



Framework Contract EuropeAid/127054/C/SER/Multi

Lot 7: Governance and Home Affairs

Letter of Contract N° 2012/288659/1

Western Balkans and Turkey Media and Freedom of Expression Fact-finding and Scoping Study

September 2012 – April 2013

FINAL REPORT

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April 2013

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This report was prepared with the financial assistance of the European Union. The views expressed in this report are those of the consultants and do not necessarily reflect those of the European Union.

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Executive Summary

This report provides four sets of recommendations with close to forty detailed action proposals aiming at improving institutional capacities in the Western Balkans and Turkey to ensure media freedom and freedom of expression. Almost one hundred and eighty journalists, media owners, members of media regulatory bodies, experts, public officials, diplomats and other key stakeholders were consulted during the field research for this report. Their opinions were essential for a realistic situation analysis and an assessment of practical options for a support strategy encompassing the whole region.

The European Commission commissioned this study, according to its Terms of Reference, with a view to receiving an analytical and evidence-based overview, guiding the design and implementation of a strategic and feasible multi-beneficiary media and freedom of expression portfolio in the Western Balkans and Turkey. In May 2011, the Commission organised a conference (Speak Up!) on freedom of expression in the enlargement countries, responding to negative developments that have been observed in many parts of this area. Based on the conclusions of this gathering, the Commission identified four priorities for regional actions. This study provides a systematic situation analysis concerning these four components and presents options for activities that would have a long-term impact on the media landscapes in the region.

The first component of this report focuses on the improvement of the performance of public sector broadcasters. Based on evidence that the team gathered during field research, and the preparatory survey of the existing body of knowledge, 23 main problems were identified in this component. Accordingly, 23 recommendations for future support actions across the region were defined. They aim at strengthening the independence, effectiveness, accountability and sustainability of the broadcasters. The proposals range from an intensified transfer of knowledge about European best practices in ensuring the autonomy of the regulatory authorities and public media, to the establishment of a Media Academy for Southeast Europe that would offer journalism education according to the highest international standards.

The second component deals with media self-regulation. Although the push to strengthen self-regulation is high on the agenda of the media communities in the region, such institutions have either not been established or the existing ones need to be overhauled and strengthened. There is also a marked disparity: press councils in the Western Balkans mostly depend on foreign funding whereas Turkish self-regulatory bodies can count on the support of the media industry. The position of ombudsmen is mandatory in Turkish broadcasting organisations and unknown in the Western Balkans. There are six recommendations within this component such as measures to achieve the financial sustainability of the press councils or to create a European Tag for Ethical Journalism.

Component three concentrates on judicial practices in freedom of expression cases and capacity building of the judiciary in this regard. In general, countries of the region are moving towards a better understanding of freedom of expression principles, their legislative codification, and their judicial application. However, the speed of improvement of the legal framework and judicial practices is not satisfactory and in the case of Turkey, there are set-backs. A set of ten recommendations was formulated for this component starting with the suggestion of a working group established to create topical curricula for judiciary training (in-class and on-line) for organisations in the region.

Component four assesses the options for the introduction of an EU award for investigative journalism in the Southeast Europe IPA region. There are already several local and regional awards for journalistic excellence in the Western Balkans and Turkey, yet investigative reporting is still a scarce commodity in this part of Europe. Sensational content often substitutes substantive analysis.

Journalists point to the lack of funding, experience and training, and supportive editorial policy for demanding research. Authorities often avoid following up on disturbing reports, but journalists are frequently persecuted for what they uncover. In the assessment of options for the creation of this prize, particular attention was given to the proper choice of actors, procedures and criteria with the purpose of strengthening the credibility of the award. The critical point is how to ensure maximum local ownership while preserving the “EU brand” of the award.

Annex 1 contains an overview of the human resources situation of the public service broadcasters in the region based on the information they supplied. Annex 2 offers a brief overview of lessons learned from previous media assistance schemes and register of the most valued international assistance schemes to public media in the region. Based on the responses of the broadcasters, it identifies the characteristics of the projects described as particularly purposeful. Annex 3 lists the stake-holders who were interviewed during this research.

Finally, Annex 4 contains an overview of the recommendations. Among them are proposals for the establishment of a South-East Europe Media Academy that would offer long-term occupational advancement of young and mid-career media professionals (including investigative reporting skills), the creation of a European Tag for Ethical Journalism, increased support to the nascent Academy on Media Law in South-East Europe as well as the capacity-building and research-oriented South-East Europe Media Observatory and the implementation of the EU initiative to award excellence in investigative journalism in the South-East Europe IPA region .

A large number of potential contributors to the implementation of the regional support strategy are suggested in this study. Evidently, the efforts of such institutions and organisations need to be harmonised in order to be effective. Therefore, the EC should consider establishing a permanent co-ordination board for the implementation of the support portfolio.

Introduction

The media landscapes in the Western Balkans and Turkey (together the Southeast Europe IPA region) are different in many aspects. External interventions to support freedom of expression and to develop media pluralism must therefore be adapted to different realities.

The Western Balkan states are in a prolonged economic and political crisis and lack, to a large degree, internal economic and financial drivers that could change the situation before long. For these countries, the European Union remains the most important economic anchor and political influence. Their legal and institutional system, including media regulations, has been reworked under the guidance of Western institutions, primarily the European Union (EU), the Council of Europe (CoE) and the Organisation for Security and Co-Operation in Europe (OSCE). A vast number of Western official and private grants went for the support of the media during and after the post-Yugoslav wars in the 1990s. The post-conflict reconstruction and development strategy of the Western Balkans is based on the assumption that these countries will enter the EU, the sooner the better. Presently, close to two thirds of their foreign trade is with the EU, their banking system is to a great extent in the hands of western banks and most foreign investments come from the EU. Indeed, investors from the EU have also taken over significant parts of the print media sector (for instance Ringier-Springer, WAZ, Styria) and also of the commercial television market (Bertelsmann, East Capital, etc.), particularly in Croatia and Serbia. Most governments in the Western Balkans acknowledge the importance of free media as part of their effort to fulfil the EU accession conditions. In the recent past, there were few cases of overt suppression of freedom of expression. However, below the surface, attempts to manipulate or command the news media have never stopped.

Turkey, on the other hand, booms economically and boasts a huge and profitable media industry. The country sees itself as a global political and economic player and shows little inclination to accept conditions in international dealings. This is also visible in the field of legal and institutional reforms, including media regulation.. The alienation is also evident in Turkey's external political actions where Ankara is now less aligned with the EU than before. In matters of domestic politics, Turkish authorities are mostly resilient to external criticism, even if it comes from the EU. Violations of freedom of expression and press freedom are extensively documented in reports of international institutions such as the OSCE and a number of Turkish and international human rights and media freedom organisations. The European Court of Human Rights (ECHR) has passed many judgments against the rulings of Turkish courts because of violations of the freedom of expression. However, several dozen journalists are still jailed on dubious charges. The government and the prime minister, helped by the national broadcasting regulatory authority, control public service radio and television. For these reasons, but also due to the sheer size of the country, Turkey has been granted somewhat more space in this report.

There are, nevertheless, also a number of overarching political issues and media characteristics in Turkey and the Western Balkans that are relevant for the design and implementation of an effective "multi-beneficiary media and freedom of expression portfolio within the IPA-region", as marked out in the Terms of Reference (ToR) for this study. They can be summed up as follows:

Persistent ethnic and political conflicts

- The whole region consists of ethnically fragmented states. Defining durable arrangements allowing the various communities to coexist peacefully is still a challenge both for the political leaders in the region and the international community;
- Furthermore, the countries are internally divided into entrenched political camps. There is a tendency among the political leaders to see the political process as a zero-sum game and to reject compromises;

- Populist and nationalist discourses still take centre stage in the region. Such views were long suppressed during the age of authoritarian rule in the region but met little resistance after democratisation started. One important reason why inflammatory and extremist thinking and actions that are often amplified in the media often pass unchallenged is the absence of the tradition of an independent judiciary.
- Many media owners and leading journalists have vested political and economic interests and use their position to engage in ruthless “media wars” against political opponents. Journalism and media associations tend to replicate political or ideological demarcation lines.
- There is an abundance of civil society organisations in the region and a number of them are active in the field of human rights, including the support to freedom of expression. Their persistent work has been an important contribution to holding governments accountable and improving the human rights situation in general. However (Turkey being an exception to a certain extent), the sustainability of their commitment is questionable without the continuation of foreign funding.
- Due to the economic and financial crises in the euro zone, and the slow pace of reforms and the worsening economic situation of the candidate countries and potential candidates, prospects for membership in the EU have dimmed. As a corollary, expectations and hopes towards the European Union are on the decrease in the region.

Prolonged crises of the media industry

- A significant number of media outlets, with the exception of TV stations in Turkey, are financially unsustainable. Media owners often make the bulk of their profits in non-media industry branches.
- For a lot of owners, their media appear to be little more than “arrow and shield” that they use in power struggles and as instruments to achieve business goals by influencing political and administrative decision-makers;
- Media markets are distorted by a proliferation of outlets that are, to an important extent, possible because of cheap journalistic labour. This often leads to oversaturation and cutthroat competition at the lower end of the market. Working conditions of journalists are continually deteriorating so that there is little possibility for improvement of professional standards.
- The structural challenges affecting the media industry globally are also increasingly felt in the Western Balkans and Turkey. More and more readers, particularly from the younger generations, are migrating to internet-based media and buying fewer and fewer newspapers and weeklies. As a result, print media receive a smaller part of the advertising budget. TV is still the most used medium for receiving news but younger generations tend to rely increasingly on social media and other on-line sources and to neglect traditional media.
- In the Western Balkans, there has been a drawn-out economic crisis since 2009. Consumers are permanently reducing their spending as their living standards are plummeting. This affects expenditures for newspapers and other print media, reduces the willingness to pay obligatory viewer’s fees for public service broadcasters so that they are becoming increasingly dependent on state funding, drives competitors from the market thus reducing media pluralism, and diminishes the interest of potential foreign investors.

Indifferent or disgruntled audiences

- Large segments of the population command only little media literacy. Accordingly, expectations towards the quality of media and media accountability are modest.
- Audiences often perceive news media as part of political alliances and business interests or as exclusive agents of the “others” – of antagonistic social, ethnic or religious groups.
- Civil society organisations monitoring specifically media performance do not exist in large

numbers and there is no continuity of such endeavours. In the Western Balkans, such initiatives depend on foreign funding whereas in Turkey they occasionally manage to find domestic financial support.

- Media accountability, media ethics and media law are insufficiently included in university curricula.

Objectives, methodology, output

Against this backdrop, the EU expects Western Balkan countries and Turkey to guarantee open and pluralistic media landscapes as part of their effort to fulfil the admission criteria. The European Commission (EC) has placed ensuring freedom of expression at the core of the Enlargement strategy. The EC wants to address the state of the freedom of expression through a number of actions at the Commission and national level. The aim of “regional/multi-beneficiary” actions managed by DG Enlargement in the framework of the EU Instrument for Pre-Accession Assistance (IPA) is to improve institutional performance resulting from capacity development, with actions that are complementary to national initiatives.

Based on the conclusions of the *Speak Up!* Conference, organised by the EC in May 2011 with the participation of representatives of media communities in the Western Balkans and Turkey, four main themes were identified as priorities and should set the framework for the future IPA multi-beneficiary support:

- Strengthening the independence, effectiveness, accountability and sustainability of public service media;
- Sustainable and effective mechanisms for media self-regulation;
- Improve the capacity of legal practitioners on the European Convention on Human Rights (ECHR); articles and applicable case law referring to the freedom of expression; and
- Establish a scheme that will annually award journalists prizes for excellence in investigative journalism.

DG Enlargement requested this consultancy to provide “an analytical and evidence-based overview – including a mapping of stakeholders, issues, critical experiences and opportunities – guiding the design and implementation of a strategic, effective and feasible multi-beneficiary media and freedom of expression portfolio” within the region.

After a preparatory phase of desk research in the September of 2012, from October until December the research team visited all parts of the South East Europe IPA region. They conducted semi-structured interviews with almost 180 stake-holders, starting with journalists and extending to media owners, politicians, public officials, foreign diplomats, civil society activists and academic researchers. The report, consisting of four analytical sections corresponding to the main priorities set by the contractor, was finalised at the turn of the year. Each component contains a systematic situation analysis, conclusions assessing the chief challenges and ends with sets of recommendations for concrete actions as part of a regional/multi-beneficiary support strategy.

Numerous potential contributors to the implementation of the regional support strategy have been identified in the report. These organisations and institutions come from within the region and from outside. They have different specialisations, capacities and track-records of work in the IPA region. Clearly, there is need for co-ordination of the multitude of possible contributors and their actions to be put into effect in the years to come. The EC should consider establishing a permanent co-ordination board for the implementation of the strategy. It would need a rudimentary secretariat that could be based in Brussels (to be close to DG Enlargement), or in Vienna (because the Austrian capital is well-connected to the Southeast Europe IPA region and already hosts several relevant media organisations), or in Sarajevo (to profit from the capacities of the Regional Co-operation Council), or in Thessaloniki (because of this city’s central position in Southeast Europe, proximity to Turkey and to

benefit from the capacities of the Centre for Democracy and Reconciliation in SEE – a regional NGO - located in that city).

Component I

Situation of the public service broadcasters in the Southeast Europe IPA region and identification of common issues that can be addressed by a multi-beneficiary intervention

1 Task description

The aim of this component, according to the Terms of Reference, is to provide a comprehensive fact-finding and scoping study with which priorities and indicators can be established for future IPA multi-beneficiary support to the public service media in the Western Balkans and Turkey.

The research team defined five chief benchmarks to assess the situation of the public service broadcasters. These points of reference were endorsed by the EC/EBU steering group and defined in the work plan for this study that was approved by the EC/DG Enlargement along with the choice of Turkey, Serbia, Albania and Kosovo* ⁽¹⁾ as locations for in-depth studies supplemented by evidence from the former Yugoslav Republic of Macedonia, Montenegro and Bosnia and Herzegovina. The chief benchmarks were:

- 1) Election, composition and independence of boards and management of national regulatory authorities and public service broadcasters;
- 2) Funding of national broadcasting authorities and public service broadcasters;
- 3) Digitisation and public service broadcasting;
- 4) Informal power structures influencing regulatory authorities and public service broadcasters;
- 5) Investigative journalism and public service broadcasters.

Twenty-three main problems were identified based on evidence that the team gathered during field research and the preparatory survey of the existing body of knowledge. Accordingly, 23 recommendations for future IPA multi-beneficiary regional support to public service media were formulated.

2 Chief benchmark one: election, composition and independence of the board and management of national regulatory authorities and public service broadcasters

2.1 Turkey

The national regulatory authority for broadcasting, Radyo ve Televizyon Üst Kurulu, (RTÜK) has a remit based on “Law nr. 6112 on the establishment of Radio and Television Enterprises and their Media Services” decided by the Turkish parliament in February 2011. RTÜK’s governing body, the Supreme Council, consists of nine members (with only one female member) elected for a term of six years. The law stipulates that “persons eligible shall be more than 30 years old, having completed at least four years of higher education, worked for at least 10 years in public institutions and establishments or private enterprises on matters related to their profession, and possess sufficient professional knowledge and experience as well as qualifications adequate for becoming a civil servant”. Beyond these criteria’s there are no further formal limitations to who can nominate and who can be nominated.

The parliament elects the council members according to the proportion between the mandates of the political parties. The council elects its president and the vice-president. Currently, there are six members out of nine chosen by the ruling Justice and Development Party (AKP). According to the law,

¹ Kosovo*: This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

no broadcaster shall violate “general morality”, the “principles of Atatürk”, “human dignity”, “the national and moral values of society” etc. It is up to the Supreme Council to decide when these broadly described principles are being violated. The Council does this in a weekly meeting producing a stream of warnings, fines and threats to confiscate the broadcasting license. Local observers point out that the Council’s decisions tend to be based on a narrow interpretation of what “Islamic morality” should be. This sometimes results in moves that antagonise the liberal public in the country and cause incomprehension abroad. Recent examples are the Council’s warnings resulting from what the Council deemed to be problematic content in a TV series about Ottoman rulers from 500 years ago and also the U.S. animated sitcom “The Simpsons”. Incidentally, the prime minister has also recently on several occasions expressed his disapproval of the historic drama that the Council singled out for criticism. In December 2012, the minister of sport publicly urged RTÜK to undertake action in response to scenes of violent clashes among football fans being shown on TV. The suggestion was to curb such broadcasts as not to encourage similar events. The institution immediately reacted and promised stricter control. A high-ranking member of the Council told the research team, when discussing this study, that his institution exerts its role with great enthusiasm in order to protect the population from what the members see as bad morality, and that he is convinced that the EU one day will follow the example. In 2011, Turkish Radio and Television (Türkiye Radio ve Televizyon Kurumu) (TRT), the national broadcaster, was also placed under the supervision of RTÜK.

There is no specific complaint mechanism included in the law, but the decisions of the Supreme Council can be appealed against in the national courts, but not with an up-holding effect.

In practice, the national broadcaster, TRT, is not a public service institution but a state broadcaster, firmly controlled by the ruling party, AKP. This party managed to strengthen its grip over TRT during the last decade of uninterrupted rule in the country. Experienced journalists who are familiar with the inner situation in TRT told the research team that as by now the AKP single-handedly runs the country since 10 years, it has managed to extinguish in TRT almost completely leeway and niches for non-controlled reporting that existed in previous times of coalition governments. They pointed out to the strengthening of the influence of religious organisations on TRT, such as the Gülen movement, and the weakening of the position of trade unions in this public broadcaster.

The Governing Board of TRT consists of seven members who are nominated by the RTÜK and appointed by the Government, which also decides about the Director General. TRT broadcasts 14 TV channels, one of them in the Kurdish language, and 14 national radio channels, and a vast number of regional channels. However, the aggregated TV viewing market share is below 13% and the main channel TRT 1 has a market share of app. 3% (an EU public service broadcaster has on average a market share of 27%). The other TRT channels have less than one per cent market share each. Commercial broadcasters dominate the market. There is a large number of them and they are owned by major industrial conglomerates that make their chief profits in other industries and run media as a side-business.

In recent years, the government also extended its control over the country’s biggest news supplier, the “Anatolian News Agency”. Officially, it is an independent company with more than 600 staff at home, offices around the world, and news services in English and other languages, including those of the Western Balkans.

2.2 Serbia

Following the election of a new centre-right government in the summer of 2012, preparations for a new media law were begun. Correspondingly, the Media Coalition, a consortium of journalism and other media organisations, increased its efforts to influence government and parliament to diminish the role of the state in the media system and adopt regulations that respect the standards of the EU, CoE and OSCE. This line of action is envisaged by the “Strategy for the Development of the Public Information System in the Republic of Serbia until 2016”, endorsed by the previous centre-left government that the new authorities pledged to respect. The new government started drafting a new Law on Public Information and a New Law on Electronic Media. Public consultations were held in several cities.

The Council of the “Republic Broadcasting Agency” (RRA), the national regulator, has a six-year term and is elected by a simple majority in the parliament. State and government-controlled bodies nominate four of the nine members; the others are proposed by “social groups” e.g. the civil society.

Radio Televizija Srbije (RTS), the public service broadcaster, has a solid TV market share of above 30%, a record in the Western Balkans. In the Autonomous Province of Vojvodina, in the north of the country, there is a second, regional public service broadcaster, Radio Televizija Vojvodina (RTV), whose market share in Vojvodina is below 5%. However, since the appointment of a new director general last year, there have been improvements. RTV is much stronger on the radio side, running the second most popular radio channel in Vojvodina, after a local music channel. Most observers considered the RTS election coverage in May 2012 fair and balanced. However, the broadcaster is still under substantial government pressure and a certain amount of “protocol TV” still exists meaning that events are not covered because of their news value, but because of the wish to please the political authorities. It is not a secret that the new president and government would like to see a change of the top RTS editors and managers. The Council of the regulatory authority elects the RTS Board with the absolute majority of cast votes. This means that the parliament and government cannot directly influence the composition of the RTS board without first changing the composition of the Agency Council.

There is no measurable development strategy for RTS and RTV, describing the vision, mission, objectives and targets to be achieved during the coming years.

2.3 Kosovo

New legislation from 2012 regulates both the role of the regulatory authority, the Independent Media Commission (IMC), and the public service broadcaster, Radio Television Kosovo (RTK – *Radiotelevizioni i Kosovës*). According to these laws, the seven members of the IMC Board and the 11 members of the RTK Board are elected by a simple majority. This causes widespread perception that the boards are serving the government’s interests. Two members of the RTK Board are representatives of the Serbs and a third represents other ethnic minorities.

Fulfilling legal obligations, the RTK decided to launch a second RTK TV Channel to broadcast in the Serbian language and an interim Serb TV Director has been appointed. However, RTK representatives say that due to financial and technical constraints the launch of this channel might be endangered. Moreover, there is almost no acceptance among the Serbs in Kosovo of a PSB in their language controlled by Albanian-dominated institutions.

Radio Television of Kosovo (RTK) news at 19:30 remains the main source of information for the majority of Kosovo’s citizens. The Kosovar political class reportedly tries to directly influence the content of RTK’s news editions. The EBU, in a letter from 2009, asked the government to refrain from interfering with RTK’s editorial policy. No development strategy exists describing the vision, mission, objectives and targets to be achieved by the company during the coming years.

2.4 Albania

The 1998 Law on Radio and Television established the National Council of Radio and Television (NCRT) as the main regulatory body and the Steering Council of Radio Televizioni Shqiptar (RTSH) as the highest governing body of the public service broadcaster. The Law on Digital Broadcasting, adopted in 2007, also regulates audiovisual policies in Albania. The country has partly incorporated European media legislation and standards. Current legislation provides some guidelines and general principles on the mission of the public broadcaster. According to local observers, there is heavy government influence on the public service broadcaster especially during election campaigns.

The independence of the regulatory authority NCRT is widely questioned. There are issues with the performance and functioning of the NCRT members. Their professional credentials are called into question because of their political affiliations. Another difficulty is the implementation of NCRTs

decisions, when these decisions go to court or depend on the will and functioning of other bodies, such as the tax authorities. Past legal reforms have attempted to address this issue, but because of the over-politicisation of the issue, there were no satisfactory results.

In 2007, Albania and the Council of Europe agreed upon an Action Plan that would address the media legislation reform in the country. However, the implementation of this Action Plan has been delayed significantly. The media reform deliberations have been ongoing in Parliament for several years. The most contentious issues are related to provisions in both the Criminal and the Civil Code about libel and defamation. Both Codes need to be revised and amended in order to meet European Convention on human rights standards and freedom of expression standards in general.

No measurable development strategy exists for the public service broadcaster RTSH, describing the vision, mission, objectives and targets to be achieved during the coming years.

2.5 Former Yugoslav Republic of Macedonia

A new MRT management brought in directly by the government in the spring of 2012, unveiled plans for thorough company reforms aimed at increasing professionalism and independence. An urgent professional revitalisation of MRT radio and television programming is necessary for several reasons: to increase the below 10% market-share, to motivate a greater number of households to pay the license fee by offering better quality, and to stimulate advertising income by increasing ratings.

No measurable development strategy exists, describing the vision, mission, objectives and targets to be achieved during the coming years.

2.6 Montenegro

The nine members of the Council of the public service broadcaster Radio-televizija Crne Gore (RTCG) are nominated by various civil society organisations and then elected in parliament, by simple majority, e.g. the government's majority. The new RTCG management stands out in the region because it has designed a detailed strategy for the years 2011 to 2016. The strategy outlines plans for programming, financing, structural organisation, human resource priorities etc. The company has recently been through a considerable slim-lining so that now the staff is reduced to close to 650. "Protocol TV" still prevails and there is no investigative journalism.

The Agency for Electronic Media (AEM), the country's broadcasting regulator, has a council of five members, nominated by non-governmental organisations, elected by a simple majority in parliament, e.g. the government's majority. Since June 2011, AEM has been required to submit operational and financial plans to the parliament for approval. This procedure undermines the independence of the regulator.

2.7 Bosnia and Herzegovina

The Council of the state-wide regulator, the Communication Regulatory Agency (CRA), consists of seven members nominated by the government on the basis of a list of candidates submitted by the Council, and appointed by the Parliamentary Assembly of Bosnia and Herzegovina with a simple majority. The Director General is appointed by the Council of the Agency, and approved by the government. There were examples of parliament not agreeing on candidates so that posts remained vacant for years. At the time of the writing of this report, the General Director of the CRA also only had a technical interim appointment so that his position was obviously weakened. The CRA submits an annual report about its activities for approval to the government, not to the parliament. Recently, the ministry of finance withheld the monthly financing of CRA because of disagreement with one of its decisions and the CRA were forced to go to the courts. The court pointed out the independence of

CRA and asked the ministry to respect the law.

Four laws govern the three public service broadcasters in Bosnia and Herzegovina. The three broadcasters and laws are: BHRT with coverage throughout the state of Bosnia and Herzegovina, RTV FBiH covering the Federation of Bosnia and Herzegovina (the Bosniak-Croat entity) and RTRS covering the entity of Republika Srpska. The fourth law intends to establish a system of co-operation between the three TV stations. The state parliament and the parliaments of the two entities appoint the boards of the three broadcasters, upon nomination from the CRA. However, the board of RTV FBiH is elected upon nominations from the parliament itself. All appointments are done with simple majority, i.e. the government's majority. According to local and external analysts, the three broadcasters are under strong political influence with the state-wide BHRT being most balanced, but also with the smallest market share. There is growing political pressure from the Croat community for the creation of a separate Croat channel.

No detailed long-term company strategies exist.

3 Benchmark one: Shared Analytic Conclusions and Policy Recommendations for the Region Concerning the Election, Composition and Independence of the Board and Management of National Regulatory Authorities and Public Service Broadcasters

3.1 Election of Governing Bodies

Problem 1: In a great number of accession countries, governing bodies of the national regulators are perceived as weak, unprofessional, biased and dependent on the government. This creates mistrust regarding the decisions, objectivity and fairness of the regulators. As regulators deal with crucial matters such as a fair licensing procedure, monitoring adherence to the content rules, digitisation, etc., their flawed status and weak performance cause serious problems for the establishment of a modern and democratic public service broadcasting system in the country.

Recommendation 1: The EC, possibly together with the European Platform of Regulatory Authorities (EPRA), should commission media institutes or consultancies to organise regional workshops and other forms of knowledge transfer to stake-holders in the Western Balkans and Turkey about best practices in ensuring the independence of national broadcasting regulatory bodies.

One topic that could be included in those to be discussed is best practices for electing governing bodies of national broadcasting regulators. One often-applied model is the election of the governing body by a majority of no less than 2/3 of the members of the parliament. In many models, civil society organisations have a prominent role in the nomination of candidates for membership in the governing bodies.

The EC should encourage reforms in the IPA countries to ensure adequate funding for the regulators' activities, the hiring of better-qualified staff and that legal procedures are enforced for governing bodies. The EU delegations and the OSCE missions should regularly inform the public of their host-states about their view on the progress of media system reforms.

The EC, possibly in co-operation with the European Audiovisual Observatory in Strasbourg, should commission media institutes or consultancies in the region to set up an internet-based data bank documenting the various best practices for the nomination and appointment of the governing bodies of the national regulatory authorities in the languages of the IPA countries.

Problem 2: In nearly all IPA countries, there is a general mistrust with regard to the independence of governing boards of national public service broadcasters. The boards have important tasks such as

electing and dismissing the general director and the top management, approving the budgets and accounts, approving the program strategy, deciding about major restructuring and investments etc. It is therefore crucial that these boards consist of highly professional experts, and not of political extensions of the governing parties.

Recommendation 2: The EC, together with EBU and other interested parties, should commission media institutes or consultancies to set up workshops with the responsible public authorities and the media communities of the IPA countries, to familiarise them with best practices in the nomination and election procedures for governing bodies of public service broadcasters. Analogue to recommendation 1, an internet-based data bank documenting best practices in this field should be set up in the languages of the IPA countries.

An often-applied model worth discussing with the stakeholders in the IPA region is the election of governing bodies by a 2/3 majority – be it in the parliament, its committees or the broadcasting regulator's executive body. Civil society, and not the government, should nominate the candidates. Innovated nomination procedures should bring forward qualified media experts and other candidates who would represent a broad section of the political and social spectrum in the countries.

Problem 3: In a number of countries in the IPA region, the parliaments are sometimes unable to produce a majority for the election of the nominated members of the boards of regulatory authorities or management board of public broadcasters. The resulting stalemate leaves some boards for prolonged periods without the quorum required to make the necessary decisions so that they cannot fulfil mandates such as electing the heads of the regulatory bodies and sometimes of the broadcasters themselves. This paralyses the broadcasting system and opens inroads for political interference.

Recommendation 3: The EC, possibly together with the OSCE and the CoE, should suggest to the public authorities and the media community in the IPA countries that they consider amendments in media legislation to ensure that parliamentary blockades do not affect the normal functioning of broadcasting regulatory authorities and governing bodies of public service broadcasters. In most countries of the region, parliaments are obliged by law to elect these boards before 30 days, or 60 days after having received the nominations from the designated institutions. An amendment could be made, ensuring that if there is no decision by the parliament in due time, the candidates who have been nominated most often to the top of the list of candidates will be automatically elected. This would provide an incentive for the parliaments to reach an agreement on time.

3.2 Company strategies

Problem 4: Only one of the public service broadcasters in the IPA region maintains a system of adopting mid- or long-term company development strategies based on professional principles and with measurable goals. However, there are reports about the fulfilment of the PSB remit either to the parliament or, such as in Serbia, by the regulatory authority. These are usually not based on established practices in European public service broadcasting organisations though. A strategy should contain objectives for financial funding and spending, for structural reorganisation and staff development, for programming activities in the various TV or radio genres, the internet platforms and for special and national events to come up during the coming period. These strategies would serve as the starting points for public discussions and public accountability. Without a development strategy, the boards cannot control the accountability and effectiveness of the company. The top-management manoeuvres without an established direction and defined objectives. Staff are not assigned clear goals. The parliament has no instrument to measure whether the company has adequately spent public money.

Recommendation 4: The EC, possibly in co-operation with the EBU, should commission a broadcasting institute or consultancy, to offer the public service broadcasters and other stake-holders

in the southeast Europe IPA region, insight into best practices in company strategies with the purpose of motivating PSBs to adopt modern models. This would, for instance, ensure that the yearly budgets are part of a measurable one-year company strategy. The EBU, or some other interested party, could establish a travelling task force, advising and supporting this process, also taking advantage of the potential regional benchmarking and regional experiences.

3.3 An accountable dual reporting system

Problem 5: Most of the public service broadcasters in the IPA region are obliged to deliver an annual report to the parliament. In spite of the opposition and civil society questioning the veracity of these reports, they are eventually approved by the governing majority. Furthermore, managers in charge of the public service broadcasters are often close to the governing majority and follow its political instructions. Thus, the procedure of reporting to parliament becomes meaningless.

Recommendation 5: The EC, possibly in cooperation with EBU, should commission an international audit company to assist public service broadcasters in the IPA region, in establishing a dual reporting system based on yearly measurable company strategies. The annual reports should closely follow up on the measurable one-year strategies, point by point. Reports on progress and the fulfilment of defined tasks and objectives should eventually be delivered to the national parliaments. However, they should first be reviewed by this international audit company, specialised in media matters. The international audit company should assist the broadcasters in developing a standard template for writing company strategies. After having received the yearly report draft, the external auditor should evaluate its quality. This review should accompany the report delivered to the parliament and also be made available to the general public. The goal would be to provide parliaments with an adequate basis on which to judge the performance of the broadcasters. This practice could generate comparable benchmarks in the IPA region and thus provide additional motivation for the broadcasters to modernise and improve their performance.

Alternatively, the EU could consider commissioning the EBU with establishing a task force to take care of the described activities. Such a task force could consist of a combination of permanent EBU staff and EBU member experts specialised in designing strategies and evaluating broadcasting performance.

Turkey-specific Problem 6: In Turkey, the state and the ruling party AKP have a firm grip on the national broadcasting regulator and the public service media. This control is more conspicuous than in most other parts of the southeast Europe IPA region with the exception of Albania and Kosovo. Both the legal foundations and the current interpretation of the laws are openly favouring the ruling party and the government and not establishing these institutions on a broad and shared societal fundament.

Turkey-specific Recommendation 6 (please compare also recommendation 4.3. in Component III): Together with the OSCE and the CoE, the EC should, as part of the approximation process of Turkey to the EU, enhance its efforts to assist Turkish legislators in improving the legal framework for the national broadcasting regulator and the state broadcaster TRT. The legal reforms in the sphere of electronic media should further align Turkey with the recommendations of the Council of Europe regarding the role of the broadcasting regulator and public service broadcasting. Moreover, these legal reforms should help Turkey to respond in a constructive manner to the numerous judgements delivered by the European Court of Human Rights regarding the breaches of the freedom of expression in this country. The legal reforms should not be limited to the media sphere only, but should also include amendments to anti-terrorism legislation and the penal code which presently both have severe detrimental effects on the freedom of expression and the freedom of media in that country.

4 Chief Benchmark Two: Funding of National Broadcasting Authorities and Public Service Broadcasters

4.1 Turkey

The national regulatory authority RTÜK is financed by a license fee paid broadcasters and a 3% levy on the advertising income of the broadcasters. This enables the regulator to be financially independent from the government. However, yearly activity reports that include income and spending details are published with much delay thus preventing a meaningful debate .

The state broadcaster TRT is financed from four sources: 1) An advertising income, making up 3% of the budget, primarily due to the low PSB TV viewing ratings; 2) A 2% levy on the electricity bills of households and industry, contributing 45% of the budget; 3) A levy on the private purchases of consumer electronics contributing 24%; 4) Sales of programmes, tickets, DVDs and CDs, sponsoring and other commercial incomes contributing the remaining 28%. The amount of the two levies is decided by the parliament, but not for a guaranteed period of time.

The staff of TRT numbers approximately 7,600. This seems adequate, taking into account that TRT runs 14 TV and many radio channels. However, there is a general perception in the media community that staff are being employed because of family or personal relations and that TRT is still not an efficiently managed company.

4.2 Serbia

According to the Broadcasting Act from June 2002, the Republic Broadcasting Agency (RRA) Council proposes an annual budget to be approved by parliament. The Agency income comprises funds earned from the fees the broadcasters pay for the right to a broadcasting license. If the Agency fails to accrue the planned income from the fees, the lacking funds shall be provided by the state budget.

RTS is in a prolonged financial crisis. It is financed through a combination of advertising income, selling of services and the license fee collected by the state electricity company. The advertising income is plummeting because of the economic crisis in the country since 2009. Below 30% of the Serbian households pay the license fee. This should constitute 75% of the RTS income. There are different opinions in the top management of RTS and in the media community as to whether it is politically possible to improve the license fee collection, or whether state grants should be sought. The former option does not appear feasible because of the lack of political will to change the collection system; the latter entails the risk of government interference in the daily editorial management. The licence fees collected in the province of Vojvodina are going to RTS in Belgrade, and then 70% of the amount collected in Vojvodina is supposed to be transferred to Radio-Televizija Vojvodina in Novi Sad. However, there is criticism that this procedure is not transparent enough. In March 2013, Serbian media reported about government plans to abolish the largely defunct obligatory viewer's fee and to finance the public service broadcasters from the state budget. This, however, triggered a public debate whether receiving money from the state coffer would entail an increase of state influence on the PSBs.

RTS and RTV do not own their own premises. This prevents an efficient asset management and includes risk for government dispositions of the facilities and could turn out not to be in favour of the broadcasters.

RTS's staff numbers around 3,300 which is out of proportion by a long way compared to other Western Balkan broadcasters. This is partly due to inflexible labour market regulations. Also, the pay-role includes about 600 RTS staff who used to work in Kosovo before the war there in 1999.

4.3 Kosovo

According to the March 2012 law on the Independent Media Commission (IMC), the regulator is financed directly from the State budget. The law does say that IMC shall have its own budget line, which shall guarantee its independence.

Radiotelevizioni i Kosovës (RTK) General Director Sylejman Shaqiri stated in October 2012 that there will be no editorial independence without financial independence. The license fee claimed directly from the Kosovo households through electricity bills, used to provide part of the RTK budget. However, Kosovo's Constitutional Court abolished it in 2011. With the new RTK law introduced in spring 2012, the legal basis for the implementation of a solid license fee scheme is in place, and a system for collecting the license fee is due to be developed within first three years upon adoption of the law. During this transitional period, RTK is being financed directly through the state budget. It remains to be seen when the actual implementation of the new regulation will start.

Part of the RTK staff seems to have been employed thanks to personal or even family liaisons. This raises doubts about their professional competencies. Also, there appear to be too many administrative staff and an insufficient number of journalists and other staff producing the programme. All of this increases expenses and diminishes efficiency.

4.4 Albania

According to the law from 1998 on Radio and TV in Albania, the National Council of Radio-Television (NCRT) is financed through a mix of fees on issuing and renewing broadcasting licenses, from the state budget and donations.

The PSB RTSH is funded from several sources, such as the license fee, contracts with third parties for various services, video and audio musical productions, books, newspapers and journals related to various programs, performance activities and public shows, advertisements and publication of other paid messages, donations and sponsorships, sale of RTSH programs, and not least from the state budget. The parliament approves the annual state budget that includes the sum allocated to RTSH. But the parliament does not deal specifically with the RTSH budget that is prepared by the organisation itself. The law set the license fee in 2012 to less than 9 € per year. Advertising accounts for only 12% of the RTSH self-generated revenue.

4.5 Former Yugoslav Republic of Macedonia

According to article 36 in the 2005 Broadcasting law, the Broadcasting Council should be fully funded by the means collected from broadcasting fees and license fees.

MRT, the public service broadcaster, receives close to 50% of its budget from the state, 49% comes from obligatory licence fees for listeners and viewers and about one per cent is derived from advertising. The Broadcasting law sets the licence fee at 2.5% of the average net salary.

The government is by far the biggest TV advertiser in this country with an annual advertising budget of more than 20 million €. Local critics say that the allocation of the advertising contracts to the media, serves the government's political interests and they demand that the parliament should take over the control.

4.6 Montenegro

The Agency for Electronic Media (AEM) is fully funded by the yearly fees that this authority claims when issuing and renewing broadcasting licenses. An audited version of its accounts is submitted to the parliament and published on the internet.

PSB is financed by 1.2% of the state budget, and advertising income amounts to close to 10% of the PSB budget.

However, in September 2012, the government obliged RTCG to carry party election programming for free and decided to introduce a Parliament TV Channel without extra financing. Moreover, RTCG was

ordered to pay an additional 900,000 € to the broadcasting transmission system while its 2012 budget was reduced by one million €. RTCG has warned that it risks bankruptcy in 2013.

4.7 Bosnia and Herzegovina

The Communications Regulatory Agency (CRA), the state-wide regulator, is funded from the licence fees from the licenses that it issues. However, the funding is channelled through the state budget, which enables the government to exert influence.

The public service broadcasting system of Bosnia and Herzegovina is costly because of the separate PSB companies.² However, the set-up of a broadcasting system mirrors the constitutional order of the country established through the Dayton Peace Accords for Bosnia and Herzegovina in 1995.

A Radio and Television Tax finances the three broadcasters. The RTV tax of 3.50 € monthly is paid by app. 65% of the households, but with major regional differences. The income is split with 50% going to the state-wide broadcaster BHRT and 25% to the two regional broadcasters RTRS and RTVFBiH. The advertising revenue is split the same way, not giving the different broadcasters strong incentives to increase the advertising income. The two regional broadcasters are obliged to transfer three quarters of their advertising income to the joint funds. The tax level is decided by simple majority in parliament every fifth year. It covers the running costs at the time when the law was adopted, without any investments or a digitisation budget.

5 Chief Benchmark two: Shared Analytic Conclusions and Policy Recommendations for the Region Concerning the Funding of the National Regulatory Authority and the Public Service Broadcasters

5.1 License fee

Problem 7: The majority of European PSBs are financed by a license fee. The money flows directly from consumers to broadcasters so that the dependence on state budgets is avoided. The listeners and viewers know where their payments are directed and can monitor whether they receive “quality for their money”. Usually, parliaments decide on the amount of the license fee, taking into account budget requests from the broadcasters. The fees are indexed to the expected rise in the budget and set for a longer period, often for four years. This enables financial stability and safe investment planning.

In the majority of IPA countries, there are license fee systems. However, they are often fragile, and inconsistent. None of the broadcasters has its own collection system, but depends on state or private intermediaries. Sometimes it is the state electricity company, like in Albania and Serbia for example, or a telecommunication organisation, like in Bosnia and Herzegovina. There are issues about how the collection system is handled, for instance whether there are excessive overheads included in the bill. Often the amount of the individual household fee is only determined for a short term. Broadcasters complain that the fees do not provide enough funding. Moreover, there are a lot of households who refuse to pay the fee which is partly the result of insufficient public information about the reasons why public service broadcasting exists and why most households should be paying for this service.

Recommendation 7: The EC, possibly in co-operation with the OSCE, CoE, EBU or individual EU member state, should commission media institutes or consultancies to transfer knowledge to national regulators, public service broadcasters and relevant parliament and government representatives from IPA countries about best practices in funding regulators and PSB. Particular attention should be paid to transparency, efficiency, accountability and the stability of funding schemes (for instance, fees/levies to be determined for a four-year period to enable stable grounds for planning and

² Switzerland, with 8 million inhabitants and, according to World Bank data, a GDP per capita (measured in purchasing power parity) of close to \$ 51,000, runs three PSBs and has the most expensive PSB system in the world, but apparently this country can afford it. Bosnia and Herzegovina, with 3.8 Million inhabitants and a GDP per capita (ppp) of close to \$ 9,000, can hardly do it without severely harming program quality

investments). Also, models of communication campaigns to inform the general public about the necessity of providing public funding to PSBs should be discussed.

5.2 Financing from the state budget

Problem 8: In most of the IPA countries, PSB receive supplementary state grants coming from the country's annual budget. Often, this extra money serves to close the gap between the planned budget of the station and the actual income. As a rule, every year again the size of the state grant is a matter of negotiations between the government and the broadcaster, which offers opportunities for the government to exert influence.

Recommendation 8: The EC, possibly together with the OSCE, CoE, EBU and other interested parties, should commission media institutes or consultancies to transfer knowledge to the stake-holders in the IPA region about best practices for granting state subsidies to mass media with a special focus on PSB. A possible topic of discussion could be how state grants, if they are unavoidable, can be indexed to a percentage of the national Gross Domestic Product (GDP). They could be fixed for four years to secure financial stability and possibilities for planning long-term investments (for instance for digitisation) and in order to avoid annual financial negotiations between the government and the broadcaster.

5.3 Advertising paid for by governments

Problem 9: In a number of IPA countries, the government is one of the biggest, if not the biggest TV advertiser. The allocation of the advertising contracts to individual broadcasters is apparently highly politicised and not under parliamentary control. There are numerous examples that indicate that these means are used to reward supporting broadcasters or punish those criticising the government. Some of the PSBs receive a rather small portion of the total advertising sum, partly because they are already publicly financed and partly because they have rather small market shares, not delivering the target viewing groups demanded by the advertisers. In some of the countries there is no modern and accountable daily audience research, leaving the advertisers to decide in the dark where to invest their marketing money.

In order to attract a proper part of the total national advertisement sum, private as well as public, PSBs must improve the quality of their programmes to increase their market share. Again, appropriate company strategies, with precise and dynamic plans for improving programming, are crucial.

Recommendation 9: As part of the knowledge transfer on state subsidies mentioned in Recommendation 8, European best practices with regard to the allocation of state funded advertising should also be discussed. In some EU countries, states do not advertise in the media while in other countries independent but publicly accountable agencies handle state funded advertising.

5.4 Structural reforms

Problem 10: The organisational structure of the majority of the broadcasters in the IPA region is fairly old-fashioned. There are often too many staff and their work efficiency has room for improvement. Structural reforms could enable more money to be spent on programming and less on administration and technical support. Streamlining the PSB would diminish the pressure for increased funding and lessen the dependence on state support. In particular, digitisation offers new possibilities for the cheaper production of content on more media platforms such as radio, TV and internet.

Recommendation 10: The EC, possibly in co-operation with the EBU and other interested parties, should commission media institutes or consultancies to assist public service broadcasters in the Southeast Europe IPA region in a thorough organisational restructuring. Structural modernisation should aim at decreasing the number of permanent staff and widening the pool of free-lance staff. Acquiring digital and multimedia production capabilities should be in the focus of the modernisation.

5.5 Independence of the broadcasting regulatory authorities

Problem 11: In many countries of the region, national broadcasting regulators are nominally independent. Some are funded from broadcasting licenses that they issue, for example in Serbia, Turkey, Montenegro and the former Yugoslav Republic of Macedonia. However, in a number of countries they are treated as institutions receiving money from the state budget so that the ministry of finance demands access to all income from issuing licenses. Furthermore, some regulators are requested to report annually to the government and must receive the government's approval of its financial operations.

Recommendation 11: The EC, together with EPRA and other interested parties, should present European best practices to stake-holders from the IPA region in regard to safeguarding the independence on national broadcasting regulatory authorities. Particular attention should be given to the method and means of ensuring the financial independence of the regulatory bodies while increasing the transparency and accountability of their work, for instance by introducing a compulsory annual public report.

6 Chief Benchmark Three: Digitisation and Public Service Broadcasting

6.1 Turkey

RTÜK has repeatedly assured the public that digital broadcasting will be available and affordable for all Turkish households in time. However, Law 6112 regulating RTÜK since February 2011 does not provide the necessary legal framework for the full digitisation of the country. No law exists about the building of a digital terrestrial network and no national strategy for the digital roll out, the sharing of multiplexes and the closing of the analogue signal. There have been no public consultations so far and the public is more or less unaware of the coming switch-over deadline. The roles of RTÜK and Bilgi İletişim ve Teknolojileri Kurumu (BTK), the national regulator for the telecommunications services, are becoming increasingly ambiguous in the digital era as BTK also plays a vital role in spectrum frequency allocation and the regulation of audio-visual content broadcast online.

6.2 Serbia

RTS launched a full time digital test TV channel in 2008. However, the initial switch-off date 4 April 2012 proved to be unachievable. After a number of delays, the government decided that the new switch-off date will be 17 June 2015. In March 2013, the Minister for Trade and Telecommunications Radim Ljajić declared that only "15 to 20 percent" of the preparations have been finished and this mainly with the support of the EU. The main reasons for the delay were:

- the missing legal regulation and by-laws,
- delays in establishing the national transmission network,
- delays in determining a "subsidy for equipment" scheme for the socially most vulnerable households, and finally
- delays in the full digitisation of the two public service broadcasters RTS and RTV.

RTV, the PSB in Vojvodina, is not ready to produce in digital standards.

6.3 Kosovo

The development of a coherent strategy for digitisation in Kosovo has been stalled for nearly one and a half years because the board of the national regulator, the Independent Media Commission (IMC), could not form a quorum as the required new members have not been appointed. IMC has prepared a development strategy. The Government is in process of drafting the law on digitisation, aiming to have it adopted by end of June 2013. As Kosovo, because of its unresolved international status, is not a member of the Geneva International Telecommunication Union (ITU), planning for digitisation is

difficult. Regional coordination is of utmost necessity for the digitisation, as the digital coverage of a territory can only be achieved in co-operation with neighbours.

6.4 Albania

In 2007, Albania adopted a law on digitisation long before a national strategy plan was in place. In addition, a number of private commercial broadcasters had established a digital distribution network, DigiAlb, not transmitting with ITU standards. In 2011, the regulator, NCRT, published a Digitisation Strategy Plan for Albania. This plan describes the following in detail:

- the requirements from commercial and public service broadcasters to deliver digital signals,
- the technical national distribution plans,
- the necessity of public information and government support for the households to receive the new signals,
- the costs of the entire switch-off of the analogue signal,
- the requirements from the state concerning needed legislation and a time schedule with deadlines for the various players.

If the strategy had been immediately implemented, a successful digitisation could have been finished before the ITU deadline of June 2015. However, while this report was written in early 2013, the parliament is still debating a new media law, including amendments dealing with digitisation. The major problems seem to be how to finance the broadcasting system. Some of the main issues are described in the Strategy Plan in the following way: “Under the current situation, the funding for creating a digital network to support the programs of the public operator is a difficult challenge. It is estimated that setting up a national digital network costs around 12-14 million €. Defining a fair and realistic funding scheme and the time of return on capital are basic elements to ensure the sustainability of the public operator.”

6.5 Former Yugoslav Republic of Macedonia

Public service broadcaster MRT does not yet have full digital production lines in place. There is no public awareness concerning the digitisation in the media community and in the general public. Many local and regional media are not at all prepared to switch off the analogue signal in June 2013 (still the official switch-off deadline), or are not even aware of the deadline. The Open Society Institute’s “Mapping Digital Media” study from June 2012 describes the situation as follows: “There is no policy or concrete action plan for digital switch-over, and there is a lack of mechanisms to guarantee the fair inclusion of all players in the process, and an insufficient legal framework. Therefore, digitisation continues under legislation mostly designed to regulate the analogue world. Even though the process started well with the adoption of the Broadcasting Development Strategy and the establishment of a coordinating body to include different state, commercial, and civil society institutions, it has been stalled by the government with its claims to exclusive authority in the policymaking process. The government, however, has not yet produced any policy document or even a single piece of legislation that will put the digitisation process on track.” Field research for this report in late October 2012, only confirmed the quoted findings.

6.6 Montenegro

In 2012, less than 35% of the Montenegrin households received their TV signal from terrestrial transmitters. Around 65% are served by cable and satellite providers or using IP platforms. Still, costly terrestrial transmitters must be installed to reach the remaining 35 % of the population. The parliament adopted a Digital Broadcasting Act in July 2011, suggesting a switch-over in December 2012, a deadline that was not met. The Strategy Plan foresees a public investment of around eight million €. However, this line was not in the state budget draft for 2013. In 2010, the EU delegation donated digital transmitters in Montenegro at a cost of 1.6 million €. Due to disagreements about technical standards, complaints about an unfair tender process and delays from an external provider, the

transmitters were still not delivered as of November 2012. No public awareness campaign was launched.

6.7 Bosnia and Herzegovina

In June 2009, the government adopted the “Strategy on the digital switch-over in Bosnia and Herzegovina” with a switch-off deadline in December 2011. In the meantime, it has been postponed to December 2014. A Digital Terrestrial Television Forum (DTT Forum) was established and delivered an Action Plan in January 2012. But the government has still not adopted it. However, transmitters for the delivery of digital terrestrial signals are being constructed. A conflict with the PSB RTRS in the entity of Republika Srpska, where different digital broadcasting systems on unlicensed frequencies were installed, was lingering when the report was finalised. A support scheme for subsidising vulnerable households seems ready. Subsidies will be included in the license fee system so that only those citizens paying the license fee will benefit from it. Officials say that a new Broadcasting law is being prepared, and that this law may revive the idea about a shared Corporation, serving all three PSB Broadcasters.

7 Benchmark three: Shared Analytical Conclusions and Policy Recommendations for the Region Concerning National Digitisation and the Digitisation of the Public Service Broadcaster

7.1 Strategy and Action Plan

Problem 12: The experience of European countries, which have already progressed on the path of digitisation, shows that a successful switchover requires the drafting of a strategy and an action plan in order to properly address the imminent and future challenges.

Recommendation 12: The EC, possibly in co-operation with the EBU and other interested parties, should commission a media institute or a consultancy to assist stakeholders in the IPA region in assimilating best practices in digitisation, particularly on drafting and implementing strategies and action plans. If some countries are not able to draft and implement such documents on their own, the EC should consider commissioning external task forces to assist in such cases.

7.2 Legislation

Problem 13: If the IPA countries still want to meet the ITU digitisation deadline of June 2015, they have to ensure that the relevant legislation is in place. No implementation of strategies and action plans is possible if the legal framework is missing.

Recommendation 13: The EC, possibly together with the EBU and other interested parties, should commission a task force to review the state of legislation and by-laws relevant to digitisation in each IPA country. If this review produces evidence that a country is probably not capable of completing the legislative tasks in the field of digitisation, the EC could commission external experts to assist in speeding-up the work.

7.3 Information on digitisation for the general public and stake-holders

Problem14: The general public in the Western Balkans and in Turkey is mostly unaware of the consequences of the digitisation for them. Local public awareness campaigns are almost non-existent. In particular, poorer households and less educated people need public support to buy and install new digital receivers. However, in most cases, support programmes are not ready. Moreover, a number of smaller local radio and television stations has not been involved in the digitisation planning so far. They could be unaware of the coming consequences for them.

Recommendation 14: The EC, possibly in co-operation with the EBU and other interested parties, should assist the stake holders in the IPA region to assimilate best practices in launching awareness campaigns for the general public about digitisation. If it becomes clear that there are IPA countries without capacities to launch such information campaigns on their own, the EC could consider commissioning communication programmes to promote the understanding of digitisation issues in the media communities of the IPA region.

7.4 Public broadcasting service

Problem 15: Public service broadcasters need a prominent place in the national switchover plans so that they have the possibility to launch new “niche” channels (such as specialised programmes for children, drama, news, documentaries, etc.) and to convert to high-quality HD broadcasting format. Many PSBs in the region own large archives with both radio and TV productions of tremendous value for the national cultural heritage. If these archives are not digitalised they cannot be used for future broadcasting.

Recommendation 15: The EC, possibly together with the EBU and other interested parties, should commission media institutes or consultancies to support the PSB in the IPA region, in planning their digital programming strategies and, in particular, their long-term approach to preserving and perhaps generating income from their archives from the analogue era.

7.5 Regional cooperation in the Western Balkans

Problem 16: Presently, there is little co-operation between the public service broadcasters in the region. However, there are two valid reasons for increasing regional coordination as the first step to more co-operation:

1. The first is that digital broadcasting involves dividing frequencies in a region. The prevailing mountainous territory in the Western Balkans imposes on the PSBs the necessity to develop technical co-operation. This would enhance the reach of their signal whilst lowering the costs.
2. Secondly, in all Western Balkan IPA countries, funds and specialists are scarce so that it makes little sense for each of the countries to invent national solutions. The reasonable and efficient way would be to make use of major advantages stemming from regional co-ordination and other more intensive forms of co-operation.

Recommendation 16: The EC should encourage further co-operation among PSBs within the European Association of Public Service Media in South East Europe, chaired by HRT, the Croatian PSB, and supported by the Regional Co-operation Council (RCC) in Sarajevo and the EBU. Already, there is the South East Europe Digi.TV project established with this purpose in the Western Balkan countries with funding from EU-IPA means.

7.6 Financing digitisation

Problem 17: Most of the PSBs in the IPA countries are chronically underfunded and some can barely cover their day-to-day running costs. Capital investment in new equipment has often been a low priority for many years, resulting in “worn-out” obsolete equipment. In a high-technology industry such as broadcasting, neglecting investments in infrastructure results in increased costs, lack of competitiveness and ultimately in failure. Standard operation budgets cannot include costly elements such as:

- converting to digital production and transmission,
- digitalising the archives, and
- training staff to use new technologies.

In October 2012, the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) expressed their readiness to inject funds into the digitisation of eastern

European public service broadcasters, at an EBU-led conference in Vienna. The EBRD saw digitisation as a way to create potential new revenue streams, including:

- fees for digital library use,
- creation of cinema pre-shows mixing advertising, branded entertainment and local content,
- use of the digital infrastructure for non-public purposes, and
- fees from distribution to cable channels for expatriate viewing.

PSBs in the IPA region have difficulties in creating topical projects and absorbing potential investments in this field.

Recommendation 17: The EC should continue supporting investments in digital transmission equipment in those countries in the IPA region that cannot afford it on their own. Furthermore, together with the EBU, EBRD and EIB, the EC should commission a media institute or consultancy to work with PSBs in the IPA region on the creation of topical projects and absorption capacities for digitisation investments.

8 Chief benchmark four: informal power structures influencing regulatory authorities and public service broadcasters

8.1 Turkey

The Turkish government is in a position to control the national broadcasting regulatory body RTÜK and the PSB TRT with a number of formal and informal means. The combination of the Law 6112 on RTÜK, the solid government majority in the RTÜK Supreme Council and the TRT governing board as along with court decisions against journalists and political actions by the ruling AKP party, creates an environment in which TRT news broadcasting boils down to “protocol TV” toeing the incumbent government’s line. It is inevitable that in this environment, self-censorship prevails in the Turkish media, including PSB.

8.2 Serbia

The Serbian political and media community is divided when it comes to gauging the independence of RTS, the national PSB. Some pundits describe RTS as fairly independent and free of political manipulations, compared to previous times, thanks partly to a fairly strong Steering Board and a top management that has managed to navigate the station free of direct political influence. Others are convinced that there is strong control through various financial, political and personal means and a well-established system of self-censorship on all editorial layers. In any case, informal power structures seem more sophisticated or at least less visible than in comparable countries.

RTV, the PSB in the province of Vojvodina, is running a second minority channel, broadcasting in eight languages to serve the local minorities. It is evident that the National Minority Councils of the various ethnic communities do not hesitate to influence “their” minority programmes.

8.3 Kosovo

The general impression of the external observers in Kosovo, who were interviewed during the research for this study, was that since the current government came into office, the independence of RTK has further deteriorated. This perception is partially shared by RTK management itself and the governors of IMC, the regulatory body. RTK managers say that there is no direct control by the government, but that there is pressure and influence taking place. More than a dozen interviewees in this research – from different institutions, on condition of anonymity, confirmed that an informal power structure exists. This structure consists of powerful private and public figures influencing the management and the programming of the public service broadcaster. The prevailing impression in Kosovo’s media community is that RTK is a non-transparent company that shuns an open dialogue with the public.

According to observations by international missions in Kosovo, there are a number of problematic transactions under investigation, involving both manipulations of accounts and favourable contracts being given to sub-contractors closely related to RTK managers.

8.4 Albania

A number of recent surveys of the election coverage of RTSH, the national PSB, confirmed the existence of a clear bias in favour of the incumbent government, both in terms of the tone of the reports and the allocation of time to the candidates. Local and external analysts and other members of the media community, including officials of the regulatory body and the RTSH, consider the national PSB to be under constant pressure from the ruling party and the public authorities.

8.5 Former Yugoslav Republic of Macedonia

The media community in this country, including academic researchers and other analysts, is critical and sometimes even antagonistic towards MRT. There is no trust in the independence and professionalism of MRT. In the Broadcasting Council and even inside the MRT, there is palpable scepticism about MRT's capability to increase its independence and professionalism. There is an obvious need for an open debate about the future of MRT with the aim of adopting a development strategy that will enjoy broad public support.

8.6 Montenegro

Most local and external observers consider RTCG, the national PSB, still to be under government control in spite of some improvements ahead of the general elections in the autumn of 2012. RTCG is lagging in public trust in comparison with the leading private broadcaster, *Vijesti* that enjoys some support from external investors. In general, Montenegro's public sphere is sharply divided into the government camp and its opponents. This is strongly reflected in the media.

8.7 Bosnia and Herzegovina

A local media analyst described the media scenery in this country to the authors of this study with the following words: "The Serb channel RTRS describes the achievement of their entity's government in terms of a rose garden, the Bosniak-Croat channel RTV FBiH describes everything in a negative perspective, the state-wide broadcaster BHRT is the most balanced, but so boring, that nobody is watching it". The country's media landscape is evidently deeply politicised, with ethnic and religious groups, political parties, national and regional parliaments and the government bickering about almost every issue and interfering in every decision of the media organisations. The various company boards seem not to be able to defend their station's independence and are, more often than not, themselves tools for political interventions.

Local observers are adamant that the various governments in the country spend millions of Euros every year for indirect subsidies to private broadcasters to ensure friendly coverage.

9 Benchmark four: Shared Analytic Conclusions and Policy Recommendations for the Region Concerning Informal Power Structures Influencing Regulatory Bodies and Public Service Broadcasters

9.1 Mapping of informal power structures

Problem 18: Widespread informal power structures influencing regulatory bodies and public service broadcasters are a fact of life in the Western Balkans and Turkey. They exist in parallel with media laws aligned to the *EU acquis communautaire* and various recommendations of the Council of Europe and other relevant international acts. Mapping informal power structures in the media sphere is difficult

as they only come into the limelight when scandals occur or if interested parties decide to disclose some problematic actions.

Recommendation 18: The EC should support regional studies mapping the workings of informal power structures in the media sphere in the IPA countries. Such studies could be produced by the South East European Media Observatory, a new organisation supported by the European Commission, that intends to foster media integrity in the region. Topical research projects should include universities, think-tanks, non-governmental organisations, investigative journalism groups and other democracy-supporting institutions in the region.

9.2 Transparency and dialogue

Problem 19: In a majority of the IPA countries, the media community is sharply divided along ideological, political, ethnic, personal and other lines. Divisions are exacerbated by a prevalent lack of public access to information about the financial, management, planning and other aspects of the work of regulatory bodies and public service broadcasters.

Recommendation 19: The EC, possibly together with the EBU and other interested parties, should commission media institutes or consultancies to stage public debates among stake-holders from IPA countries about best practices in ensuring transparency of the workings of regulatory bodies and public service broadcasters. One topic of such workshops could be how to increase credibility and accountability by communicating timely information about the regulators and broadcasters on the internet and other platforms.

9.3 Media ombudsman

Problem 20: Broadcasters, editors, members of regulatory and steering bodies and other members of the media community need strong legal and practical protection to fulfil their duties. Especially, investigative research depends on the provision of security guarantees to journalists and editors. Such safety nets are underdeveloped or even non-existent in a number of countries in the region. Moreover, public authorities are often still the main source of threats to freedom of expression and the freedom of media.

The institution of the media ombudsman, that can provide useful safeguards for journalists, is hardly known in the Western Balkans while some Turkish print media have set up this institution (Ombudsmen are mandatory in Turkish broadcasters). Usually, the ombudsman is appointed by- and reports to the board of a media company. She or he decides whether corrections or retractions should be published. The ombudsman is entitled to bring violations of law and cases of harassment directly to the courts. If the ombudsman is feeling threatened or not sufficiently protected by the boards, she or he can appeal directly to the president of the country or the parliament.

Recommendation 20: The EC, possibly together with EBU, UNESCO (because of this organisation's engagement in promoting media self-regulation in southeast Europe) and other interested parties should commission a media institute or consultancies to promote the media ombudsman institution in the Western Balkans. ONO, the world organisation of news ombudsmen should be invited to participate in this effort. One topic to be discussed could be the legal feasibility of introducing a mandatory ombudsman position in media organisations. Also, whether the mandate could be extended to include the protection of journalists. (*Please compare also recommendation 2 in Component II about self-regulation*).

10 Chief Benchmark Five: Investigative Journalism and Public Service Broadcasters

10.1 Turkey

Two highly respected Turkish investigative journalists Ahmet Sik and Nedim Sener were released conditionally on 12 March 2012 after a year in detention. They were arrested together with five other journalists from the ODA TV website, and were still in prison in early 2013, when this report was written. They were preparing a report on the influential Islamic movement led by the religious scholar and activist Fethullah Gülen. As this example shows, Turkish authorities do not hesitate with repression when they fear investigative reports in the media. Consequently, media owners risk political and legal sanctions if they publish investigative reports that are not welcomed by the authorities. Journalists risk going to prison or worse. Thus, most investigative journalism finds a platform in smaller news outlets and increasingly on-line. PSB TRT does not broadcast about corruption in high places or similar sensitive reports. The reason for this, as one high ranking member of RTÜK, the national broadcasting regulator, told the authors of this report, is simply because such problems, in his words, no longer exist in Turkey after ten years of AKP rule.

10.2 Serbia

Only one private national broadcaster in Serbia invests in investigative reporting thus exercising the high quality journalism that should actually be among the prime tasks of public service broadcasting. This is the Swedish-Greek-Serbian owned broadcaster B92 that has acquired a strong reputation for its courageous journalism as early as the 1990s during the time of authoritarian rule in that country. However, the fact that both the editor-in-chief and the leading investigative journalism magazine editor at B92 are under 24 hour police protection illustrates the risks that come with investigative journalism in that country. The public service broadcaster RTS sometimes offers stories which have already broken in other media, but almost never runs its own investigations. RTS managers and editors consider investigative reporting too risky for their staff and even invoke the argument that exposing the corruption and crime of high-ranking officials would be destabilising for the country.

10.3 Kosovo

RTK does almost none of its own investigative reporting. "Protocol TV" prevails in news bulletins and elsewhere. However, RTK airs impressive investigative stories authored by private production companies. This is possible because the law on RTK obliges the public service broadcaster to outsource at least 15% of its program production. As a result, a long-term contract with an independent company in Pristina has been signed, which foresees the production of two hours per week of cutting line investigative journalistic programs, 52 weeks a year. Thursday and Sunday prime time timeslots are reserved for these programs. There have been only few cases when RTK, citing legal editorial reasons, cancelled the broadcasting of these programs, which are highly popular. The U.S. embassy and the diplomatic representations of several EU states extend political support to the owner of the private production company thus shielding its investigative journalists to an extent from domestic pressures.

10.4 Albania

The output of investigative journalism by RTSH is poor. Typically, "protocol TV" prevails. An example was the first school day after the summer vacation of 2012. The first seven stories the PSB RTSH news were: the Prime minister visiting a school, the President sending his regards, the Deputy Prime Minister visiting a school, the Minister of Education visiting a school, the Deputy Minister of Education visiting a school, the Mayor of Tirana visiting a school, and finally the Deputy Mayor of Tirana visiting a school. However, no interviews with any child, parent or teacher were shown.

10.5 Former Yugoslav Republic of Macedonia

According to all interviewees in this study, investigative production for radio or TV does not exist in this country. For a number of reasons:

- there is little interest in distributing such programs;
- there is little readiness to finance such programmes;
- there is little critical film documentary tradition;
- the government will not release the relevant documents requested by journalists.

In spite of the fact that a number of mostly foreign funded initiatives were launched to improve the situation (training, networking, conferences etc.), there is little change.

10.6 Montenegro

There are some examples of investigative journalism in Montenegro, mainly under the auspices of the print outlet and the multimedia platforms of the private Vijesti company and the weekly Monitor that can both to an extent count on external political and financial backing. According to a 2012 study by the OSCE and the NGO CEDEM, the main reasons for the lack of more investigative reports are political pressures from the authorities and various political parties, low democratic awareness by the citizens, and also the poor financial situation of the media, including the low salaries of the journalists. Furthermore, repeated violence against named critical journalists has a chilling effect on the media community.

10.7 Bosnia and Herzegovina

There is an absence of will, desire, capacities and finances for investigative reporting in this country. According to the Press Council of Bosnia and Herzegovina and the National Journalist Association, it is not rare that public and private media in the country adhere to the interests of their owners, powerful private persons or political parties. One-sided reporting and unhidden propagandistic political bias is abundant. Journalist working conditions and social protection are poor. There are no sanctions when officials decide to exclude certain journalists from press conferences or even insult them. There are few private production companies, because of the lack of demand for independent programmes. The three public service broadcasters apparently do not have a strategy for improving their journalistic standards.

11 Benchmark five: Shared Analytical Conclusions and Policy Recommendations for the Region Concerning Investigative Journalism and Public Service Broadcasters

11.1 Quotas

Problem 21: Numerous initiatives have been taken during the last ten years in order to stimulate investigative journalism in the Western Balkans and Turkey. Various shorter training schemes have been rolled out with the support of international organisations and donors. Several investigative journalism networks have been established such as BIRN and SCOOP. The importance of these schemes and incentives should not be underestimated, but they have not solved the problem. There is now more investigative journalism in some countries, mostly in press, private radio and television, and the Internet, but this is not the case with public service radio and television.

However, PSBs are usually legally obliged to outsource a part of their production (on average between 10 and 15% of the program hours and budgets). Sometimes this obligation is not honoured and often the outsourced money is spent on entertainment programs and comedies. Usually, there are no quota systems to ensure that no less than half of the hours that the broadcaster is obliged to outsource, is invested in investigative reporting. Permanent weekly prime-time timeslots are not allocated to

investigative journalism and there is little public awareness about the political and social relevance of investigative reporting.

Authorities are in some cases ready to offer physical protection to endangered journalists, which is sometimes also a reaction to external political pressures. In general, safeguards (legal, political, social) for journalists still need to be greatly improved.

Recommendation 21: The EC, possibly with EBU and other interested parties, should commission media institutes and consultancies to transfer knowledge to stakeholders in the IPA countries about the methods and means to increase the presence of investigative reporting in programmes of public service broadcasters. One topic that should be discussed is the introduction of a mandatory quota system for investigative reporting produced by independent companies. A useful side-effect of such quotas would be to stir up demand for private TV and other media productions thus strengthening the local media industry.

11.2 Industrial relations in the media sector

Problem 22: In most IPA countries, journalists are poorly paid and lack social protection as employees. More often than not, they can be sacked from one day to the next. Industrial relations in the media sector are seldom formalised and lag behind EU social security standards, even in companies owned by investors from the EU. It is no surprise that such conditions induce self-censorship and prevent improvement in quality.

Recommendation 22: The EC should support the European Federation of Journalists (EFJ), the International Federation of Journalists (IFJ), international trade union organisations and other parties interested in their assistance programmes for regional and local journalism organisations aimed at securing:

- collective agreements,
- the respect for labour rights, and
- anti-monopoly policies in the media industry in the Western Balkans and Turkey.

Within such programmes, particular attention should be paid to the labour conditions of media workers in public service broadcasters.

11.3 Regional co-operation in long-term training and education

Problem 23: With a quota system in place securing long-term demand for investigative journalism, with proper collective agreements and the implementation of standard labour codes and with the media ombudsman institution established, the fundamentals for a stronger development of investigative journalism and other features of improved media performance would be in place. However, skilled, trained and educated journalists and other media professionals are needed to conduct the job. A lot of the training schemes in the Western Balkans until today have been fairly short term. Two or three week courses or long-distance online training sessions are not sufficient to forge a journalist capable of investigative reporting, a capable media manager. One or two year educational programs, including scholarships, are scarce.

A number of interlocutors during this research pointed out to the benefits that could be gained by establishing regional training facilities. The purpose would be to offer joint regional programmes for the occupational advancement of young and mid-career media professionals. The programmes could relate to journalism skills, media management, media technology (particularly digitisation), media law, the spread of media literacy and other topical issues.

Recommendation 23: The EC should support the EBU and other interested parties that are ready to

participate in the establishment of a *Southeast Europe Media Academy* that would offer long-term occupational advancement of young and mid-career media professionals, including investigative reporting skills. Training at the regional Media Academy could be aligned with the curricula of local universities so that advanced studies at the Academy could become part of a formal university journalistic education.

The Media Academy could host advanced courses for journalists (including introduction to “data mining” and similar methods of investigative journalism) and other expert content for media professionals such as new funding models for media managers, new media technology for technical staff, curricula models for teachers of media literacy.

The Media Academy should co-operate on regional media law training programmes with the emerging Academy on Media Law in Southeast Europe.³

The EC should invite the EBU, the Regional Co-operation Council (RCC), the OSCE Representative on Freedom of the Media, the Open Society Institute Media Program, the Southeast Europe Media Organisation (SEEMO), the Education Reform Initiative of South Eastern Europe (ERI SEE) and other potentially interested partners to express their interests regarding the joint launch of such a permanent regional media training initiative.

The main conditions for the implementation and sustainability of this regional co-operation initiative would be:

- a mid-term commitment of the external funders (for instance seven years, e.g. the IPA2 budgetary cycle);
- a close involvement of the regional and local share-holders, primarily regional and national associations of media professionals (SEEMO, associations of journalists in the IPA southeast Europe region, universities, etc.)

The Media Academy should be managed by senior professionals, well-known and respected throughout the region. The faculty should consist in equal parts of regional and international specialists.⁴

Also, The EC, together with the EBU and other interested parties, should encourage and support co-ordination mechanisms to increase the number of scholarships to young journalists from the Western Balkans and Turkey, and to send experienced media trainers (particularly specialists for investigative reporting) to participate in the programmes of the Media Academy, the Academy of Media Law in Southeast Europe and other institutions that host young media professionals from IPA countries.

³ This college was held for the first time in the summer of 2012 under the auspices of the Regional Cooperation Council (RCC) and with support of the Friedrich Ebert Foundation, the OSCE Representative on Freedom of the Media and the OSCE Mission to Bosnia and Herzegovina, and implemented by ARTICLE 19: Global Campaign for Free Expression and the European Association of Public Service Media in South East Europe.

⁴ The Academy would need a physical and permanent location in the region. Preferably, it would be located in an attractive and peaceful environment with easy access in order to ensure focused work and in order to be attractive to visitors and to an international faculty.

Component II: Sustainable and effective mechanisms for media self-regulation

1 Task Description

In the South-East Europe IPA region, initiatives to entrench self-regulation mechanisms in the media industry develop in different but always arduous circumstances. Although the push to strengthen self-regulation is high on the agenda of the media community, such institutions either have not been established or the existing ones must be overhauled and strengthened. Furthermore, individual countries have attracted varying degrees of attention from international donors. Against this backdrop, within Component II, the research team was asked to cover the following topics:

1. Provide a mapping and assessment of all on-going support to ethical guidelines and media self-regulation.
2. Consult with journalist associations, press councils, editors, media owners and other key stakeholders in four selected countries in the region on what is required to strengthen self-regulation mechanisms that guard freedom of expression and improve media accountability.
3. Propose options on a long-term multi-beneficiary support initiative that would complement and add value to initiatives from other actors and provide for coherence and effectiveness.

2 Introduction

In-depth consultations have been carried out, according to the work-plan, with stakeholders in Turkey, the former Yugoslav Republic of Macedonia, Kosovo, Albania and Bosnia Herzegovina. Turkey occupies somewhat more space in this analysis due to the greater size and different structure of the media market in this country and also because of the different political problems.

General assessment of media self-regulation mechanisms in the South-East Europe IPA region

- *Councils of Honour*, usually run by associations of journalists, are the oldest self-regulation mechanisms. They were often set up in a more statist and elitist tradition of journalism and – as a rule – have not integrated the readership;
- Self-regulation mechanisms that transgress the council-of-honour-tradition have been introduced in some of the countries, yet often upon the initiative and with the financial support of foreign actors (for instance in Serbia and Bosnia and Herzegovina) who provide guidance and political support but cannot ensure immediate public recognition. Turkey has its own tradition of self-regulation mechanisms and they are mostly not dependent on foreign funds;
- *Ombudsmen or readers' representatives*, with the exception of Turkey, are widely unknown;
- *Press Councils* are either still to be established (former Yugoslav Republic of Macedonia), or have crumbled (Albania), work with limited impact (Kosovo or Bosnia and Herzegovina) or lack general legitimacy and recognition (Turkey);
- Due to the reluctance of media owners to participate in the funding, *Press Councils* continuously struggle to ensure financial sustainability;
- International donors offer mostly training and networking opportunities *to Press Councils and council-set up initiatives*. Usually, money for awareness raising campaigns, support for the establishment of electronic archives and grants for expert-advice are offered. Such project-based support, essentially assumes the financial sustainability of the respected institutions, a precondition that is missing more often than not.

- *Press council initiatives* have difficulties agreeing on which individuals and organisations competent to run the council. The challenge is to identify candidates who are not already stained by political partisanship in the eyes of the media community and the broader public.
- Political and ideological division within the media industry in some parts of the region extend to the field of self-regulation. In Montenegro, next to the “*Novinarsko samoregulatorno tijelo*” (NST) (Journalism self-regulatory body) founded in 2003, two more self-regulatory institutions were set up in the spring of 2012. The new “*Savjet za štampu*” (Press council) was established by media that tend to be critical of the incumbent government: the dailies „Dan“ and „Vijesti“ and the weekly „Monitor“ (the founders say that the Council represents 90% of the country’s media market). Another newcomer is the “*Samoregulatorni savjet za lokalnu štampu*” (Self-regulatory council for local and periodical press) with 11 members – the founding of this association was welcomed by the government.

3 Mapping of Support to Ethical Guidelines and Media Self-Regulation

Enhancing media self-regulation belongs to the core activities of many media development organisations. Numerous topical projects have been carried out in the South-East IPA region in the last two decades since authoritarian rule went into decline.

To name just one of the more recent and better-known projects, in late 2011, the *South East Europe Media Organisation (SEEMO)* organised a regional conference on News Agencies and New Media in South East and Central Europe in Pristina. The participants passed a declaration that argued i.a. for the integration of web sites into self-regulation mechanisms or for the set-up of new self-regulating bodies for the internet. SEEMO commissioned a research mission to Montenegro and encouraged the country’s media community to set up self-regulatory bodies. Prior to this, SEEMO supported the establishment of self-regulatory bodies in Croatia and Hungary.

Presently, the most relevant regional initiative is financed by the EU and managed by The United Nations Educational, Scientific and Cultural Organisation (UNESCO).

A packet of measures was carried out between August 2008 and February 2011 (under the title IPA/2008/160-385”) aimed amongst other things at “*Developing self-regulation tools and mechanisms, and increasing the awareness and the valorisation of self-regulation among media professionals and organisations*”.⁵ DG Enlargement entrusted UNESCO with this project that targeted Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Turkey, Albania, Bosnia Herzegovina, Kosovo and Serbia. “*Increasing (the) awareness of publishers and media newsrooms of alternative forms of accountability*” was the goal of the project’s kick-off event in Tirana. Throughout the project, two cycles of roundtables were held in each of the target countries. In Albania, Bosnia and Herzegovina, Croatia and Serbia, on-site consultations on media self-regulation mechanisms were conducted with international experts in selected newsrooms. An “*International thematic brainstorming*” on the state of play regarding self-regulation and media policy in the region was held in Istanbul with 115 participants, 45 coming from abroad. For “*Connecting local Press Councils with the self-regulation process at the European level*” Press Councils or Press Council initiatives were able to send one representative per country to participate in each of the two General Assemblies organised by the Alliance of Independent Press Councils in Europe (AIPCE) gathering in Oslo 2009 and in Amsterdam 2010. With the aim of “*Establishing a reference for media accountability systems/self-regulation and a virtual network of interested professionals in the region*”, a web-portal was developed in English and French that provides available information collected throughout the region on a) Media Legislation and Regulations; b) Regulatory Bodies; c) Codes of Ethics; and d) other resources. In addition, the book “*Professional Journalism and Self-regulation: New Media, Old Dilemmas in Southeast Europe and Turkey*” was

⁵ IPA (2008/160-385, Alignment to International Standards in the Media Sector of South East European Countries, Final Narrative Report, p.2.

published in English and translated into Croatian, Albanian and Turkish. Towards the end of the project, a conference was organised at UNESCO Headquarters in Paris, focussing on the linkage between *self-regulation and media legislation*.

In late 2012, the European Commission and UNESCO signed a second agreement for the promotion of media accountability in South-East Europe. The project will run for 36 months, and will be directed towards the same countries as the one previously described with the exception of Croatia. Some of the envisaged activities are as follows: “*Supporting the work of press councils (and) facilitating the establishment of press councils*” are listed as its major objectives. To achieve these goals, consultations, hands-on training and mentoring will be applied in cooperation with functioning press councils of the region (Kosovo and Bosnia and Herzegovina) and the AIPCE. To support the establishment of Press Councils in the two respective countries, the Macedonian Media Institute and the (Turkish) Media Association have been selected as the main actors.

“*Pilot ombudsmen*” will be initiated in selected newspapers in Albania and also in other countries. Regional and local training seminars will be organised focussing on hate speech in the first and on freedom of information-laws in the second round. Local training seminars on the self-regulation of media will also include key stakeholders from the judiciary bodies in the respective countries. A country-based research study will be conducted on online hate speech in cooperation with the South East European Network for Professionalization of Media (SEENPM) and the Albanian Media Institute. The already established web-portal, a reference tool for media accountability (see above) will be updated so as to include the rulings of press councils.

4 State of play of self-regulation in four in-depth studied parts of the region

4.1 Turkey

The 1990s saw the integration of a large bulk of the conservative population into Turkey’s economic, educational and political system and, as its corollary, the growth of Muslim-conservative media, now, for the first time, able to question the secularist state ideology. Since 2002, the Justice and Development Party (AKP) rules Turkey as a single party government. The AKP dethroned the old elites in the bureaucracy, judiciary, and academia. The AKP challenged the traditional economic elites of the republic, a move that included a severe change in the media’s ownership structure. Attempts to declare the ruling party unconstitutional, military threats to overthrow the government, dubious and extreme tax fines against the Doğan media group (that opposed the government and backed the military), and severe clashes in the judiciary and the security apparatus had been part of this fight. Turkish media is now more than ever split according to the time-honoured divide between nationalist secularist and Muslim-conservative societal forces. Additionally, for the first time, Turkish media fall into almost equally large political and cultural camps and – again for the first time – nationalist Kurdish media have entered the stage.

The outlined course of history left its traces on Turkish journalists, journalists’ associations and journalists’ unions, and informed the publishing policy of newspapers and state-owned and private broadcasters. Journalists tend to perceive themselves as either members of an educated, well read and well versed societal elite or as men-of-war of a counter-elite engaged in political, cultural and economic struggle. In addition, the media community faces an extremely unfavourable legal and economic environment consisting of:

- the constitution, inherited from the time of military rule,
- legislation designed for the upholding of an authoritarian regime (the Penal Code, the Anti Terror Law and the Code of Criminal Procedure),
- the country’s judiciary system accustomed to being used as a political tool and suffering under a far too heavy workload,
- the intensive de-unionization in all media outlets,
- and journalism graduates in profusion.

Turkey's most referred to code of ethics was drafted in 1998 by the *Turkish Journalists' Association* based in Istanbul. Founded in 1946, it is today Turkey's largest journalists' organisation with some 3,800 members. In recent years, the Association, together with the *Turkish Journalists' Union* formed the backbone of protests against the long pre-trial detention of journalists (the government insists that the large majority of the detained are not journalists but extremists or even terrorists). A lot of the cases are connected to the so-called KCK and *Ergenekon* trials.⁶ Regarding these cases, the Association cooperates with the Vienna-based International Press Institute (IPI), the OSCE and various European Union institutions.

The *Turkish Journalists' Union* was founded in 1952 in Istanbul and five years later became a member of the Turkish main-stream and state-oriented *Turkish Work* (Federation of Trade Unions). The *Union and the Journalists' Association* refrained from protesting against the tightening of the Penal Code (TCK), the Anti Terror Law (TMK) and the Code of Criminal Procedure (CMUK) in the 1990ies and did not pledge solidarity to detained and sentenced leftist and Kurdish news workers at that time. Only when, in the beginning of 2007, together with retired military personnel, politicians and activists of some extreme nationalist government inspired NGOs authors, journalists and academicians close to the military were detained in the frame of the Ergenekon investigations, the *Union* and the *Journalists' Association* spoke out for the protection of freedom of expression and for the defence of journalists' rights.

In 2009 and 2010, the *Union* received funds from the Delegation of the European Union in Ankara in the frame of a 20 month-project entitled *Freedom of Expression in Turkey: Strengthening Journalist Unionization for Change*, implemented in cooperation with the European Federation of Journalists.

The *Press Council* (Basın Konseyi) was founded in 1988 in Istanbul as the delayed reply of leading journalists to complaints made by the President of State Kenan Evren (actually the leader of the military take-over in 1980) about the lack of morality in Turkish journalism. In the same year, the Statutes of the Council had been worked out in the form of an agreement between individual journalists, managers of media outlets and media owners, journalists' associations and unions, along with bar associations. The Statutes also foresee the participation of representatives of the media audience.

The Council's High Board functions as a complaint commission whose sentences are published at the Council's website. Neither the members of the council nor other media outlets publish the verdicts. There is no rule in the statutes of the Council as to how to deal with the High Board's decisions being disregarded.

From 1988 to 2011, Oktay Ekşi, the chief columnist of *Hürriyet*, Turkey's most circulated and most influential newspaper (that used to side with the bureaucratic elite of the state) served as the Council's president. The incumbent president Orhan Birgit has a reputation for being a staunch nationalist; however today he also advocates co-operation with the European Union and seeks contacts with international donors. International contacts of the *Council* are mainly those with Turkic and other states of Central Asia.

In 2009, a military helicopter, searching for survivors of a helicopter crash, left the cameraman of a conservative news agency out in the cold in snowy mountains, putting his life at risk, while taking other

⁶ *Koma Civakên Kurdistan* (KCK, Union of Communities in Kurdistan) is the umbrella organisation of PKK-led organisations in Turkey and the neighbouring countries. The Turkish state treats persons accused for KCK-membership as supporters of terrorist organisations. *Ergenekon*, actually the name of a Turkish saga, refers to informal and illegal military-led networks in the security apparatus, the judiciary, media and other institutions and social groups. The ruling AKP sees in them an elitist and extreme nationalist organisation whose goal is to overthrow the elected government.

journalists on board. After the council failed to protest against the military because of this incident a lot of its members left and founded the *Media Association* in 2010.

Today, the Council is left with membership consisting mainly of the Doğan Group media - the main media-adversary of the AKP – and the Doğuş and the Demirören media groups. Their membership fees provide the lion's share of the Council's budget. In spite of the ideological roots of the Council, the localisation of its members in opposition to the government, and the Council's present pre-occupation with the fate of the detained journalists accused for plotting against the government, its complaint commission treats the cases submitted to it correctly, both formerly and content-wise. The Council's new secretary-general N. Kaan Karcilioğlu laments the ideological rift in the media and pledges his willingness to work to overcome it.

The members of the *Media Association* can be roughly divided into four categories:

1. media outlets of the Feza group that is close to the movement of the influential modernist Muslim preacher Fethullah Gülen;
2. Muslim conservative media of the İhlas group;
3. any media supportive of and growing with the political current that formed the party of the incumbent government i.e. the media groups Albayrak and Hayat-Gürsel;
4. secular media outlets recently acquired by new owners close to the government like Star, Çalık and the Koza-İpek media group.

Although the degree to which the individual media groups in the Association support the government differs, all its members share the opposition to the old secularist state elite and the media owners still organised in the Press Council. It does not come as a surprise that the public broadcaster TRT has also left the Press Council and joined the *Media Association*. The *Çukurova* media group remains the only large group neither represented in the *Press Council* nor in the *Media Association*.

The *Media Association's* board of directors is made up of six editors-in-chief, one deputy-chairmen of a media group and the general manager of the public service broadcaster. Thus, the board has to be understood as representing media owners.

Similar to the Press Council, the *Media Association* has managed to create sustainable funding due to annual membership fees of some 11,000 Euros per outlet. In contrast to the Council, the Media Association does not run a complaints' commission but tries to enhance professional and ethical standards with an array of training and conference programmes realised in cooperation with the Faculties of Communication of private universities.

Disregarding the fact, that the *Association* represents only one of the political camps in the Turkish media landscape – those media close to the government - it is foreseen to play a leading role in a 36-month-project, named *Media Accountability in South East Europe*, that will be implemented by UNESCO.

Four Turkish newspapers maintain the institution of *ombudsman*⁷, known in Turkish as *readers' editors* (*okur temsilcisi*). The traditions started in 1999 in the paper *Milliyet*, at that time belonging to the Doğan media group. Yavuz Baydar, the journalist entrusted with that task had diligently prepared for the job and served for two years as president of the International Organisation of News Ombudsmen (ONO). Due to his insistence to publicly criticise a false news story purportedly commissioned to the paper by military circles, he lost his job in 2004. An outlet of the Demirören media group today, *Milliyet* currently employs Belma Akçura, an outspoken and experienced journalist who established her reputation with a number of critical and investigative publications. She feels backed by the editor in

⁷ Ombudsmen in Western media are also sometimes called public editors, reader representatives or reader advocates. Their task is to hold media organisations accountable to readers, listeners and viewers.

chief and most of the staff. Milliyet's former ombudsman today implements the same role in the paper *Sabah* of the Çalık group. He has strong contractual guarantees and does not shy away from criticising even hot shot columnists of his paper. Hürriyet, the flagship of Doğan's print media introduced the institution of the readers' editor in 2002, at that time as the additional task of the editor-in-chief. The incumbent Frauk Bildirici has been serving since 2009, and since this date his job has been designed as a task of its own. In December 2012, Doğan media group released new codes of ethics (publishing principles) for the holding's broadcasting and print media that strengthened the ombudsman's position even further. In January 2013, the same group set up the *Publishing Principles Commission* composed of journalists, former diplomats and academicians, amongst the latter, Yasemin İnceoğlu, who is one of the most outspoken media critics in the country.

However, quite a number of rules of the new code are in danger of seriously limiting journalists' freedom and leeway. Doğan Media's *code for broadcasters* only permits the publication of news about terrorist attacks but also the publication of news about militant political actions such as unannounced demonstrations, once state officials' confirmation has been obtained. The invitation of foreign statesmen and of party leaders to talk shows and interviews is subject to the permission of the outlet (firm) manager. The code of ethics is regarded as a part of journalists' work contracts. Journalists failing to comply may face dismissal. The newspaper *Taraf*, widely accepted as an independent and non-partisan publication, works with Alper Gümüş, a renowned media critique.

For broadcasters, the March 2011 *Law on Establishment and Services of TV and Radio Channels* made *ombudsmen* a legal requirement. The name and contact details of these *viewers' representatives (izleyici temsilcileri)* are indicated on the website of the official regulator RTÜK. Contrary to the *readers' representatives* in the newspapers, their counterparts in the broadcasters do not play any role in the public debate as the official regulator (RTÜK) and its often controversial decisions cover the whole public attention with regard to ethics in the field of private and public broadcast. The posts are staffed with deserving bureaucrats, lawyers and often with people at hand that have not managed to raise their profile till now.

Recent years saw the rise of civil society *media watchdog initiatives and groups*, concentrating on issues like hate speech, the representation of women, minorities, the disabled, gays and lesbians and other social minorities. The *Womens' Media Observation Group (MEDİZ)* was formed in 2006 to monitor the representation of women in the media. *SayStop! (DurDe)*, an initiative concentrated on the fight against racism, has its roots in the public apology of some 30 000 Turks and Kurds in 2008 for atrocities against Armenians in the late Ottoman Empire. The group recently succeeded in getting a local court in the conservative Black Sea region to sentence a journalist for committing a hate crime. Activists of *Say Stop!* also contributed to the establishment of the *Association for Social Change (Sosyal Değişim Derneği)* that monitors ten national newspapers with a joint market share of more than 80%. The *Association* mostly relies on foreign sponsors:

- the Council of Europe,
- European Instrument for Democracy and Human Rights,
- the Open Society Foundation (Turkey),
- Global Dialogue (London),
- Rosa-Luxemburg-Stiftung (Germany),
- the Istanbul Consulates General of Sweden and the Netherlands,
- TASCO (Technical Assistance for Civil Society Organisations), and
- the Civil Society Development Centre (STGM).

In June 2011, a dozen individual journalists without particular political leaning formed the *Platform for Media Ethics (Medya Etiği Platformu)*. Participation grew fast, and today some 70 journalists support the *Platform* whose critical statements on offences of ethical standards make it into the columns of the mainstream press.

Media self-regulation stakeholders in Turkey agree in general about the necessity to overcome political and cultural cleavages along with the deep mistrust and even mutual hatred in the media community. In this regard, they are ready to cooperate with European Institutions, even those who until recently had adopted strong nationalist and sometime anti-EU rhetoric. However, their actual readiness for joint action tends to be impeded by their involvements in the daily political struggle and their anchorage in one of the political camps. This accounts particularly for the *Press Council*, the *Journalists' Union* and the *Media Association* even though some managers and staff profess their readiness to open up to the other camp.

4.2 Former Yugoslav Republic of Macedonia

Macedonian media face pressure by the government and political leaders; they are deeply politicised along the ethnic divide between Macedonians and Albanians and along the frontline between political parties. Media outlets abound far beyond market capacity and are used as political tools. Legal restrictions have not prevented politicians from owning media outlets and media owners from entering party politics. As a corollary, there are media wars and hate speech between the political camps and the two major ethnic communities. There is a profusion of charges against journalists for libel, pressed by politicians and businessmen. According to the country's *Journalists' Association*, more than 300 such lawsuits are pending in the courts of the small state with roughly two million inhabitants.

In December 2012, the government declared its intention to introduce a new media law that should extend the scope of the existing broadcasting legislation. Journalists are concerned that these changes may end up with the creation of a semi-official regulatory body for all media.

The *Association of Journalists of Macedonia* (AJM) founded in 1946 is the most active organisation with regard to self-regulation. The *Association's Council of Honour* dates back to the period of Yugoslavia. It is composed purely of journalists, a fact that limits its impact on media owners, editors and the wider public. The *Council* names and shames the offenders of its *code*, including the public service broadcaster. Its decisions are published on the *Association's* website. In June 2011, the *Association* launched an initiative for the establishment of all-comprising self-regulating mechanisms. This body would be composed of representatives of journalists, editors, owners and civil society and would "protect the interests of the public" and "strive to improve professional standards in the profession".

The *Macedonian Institute for Media* (MIM) was established in 2001 on the joint initiative of the Macedonian Press Centre, the Danish School for Journalism and IREX. The Institute runs a School of Journalism and Public Relations and has produced media analyses on domestic and regional levels. Together with the *Association of Journalists*, the Institute drafted an Action Plan for the improvement of the media landscape that includes measures for better journalist education and the enhancement of self-regulation. The Action Plan also foresees a one-month monitoring of news programmes in 10 media and the study of experiences of self-regulatory mechanisms in the region. The aim is to replace the Council of Honour with a Press or Media Council by the end of 2013. The greatest challenge for the media community itself will be to agree on persons who are not already compromised by close political relations with the government and/or the opposition. Media owners, who until recently had no idea how they would benefit from media self-regulation mechanisms, are looking more favourable upon the issue today.

4.3 Kosovo

Kosovo stands both for the success and failure of an externally designed media landscape. There is a civil defamation law in place that meets European standards. The same is true for the Public Broadcasting Law, the Law on the Access to Government Information, the Copyright Law and for the Broadcast Regulator (the Independent Media Commission). This whole bulk of legislation and institutions was created under the auspices of UN, OSCE, EU and various western governments. Kosovo boasts of its functioning *Press Council* that includes 17 print- and internet-outlets, including

some outlets in minority languages. The Press Council enjoys an almost privileged status in so far as cases of defamation in the press have to be brought first to the *Council* and are taken up by the court only when *Council's* adjudication provides no solution to the matter.

However, neither the modern and developed legal framework nor the *Press Council* brought about a big leap in the status and performance of the media. Trust in the media is at deplorably low levels. Local experts and external observers regard the papers' high politicisation and dependency on the government as the main reason for this, together with the modest quality of the papers. Strong links of almost all print media to political parties, form the basis of the quagmire. Furthermore, the government plays a central role in the national economy, including its significant expenses for advertising. To complete a bleak picture, one has to add the poor educational standards of the journalists, the ethnic conflict in the country and the overall lack of proper working institutions (the judiciary stands out in a negative way in this regard).

The *Press Council* is first and foremost the result of external expectations and interventions. Prior to the establishment of the *Council*, a Temporary Media Commissioner (TMC), enthroned by the international community, regulated both the broadcast and the print media. His, in some cases, peppered, fines created a strong motivation for the country's print media to agree on the setting up of the *Press Council*. Its existence and all in all smooth functioning is celebrated as one of the success stories of the international media development assistance. Other donor-driven initiatives in the media landscape of Kosovo often did not turn out to be that successful. The *Kosovo Media Institute*, set up for the improvement of mid-career training and with the financial support of the US agency IREX and the European Union through the OSCE, was not able to attain financial sustainability. The same applies to KIJAC, the *Kosovo Institute of Journalism and Communication*, established with significant financial support from the European Union and the Norwegian Foreign Ministry. KIJAC could not agree with the Ministry of Education to have the Institute integrated into the University of Pristina and had other problems. Neither institution has proven viable without a steady flow of external financial support.

Shortcomings of the *Press Council*: In spite of its positive image, the *Press Council* is confronted with similar problems. Since its establishment in 2005, the *Council* has remained almost completely dependant on its external donors, notably the OSCE. Additional funding is provided here and there by the Norwegian Embassy, Free Press Unlimited (Denmark), the Swiss Cooperation Office, the Soros-Foundation, Civil Rights Defenders (Sweden) and other external supporters. Membership fees are kept low at 700€ annually today for a daily paper. But only a small part of the fees is actually collected. Last year, only 1,200 € out of the core budget of 44,000 € had been ingathered from media outlets.

The Council's Assembly acts as the complaints commission. Assembly members participating in the monthly meeting are granted an allowance of 30 € per meeting. The meetings' chairman takes 100 €. There is a wide-spread opinion in Pristina's media community that the engagement of the members depends to a certain extent on receiving remuneration. As the *Council* only sanctions any breaches of its code of conduct with naming and shaming, fines do not contribute to the budget. Initially, the *Council* ordered fines, but soon it became obvious that it was not able to enforce payment of them. A younger member of the *Council* voices her discontent with this state of affairs: "the language of the reprimands must be clearer. Also, the board often decides only to have the rebuttal published but not to blame the perpetrator." Another point of criticism is the *Council's* limited effort to make any impact on public opinion.

The *Council* lacks financial sustainability and it only has limited commitment and ownership on part of its members. Its actual backing by the media community and its effective influence on its members, notably the media owners, does not match the prominent role assigned to it in the Law regarding defamation and hardly suits the *Council's* image as an outstanding success.

Achievements of the Press Council: The *Council* has been working continuously for almost eight years and has kept the allegiance of most of its members from all ethnic communities while staying at arm's length from the government. That the *Council* perceives itself as an example of the local stake-holders taking things into their own hands instead of bowing to the adjudications of "foreigners" should also be welcomed. "Despite all intractability of the Kosovo media landscape, there is a gradual improvement in professional standards", said a critical observer. According to him, there is a concrete criterion confirming the positive role of the *Council*: "None of the people who have issued complaints and triggered a *Council* decision applied to the court later". The OSCE mission continued its support to the *Council* with unbudgeted measures such as, in June 2012, the nationwide broadcasting of video clips that inform the audience about the work of the *Council* and the way to issue complaints.

The *Council* has also expanded its scope of interest and work beyond its basic role. The day, the consultant met with the *Council's* secretariat, its members had just finished a session with students of journalism at Pristina University about professional ethics in the frame of a three day course organised by the *Council*. The students had never been exposed to this subject before and demanded the deepening and intensification of the exercise. It has become clear that some of the students had never before heard of the existence of a broadcasting regulatory authority and even of the Press Council and had not attended a course on media legislation although they were in their third university year.

4.4 Albania

Albania has created a media legal framework that broadly corresponds to European Standards. The implementation is a different story, and some observers point out the problem of impunity, meaning that breaking laws often has no consequences for the perpetrator.

Radios, TV channels and newspapers on the one hand enjoy an enviable level of trust among the population⁸, and the concentration of ownership has not yet reached the state of being a major problem. However, almost all significant media owners are doing their main business in other branches and use their media outlets as "shields and arrows" in their struggles with the government and their competitors. The fact that media owners gain their profits in oil or construction and other businesses, secures the survival of economically unsustainable outlets (none of the country's 20 print titles is deemed profitable). Yet, it also paves the way for the use of the media as a tool for economic and political interests. Regulations for the limitation of cross-ownership are missing, as are proscriptions against media owners' involvement in other sectors of the economy and their participation in government tenders. The interests of their non-media business easily push media owners into dependence on the government. Competition in non-media business is likely to influence editorial policies. The lack of transparency with regard to circulation, market shares and the distribution of advertisement money, both from the government and from private business, complicate the situation even further. Journalists work in unfavourable conditions, and informal contracts are widespread. Solidarity amongst journalists is low, as is the standing of journalists towards media owners. According to Aleksander Çipa, President of the Albanian Union of Journalists, radio and TV stations often delay wage payment for more than two months.

Several efforts to introduce some kind of self-regulation were started, but the matter is still at the level of awareness rising and general approval. Mostly due to the suggestion of its internationally well-connected *Media Institute*, Albania had its code of ethics already in 1996. It was embraced by the two major journalists' association of the time but did not spring into life. In 2006, it was reworked on the occasion of the set up of a press council, but the council never became functional. In 2010 the *Media Institute* (with support of UNESCO) started a series of in-house training sessions in single media

⁸ European Journalism Observatory with reference to recent studies carried out by the Albanian Institute for International Studies (AIIS) and the Institute of Developmental Research and Alternatives (IDRA), <http://en.ejo.ch/5634/ethics/new-study-shows-decline-of-independent-albanian-media>, accessed 11.1.2013.

outlets' to prepare the instalment of ombudsmen or readers' editors. This initiative has not yet borne any fruit.

The reasons for the apparent failure of any initiative to arrive at self-regulation are manifold. According to a UNESO-financed study, Albania tops the world record of media outlets per capita.⁹ But the proliferation of media outlets does not mirror pluralism but usually reflects vested economic and political interests.

"The problems we face in the matter of organising are due to our mentality. We all want to be in the leading position", said an interviewee of the *Albanian Media Club*, set up by mainly non-Tirana based media owners. He was adamant that the media bosses have no idea of the role media has to play in an open and democratic society and that they do not respect the rule of law. "They have no interest in the education of their journalists and in professional reporting," concurred another expert. "There is no willingness to co-operate, to create transparency or to accept any kind of control mechanism", said another interviewee. All of them shared the opinion that the currently limited economic and cultural state of the media market does not bear the potential for improvements.

"Regulation was not really a concern of the participants in the failed effort to establish a press council. Instead, the theme of self-regulation was used to bring different media owners together to create a platform for joint demands towards international donors", said one expert in Tirana. This might be one reason why notably owners from outside Tirana showed willingness to participate in the initiative while the big shots in the media from Tirana mostly stood apart. "You cannot establish a press council omitting the most powerful voices", said the same expert, stating the obvious. This raises the question of how to avoid exaggerated expectations on the part of the international donor community (again) leading to a waste of time and financial resources, as is feared by more than one of the interviewed experts?

Remzi Lani, managing director of the Albanian Media Institute, warns that there are limits with regard to the feasibility of triggering political and societal change with training, knowledge transfer, externally supported research and other media assistance activities. He said: "The lists of accomplished projects on our website may be misleading in so far as they may give a too optimistic impression regarding the overall situation in Albania. We cannot do things that others have to do: the Unions, the NGOs, the publishers or the government". Lani points to the fact that the overall political situation has to change. He believes that, apart from the USA, the EU has the most clout to influence the political system, to put pressure on the government, to get rid of the above mentioned culture of impunity, and to get on with the necessary legislative amendments.

4.5 Bosnia and Herzegovina

In relation to the total of inhabitants, the number of media outlets in Bosnia and Herzegovina is many times higher than the average in the member countries of the European Union, say representatives of the country's Press Council. According to professor Lejla Turčilo of the University of Sarajevo, 12 dailies, 97 weekly and periodical magazines are published, and 147 radio and 46 TV stations compete for the attention of some 3.5 million people. Only one of the daily newspapers, the Sarajevo *Dnevni Avaz*, seems to be an economically sustainable business. The working conditions of journalists are marked by a low degree of unionisation (16%), poor education, a lack of editorial independence, pressure from the government and other authorities such as the heads of religious communities and members of the business elite on critical journalists. Also, there is the tendency to prefer only slightly educated youngsters over experienced journalists, an issue phrased by one interviewee as "negative selection".

⁹ Alignment to International Standards in the Media Sector of South East European Countries, Evaluation Report, August 2008-February 2011, p. 26-27

The ethnic divides in the population of Bosnia and Herzegovina are still fully palpable. Media outlets have established themselves as predominately Bosniak (Dnevni avaz, Hayat TV), Serbian (Glas Srpske, BN TV) or Croatian (Dnevni list). In areas populated mostly by Serbs, or Croats respectively, newspapers from Serbia and Croatia sometimes find more readers than the local print. The ethnic divide puts a serious strain on the cooperation of and solidarity amongst journalists, who are organised in six associations, two in every ethnic community.

Due to the lack of systems for the verification of information presented by the owners of broadcast media, but also as a result of the fact that print and online media are not obliged to register, media ownership is only partly transparent.

Concentration has advanced further. Media tycoons are reigning supreme in the media favoured in the Bosniak media but also in the media mostly read in the Serb community. In Sarajevo, there is an on-going media war between the outlets belonging to the Minister of Security and entrepreneur Fahrudin Radončić (TV Alfa, Dnevni avaz, other magazines) and the Selimović family (Oslobodjenje, San, Dani). A similar pattern of competition between two media outlets, each of them close to two rival political parties, occurs in the Croatian settled part of Mostar. Generalising this state of affairs, Prof. Turčilo writes: "In Bosnia-Herzegovina, the most profitable business is politics ... Media owners and/or editors enter into close relations with political and economic elites, who give them money through advertising or by buying shares in their companies."

Print media, despite the relatively high number of products, plays just a secondary role in the country. Only 2.5 % of the population are estimated to actually buy newspapers. The total circulation of all papers hovers around 90,000 copies that address mostly middle-aged and elderly people.

The Press Council in Bosnia and Herzegovina came into being only with strong support and even pressure on the part of the international community. However, the *Council* developed into one of the most experienced and most active self-regulators in the Western Balkans.

Set up in 1999 under the auspices of six journalists' associations, the Press Council did not manage to gain traction prior to its restructuring in 2006, when it was re-registered as an association with responsibility for all BiH. Today, the *Council* lists 12 institutional members, nine newspapers and three Internet news sites. (The largest daily, Dnevni avaz, is not represented in the Council and often refrains from publishing its verdicts.) The Council also includes two representatives of journalists' associations and two representatives of the general public. Its board of directors consists of nine representatives of publishers and one journalist. The complaints' commission is made up of two journalists and six readers' representatives. Permanent positions include the post of the executive director, occupied by Ljiljana Zurovac and technical staff, including a German expert who spent five years in this organisation.

At its outset, the Council received funding in the frame of the Stability Pact South East Europe. It was restructured with the help of the OSCE, DG Enlargement and the German *Institut für Auslandsbeziehungen*. The Complaints' Commission of the UK provided theoretical and practical advice. Other donors that engage in project based funding include the National Endowment for Democracy and Intern News (both USA), the Council of Europe, the Robert Bosch Foundation and, to a smaller extent, German political foundations. The *Council* members contribute to the budget with a monthly fee of 45€, a small amount but regularly collected.

Although it still has to rely on international donors, the Council is a remarkable success. Its complaints' commission attracts an increasing number of petitions every year. The submissions, more often than in previous periods, refer directly to the Code of Ethics that was first drafted in April 1999 and innovated several times. The Council publishes its verdicts at its website and the members, in most cases, reprint them. The Council acts also as a mediator between complainers and media outlets and

a growing number of cases is settled without an official complain actually filed. In contrast to previous years, most member outlets now grant their readers a voice in the paper and publish readers' letters, some on a regular and some on an occasional basis.

In 2010, the Council opened up membership for news portals and managed to attract three professional news websites. The websites of NGOs and political parties were deemed non-eligible for membership. Nevertheless, some NGO websites acknowledge the Council's code of ethics.

In its initial stage, to motivate print media for membership, the Council provided owners of print media with a platform to discuss their concerns, for instance strategies to protect the print media's share in advertisement. Today, the Council continues expanding its activity far beyond the scope of its complaints' commission and is now among the leading actors in the promotion and teaching of journalist ethics. Its cooperation with the six journalism departments at universities bore fruit, and the Council, today, provides the modules for ethics in journalism and self-regulation in the bachelor programme of the Journalism School at Sarajevo University. The Council's efforts to enable a more intensive training of judges how to handle the defamation law, sponsored by the Council of Europe and Germany, paved the way for continuous cooperation with the judiciary. Since 2010, the Council has been providing some teaching units for the Education Centre for Judges and Prosecutors. Now the Council aims at having one of its representatives consulted in court cases dealing with defamation and press freedom.

The Council's initiative in 2012, named "*You are not invisible*", deals with hate speech and defamation in web portals. A series of meetings with operators of web portals, judges and prosecutors as well as with the leaders of religious communities addresses the issue.

In spite of its role as a model for self-regulation initiatives in the region, the Press Council still has to worry about financial sustainability. To lessen its dependency on international donors, the Council's is developing ideas on how to sell educational material. It would like to have the state take responsibility for 49% of the Council's budget.

5 Specific issues and requests in the region with regard to the support of media self-regulation

In **Turkey**, attempts to gather together most of the media outlets into the existing *Press Council* or to create another one from scratch may not be realistic for the time being. The older generation will hardly be able to overcome the divide to work together. "We have been cheated by our former colleagues and even intimidated, so people of my generation do not trust each other", said one of our interviewees. Due to the *Media Association's* proximity to the government, proposals to create an alternative Media Council under the aegis of the *Association* are met with great scepticism in other parts of the media community. There is concern that the proposed body may in fact increase the pressure on media that are not toeing the government's line. "We may face the birth of a civil RTÜK", said one of interviewees, referring to the official broadcasting regulator.

Media watchdog initiatives appear to be the most effective instrument today. There are good working relations between the various media watchdog initiatives, the acting ombudsmen, and teaching staff in the communication faculties of some private and state universities. Support for media watchdog initiatives will enhance the tangible dynamism of the younger media community. In matters of newspaper, ombudsmen and media watchdog initiatives Turkey stands out in the region, and contacts between activists from Turkey and the Balkan states may trigger similar moves there.

In the **former Yugoslav Republic of Macedonia**, Media Institutes and Journalists' Associations would like the EC to ensure that the planned council receives operational funding for at least two years. After this, the media community should fund it. Both organisations argued that the EU should extend its

funding policy so that not only state institutions, but also NGOs, can count on stable and long-term financial support instead of occasional grants. Today, civil society organisations are forced to permanently “hunt” for new projects to ensure financial survival, an activity that consumes a huge part of their manpower and energy.

In **Kosovo**, restricted office space and sustainable funding were raised as the most burning issues. “There is no space for guests, no space for studying the cases of complaint, no place for a library, no place for meeting and training and no place for internship programmes,” said an activist.

In **Albania**, interview partners from the *Media Institute* and from the *Albanian Media Club* praised the idea to create a *European Ethical Journalism Tag* to be awarded to media outlets that issue their own code of conduct and ensure its application through the introduction of *readers’ editors* (media outlet ombudsmen). Additionally, the training of readers’ editor candidates and the partial financing of the initial phase of their employment should be considered.

In **Bosnia and Herzegovina**, the press council sees the necessity for the EC to expand its support for media policy actors. In addition, it points to the need to foster region-wide coordinated research on media development.

6 Recommendations

1) The EC, together with other interested parties, should support the financial sustainability of **press councils** and/or forerunner associations/institutions out of which fully-fledged councils might evolve.

So far, support for self-regulation mechanisms came through:

- the funding of awareness raising campaigns,
- the provision of relevant information in the form of web-archives,
- networking at national, regional and European levels,
- training in self-regulation,
- access to information and other journalist skills, and
- support for media studies and reports.

The new EC-sponsored UNESCO project (see above) also concentrates on such instruments. However, by now, awareness of the media communities appears to be achieved; national, regional and European networks are established. What press councils or their forerunners lack is money for operational costs (Serbia’s Press Council depends, for instance, on Norwegian funding).

To gain financial sustainability, media owners have to be won over. Working press councils may be the most effective tools to convince media owners to join these institutions with the aim to gain a say in their decisions. Thus media owners might become ready to contribute to the press councils’ expenses.

2) The EC should launch an initiative with other interested parties, such as international journalism groups, media owner associations, universities, and civil society organisations, to create a **European Tag for Ethical Journalism**. It should be awarded, together with a financial price, to individual media outlets that endorse a realistic code of ethics, and an ombudsperson should be installed and allowed to act independently.

In a media environment marked by the proliferation of downmarket newspapers with little accountability, ombudsmen may enhance the profile of the paper and trigger a change in the relationship between newspapers and their readers (as mentioned for Bosnia-Herzegovina and Turkey). In Turkey, the ombudsman is a well-known institution and a European Tag could create additional incentive for newspapers to follow the example of other papers.

3) The European Commission, together with other interested parties such as human rights organisations, should contribute to the funding of existing and the set-up of new **media watchdog**

initiatives and their regional co-operation. They could, for instance, observe whether media respect ethical standards with regard to hate speech and discrimination on the basis of disability, gender and ethnic, religious and sexual identity.

4) The European Commission, together with other interested parties, such as national judicial authorities, human rights organisations and associations of media owners, should also fund initiatives to establish a sustainable link between the defenders of **media accountability** (press councils, ombudsmen and media watchdogs) and the **judiciary** in the Southeast Europe IPA region. (See also *Component III of the report*).

In all concerned countries, there is a mismatch between the legislation in place and its implementation. Co-operation between the judiciary and the media community could help bridge this difference.

5) The European Commission, together with other interested parties, should fund initiatives in the Southeast Europe IPA region that work for the **integration of media law**, media ethics and media accountability mechanisms in the **curricula of university** departments of journalism.

Given the recent history of the region, the education of the younger generation is of utmost significance. The described lack of topical subjects in the curriculum and the mentioned positive experiences with voluntary and additional courses made in Albania, Kosovo and Turkey, point to the need to improve the university education of future media workers. The Bologna process, aiming at ensuring compatible and coherent university systems in Europe, offers good opportunities for regional co-operation in this field of education.

6) The European Commission, together with other interested parties such as the Open Society Institute Media Program or national political foundations, should provide long-term funding to regional media research projects, for instance by the emerging Southeast Europe Media Observatory, that facilitate the exchange of knowledge, including comparative analysis of self-regulation models. The DG-Enlargement-UNESCO project provides some research opportunities; however, this kind of research needs to be last in order to achieve the sustained effects.

Component III

Judicial practices in freedom of expression cases and capacity building of the judiciary

1 Task description

This section of the report focuses on improving the capacity of legal practitioners on European Convention on Human Rights (ECHR) articles and applicable case law referring to the freedom of expression.

The consultancy looked into the existing situation in terms of training judges on freedom of media issues in the countries and prepared recommendations based on the needs assessment. According to the Work Plan, in-depth field research was carried out in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey, while the situation in Albania, Croatia and Kosovo was taken into account. The following issues were closely examined:

- Training of judges in the area of freedom of media and its place in the curricula in the judicial training bodies;
- International and national support provided to improve judicial standards related to defamation;
- Identification of sufficiently covered areas and gaps;
- Identification of institutions best placed to provide support;
- Measures to improve the capacity of legal practitioners on matters related to the field of freedom of expression.

2 Overview

In general, IPA countries are moving towards a better understanding of the principles of freedom of expression, their legislative codification and judicial application. However, the speed of improvement of the legal framework and judicial practices is not satisfactory and in the case of Turkey, there are set-backs.¹⁰

Unsatisfactory implementation of media legislation is often just one of the elements that leads to the suppression of freedom of expression. The performance of the judicial sector depends on numerous factors, such as:

- the existence of a stable and advanced legal framework,
- judicial independence,
- high professional standards of judges and prosecutors,
- accessibility of legal aid by defendants while freedom of media related cases are actually under investigation and later when they have reached courts.

In practice, judicial persecution might be combined with economic pressure, limitation of access to information, political harassment and even violent attacks. Such a state of affairs can still be found in the Western Balkans and Turkey.

¹⁰ Set-backs occurred in recent years in regard to the Anti Terror Law, stiffened in 2006. The amendment provided the option to treat some 50 criminal offences of the Turkish Penal Code as Terror permitting an extraordinary increase in penalty whenever deemed politically expedient. Jurists and prosecutors were vested with the authority to ban periodicals for a considerable period of time, penalties were increased and leeways of attorneys in terror trials seriously limited.

The fourth judiciary reform packet, passed on 11 April 2013, contains a number of reforms particularly in regard to the highly contested Article 220, Paragraph 6 and 7 Turkish Penal Code that provided the ground for punishment for membership in a terrorist organisation based on single acts of protest and political propaganda. The amendment runs the use or the advocating of violence as a precondition for future prosecution under these rulings. The amendments will probably trigger the acquittal of a considerable number of detainees, imprisoned in connection with the so called KCK trials, among them a number of journalists.

Different local patterns in freedom of expression judicial practices were identified in this study in different IPA countries; however, there are a number of general trends to be taken into consideration:

1. A number of legal experts and public officials in the IPA region point out that defamation and insult as criminal offences exist in most national penal codes in Europe (for instance, Articles 185 to 188 of the German penal code). They argue that it is problematic to demand something from applicant countries which has not yet become a universal European standard.
2. Parliamentary committees involved in reviewing and amending defamation and other media related legislation do not routinely invite journalism and media associations for hearings or even to attend the sessions. As a result of this, amendments and/or draft bills reach the media community and the public at a late stage so that there is little time to lobby for changes or different options before the bill is presented for voting.
3. In general, public authorities in charge of the judiciary, are aware of the importance of the ECHR Case Law and understand the political and judicial effects of the ECHR cases ruled in favour of the applicant. However, there is no evidence that the professional promotion of judges is affected if they pronounce verdicts against applicants and then the final instance ECHR overturns such decisions.
4. Decriminalisation of defamation itself does not ensure a fair treatment in court. There is always the danger that fines in civil cases might be excessive and significantly out of proportion with the financial situation of the penalised journalists, editors or media outlets. This could have disastrous financial consequences such as personal bankruptcies or the closure of media outlets and thus exert a chilling effect on the media community laying grounds for self-censorship.
5. There are no accessible official statistics on the number of court cases relating to defamation against journalists or media; NGOs sometimes provide own compilations based on contact with the affected media professionals.
6. Even if there are only a few or no freedom of expression cases at the ECHR from a particular state, this does not necessarily mean that there is a tolerant democratic political culture or adequate judicial standards in this particular country. Verdicts at national level might not be appealed due to limited access to qualified court defence and/or a lack of corresponding legal advice. Or, journalists and media outlets cannot afford the expenses of lengthy, exhausting, multilevel procedures.
7. Judicial training authorities only have a limited amount of national funding at their disposal. International donors finance some training topics and in particular freedom of expression themes. Despite the fact that this kind of training is often mandatory for the participants, there is sometimes a palpable attitude that what is promoted as international best practices is not applicable at home.
8. All judicial training institutions in the area covered are involved in defamation and libel training for judges and prosecutors. However, neither the scale of the programmes nor the turn-out is fully satisfactory in any of the countries. Evidently, there is a general problem to ensure the critical number of participants in training sessions, and this is even more pronounced when it comes to specific media related judicial education.

9. In general, universities do not offer adequate teaching to future lawyers, prosecutors or judges in matters related to freedom of expression and media freedom. Sometimes, the curricula are outdated or there is no modern understanding of case law practices. This gap is not sufficiently covered by training for legal professionals, even if such training is mandatory for prosecutors or judges.
10. Judicial training mostly takes place through centralised face-to-face programmes. There are not many decentralised, court-based training courses. Internet-based distance learning is practically non-existent. Customised programmes for individual courts are seldom organised. Alternative forms of training that would reach the overall national judicial staff are rarely tested.
11. In some IPA countries, there is a new phenomenon related to the tendency of some stronger outlets, pursuing political purposes, to use judicial instances in their mutual bickering and to use their economic weight and political clout to exert pressure on the judiciary. A prominent trend-setter in this respect is *Dnevni Avaz* in Bosnia and Herzegovina, a daily that belongs to the minister of security who is also one of the country's biggest entrepreneurs. Often, defamation claims are used to start media wars involving many court cases and frivolous compensation demands.
12. Local courts produce some of the most outrageous decisions against journalists and mass media. There are various reasons for this tendency: often there is unhealthy proximity or collusion between local political strongmen and the judiciary; in other cases there is an old-school application of national legislation, and in a great number of cases, there is simply a lack of understanding of the basic concept of freedom of expression and media freedom.

3 Country summaries

3.1 Turkey

In Turkey, defamation cases can be pursued on the basis of the penal code or through civil suits, the latter being applied nowadays by the courts.

Local interviewees are of the opinion that defamation lawsuits against the media are tackled in a professional manner as far as regular civil courts are concerned. However, sometimes excessive fines are handed down to journalists who were sued by high profile political figures. In general, media and journalists are able to pay for legal aid at national courts and also for legal advice if the case is forwarded to the ECHR.

In February 2012, ECHR ruled in favour of a journalist convicted for articles criticising prime minister Recep Tayyip Erdoğan. In 2007, journalist Erbil Tuşalp was fined TL 10,000, (about 5700 € at that time) as compensation to Erdoğan because of two articles that were published in the *Birgün* daily in 2004 and 2005. After the Turkish Supreme Court had denied the review of his appeal, the journalist took the case to the ECHR. Tuşalp's case was one of a number of Erdoğan's defamation lawsuits against journalists. However, on several occasions, Turkish courts declined his application or ruled in favour of the defendant.

The Judicial Academy of Turkey has well-developed training operations which also include those regions of the country which have their own training facilities. Funding comes from the government and a broad scope of foreign multilateral and bilateral donors. Turkish experts say that the Academy's trainings curricula has been developed to fill the gaps between practical legal challenges and the

knowledge basis provided by university education that has a strict focus on the legislative framework, however mostly lacking the social and cultural subjects needed for comprehensive judicial education. Turkey has a strong traditional continental court practice and the Academy has to put a lot of effort into promoting new approaches, including the observance of ECHR case law.

According to data released by the ECHR, Turkey ranks high among countries that were pronounced guilty for human rights violations. From 1959 to 2009 Turkey was first regarding violations of the freedom of expression as well as disregarding liberty and security. As of 31th of January 2013, Turkey still ranked second in the number of application to the ECHR from single countries with a share of 13.3% after Russia (21.6%). Faced with this situation, Turkish authorities are pressing for legal reforms. The right of individual action (personal suit) at the Turkish Constitutional Court was introduced to lower the number of cases going to ECHR.

Ercan Ipekçi, president of the Turkish Union of Journalists (TGS), is of the opinion that classical defamation charges are not the central legal problem of freedom of expression in his country. He points to what is called the “dark side of the state” in Turkey - the use of the closed court procedures to launch massive attacks against politically critical media. The Turkish penal code and anti-terror laws are ambiguous and therefore easily abused for political purposes. Such legislation and its implementation through the closed court procedures led to massive breaches of freedom of expression that are documented in a number of domestic and international reports.

3.2 Bosnia and Herzegovina

Bosnia and Herzegovina was the first country in Europe to decriminalise defamation in 1999. In spite of some negative expectations, the country did not face a further increase of civil defamation cases entering the judicial procedure. Moreover, media watchdogs say that for the time being, exaggerated fines against journalists and media are not imposed. Media NGO's and, prominently, the Independent Union of Professional Journalists of Bosnia and Herzegovina monitored more than 200 court cases involving defamation and libel accusations. Again and again, they observe political pressure on journalists through legal means. As a response to this tendency, the Free Media Help Line was established to assist journalists and media outlets with legal problems. In the “2012 Shadow report for Bosnia and Herzegovina”, the Union of Journalists pointed to unresolved issues concerning media legislation and especially cases of defamation and libel. Among them are some that could probably be easily solved, such as missing by-laws and/or rule books that would explain the applications of the laws on protection against defamation.

Others are of a profound nature and are shared throughout southeast Europe. Among them is the question as to whether everyone who partakes in the dissemination of a statement (journalists, editor-in-chief and media owner, even the newsagent or internet platform provider) can be held liable as much as those who create allegedly or really defamatory statements. Many countries in Europe recognise the line of defence: *innocent publication* so that merely the author of the statement can be held liable. This practice has not been adopted throughout the IPA region.

Bosnia and Herzegovina's Judicial and Prosecutorial Training Centre (JPTC) relies to a large extent on support by the Council of Europe, the European Commission, the United Nations Development Programme (UNDP), and a number of bilateral foreign donors.

In 2012, *Internews*, a media development charity, USAID and the Annenberg University of Pennsylvania supported a comprehensive media law analysis also looking into the application of international legislative and judicial standards and European Case law. This analysis could serve as an excellent reference for midcareer and academic training.

Bosnia and Herzegovina had one media related case at the European Court of Human Rights. However, it did not refer to defamation offences but to hate speech.

3.3 Montenegro

Montenegro decriminalised speech offences in 2011 in the context of national legislation alignment with the case law of the ECHR. However, in a 2012 overview prepared by the non-governmental organisation Centre for Democratic and Human Rights (CEDEM) (“Report on media, media freedoms and democracy”), three media outlets that have a record of being critical to the government, (multimedia holding *Vijesti*, daily *Dan* and weekly *Monitor*) reported a series of lawsuits against them by politicians, public officials and/or wealthy individuals. Higher courts confirmed some judgements of lower instances against all three media and their journalists and editors. There are more court decisions looming and the staff of these media outlets insist that the judiciary is part of the government’s political persecution against them.

In 2007, Danilo Vuković, deputy editor-in-chief of the daily *Dan*, was sentenced to pay a 14,000 € fine that was equal to 38 monthly average salaries. Such a harsh sentence clearly contradicts ECHR case law.

In 2010, with the assistance of the OSCE, the Montenegro Media Institute, and the government, CEDEM prepared a handbook for journalists facing criminal charges.

The EU established the Montenegro Judicial Training Centre (JTC) which operates under the auspices of the Supreme Court Justice of Montenegro and is supported by a broad spectrum of international organisations and bilateral donors. JTC training includes defamation and insult law reform. The centre uses training guidelines that had been developed on the basis of ECHR case law. One topic among others, is the proportionate use of legal remedies in the case of defamation and insult.

Human Rights Action (HRA), a Montenegrin CSO advocates the adoption of precise limits to the amounts for compensation for moral damage. Otherwise, courts might impose excessive fines that may force journalists and/or media outlets into bankruptcy and self-censorship.

3.4 Serbia

In late 2012, the Criminal Code was amended to decriminalise insult and defamation as well as “unauthorised public comments on court proceedings”. Hate crime is now qualified as an aggravating circumstance.

Serbia’s judiciary does not always deal with freedom of expression issues skilfully. In June 2012, 69-year-old Laszlo Sas had to serve a 150-day sentence in the northern town of Subotica. This veteran journalist was found guilty of insult because he posted a letter on the website of the Hungarian language newspaper *Magyar Szó* in Novi Sad in 2007, in which he criticised Laszlo Toroczka. This person is the leader of a far-right group from neighbouring Hungary. He considered himself offended and sued Sas. The journalist was not able to afford a defence council. Neither could he pay the initial fine handed down by the judge who consequently sent him to prison instead. Eventually, the Serbian president pardoned Sas after the media reported on his plight. The case reveals an acute problem of the Serbian judiciary – journalists sued on defamation charges have no money to engage qualified lawyers and to receive the legal advice. More than 500 journalists in Serbia have telephoned the Independent Association of Journalists of Serbia (NUNS) hot line asking for free legal advice since this facility was started in 2009 with financing from the international CSO “Civil Rights Defenders” and the U.S. assistance organisations IREX and USAID. In 2011 alone, there were 242 lawsuits in Serbia against media owners, journalists and editors over published information, mostly involving alleged violations of honour and reputations.

Liljana Smajlović, president of the Association of Journalists of Serbia (Udruženje novinara Srbije – UNS) is of the opinion that although in almost all cases there were no prison sentences, court cases impose disproportionate fines. According to her, “judicial tradition in Serbia does not follow the logic of the European case law that uses fines as a compensation for a deed and considers it in a proportional manner.” According to the independent media expert Goran Cetinić, “the Serbian media market is among the most competitive in Europe. It already endured substantial challenges because of the economic crisis. Financially disproportionate court verdicts can be fatal for the media.”

The Judicial Training Centre of Serbia was founded by the Justice Ministry and the Serbian Society of Judges. It has two regional offices, in the southern city of Niš and in the northern city of Novi Sad. JTC of Serbia offers intensive training in ECHR case law as this legal approach still remains a challenge for many Serbian judges raised on traditions of continental legal practices that are not always congruent with the case law system. JTC carried out training sessions on Article 10 (defining the scope of freedom of expression) of the ECHR, however such training should become routine for the judiciary in order to induce changes in the practice of Serbian courts.

At the moment Serbia has four media related cases at the ECHR – out of almost 10,000 filed by Serbian citizens against the decision of the country’s courts. This low figure does not serve as an indication for the high quality of court proceedings; it actually means that only few individuals can bear the costs of the lengthy, exhaustive procedure through the national level courts all the way up to the ECHR.

3.5 Former Yugoslav Republic of Macedonia

On 12th November 2012, the Parliament in Skopje adopted a new civil law regulating insult and defamation and removed sanctions for speech offences from the Criminal Code. The OSCE praised the country for the decision: “This is a courageous and much-needed step by the authorities to start creating a safer and freer working environment for journalists and media, particularly keeping in mind the high number of criminal defamation cases currently pending before courts.” However, the country’s media community still has significant reservations towards the new legislation. Worries remain about the judicial application of the new civil provisions. According to the Macedonian Association of Journalists and the Macedonian Media Institute, the new civil law regulating insult and defamation envisages fines that are considered disproportionate to the financial situation of local media outlets. Fines can reach 27,000 € and can be handed out to the author of the text, the editor and the media owner as a form of collective punishment. A single case of draconian punishment can play an exemplary role for years to come and provoke wide-spread self-censorship in fear of similar fines.

The interpretation of the application of the new legislation will be challenging for the judicial training bodies. A comparison with ECHR case law in this field might prove to be a balancing element. The Academy for the Training of Judges and Public Prosecutors of the former Yugoslav Republic of Macedonia is one of the most advanced in the region of former Yugoslavia. It has obtained independent status and has its own budget. According to the Ministry of Justice, the country has no freedom of expression related cases before the European Court of Human Rights.

3.6 Albania

Defamation remains a criminal offence, exposing journalists to potentially high fines. Progress was made as regards defamation with the adoption of the amendments to the criminal and civil codes in March 2012, abolishing prison sentences and special protection of public officials.

The Albanian School of Magistrates faces the challenge of promoting judicial practices that do not envisage excessive fines and boosting the transfer of ECHR case law into local practice.

3.7 Kosovo

In May 2012, following an outcry by journalists and media associations, Kosovo President Atifete Jahjaga rejected a bill that would criminalise libel and introduce prison sentences for journalists who refuse to reveal their sources if requested to by authorities. This move was welcomed by national and international watch-dogs, however amendments putting an end to defamation as a criminal offence have still not been adopted.

The Kosovo Judicial Institute (KJI) is designed as an independent institution for training judges and prosecutors in Kosovo. The operation of the training centre complements the overall reform of the judiciary. KJI training is designed in accordance with contemporary legal trends with explicit emphasis on the ECHR case law.

4 Recommendations

The EC should support the work of the Academy on Media Law in South East Europe. It had its first meeting in June 2012 in Zagreb under the auspices of the Regional Cooperation Council (RCC), with support of the German Friedrich Ebert Foundation, the OSCE Representative on Freedom of the Media, and the OSCE Mission to Bosnia and Herzegovina. The project was implemented by ARTICLE 19: Global Campaign for Free Expression and the European Association of Public Service Media in South East Europe.

With the participation of journalists, media and human rights organisations and other interested parties, the Academy should propose **topical curricula for judiciary training** organisations in the IPA region. It should also propose other forms of long-term assistance to the region in this field. The Academy should work for more media law, media ethics and media accountability mechanisms in the curricula of university departments of journalism and law in the region.

Organisations such as the Programme in Comparative Media Law and Policy (Oxford), the Institute for European Media Law (Saarbrücken), the Media Department of the Central European University in Budapest, the Media Program of the Open Society Foundation, Civil Rights Defenders (Stockholm) and a number of other universities and academic institutions and human rights organisations already possesses a substantial body of expertise in this field. They should be included in the work of the Academy on Media Law in South East Europe. Their expertise could be bundled together around new initiatives for the IPA region.

This co-operation could be set up in a similar fashion to the way in which DG Enlargement already works together with EBU and UNESCO.

The aggregation of a new body of knowledge and practical experience (to be documented on easily accessible web applications) through this enhanced co-operation could produce spin-off effects for the European Neighbourhood Policy in the field of freedom of expression and media freedom.

Concerning future legal reforms, the EC, together with the CoE, OSCE, human rights organisations and other interested parties should put **emphasis on the following measures**:

4.1 Legislation

- Civil law on protection against defamation should envisage clear provisions on the amount of possible fines proportionate to the general economic situation;
- Civil law protection against defamation should be supported by rule books and/or bylaws, clearly instructing on which criteria the fines shall be calculated and imposed by;
- Instruments of mediation should be offered as a pre-trial settlement opportunity; judges should be advised to encourage mediation outside courts before accepting defamation lawsuits;

- Parliamentary and governmental legislative working groups should include representatives of journalism and media organisations and also human rights groups already at the early stage of the legislative deliberations.

4.2 Judicial training

- Judicial training institutions should be financially and politically supported by IPA projects to offer media-related legal training to judges, prosecutors and media lawyers from human rights organisations;
- Emphasis should be on locally delivered training using as much local expertise and input as possible. Decentralised, court-based programmes and web-based distance learning should be introduced.

4.3 Other

Revision of the university law study curricula should be encouraged, possibly through TEMPUS and other EU academic programmes. Emphasis should be on the provision of information on EHCR case law.

Country specific:

Turkey

Freedom of expression cases should be revoked from “Heavy Penalty Courts”., and the relevant legislation and institutional practices revised.

Western Balkans and Turkey

Media and journalists who cannot afford paid legal advice should be supported through a solidarity fund from domestic and international journalism and media associations and human rights defendants’ organisations.

Component IV

EU initiative to award excellence in investigative journalism in the Southeast Europe IPA region

The European Commission, in view of the current media situation in the IPA region, wishes to honour, encourage and promote qualitative investigative journalism. The initiative will reward journalists who have contributed through their work to transparency by investigating and reporting on societal issues that otherwise would not have been brought to the public's attention.

The EC estimates that an annual amount of 165,000 € will be awarded over an initial three year period. Around five journalists would be rewarded in each South-East Europe IPA Beneficiary. Assuming that the award will be presented in Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey, there would be about 40 prizes annually amounting to about 4,700 € each.

The reporting team was asked to:

- survey existing award schemes for investigative journalism and their experience;
- assess optional designs for the implementation of an EU award scheme against the criteria of effectiveness and feasibility;
- identify key risks associated with the various options and propose risk mitigations measures.

According to the Work Plan for this component, Albania, Bosnia and Herzegovina, Montenegro, and Turkey were visited for in-depth research.

1 Survey of Existing Award Schemes for Investigative Journalism and Their Experience

There are numerous awards for investigative journalism in the Western Balkans and Turkey. However, investigative reporting is a scarce commodity in this part of Europe. The public is sometimes confused by a tide of sensationalist reporting in the media and misunderstands sensationalism to be investigative journalism. As a rule, there are vested political interests, including those of the authorities, behind disturbing disclosures about individuals, companies or organisations. Sensational content often substitutes substantive analysis.

Journalists, experts and other stake-holders, who were interviewed during the research for this report, listed a number of structural reasons which impede the development of investigative reporting in their countries. Typically, there were complaints that journalists lack funding, experience and training along with the supportive editorial policy for demanding research. Moreover, when investigations are published, there are often no consequences and there is no follow-up by the responsible public authorities. On the other hand, journalists are frequently persecuted, fired or sentenced to pay fines for libel or defamation.

However, some new developments now facilitate investigative reporting:

- the gradual strengthening of political pluralism in the southeast Europe IPA region,
- the exposure to intensive external political and socioeconomic monitoring as part of the bid to enter the EU,
- the introduction of new legal possibilities to access information,
- the emergence of new market entrants largely independent of the state and local businesses (but often depending on support from abroad), such as radio and television station *B92* in Serbia or the publishing house and RTV station *Vijesti* in Montenegro, and
- last but not least, the new technical possibilities offered by internet and digitisation.

By and large, there is growing awareness in the media community and with the general public about the political relevance of investigative reporting. A considerable number of local and regional initiatives to foster investigative journalism have emerged throughout the IPA region. What follows is a non-exhaustive survey of the better known awards and funding initiatives for investigative reporting in some Western Balkan countries and Turkey (*Please compare also Component I, chief benchmark five: Investigative Journalism and Public Service Broadcasters*).

1.1 Local Awards

Bosnia and Herzegovina

The **Srđan Aleksić Journalism Award** is named after a young Bosnian Serb recruit whom paramilitaries killed in 1993 after he tried to protect a comrade of different ethnicity from them. The award is given by the Helsinki Citizens' Assembly of Banja Luka and the CURE Foundation from Sarajevo for articles in print media and web portals and radio and television stories that promote professional reporting about marginalised groups in Bosnia and Herzegovina and result in concrete actions and the advancement of positive practices. The Bosnia and Herzegovina Peace Building Network presents the award on September 21, International Peace Day.

Kosovo

The **Anti-Corruption Journalism Award in Kosovo**: The Association of Professional Journalists of Kosovo (AGPK) in cooperation with the United Nations Development Programme (UNDP) and the Kosovo Anti-Corruption Agency (KAA) organises the Award Competition for the Best Journalist Story on Transparency and Anti-corruption. There are awards for best stories on television, radio, in print media and transmitted by news agencies in Kosovo.

All those interested may apply for an award or suggest a particular story/author, and must provide three copies of a CD or three copies of the original published print story in the original language and a short summary in English. The stories are reviewed by a panel composed of representatives of international and local organisations. The winners are announced during a ceremony.

Former Yugoslav Republic of Macedonia

Since 2001, the Macedonian Media Institute in Skopje organises the annual competition for the "Best Investigative Story of the year". A jury of publishers, editors and members of the Media institute select the best investigative story. In 2010, the jury decided not to award the first prize to any entrant because none of the submissions fulfilled all the criteria. The winners of the 2011 award reported on public officials who were coerced to give their vote for the incumbent government at the parliamentary elections.

Montenegro

The **Foundation "Duško Jovanović" Award** in Podgorica carries the name of the co-founder, director and the editor-in-chief of the daily "Dan" who was killed in 2004. The political background of this murder has still not been resolved today. "Dan" was and still is highly critical of the entrenched ruling coalition in Montenegro and its leader Milo Đukanović. The prize of EUR 20,000 is international and is awarded every four years. The first winner, in 2011, was the Washington Post journalist Andrew Higgins.

Serbia

The **Award for Journalist Ethics and Courage "Dušan Bogavac"** has existed since 1991 by the Independent Journalist Association of Serbia (NUNS). Dušan Bogavac was a prominent journalist in former Yugoslavia already known for his outspoken columns during the time of single-party rule. In 2012, the jury selected the caricaturist Marko Somborac as the recipient. The jury praised him for using his talent and skills to depict today's Serbian society, plagued with corruption, controlled media, tycoons' interests, and underdeveloped democratic institutions.

The **Prize for Excellence in Investigative Reporting** is an annual award, established in 2006 by the Independent Journalist Association of Serbia (NUNS) and the U.S. Embassy in Belgrade. Each winner receives 1,200 US\$. The significance of the uncovered facts and the journalistic quality of the entry are the two most important criteria. In 2012, there were almost 70 submissions for awards in three categories: print, radio and television, and on-line reporting. The award-winning reports dealt with money-laundering and extremist organisations.

UNDP funded initiative: Engaging Serbia's Youth to Fight Corruption through Investigative Journalism and Social Media. Exposing corruption and corrupt practice is the goal of young journalists, which the project selects, trains and partners with NGOs and Serbia's Anti-corruption Agency. The UNDP in Serbia provides a budget of US\$ 200,000 for this project. Young journalists and NGOs will disseminate information, stories, case studies and investigative articles on corruption, also using social media. This initiative should open prospects for expanded and structured cooperation with the Anti-corruption Agency.

Turkey

The **Metin Göktepe Journalism Award** was introduced in April 1998 in honour of the *Ervensel* daily correspondent Metin Göktepe who was killed in police custody. The awards are given to journalists who uphold the integrity of the profession by standing up to pressure and obstacles. The Honour Award for 2012 was given to imprisoned Dicle News Agency journalist Zeynep Kuray for her article on sexual abuse in Pozantı Prison.

The **Hrant Dink Award** is presented annually by a foundation in his name, to individuals or groups that work for a world free from discrimination, racism and violence, and who take personal risks to achieve those goals. Dink was a Turkish citizen of Armenian descent, journalist and columnist who was killed by a young Turkish nationalist in 2007. The 2012 International Hrant Dink Prize was awarded to İsmail Beşikçi, a Turkish scholar who has served 17 years in prison for his pieces on the Kurdish population in Turkey. In 2011, he was sentenced to 15 months in prison for a magazine article he wrote about Kurds, which the court deemed "terrorist propaganda". The laureate from abroad was the Russian historical and human rights charitable society Memorial. The winners are chosen internationally in an open nomination process followed by two rounds of voting by a jury. The ceremony is broadcast on-line live in Turkish and English.

The **Musa Anter Reward for Press Martyrs** has been organised by the Kurdish language newspaper *Azadiya Welat* and the Turkish language *Günlük* newspaper for twenty years. The award is given in the name of Kurdish writer and poet Musa Anter who was assassinated on 20th September 1992. Even today, public authorities consider his books to be "propaganda for an illegal organisation via the media".

The **Freedom of Thought and Expression Award of the Turkish Publishers Association** is granted with the aim of eliminating the barriers against freedom to publish in Turkey. It is presented to authors and publishers who speak out their thoughts and reveal their expressions courageously and struggle towards freedom of thought and expression. Investigative journalists Ahmet Şık and Nedim Şener, the recipients of Freedom of Thought award 2010, were arrested in relation to the so-called Ergenekon plot to overthrow the incumbent government.

Uğur Mumcu Investigative Journalism Foundation. Named after Uğur Mumcu (1942-1993), Turkish Kemalist intellectual, investigative journalist and columnist for the liberal broadsheet, *Cumhuriyet*. He was killed outside his home by a bomb placed in his car. Mumcu's family founded the Uğur Mumcu Investigative Journalism Foundation, to continue spreading his thoughts and principles and to train young journalists who will share his understanding of journalism. Until 2010, some 80 young journalists completed the training seminars.

1.2 **Regional Awards**

CEI – SEEMO Award: The Vienna-based South East Europe Media Organisation (SEEMO), an affiliate of the International Press Institute (IPI), is a regional non-governmental, non-profit network of editors, media executives and journalists from newspapers, magazines, radio and TV stations, news agencies and new media in South, East and Central Europe. The Central European Initiative (CEI) was founded in 1989 as the first forum promoting regional cooperation among the countries of Central and Eastern Europe. CEI and SEEMO created the **Award for Outstanding Merits in Journalism** which, since its first edition in 2008, honours journalists who contribute to investigative reporting despite the difficult conditions under which they often have to work.

The Award is open to nationals of all 18 CEI Member States - Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Italy, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia and Ukraine. The candidates should have acquired special merits in investigative journalism in the last three years and still be active in journalism. All media are accepted: print, broadcast, news agency or internet. The competing journalists should be nominated by individuals/organisations/media companies. The submissions in local languages should be accompanied by a brief English translation.

The winning candidate receives a prize of EUR 5,000, offered by the CEI Secretariat on the occasion of the South East Europe Media Forum (SEEMF) held every year. The International Jury is made up of distinguished journalists and media experts coming from the CEI region with advisors from the CEI secretariat and SEEMO.

The Award for Outstanding Merits in Investigative Journalism in 2012 was given to Matej Šurc and Blaž Zgaga from Slovenia for their reporting on arms dealing in former Yugoslavia in the 1990s. The jury assigned a Special Investigative Diploma to the Albanian journalist Telnis Skuqi, a correspondent for the Albanian Telegraphic News Agency (ATA) in the town of Gjirokastra for his investigative work at local level. A Special Mention was presented to the Centre for Investigative Journalism (CIN) in Sarajevo for their contribution to investigative reporting in the region.

The **Dr. Erhard Busek Award** is given for Better Understanding in South, Eastern and Central Europe. SEEMO presents the prize of EUR 3,000 in the name of Austrian politician Erhard Busek, who has been active for many years in the promotion of democracy and reconciliation in the post-authoritarian countries of Europe. Those eligible are journalists, editors, media executives, media experts, writers or journalism trainers who have contributed to promoting better understanding in the region and have worked towards ending minority-related problems, ethnic divisions, racism, xenophobia, gender discrimination, homophobia, etc.

In 2012, the award went to Xharra Jeta, Kosovo director of the Balkan Investigative Reporting Network, BIRN, as well as a presenter and the editor-in-chief of *Life in Kosovo*, a programme that combines investigative journalism and discussions.

Nominations have to include brief translations of the submission into English. The winner is chosen by an international jury composed of distinguished journalists and media experts.

The **Balkan Fellowship for Journalistic Excellence** is given to encourage regional networking among journalists and to advance a balanced coverage of topics that are central to the region and to the EU. German Robert Bosch Stiftung and the Austrian ERSTE Foundation initiated this fellowship programme in cooperation with the Balkan Investigative Reporting Network, BIRN (now registered in Belgrade with a hub in Sarajevo and supported by a number of external donors). Ten fellows from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, the former Yugoslav Republic of

Macedonia, Montenegro, Romania and Serbia are selected on the basis of applications submitted. Fellows are expected to produce one in-depth journalistic article of no more than 2,000 words. Editorial guidance and control are provided by BIRN.

The selection committee judges the quality of the reports and awards prizes to three fellows. The top prize-winner is to win €4,000; the second is to receive €3,000 and the third €1,000. Applicants should be proficient in English, although reports may be written in local languages. The application must be in English.

Proposals are expected to include plans for cross-border research in two countries in the Balkans and one EU member state. They should unearth fresh information that will attract a wide readership in the Balkans and the EU. The project should also seek to enhance information and dialogue among the countries of south-eastern Europe (SEE), and between SEE and the EU. The article should feature fresh information and interviews, and be analytical in nature.

2 Conclusions

In the region surveyed, there are numerous local awards that support investigative reporting. In the Western Balkans, however, most of them depend on funding from foreign governments or international organisations, including the various funds of the European Union, the United Nations Development Programme (UNDP), U.S. embassies, the Open Society Foundations and others. In Turkey, the media and publishing sector and the civil society organisations seem mostly capable of bearing the expenses.

The majority of the awards are in the range up to five thousand Euros for already published articles and productions. However, there are also initiatives funding future publications through investigative reporting projects. Some also provide organisational and editorial support.

Submissions are usually invited for different categories of awards based on media platforms such as print, radio, TV and on-line reports. Generally, prizes are given to individual journalists or a group of them who co-operated on a project and not to media organisations. The entries can be submitted directly by the authors or nominated by third parties. In the Western Balkans, a summary in English of the content of the submissions is regularly requested. This reflects the fact that in many cases foreign donors provide financial assistance and need to have at least some basic information about the entries. For the same reason, juries have members or advisors representing the donors.

The impact of the awards on strengthening good governance, the rule of law and democracy in general is difficult to measure. In the Western Balkans and Turkey, many mainstream media and particularly public sector broadcasters, for various reasons¹¹, have not yet endorsed investigative journalism on a significant scale. However, investigative reporting enables the citizens to be better informed and provides benchmarks for good quality in the media industry. Thus, awarding excellence in investigative journalism increases its social value and visibility, encourages other media professionals to improve their work and generates pressure on mainstream media also to practice investigative journalism. As a result, there is pressure on public authorities to remedy the exposed wrongdoings. The experience with existing award schemes is that supranational funding for investigative journalism in the IPA region can, to an extent, obviate factual restrictions imposed by national authorities and business interests on investigative reporting.

¹¹See section on investigative journalism in public service broadcasting in Component I of this report.

3 Optional designs, key risks and mitigation measures for the implementation of an EU award scheme

Journalists, media experts, civil society activists, university teachers, authors, prominent public figures, public officials, EU representatives and other foreign diplomats were among those interviewed during the research for this report. They were an informed and relevant focus group to test the possible options for the award scheme. Their opinions, together with the views of the experts involved in this report, are reflected in the proposals contained in this section. The proposals are assessed according to the criteria of effectiveness and feasibility.

All interviewees reacted positively to the EC initiative to launch an award for excellence in investigative journalism. They consider that awarding journalists prizes would encourage investigative reporting and deliver a clear and strong message to the public in the IPA countries, in support of freedom of expression and freedom of the media. The respondents emphasised that a strong promotion campaign should be implemented in advance to create public awareness about the goals of this award. On the other hand, they warned that the scheme needs to be sustainable because of the possible damaging effects if it was to be discontinued after only a few years.

Both the remuneration and the prestige coming with the prize were appreciated as important for journalists. There was unanimity that a symbol (sign, plaque, small statue) needs to exist as a lasting representation of the EU initiative.

The respondents considered it appropriate to establish four categories of the award: for print, radio, TV and on-line investigative reporting. Some raised concerns that there are not enough media in the individual categories in some of the countries, or that media penetration is so low that this might lead to a limited number of applications. However, this could be recompensed, if the jury was at liberty to give more awards in those categories with more entries.

Opinions were divided as to whether one more prize should be awarded to a media outlet that promotes investigative journalism in particular. A majority of the respondents thought that giving a prize to a media outlet as well would encourage the media industry to engage more into investigative reporting. However, some of the respondents thought that only journalists and not media organisations should receive prizes.

Most of the interviewees were of the opinion that journalists would be willing to compete for such an award, if the application process was not too complicated and time-consuming and did not require translation. There was overwhelming support to invite journalism and media associations, universities, civil society organisations and other social groups and institutions to nominate journalists for awards. In Turkey, some respondents were concerned that influential organisations might nominate journalists who are convenient to the powers that be and ignore others. Excluding the possibility for individuals to nominate candidates could prevent some deserving members of the profession from taking part in the competition – for instance, journalists jailed because of their writing.

The quality and relevance of the journalistic product were highlighted as the most important criteria for the award. Quality, in journalism, usually stands for enterprise and excellence in documentation, data, storytelling, production, online presentation, and reader or viewer involvement where appropriate, thus advancing standards of journalism. Relevance of journalism products means that the submissions cover matters of importance to readers, viewers or listeners and that they uncover facts that someone or some institution may have tried to keep from public scrutiny. No particular topic for investigative reporting was singled out. However, as a number of award schemes already exist at local and regional level, the EU award scheme could include an emphasis on the EU Copenhagen criteria. Impact was also considered important, although it was also clear that the responsible public authorities might chose not to react to remedy the shortcomings and wrongdoings that could be uncovered in the

investigative reports. Therefore, while favouring the inclusion of impact as one of the criteria for the award, it was also suggested to grade impact with good sense.

The composition of the selection committee (jury) is among the most sensitive issues and of vital importance for the success of the award scheme. Respondents emphasised that those involved need to have a high level of integrity, an impeccable public image and to be representative of their societies.

Prominent journalists (the opinions oscillated between having only veteran journalists or solely the younger generation represented on the jury), human rights and other civil society activists, university teachers, media experts, political analysts, authors, film directors and other renowned public figures were mentioned as potential jury members. The point at issue was how to assemble a representative jury while at the same time avoiding possible conflicts of interest. Some interviewees were in favour of having a jury composed of foreign members only to avoid local bickering. Others thought that solely a local jury possesses the linguistic proficiency, political expertise and cultural insight to evaluate the merits of all the entrants. There was agreement that the participation of a representative of the local EU Delegation and possibly an outstanding investigative journalist from an EU country would add credibility and prestige to the jury. However, the linguistic barrier remains a serious obstacle.

A number of respondents had issues with the notion that a non-governmental organisation, media institute or some other regional group would act as facilitator for the work of the national juries. Their concerns centred on the competence, credibility and independence of possible regional facilitators. The perceived risk was that the EU award initiative could be compromised. They therefore preferred to see the EC directly organising the competition.

The awards ceremony is generally seen as a highly visible event that would attract a lot of media coverage in order to spread the message that the EU supports investigative journalism and freedom of expression in the IPA beneficiaries. Such a high profile event should carry the political message connected to the award beyond the realms of the media community.

The risks associated with the launch of such an award scheme were mainly associated with:

- the credibility of the jury,
- the maintainability of a proper selection process,
- the avoidance of conflicts of interest,
- the possible lack of adequate submissions, and even,
- the potential fear of winners to attend and receive the award.

The respondents unanimously singled out the importance of a skilful promotion campaign for the success of the award scheme.

3.1 Eligibility

Eligible would be applications by journalists and nominations of journalists working in Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. The applicants would not have to be citizens of the countries in which they have published their submission.

3.2 Status

Applicants/nominees must be journalists/authors working for/in any type of media or as free lancers.

3.3 Recognisability and regional authenticity

Only submissions published with the real names of their authors and published in any local print, audiovisual or online media in the IPA beneficiary would be eligible. Submissions for the internet media award would be valid only if the proposed contribution was first published on-line.

3.4 Application package:

- Brief CV of the applicant(s);
- original contributions by an individual or a group, published during the 12 months prior to a deadline to be set by the EC (for the first awards, a period of 18 months could be an option to increase the number of potential applications).
- Format: CD under Windows with a protected copy of the submission and the CV to be delivered electronically, by mail or personally.

3.5 Application process:

Journalists could apply themselves and/or be nominated by journalism and media associations, civil society organisations, universities, trade unions and other social organisations from their countries but not by any part of the public authorities. The nominee would have to give a prior consent and provide the report for which she/he is nominated;

Assessment: The majority of people interviewed were in favour of permitting both applications by journalists themselves and nominations by organisations. In this manner, the risk of having a small number of submissions if only journalists themselves would apply would be mitigated. Practice shows that journalists tend to neglect the application process due to a lack of time, suspicion that they would be dealing with biased juries, modesty and other reasons.

Conclusion: Journalists should be invited to submit own applications. Organisations should also be invited to propose candidates.

3.6 Award categories:

Nominations would be possible for awards to journalists in four separate categories according to the type of mass media:

- Print,
- Radio,
- TV,
- Internet.

Establishing four separate award categories would streamline the evaluation process, enhance its transparency and increase the opportunity for all types of report to draw the attention of the jury.

Award to a media outlet: a fifth award might be given to a media outlet with a significant contribution to investigative reporting – e.g. through investment in the training of journalists, allocating funds and time for investigations and publishing investigative reporting in spite of potential repercussions.

Added value: This may constitute an incentive for media to engage in funding investigations, allowing journalists to allot time to the topic, training journalists and, of course, publishing investigative reporting. Thus, one of the EC's main concerns - how to encourage media outlets to engage in investigative reporting- would be addressed.

Risks are mainly related to the negative feature of the media landscapes in some of the respective countries (such as a high level of politicisation, financial dependence, or division into competing groups). Awarding an outlet belonging to one media group may lead to criticism by others or the award being ignored in some sections of the media landscape. There could be even “media wars” over the prize which could overshadow and jeopardise the purpose of the award.

General risks related to all award categories: a) Potentially small number of media outlets in a certain category in some of the countries; b) Low level of penetration of some media (specifically press and internet) in some of the countries; c) Potentially small number of applications; d) Potentially small number of adequate reports to be awarded.

Risks mitigation measures:

- Staging of a well-targeted, high-outreach promotion and awareness campaign with a view to stimulating quality investigative reporting and attracting applications (see section on campaign).
- The European Union Delegations’ involvement during the entire award procedure and throughout the whole year between the awards would highlight the message that the EU greatly appreciates investigative reporting.
- Maintaining transparency throughout the juries’ procedure starting with the publication of the selection criteria in advance and ending with the possible decision NOT to award any submission at all or to re-allocate the award to an entry in another category (see section jury).

3.7 Assessment

The general understanding was that the division into categories is positive and useful and that a separate category for media outlets should be included. However, there were concerns about possible bickering between media groups that could bring into question the whole scheme. Also, giving liberty to the juries not to award any entry could increase the credibility of the evaluation process and send a critical message to the media community and the society.

3.8 Administration / regional facilitator:

The Terms of Reference for the EU award scheme stipulate that a regional facilitator will support the local award juries.

Option 1: Regional NGO working in the field of media

There are a number of journalism and media associations and regional NGOs that would be able to support the work of local juries and EC services.

Added value: Engaging a regional facilitator would lift the administrative burden from the EU delegations in the IPA beneficiaries. It would lower the administrative costs while increasing regional ownership of the award process and providing specific expertise.

Risks are related to: a) Diminishing or losing EU visibility during the process; b) Applicants tend to regard their direct counterpart as the awarding body; c) Local actors tend to trust EU agencies higher than local or regional institutions so that engaging a regional facilitator might lower the prestige of the award; d) Having a regional facilitator that has implemented a similar own scheme in the past could lead to a mixing up of the awards in the public perception. This would deter potential applicants and blur the EU identity of the prize.

Risks mitigation measures: Staging an appropriate promotion and awareness campaign (see section on campaign).

Assessment: A number of interlocutors were sceptical of the implementation of the scheme by a regional facilitator. They feared that the prominent involvement of a regional organisation would diminish the credibility of the award which would render it less attractive. However, other respondents insisted on the particular value of local ownership.

Option 2: Award managed by an EU-wide journalism or media organisation

Added value: This would lift the administrative burden from the EC services and could ensure an independent procedure. The EU character of the award would remain credible in the perception of the journalists in the target region.

Risks are related to: a) Losing EU visibility, as experience shows that programmes managed by entities other than the EC, eventually take the credit for the whole scheme; b) Applicants tend to consider their direct counterpart as the awarding body; c) Increased management costs of the award scheme; d) The challenging task for a non-regional organisation to be fully informed about the media developments in the IPA region and to identify the worthiest candidates; e) Some regional media organisations offer similar prizes, this could lead to a mixing up of the awards.

Risks mitigation measures: Staging an appropriate promotion and awareness campaign (see section on campaign).

Assessment: Although most of the interlocutors agreed that such a facilitator would bring added value, a number of them raised concerns over the language barriers and the possibly insufficient knowledge about the local media landscape and the topics on the agenda. It was questioned to what extent expensive translations could reflect the original journalistic style and language. On the other hand, a number of EU-wide journalism organisations enjoy high reputation. Among those mentioned were the European Journalism Centre (EJC), or the European Federation of Journalist (EFJ).

Conclusion: despite being potentially cumbersome and more expensive, this method would be considered trustworthy by both journalists and society in the IPA region and would, to an extent, safeguard the “EU brand” of the award.

Option 3: EU Delegations in the IPA region manage the award

Members of EU Delegations in the four countries visited during the field missions differed in their estimates about the potential level of their possible involvement in the award scheme. Some voiced concerns over their capacity to manage the award scheme; others were ready to take it over completely.

Added value: This method would ensure EU visibility and the preservation of a clear award identity. This would make it easier to send a strong message to the media and the general public in the target country about the EC's wish to honour encourage and promote qualitative investigative reporting.

Risks would arise if the public in the target countries perceived the juries to be directed by the EU delegations. This could lead to suspicions or even public accusations that the EU delegations are encouraging investigative reporting with the purpose of interfering into the domestic politics of their host countries against or on behalf of a political option.¹² Furthermore, EU Delegations in some IPA beneficiaries might not be able to accept the additional workload.

Risks mitigation measures: Staging of an appropriate promotion and awareness campaign (see section on campaign).

¹² This is a potential damage estimate by the team leader. The expert who prepared this section does not perceive such a risk.

Assessment: A number of interviewees thought that the European Union Delegations should manage the scheme as they are the “owner” of the award. Their knowledge about the local media landscape and topical issues along with the presence of local staff was considered an advantage. All interviewees were of the opinion that the award would benefit from the image of the Delegations and would be perceived as credible, provided that Delegations select trustworthy and independent juries applying high professional standards. However, there were also concerns regarding the costs of the necessary translations. Questions were raised as to how much of the original substance of the contributions submitted would be lost in translation. Some experts pointed out that by directly managing the award scheme, the Delegations would risk being perceived as interfering in local politics by encouraging investigative reporting against or in favour of one of the domestic political competitors.

Conclusion: While strong involvement of the European Union Delegations in the award scheme is required to maintain the credibility of the process, their direct management of the award scheme could also have undesirable effects.

3.9 Jury and decision making

Most of the concerns and sensitivities raised by the interviewees were related to the composition and the credibility of the jury. Jury members should be trustworthy, independent, competent and prominent individuals with an impeccable reputation. They could come from journalism and media associations, civil society organisations working in the field of freedom of expression, human rights and good governance and also from universities and other scientific institutions. Journalists were considered as the most competent candidates to evaluate the submissions. However, there was no clear answer from the respondents as to how to compose a balanced and independent jury without taking sides in the polarised media landscape and how to avoid conflicts of interests. Respondents had varying opinions on the proposal to include outstanding investigative journalists from EU member states in the jury. Some were enthusiastic in their expectation that such members would introduce high professional standards. Others were sceptical because of the language barriers and the lack of detailed knowledge of the local environment and topical issues. Open nominations for jury membership through an invitation published on the websites of the respective EU Delegations might be considered an effective option ensuring both transparency and credibility. Most of the respondents thought that the person chairing the jury should be a representative of the EU, either an official of DG Enlargement or the respective EU Delegations. The number of jury members should be decided in each of the participating countries depending on the size of the national media landscape.

3.9.1 Composition of the jury

The following options could also be taken into consideration:

Option 1: Local jury with international members composed mainly of representatives of the EU Delegations, EU-wide journalism associations, other international organisations and EU member state embassies. A minority of the respondents supported this option. Their argument was that such a jury would be seen as unbiased and credible.

Risks: a) there would be no local ownership of the process; b) high administrative cost; c) small number of submissions if potential applicants expect the standards to be prohibitive.

Risks mitigation measures: a) transparent procedure to appoint the jury; b) campaign to inform media and society on the details of the award scheme.

Assessment: The interviewees agreed that the credibility of the jury will play a crucial role for the success of the award scheme. An “external” jury would be perceived as competent and unbiased.

However, there would be no local ownership and the costs would be considerably higher. Conclusion: This option should be implemented only in case no other method to appoint the jury is feasible.

Option 2: Local juries including EU Delegations: Opinions among the interviewees with regard to local members varied between the conviction that only local people are able to judge the quality of applications because of their comprehension of local circumstances and the native language, and the other extreme that local people may tend to be biased.

Added value: a) Local knowledge and expertise on the content of the submissions; b) Local ownership of the process; c) Lower cost of the award scheme as no translation and expensive travel would be required; d) Participation of EU Delegation representatives increases the credibility of the jury.

Risks: a) Potential issues with the credibility and independence of the local representatives that could undermine the whole award scheme; b) Peril of a small number of applications, if applicants would suspect that the decisions of the jury would be predictable; c) Criticism in the media because of the choice of the jury members and its decisions; d) If these risks materialise, the award scheme would be compromised from the start.

Risks mitigation measures: a) Well targeted promotion and awareness campaign to inform media and society on the appropriateness of the selected principles and procedures of the award scheme; b) transparent methods to appoint the jury members.

Assessment: Most interviewees were of the opinion that the jury would only be credible if its local members are perceived as reliable and independent. The selection of the appropriate members would be difficult and sensitive.

Conclusion: This option would be complicated in view of the divisions in the media communities and the general public in the targeted countries and could fail. It could be recommended in case option 3 cannot be implemented.

Option 3: Local juries including EU Delegations and external experts

These would consist of local representatives and the EU Delegations along with one or more renowned investigative journalists from EU member states.

Added value: a) Local expertise to judge the quality of the submissions; b) Local ownership of the process; c) Additional introduction of high journalism standards from abroad so that the credibility of the scheme is enhanced, d) fostering co-operation between local and EU investigative journalists.

Risks: a) Potential issues with the credibility and independence of the local representatives; b) It could prove difficult to identify a sufficient number of EU-based investigative journalists who would be ready to engage in this project; c) a small number of submissions if the applicants fear that the standards would be too high to be worth applying; c) potential criticism in the media because of the choice of the jury members and its decisions;

Risks mitigation measures: a) Well-targeted promotion and awareness campaign to inform media and society on the selected principles and procedures of the award scheme; b) Transparent methods to appoint the jury members.

Assessment: The majority of respondents were of the opinion that a mixed composition of the jury would be the best option. The selection of the appropriate local members and the choice of the

external expert would nevertheless be difficult and sensitive. Conclusion: This would be the best option as it would ensure a credible and representative jury with minimum risks.

3.9.2 Decision-making in the jury

The decisions of the jury related to the selection of the winners would be made on the basis of an evaluation grid. All administrative and other decisions should be taken by a simple majority. Members of the jury would choose the chair among themselves. When the votes are even, the chair would have a decisive vote.

Conflict of interest: Members of the jury could not apply under the award scheme and should declare any potential conflict of interest before accepting membership.

3.9.3 Confidentiality:

Members of the jury would be obliged not to disclose any information about the submissions, the applicants and the selection process nor the decisions. Only the chair of the jury would be entitled to communicate with the public at all stages of the process.

3.9.4 Selection criteria:

When evaluating, the jury would take into account the elements indicated below in the evaluation grid. Applying the evaluation grid would ensure consistency and transparency in the process. In this manner, applicants could easily reconstruct the way in which their submissions were evaluated. Jury members would fill in the evaluation grids and the winners would be selected on the basis of the highest score received. If two or more submissions gained the same score, an additional round of voting between the two-best placed entries would take place. The jury would award one winner per category, but may decide to honour another competitor with a certificate of achievement. The jury may decide to select one or two more submissions per category to be further promoted as nominations during the award ceremony. The jury may decide not to award anybody in some of the categories, if it concludes that there are no adequate submissions. In the same manner, the jury may decide to award more winners in a specific category, provided that the jury does not identify a worthy submission in other categories. The jury may decide to request additional information from the authors. The jury has the right not to review and evaluate submissions that are not compliant with the requirements of the award scheme.

Possible evaluation criteria	Max. Score
1. Relevance	30
1.1. Did the submission cover matters of importance to readers, viewers or listeners?	15
1.2. Did the submission uncover facts that someone or some institution may have tried to keep from public scrutiny?	15
2. Impact	20
2.1. Was the submission picked up by other media and did it have any impact on public opinion?	10
2.2. Did the submission provoke any follow-up action by the responsible persons and/or the judiciary?	10
3. Quality	40
Did the author(s) of the submission show enterprise and excellence in documentation, data, writing, production, online presentation, and reader or viewer involvement where appropriate, thus advancing standards of journalism in her/his	40

country?	
4. Sustainability	10
To what extent is the submission part of the systematic work of the author(s) in contrast to a one-off exercise?	10
Maximum score	100

3.10 **Award Symbols**

Name: Some of the interviewees proposed to name the award after a worthy personality in the IPA region. However, it is difficult to think of such a unifying character. Moreover, choosing a personality who is not fully accepted in the whole region would entail the risk of provoking criticism or at least silent resistance in some corners.

Symbol: There was consensus that a symbol for the award is needed, not only because the actual award is financial, but also to ensure prolonged visibility for the prize scheme. To that end, a competition among artists from the region might be organised to design the symbol. The competition and the announcement of the winner would add additional publicity to the award itself. The symbol might be a desk sized statue, to be presented during the awards ceremony.

A logo with the symbol of the award should be used throughout the entire competition along with the EU visibility signs, in order to “brand” the scheme such as the drawing that the Nobel prize winner Günter Grass created for the Office of the OSCE Freedom of the Media Representative <http://www.osce.org/files/imagecache/thumbnail/images/web/5/1/4441.jpg?1293041352> .

3.11 **Promotion and awareness campaign:**

The promotion of the award scheme is of crucial importance to its success. It has to ensure not only that information reaches journalists so that they apply, but also that the message is delivered to the society that media freedom and the freedom of expression in general are high on the list of social improvements that should be achieved on the road to EU membership.

The campaign has to comply with all EU visibility guidelines and may cover the following elements:

- Regional competition to create a symbol for the award and its logo (see under 2.10.);
- Clear messages in the type of language people understand;
- EU “branded” announcements to be published for the launch of the award;
- Press conference at European Union Delegation Information centres. They should be more ambitious than just announcing the launch of the award scheme. For instance, they could include actions to raise awareness about the importance of investigative reporting. One way would be to stage topical discussions with journalists, experts, civil society activists and public officials. To attract more attention, a well-known investigative journalist from an EU member country could be invited to speak about her/his experiences.
- Attracting opinion makers to speak on the topic and the award;
- Public speeches and interviews by the respective EU envoy, EU officials and EU member states ambassadors expanding on the relevance of investigative reporting to democracy and the rule of law, etc.
- Visits/ public speeches/ discussions at universities, think tanks and civil society meetings;
- Dedicated sections within the on-line presentations of DG Enlargement, the respective EU Delegations and other EU services;
- Establishing the presence of the award scheme on Facebook and other social networks. All materials related to the award should be uploaded including written or audiovisual interventions by EU and local opinion makers. Journalists could provide their investigative

stories to the facilitator of the award scheme to be placed on social networks and subsequently rated by the audience. This could be an informal pre-selection process.

- Twitter lists enabling groups of people to be found by their interests and specific online influencers to be identified and their interest aroused.
- The European Broadcasting Union (EBU) could be invited to make the price-winning audiovisual submissions from the IPA region available to its member organisations.
- In the same manner, the European Newspaper Publishers Association (ENPA) could be invited to make the price-winning submission from the IPA region available to its members.

3.12 Awards ceremony:

In each IPA country, an annual award ceremony should be organised. It should be of high quality and outstanding visibility in the media. Acting on the basis of the agreement with the EC, the EBU might try to assist the respective public service broadcasters in the production of TV programmes covering the ceremony. Some private broadcasters in the IPA region assured the consultant for this section of the report that they would be also be interested in hosting such an event.

The ceremony could contain the following elements:

Stage: The ceremony should take place in a well-known theatre or concert hall. The stage decorations should high-light the EU patronage of the event and the relevance of the award for fostering the freedom of expression, the rule of law and the democratic system in the countries of the IPA region.

Video spots: Short video spots presenting the winners and their achievements to be shown at the ceremony. If the number and quality of the entries allows, the jury may select one or two additional stories per category to be presented in video spots together with the winners. This would bring additional publicity to investigative reporting. The video spots could be uploaded to the European Union Delegations' web sites and to social networks, and also to the EC websites and thereby potentially picked up by mass media for further use.

Persons awarding: This could be the EU envoy; EU member states ambassadors, EU officials or Members of the European Parliament together with outstanding personalities from the countries.

Scenario: Creative and alternative scenarios should be commissioned to increase the public impact of the awards ceremonies.

Annex 1 – Public service broadcasters in the region: overview of human resources and budgets

All data in this overview were provided by the PSBs for this report.

Human resources situation of the public service broadcasters:

- *Number of staff;*
- *Categories of staff;*
- *Budgets;*
- *Systems for human resource development.*

Albania (Radio Televizioni Shqiptar - RTSH):

In spite of more than a dozen written requests, telephone calls, personal interventions and other attempts, there was no response from RTSH representatives.

Bosnia and Herzegovina (Radio Televizija Bosne i Hercegovine - BHRTV):

Number of Staff: 968

Categories of staff

- Administration: 92
- Editorial: 230
- Technical: 500
- Other: 144

Total staff budget (2012¹³): 8.536.158€

Total budget (2012): 43.229.489 KM ≈ 22.153.000 €

System for human resource development:

BHRTV has no unit for human resources. There is a unit dealing with all the administrative issues regarding employment.

Kosovo (Radiotelevizioni i Kosovës - RTK):

Number of Staff: 566 (full time) – part-time staff varies, approximately up to 100

Categories of staff

- Administration: 97
- Editorial: 286
- Technical: 172

¹³ All Figures for 2012 in this Annex are preliminary figures

- Other: 8

Total staff budget (2012): 4.332.000 €

Total budget (2012): 9.960.000 €

System for human resource development: Trainee programmes that allow candidates to stay with temporary contracts. Development of training centre, financed by RTK budget based on ad hoc needs, and/or in partnership with other organisations.

Former Yugoslav Republic of Macedonia (*Makedonska Radio Televizija - MRT*):

Number of Staff: 866

Categories of staff

- Administration: 74
- Editorial: 317
- Technical: 280
- Other: 195

Total staff budget (2012): 5.284.552 €

Total budget (2011): 20.671.521 €

System for human resource development: - n/a

Montenegro (*Radio-Televizija Crne Gore - RTVCG*):

Number of Staff: 650

Categories of staff

- Administration: 94
- Editorial: 177
- Technical: 195
- Other: 184

Total staff budget (2012): 6.500.000 €

Total budget (2012): 8.500.000 €

System for human resource development: - n/a

Serbia

Radio-Televizija Srbije - RTS

Number of Staff: 3224

Categories of staff

- Administration: 671

- Program: 2257 (includes TV & radio editors, journalists, producers, tech staff, choirs, orchestra and bands)
- Technical: 296
- Total: 3224

Total staff budget (2012): 26.435.000 €

Total budget (2012): 65.000.000 €

System for human resource development: Journalists and other staff regularly attend various training seminars, workshops and specialised educational sessions both on local and international level.

Radio-Televizija Vojvodine - RTV

Number of Staff: 1218

Categories of staff

- Administration: 106
- Editorial: 389
- Technical: 457
- Other: 266

Total staff budget (2012): 9.026.380 €

Total budget (2012): 17.056.890 €

System for human resource development: HR, together with the Development Centre of RTV, take care of internal and external training and education. In the last five years, training courses for journalists and technical staff (news production, video journalist training, lightning design, archive, convergent journalism, training for directors, etc.) were supported by OSCE, British Council and Canal France International.

Turkey (Türkiye Radio ve Televizyon Kurumu - TRT):

Number of Staff: 6234 permanent employees and an additional 826 contracted personnel, total: 7060

Categories of staff: (permanent employees)

- Administration: 1370
- Editorial: 3418
- Technical: 1360
- Other: 86

Total staff budget (2011): 212.308.220 €

Total budget (2011): 1,350 million Turkish Liras ≈ 573.806.000 €

System for human resource development: In line with corporate strategies and the suggestions and demands of the units, the Training Department sets the annual training plan. In that framework, pre-service and in-service courses, seminars and conferences are arranged both within the country and abroad.

Annex 2 – Lessons learned from previous assistance efforts

Lessons stemming from the experience of public service broadcasters are basically valid for the whole scope of previous assistance efforts in the media field in the region. Among the stake-holders interviewed during this research, there was a prevalent feeling that there is little or no co-ordination among the external assistance providers so that programmes often prove redundant. Local knowledge is seldom tapped. A significant part of the funds is used to pay expensive international pundits who rarely possess in-depth knowledge of the local situation. In essence, the gap between external normative projections in regard to how a democratic media systems should function and the realistic performance capabilities of the media sector is rarely bridged.

The analysis of the situation of the public service broadcasters (Component I) in this study showed that measured against all five chief benchmarks public service broadcasters are not in the position to perform according to the high normative expectations. Previous assistance helped transfer in general terms the knowledge of how, normatively, public service broadcasting apparatus in Western Europe is expected to function. However, the realities on the ground in the southeast IPA region are not conducive for the implementation of ambitious normative concepts. Both the prolonged economic crises and the strong political fluctuations in the region undermine the effectiveness of external assistance to public service broadcasters and other media.

Also, each change of government usually entails a purge of editors, media managers and members of PSB governing bodies whose loyalty are seen to be with the previous authorities. Thus, basic concepts, such as the necessity of keeping the PSB at arm's length from the government as well as political and economic interests, need to be explained and upheld again and again. Embedding the concept of public service broadcasting into the political discourse in the region and the transfer of knowledge about transparent and accountable PSB structures (such as acceptable funding models) in the region remains a permanent task.

Similarly, the establishment of mechanisms for media self-regulation (Component II) in the Western Balkans remains essentially dependent on external media assistance, as research for this study showed. Whereas in Turkey a number of media owners, particularly in the print media sector, show understanding and interest to participate in media self-regulation, such media accountability mechanisms have not been endorsed on a large scale by the media owners and publishers in the Western Balkans. In addition, evidence about flaws in the self-regulation systems in established democracies and conceptual conflicts (for instance about the introduction of a new National Press Regulator in the UK) undermine the credibility of the concepts that are being proposed to the region.

In the field of capacity building of the judiciary in freedom of expression (Component III), it is evident that many years of assistance in this field have partly yielded results. Together with the explicit conditions that the EU imposes on candidate and potential candidate countries in regard to reforms, previous assistance efforts have helped establish constitutional and legislative frameworks that include formal commitments to human rights and liberal practices, including freedom of the media. However, as researchers from the Istanbul-based non-governmental think-tank TESEV have concluded for their country, what often lies beyond this seemingly liberal facade is a judicial practice where nationalism, statism and cultural conservatism are dominant values pushing aside individual rights. This conclusion is to a great extent valid also for the other South-East Europe IPA countries. The basic lesson learned is that external and domestic political monitoring of judiciary practices, including the

media and freedom of expression field, must continue. Equally, external assistance in the field of legal training will also be required for the foreseeable future as domestic training institutions still lack adequate capacity.

Finally, previous initiatives similar to the EU plan to award excellence in investigative journalism in the southeast Europe IPA region (Component IV), have remained in most cases (with the exception of Turkey) dependant on foreign money and political backing. Thus, the success of the EU's initiative will most probably depend on whether it can mobilise local participation to ensure sustainability.

It must be said that it is factually impossible to compile a complete set of data on previously granted, on-going or foreseen assistance to public service media in the IPA region. Numerous assistance-providing organisations do not share a comprehensive register and many have only incomplete archives documenting their own work. The situation is similar on the recipient side. In addition, during the research for this study, the team did not always find co-operative partners ready to invest efforts to provide the requested information. As researchers from the "EU media support mapping" project concluded in 2012: "... in reality nobody will be able to determine how many media and freedom of expression related projects the EC has supported during the past decade."¹⁴ The vast number of external media assistance providers in the region of former Yugoslavia as well as in Albania and Turkey, the protracted time of their involvement and the often haphazard character of their actions defy attempts to analyse them in a brief but also meaningful manner,

Therefore, a different approach was chosen with the purpose of fulfilling the task defined in the ToR of this study with regard to assistance to public service media: to identify major gaps and what could be done to improve coherence and effectiveness. The analysis centred on two basic questions:

- why the recipients considered some assistance projects more purposeful than the others;
- and
- what kind of assistance they would prefer to receive in future.

All eight visited PSBs were asked to provide a list with projects in the past 10 years that they consider as the most useful ones. Based on the responses and on additional research, an overview was compiled of the most valued projects as seen by beneficiaries. They are classified into three groups (technical support, human resources, production). There are several distinctive characteristics in all the projects which are described as particularly purposeful:

- Inclusiveness

All interviewees agreed that the *inclusiveness* of projects is crucial, meaning that every project should rely on local knowledge and human resources as much as possible. In this way, learning effects increase while high costs for foreign experts (from conceptualising to implementing) are reduced.

- Matching local needs

When it comes to training, agendas and contents should be tailor-made and developed together with the beneficiary to match local needs. Training agendas based on the experience of the affluent and most advanced broadcasting organisations and societies with a long tradition of public service broadcasting are often seen to be of little use and even sometimes frivolous.

¹⁴ Draft Findings EU Media Support Study 2012, page 4.

It was often regretfully noted that the beneficiary specifies the project task and then somebody from outside carries out the project. A considerable part of the project funds is spent on project developing and implementation by external experts. The interviewees would prefer that a higher percentage of the project funds reach the beneficiary, so that, for instance, more equipment can be purchased.

- Consistence

Projects should not only focus on individual parts of the system. The effects are substantial when they target complete technical systems and workflows, not just partial technical units or workflow phases.

1 Technical support

1.1 Digitisation support

The deadline for digital switch-over is approaching. Hardly any of the visited broadcasters expects that the cut-off date in June 2015 will be met without difficulties. There are serious problems with all three main fields: production, transmission and reception. PSBs are mainly focused on their main area of concern – production. Equipment donations together with training of staff to prepare for the new technology are highly appreciated. The recipients insist that local staff should be included as much as possible even if the implementation is mainly by foreign consultants.

- European Commission (2002): expansion of digital production capacities, 332,932 €, BHRT¹⁵
- European Commission (2002): expansion of digital production capacities, 239,153 €, BHRT
- Government of the Kingdom of the Netherlands (2003): expansion of digital production capacities, 650,000 €, BHRT
- European Commission (2008): start-up news file production system, 150,000 €, BHRTV
- European Commission (2008), HD OB Van, 1,565.00 €, RTS
- JICS - Japan`s Cultural Grant Aid (2010): Studio Camera System, 270,000 €, BHRTV
- European Commission (2009), supply of digital equipment, 1,2 Mio €, RTVCG

1.2 Expansion of production capacities, technical equipment

Access to modern technical equipment is greatly valued throughout the region. Technical modernisation advances production and enables improvements to the quality of production and to keep the pace with the commercial competitors. Kosovo's PSB, RTK, stated for example that their analogue equipment is in poor condition, as investment or donations are delayed due to the forthcoming digitisation. Thus, even analogue equipment, obsolete in most EU countries, would be welcome as an interim solution in some cases.

- Government of Japan (2001): full equipment for both Radios and TV, RTK;
- Government of the Federal Republic of Germany (2002): outdoor analogue cameras, approx. 85,000€, BHRTV;
- European Commission (2002): IT equipment (computers, servers, printers, and copy machine), approx. 400.000€, BHRTV;
- European Commission (2002): expansion of BHRT production capacities, 290,957.81 €;
- European Commission (2003): Studio and production room equipment, approx. 330,000 €, BHRTV;
- European Commission (2005): Supply of Transmitters and Transposers, 380,000 €, BHRT;
- European Agency for Reconstruction, studio room equipment, operating systems equipment and licences, computer network equipment, 2,078,317 €, RTS;

- European Union (2008): Technical Assistance to Radio Television of Montenegro (RTCG), 29,471 €

2 Human resources

2.1 Training

Training by colleagues from organisations with a long tradition in public service broadcasting were mentioned as especially valuable. The preferred form is peer-to-peer knowledge transfer, through training by experienced professionals with a focused agenda. However, the topics and the approach should be tailored to the specific needs of the recipients. PSBs in the Western Balkans, for instance, cannot dream of launching a variety of digital niche channels after the switch-off date. However, they must adapt to multi-media productions paying particular attention to new opportunities offered by the internet.

- Swiss Government (2002): general training for professional staff at RTK;
- OSCE (2005-2009): various topics relevant for journalists over a 4-year timeframe, RTV;
- European Union (2005): Management and Leadership Development, BHRT;
- BBC (2007): 30-month training program for more than one hundred journalists, editors, producers and management staff, trained by BBC professionals, RTS;
- Canal France International (2010): set-up design trainings, RTV;
- British Council(2011): news production trainings, RTV;
- Canal France International (2012): lighting design, workshop for directors, video archive/digitisation, multi-platform journalism, RTV;
- IREX education seminars and training for management and journalists for 2 years, RTVCG;
- Radio DW training in Germany for journalists, RTVCG;
- OSCE consultancy support for programme development and journalist education, RTVCG ;

2.2 Capacity building

Capacity building through "learning by doing" is increasing professional and ethical standards.

- European Commission (Media Assistance Programme): a series of documentaries about the daily life benefits of a future EU integration. In addition to the main result of having quality educational and popular broadcasting content, it was also capacity-building for RTS staff, which had to adapt to administrative and financial requirements for implementing an EU funded project. Travelling and filming in the EU member states also contributed to that.

3 Production

3.1 Regional co-productions

Most PSBs in the region expressed their readiness to participate in more regional co-productions, especially MKT, BHRT and RTV. Through shared productions, journalists are sensitised to other cultures and traditions, professional networks are established, knowledge and experience can be exchanged. New and modern technologies are shared through working with technically further advanced partners. Journalists can learn from more advanced partners. When the joint productions are aired in the participating countries, this increases the visibility of the individual PSBs, the knowledge of the general public and contributes to tolerance and reconciliation.

In particular, issues related to the EU enlargement process are of interest to the whole region. PSBs are ready to engage in topical co-productions.

MRT gave some concrete examples of projects in the past:

- The Ana Lind Foundation realised with COPEAM (Permanent Conference of the Mediterranean Audiovisual operators): producing stories dealing with different cultural traditions in participating countries.

- European Union (CARDS 2004): "Together we can". Co-production project with Italy (Regione Veneto), Albania, Bosnia and Herzegovina (Republika Srpska), Serbia and the former Yugoslav Republic of Macedonia.
- European Union (CARDS 2007): "Balkans In the Air: Television For Social Integration". Co-production on topics dealing with social integration. The production was shown in all participating countries (Albania, Bosnia and Herzegovina, Serbia, The Former Yugoslav Republic of Macedonia). Here MKRTV was co-ordinator and the practical learning achievement was considerable.
- European Union (CARDS 2007): Exchanging experiences on co-production in the Western Balkans – Promotion activities, 30,000€
- CEI (Central European Initiative) project, ongoing: "How Do I See My Neighbour", seven participating partners, co-ordinators HRT and MRT. Short film documentary project, aiming to develop mutual understanding among western Balkan countries.

3.2 Production

Delivering quality education programme content is difficult for most PSBs in the region due to budgetary restraints. The two examples listed below are both from RTS that won tenders:

European Commission (2004-2010): quiz "Hello Europe", six cycles, innovative concept and high quality of production, increasing knowledge about the EU;

European Commission, UNDP and Serbian Ministry of Labour and Social Policy (2009-2010): series "Come closer", educational programme specially designed for young grown-ups, methodology "education through entertainment" used for the first time.

Annex 3 – List of people interviewed

The research team wants to thank all those in the Western Balkans and Turkey who shared their knowledge, concerns and hope with us. We are grateful also to all the interviewees who asked not to be named.

Albania

1. Artan Fuga, Chairman of Department of Journalism, University of Tirana
2. Butka Artes, Press Officer, EU Delegation
3. Bylykbashi Shkelyim, chairman, Albanian Media Club
4. Cakuli Filip, Fiks Fare Programme Director, Top Channel
5. Çanga Senio Elira, OSCE media development assistant
6. Çipa Alexander, Chairman, Union of journalists
7. Denovi Oisi, Deputy Head of Council of Europe Office
8. Dervishi Lutfi, media analyst, former News Director, Albanian Radio Television
9. Duraj Kleart, International Department, Albanian Radio Television
10. Eriç Mustafa, media development officer, OSCE
11. Goga Thanas, Media researcher
12. Kalaja Diana, former Kosovo public broadcaster deputy director, University of Tirana
13. Kasmir Ermir, coordinator, Albanian Media Club
14. Koci Pirro, Director, Technical Department, National Council of Radio and Television
15. Lani Remzi, Executive Director, Albanian Media Institute
16. Leka Martin, Deputy General Director, Albanian Radio Television
17. Leskaj Valentina, MP Socialist Party, Chairwoman of the Education and Means of Public Information Parliamentary Committee
18. Likmeta Besar, Editor, BIRN
19. Lubonja Fatos, Media Analyst
20. Marku Mark, Lector at the University of Tirana, MP, Deputy Chairman of Education and Means of Public Information Parliamentary Committee
21. Mysliu Alisa, Journalist Fiks Fare Programme, Top Channel
22. Neza Sami, Deputy Chairman, National Council of Radio and Television
23. Pollo Genc, Minister of Innovation Technology
24. Sequi, Ettore Head of the EU Delegation
25. Stefani Andrea, Media analyst, Coordinator of Media Sustainability Index
26. Tare Ilva, Programme host, Tonight, Ora news
27. Tufa Agron, Chairman of the Steering Committee, Albanian Radio Television
28. Xhumbari Sara, Director, Legal and Licensing Department, National Council of Radio and Television

Bosnia and Herzegovina

29. Agović Mehmet, Adviser Ministry of Communication
30. Avdić Senad, Editor in Chief, Slobodna Bosna
31. Babović Lejla, Head of International and Legal Affairs, BHRT
32. Bakarević Muhamed, acting DG, BHRT
33. Bamburac Alibašić Ines, Media Centre Executive Director
34. Bičakčić Lejla, Director, Centre of Investigative Journalism (CIN)
35. Hodžić Sanela, Researcher, Media Centre, Sarajevo
36. Jukić Elvira, BIRN
37. Jusić Tarik, Executive Director, Analitika
38. Kurkowski Isabella, GTZ expert, Press Council Bosnia Herzegovina, Sarajevo
39. Lazović Tarik, editor in chief, Dvedni Avaz, Sarajevo
40. MacGuffey Andy, Head of Media Department, Delegation of the European Union
41. Mandić Helena, Director of Broadcasting, RAK
42. Marjanović Radoslav, Assistant Director of Training Centre for Judges and Prosecutors
43. Nermin Durmo Deputy Director General for Development, BHRT
44. Povlakić Emir Head of Division for Licensing, Digitalisation and Coordination in Broadcasting, Communication Regulatory Agency

45. Roksa-Zubčević Asja, Head of Division of Audio-visual Services and International Cooperation in Broadcasting, RAK
46. Rudić Borka, Secretary General, Journalist Association
47. Srdić Mladen, Judge, Supreme Court
48. Stanković Mirna, assistant to the chairman, Press Council Bosnia Herzegovina, Sarajevo
49. Trožić Aida, Senior Professional associate, Training Centre for Judges and Prosecutors
50. Vuković Mirko, president steering committee, BHRT

Kosovo

51. Bajrami Agron, Editor in Chief, Koha Ditore
52. Behluli Nora, complaints officer, Press Council Kosovo
53. Dalipi Liridon, Director Legal Department, Independent Media Commission
54. Hajredinaj Arben, OSCE Mission in Kosovo, Acting Chief of Media Section,
55. Igić Andrija, Correspondent, Serbian PSB RTS
56. Islami Nehat, Director, Council of the Written Media of Kosovo
57. Joksimović Žarko, Acting General Director RTK 2 – Serbian language
58. Kusari Flutura, member Press Council Kosovo, legal advisor to BIRN
59. Latifi Luan, Acting director, IMC
60. Hundozi Qerim, public relations officer, Press Council Kosovo
61. Pacarrizi Rrahman, Head, Board of Directors of RTK
62. Paloka Lizabeta, National Programme Officer, Media Section, OSCE
63. Repić Anamari, Deputy General Director, RTK
64. Shaqiri Sylejman, General Director, RTK
65. Spahiu Faik, Executive Director, Internews - Kosovo
66. Xharra Jeta, Private producer, BIRN
67. Zeka Milaim, private program producer

Former Yugoslav Republic of Macedonia

68. Ademi Selim, State Councillor, Cabinet of the Minister of Justice
69. Amet Erdem, Chairman, Association of Journalists of Macedonia
70. Beličanec Roberto, Executive Director, Media Development Centre
71. Jovanovski Ognjen, associate, Academy for Training of Judges and Public Prosecutors of the Republic of Macedonia
72. Ordanoski Sašo, Director of Media and Public Affairs, VeVe Group
73. Petkovska Biljana, director, Macedonian Institute for Media
74. Prokopenko Nikola, Head of the Cabinet of the Minister of Justice
75. Sekulovski Dragan, secretary general, Association of Journalists of Macedonia
76. Selmani Naser, President, Association of Journalists
77. Skerlev-Cakar Adriana, Head of Departments, Broadcasting Council of Macedonia
78. Stojanovski Filip, Program Coordinator, Foundation for Internet and Society Metamorphosis
79. Trajčevski Zoran, President of the Broadcasting Council of Macedonia
80. Trpevska Snezana, Senior lecturer, School of Journalism and Public Relations
81. Vulgarakis Zaharije, Director of Macedonian Television

Montenegro

82. Drobnić Mitja, Head of the European Delegation
83. Džafić Abaz-Beli, Director, Agency for Electronic Media
84. Jovović Mihailo, editor in chief VIJESTI daily newspaper
85. Koprivica Nenad, Executive Director, CEDEM
86. Mijović Milka, Chief Editor of Monitor newspaper
87. Milošević Maja, Director of The Judicial Training Centre
88. Mugoša Dragan, Press and Media Officer, EUD
89. Pejović Vesna, President of the Independent Union of Journalists
90. Perović Jelena, chief of cabinet of the Director General of RTCG
91. Prelević Gorjanc Tea, Executive Director of Human Rights Action (HRA)
92. Radović Mirjana, Legal Officer, Human Rights Action (HRA)
93. Rudović Nedjeljko, Editor, Vijesti newspaper

94. Rutović Radojka, Television Director, RTCG
95. Simović Duško, Chairman of the Council,
96. Vojvodić Jadranka, deputy Director, Agency for Electronic Media
97. Vujnović Djordje, Adviser on international relations, Agency for Electronic Media
98. Vujović Ranko, Executive Director of UNEM (Union of Electronic Media) of Montenegro
99. Vuković Marina, Editor of the First channel, RTCG

Serbia

100. Boca Mile, Director of Development Centre, RTV
101. Breberina Ljiljana, National Programme Officer Media Department, OSCE
102. Čečen Branko, Head of the Centre for Investigative Journalism in Serbia (CINS)
103. Cetinić Goran, International Media Expert
104. Cvejić Ivan, editor in chief, BETA
105. Golubovac Mirjana, Head of Criminal Law Department, Judicial Academy of Serbia
106. Gruhonjić Dinko, President, NDNV
107. Isakov Siniša, Director General, RTV
108. Janjić Dragan, Project Manager, NUNS
109. Kolarević Dragan, Assistant to the Minister, Ministry of Culture
110. Kolo Jelena, Head of PR Department, Republican Broadcasting Agency
111. Kremer Dragan, Expert, Open Society Fund Serbia
112. Marković Slobodan, Chairman of the Board, RTS
113. Matić Veran, Chief Executive Officer, B92
114. Nikolić Danilo, State Secretary at the Ministry of Justice and Public Administration
115. Obradović Vukašin, President, NUNS
116. Predić Gordana, state secretary, Ministry of Culture
117. Sejdinović Nedim, President Executive Board, NDNV
118. Smajlović Ljiljana, President, UNS
119. Solomon Dragana, Head of Media Department, OSCE
120. Suša Gordana, Council member, Republican Broadcasting Agency,
121. Tijanić Aleksandar, Director General, RTS
122. Veljanovski Rade, Associate Professor, Faculty for Political Science

Turkey

123. Abakay Ahmet, President, Freedom to Journalists Platform
124. Akçura Belma, author of investigative reports and books, currently readers' editor of the paper *Milliyet*
125. Atay Zafer, Deputy General Secretary, Turkish Journalists' Association (TGC)
126. Başçu Engin, TRT reporter, President of Istanbul branch of Haber-Sen trade union
127. Baydar Yavuz, previously readers' editor of the paper *Milliyet*, currently readers' editor of the paper *Sabah*
128. Bildirici Faruk, Ombudsman, *Hurriyet Daily Newspaper*
129. Birgit Orhan, Columnist of the paper *Cumhuriyet*, chairman of the Press Council
130. Bucak Sertaç, co-founder of the Diyarbakir Institute for political and Social Research
131. Bulutlor Didem - Ulusoy, Political Officer, Delegation of European Union to Turkey
132. Çankaya Özden, previously journalist at TRT Ankara, currently, Prof. Fac. of Communication, Galatasaray University
133. Çaylak Nihat, head of International Relations Department, RTÜK
134. Çetin Fethiye, author, lawyer of the murdered journalist Hrant Dink
135. Dalkıran Özlem, human rights activist, movement in support of Ahmet Şık and Nedem Şener, founder of Amnesty International in Turkey
136. Dedeoğlu Turgut, Cameraman, Anadolu Agency (ret.), Head of the Ankara-Branch of the Turkish Journalists' Union (TGS)
137. Elibol Yesim, TRT, Haber-Sen
138. Ergürel Deniz, secretary general Media Association
139. Erinç Orhan, President of TGC
140. Ersoy Hamid, previously member of the official Human Rights Advisory Board, currently member of the High Board of RTÜK
141. Genç Özge, Program Officer, TESEV
142. Gul Ayse Nese, Director, Justice Academy of Turkey

143. İlkiz Fikret, previously barrister of the paper Cumhuriyet, lecture of Media Law, Bilgi University Istanbul
144. İnceoğlu Yasemin, Prof., Fac. of Communication, Galatsaray University, Istanbul, Advisory Board of Media Ethics Platform
145. Ipekci Ercan, Federation of Journalists of Turkey
146. Karcıoğlu N. Kaan, previously lecturer Media Law at Bilgi University, currently secretary general Press Council
147. Keyif Cihan, Association for Social Change (media watchdog)
148. Koptaş Rober, editor in chief, Turkish Armenian weekly Agos
149. Köse Osman, previously TRT Ankara, currently TRT Mersin, candidate of the TGS for TRT chairmanship
150. Mater Nadire, Editor, BiaNet
151. Olçayto Turgut, deputy chairman, Journalists' Association (TGC)
152. Şahin Haluk, previously columnist of the paper Radikal, currently Prof. Fac. of Communication, Bilgi University, Istanbul
153. Şenol Rana, project director, Media Association, founding member of Media Ethics Platform
154. Taskin Zeynep, Co-ordinator, Hrant Dink Foundation
155. Yasar Recep, member of Turkish Journalists' Association administrative board

Annex 4 – Overview of recommendations

1 Component I

Situation of the public service broadcasters in the Southeast Europe IPA region and identification of common issues that can be addressed by a multi-beneficiary intervention

1.1 Benchmark one: conclusions and recommendations concerning the election, composition and independence of the board and management of national regulatory authorities and public service broadcasters

1.1.1 Election of governing bodies

Problem 1: In a great number of accession countries, governing bodies of the national regulators are perceived as weak, unprofessional, biased and dependent on the government.

Recommendation 1: The EC, possibly together with the European Platform of Regulatory Authorities (EPRA), should commission media institutes or consultancies to organise regional workshops and other forms of knowledge-transfer to stake-holders in the Western Balkans and Turkey about best practices in ensuring the independence of national broadcasting regulatory bodies.

One tried and tested model to enhance the independence of national broadcasting regulators is the election of the governing body by a majority of no less than 2/3 of the members of the parliament. In other proved models, civil society organisations have a prominent role in the nomination of candidates for membership in the governing bodies.

The EC should also encourage reforms in the IPA countries to ensure adequate funding for the regulators' activities, the hiring of better-qualified staff and that legal procedures for governing bodies are actually enforced. The EU delegations and the OSCE missions should regularly inform the public of their host-states about their view on the progress of media system reforms.

The EC, possibly in co-operation with EPRA and/or the European Audiovisual Observatory in Strasbourg, should commission media institutes or consultancies in the region to set up an internet-based data bank documenting the various best practices for the nomination and appointment of the governing bodies of the national regulatory authorities in the languages of the IPA countries.

Problem 2: In nearly all IPA countries, there is a general mistrust with regard to the independence of governing boards of national public service broadcasters.

Recommendation 2: The EC, together with EBU and other interested parties, should commission media institutes or consultancies to set up workshops with the responsible public authorities and the media communities of the IPA countries, to familiarise them with best practices in the nomination and election procedures for governing bodies of public service broadcasters. Analogue to recommendation 1, an internet-based data bank documenting best practices in this field should be set up in the languages of the Southeast Europe IPA countries.

An often-applied model worth discussing with the stakeholders in the IPA region is the election of governing bodies by a 2/3 majority – be it in the parliament, its committees or the broadcasting

regulator's executive body. Civil society, and not the government, should nominate the candidates. Innovated nomination procedures should bring forward qualified media experts and other candidates who would represent a broad section of the political and social spectrum in the countries.

Problem 3: In a number of countries in the IPA region, the parliaments are sometimes unable to produce a majority for the election of the nominated members of the boards of regulatory authorities or management board of public broadcasters. This paralyses the broadcasting system and opens inroads for political interference.

Recommendation 3: The EC, possibly together with the OSCE and the CoE, should suggest to the public authorities and the media community in the IPA countries that they consider amendments in media legislation to ensure that parliamentary blockades do not affect the normal functioning of broadcasting regulatory authorities and governing bodies of public service broadcasters. In most countries of the region, parliaments are obliged by law to elect these boards before 30 days, or 60 days after having received the nominations from the designated institutions. An amendment could be made, ensuring that if there is no decision by the parliament in due time, the candidates who have been nominated most often to the top of the list of candidates will be automatically elected. This would provide an incentive for the parliaments to reach an agreement on time.

1.1.2 Company strategies

Problem 4: Only one of the public service broadcasters in the IPA region maintains a system of adopting mid- or long-term company development strategies based on professional principles and with measurable goals. As a result, parliaments have no instrument to measure whether the company has adequately spent public money.

Recommendation 4: The EC, possibly in co-operation with the EBU, should commission a broadcasting institute or consultancy, to offer the public service broadcasters and other stake-holders in the Southeast Europe IPA region, insight into best practices in company strategies with the purpose of motivating PSBs to adopt modern models. This would, for instance, ensure that the yearly budgets are part of a measurable one-year company strategy. The EBU, some other interested party, or a consultancy could establish a travelling task force, advising and supporting this process, also taking advantage of the potential regional benchmarking and regional experiences.

1.1.3 An accountable dual reporting system

Problem 5: Most of the public service broadcasters in the IPA region are obliged to deliver an annual report to the parliament. Although the opposition and civil society often question the veracity of these reports, the governing majority generally approves these documents. Furthermore, managers in charge of the public service broadcasters are often close to the governing majority and follow its political instructions. Thus, the procedure of reporting to parliament becomes meaningless.

Recommendation 5: The EC, possibly in cooperation with EBU, should commission an international audit company to assist public service broadcasters in the IPA region in establishing a dual reporting system based on yearly measurable company strategies. The annual reports should closely follow up on the measurable one-year strategies, point by point. Reports on progress and the fulfilment of defined tasks and objectives should be delivered to the national parliaments only after an international audit company, specialised in media matters had reviewed them. The international audit company should assist the broadcasters in developing a standard template for writing company strategies. After having received the yearly report draft, the external auditor should evaluate its quality. This review should accompany the report delivered to the parliament and also be made available to the general public. The goal would be to provide parliaments with an adequate basis on which to judge the

performance of the broadcasters. This practice could generate comparable benchmarks in the IPA region and thus provide additional motivation for the broadcasters to modernise and improve their performance.

Alternatively, the EU could consider commissioning the EBU with establishing a task force to take care of the described activities. Such a task force could consist of a combination of permanent EBU staff and EBU member experts specialised in designing strategies and evaluating broadcasting performance.

Turkey-specific problem 6: In Turkey, the state and the ruling party AKP have a firm grip on the national broadcasting regulator and the public service media. Both the legal foundations and the current interpretation of the laws are openly favouring the ruling party and the government and not establishing these institutions on a broad and shared societal fundament.

Turkey-specific recommendation 6: Together with the OSCE and the CoE, the EC should, as part of the approximation process of Turkey to the EU, assist Turkish legislators in establishing a new legal framework for the national broadcasting regulator and the state broadcaster TRT. The legal reforms in the sphere of electronic media should align Turkey with the recommendations of the Council of Europe regarding the role of the broadcasting regulator and public service broadcasting. Moreover, these legal reforms should help Turkey to respond in a constructive manner to the numerous judgements delivered by the European Court of Human Rights regarding the breaches of the freedom of expression in this country. The legal reforms should not be limited to the media sphere only, but should also include amendments to anti-terrorism legislation and the penal code which presently both have severe detrimental effects on the freedom of expression and the freedom of media in that country.

1.2 Benchmark two: conclusions and recommendations concerning the funding of the national regulatory authority and the public service broadcasters

1.2.1 License fee

Problem 7: In the majority of IPA countries, the license fee systems are fragile and inconsistent.

Recommendation 7: The EC, possibly in co-operation with the OSCE, CoE, EBU or individual EU member countries, should commission media institutes or consultancies to transfer knowledge to national regulators, public service broadcasters and relevant parliament and government representatives from IPA countries about best practices in funding regulators and PSB. Particular attention should be paid to transparency, efficiency, accountability and the stability of funding schemes (for instance, fees/levies to be determined for a four-year period to enable stable grounds for planning and investments). Also, models of communication campaigns to inform the general public about the necessity of providing public funding to PSBs should be discussed.

1.2.2 Financing from the state budget

Problem 8: In most of the IPA countries, PSB receive supplementary state grants coming from the country's annual budget. This offers opportunities for the government to exert influence.

Recommendation 8: The EC, possibly together with the OSCE, CoE, EBU and other interested parties, should commission media institutes or consultancies to transfer knowledge to the stakeholders in the IPA region about best practices for granting state subsidies to mass media with a special focus on PSB. A possible topic of discussion could be how state grants, if they are unavoidable, can be indexed to a percentage of the national Gross Domestic Product (GDP). They could be fixed for four years to secure financial stability and possibilities for planning long-term investments (for instance for digitisation) and in order to avoid annual financial negotiations between the government and the broadcaster.

1.2.3 Advertising paid for by governments

Problem 9: In a number of IPA countries, the government is one of the biggest, if not the biggest TV advertiser. The allocation of the advertising contracts to individual broadcasters is apparently highly politicised and not under parliamentary control.

Recommendation 9: As part of knowledge transfer on state subsidies mentioned in Recommendation 8, European best practices with regard to the allocation of state funded advertising should also be discussed. In some EU countries, states do not advertise in the media while in other countries independent but publicly accountable agencies handle state funded advertising.

1.2.4 Structural reforms

Problem 10: The organisational structure of the majority of the broadcasters in the IPA region is fairly old-fashioned. There is often too many staff and their work efficiency has room for improvement.

Recommendation 10: The EC, possibly in co-operation with the EBU and other interested parties, should commission media institutes or consultancies to assist public service broadcasters in the Southeast Europe IPA region in a thorough organisational restructuring. Structural modernisation should aim at decreasing the number of permanent staff and widening the pool of free-lance staff. Acquiring digital and multimedia production capabilities should be in the focus of the modernisation.

1.2.5 Independence of the broadcasting regulatory authorities

Problem 11: In many countries of the region, national broadcasting regulators are only nominally independent.

Recommendation 11: The EC, together with EPRA and other interested parties, should present European best practices to stake-holders from the IPA region in regard to safeguarding the independence on national broadcasting regulatory authorities. Particular attention should be given to the method and means of ensuring the financial independence of the regulatory bodies while increasing the transparency and accountability of their work, for instance by introducing a compulsory annual public report.

1.2.6 Benchmark three: conclusions and recommendations concerning national digitisation and the digitisation of the public service broadcaster

1.2.6.1 Strategy and action plan

Problem 12: Public service broadcasters in many Southeast Europe IPA countries lack digitisation strategies and action plans.

Recommendation 12: The EC, possibly in co-operation with the EBU and other interested parties, should commission a media institute or a consultancy to assist stakeholders in the IPA region in assimilating best practices in digitisation, particularly on drafting and implementing strategies and action plans. If some countries are not able to draft and implement such documents on their own, the EC should consider commissioning external task forces to assist in such cases.

1.2.6.2 Legislation

Problem 13: If the IPA countries still want to meet the ITU digitisation deadline of June 2015, they have to ensure that the relevant legislation is in place.

Recommendation 13: The EC, possibly together with the EBU and other interested parties, should commission a task force to review the state of legislation and by-laws relevant to digitisation in each Southeast Europe IPA country. If this review produces evidence that a country is probably not capable of completing the legislative tasks in the field of digitisation, the EC could commission external experts to assist in speeding-up the work.

1.2.6.3 Information on digitisation for the general public and stake-holders

Problem 14: The general public in the Western Balkans and in Turkey is mostly unaware of the consequences of the digitisation for them. Moreover, a number of smaller local radio and television stations has not been involved in the digitisation planning so far.

Recommendation 14: The EC, possibly in co-operation with the EBU and other interested parties, should assist the stake holders in the IPA region to assimilate best practices in launching awareness campaigns for the general public about digitisation. If it becomes clear that there are IPA countries without capacities to launch such information campaigns on their own, the EC could consider commissioning communication programmes to promote the understanding of digitisation issues in the media communities of the IPA region.

1.2.6.4 Public broadcasting service

Problem 15: Public service broadcasters need a prominent place in the national switchover plans so that they have the possibility to launch new “niche” channels (such as specialised programmes for children, drama, news, documentaries, etc.) and to convert to high-quality HD broadcasting format. Many PSBs in the region own large archives with both radio and TV productions of tremendous value for the national cultural heritage. If these archives are not digitalised, they cannot be used for future broadcasting.

Recommendation 15: The EC, possibly together with the EBU and other interested parties, should commission media institutes or consultancies to support the PSB in the IPA region, in planning their digital programming strategies and, in particular, their long-term approach to preserving and perhaps generating income from their archives from the analogue era.

1.2.6.5 Regional cooperation in the Western Balkans

Problem 16: Presently, there is little co-operation between the public service broadcasters in the region. However, there are two valid reasons for increasing regional co-ordination as the first step to enhanced co-operation:

3. The first is that digital broadcasting involves dividing frequencies in a region. The prevailing mountainous territory in the Western Balkans imposes on the PSBs the necessity to develop technical co-operation. This would enhance the reach of their signal whilst lowering the costs.
4. Secondly, in all Western Balkan IPA countries, funds and specialists are scarce so that it makes little sense for each of the countries to invent national solutions. The reasonable and efficient way would be to make use of major advantages stemming from regional co-ordination and other more intensive forms of co-operation.

Recommendation 16: The EC should encourage further co-operation among PSBs within the European Association of Public Service Media in South East Europe, chaired by HRT, the Croatian PSB, and supported by the Regional Co-operation Council (RCC) in Sarajevo and the EBU. Already, there is the South East Europe Digi.TV project established with this purpose in the Western Balkan countries with funding from IPA means.

1.2.6.6 Financing digitisation

Problem 17: PSBs in the Southeast Europe IPA region have difficulties in creating topical projects and absorbing potential investments in the field of digitisation.

Recommendation 17: The EC should continue supporting investments in digital transmission equipment in those countries of the region that cannot afford it on their own. Furthermore, together with the EBU, EBRD and EIB, the EC should commission a media institute or consultancy to work with PSBs in the IPA region on the creation of topical projects and absorption capacities for digitisation investments.

1.2.7 Benchmark four: conclusions and policy recommendations concerning informal power structures influencing regulatory bodies and public service broadcasters

1.2.7.1 Mapping of informal power structures

Problem 18: Widespread informal power structures influencing regulatory bodies and public service broadcasters are a fact of life in the Western Balkans and Turkey.

Recommendation 18:

Studies into informal power structures could be produced by the South East European Media Observatory, a new organisation supported by the European Commission, that intends to foster media integrity in the region. Topical research projects should include universities, think-tanks, non-governmental organisations, investigative journalism groups and other democracy-supporting institutions in the region.

1.2.7.2 Transparency and dialogue

Problem 19: In a majority of the Southeast Europe IPA countries, the media community is sharply divided along ideological, political, ethnic, personal and other lines.

Recommendation 19: The EC, possibly together with the EBU and other interested parties, should commission media institutes or consultancies to stage public debates among stake-holders from IPA countries about best practices in ensuring transparency of the workings of regulatory bodies and public service broadcasters. One topic of such workshops could be how to increase credibility and accountability by communicating timely information about the regulators and broadcasters on the internet and other platforms.

1.2.7.3 Media ombudsman

Problem 20: Broadcasters, editors, members of regulatory and steering bodies and other members of the media community need strong legal and practical protection to fulfil their duties. Especially, investigative research depends on the provision of security guarantees to journalists and editors.

Recommendation 20: The EC, possibly together with EBU, UNESCO (because of this organisation's engagement in promoting media self-regulation in southeast Europe) and other interested parties should commission a media institute or consultancies to promote the media ombudsman institution in the Western Balkans. ONO, the world organisation of news ombudsmen should be invited to participate in this effort. One topic to be discussed could be the legal feasibility of introducing a mandatory ombudsman position in media organisations and also whether the mandate could be extended to include the protection of journalists. *(Please compare also recommendation 2 in Component II about self-regulation).*

1.2.8 Benchmark five: conclusions and recommendations concerning investigative journalism and public service broadcasters

1.2.8.1 Quotas

Problem 21: Numerous initiatives have been taken during the last ten years in order to stimulate investigative journalism in the Western Balkans and Turkey. There is now more investigative journalism in some countries, mostly in press, private radio and television, and the internet, but this is not the case with public service radio and television.

Recommendation 21: The EC, possibly with EBU and other interested parties, should commission media institutes and consultancies to transfer knowledge to stakeholders in the IPA countries about the methods and means to increase the presence of investigative reporting in programmes of public service broadcasters.

One topic that should be discussed is the introduction of a mandatory quota system for investigative reporting produced by independent companies. A useful side-effect of such quotas would be to stir up demand for private TV and other media productions thus strengthening the local media industry.

1.2.8.2 Industrial relations in the media sector

Problem 22: In most countries of the region, journalists are poorly paid and lack social protection as employees. Industrial relations in the media sector are seldom formalised and lag behind EU social security standards, even in companies owned by investors from the EU. It is no surprise that such conditions induce self-censorship and prevent improvement in quality.

Recommendation 22: The EC should support the European Federation of Journalists (EFJ), the International Federation of Journalists (IFJ), international trade union organisations and other parties interested in their assistance programmes for regional and local journalism organisations aimed at securing:

- collective agreements,
- the respect for labour rights, and
- anti-monopoly policies in the media industry in the Western Balkans and Turkey.

Within such programmes, particular attention should be paid to the labour conditions of media workers in public service broadcasters.

1.2.8.3 Long-term training and education

Problem 23: Substantial and extended educational programs, including scholarships, for journalists and other media professionals from the region are scarce.

Recommendation 23:

The EC should support the EBU and other interested parties that are ready to participate in the establishment of a *Southeast Europe Media Academy* that would offer long-term occupational advancement of young and mid-career media professionals, including investigative reporting skills. Training at the regional Media Academy could be aligned with the curricula of local universities so that advanced studies at the Partnership Academy could become part of a formal university journalistic education.

The Media Academy could host advanced courses for journalists (including introduction to “data mining” and similar methods of investigative journalism) and other expert content for media professionals such as new funding models for media managers, new media technology for technical staff, curricula models for teachers of media literacy.

The Media Academy should co-operate on regional media law training programmes with the emerging

Academy on Media Law in Southeast Europe.

The Media Academy should be managed by senior professionals, well-known and respected throughout the region. The faculty should consist in equal parts of regional and international specialists.¹⁶

The EC should invite the EBU, the Regional Co-operation Council (RCC), the OSCE Representative on Freedom of the Media, the Open Society Institute Media Program, the Southeast Europe Media Organisation (SEEMO), the Education Reform Initiative of South Eastern Europe (ERI SEE) and other potentially interested partners to express their interests regarding the joint launch of such a permanent regional media training initiative.

2 Component II

Sustainable and effective mechanisms for media self-regulation

Recommendations

Problem1: So far, support for self-regulation mechanisms came through:

- the funding of awareness raising campaigns,
- the provision of relevant information in the form of web-archives,
- networking at national, regional and European levels,
- training in self-regulation,
- access to information and other journalist skills, and
- support for media studies and reports.

The new EC-sponsored UNESCO project also concentrates on such instruments. However, by now, awareness of the media communities appears to be achieved; national, regional and European networks are established. What press councils or their forerunners lack is money for operational costs. To gain financial sustainability, media owners have to be won over. Working press councils may be the most effective tools to convince media owners to join these institutions with the aim to gain a say in their decisions. Thus media owners might become ready to contribute to the press councils' expenses.

Recommendation 1: The EC, together with other interested parties, should support the financial sustainability of *press councils* and/or forerunner associations/institutions out of which fully-fledged councils might evolve.

Problem 2: In a media environment marked by the proliferation of downmarket newspapers with little accountability, certificates of quality and other marks of quality may enhance the profile of the paper and trigger a change in the relationship between newspapers and their readers.

Recommendation 2: The EC should launch an initiative with other interested parties, such as international journalism groups, media owner associations, universities, and civil society organisations, to create a **European Tag for Ethical Journalism**. It should be awarded, together with a financial price, to individual media outlets that endorse a realistic code of ethics, and which install an ombudsperson within their company who is allowed to act independently.

¹⁶ The Academy would need a physical and permanent location in the region. Preferably, it would be located in an attractive and peaceful environment with easy access in order to ensure focused work and in order to be attractive to visitors and to an international faculty.

Problem 3: The number of *Viewers' and Listeners' Associations and other* media watchdog initiatives in the Western Balkans is close to nil. There are such organisations in Turkey but they can only profit from international networking and support.

Recommendation 3: The European Commission, together with other interested parties such as human rights organisations or The European Alliance of Listeners' and Viewers' Associations (EURALVA) should contribute to the funding of existing and the set-up of new *media watchdog initiatives* and their regional co-operation. They could, for instance, observe whether media respect ethical standards with regard to hate speech and discrimination on the basis of disability, gender and ethnic, religious and sexual identity.

Problem 4: In all concerned countries in this report, there is a mismatch between the media legislation in place and its implementation, particularly when it comes to the work of institutions of media accountability (press councils, ombudsmen and media watchdogs). Co-operation between the judiciary and the media community could help bridge this difference.

Recommendation 4: The European Commission, together with other interested parties, such as national judicial authorities, human rights organisations and associations of media owners, should also fund initiatives to establish a sustainable link between the defenders of *media accountability* and the *judiciary* in the Southeast Europe IPA region. (See also *Component III of the report*).

Problem 5: Given the recent history of the region, the education of the younger generation is of utmost significance and there is evident need to improve the university education of future media workers. The Bologna process, aiming at ensuring compatible and coherent university systems in Europe, offers good opportunities for regional co-operation.

Recommendation 5: The European Commission, together with other interested parties, should fund initiatives in the Southeast Europe IPA region that work for the *integration of media law, media ethics and media accountability mechanisms* in the curricula of university departments of journalism.

Problem 6: Regional media research is scattered and seldom designed to produce synergies. Co-operation in this field takes often place within COST (The European Cooperation in Science and Technology) and other international schemes than through direct contacts. The DG-Enlargement-UNESCO project provides some research opportunities; however, this kind of research needs to be of lasting nature in order to achieve the sustained effects.

Recommendation 6: The European Commission, together with other interested parties such as the Open Society Institute Media Program or national political foundations, should provide long-term funding to regional media research projects, for instance by the emerging Southeast Europe Media Observatory, that facilitate the exchange of knowledge, including comparative analysis of self-regulation models.

3 Component III

Judicial practices in freedom of expression cases and capacity building of the judiciary

Recommendation 1: The EC should support the work of the newly launched Academy on Media Law in South East Europe. It had its first meeting in June 2012 in Zagreb under the auspices of the Regional Cooperation Council (RCC), with support of the German Friedrich Ebert Foundation, the OSCE Representative on Freedom of the Media, and the OSCE Mission to Bosnia and Herzegovina. The project was implemented by ARTICLE 19: Global Campaign for Free Expression and the European Association of Public Service Media in South East Europe.

With the participation of journalists, media and human rights organisations and other interested parties, the Academy should propose topical curricula for judiciary training organisations in the IPA region. It should also propose other forms of long-term assistance to the region in this field. The Academy should work for more media law, media ethics and media accountability mechanisms in the curricula of university departments of journalism and law in the region.

Recommendation 2: Organisations such as the Programme in Comparative Media Law and Policy (Oxford), the Institute for European Media Law (Saarbrücken), the Media Department of the Central European University in Budapest, the Media Program of the Open Society Foundation, Article 19 (London), Civil Rights Defenders (Stockholm) and a number of other universities and academic institutions and human rights organisations already possesses a substantial body of expertise in this field. Their expertise could be bundled together around new initiatives for the IPA region.

This co-operation could be set up in a similar fashion to the way in which DG Enlargement already works together with EBU and UNESCO.

The aggregation of a new body of knowledge and practical experience (to be documented on easily accessible web applications) through this enhanced co-operation could produce spin-off effects for the European Neighbourhood Policy in the field of freedom of and media freedom.

Recommendation 3: Concerning future legal reforms, the EC, together with the CoE, OSCE, human rights organisations and other interested parties should put *emphasis on the following measures*:

Legislation

- Civil law on protection against defamation should envisage clear provisions on the amount of possible fines proportionate to the general economic situation;
- Civil law protection against defamation should be supported by rule books and/or bylaws, clearly instructing on which criteria the fines shall be calculated and imposed;
- Instruments of mediation should be offered as a pre-trial settlement opportunity; judges should be advised to encourage mediation outside courts before accepting defamation lawsuits;
- Parliamentary and governmental legislative working groups should include representatives of journalism and media organisations and also human rights groups already at the early stage of the legislative deliberations.

Judicial training

- Judicial training institutions should be financially and politically supported by IPA projects to offer media-related legal training to judges, prosecutors and media lawyers from human rights organisations;

- Emphasis should be on locally delivered training using as much local expertise and input as possible. Decentralised, court-based programmes and web-based distance learning should be introduced.

Other

Revision of the university law study curricula should be encouraged, possibly through TEMPUS and other EU academic programmes. Emphasis should be on the provision of information on EHCR case law.

Recommendation 4: Turkey

Freedom of expression cases should be revoked from the Serious Felony Courts (Agir Ceza Mahkemeleri), and the relevant legislation and institutional practices revised.

Recommendation 5: Western Balkans and Turkey

The EC should work together with local, regional and international journalism and media associations and human rights defendants' organisations and other interested parties to create a regional solidarity fund for journalists who experience legal difficulties because of their work. Media and journalists who cannot afford paid legal advice should be supported through this solidarity fund.

4 Component IV

EU initiative to award excellence in investigative journalism in the Southeast Europe IPA region

Recommendations for the implementation of the initiative:

4.1 Eligibility

Eligible would be applications by journalists and nominations of journalists working in Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. The applicants would *not* have to be citizens of the countries in which they have published their submission.

4.2 Status

Applicants/nominees must be journalists/authors working for/in any type of media or as free lancers.

4.3 Recognisability and regional authenticity

Only submissions published with the real names of their authors and published in any local print, audiovisual or online media in the IPA beneficiary would be eligible. Submissions for the internet media award would be valid only if the proposed contribution was first published on-line.

4.4 Application package

- Brief CV of the applicant(s);
- original contributions by an individual or a group, published during the 12 months prior to a deadline to be set by the EC (for the first awards, a period of 18 months could be an option to increase the number of potential applications).
- Format: CD under Windows with a protected copy of the submission and the CV to be delivered electronically, by mail or personally.

4.5 Application process

Journalists could apply themselves and/or be nominated by journalism and media associations, civil society organisations, universities, trade unions and other social organisations from their countries but not by any part of the public authorities. The nominee would have to give a prior consent.

4.6 Award categories

Nominations would be possible for awards to journalists in four separate categories according to the type of mass media:

- Print,
- Radio,
- TV,
- Internet

A fifth award might be given to a media outlet with a significant contribution to investigative reporting – e.g. through investment in the training of journalists, allocating funds and time for investigations and publishing investigative reporting in spite of potential repercussions.

4.7 Regional facilitator to support the local award juries

There are a number of journalism and media associations and regional NGOs that would be able to support the work of local juries and EC services. However, there are also concerns that the prominent involvement of a regional organisation would diminish the award's EU brand. On the other hand, the

dominant presence of non-regional facilitators or direct management by EC delegations would diminish local ownership. Therefore, only a measure of external assistance to the work of the regional facilitator is desirable.

4.8 Composition of the award juries

Award juries should incorporate local and external members to ensure credibility and safe-guard the EU brand of the prize. The juries in the region should apply the same selection criteria and evaluation grid (a model is suggested in the report).

4.9 Award logo

A logo with the symbol of the award should be used throughout the entire competition along with the EU visibility signs, in order to “brand” the scheme (such as the drawing that the Nobel prize winner Günter Grass created for the Office of the OSCE Freedom of the Media Representative <http://www.osce.org/files/imagecache/thumbnail/images/web/5/1/4441.jpg?1293041352>).

4.10 Award symbol

A competition among artists from the region should be organised to design the award symbol and the logo. The competition and the announcement of the winner would add additional publicity to the award itself. The symbol might be a desk-sized statue, to be presented during the awards ceremony.

4.11 Award promotion

The promotion of the award scheme is of crucial importance to its success. It has to ensure not only that information reaches journalists so that they apply, but also that the message is delivered to the society that media freedom and the freedom of expression in general are high on the list of social improvements that should be achieved on the road to EU membership. Possible features of the award promotion are outlined in the report.

4.12 Awards ceremony

In each IPA country, an annual award ceremony should be organised. It should be of high quality and outstanding visibility in the media. The EBU could assist the regional broadcasters in the production of TV programmes covering the ceremony.

5 Policy and actions co-ordination

The EC should consider establishing a *permanent co-ordination board* for the implementation of the regional support strategy. There is need for co-ordination of the multitude of possible contributors and their policies and actions to be put into effect in the years to come. This board would profit from involving officials in the EU delegations in the region who cover freedom of expression and freedom of the media issues. The board would need a rudimentary secretariat that could be based in:

- Brussels, to be close to DG Enlargement, or
- Vienna, because the Austrian capital is well-connected to the Southeast Europe IPA region and already hosts several relevant media organisations (such as the Freedom of the media representative of the OSCE and SEEMO), or
- Sarajevo, to profit from the capacities of the Regional Co-operation Council (RCC), or
- Thessaloniki, because of this city's central position in Southeast Europe, proximity to Turkey and to benefit from the capacities of the Centre for Democracy and Reconciliation in SEE (CDSEE) – a well-established regional NGO located in that city.