

# **AEJ Reports from the Frontlines of Media Freedom**

*Reports and texts from the AEJ Congress  
Linz, Austria – 22 November 2008*

By the Association of European Journalists



Edited by William Horsley

The Association of European Journalists has Observer Status on the Steering Committee on the Media and New Communications Service of the Council of Europe. These findings have been made available to the Council of Europe to support international work aimed at protecting the media from violations of their right to freedom and independence.

First edition, 5 December 2008

Co-edited and typeset by Celia Hampton

# INTRODUCTION

By William Horsley

*AEJ Media Freedom Representative*

A professional Workshop on urgent issues for media freedom, independence and public trust in Europe was held on Saturday, 22 November 2008, during the AEJ's annual Congress in the Austrian city of Linz. This publication contains the texts which formed the basis of presentations at the Workshop by AEJ members there.

As a new Observer Member of the Council of Europe's Steering Committee on the Media and New Communication Services, or CDMC, the AEJ focused largely on the Council of Europe's fixed priorities for 2009, which are public service media, media diversity and human rights in an information society – including the constricting effects of new anti-terrorism laws on the media. Seventy AEJ members from the more than 20 national sections around Europe took part in the Workshop.

The chairman of the CDMC Committee, Matthias Traimer (from Austria), was the keynote speaker. He described how representatives of all 47 Council of Europe member states inform themselves by consulting media representatives and academic experts as they set norms and standards for members in the field of media and democracy. He stressed that the underlying principle of all the Council of Europe's work is to uphold and defend freedom of expression, and he invited the AEJ to contribute actively, along with other expert professional bodies such as the European Federation of Journalists and the European Newspaper Publishers Association.

Our current aim, as with the AEJ's two earlier *Surveys of Media Freedom in Europe*, is to present a factual and topical account of the array of pressures and barriers to free and independent reporting faced by the media in every part of Europe, with the goal of raising public awareness of the likely risks of these things to European democracy and helping to

identify the best steps to remedy the negative trends.

Our other major chosen theme is the marked decline in public trust in the media across most of Europe in recent years (*see Public Trust in the Media: An Overview, p.1*), which is one of the main topics for examination and debate at the coming Council of Europe Ministerial Conference to be held in Reykjavik, Iceland, on 28 and 29 May 2009. The issue of trust is closely tied to the overall Conference theme – *A New Notion of Media?* In preparation for the Linz meeting members from many AEJ national sections collected evidence and wrote reports assessing the extent of the loss of trust and the reasons for it, and seeking to identify ways in which the media can recover that lost credibility. Those reports also appear here.

We have called this compilation "Reports from the Frontlines of Media Freedom" because the topics and themes cover a wide range of current threats and dangers to media freedom, including physical violence (Armenia, Croatia, Moldova, Serbia), political interference in the editorial independence of public broadcasting systems (France and Poland) and a variety of undue political and commercial pressures on the media (Austria, Slovakia) which distort or corrupt the freedom and independence of the media, in violation of commitments made by all Council of Europe member states.

The Linz Workshop began with AEJ members agreeing to send a message expressing the AEJ's deep concern about an assault by unidentified attackers on an AEJ member, Eduk Baghdasaryan, Editor of the "Hetq" online newspaper, in Yerevan on 17 November. The message was sent by email in the names of Diego Carcedo, AEJ President, and myself on 23 November to the President of Armenia and his Chief Spokesman (*see [www.aej-uk.org](http://www.aej-uk.org)*).

The message stressed the AEJ's acute dismay at the extraordinary failure of the Armenian law enforcement authorities to bring to justice those responsible for a series of attacks on journalists in Armenia since the start of this year.

Two very serious concerns dominated the workshop presentations and debate. The first is the oppressive climate in which the European media are increasingly forced to work, because of the alarming level of violence and threats against journalists in many countries, as well as dramatic economic and technological changes which have swept away much of the traditional structure of media ownership and exposed journalists to new and intrusive political and commercial pressures. The second is the perceptible decline in professional and ethical standards in large sections of the news and information media, for which journalists and media professionals must bear at least a share of the responsibility.

The link between these two negative trends deserves to be examined in more depth. Together, they represent a real danger to free expression and free media in Europe, a vital pillar of open and democratic societies. They are both important factors, too, in the steep fall in public trust in media which has been measured by Europe-wide opinion surveys such as that of Eurobarometer in autumn 2008,\* and which is regrettably confirmed by a great deal of evidence assembled in these AEJ texts and in our two *Media Freedom Surveys* of the last year.

The evidence has grown indisputable that Europe's media are in poor health by the standards of the recent past. The situation is so dire that the Council of Europe has been considering setting up a new Europe-wide system on monitoring violations of media freedom. The CoE's Parliamentary Assembly has approved a 27-point list of Indicators for Media in a Democracy, including a call for national parliaments in all member states to carry out their own annual review of problems and issues impeding freedom of the media.

The points highlighted by PACE are the core elements of media freedom, including access to official information, non-discrimination in allowing coverage and awarding licences, the protection of journalists' sources, protection against violence and intimidation, safeguards against impunity for those who commit violence against journalists, preventing media monopolies and interference by advertisers, and systems to ensure the editorial independence of public broadcasters. All these points are raised again and again in the reports written by AEJ members from many countries.

The global media watchdog organisation, Freedom House, has published findings detailing further setbacks in the state of the media every year in recent years. And the OSCE's Representative on Freedom of the Media issued a warning this year that his office sees a "virtual meltdown of OSCE commitments" regarding media freedom and independence.

The stark questions are expressed eloquently by the writer of the AEJ's Report on Serbia. Nebojsa Ristic asks two jagged questions that demand serious answers: what are the Council of Europe and the OSCE doing to safeguard media freedom and independence when they are so obviously being undermined? And what more should journalists themselves do to combat the growing threats to media freedom and independence?

Journalists, editors, other media professionals and owners should pay heed urgently to these unanswered questions, and make those OSCE and Council of Europe commitments meaningful again. The alternative would be destructive for freedom of expression and freedom of the media.

*With thanks to AEJ Secretary General, Peter Kramer, to Otmar Lahodynsky of the AEJ's Austrian Section and to the City of Linz and other sponsors of the 2008 Congress.*

\* The latest 2008 Eurobarometer poll is available on [http://ec.europa.eu/public\\_opinion/archives/eb/eb69/eb69\\_part1\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb69/eb69_part1_en.pdf)

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# Overview

By William Horsley



The Association of European Journalists, a voluntary and independent association of media professionals, urgently affirms the importance of protecting free and independent media in order to maintain the political health and openness of the societies in which we live and work. All the countries with AEJ sections are members of the Council of Europe and have entered into firm commitments to maintain the rule of law and civil and media rights. We believe that the current deep malaise afflicting the European press reflects a deep malaise in the political life of Europe as a whole.

The alarming evidence of a decline in public trust in the media in Europe is clearly linked to the growing political and commercial interference in media independence, as well as to well-aided failings on the part of some media and some journalists. Much journalism of high quality is of course being produced in European countries all the time, but overall the picture is discouraging.

The two *Surveys of Media Freedom* across Europe published by the AEJ in the past year found disturbing evidence that freedom and independence of the media are under assault and in retreat across much of Europe, including many cases of violence against journalists, censorship and self-censorship, oppressive laws, harassment and prosecution of journalists, and undue political and commercial pressures.

Urgent and coordinated action is needed, and we welcome the chance to contribute through the mechanisms of the Council of Europe to new ways of measuring, identifying and correcting serious violations of basic media freedoms in every part of Europe.

Our previous Surveys also uncovered very serious failings in the behaviour of the media themselves, including a host of concrete examples of declining professional standards, obvious political bias, sensationalism, libellous, lurid and tasteless coverage, and unjustified intrusions into people's privacy.

So journalists have to put their hands up – editors, reporters, producers and all. Media standards, our evidence shows, are also under assault, and there is evidence that they too have declined.

We are now seeking to examine the underlying causes for this decline, using the first-hand evidence of reports sent in by AEJ members in more than half our national sections.

## **Violence against the media is a crime against free expression**

But that analysis and self-criticism can only make sense when we have comprehended the crippling effect in some European states of open violence and intimidation of journalists – the effect of which is to make truly independent and fearless journalism impossible. In the past few days we have learned of a vicious assault carried out against an AEJ member in Armenia, who suffered serious head injuries when he was hit with a stone and beaten up by unknown assailants outside his home in Yerevan.

Our latest AEJ report on Armenia (*below*) details the shocking number of violent assaults on journalists. Many have been the victims of deliberate attacks, clearly motivated by a desire to stop them from continuing their reporting work. This year the number has

reached a new peak, with at least seven open cases where no assailant has been identified, let alone prosecuted. Any failure to bring these cases to justice will grant impunity to those who are intent on damaging or destroying the country's remaining independent media.

Similar accounts of violence, intimidation and harassment of journalists are unfortunately commonplace in several countries where the AEJ has national sections. Public trust is not possible when the free media are suppressed in such ways. As our new Armenian report says, the deepening polarisation of politics and the direct use of the media as a partisan battleground by rival political forces has led inexorably to deepening public mistrust of the authorised media too.

As a consequence, the media source that Armenians say they trust most is not any of their own national media, but the American radio station, Radio Liberty.

## **Disaffection also in parts of Western Europe**

Another serious danger threatens the very survival of many of the existing vehicles for independent journalism in Western Europe as well as the East: the increasing concentration of media ownership in the hands of a few super-rich media owners and corporations. Too often that has led to unacceptable interference in journalistic independence on the part of newspaper owners or their appointees or editors. That, too, makes independence hard or even impossible, and can all too easily lead to the stifling of press freedom.

The survival of many established media concerns is threatened, even in the richer countries of Europe, by the dramatic failure of the old business models which had long looked secure. France's President Nicolas Sarkozy stressed the scale of the crisis to the press and the body politic when he said: "Democracy cannot function with a press permanently on the edge of an economic precipice."

French journalist unions have protested sharply against what is alleged to be creeping political control of the commanding heights of the country's media, cases of censorship ordered by editors friendly to the new president, and attacks by judges on the established right of journalists to keep secret their confidential sources for reports that may cause embarrassment to public figures.

Whatever the underlying reason may be, the French public have shown their lack of confidence in their leading national newspapers by cutting subscriptions.

The most damning evidence of the French public's disaffection with their own national media is the finding from one recent opinion poll that 57% of French people do not regard the press as independent of one or other of the political parties.

Accuracy, quality and objectivity are the three pillars on which public trust in the media has to be built if it is to exist and to flourish. The effect of the widespread failure to do so is obvious from the results of opinion surveys.

The most complete of these is the Eurobarometer poll covering all 27 EU countries, published in autumn 2008. The key figure in that poll is the one for the overall level of public trust in the written press across the EU – it stands at just 44%.

The figures for popular trust in radio and TV as sources of information are somewhat higher – 53% and 61% respectively. But each of these figures is a lot lower than it was just ten years ago. Trust in the media is ebbing away.

What has gone wrong? And what remedies can there be?

## **AEJ evidence**

The evidence from the AEJ's latest survey of trends in public trust and attitudes suggests that the European media are widely judged to be guilty of two different sins. The first is

trivialisation, or a lack of seriousness, including an uncritical obsession with celebrity which could also be called misuse (or abuse) of media freedom.

The second is systematic political bias or lack of balance, which can be described either as a surrender of proper independence, or as a curtailment of that independence, depending on whether the bias is seen as voluntary or forced.

In advance of the AEJ's annual Congress in Linz, Austria, in late November, we received original reports from our journalist members in Armenia, Croatia, the Czech Republic, Hungary, Ireland, Moldova, the Netherlands, Poland, Slovakia and Spain. Colleagues in other sections also contributed helpful comments and statistics, and I have used Britain as an example of some major pan-European trends in this report.

## **Britain**

Britain is a prime example of a country where the main broadcasting channels, both BBC and commercial, have suffered a marked decline in public trust because of multiple, highly-publicised cases of vulgar or sensationalist material being aired, or of clearly unprofessional editorial standards in programming, including rigged TV competitions and abuse of public trust in the way audiences were charged for taking part in popular phone-in programmes.

The BBC came in for biting press criticism and received more than 30,000 public complaints after a radio programme was aired in which "celebrity" presenter Jonathan Ross and programme host Russell Brand were heard dictating a series of obscene and offensive messages on to the telephone answerphone of the famous actor who played the part of Manuel in the classic comedy series, "Fawlty Towers" (Andrew Sachs). Although the BBC eventually suspended Ross for three months and the radio presenter resigned from his job along with a senior radio executive, the BBC

was widely judged to be guilty of approving a systematic "dumbing-down" of its own programmes in a misguided attempt to attract younger audiences.

One British tabloid newspaper group, Express Newspapers, was ordered to pay a large sum in damages to the McCann family (and others) over wild and irresponsible allegations relating to the disappearance of their daughter Madeleine in Portugal – a story that brought out many shocking examples of sensationalist and invasive journalism, especially in Britain. Eurobarometer's poll found that the level of public respect for press reporters in Britain is the lowest recorded in any part of the EU – only 19%.

## **A European perspective**

More evidence of public disapproval concerning Europe's media in general is contained in a poll published in early 2008 by Comres. It polled a range of people working in public affairs, and found that 73% of respondents believed that journalists regularly sensationalise issues rather than reporting them for their inherent worth. As many as 22% also said they trusted journalists "not at all".

Examples of journalists and editors forsaking editorial independence, either under pressure or for some perceived benefit, are to be found in almost every corner of Europe in the now widespread custom of public broadcasting systems being distorted by more or less overt political interference or control.

In Italy, where allies of the prime minister Silvio Berlusconi control the great majority of TV channels, directly or indirectly, public trust in television has sunk to only 35%, according to Eurobarometer's figures. Strikingly, in Poland, where AEJ reports have detailed the corruption of the supposedly impartial public broadcasting service by party political interests, public trust in TV remains high at 82%. In the Czech Republic, it is suggested that the rather high level of public trust accorded to the

written press (56%) and to radio journalists as a source of information (73%) reflect the public's extreme distrust of the nation's political class.

In Spain, the AEJ report describes a corrosive series of assaults by the main political parties on the integrity of journalists working for mainstream newspapers and broadcasting stations. Ministerial and other public sector advertising budgets have been cynically used to punish or reward media according to how favourable or otherwise their coverage is judged to be. And in some cases political parties have sought to be rid of the inconvenience of journalists asking questions by barring them from doing so even at set-piece press events, and distributing their own video material about party meetings and announcements, without even inviting the media to attend events in person in the normal way.

In Hungary, too, the AEJ report judges that the media have sharply lost the esteem of the public since the heyday of the overthrow of Soviet communism by failing to act impartially in the drastically polarised world of Hungarian politics in recent years.

The harsh conclusion of an independent 2003 report in the UK on government communications was that a "three-way breakdown of trust" had taken place between government and politicians, the media and the general public. The Phillis Report added that this breakdown

had led to "increasing disillusionment amongst parts of society", particularly the young and some ethnic groups.

That verdict could, according to our evidence, be justly applied to much of Europe.

There is a close link between the misuse of freedom by the media and the loss of public trust in the media. The only remedy is for journalists to live up to high standards of accuracy, quality and objectivity.

That requires courageous and persistent journalism to hold governments and the powerful to account. It requires a just and effective system of laws and regulations applied to the media, backed by a watchful and informed public. And it requires a new, more rigorous commitment by media organisations and editorial teams to stamp out the mindless sensationalism, the partisan bias and prejudice, and the sheer bad journalism that has led to the current crisis of public confidence in the profession.

***William Horsley was appointed AEJ Media Freedom Representative in June 2007 and has served as Chairman of the UK Section of the AEJ since 2001. He is a former foreign correspondent for BBC TV and Radio***



# AEJ Reports: Journalism at Risk

## ARMENIA

By Liana Sayadyan



### **A new crisis for the Armenian press over contested elections**

In the AEJ's survey in February 2008, it was stated that the hostile conditions for the work of free and independent media in Armenia that had been described in the previous November's *Survey Goodbye to Freedom?* had in no way improved since that time. The atmosphere is the same, although the presidential elections of 19 February are already in the past. The events of these eight months deepened the political polarisation of the press and the public mistrust towards it.

The passions of the pre-election phase not only split society into two camps but divided the mass media outlets as well. A reporter in one camp was viewed as the enemy by his colleagues in the other. Hakob Avetikyan, the editor of one of the leading newspapers in Armenia, *Azg*, notes that:

Most of our news outlets, especially the TV stations, are being directed, one portion by the government, another by political circles and certain ones by various individuals. Given that the political field in Armenia is polarised today, the press has become polarised as well and has turned into representatives for opposing forces. In other words, we have a press with a large supply of mistrust attached to it. Even our field of reporters and journalists has been split into camps. One camp does not accept the other,

labelling it so and so, and hostile relations are created. The fact that many reporters have in essence stopped being reporters is particularly evident in the print media. These reporters have become not only sermonisers but political players as well. In other words, they wage a struggle to see that this or that activity is implemented. Thus, their gaze is not directed at society but at the politicians who give reporters information, money and direction.

Here Mr. Avetikyan refers to Nikol Pashinyan, the editor of "Haykakan Zhamanak", who stood shoulder-to-shoulder with Levon Ter-Petrosyan during the public rallies and essentially turned his paper into a mouthpiece for Ter-Petrosyan. Mr. Pashinyan directed the marches and went into hiding after the events of 1 March.

In the midst of countless violations and physical violence, oftentimes directed at reporters, the results of past presidential elections were disputed by the side led by the main opposition candidate, Levon Ter-Petrosyan. Starting on 20 January, the opposition organised rallies and sit-down protests in Freedom Square in the heart of the capital, Yerevan. These protest actions and the pre-election publicity campaign was covered from a number of extreme viewpoints. In the eyes of the tiny number of print media that supported the opposition, all this was seen as a pan-national outburst in which 100,000-300,000 people participated.

For the pro-government media, which included all the TV stations led by "Hanrayin" (Public TV) and a number of newspapers, the protestors were only a few score homeless and drug addicts who had been paid \$10 to show up at the rallies and to sleep out in the tent-city pitched in Freedom Square. Those TV outlets under the scrutiny of presidential candidate, Serzh Sargsyan, violating all professional norms, photographed the rallies in such a way that only a few dozen people appeared in their video clips. They also edited out the voices of the speakers or they simply did not cover the demonstrations at all. As a result, the only way to receive reliable news about the events was to be there in person. In these conditions, personal media - the blog - became very widespread and turned into a real alternative to the traditional media outlets. Each person participating in the rallies recorded or photographed the events and posted it on their blogs and chronicled each successive demonstration. The disinformation regarding the rallies only served to deepen public mistrust, especially regarding the electronic mass media.

In the days after the election, marches were organised with slogans denouncing the public TV station "H1" in which several thousand people participated. Harutyun Harutyunyan, the programme director of the "Haylur" news show on "H1" confessed that the public sentiment towards his reporters was clearly hostile. "On many occasions I prohibited my reporters from going there because I'd have to send a few other people as assistants, to encircle the cameramen so that nothing would happen to them. A state of mind was created there that if you were from Armenian public TV you would surely be beaten, that you weren't considered a normal person and that you could be spat upon. They blame us for reporting false information, something for which they have no basis. They can perhaps blame us for not reporting this or that, but never for disseminating false news."

The protest activities organised by the opposition culminated in tragedy. In the early

morning of 1 March, the regime forcibly broke up the all night sit-down strike and its participants. Gagik Shamshtyan, a photo-journalist on the scene, was beaten and the film taken by a "Yerkir Media" cameraman was confiscated. A segment of the opposition's representatives was arrested while others fled and went into hiding. Levon Ter-Petrosyan was put under house arrest. Angered by the physical force employed by the police, supporters of the opposition gathered opposite the French Embassy later that afternoon and began to erect barricades. Their demand was that Levon Ter-Petrosyan be freed and permitted to join the protestors. What resulted was that Robert Kocharyan, Armenia's President at the time, ordered the army into the capital and quashed the rebellious citizenry. As a result ten people were killed, including two law enforcement officers. That same evening the President issued an order declaring a State of Emergency in Yerevan. This decree also covered the workings of the media.

For the first time since the fall of the Soviet Union, censorship returned to Armenia for 20 days. With that decree, in addition to other restrictions placed on one's freedoms, it was duly noted that "The publication of information by the outlets of the mass media regarding state and internal political issues can only take place within the confines of officially sanctioned news. Without the expressed consent of appropriate government bodies political propaganda through leaflets and other means is prohibited."

But who would be performing the censorship? In the end, what resulted was that it was left to the discretion and mood of the control and command bodies, the police and the national security forces, to prohibit any given article in the press. This is the reason that a host of print media outlets preferred to shut down operations during the entire emergency period rather than subject themselves to monitoring under such vague conditions – a situation that is much more dangerous than organised censorship.

Such a level of monitoring gave way, however, to another absolutely extreme manifestation. If the opposition press was subject to such pressures, the pro-government papers were able to reserve the right not only to disseminate official information but also to come out with their own observations, commentary and critical articles, something that was expressly prohibited by the President's decree. However, the police and the security services conveniently overlooked these violations. It was a total propaganda blitz and informational assault on a society that was hungry for news, the main aim of which was to force the people to accept the government's version of the 1 March events.

However, it was done so hastily and in such an unorganised fashion that certain episodes of the process bordered on the comical. In particular, there was no rational or sane reason for the National Security Agency to shut down a number of internet periodicals and news websites. During the first week of March, YouTube (the website where videos are posted) was shut down in Armenia. As a result of such actions a number of underground papers and new websites were created that posed more of a threat to the regime than the news outlets under its monitoring. As a result, slander and gossip became the dominant news form, something that psychologically had more impact on the average citizen than the ferocious propaganda assault implemented by the regime in conditions where there was an absence of alternative views. It is not by accident that during the entire 20-day period of the State of Emergency the government did nothing but refute the news circulating in society by means of slander.

During the 20-day period after 1 March, when the media outlets in Armenia were only permitted to publish officially sanctioned news, it was the internet that became the alternative source for the dissemination of news and opinion.

And, on 2 March, when the Armenian "Internet Society" NGO, a group that registers .am

domain names in Armenia, froze many information websites under the decree of the National Security Agency, the exchange of news and debate was concentrated in the blogs and social networks.

The situation in the media field did not change after the lifting of the State of Emergency. Newly-elected President Serzh Sargsyan expressed his intention to introduce reforms within public TV and the newly appointed Prime Minister Tigran Sargsyan declared that the government was committed to examine all broadcasts with a social content. However, their initial attempts at doing so attested to the fact that these are mere utterances designed to create the appearance that reforms are being made.

"The role of public TV is to prove the unprovable" is how one reporter, who wished to remain anonymous, described his work at the station. "Now, the TV station has been instructed to be a bit freer. But this won't be freedom as much as its imitation. Since there is still no real threat, public TV will open its airwaves to say members of the Heritage Faction and later on, if necessary, it will broadcast 'photos of tolerance' to the Council of Europe or other European bodies. Today public TV isn't capable of becoming a source of news".

### **A1+ and the Law On Introducing an Addendum to the RA Law On Television and Radio**

On 17 June, the European Court of Human Rights released its judgment on the case of the founder of "A1+" TV company, "Meltex" LLC and its President Mesrop Movsesian versus Republic of Armenia. Thus, the refusals to grant a broadcasting licence to Meltex LLC were recognised to be a violation of Article 10 of the European Convention, i.e. of the right of the applicant to freely impart information and ideas. The ECHR committed the Republic of Armenia to paying Meltex LLC €30,000 within three months after the enforcement of the judgment: 20,000 regarding non-pecuniary

damage and 10,000 regarding costs and expenses incurred.

The Council of Europe, to which Armenia has firm commitments as a member state, has already passed a number of resolutions demanding the return of air time to A1+ and, on 25 June, the plenary session the Parliamentary Assembly of the Council of Europe adopted Resolution 1620 (2008): "The Implementation by Armenia of Assembly Resolution 1609 (2008)." Point 6 of the Resolution says: "The Assembly recalls that there is a need for a pluralistic electronic media environment in Armenia and, referring to the decision of the European Court concerning the denial of a broadcasting licence to the television channel A1+, calls on the licensing authority to now ensure an open, fair and transparent licensing procedure, in line with the guidelines adopted by the Committee of Ministers of the Council of Europe on 26 March 2008, and with the case law of the Court."

According to the decision of the European Court, the government had three months to implement the obligations placed before it – in other words by 17 September. In its place, however, the government secretly rushed through a bill entitled, "As to the Implementation of Modifications to the Law Regarding TV and Radio" that was added to the daily agenda of the National Assembly for 3 September. The bill was never debated, neither by experts in the field nor by the appropriate National Assembly committee. The bill stipulated the addition of a clause to Article 59 of the RA Law "On Television and Radio", reading: "Not to announce broadcast licensing competitions till 20 July 2010. The TV companies, whose licences expire before 21 January 2011, can request prolongation of the licence from the National Commission [National Commission on Television and Radio]. The licence will thus be prolonged for the period requested, but for no longer than 21 January 2011."

The need to introduce such a provision is substantiated by the Government by the expected transition from analogue to digital broadcasting in Armenia. Along with the digitalisation to start in 2010, new competitive bids will be publicised for all frequencies. Thus, it is senseless to grant a licence now for two years. The issue is that on 4 October the broadcast licences for several TV stations will have expired and the National Committee for TV and Radio should have announced new competitive bidding. In response to the demands of the European Court and other European institutions that A1+, deprived of broadcasting rights since 2002, be allowed back on the air, the Armenian government could no longer argue that there were no available frequencies. With this bill the possibility of holding new bids is delayed by another 2-3 years. The bill was passed into law on 10 September. The press described the new law as "the latest conspiracy directed against the freedom of the mass media."

On 26 September, the OSCE Representative on Freedom of the Media, Miklós Haraszti asked the Government of Armenia to review the recently adopted amendments to the TV and radio law that introduce a moratorium on issuing new broadcasting licences until the planned digital switchover, scheduled to start in 2010.

In a letter to Armenian President Serzh Sargsyan, Haraszti wrote: "By cutting off any potential applicant broadcasters from entering the market until 2010, the limited pluralism in Armenia's broadcasting sector will be further diminished."

"A moratorium on new licences for analogue transmission should not be the first step in the transition to digital broadcasting. Digitalisation should not be allowed to reduce diversity and plurality or preserve a lack thereof. If the broadcasting landscape in a country is not sufficiently pluralistic and diverse, it would be appropriate to delay digitalisation and undertake other reforms first," Haraszti added.

He said that the moratorium meant that Armenia will not be able to comply with the June 2008 decision of the European Court of Human Rights that upheld the case of television station A1+. The Parliamentary Assembly of the Council of Europe also urged Armenia to "ensure an open, fair and transparent licensing procedure" and allow A1+ to apply for a new licence.

Since the broadcasting licence of A1+ was revoked in March 2002, the OSCE Representative on Freedom of the Media has repeatedly intervened with the Government of Armenia in support of the television station. Haraszti offered his Office's legal analysis of the amendments and recommendations, adding: "I hope that, for the sake of pluralism, the Government of Armenia will review the amendments with the active participation of all relevant civil society and media stakeholders."

The "Law on Making a Supplement to the Republic of Armenia Law on Television and Radio" will come into force on 27 September.

### **August 2008: a record month in terms of the number of incidents involving journalists**

1. On 1 August in the city of Ashtarak, Gagik Hovakimian, the administrative officer of "Haikakan Zhamanak" daily, was brought to a police department where he was held for about an hour and a half. Gagik Hovakimian had driven the newspaper correspondent Anna Zakharian in an editorial car for the journalist to report on the situation in the city and, in particular, the interrupted transport service on the day when an opposition rally was to be held in Yerevan. Despite the demands of the editorial staff, the police officers, who had exercised illegal violence against a media representative, have not been held accountable to this day.

2. On 5 August, on the order of the Judge Gagik Avetisian of the Court of First Instance in the Kentron and Nork-Marash communities, photo journalist Gagik Shamshian was incarcerated for several hours. Shamshian, who was going to shoot the court hearings of the case of the member of the Political Council of "Republic" party Smbat Ayvazian, was held locked in the basement of the court building, after which he was taken to the police department of Kentron community.
3. On 6 August, correspondent of "Chorrord Ishkhanutun" newspaper Gohar Vezirian, who was covering the trial of the same case, was compulsorily taken by court officials out of the courtroom on an order from the judge. These officials, having used force and with blows, took Vezirian to a room designed for holding defendants. The journalist was kept there for an hour and a half, in the company of people charged with various crimes, after which she was taken to the police department of Kentron community.
4. On 11 August, Lusineh Barseghian, a correspondent of the "Haikakan Zhamanak" daily, was attacked and beaten on leaving home. The journalist was moved to "Surb Grigor Lusavorich" medical centre where the doctors who examined her diagnosed a head injury and a bruise. Criminal proceedings were instituted, but the perpetrators have not been found to this day.
5. Finally, in the evening of 18 August in the center of Yerevan, Hrach Melkumian, the acting head of the Yerevan office of the Armenian Service of Radio Free Europe/Radio Liberty, was attacked and beaten.

In other words, the society that was hoping to have a climate of tolerance established after the tragic events of 1 March has witnessed a new wave of violence against press representatives.

This is happening when the Republic of Armenia is supposed to make take steps for speedy implementation of PACE Resolutions 1609 ("The functioning of democratic institutions in Armenia") and 1620 ("The implementation by Armenia of Assembly Resolution 1609 (2008)"), also requiring reforms in freedom of expression.

It should also be noted that Gagik Shamshian and Gohar Vezirian were released on 5 and 6 August respectively, having spent over two hours at the Kentron police department. As to the incident of 11 August involving the correspondent of "Haikakan Zhamanak", the criminal proceedings have been instituted by

the Nor Nork police department under Article 118 of the RA Criminal Code ("Beatings"). On 12 August, the Head of the OSCE Office in Yerevan, Sergey Kapinos, sent letters to the RA Prosecutor General Aghvan Hovsepian and the Head of the RA Police, Alik Sargsian, with regard to the attack on Lusineh Barseghian, expressing his alarm at the occurrence and urged the law enforcement bodies to take prompt measures "to find and punish the perpetrators of this violent act". The investigation into the attack on the acting head of Yerevan office of the Armenian Service of Radio Free Europe/Radio Liberty Hrach Melkumian, committed on 18 August, is being done by Kentron Police Department.

# AUSTRIA

By Otmar Lahodynsky



## When a tycoon rules politics

The Austrian media scene is rather small and has been reduced to a few big players. Media concentration is very high, especially in the print sector: The two biggest dailies, Kronen Zeitung and Kurier, are controlled by one common parent company and have – at least for a large part of the shares – the same owners. Equally, Austrian magazines are dominated by one big group, News Verlag, which publishes most magazines. German companies have bought big stakes in newspapers and magazines.

The biggest newspaper, Kronen Zeitung, which reaches more than 3 million readers daily, has a history of trying to shape or influence the national political scene. Its publisher, Hans Dichand, who also owns half the shares, likes to interfere directly in politics. In 2000, he openly opposed the new centre right government but was not successful in preventing it.

For the last couple of years, Kronen Zeitung has taken the lead in criticising the EU in a very aggressive manner. Dichand personally chooses readers' letters, preferring those with strong anti-European content. Since last year, the paper has pushed for a referendum on the Lisbon Treaty, but the government continued the normal ratification procedure in the Austrian Parliament, where the treaty was passed by a large majority.

Last July, Austrian chancellor Alfred Gusenbauer, who opposed holding a referendum before, suddenly changed his mind

in an effort to come to grips with the rising opposition within his own party.

In a rather unusual step, Gusenbauer, along with his designated successor as head of the Social Democrats, Werner Faymann, wrote and signed a joint letter to Hans Dichand announcing that they would now favour holding public referenda on any future European treaties. This was a U-turn and was criticised by other media as a complete surrender of politics to the interests of an elderly newspaper tycoon.

It was revealed that he offered Austria's foreign minister, Ursula Plassnik, favourable reports if she also would take a more critical position towards the EU, but Ms Plassnik declined to do so.\* Ever since, Plassnik has faced negative reports that are often accompanied by unfavourable photographs.

In the aftermath of the letter episode the ruling coalition, which had been highly unpopular among Austrians, collapsed. Junior partner ÖVP opted for the anticipated general elections that took place in October.

Both big parties lost a lot of votes, but the Social Democrats came first again and, once again, are now negotiating a new coalition with ÖVP.

\* See Ms Plassnik's letter to Mr Dichand, 30 June 2008, on the Foreign Ministry's website: <http://www.bmeia.gv.at/en/foreign-ministry/news/presseaussendungen/2008/offener-brief-von-bundesministerin-ursula-plassnik-an-hans-dichand-herausgeber-der-kronen-zeitung-zur-krone-vom-29-6-2008.html>

# Croatia

By Zdenko Duka



## Violations of media laws

On 23 October 2008, Croatia was shaken by the murder of Ivo Pukanic, the owner and founder of NCL Media Group, which is the publisher of the political weekly, Nacional. Pukanic was one of the founders of Nacional and the paper's editor-in-chief for many years. Along with his marketing chief Niko Franjic, Pukanic was killed in a bomb blast in the very centre of Zagreb, Croatia's capital. This was the first murder of a journalist since the war that was raging in Croatia in the 1990s.

This spring there was an attempt on his life which police did not manage to solve for over six months. There were many who at the time publicly criticised Pukanic over his business dealings and cast doubt on his integrity.

Nevertheless, in the past several months Croatian journalists held two public rallies protesting against the failure of the police to identify those who have attacked journalists and bring them to justice. Pukanic was not the only victim. The perpetrators of another assault on the Jutarnji List journalist, Duško Miljuš, were not apprehended either. His arm was broken in the attack and he suffered serious contusions and facial injuries. There was a public protest immediately after the attack on Miljuš and another again at the end of September. Numerous protests were held to draw attention to police inaction in dealing with this case, as well as with several other cases of serious attacks on journalists.

In this way the picture of the state of the media in Croatia has become literally bloodied. These

unsolved crimes and attacks are unfortunately not the only instances of a serious discrepancy between the laws and their implementation in Croatia.

## Disregard of the law

Croatia has 19 different laws and regulations that deal directly with media. One could generally say that they are well crafted, but that nevertheless the media are in reality poorly protected, as many of the regulations are ineffective and considered by many in the profession as no more than a dead letter.

The professional rights of journalists are frequently breached in many newsrooms and editorial offices because too many of them have failed to put the media statutes into effect, even though that is obligatory under the Media Law of 2004. The Media Statute is a self-regulatory act which is supposed to guarantee the right of journalists to participate in the process of appointing or dismissing the editors-in-chief. These statutes are meant to be applied by the publisher and representatives of the journalists, and to take account of the wishes of the majority of the journalists. The law thus prescribes that journalists are part of the process of selection and election of the editors-in-chief, but in fact that is the case with only a few privately owned media in Croatia. The publishers are simply unwilling to let their editors and journalists influence the process.

If the statutes are not properly applied after six months, the law prescribes that arbitration should be conducted by the Croatian Association of Employers and the Croatian



journalist associations. Yet no steps of that kind have in fact yet been taken. The employers maintain that they are still trying in their own way to reach an understanding with their newsroom staff. Collective agreements were signed ten years ago, but the employers are still showing themselves reluctant to accept them.

According to the rules, journalists should vote on candidates for the posts of editor-in-chief of public television and radio, as well as in HINA, the Croatian press agency, which is also a public agency. Two specially crafted laws, one on the HRT (Croatian radio and television) and another concerning HINA, specify this procedure. The main Law on the Media is in practice not respected. The same is true with regard to an article in the law that deals with the transparency of ownership structures. The publishers are supposed to supply the necessary information every year by 31 January about the direct and indirect owners of stakes in the media. This information should be delivered to the Croatian Chamber of Commerce. The law also requires disclosure of whether the owners have any other media holdings. The publisher is obliged to publish this information in the "Official Gazette" every February. However, only 30% of the publishers do so. The rest are failing to comply with this law, yet so far they have been able to do so without any consequences or sanctions (although the same law lays down set penalties for breaches of the law).

Publishers are also obliged to publish details about circulation and profits, as well as the viewing or listening percentages, by the end of April of each year. In practice, however, only a few of them do so. They have been especially unwilling to comply in making public any figures concerning the profits they make from advertising, and they regularly fail to provide information about the media agencies and advertisers which account for the more than 10% of the annual marketing profits in the media industry.

This problem of chronic disregard for the law exists in the electronic media as well. Some

media win licences on the basis of promises to provide substantial public interest programme content, and then change the content radically once their licences are secured. The Council for Electronic Media is not well equipped to monitor these lapses, so the companies concerned are regularly allowed to keep their licences despite blatant violations of their contracts.

In Croatia, the concentration of media ownership in the printed media is higher than ever. The Austrian Styria group owns almost 46%, and EPH (Europa Press Holding) has 43% of the overall printed media by sales. The relevant article in the Media Law has been criticised as being too imprecise, but it does state clearly that no entrepreneur should be allowed to control a media market share of more than 40%. There are different ways in which to calculate these percentages, but it is safe to say that both those corporations have a share of more than 40% of the total circulation in the market at present.

## **Access to information**

It is now five years since Croatia introduced the Freedom of Information Law, which gives citizens the right to ask and receive information they seek from public bodies, including the government, ministries, Parliament, counties, cities and other self-governing units. The Law is also designed to assist journalists who have been denied requests for information from these public bodies, but in effect such an outcome has been rare. The Law obliges the public bodies to respond to a reasonable inquiry within 15 days. The official reports indicate that their responsiveness has begun to improve, but the reports from watchdog organisations such as GONG indicate that the law is routinely ignored. The intent of the law was clarified by the case of Jelena Berkovic, a journalist of Radio 101, who sued the Prime Minister, Ivo Sanader, for failure to respond to a request for information under the law. She won the case in court.

## **Commercialisation**

In Croatia the trend towards increasing commercialisation of the media is very strong. Popular but insubstantial or trivial content is increasingly used to boost advertising revenue, and a strong coalition of interests has emerged among advertisers, politicians and the media. It is apparent that

journalism is gradually succumbing to commercial management goals. The dismal consequence is that media companies increasingly set out to "manufacture" the news and information that they put out, instead of mediating it using independent judgment as their professional integrity should require them to do.

# MOLDOVA

By Aneta Grosu



International institutions monitoring respect for human rights have produced detailed evidence showing that Republic of Moldova faces a serious level of abuses on the part of the police, systematic harassment of the political opposition, an intimidated press and excessive corruption in the judicial and police system.

Since 2001, a communist governing system has held power in the Republic of Moldova. This system carries out systematic and continuous intimidation of the free press and journalists. Access to public information has become more and more limited, although it is in theory guaranteed by the country's laws. The communist governing authorities control both public and private means of disseminating information. The control is exercised through the censorship of public radio and TV broadcasting, as well as through selective funding of mass media by the state.

Cases of violence against journalists have continued at a disturbingly high level. The governing authorities in Chisinau refuse to accept even reasonable criticism by any media. There are a number of well-documented cases of retaliation against some information media which had revealed information about cases of corruption among civil servants and abuses of power by government authorities in the field of human rights.

It is a matter of grave concern that the governing party in the Republic of Moldova frequently seeks to disguise abuses and undemocratic behaviour by paying lip service to a supposed commitment to western values and standards. Experts record the adoption of some legislative acts which on paper

correspond to European norms, but which are not applied in practice. Such experts have noted that such behaviour matches that of other regimes which originated in Soviet-style communism, where civil rights are guaranteed in a declarative way but do not exist in practice.

The governing party has sought to prove that there is press freedom in the Republic of Moldova by citing examples of the financial support provided to a variety of news-related publications. But they conspicuously fail to state the reality – that such help is directed exclusively at media institutions which support the political forces now in government. Unfortunately the free and independent press in Moldova, which seeks to do its duty of objectively covering current events in the public sphere, is widely intimidated and exposed to extreme and often intolerable pressures.

Clear abuses of power directed against journalists have been documented in earlier AEJ Surveys. Such abuses have continued at an unacceptably high level, and access to public information continues to be extremely limited. Here is a list of some of the serious violations of media freedom (as it is supposed to be guaranteed through the Council of Europe and other international laws and conventions):

- On 28 December 2007, a reporter of the Unimedia website was assaulted by unknown persons while filming President Vladimir Voronin during a ceremony to inaugurate the "Christmas Tree" in the centre of Chisinau.
- In January 2008, a cameraman from PRO TV Chisinau was forced to erase his pictures

of President Voronin, shot at the entrance of the Palatul National.

- On 9 March 2008, the bodyguards of the President of the Parliament of Moldova intervened to prevent a TV crew of PRO TV Chisinau from filming Marian Lupu participating in a festival of the Russian community.
- A reporter from the newspaper, *Moldavskie vedomosti*, was barred from access to a meeting of the European Commissioner for External Relations and the European Neighbourhood Policy, Benita Ferrero-Waldner, with students of Chisinau State university, on 15 February 2008. Other reporters were allowed to attend the event.
- In February 2008, the Prosecutor-General charged the director of the newspaper *Timpul*, Constantin Tanase, with "inciting conflict or national, racial or religious divisions." Mass-media experts declared the allegations groundless, saying there was no credible evidence to back them up and that the prosecution was therefore unlawful.
- Special problems of access and interference with media freedom have arisen in relation to the Transnistrian conflict. In April 2008, after a meeting of President Vladimir Voronin and the separatist leader Igor Smirnov, the presidency organised a press conference where only pro-communist, pro-governing power media were invited and allowed in.
- In April, the Prosecutor-General launched a series of arbitrary investigations amounting to harassment of representatives of the Unimedia website. The Information and Security Service has been involved. The service demanded information on the IP addresses of the participants at the forum, and searches were carried out at the houses of some participants.
- The Prosecutor-General ordered officials of the Interior Ministry to conduct a criminal

investigation into several reporters and listeners of the radio station, *Vocea Basarabiei*, in March 2008, supposedly on suspicion of attempting to change the constitutional order of the country.

- One special case concerned the fine imposed on the publication, *Jurnal de Chisinau*. In April 2008, the Centru Law Court from Chisinau appropriated 300 000 lei from the publication's assets, during a trial in which the newspaper was accused of dishonoring the reputation and dignity of a prosecutor by printing allegations of immoral behaviour.
- A fresh case, connected with the activity of the independent investigative weekly newspaper, *Ziarul de Garda*, is covered by the following message addressed by SEEMO on 6 October 2008, to Zinaida Greceanii, Prime Minister, and Valentin Mejninschi, Minister of Internal Affairs of the Republic of Moldova:

The Vienna-based South East Europe Media Organisation (SEEMO), a network of editors, media executives and leading journalists from South East Europe and an affiliate of the International Press Institute (IPI), wishes to express its concern at the recent harassment of journalists working for the investigative newspaper *Ziarul de Garda*.

According to information before SEEMO, journalists from the weekly investigative newspaper have suffered from continuous harassment by phone and email since the publication of an article on 4 September 2008. The article discussed Moldovan students' misgivings about the fact that their personal data was given to the Security and Information Service (SIS) by the Ministry of Education. The threats against the journalists included anonymous phone calls and entries on the newspaper's internet forum warning *Ziarul de Garda*'s staff that they should stop discussing the SIS in their articles.

SEEMO is deeply concerned about this intimidation of journalists and calls on Your Excellencies to initiate an immediate investigation into this case. We further urge Your Excellencies to do everything in your power to create a safe media environment and to prevent incidents like this one from occurring in the future.

# POLAND

By Krzysztof Bobinski



## Public broadcasting

Journalism in Poland is not a dangerous profession. Investigative reporters do not have to fear reprisals at the hands of murderous thugs. The worst that can happen to outspoken editorialists is that people in positions of power will fail to return their calls. Politicians do not actively seek to interfere with media content. There is no censorship. Journalists have enjoyed and continue to enjoy high prestige in the society, just below teachers who come top of the list. Journalists are better esteemed than priests, judges or politicians. Society at large tells opinion pollsters that it is happy with the content provided by television and radio - around four fifths of respondents say they are satisfied with the daily media fare they receive.

Yet at the same time, I would argue, the media in Poland, especially the state owned<sup>1</sup> broadcast media, are in crisis as they are failing to provide the information the citizens need to have to be able not only to understand the events happening around them but also the challenges facing their society, at home and abroad. This is important for, if the media fail to perform this task then democracies cannot function properly and sooner or later will degenerate to become a threat either to themselves or to their neighbours.

Between 2005 and 2007, Poland saw the rise and fall of an authoritarian government which saw the media as inimical to its interests. As a result it sought to bring state owned television and radio entirely under its control. Key posts in the state owned broadcast media were filled by declared supporters of the government. Current affairs programmes relayed

government concerns. Government friendly commentators became regular guests in the public media. The government also made no secret of its hostility to independent commercial broadcasters.

In the autumn of 2007, that government was voted out of power and replaced by a new administration which promised to install a media regime in the state owned sector which would guarantee the independence of broadcasters.

However, this has not happened. Laws regulating appointments in the public media passed by the previous administration made it very difficult to replace their appointees. An amendment to the media law, which would make it possible for those appointments to be reversed, is impossible because the President, who sympathises with the previous administration, will veto changes. The present government does not have the three fifths majority in Parliament needed to override the veto. The result is stalemate.

The underlying problem is that the present government has also failed to make a case for a public broadcasting system that would provide society with information and insights by

<sup>1</sup> I use the terms "state owned media" and "public media" interchangeably. The formal situation is that these media are owned by the Treasury, thus by the state supposedly in the name of the public. The issue of whom the media should serve is fuzzy, however. Should they serve the state, i.e. the politicians or the administration currently in charge or the public at large which pays taxes and is entitled to hearing and seeing all points of views on key issues. This question remains unresolved, hence the decision to use the two terms interchangeably is a conscious one.

allowing it to make judgments on the choices lying ahead. In a word, it has failed to signal that it wants to interact with an informed voting public. The impression which arose when the new government made its case for changes in the media law was that they were merely interested in replacing "their" people with "their own" people.

Unfortunately, the same can be said of the journalistic community working in the state owned media. Years of overt and covert pressure by politicians and other pressure groups have taught journalists how to play these groups off against each other and as a result defend themselves against their own management. The idea that public broadcasting should provide a service to viewers and listeners in the interest of building a viable democracy is weak among journalists and their professional organisations.

Subsequent heads of television current affairs programmes, operating under various governments, complain that it is impossible to discipline journalists because, when threatened with sanctions, they appeal to outside pressure groups for support. "When I tried to sack someone I had calls from influential politicians, or influential representatives of the church or the secret services depending on which institution that journalist had links with. It was impossible to manage the unit," said one head of public television news at a workshop on the issue. Others had exactly the same experience.

Paradoxically, the present stalemate in Poland works for a presentation of a certain diversity of opinions in the public media - not because the system is designed that way, but because of the uncertainty of the political winds. Journalists have developed a sixth sense about the options they are expected to present on the air. "The old regime is still strong in the media so people sympathetic with the previous government's point of view are invited but journalists are also aware that the situation could change so they invite people representing points of view that are in tune with the present

government which might manage to overturn the present management of the public media. That way you get pluralism," says a working television journalist.

Thus there are high levels of cynicism tinged by opportunism in the public media, and management is weak. What is lacking is strong leadership and an understanding of the ideal expressed by Lord Reith - the first Director-General of the BBC in the UK - of a public broadcasting mission to "inform, educate and entertain". What is worse, there are no obvious candidates ready to perform such a role, even if changes in management were possible, nor are the journalists or their professional organisations articulating such a need for the broadcast media. This is a measure of the crisis in Polish journalism.

At the same time, laws protecting media freedom are in place. Regulations obliging the public media to provide impartial information are also in place. However, the broadcast media licensing body, the KRRiT, an official watchdog, shows little interest in ensuring that they are respected. The state owned media do not abide by any BBC-style code of conduct for journalistic work, which might guard their editorial independence against political pressures. If such a code or editorial guidelines exist at all in Polish public broadcasting, they are evidently not enforced. There is also little or no training designed to ensure journalistic impartiality. In effect these failures run counter to the Council of Europe's Parliamentary Assembly's Resolution 1636 on media standards of fairness and professionalism adopted on 3 October this year. The current head of Polish Television (the state broadcaster) was, before taking up the post, the chief minister in the present President's office. It is the President himself who is threatening to veto changes in the system that could enforce a degree of impartiality.

The public media operate in competition with a commercial broadcasting sector which increasingly treats information as entertainment

and the process of dumbing down continues apace. "Morning planning meetings are dominated by a search for participants in current affairs programmes who will go for each others' jugulars. This is what the viewers want. This is what puts the viewing figures up," says one senior journalist in a commercially owned 24-hour news programme. "We are constantly looking for people and themes which will set the atmosphere alight," he adds.

As the state owned media also carries advertising and is seeing licence fee payments<sup>2</sup> constantly declining, the fight for audience share means that it is increasingly difficult to touch subjects which maybe important but are seen as dull. As a result, television current events are becoming "tabloidised" and coverage of foreign events suffers. This is while Poland has as many as four round-the-clock television news channels, three commercial and one state owned. Yet they are still short on "serious" coverage. "We have BBC World and Al Jazeera on all the time in our news room; we've given up on the Polish stations," says the foreign news editor of a major print daily.

The decline of serious coverage in the western media is a parallel development. When Poland shed official censorship in 1989, broadcasters like the BBC were still able to present a credible model. The memory of foreign broadcasts like Radio Free Europe providing information to the country was strong. Countless conferences and study tours to the west post-1989 extolled the virtues of a media model that provided comment-free, objective information. Now that inspiration is much weaker as western media have themselves

dumbed down to a considerable extent. The trend abroad is also towards commercialisation.

The problem thus transcends Poland and centres on the issue of the state of the media in the western world and the functions that it should perform. It is thus an integral part of the Association of European Journalists' ongoing debate on fundamental failings and challenges for media freedom in Europe. Media that allow themselves to be governed solely by commercial considerations and to cater to the widest of popular taste are media that no longer educate and inform but merely entertain. This is the trend in Poland, but not only here. If four fifths of Poles says they are satisfied with the fare they are supplied by their media, that merely reflects the fact that Poles like to be entertained. The point at issue is whether their media is serving the cause of a viable democracy. The two issues are interrelated. A democracy cannot function well if it does not have media that inform and educate. Free media cannot function well unless they operate within the framework of a viable democracy.

<sup>2</sup> The debate on the future of the licence fee is part of the wider discussion on the public media in Poland. The current pro-business administration would like to cut out the licence fee or change the way it is used to subsidise the public media. The latter are in any case becoming increasingly reliant on advertising revenue. However, the financing issue is, in my view, subordinate to working out a model for the public media and a fundamental reform of management and training methods in those media.

# SERBIA

By Nebojsa Ristic



I will first divide this brief overview of the history of the struggle for media pluralism and media freedom in Serbia into two distinct periods – before and after the Revolution of October 2000 – and then take stock of the troubling situation facing Serbia's independent media in 2008. I conclude with a postscript that details three recent cases.

## Before 2000

The world is familiar with the harsh reality of life, including the conditions of work for journalists, which prevailed for many years in the countries behind the Iron Curtain. In Serbia, as elsewhere, it is a story of the systematic suppression of media freedom and freedom of expression. But it is at the same time a story of an unceasing struggle on the part of many journalists and editors to achieve those freedoms. That narrative deserves to take up a significant part in the "world book of journalism", if such a volume were to exist.

In Serbia, the extreme distortion of the environment for journalists continued throughout the decade of the 1990s, while the nation experienced war, ravaging inflation and eventually the disintegration of the state of Yugoslavia and the re-making of the political system within Serbia itself. The struggle for media freedom and independence during that transitional period often appears in retrospect to have been clumsy, but it is also marked by honest efforts to break free of the old constraints and distortions, thanks in particular to the determination of a number of actors in the story who played a dramatic part. That formative period of trial and error, of advances

and retreats, left a definite legacy in the form of the relationships that eventually emerged among the various forces in the media world, the political structures, and the business and interest groups in the country.

The second period, after October 2000 when the Milosovic government fell, saw rapid and positive changes in the media landscape. The strict Public Information Law, enacted in 1998 to tighten the state's control during the war with NATO, was suspended. Banished journalists and media started to come back to their offices and jobs, and also to recover the equipment and premises that were confiscated during the harsh crackdown on the independent media in 1998, 1999 and 2000. That process was by no means simple, straightforward or fair. But media professionals worked constructively with experts from NGOs and others to prepare a new set of media laws which were modeled on modern and well-tried systems in other parts of Europe.

## After 2000

There were also serious failures and disappointments in the attempt to set up a robust system of independent media. For example, during parliamentary procedures, some aspects of proposed media legislation were deliberately changed to serve the interests of certain media groups, or the financial, political and security centres of power. Those distortions and bad judgments have all too obviously led to the problems seen today, not only in the unstable pattern of media ownership but also in the shocking increase in the number of violent incidents in which journalists have been targeted.



The succession of violent and disturbing incidents in the recent past cast doubt on the effectiveness of the democratic changes which many have worked hard to bring about in Serbia. We have witnessed many criminal assaults on journalists as well as intimidation and other forms of unacceptable pressure on journalists, their places of work, and even sometimes on their families. The most dramatic example is the murder of Milan Pantic, a journalist from Jagodina in Central Serbia, 100km from Belgrade and a correspondent for a national daily newspaper. He was killed in front of the building where he lived with his family in June 2001. The case is still not solved. From the circumstances, it is clear that his murder was meant to be a warning to anyone working in investigative journalism. Inevitably, in a Balkan country in "transition", such journalism sometimes involves exposing unpleasant truths about the activities of figures in power or authority.

In Serbia the situation of the would-be independent media has become quite desperate. A climate has been allowed to develop in which journalists are regularly subject to harassment. And that atmosphere of hostility has come to affect many people who work in the editorial offices of news organisations as well as a number of prominent public figures. Serbia's numerous tabloid newspapers, in particular, have come to be used as platforms for launching smear campaigns, attack journalism and even defamation. Yet the response of the judicial and other proper authorities has often been late, tepid or evasive.

## **The present day**

In the early part of 2008 the incidents of violence and intimidation grew markedly worse. Later the situation appeared to calm down to some extent. Political tensions rose first over the presidential elections in January, and again in February with the European Union's decision to accept the independence of Kosovo. During riots after a protest rally

against that decision, some Embassies in Belgrade were attacked, with serious looting. A number of journalists became targets of violent attack. Journalists from the Netherlands and the Czech Republic were assaulted, and similar scenes occurred during later protests following the arrest of Radovan Karadzic. Press colleagues from Ukraine and Spain were attacked at a rally which had turned violent. Ironically, the journalists came from countries which had not in fact given diplomatic recognition to the government of Kosovo. Serbian journalists and cameramen from B92 radio station, from the Beta news agency and some others were also attacked seriously in July.

One of those cases resulted in a cameraman suffering a broken leg. On that occasion the police and public prosecutor reacted promptly and the attackers were found and convicted. But, in September, during continuous protests by groups of right-wing, ultra-orthodox, nationalistic and even pro-Nazi organisations, some of the demonstrators were able to enter the premises of the Beta agency to issue what they called a "warning".

All those incidents occurred in Belgrade. But assaults on journalists outside Belgrade have also been common and often severe. Many of them revolved around murky cases of privatisations, business mergers or takeovers, or suspicions regarding public tenders and lucrative procurement contracts for local government bodies and public enterprises. Media workers seeking to inquire and report on such matters, far away from the capital, have often found themselves dangerously exposed to intimidation, harassment or violence. The same applies to a number of NGOs, foreign embassies and conscientious politicians.

In 2008 two particular examples of suspected abuse of power by local tycoons or power brokers are worth mentioning. In Zrenjanin, Vojvodina, a woman reporter from the Beta news agency reportedly faced threats to her own life as well as to her daughter after she

had reported allegations of illegal building in the municipality. And in Novi Pazar, a region also known as Sandzak, a regional TV journalist and cameraman were attacked while they were making a report about other allegations of abuses of planning laws.

They were attacked on site as they recorded interviews. In both cases, police have identified the responsible persons and judicial procedures are being followed. It is also greatly to be welcomed that the government has directed the courts to treat attacks on journalists as seriously as attacks on official persons.

However, this short account prompts me to put the following questions:

1. Is there any sure and reliable way to protect journalists from physical harm arising from the work they do?
2. How is it possible to distinguish in law and practice between those who use journalism for responsible, professional purposes and

those who seek to use it as a partisan platform to publicise some private or even vindictive campaign for political or economic purposes?

3. Can the EU, the Council of Europe or the OSCE find new and more effective ways to counter and prevent attacks on journalists?
4. As colleagues and professionals, within the AEJ and beyond, what more can we do to play a responsible and effective part in rectifying the alarming and dangerous threats to media freedom and independence that exist and are now growing?

New safeguards are needed and a state of much higher public awareness is necessary within our societies and governments to allow the media to fulfil its proper purpose of holding power to account and bolstering the democratic way of government.

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## Postscript - three cases

**Case in Novi Pazar, 18 June 2008:** Journalist Ivana Milic and cameraman Edis Klimenti were reportedly threatened verbally by brothers Faroukh and Haroun L while conducting an interview about alleged violations of the building laws. According to the journalist's statement, the defendants told them they would "cut their throats and break their equipment if their report goes on air anywhere". Police identified and arrested the defendants on the same day, and they were in custody for eight days. On 27 June the Public Prosecutor laid charges against them. The trial is awaited.

**Case in Belgrade - July, 10 September, 1 October 2008:** Alleged members of an ultra-orthodox, right-wing nationalistic organisation "Obraz" ("Cheek") and "Pokret 1389" ("Movement 1389" – the year of the Battle on Kosovo-field) entered the premises of the Beta news agency several times, demanding to know "why Beta does not report their protests?" They demanded that their statements should be published. Beta news agency editorial staff protested to the Ministry of Interior Affairs, asking it to take steps to constrain followers of Radovan Karadzic from threatening behaviour and trespass.

**Case in Zrenjanin - 22 September 2008:** An anonymous man threatened Ljiljana Stupar, a Beta reporter from Zrenjanin, about the contents of her reporting. She told the police that an unknown male had threatened her during a telephone call, saying that he "had a photograph of her daughter" and that she should not "stick her nose where it did not belong". He also allegedly informed her that he had been paid to frighten her. Ljiljana Stupar notified the police of the telephone code from which the incoming call had been received. She said she had also received threats last year, over articles she wrote in the local press about controversial privatizations.

On 26 September, police identified Ljubiša K from Zrenjanin as the person who had made a threatening telephone call to Ljiljana Stupar. The journalist had recorded part of the telephone conversation and given it to the police. Criminal proceedings are scheduled to take place against the accused on charges of jeopardising an individual's safety.

# SLOVAKIA

By Tibor Macak



## **A 2007 case of police violence against a journalist**

The AEJ reports and deplors the unprovoked and unjustified use of violent force by Slovak police in November 2007 against a Kazakh journalist, Ms Bali Marzec, which resulted in physical injuries. The journalist, who was visiting from her working base in Poland, was taking part in a peaceful protest outside the residence in Bratislava of Slovakia's President against the visit to Slovakia at that time of Kazakhstan's President Nazarbayev.

## **Prime Minister Robert Fico attacks journalists**

In our earlier Surveys on Media Freedom, the AEJ has already documented policies and verbal attacks by senior government figures against media representatives that amount to unreasonable abuse and discrimination. Here we record new examples from the recent past that have further undermined and damaged the ability of the media to do their work freely as they are entitled to by law and according to the European Convention on Human Rights.

The latest attack by Prime Minister Robert Fico on journalists occurred during a press conference on 29 October 2008 after a meeting of government ministers. Before starting his presentation, Mr Fico told the journalists explicitly that they were welcome to quote his accusation that some journalists were "idiots" in their published reports. The AEJ's Slovak Section promptly issued a public statement criticising the Prime Minister, among other things, for lowering the tone of public discourse

by using coarse language, and for deliberately making enemies of the media to divert attention from the government's own failings. That statement was widely published in the Slovak media. The Slovak press agency TASR reported it as follows:

### **Journalists: Fico has authorised his vulgarity**

*Bratislava, October 30 (TASR-SLOVAKIA)* – Prime Minister Robert Fico authorised his vulgarity at a press conference on Wednesday when, before describing journalists from certain dailies as idiots, he announced that he would be expressive, and invited journalists to report freely on this, reads a statement published by the Slovak branch of the Association of European Journalists (AEJ) on Thursday.

"Politicians, especially in ruling positions, are exposed in democratic countries to the pressure of their responsibility for governing the state, and pressure from the opposition and the media, who scrutinise their steps and behaviour every day," the statement reads.

AEJ representatives admit that this pressure is not pleasant, and that criticisms may sometimes be exaggerated or misplaced, "but nothing authorises a politician holding a responsible state post to react in an oafish, rough and aggressive manner." The civilised world requires that all public discourse, including strong polemic, should be conducted in a civilised way, the AEJ added.

AEJ representatives also alleged that Mr Fico is diverting attention away the global financial

crisis, which has produced its first economic effects. "Unhappy is the politician who constantly needs to create enemies on whom he can demonstrate his dreamt-up courage and greatness," the AEJ's Slovak section said.

Mr Fico described journalists from SME, Pravda, Hospodarske Noviny and Novy Cas dailies as "idiots" for the way in which they reported various matters. The following transcript of the Prime Minister's remarks was issued by the Slovak news agency, TASR:

Prime Minister Robert Fico described journalists from SME, Pravda, Hospodarske Noviny and Novy Cas dailies as idiots, due to the way they reported on his official visit to Vietnam, the reconstruction of the government's offices, the Belarus embassy and the financial crisis.

"You're attacking the Government in an oafish, idiotic way. Lies, lies and more lies," Mr Fico said. "I'm asking you for at least a bit of correctness towards this government. The communist press used to be more tolerant towards dissidents than you are to the democratic Government of Slovakia," he added.

According to Mr Fico, only an idiot can publish on the front page that hundreds of people are losing jobs (because of the crisis) and on the second page that "Fico is chasing a billion-plus koruna deal for J&T". The object of his disaffection in this case was the Pravda daily. In reference to his efforts to lobby in Vietnam for the Slovak company SES Tlmace, which has the opportunity to supply boilers for a Vietnamese thermal plant, he said that any prime minister in any country would fight for a deal that would secure jobs for 2,200 people for ten years. "And then an idiot writes that I'm doing a deal for J&T when I am supporting large orders for large Slovak companies," he noted. SES Tlmace is controlled by J&T.

Another idiot, according to Mr Fico, is the journalist from Novy Cas who wrote that Mr Fico

went to Vietnam to look for workers, without paying attention to the 10% unemployment rate at home. In reaction to this article, Mr Fico remarked that during the visit to Vietnam he actually did welcome Vietnamese workers, but only if they had the same conditions as Slovaks – so that there is no social dumping or threats to Slovak jobs.

"Only an idiot from SME daily can write that we've had an underground tunnel reconstructed for Sk30 million (€996,000) that is air-conditioned. Go and have a look," he continued, adding that it is actually quite ramshackle.

Mr Fico attacked the Hospodarske Noviny daily for the article on its front page claiming that people in Slovakia are losing jobs and the trail leads to him because he increased the minimum wage. "What kind of nonsense is this? The article writes about the strong koruna and losing orders and the trail leads to Fico. What do I have in common with the koruna and lost foreign orders?" he asked.

Mr Fico also singled out SME for writing about the building of a Slovak embassy in Belarus, even though one already exists.

According to him, the aforementioned dailies lie and refuse to publish reactions if the government asks for it. Therefore, he wants to turn to the courts.

### **Slovakia bows to a 2006 European Court of Human Rights ruling**

On 20 September 2008, the county court in Kosice finally overturned the earlier conviction of Slovak journalist Martin Klein in connection with a controversial article that he wrote in 1999 (see AEJ Media Freedom Survey, November 2007). With this verdict Mr Klein has been entirely exonerated. The background to this case was detailed as follows in the November 2007 AEJ Survey of Media Freedom across Europe:

In September 2006 a Slovak journalist, Martin Klein, won a ruling in his favour from the European Court of Human Rights in Strasbourg in a test case about the limits of free expression. Martin Klein had appealed against his conviction and a fine of \$500 imposed on him for "defaming the Catholic faith" by a Slovak court. The Strasbourg court awarded the journalist a much larger sum in compensation, saying that the Slovak court ruling had violated his right to free speech. Martin Klein also lost his job with Radio Free Europe in the course of the lawsuit. The case arose out of Archbishop Jan Sokol's demand for a ban in Slovakia on a provocative Hollywood film satire on

Christianity, *The People vs Larry Flint*, after a film poster appeared of a man seemingly being crucified between the legs of a bikini-clad woman. In response, in 1999 the journalist wrote a satirical and controversial article in a weekly magazine, *Domino efekt*, in which he crudely lampooned the Archbishop and alleged that he had collaborated with the former communist secret police – a charge which the Archbishop denied. By law the Strasbourg court decision should be final, but in late September 2007 Slovakia's Supreme Court rejected the ruling of the ECHR and announced its confirmation of the original sentence. Further legal arguments surely lie ahead.

# AEJ Reports: Declining Public Trust in the Media

## ARMENIA

By Liana Sayadyan



### Readers and viewers grow weary of partisan views

On 3 May this year, on the occasion of World Press Freedom Day, the Armenian Section of the Association of European Journalists prepared a special programme on the problems faced by the media in Armenia, including a round-table discussion and interviews with leading reporters, editors and media analysts. The opinions of average readers also were also of interest to us – just how much did they trust the media? In general, the results of the opinion poll showed that readers were tired of extremist views. Below, are some interesting examples of the opinions expressed:

1. I don't find it acceptable when, for instance, public TV tries to impose its opinions on the audience instead of stating the facts. It seems to me that people don't really watch the official programs with much interest or relish.
2. I stopped buying any newspaper before the elections. Rather I started listening to Radio Liberty broadcasts and turned to the internet for news.
3. "Haykakan Zhamanak" (Armenian Time), the opposition's newspaper, is one extreme and "Hayastani Hanrapetutyun" (the official organ of the government) is at the other end of the spectrum. One humiliates and the other glorifies.
4. There's no single paper that has articles about both the good and bad aspects of life. In one paper you'll read only about the positive side while in another only about the negative. There's really no balance.
5. There are certain professional standards, a lexicon and news style, that need to be respected. The paper "Chorrord Ishkhanutyun" has crossed this line and has become the mouthpiece of a few who despise the regime.
6. During the 1990s I thought to myself: what must the news outlets do to improve? As an economist I linked it to an improvement in the overall social conditions. I thought that if the press could ensure self-generated revenue they'd function properly. But now I see that by becoming profitable businesses the TV companies have fallen under outside influences even more so. They've fallen into a trap and more money won't get them out.
7. The quality of newspaper articles has fallen and poses the following query. This isn't just my opinion but is directly reflected in the number of refutations and corrections that appear in almost all the papers. If they did their job right in the first place why would they need all these corrections?

The Pan-Armenian Association of Mass Media, in the second half of January 2008,

held a public opinion poll on the question of the trustworthiness of Armenian media outlets. A public opinion poll was held among 25 active political parties, 45 public organisations and 30 leaders of the organisations which always use information sources. Radio Liberty enjoys the most confidence, garnering 173 points out of a possible 500. Public Radio

received 110 points and public TV came in third with 80 points.

Poll results showed that those constantly utilising the news media evaluated the confidence level of the news outlets as quite low. The news outlet that came in first place only received a rating of less than one-half of one point.

# CROATIA

By Zdenko Duka



"Journalism is dying." So said a great journalistic legend, the writer and essayist Marko Grcic, recently. He maintains that journalism in Croatia has never been in such a deep crisis as it is today. The reasons for that situation he finds, not in any particular degree of incompetence among journalists, editors and writers, but in the fact that Croatia is a small country. He considers that there are no articles about internal policy, foreign policy or culture in Croatian newspapers any more. Instead there is just a kind of virtual world. That virtual world is designed and presented through commercial television stations and their popular shows. Public television tries to compete with the commercial channels in creating a pleasant and sweet illusion for the population, producing a lifeless life and lifeless society in which nothing is questioned or needs to be questioned.

The costs of producing a newspaper for a market of 4.5 million people are not much different from those for the market of 50 million. Croatian publishers have concluded that they can never sell newspapers or other media by offering serious journalistic coverage of public affairs.

When we look closely at the range of daily papers, we find that they in fact publish very different material – ranging from serious analysis to extremely trashy news and sensationalist light coverage. One can see both types of journalistic presentation in the same newspapers. As a result readers find it hard to distinguish between the two, so they tend to end up not taking anything seriously, including the serious information offered to them.

The International Education Center for Journalists (ICEJ), with headquarters in Opatija, Croatia, carried out very intensive research into the credibility of newspapers in 2007. The main findings were that, in newspapers overall, professional standards had deteriorated, ethical standards had declined, and various forms of manipulation had grown more common. It also demonstrated that there is a marked trend for articles and coverage to be shorter and more impressionistic. Serious analytical articles, on the other hand, had grown much rarer. Bias was obvious and widely evident. The study found it was very common for an article to report something based on only one source. That practice clearly breaks one of the most basic professional rules of journalism: to ask all sides involved in an issue for their point of view.

This one-sided reporting was growing more common at least in part because it makes the creation of suitable content much easier, of course. A Gallup opinion poll into the level of trust readers have in their media, conducted in 2007 in 60 countries, put the media in Croatia in 42nd place. According to that research only 27% of Croats interviewed trusted their media.

In Croatia the publishing business, especially in the area of news media, has grown rapidly in the last 12 years, since independence. But in the last two years, according to data issued by the Croatian Chamber of Commerce, the total number of active media companies has in fact decreased. Yet, while the circulation of some mainstream dailies has been falling for the past several years, the total circulation of all the printed media in the country has gone on increasing.



The level of trust in the media, however, has not grown. Some exceptions aside, what we see is a rapid growth of what might be called "arranged journalism" – in contrast to community-responsible journalism. I use the term "arranged journalism" to denote the product of arrangements, deals and convenient understandings between media publishers, advertisers and members of Croatia's political elite.

Much media content is now presented as if it were in fact advertising, and light glossy editorial content has grown hard to distinguish from commercial advertisement. The profit motive reigns supreme. That "arrangement" is indeed the basis of a strong axis linking politics with business and the media. The large media companies have found powerful allies, and they blatantly promote the interests of the politicians and businessmen they are connected to. This happens through PR-type articles which represent a kind of hidden advertising. "Arranged journalism" has become the routine work of managers, and its goal is to "manufacture" what is presented as truth, instead of reporting on things as they are, as the media by definition are supposed to do.

The signs of commercialisation of newspapers are visible, for example, in the profusion of "special sponsored sections" in newspapers, in place of the old culture pages.

Websites that specialise in delivering quick but superficial news lack credibility, but they still influence journalism in two ways - positively and negatively. They do so positively because they make electronic and written journalism more dynamic. But the main influence they exert is negative because they transfer that chain of scepticism or incredulity to journalism in general. The lack of regulation regarding websites and blogs in Croatia works to exaggerate this tendency. It is clear to us, therefore, that the media laws, as well as self-regulation through the journalists' Code of Ethics, should be extended to websites too.

The Croatian Journalists' Association (CJA) believes that a big step towards re-establishing public trust in the media would be made by establishing a three-party Media Council (of journalists, publishers and representatives of the public). I believe that the Council could take the lead in setting an ethical framework for the media which would help to revive the health of journalism. We in the CJA think that it is worth trying whatever is necessary to make community-responsible journalism prosper again. The task is urgent and is growing harder by the minute, as today's media are creating very bad habits in their readers.

# CZECH REPUBLIC

By Tomáš Vrba



## No earthquake, no storm, but showers

The Czech media keep enjoying a comparatively high level of media freedom and independence. Reporters Without Borders (Reporters Sans Frontières) ranked the Czech Republic among first 20 out of 173 countries assessed – better than Germany, Great Britain, France and Spain – in its Press Freedom Index 2008.

## Public trust

While Czech political institutions traditionally do not win great public trust, the media score rather highly. According to the July 2008 edition of the Eurobarometer opinion poll, the national government, national parliament and local political parties gain public trust of only 21%, 16% and 11% respectively, which are much lower scores than the EU average.

The Czech media are trusted relatively highly, it appears, for their independence and possibly as a counterbalance to the largely mistrusted world of politics. This year, the 40th anniversary of the Prague Spring of 1968, reminded the Czechs of the vital importance of free media for building an open democratic society.

Just as in the past, and indeed as in most EU countries, radio is the most trusted medium (CZ 73%; EU average 61%), followed by TV (70%; EU 53%), the internet (56%; EU 36%) and the press (56%; EU 44%). The level of trust in the internet is the best result of all 27 EU member states. Among the young, the better educated and the politically centre-right-oriented Czechs, the figure rises to 70%. The number of internet

users in the Czech Republic is increasing, and now stands close to 45% of the population.

Overall, public trust in media slightly increased since last year (by about 2 points). The reason may be the continuing degradation of the Czech political scene, especially of its political culture.

## Events

An important milestone in broadcasting technology has influenced the Czech media: the process of large-scale digitalisation started after a test period and, since 31 October 2008, 60% of the Czech population receives only a digital signal for both public service Czech TV (CT) channels. The figure is also more than 50% for nation-wide privately owned channels. A number of new broadcasters have entered the scene, and older ones launched new programmes. Thus two 24-hour news channels are available now, CT 24 (public) and Z1 (private), competing for audiences and for trust.

However, concerns arose in the Czech media community in late summer because of the prospect that the Czech media group Economia (publishing, among others, a prominent Czech economic daily *Hospodarske noviny*) could be sold by the German owner *Handelsblatt* to a company widely perceived as unreliable, based in the Caribbean. Eventually a Czech entrepreneur Mr Bakala, who already publishes an influential weekly *Respekt*, bought Economia, to the widely-aired relief of experts and media organisations.

The Beijing Olympic Games and the Russian invasion of Georgia were two major inter-

national events that impacted strongly on the Czech media in recent months. Human rights activists protested against Czech TV – especially its sports desk – for withholding any criticism of the Chinese regime during the Games. A strong pro-Georgian tone was typical in most parts of Czech media during the August war, accompanied by pronounced criticism of the Czech President Vaclav Klaus, who expressed much more understanding for the Russian position than the government and other EU politicians. A few Czech media sent their own reporters, and three of them were attacked and robbed by a South Osetian paramilitary group, but were later rescued by Russian troops and handed over to the Georgians.

Polarised politics and a harsh and hostile electoral campaign brought a number of media scandals. In September one centre-right ODS MP agreed to take part in a stage-managed "test of integrity" of his fellow party member MPs on the private channel Nova TV, posing for staged sensitive photographs. Journalists – pretending to be working for a detective agency – approached a young PM Morava who was shown being willing to buy compromising material. A heated debate followed about whether or not the media are justified in using such provocative methods, including fake identities and hidden cameras, for such a purpose. Experts and journalist association representatives like Miroslav Jelinek, chairman of the Czech Journalists Syndicate, basically agreed that under strictly defined conditions such methods may be admissible. Mr Morava became the first Czech politician for many years to resign in the wake of the negative publicity he received as a consequence of the TV programme.

An incident involving Radio Wave, an alternative-style radio station for young people, provided a blatant example of unwarranted interference in the contents of a programme. Richard Medek, the programme director of the Czech radio (public service) declared in a debate with members of the Council of the Czech Radio (a public control body elected by the Parliament): "I am losing patience ... Radio Wave is focusing on alternative culture for a minority group ... If a station for young people has to exist, it should be mainstream ... This minority group does not represent the future of this nation." The Chair of the Council Jiri Florian – in the aggressive style reminiscent to many of the previous communist regime – called for measures against Radio Wave. The case became highly controversial because of Mr Florian's claim that a climate of excessive tolerance was leading the country towards fascism. It was afterwards established that the accusation was based on a false interpretation of the use of the word "swastika" in a broadcast song by British Primal Scream. Strong public protests were recorded against that allegation. No ruling has made yet on the consequences of the case.

In another recent case the Prague weekly Respekt accused the Czech-born author Milan Kundera of denouncing a man to the communist police in 1950, basing the article on an archive document. The allegation led to fevered public arguments about the means used to unearth and publish the document, and about the responsibilities of journalists when publicising material disclosed in questionable circumstances from a case dating back many years and involving communist-era archives.

# HUNGARY

By József Martin



Throughout Hungarian history, the press has always played a crucial role. Its influence was felt in the start of the 1848 revolution in Bratislava (Pozsony) and Pest – simultaneously with the uprisings in Paris, Vienna and a little later in Milan – and, more than a hundred years later, in the 1956 freedom fight in Budapest against the armed might of the Soviet Union. In both conflicts the press played a very active role.

The vital role of the press cannot be overestimated either in war or in peacetime. The *annus mirabilis* – to quote Margaret Thatcher – was of course 1989. During the peaceful transformation process from a one-party dictatorship into a multi-party market economy some parts of the media – including some TV and radio stations and one daily newspaper in particular (Magyar Nemzet) – encouraged the reform wing of the Communist Party and helped to establish contacts with all the various strata and civil movements in society. That is why in the months and years of the transformation the prestige of the press grew steadily. According to a Hungarian media expert on a 100 point scale in 1988-89 press had scores of 73-75. This rather high result was by and large the same as the prestige of the churches, which had also been oppressed during the communist era.

However, barely a decade later, on the same 100 point scale, the public gave the press a level of trust of only 49-54, and since then that situation has not fundamentally changed. According to another survey, 50% of the population does not trust journalists. The situation is no better when the credibility index of journalism is compared with other professions: on a 100 point scale, teachers and professors have the highest score of 68, while journalists are trusted by only 45% of the participants of that survey. This is a little less than

the level accorded to the Church (48%), the same as the percentage for the police, and a little more than the credibility of lawyers (42%). The least trusted – and this is not surprising in Central Europe – are business people (37%) and politicians (32%).

What does this mean? The media, including the press, have shown themselves to be less convincing and efficient during times of freedom than they were during the transformation, to which some parts of the media contributed significantly. Media experts rightly suggest that the decrease in public trust can be explained by the lack of balance and impartiality. Regrettably, some journalists have all too often disregarded the right to personal privacy of some citizens. In my opinion, the failure to maintain impartiality is the more serious of these two flaws. To put it in a broader context, journalism and the media as a whole mirror the deep divisions, which sometimes seem to be a chasm, within Hungarian society.

There are, of course, honorable exceptions. Some individuals and some radio and TV programmes, newspapers and websites show a high level of integrity. But overall the media have been unable to overcome the fundamental divisions that are glaringly apparent between the leading left and right wing parties. The fine tradition of balance and informed criticism of Anglo-Saxon journalism is not yet well established. The reader, the listener, and the TV viewer cannot be cheated, he or she is more clever than the media often think.

*The findings quoted here are from two recent expert studies: one is by Mr Péter Bajomi-Lázár, the other by Ms Mária Vásárhelyi.*

# IRELAND

By Joe Carroll



Overall, the media are held in rather low esteem in Ireland. Journalists figure low down in polls asking about the public's respect for various professions and occupations. Largely, this low opinion of the media is associated with the fact that the public see so many cases in which the media are criticised by figures who attract undesirable publicity and openly blame the media for being intrusive or sensationalist – such as court cases, sex scandals and the like. In Ireland the tabloids have clearly gained readers in recent years at the expense of the so-called quality newspapers.

Another qualification is that public opprobrium for the media is more concentrated on the Irish editions of British tabloids which frequently sensationalise stories about celebrities and court cases in a way that the three Irish broadsheets (Times, Independent and Examiner) do not generally follow. In Ireland we have a small number of our own "red-tops" which also tend to the same kind of lurid coverage. Breaches of privacy have grown more frequent, and the new Minister for Justice, Dermot Ahern, has announced that he is prepared to bring in a

stricter protection of privacy law if necessary. The relaxation of the libel and slander draft legislation has yet to go before the Dail (the Lower House of Parliament) after it was passed by the Seanad.

The new Press Ombudsman has issued his first report covering the first six months of 2008. There were 193 complaints, about half of which were based on alleged breaches of the Code of Practice (based largely on the NUJ code). Most of the complaints here were under the headings of "truth and accuracy", "privacy", "fairness" and "honesty", and failures to distinguish fact from comment. It is hard to draw firm conclusions from these first complaints, many of which were rejected on the basis that they referred to media coverage before 2008. Of the 20 cases where the Ombudsman has reached a decision, 12 were not upheld.

As regards radio and TV, the increasing number of chat shows and phone-in programmes shows that the public are keen to use the media to air grievances.

# MOLDOVA

By Aneta Grosu



As described in the report on violations of media freedom in Moldova (*Core Values, below*), the situation for independent media and journalists in the country at the end of 2008 is extremely bad. Systematic harassment, arbitrary prosecutions and numerous acts of violence against journalists have severely distorted the media scene, and the government openly seeks to control or directly to own all the mainstream national media itself.

Nevertheless, the citizens of the Republic of Moldova put more trust in the media than in the government.

The government seeks to exercise control over the contents of the news media by various means, including economic censorship. The state-controlled mass media are well financed by the government, while the remaining independent media are persecuted and abused by the government in many ways.

The printing presses and distribution systems for the media all belong to the state. In this

situation the independent media have great difficulty in reaching their readers. The Republic of Moldova is the poorest state in Europe. In general, the population do not have enough money to buy newspapers of high quality, even if they would wish to do so.

The biggest and only public national television channel is subordinated to the state and the communist government. In this condition the general population, especially in the countryside, has no alternative means of gaining access to information, so it remains poorly informed and rather easily manipulated.

Independent journalists are persecuted and often threatened or charged by the judiciary. They have to endure low incomes and difficult working conditions.

This set of circumstances amounts to a systematic violation by the Moldovan state of its long-standing commitments to media freedom and freedom of expression.

# THE NETHERLANDS

By Fred Sanders



Public trust in the media has been under some pressure in the Netherlands during the past year, since maverick politicians and (some) commentators tend to see lobby correspondents and traditional politicians as members of a great conspiracy against the common taxpayer.

Another aspect of decreasing public trust in the media is the tendency of individual "bloggers" and small scale internet news sites, operating without the editorial guarantees that characterise traditional newspapers and broadcasters.

The relationship between the media and the legal community received another blow after the arrest of two journalists in 2007 for refusing to reveal sources that had led them to a story about blundering security agents. In mid-May 2008, police officers lifted a Dutch cartoonist (working under the ominous pseudonym "Gregorius Nekschot") from his bed, under suspicion of "spreading hate" against orthodox Muslims. Even though the courts quickly released Nekschot, Justice Minister Ernst Hirsch Ballinn made matters even worse by giving his full support to the prosecutors.

# POLAND

By Krzysztof Bobinski



Poles have since 1989 by and large trusted what they read in the newspapers and what they see and hear in the electronic media. According to a public opinion poll by CBOS published in the summer of 2003, half of all Poles felt that journalists could be relied on while a mere 16% felt that they could not be trusted.

A clear majority – 59% – also believed that journalists should conduct investigative reporting and publish the results "even if everything was not entirely clear". Thirty-four percent said such reports should be made public "only if everything was known about the case".

This degree of trust in journalists translates into high prestige for the profession. In a study done by TNS-OBOP, another polling company, in the summer of 2005 teachers came top of the list of most respected professions with 59% support while journalists came second with 48%. These high results (respondents were asked to point to three professions they respect) contrast with ratings achieved by the clergy – 29%, judges – 12% and politicians – 2%.

More recent studies show that Poles are relatively happy with the performance of the broadcast media as such. In September 2008 state-owned television had an 82% support rating (two other commercial stations, Polsat and TVN, checked in at 79%) while 77% were happy with state radio (the two main commercial stations RMF FM and Radio Zet saw 71% and 70% satisfied with their rating).

These high results have remained stable over the past three years irrespective of the government in power and the level of de facto manipulation of the state controlled media by ruling politicians. However, these polls reflect satisfaction with the entire content of the broadcast media - game shows, soap operas, concerts and films as well as current affairs broadcasts.

At the same time, broadcasters are doing better than other key institutions. In September 2008, a mere 21% of Poles thought that the Sejm, the main parliamentary chamber, was doing a good job, while the President was given an approval rating of just 31%.



# SPAIN

By Pedro González



## State of public trust in the media

Nowadays the Spanish media landscape is dominated by publications of broadly the same political colour, from the soft right to the extreme right. The left-wing press has declined sharply, in line with similar trends elsewhere in the European Union. This is the main conclusion in a very dense article by Miguel A Aguilar under the generic title "Exam to the Media" [in Spain], included in the book "Spanien heute". This observation aptly defines the current ideological colour of the Spanish Press.

Public trust in the media is not in good health. According to a general survey made by the Madrid Press Association, a big majority of Spanish people believes that the media generally act as vehicles to defend the interests of the publishers and the advertisers rather than those of the readers and the public themselves. Nevertheless, this survey shows a light increase of public trust in the Spanish media. In a scale from 1 to 10, this year that public trust is at 6.1 (5.8 last year).

Newspapers are seen as the most trustworthy media at 34.6% (30.6% the previous year). TV stations are going down (31.3% against 33.3%) but radio is the worst (18.8% from 22.2%). The proportion of people who rely on the internet for information about what happens in the world is also increasing (7.7%, up from 6.4% the previous year). However, age is a major factor. In fact, 37% of people over 65 years old say they trust TV, and 22.3% of older people also say that they trust what they are told on the radio (22.3%)

## Polarisation of politics

The public thinks that almost all the media have interests connected to politics. That polarisation is widely reflected and the public is increasingly accustomed to the belief that scandals (whether financial, sexual, drugs-related or whatever) publicised by the media are connected to some undisclosed motive relating to the interests of that media.

The outstanding example of that phenomenon this year has been the media war between Prisa Group (El País, Canal +, Sogecable) and Mediapro Group (Público, La Sexta, etc). The initial quarrel stemmed from a major dispute concerning Spanish soccer rights. It is the first time that two big media corporations both considered in the orbit of the governing Socialist Party (PSOE) have competed directly for the huge €600m market in soccer rights.

At the same time the media have grown more and more dependent on the declining advertising market where institutional advertisements dominate. Those ads come from central or regional governments or agencies depending on them. The effect of this media dependence on such official advertising budgets has been that media criticisms of public authorities have always tended to be toned down or even disappear. However, the rapid changes in the media landscape have had one major and welcome consequence. In the past those government bodies could choose which media to patronise by buying space for their publicity and advertising. Now, in the harsher economic climate, those advertisements go to media according to their number of copies in

circulation or their audience, independently of the government's preferences. The shrinking market thus acts as a safeguard of the independence of the press.

But this new situation has not changed another kind of decline in media standards. Radio and TV stations put more and more live debates on air with journalists who have become famous for their exaggerated polemics in overheated newspaper columns, radio debates and TV broadcasts. They are known as tertulianos (people who give their opinion and are well paid for it). Most are identified as political party journalists who simply defend their party's point of view rather than contribute to intelligent debates.

The conclusion is that the polarisation of politics is reflected in the media, and that is above all what has further eroded public trust. On the other hand, the strategy driven by the PSOE to polarise Spain's political life between leftists and rightists has caused severe social tensions. Those are magnified in the media, which is left with little or no space for really independent journalists or commentators. It was the conservative Popular Party which started the divisive campaign to lay all the blame for wrong decisions on the shoulders of the left. But the PSOE has profited from that strategy. The result is that the nation's political life has grown even more fractured, and the media have become a major arena for that radical polarisation, leading inevitably to public disaffection and a decline in trust in the media.

In spite of all this there are some independent journalists who fight fiercely to keep independence alive. But they are becoming more and more rare, because the price of keeping that independence is often to be excluded from the mainstream.

## **New technology**

Although the internet has widely multiplied the possibilities for transmitting information, in Spain there is a widespread lack of public trust in this area too.

According to a recent survey, unsubstantiated rumour has largely taken the place of genuine news in the information accessed by the internet-using public. Two out of three internet users are incapable of distinguishing invention or rumours from real news. The consequence is great damage to individuals and to enterprises. Examples abound - such as the absurd rumour circulated on the web that the pregnant French Minister of Justice, Mrs Rachida Dati, was a sexual partner of the former Spanish Prime Minister, Mr. José María Aznar. The prevalence of such wild and unfounded speculation illustrates how far this kind of salacious and frivolous tendency has developed. In another case, an unfounded rumour on the internet caused a rush of depositors to take their savings out of a well known bank. The PR and press departments of large companies have to work hard to dispel such rumours and gossip.

The advent of 24-hour news has led to further problems for the media and their ability to retain trust. The main problem is that much instant news cannot be verified. So journalists often suffer from black propaganda coming from various sources. They are under pressure to react as fast as possible to beat their competitors, and therefore often unconsciously put false or partially false news on air. Sometimes the speed of events is such that they can never find out and report the real facts of a sensational story that has been disseminated without proper fact-checking.

The existence of multimedia groups is a big temptation for politicians and for enterprises. They know that if a plausible report is fed to the radio station of any media group, then the TV station and the newspapers of the same news corporation will follow, spreading the story rapidly. And the tertulianos of whom we have spoken above may comment in such a way as to pass on the report as true, even when it is a fiction. So false or partially false news can become established as real in the minds of listeners, viewers or readers, and it can become impossible to refute it.

In this climate, the political parties have evolved new ways of conducting campaigns, as was seen in the last general election campaign.

The same Miguel Aguilar article we cited at the beginning denounces the tactic adopted by both big parties, PSOE and PP. Both have forbidden public or private TV crews from having free access to their executive meetings and to the big campaign meetings. Instead the communication departments of both big parties produced the audiovisual material to be distributed afterwards.

A new custom has also been created – of calling press conferences where questions are forbidden. In spite of such attacks on press

independence, very few have denounced such practices. These unreasonable restrictions spell a sad decline in the practice of independent journalism.

This is hardly a new problem, but it carries grave risks for the political health of the state. It was denounced as early as 1986. In that year AEDE magazine published an important article "Precariedad y docilidad o insumisión o independencia" in AEDE magazine, focusing on the development of the 20th article of the Spanish Constitution, which is dedicated to the enactment of a conscience clause and defending the principle of the freedom and rights of the press.

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