.[4]

What and how much has changed since the SDSM-led (Social Democratic Union of Macedonia) government took power in North Macedonia in 2017? The prevailing assessment is that the public atmosphere is generally more relaxed and democratic – public discourse is less exclusivist, investigative journalism now has more space to thrive, and there are considerably fewer pressures on journalists and virtually no physical attacks. However, systemic difficulties – which required a deeper reformist commitment – persist: links between private media and politics continue to be present as political parties' advertising during elections is paid for from the state budget; the public service broadcasting continues to be financially unstable and lacks technical resources, programming capacities, and human resources; most private media outlets are unsustainable; and journalists' working conditions are insecure, and further deteriorated during the pandemic.[5]

1 European Commission, *Urgent Reform Priorities for the Former Yugoslav Republic of Macedonia* (June 2015), https://eeas.europa.eu/sites/eeas/files/urgent _reform_priorities_en.pdf (accessed October 12, 2021).

2 The first document of the NGO sector titled "Blueprint for Urgent Democratic Reforms" was a joint effort of a group of civil society organizations, academia, and independent experts, published in 2016. See: Citizen Association MOST et al., *Blueprint for Urgent Democratic Reforms* (July 2016), https://www.balkancsd.net/novo/wp-content/uploads/2016/07/ BP_ENG_FINAL_08.07.2016.pdf (accessed October 12, 2021).

3 For example: The analysis of the Senior Expert Group report of 2015 (the Priebe report) is no longer available on the European Commission's website, but more on the findings related to the media sector can be found in the document published by the Media Development Center: Media Development Center, *Media Sector Reform: Priebe's Recommendations and Other*

Issues, (February 2016), http://mdc.org.mk/wp-content/ uploads/2017/01/CRM-Priebe-Report-ENG.pdf (accessed October 12, 2021).

4 See more details in the Plan for Immediate Reform Priorities "3-6-9" adopted on July 2017: Government of the Republic of North Macedonia, "Plan for Immediate Reform Priorities '3-6-9'", https://vlada.mk/node/14649?ln=en-gb (accessed October 12, 2021).

5 Snezana Trpevska and Igor Micevski, *Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia & Turkey in the Year 2020*: *Country Report: The Republic of North Macedonia,* European University Institute, (July 2021), https://cadmus.eui.eu/bitstream/handle/1814/71968/the_republ ic_of_north_macedonia_results_mpm_2021_cmpf.pdf?sequen ce=1&isAllowed=y (accessed October 12, 2021).

In addition, and globally relevant, new structural risks concerning the nature of new digital media platforms are emerging. Social networks have changed the patterns of news consumption. For most of the population, especially the young, social media is the main source of information,[6] thereby exposing them to disinformation, hate speech, and other harmful content. The sustainability of digital news media is endangered due to the dominance of social networks, which bring new challenges for regulatory policies.

Market Plurality and Media Viability

The viability of media has been one of the biggest challenges in the media system for years, as it makes media extremely vulnerable to commercial and political influences. In the assessment of market plurality made in the Monitor of Media Pluralism for 2020, the media viability in North Macedonia is assessed with a very high risk. There are various reasons for the economic instability of most media sectors: the weak potential of the overall economy, the huge number of media outlets in a very small market, changes in the technological environment and the dominance of social networks, a lack of regulatory mechanisms in media policy, and a lack of knowledge of media professionals on how to develop sustainable business models.

The available data for the audiovisual sector indicates a decreasing trend over the last several years. In 2019, for example, total revenues of the audiovisual media sector decreased by 0.76 percent compared to 2018,[7] while in 2020 the COVID-19 pandemic caused additional cuts in advertising budgets, leading to a decrease in revenues by 20.78 percent compared to 2019.[8] The financial data for the past years show that in the entire audiovisual sector, only the terrestrial TV networks at the national level

achieved profits, although in 2020 their revenues decreased by 13.62 percent compared to 2019 as well.[9] Private regional and local broadcasters face the biggest operational problems as many are not able to attract sufficient funds from advertising due to the limited potential of the economy in the areas where they broadcast their local programs.

Although no official data on daily newspapers' revenues are available, it is estimated that they are the most unsustainable media sector, which is reflected in both the decrease of the number of newspapers and their circulation. In 2021, there were five daily newspapers on the market and according to their published figures, their total circulation is estimated at 27,000 copies.

In the online sector, there are over 170 outlets, out of which about 140 have joined the so-called Registry of Professional Online Media.[10] There is an increase in advertising revenues in this sector, which indicates that the country follows the European trends: advertising revenues of the traditional media are in constant decline, while online advertising revenues are constantly growing.[11] However, digital domestic news media attract less revenues than digital entertainment media, news aggregators, and social networks. It is estimated that "[…] of the total budget for digital marketing in the country, almost half is distributed among domestic online portals, while the other half flows out to Google and Facebook."[12]

Working Status of Journalists and Their Positions in Newsrooms

Another persisting systemic problem is the insecurity of journalists' working status, low salaries, and lack of labor rights, which puts them in a position of dependence and subordination to political and economic power

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6   For younger audience groups, the internet is the primary source of information about domestic events (group aged 15-18 years: 79 percent, and the group aged 19-29 years: 86%), while television news is the second source (for both age groups: 50%). Source: Snezana Trpevska et al., *The Impact of the New Media on the Formation of Public Opinion and on the Operation of Traditional Media*, Agency for Audio and Audiovisual Media Services, (May 2020), https://resis.mk/attach/Vlijanieto-na-novite-mediumi-vrz-formiranjeto-na-javnoto-mislenje-2020.pdf (accessed October 12, 2021).

7   Agency for Audio and Audiovisual Media Services, *Analysis of the audio and audiovisual media services market for 2019* (2020), https://avmu.mk/analiza-na-pazar/ (accessed October 12, 2021).

8   Agency for Audio and Audiovisual Media Services, *Analysis of the audio and audiovisual media services market for 2020* (2021), https://avmu.mk/ analiza-na-pazar/ (accessed October 12, 2021).

9   This decline in revenues would be even greater if we exclude the various types of financial assistance given to broadcasters in 2020 by the government and the Agency for Audio and Audiovisual Media Services to deal with the crisis caused by the COVID-19 pandemic.

10 This registry was established by the Council of Media Ethics and Association of Journalists in order to improve the professional standards in the online media sector.

11 Trpevska et al., *The Impact of the New Media on the Formation of Public Opinion and on the Operation of Traditional Media*.

12 Ibid, 21.

structures. Of course, the economic sustainability of the media greatly affects this issue, but so does the reluctance on the part of media owners to strengthen independent and professional journalism.

Compared to the assessments of EU experts from 2015, almost nothing has changed regarding this issue as of today. Although the Law on Media provides a good basis for strengthening the working status of journalists in newsrooms,[13] it is barely implemented by the private media because it is not clearly defined who supervises its enforcement and no sanctions are envisaged for violation of these provisions. According to the position of the Association of Journalists of Macedonia "[...] low incomes, as well as the disrespect of the Labor Law by employers, are the most common problems faced by journalists for years."[14] The Trade Union of Journalists and Media Workers (SSNM) has established that most of the journalists have monthly incomes far below the average salary in the country.[15] The already difficult socio-economic situation of journalists was further aggravated by the COVID-19 pandemic. The Trade Union reported salary cuts in some media outlets (up to 30%), although the state support measures during the pandemic appear to have eased the situation to a certain extent.[16]

There are no exact data from which we can determine how many private media outlets have internal organizational acts or rules to separate the editorial board from the media management. The Association of Journalists established that this rarely occurs in the private media.[17] In the larger media outlets, it is common for newsrooms to be separated from management structures, but it often happens that managers put certain pressures on the newsrooms in terms of adjusting the editorial policy in a direction that will provide more revenues from

sponsorships or advertising. When it comes to the smaller local broadcasters, the situation is even more problematic since they face a persistent shortage of revenue and have been working on the edge of survival for years. As a result, local media owners are looking for different ways to generate revenue, such as providing various production or PR services to local public enterprises or municipalities. This practice completely distorts the independent and critical position of journalists in these newsrooms.

Mechanisms That Undermine Political Independence of the Media

Until 2016, one of the key issues for media freedom in the country was state advertising. The previous ruling party has long used the so-called "public campaigns" and advertising by political parties to influence the editorial policy of the private media. The civil society sector has repeatedly stressed the need to establish strict and clear rules for political advertising in general, and in particular for state advertising in the law because it seriously jeopardized the independent position of the media. Thus, the decision to cease state advertising in the media was adopted shortly after the SDSM-led coalition came to power in 2017. However, although the spending of federal funds for public campaigns at the state level was banned, municipalities and public enterprises continue spending part of their local budgets on various media services.

Although the government abolished state advertising in 2017, with further amendments to the electoral code adopted in 2018, political parties introduced a different mechanism that makes the private media dependent on the centers of political power. In line with Article 76e of the Electoral Code, during the election

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[13] For example, Article 11 of the Law on Media stipulates that the employment contract of the journalist may not be terminated, his/her salary may not be decreased, or his/her position in the editorial board or desk may not be changed, and his/her other rights determined in the Law on Labor Relations may not be reduced due to the expression of his/her position, in case it is in accordance with the professional rules of journalism. Media are also obliged to ask the newsroom for an opinion before the appointment of editors-in-chief and to adopt a general act which regulates the relations between media publishers, editors, and journalists.

[14] Milan Spirovski and Verce Todorovska-Kostovska, *North Macedonia: Indicators on the Level of Media Freedom and Journalists' Safety in 2020*, Association of Journalists of Macedonia, (September 2021), 19, https://znm.org.mk/wp-con

tent/uploads/2021/06/MK-ENG-2020.pdf (accessed October 13, 2021).

[15] Trade Union of Journalists and Media Workers (SSNM), "Journalists and Media Workers with a Salary far Below the Average", July 10, 2020, https://bit.ly/3tItpkd (accessed October 13, 2021).

[16] For example, the government issued a decree on reimbursement of contributions to the salaries of journalists employed in the media, as well as a decree on covering a part of the salary of each employed journalist in the amount of 14,000 denars (appr. 250 EUR).

[17] Spirovski and Todorovska-Kostovska, *North Macedonia: Indicators on the Level of Media Freedom and Journalists' Safety in 2020*, 20.

campaign, advertising in the media by political parties is covered from the state budget.[18] Apart from the fact that political parties themselves are financed with funds from the state budget, private audiovisual media companies now also receive money from the budget for the political propaganda messages of the parties aired during election campaigns. This procedure, which is in force to this day, cements the link between media owners and politics and turns private media into party-ideological institutions, which ultimately defend the commercial interest of the owners at the expense of public interest.

The latest evidence that the influential media owners and the ruling parties are becoming closer again is that in March 2021 the government attempted to re-introduce state advertising in the audiovisual media, by amending the Law on Audio and Audiovisual Media Services. The justification of the government was that it is necessary to conduct public campaigns on issues of general interest, such as "[...] vaccination against Covid-19, anti-corruption, dealing with disinformation, etc. [...]".[19] The association of the five private national television stations supported the justification of the government, while the position of the Association of Journalists and experts was that public campaigns in the audiovisual media should be aired free of charge. Following this reaction, the government seems to have given up on the announced changes in the law.[20] Still, in August 2021, the government announced the establishment of a Council for Media Reforms whose task would be to increase media freedoms, provide conditions for professional media work, and to allow "open discussion of the reforms that the Government plans to implement in the next period."[21] Despite this explanation, however, there is still a doubt among the representatives of the civil society that the government wants to "push" the idea of legalizing state advertising in audiovisual media in this way.[22]

The Reforms of the Public Broadcaster and Its Connection with the Public

The Public Broadcasting Service of North Macedonia has never actually had full financial stability, institutional autonomy, or editorial independence. However, the demands for Public Broadcasting System (PBS) reforms have centered predominantly on the election of new supervisory and governing bodies through a legal procedure that ensures their political independence, especially during the VMRO-DPMNE era. Although the legal provisions were improved in this direction since 2017, the election of new members of the Council of Macedonian Radio and Television (MRT) was blocked in the parliament.

Still, attempts were made to resolve the stable financing of the public-service broadcasting. In 2018, the government accepted a proposal of journalists' associations and determined a fixed percentage of the state budget for the purpose of financing the MRT. However, in the years that followed, the MRT did not receive the pledged funds. For example, in 2020 the funds allocated to PBS were reduced to around 0.5 percent, although the necessary amount for its efficient functioning was estimated to be 1 percent of the annual state budget.[23]

[18] It is a very complex system: parties send media plans to the private broadcasters which air the party-political advertising according to the media plan and then submit reports to the regulatory body (Agency for Audio and Audiovisual Media Services); the regulatory body conducts monitoring and checks the submitted reports for the aired political advertising; the State Election Commission also checks and finally approves the reports. After the approval, broadcasters can submit invoices to the State Election Commission, which issues an order for the payment of the requested funds from the state budget.

[19] Zorana Gađovska Spasovska, "Government Advertisements in the Media - A Step Back to a Captured State," *Radio Free Europe*, March 1, 2021, https://www.slobodnaevropa.mk/a/vladini-reklami-;ekor-nazad-zarobena-dr\ava-/31126412.html (accessed October 13, 2021).

[20] Saško Panajotov, "Government Accepts the Demands of the Media and Media Workers - A Media Fund Will be Established for Projects of Public Interest," *Macedonian Informative Agency*, May 4, 2021, https://mia.mk/vladata-gi-prifa-a-bara-ata-na-mediumite-i-mediumskite-rabotnici-e-se-osnova-medi umski-fond-za-proekti-od-aven-interes/ (accessed October 13, 2021).

[21] Vasko Maglešov, "The Government Established a Council for Media Reforms," *Prizma*, August 16, 2021, https://prizma.mk/vlasta-osnova-sovet-za-mediumski-reformi/ (accessed October 15, 2021).

[22] Ibid.

[23] The media regulator expressed its serious concerns about the lack of funding of the public broadcaster: "[…] in 2019, the public broadcaster received 229.53 million denars less and in 2020 this amount was 510.70 million less than expected." Source: Agency for Audio and Audiovisual Media Services, *Analysis of the audio and audiovisual media services market for 2020* (2021), https://avmu.mk/analiza-na-pazar/ (accessed October 12, 2021).

Access of Local Communities and Vulnerable Groups to Media

An important aspect of media pluralism that has rarely been the focus of media policy is the access of various social groups and local communities to the media and the public sphere in general. The assessment of media pluralism in North Macedonia for 2020 showed that there are serious risks in the domain of social inclusiveness of the media sphere: access to media for local communities is endangered, primarily due to the economic unsustainability of regional and local media in the overly fragmented audiovisual market.[24]

In addition, there is a serious gap in terms of exercising the communication rights of the various vulnerable groups.[25] The media regulator has a developed policy framework to increase the access of people with sensory impairment to audiovisual programs. However, the communication rights of other vulnerable and disadvantaged social groups (such as people with rare diseases, elderly people, the LGBT community, etc.) are hardly mentioned in the media policy debates.

Conclusions and Recommendations

Compared with the period prior to 2016, media freedom, journalists' safety, and media pluralism in North Macedonia have significantly improved. Media freedom is more widespread, journalists and their associations are no longer exposed to serious physical attacks and pressures, and the media regulator is more efficient and quite independent. Nevertheless, most of the old systemic deficiencies are still present: the market is fragmented, most media outlets are financially weak and unsustainable, the working status of journalists is still insecure and unstable, the public broadcaster does not have financial stability, autonomy, or independence, and the access of local communities and vulnerable groups to the public sphere is imperiled. In addition, since social networks are the main source of information for most of the

population, especially younger groups, people are greatly exposed to disinformation and hate speech. This creates new challenges for the regulatory policy whose development lags behind technological advancements.

Based on these considerations, the following policy recommendations[26] have been put forward to reinvigorate media reforms and to overcome the existing structural obstacles for advancing media freedom and for strengthening independent and professional journalism in North Macedonia.

Working Position and Safety of Journalists

- Media should improve journalists' job security and allow for the strengthening of the autonomy of newsrooms in accordance with the existing labor legislation.

- State institutions should develop internal mechanisms through which journalists and media workers can quickly and easily report cases of hate speech and various forms of online harassment and receive advice or legal assistance on what to do in such cases.

Media Viability and Competition

- State institutions should accept the proposal of the media regulator to revise the rules in the media legislation related to ownership concentration in order to partially address the problem of market fragmentation and unsustainability of the audiovisual media sector.

- The capacities of media and competition regulators should be enhanced so that these institutions can work together on developing policies to address the competition issues in the online media sector.

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[24] Trpevska and Micevski, *Monitoring Media Pluralism in the Digital Era: Country Report: The Republic of North Macedonia*, 17.

[25] Igor Micevski et al., *The Vulnerable Groups and the Public Sphere*, Research Institute on Social Development RESIS, (2021), https://resis.mk/images/abut-us/PDF/Procenka.pdf (accessed October 13, 2021).

[26] These are the main recommendations we also proposed in our analysis of the situation with media pluralism in the country, published in August 2021 by the Center for Media Pluralism Florence (footnote 21). However, these recommendations are here supplemented with the findings and suggestions from the workshop "Media Freedom in the Western Balkans", organized by the Aspen Institute Germany on October 19, 2021.

Independence of Media from Politics

- A wide-ranging debate should be opened with political parties and all other relevant actors on the negative consequences of the current provisions of the Electoral Code and other laws related to political advertising on the independence of the editorial policy of the private media. The absence of transparency of party-political advertising during election campaigns on online platforms should also be addressed in the legislation.

- The issue of transformation of the public service cannot be reduced only to the election of the new members of the Council of MRT, the body that should represent the public. It is necessary to open a debate on the overall transformation of the public service in order to develop its participatory dimension.

Systemic Reforms of the Media Sector

- The government's latest initiative to establish a Council for Media Reforms should be formalized in a plan for the development of a strategic document that detects all existing and new emerging systemic obstacles for the development of media freedom and identifies the policy measures to overcome them. The preparation of this document should be entrusted to independent domestic and foreign experts and should then be open to a wide debate in which all relevant actors will participate.

Media Freedom in Serbia: Media Capture on the Rise, Critical Media Under Threat

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Media freedom is often singled out as one of the key problems for the Serbian democracy and its EU accession prospects. Almost without exception, relevant reports describe lack of media freedom, media capture, or media bias as some of the key reasons for the country's democratic decline. Freedom House notes that by following Hungary's media capture model, "President Aleksandar Vučić and his Serbian Progressive Party (SNS) have overseen the mainstreaming of smear campaigns and pro-government propaganda, which contributed to the SNS's sweeping election victory and the formation of a nonrepresentative parliament in 2020."[1] On the other hand, there is a strong link between media freedom and the EU accession process. Not only is media freedom an important topic within the key negotiating chapter 23, but it is also one of the key reasons for the political crisis and the democratic decline which have blocked the country's EU path in the past two years.

The problems with media freedom in Serbia are well documented. Serbia fell 39 places in the Reporters without Borders Media Freedom Index since 2014.[2] According to IREX's Media Sustainability Index from 2019, Serbia finds itself near the bottom among post-socialist states, only ahead of Azerbaijan, Uzbekistan, and Turkmenistan.[3] Freedom House,[4] the Bertelsmann Transformation Index,[5] and the V-DEM Institute[6] have all recognized serious problems and a decline of media freedom in Serbia in recent years. The EU's own reports also show a very bleak picture of media freedom in Serbia. According to European Commission reports, there has been no progress in freedom of expression for years until 2021 and this lack of progress was famously described as a "matter of serious concern"[7] in 2019. The 2021 report noted "limited progress"[8] in freedom of expression due to the government beginning to implement a limited number of measures from the Action Plan for the Media Strategy, but the overall assessment of media freedom has hardly improved.

Media Capture on the Rise

There are several problems with media freedom in Serbia, which is why the term "media capture" can be used to describe the situation. Media capture is famously defined as a situation where "media has not succeeded in becoming autonomous to manifest a will of its own […] whereas various groups, not just the government, use it for other purposes."[9] In the Serbian case, state capture is mostly exercised by the government and individuals associated with the ruling party, mirroring their absolute dominance in the political arena.

There is a high degree of dominance of pro-government media. Besides the public broadcaster Radio Television of Serbia (RTS), all four private media with a national frequency (Pink, Happy, B92, and Prva) are owned by individuals close to the ruling party.[10] The same

1 Freedom House, *Nations in Transit 2021: The Antidemocratic Turn*, (2021) https://freedomhouse.org/sites/default/files/2021-04/NIT_2021_final_042321.pdf (accessed October 15, 2021).

2 Reporters Without Borders, "Serbia," https://rsf.org/en/serbia (accessed October 15, 2021).

3 IREX, "Media Sustainability Index (MSI) Explorer," https://www.mediasustainabilityindex.org/ (accessed October 15, 2021).

4 Freedom House, *Nations in Transit 2021*.

5 Bertelsmann Transformation Index, *Serbia Country Report 2020*, Bertelsmann Stiftung, (2020), https://bti-project.org/en/reports/country-report/SRB#pos2 (accessed October 15, 2021).

6 V-Dem Institute, *Authoritarianism Turns Viral: Democracy Report 2021,* https://www.v-dem.net/files/25/DR%202021.pdf (accessed October 15, 2021).

7 European Commission, *Serbia 2019 Report,* Commission Staff Working Document SWD(2019) 219 final, (2019) https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-05/20190529-serbia-report.pdf (accessed October 15, 2021).

8 Europan Commission, *Serbia 2021 Report,* Commission Staff Working Document SWD(2021) 288 final, (2021) https://ec.europa.eu/neighbourhood-enlargement/serbia-report-2021_en#files (accessed October 15, 2021).

9 Alina Mungiu-Pippidi, "How Media and Politics Shape Each Other in the New Europe," *Romanian Journal of Political Science*, (2008), 87-100, https://www.researchgate.net/publication/298647526_How_media_and_politics_shape_each_other_in_the_New_Europe (accessed October 15, 2021).

10 Media Ownership Monitor Serbia, "National Television Stations in the Service of the Government," https://serbia.mom-

can be said for daily print media, which are mostly owned by the supporters of President Aleksandar Vučić or have unclear ownership structures and state involvement is suspected.[11] Major critical media outlets, cable television stations N1 and Nova S, and daily newspapers *Danas* and *Nova* are all owned by the privately-owned United Group and broadcasted almost exclusively on United Group's SBB cable network. There is also a high degree of monopolization of local media, after privatization efforts in 2014/2015 ended with most local media being purchased by individuals close to the ruling party, including one owner who bought eight local media outlets.[12]

The question of ownership is tightly connected with the question of public financing. Pro-government media are financially supported in different ways by the state. First, there are controversial co-funding schemes by the Ministry of Culture and Information and by local municipalities, intended for financing media content perceived to be in the public interest. However, due to an untransparent process, these co-funding schemes result in financing pro-government media, including national-level media and media outside the municipalities in question.[13] Other forms of financing include advertisements by public enterprises, promotional services paid by government ministries,[14] tax debt restructuring, and favorable loans.[15]

The most controversial mechanisms of state influence in the media sphere are the actions of Telekom Srbija, a joint-stock telecommunication company in which the state is the majority shareholder. Even though the law prevents the state from owning media, Telekom Srbija is the owner of several television channels and there are allegations of Telekom's funds being used to create, finance, and purchase media outlets to the benefit of their government-aligned owners.[16] The famous example is Telekom's purchase of Kopernikus cable network for around 180 million EUR in November 2018, after which its former owner (an individual with close ties to the SNS) bought two national frequency television stations – Prva and B92 – for a similar amount of money.[17]

Telekom Srbija is also expanding its cable network by purchasing several smaller cable operators. Not only does this give the company a huge market share, but it represents a danger for media freedom as Telekom's cable network does not broadcast any of the cable channels critical of the government, such as N1 and Nova S. There are thus entire cities in Serbia where citizens have no access to any critical television stations. The market battle between Telekom Srbija and the United Group has also become a battle for media freedom in practice.[18]

The Regulatory Body for Electronic Media (REM), an independent regulatory body responsible for issuing national broadcasting licenses as well as issuing fines and monitoring elections, is often criticized for its passivity and is referred to as a "captured" institution.[19] REM failed to revoke any licenses despite clear breaches of the binding program plans, submitted by the television stations which have national frequencies, even though REM's internal documents recognized this problem.[20] REM became a topic within the inter-party dialogue mediated by the European Parliament in 2019, as well as in the next phase of the

rsf.org/en/findings/local-media-concentrations-below-the-radar/ (accessed October 15, 2021).

[11] Media Ownership Monitor Serbia, "Print Market," https://serbia.mom-rsf.org/en/media/print/ (accessed October 15, 2021).

[12] Ivana Pavlović, "Fiktivna privatizacija medija u Srbiji," *Istinomer,* December, 30, 2015, https://www.istinomer.rs/analize/fiktivna-privatizacija-medija-u-srbiji/ (accessed October 15, 2021).

[13] See more at Cenzolovka, https://www.cenzolovka.rs/?s=sufinansiranje (accessed October 15, 2021).

[14] Radmilo Marković "Promocija ministara: Milionski poslovi za Tanjug," *BIRN*, October 15, 2021, https://birn.rs/promocija-ministara-milionski-poslovi-za-tanjug/ (accessed October 15, 2021).

[15] Anđela Milivojević, "Podobnim medijima milioni iz džepa građana," *CINS*, September 18, 2019, https://www.cins.rs/podobnim-medijima-milioni-iz-dzepa-gradjana/ (accessed October 15, 2021).

[16] Vesna Radojević, "Ugovor Telekoma: 38 miliona evra za Žeželjevu firmu", *Raskrikavanje*, August 24, 2020,

https://www.raskrikavanje.rs/page.php?id=Ugovor-Telekoma-38-miliona-evra-za-Zezeljevu-firmu-722 (accessed October 15, 2021).

[17] Media Ownership Monitor: Serbia, "National Television Stations in the Service of the Government."

[18] European Western Balkans, "Serbian Government Weaponized State-owned Telekom to Curb Media Freedom?", March 9, 2021, https://europeanwesternbalkans.com/2021/03/09/serbian-government-weaponized-state-owned-telekom-to-curb-media-freedom/ (accessed October 15, 2021).

[19] European Western Balkans, "Cvejić: The Regulatory Body for Electronic Media does not Perform its Basic Function in Serbia", December 25, 2020, https://europeanwesternbalkans.com/2020/12/25/cvejic-the-regulatory-body-for-electronic-media-does-not-perform-its-basic-function-in-serbia/ (accessed October 15, 2021).

[20] Insajder, "Izveštaj REM-a: Komercijalne televizije ne poštuju obaveze; Zekić: Nismo razmatrali oduzimanje frekvencija," *Insajder*, June 18, 2019, https://insajder.net/sr/sajt/tema/14807/ (accessed October 15, 2021).

dialogue in 2021. The obvious lack of improvement of REM's work led to EP-mediators Tanja Fajon and Vladimir Bilčik stating that a part of the public still has no trust in REM's independence.[21] The ongoing dialogue phase envisions the creation of a new body that consists of members of REM, but also of experts appointed by the co-mediators upon suggestion by the opposition.[22] The future of the dialogue is currently uncertain after a majority of opposition parties left the talks in mid-September 2021.

The problems of ownership and financing are clearly connected with the strong pro-government bias among Serbian media, recognized by the EU, OSCE/ODIHR, as well as by numerous civil society organizations. This media bias has been well-documented in the last several years and is present both during election campaigns and between elections. One of the most staggering examples from 2020 was that President Aleksandar Vučić was 147 times more present on major television news programs than the most-present opposition leader during the state of emergency.[23] Furthermore, during the first phase of the electoral campaign in 2020, the ruling parties had around 91 percent of the overall airtime on national television programs.[24]

Critical and Independent Media Under Pressure

Independent and critical media outlets also face increasing pressure. Verbal attacks by members of the ruling party are commonplace, even from within the National Assembly, where an SNS member of parliament has recently labelled critical media as "traitors and foreign mercenaries,"[25] which is reminiscent of the rhetoric used during the regime of Slobodan Milošević. Critical media are often targeted by pro-government tabloids. In the most extreme case, the Corruption and Crime Investigative Network (KRIK) was accused by ruling party representatives and pro-government tabloids of collaborating with the organized crime group of Veljko Belivuk, whose alleged gruesome crimes had shocked the public at the time. This led to sharp criticism by several foreign embassies,[26] as well as by the European Parliament in its report on Serbia.[27]

In recent years critical media were faced with different kinds of institutional pressures. Tax inspections were used by the government to intimidate independent media outlets,[28] while SLAPP (strategic lawsuit against public participation) charges were submitted by private companies which were reported to have corrupt deals with the state.[29] Most famously, in 2020 the Administration for the Prevention of Money Laundering launched an investigation of critical media outlets and civil society organizations without a reasonable cause. This move was criticized by different international organizations, including the EU, the Council of Europe, and the United Nations.[30]

Another form of pressure against critical media are the "ugly twins," which are web portals with almost identical names and visual identities as the original ones, which are used solely to confuse the readers and spread messages against

[21] N1 Beograd, "Fajon i Bilčik zabrinuti zbog ostavke Cvejića: Ima mesta da se stvari poboljšaju", *N1*, January 11, 2021, https://rs.n1info.com/vesti/fajon-i-bilcik-zabrinuti-zbog-ostavke-cvejica-ima-mesta-da-se-stvari-poboljsaju/ (accessed October 15, 2021).

[22] Danas, "Međustranački dijalog: Vlast prihvatila formiranje tela za praćenje medija," September 18, 2021, https://www.danas.rs/politika/medjustranacki-dijalog-vlast-prihvatila-formiranje-tela-za-pracenje-medija/ (accessed October 15, 2021).

[23] Nikola Burazer et al., Serbian Election 2020: Erosion of Trust in the Democratic Process, Friedrich-Ebert-Stiftung, (August 2020), https://europeanwesternbalkans.com/wp-content/uploads/2020/09/11-Serbian-Election-2020.pdf (accessed October 15, 2021).

[24] Ibid.

[25] Radio Free Europe, "Udruženje novinara Srbije osudilo napade poslanice SNS na N1 i Novu S," December 2, 2020, https://www.slobodnaevropa.org/a/30980656.html (accessed October 15, 2021).

[26] Radio Free Europe, "Više ambasada u Srbiji osudilo napade vlasti na novinare i NVO",March 18, 2021, https://www.slobodnaevropa.org/a/31158417.html (accessed October 15, 2021).

[27] European Western Balkans, "Evropski parlament usvojio amandman o napadima na KRIK i Crtu," March 25, 2021, https://europeanwesternbalkans.rs/evropski-parlament-usvojio-amandman-o-napadima-na-krik-i-crtu/ (accessed October 15, 2021).

[28] A. Stankov, "Slučaj najobimnije poreske kontrole nekog medija konačno završen, u "Južnim vestima" sve po zakonu," *Južne Vesti*, June, 4, 2021, https://www.juznevesti.com/Drustvo/Slucaj-najobimnije-poreske-kontrole-nekog-medija-konacno-zavrsen-u-Juznim-vestima-sve-po-zakonu.sr.html (accessed October 15, 2021).

[29] Marija Vučić, "Milenijum tim" tužio više medija, traže najmanje 800.000 evra odštete za povredu ugleda," *Raskrikavanje*, April 6, 2021, https://www.raskrikavanje.rs/page.php?id=Milenijum-tim-tuzio-vise-medija-traze-najmanje-800-000-evra-odstete-za-povredu-ugleda-828 (accessed October 15, 2021).

[30] Mila Đurđević, "Navodi o vezama terorista, medija i NVO u Srbiji godinu dana bez dokaza," *Radio Free Europe*, June 28, 2021, https://www.slobodnaevropa.org/a/slucaj-spisak-nvo-mediji-pranje-novca/31329824.html (accessed October 15, 2021).

the original media outlet. This happened to several local media outlets between 2017 and 2021.[31] Similarly, recent years have seen the emergence of "phantom" websites with unknown ownership structures, which were designed exclusively to target journalists, civic activists, or other public personalities critical of the government. Articles from these outlets are often shared by certain pro-government, far-right local media outlets and fake Facebook and Twitter accounts, demonstrating systematic intimidation tactics.[32]

Recent Developments

A media strategy for the period of 2020-2025 was adopted by the parliament in early 2020, followed by the adoption of an Action Plan for its implementation in December 2020. The adoption of the strategy and the action plan were hailed as important steps forward, and one of its immediate results was the creation of the working group on the safety of journalists, composed of government representatives, state officials, and representatives of civil society and journalists' associations. Efforts of this working group led to an agreement for creating a "safe journalist" website and an emergency hotline for attacks on journalists,[33] as well as the classification of journalists as a priority group for COVID-19 vaccination.

However, due to continued attacks on journalists and independent media outlets, six journalists' associations left this working group in March 2021[34] and later founded their own Coalition for Media Freedom. This case has shown that institutional advancements and

formal dialogue were significantly damaged by the behavior of the ruling party and pro-government media, questioning their genuine commitment to improving the working condition of journalists and advancing media freedom.

When it comes to media capture, the situation has deteriorated further in 2021, as actions of Telekom Srbija directed against media pluralism have continued. First, there was an agreement with Telenor on cable network distribution with an explicit ambition to hurt United Group, the owner and distributor of government-critical TV channels.[35] Then Telekom Srbija purchased the rights for broadcasting the English Premier League for six seasons for allegedly ten times more than what the United Group previously paid. Experts pointed out that this action was a political move aimed at hurting United Group, as well as increasing the influence of President Vučić and his party in Serbia and across the region.[36] Telekom Srbija also launched Euronews Serbia as a direct competition to N1 television, de facto providing the state with another news channel.[37] Finally, Telekom Srbija acquired the cable network owned by Pošta Srbije, a public enterprise, without a tender.[38] These moves have substantially strengthened Telekom Srbija's influence on the media market, with significant political implications.

Media freedom has been recognized as an important issue within the inter-party dialogue mediated by the European Parliament (EP), and although the future of this process is now unclear after most opposition parties left the talks, the diagnosis given by the EP-mediators

[31] Jelena Canić Milanović, "Lažni sajt 'Južnih vesti' - još jedan način za obračunavanje sa profesionalnim medijima," *Južne vesti*, February 19, 2021, https://www.juznevesti.com/Istra zujemo/Lazni-sajt-Juznih-vesti-jos-jedan-nacin-za-obracu nava nje-sa-profesionalnim-medijima.sr.html (accessed October 15, 2021).

[32] Ivana Predić, "Sinhronizovani napadi na novinare i civilno društvo: Hajke opskurnog portala prenose režimske televizije," *Cenzolovka*, June 18, 2020, https://www.cenzolovka.rs/pritisci-i-napadi/sinhronizovani-napadi-na-novinare-i-civilno-drustvo-hajke-opskurnog-portala-prenose-rezimske-televizije/ (accessed October 15, 2021).

[33] N1, "Utvrđen plan rada Radne grupe, uspostavlja se sajt 'bezbedni novinar'," January 29, 2021, https://rs.n1 info.com/vesti/utvrdjen-plan-rada-radne-grupe-za-bezbednost-i-zastitu-novinara-u-srbiji/ (accessed October 15, 2021).

[34] N1, "Više novinarskih udruženja istupilo iz Radne grupe za bezbednost novinara," *N1*, March 13, 2021, https://rs.n1 info.com/vesti/vise-novinarskih-udruzenja-istupilo-iz-radne-gr upe-za-bezbednost-novinara/ (accessed October 15, 2021).

[35] N1 Beograd, "Pakleni plan: Telekom i Telenor se udružuju da bi uništili slobodne medije," *N1*, January 25, 2021, https://rs.n1info.com/biznis/pakleni-plan-telekom-i-telenor-se-udruzuju-da-bi-unistili-slobodne-medije/ (accessed October 15, 2021).

[36] N1, "Milosavljević: 600 miliona za Premijer ligu – Vučićev regionalni politički plan," *N1*, July 21, 2021, https://rs.n1 info.com/vesti/milosavljevic-600-miliona-za-premijer-ligu-vu cicev-regionalni-politicki-plan/ (accessed October 15, 2021).

[37] Saša Dragojlo, "Pakt Euronews-a i Telekoma: Zakon u raljama politike," *BIRN*, May 26, 2021, https://birn.rs/pakt-euronews-a-i-telekoma-zakon-u-raljama-politike/ (accessed October 15, 2021).

[38] Nenad Nešić, "Sindikalci: Pošta net prodata Telekomu za 60 miliona €, pre odbili bolju ponudu," *N1*, October 8, 2021, https://rs.n1info.com/biznis/sindikalci-posta-net-prodata-telekomu-za-60-miliona-e-pre-odbili-bolju-ponudu/ (accessed October 15, 2021).

recognizes important problems in this area. This may create space for further involvement of EU institutions when it comes to the media situation in Serbia, especially if the political crisis is not resolved by spring 2022.

Recommendations

Recommendations to the government to improve the state of media freedom in Serbia are as follows:

- The action plan for the media strategy should be fully implemented and cooperation with journalists' associations re-established.

- The independence of the REM and the public broadcaster RTS should be strengthened through appropriate reforms aimed at reducing political control of the REM.

- The state should reduce its political influence on the media market, primarily through preventing the politization of Telekom Srbija and through improved transparency of co-funding schemes by the state and local municipalities.

- Appropriate mechanisms need to be established for the protection of journalists and media, and public officials need to restrain themselves from hostile rhetoric towards critical media outlets.

The recommendations for the EU are the following:

- EU officials should be more vocal about the importance of media freedom for Serbia's EU accession process and not shy away from recognizing the severity of the problems with media freedom.

- The EU should put more pressure on the Serbian government to improve media freedom and create new instruments for this goal, such as commissioning a senior expert group report on media freedom, similar to what was done with the Priebe Report on the rule of law in North Macedonia.

- The EU should provide more financial assistance to independent media in Serbia, focused in the short term on their immediate survival and in the long term on their financial self-sustainability.

The Trade-off Between Political Independence and Financial Sustainability of Media in the Western Balkans

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For most of the media in the Western Balkans (WB) and Central and Eastern Europe (CEE) as a whole, the promises of a new era of market dominance and a market-based economy that followed the democratic changes of the late 1980s and early 1990s have remained unfulfilled. These developments were supposed to overthrow the paternalistic political model of financing media of before. However, the economic crisis on the one hand and digital disruption on the other have shown the fragility of the media market across the wider region and emphasized the important role of the state and state interventionism.

When looking at the media market characteristics and potential of a particular market, usually a number of factors are analyzed: the size of the national market; the gross domestic product (GDP); the advertising market and shares and trends within specific market segments, such as television, digital, and print; the size/reach of the national language and scale of emigration; and the state of existing infrastructure, including high-speed internet penetration, that influence consumption patterns and market potential.

Unfortunately, in all of these aspects, countries in the WB (which were not included in any of the categories in key classifications such as those by Hallin and Mancini[1]) do not show much potential. Although the term "Balkanization" has a historical and political dimension, in the case of the media it provides the exact definition of the key issue in the region: small, fragmented markets lacking the economies of scale that allow media companies to offer high-quality products and remain economically viable.

Digitization, Fragmentation, and Pauperization

New technological developments offer even more reasons for concern. The digitization of media has led to an abundance of choice and media channels in many countries and has caused problems even in markets that are stronger in terms of GDP and population. This fragmentation of the media landscape is even more devastating for smaller countries, however, as media that were just barely profitable in the past because of small markets now no longer reach previous levels of income and are no longer profitable. The problem is even greater in smaller countries with weak GDPs, including all of Southeast Europe (SEE).[2] In all of these countries, the small size of the market had in previous decades been the main obstacle for media development and specialization, even before the rise of digital media when only a handful of online outlets were present. Today, the fragmented landscape is presenting further obstacles for the development and survival of new businesses in media.

Warnings about the limited market potential of these small markets were already expressed at the beginning of digitization. Already in 1999, it was predicted that "Digitisation will lower certain broadcasting costs, but this does not mean that there will suddenly be 200 channels in Slovenia, as there are in Britain or France or Germany"[3] and "there will never be 200 or more channels that will cover all the niche audiences."[4]

Today, there may still not be 200 channels in Slovenia, but the regular package offered by cable providers includes between 120 and 180 channels, among those 45 Slovenian-language channels and 40 channels with Slovenian subtitles (and mostly with Slovenian

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[1] Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (Cambridge: Cambridge University Press, 2004).

[2] Apart from weak GDPs, most of the countries in the region have relatively low economic/purchasing power, defined by Eurostat as GDP per capita in Purchasing Power Parity (PPP), and have evidenced a decrease in investments over the last five years.

[3] Marko Milosavljevič and Sandra Bašić-Hrvatin, "Who Will Control the Controllers?," in *Is Regulation Still an Option in a Digital Universe?*, Current Debates in Broadcasting, no. 9, ed. Tim Lees, Sue Ralph and Jo Langharn (Luton: University of Luton Press, 2000), 253-257.

[4] Ibid.

advertising).[5] The situation is very similar in most of the countries in the Western Balkans as the cable and IP penetration increases, and households in the region have access to a similar number of TV channels.

An additional issue for countries in the region is the reduced use and circulation of their national languages internationally, hampering the economic potential of local media enterprises. Unlike other small European countries such as Austria or Ireland, for most of the countries in the region, there is no other space where editorial products may be exported, except in some cases within the (economically weak) region. For example, although figures regarding the market penetration of newspapers and magazines show these are frequently higher in the region than in many other wealthier European countries, the total number (circulation) is much smaller, ultimately posing a significant challenge for media companies.

This fragmentation is also causing concern for advertisers, as the comment by a Slovenian advertiser illustrates. He argued that the economy of advertising simply does not function as the market is too small, and investments in specific channels are, compared to the results, simply too large. The digital environment only enhanced these described issues due to the even further fragmented advertising budgets.[6]

Technological development enabled the multiplication of media channels (radio, television, online); however, economic development could not keep up with the pace of this fragmentation. The COVID-19 crisis in 2020 and 2021 further endangered the survival of new media outlets as revenue from advertising (which represents the majority of broadcasting and online revenue) has decreased while the number of channels has increased. This means a larger number of companies must share a shrinking pool of revenues, leading to the pauperization of an increasingly fragmented market.

New media outlets are therefore often developed not because of their market potential but in order to prevent the development of new competition, and/or to simply re-use existing content in an attempt to maximize the return on investment. The increase in the number of channels thus does not correspond with an increase in the quality or diversity of this content.

The New Role of (Media) Policy and Politics

Past research has shown that market-based media financing is sustainable only in larger countries,[7] and even countries with a strong GDP, positive trends in advertising revenue, and technologically advanced infrastructure face important market limitations (e.g., small populations and language barriers) with skepticism and concern.[8] In SEE, where most of the factors listed at the beginning of this section severely limit the economic potential of (new) media projects and entrepreneurship, it seems that a market-based model for media is even less sustainable. For the most part, it is only sustainable in catch-all media such as television channels with national reach, strong investments, and stable ownership (for example, Pop TV in Slovenia). However, these same media are also blamed and attacked as "the biggest evil in the Slovenian media market,"[9] mostly because of their market power.

Most of the other media, including previously very profitable major newspapers (such as *Delo* and *Dnevnik* in Slovenia), have in the last few years seen dramatic falls in circulation and profitability. Furthermore, online-only sites that are not connected to any traditional media have so far not reached the kind of revenues that would provide them with a stable financial footing. Mergers and takeovers are one of the classic responses; for example, the takeover of Nova TV in Croatia by the telecom group United Group/KKR, or the takeover of most of Slovenian regional media by the Media24 group

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5 See for example: Telemach, "EON TV paketi," https://telemach.si/eon-tv/tv-paketi/ (accessed November 11, 2021).

6 Ga Erbežnik. "Tri, dve, ena ... Gremo!" *Marketing Magazin*, February 7, 2013, 18. http://www.mm-arhiv.si/mm-blog/ kolum mne/9503/kolummna-tri-dve-ena-gremo, (accessed November 11, 2021).

7 Ralph L. Lowenstein and John C. Merrill, *Macromedia: Mission, Message, and Morality* (New York: Longman, 1990).

8 Katja Lehtisaari et al., "Media Convergence and Business Models: Responses of Finnish Daily Newspapers," in *Media and Communication Studies Research Reports* 41000 (January 2012).

9 Jože Biščak, "Zakaj je POP TV največje zlo na medijskem trgu [Why POP TV is the biggest evil on the media market]," *Reporter*, June 21, 2015, http://www.reporter.si/iz-tiskane-izdaje/zakaj-je-pop-tv-najve%C4%8Dje-zlo-na-medijskem-trg u/53269 (accessed June 22, 2015).

in the last few years (*Primorske novice, NT & RC, Vestnik, Večer* daily). It seems, therefore, that market-only media will have an increasingly difficult time in the coming years to maintain their levels of production and employment. As such, they will need financial support, be it private or public, to stay viable.

As for support coming from the private sector, this is still very rare in the Western Balkans and CEE. Regional millionaires are often not willing to invest in the media. Perhaps they are not aware of the public interest or, conversely, they are aware of the importance and influence of the media but then view media ownership as a tool to pursue personal business interests and/or help political friends and allies. Philanthropic investments in the media as a public responsibility for the wealthiest members of society, as is frequently seen in Western Europe or the United States, is not as common in the region.

The interest from investors is mostly geopolitical: illustrated, for example, by the 2017 purchase by Chinese investors of RTS24, a regional television station in Maribor, Slovenia. In the last few years, a number of countries in the region have been faced with a particularly strong and relevant influx of Hungarian media investments, particularly North Macedonia, Serbia (particularly Vojvodina) as well as Slovenia, all related to the political backdrop and Hungarian Prime Minister Viktor Orbán.[10]

There is, of course, also domestic interest in media investments by WB investors that are politically linked and motivated. Serbia offers an example of such a media landscape where much of the media is in the hands of domestic owners and where most of these owners are politically linked to the ruling party SNS and President Aleksandar Vučić.[11] In September 2021, a group of nine media outlets (including the public broadcaster, private broadcasters, and private print and digital media) was classified by Twitter as "government-affiliated" due to the political and financial links of their owners with the current government.[12]

At the same time, there is no strong push to develop alternative models of financing, such as charitable foundations or consortiums founded by workers. A specific, small-scale example of such a consortium emerged in Slovenia when a free daily newspaper, *Žurnal24*, folded in May 2014. After years of losses, the Austrian owner, the company Styria, decided to close down all of its editions: daily, weekly, and online. However, after a few months, a group of former employees and contributors with permission from Styria decided to try again and managed to revive *Žurnal24* online, this time with only a website. They attempted to maintain enough web traffic to attract sufficient advertising revenue and ensure their survival, and, so far, they have been successful, maintaining a top-five position among most visited news sites in Slovenia.[13]

However, this is a rare example of such an endeavor. Again, the situation in the region is not entirely unique when compared to Western Europe. In many countries, new models of financing are only slowly starting to take off or develop, and largely still lack the long-term results that would prove their viability. Once again, there are similarities to other smaller countries, particularly in Scandinavia. In Finland, for example, many local experts and professionals do not believe that foundations could be a vital model for financing national journalism.[14]

The 2008 economic crisis, followed by severe digital disruptions and market changes, and lately the COVID-19 crisis, which affected both sales and advertising revenues of media, have demonstrated the fragility of media markets in SEE and have emphasized the important role of the state and state interventionism as the only possible solution for maintaining a relatively diverse media environment.

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[10] See for example: Lenart J. Kučić et al., "Hungarian Media Expansion in Balkans Raises Worries but Lacks Impact," *Balkan Insight*, December 4, 2020, https://balkaninsight.com/2020/12/04/hungarian-media-expansion-in-balkans-raises-worries-but-lacks-impact-2/ (accessed October 24, 2021).

[11] Maja Zivanovic, "Serbian Leader 'Following Orban' in Controlling Media – Freedom House," *Balkan Insight*, June 5, 2019, https://balkaninsight.com/2019/06/05/serbian-leader-following-orban-in-controlling-media-freedom-house/ (accessed October 24, 2021). For more details, see a forthcoming research "Serbian Media Landscape" by the NGO CRTA.

[12] Ivana Jeremic, "Twitter Labels Numerous Media Accounts in Serbia 'State Affiliated'," *Balkan Insight*, August 16, 2021, https://balkaninsight.com/2021/08/16/twitter-labels-numerous-media-accounts-in-serbia-state-affiliated/ (accessed October 24, 2021).

[13] MOSS, "Rezultati MOSS: valutni podatki o obiskanosti spletnih mest," https://www.moss-soz.si/rezultati/ (accessed November 11, 2021).

[14] Lehtisaari et al, "Media Convergence and Business Models," 51.

The return of the state in the media sector (particularly seen and felt in countries like Serbia and recently Slovenia), however, also severely limits the potential of media in the region to become at least partially independent from political pressure and influence. State interventions will probably help maintain a larger number of media companies in each country. However, this does not necessarily help to maintain the independence, plurality, and diversity of the views and content in the media that do survive. In this regard, the important role of (party) politics in sustaining the media ecosystem remains relevant in much the same way as it was in the Western Balkans more than 130 years ago.[15]

Policy Recommendations

To support independent journalism and media pluralism in the region a number of steps need to be taken.

Steps to be Taken by National Governments

Due to the existing market limitations and the restricted potential of advertising and paywalls, proactive policies by national governments of the region are needed. This must include transparent and non-discriminatory measures for support, based on general financial and tax measures that would support media in their financial viability including:

- Tax cuts and/or exemptions for private and other investments in the media;

- State support for distribution of the media and for print production;

- Tax cuts for philanthropy aimed at journalism and media;

- Measures to support young journalists and to prevent precarious working conditions that foster self-censorship and dependence of contractual journalists on the renewals of short-term contracts;

- Establishment of funds for additional education of media professionals;

- Ensuring financial independence of public media (such as public broadcasting and public press agencies), based on direct and non-governmental funding (through license fees and similar forms rather than the state budget);

- Due to a particularly strong role of state-owned companies within national advertising systems and media budgets, it is necessary to ensure transparent, non-discriminatory, and market-based state-controlled advertising either by state authorities or by state-controlled companies;

- Market-based criteria, founded on ratings, circulation, and reach of different outlets need to be established and regularly updated to ensure that media receive state advertising based on their performance, size, and audience, rather than political connections or proximity to the ruling parties.

Steps to be Taken by the EU

On October 19, 2021, the European Parliament adopted a report for the European Commission titled "Media in the Digital Decade: An Action Plan to Support Recovery and Transformation."[16] The report stresses the need for the EU and its member states to support the media sector and calls on the Commission to strongly encourage the member states to increase support for the media sector from the funds made available via their approved national recovery plans. A similar approach needs to be taken for the countries of the Western Balkans as well.

- The EU should develop specific, strong funds for media in the region, in the form of continuous funding of media that are relevant for the public interest, as defined by independent evaluation committees, rather than only funding annual projects.

[15] Janez Jesenko, *Časnikarstvo in naši časniki [Newspapership and our newspapers]* (Ljubljana: Narodna Tiskarna, 1884).
[16] European Federation of Journalists, "European Parliament Adopts Ambitious Much Needed Action Plan for Media,"

https://europeanjournalists.org/blog/2021/10/26/european-parliament-adopts-ambitious-much-needed-action-plan-for-media/ (accessed November 11, 2021).

- The EU also needs to adopt additional measures in the field of media (in addition to current directives and the media act planned for 2022), to ensure that the national governments continuously fulfill all the criteria regarding media freedom.

- The EU needs to conduct regular reviews of the current situation in all countries to prevent a development of media crises such as those currently seen in Hungary, Poland, and Slovenia.

Steps to be Taken by Journalists and Media Outlets

As an advertising-based revenue model appears to be inapt to ensure financial sustainability of numerous media outlets in the Western Balkans, alternative models that were successful in other EU countries might be relevant, particularly those based on audience support, audience loyalty, and the perceived value and contribution of the media to the society.

- While the economic reality in the Western Balkans means voluntary donations are unlikely to increase significantly, models based on audience's contributions, which include larger philanthropists, should be better promoted and tested.

- Media in the region themselves need to analyze potential alternative models of financing and adopt more flexible, innovative management approaches that take into account the current digital innovations and disruptions.

- An analysis and potential adoption of successful international models is also needed. As many media outlets are relatively small with limited resources and capacities, support from professional associations, international organizations, and research institutions is needed.

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