Briefing

European Parliament

Media freedom in the Western Balkans: state of play

SUMMARY

Media freedom is one indicator of a country's commitment to democracy, good governance and political accountability, and thus its readiness for EU membership. As such, it represents a key element in any aspiring country's EU enlargement agenda, along with other fundamentals such as the rule of law and economic governance.

Each of the Western Balkan countries – Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia – is at a different stage of the EU accession process. However, partly as a result of a common recent history, they face similar challenges in the area of media freedom, such as transition from the old regime and the Yugoslav wars, the global economic crisis, rule-of-law deficiencies, and widespread corruption. These factors directly influence the situation of media in the region and add to its complexity.

As part of their EU agenda, the Western Balkan countries have largely aligned their relevant legislation with EU standards. However, inadequate implementation remains a concern. In all these countries, opaque media ownership, financial instability in the sector, intimidation and pressure on journalists, and poor working conditions, put spokes in the wheel of independent journalism, encourage self-censorship, and broadly interfere with the media's key role in informing the public.

Solving media issues and transforming media institutions require long-term engagement, and largely depend on the domestic context and the countries' overall democratic consolidation. However, the EU is also committed to providing legal and financial support to enlargement countries, and to regularly monitoring how the media situation impacts on their overall readiness to join the EU.

In this briefing:

- State of media freedom in the Western Balkans
- Media freedom indices and media landscape by country
- Media freedom in the context of EU enlargement
- The role of the EU: support and monitoring
- European Commission's 2015 reports on the media environment
- Main references

EN

Freedom of expression and information as human rights

The [Universal Declaration of Human Rights](#) (Art. 19) and the [UN International Covenant on Civil and Political Rights](#) (Art. 19) establish freedom of expression and information as human rights. Article 10 of the [European Convention on Human Rights](#) guarantees freedom of expression. The EU sees media freedom as a fundamental right. Article 11 of the [Charter of Fundamental Rights of the European Union](#) provides for freedom of expression and information, and freedom and pluralism of the media. The Lisbon Treaty – in particular Article 6(1) TEU – gives the Charter legally binding effect as of 1 December 2009.

State of media freedom in the Western Balkans

The development of a free media has either come to a halt or is in reverse across the Western Balkan region. Although each country has a specific media landscape, the region as a whole is characterised by similar challenges and deficiencies. These can be attributed in part to a common recent history, such as the transition from the old regime and the Yugoslav wars. The need for nation-building and the lack of political commitment and tradition in terms of media freedom (media was previously controlled by the state) are seen as pervasive across the region. The complex ethnic composition in some of the countries also affects the media sphere, being reflected in ethnically-biased reporting and tensions. More recent issues such as the economic crisis, rule-of-law deficiencies and widespread corruption are factors that also directly influence the situation of media, and add to its complexity.

Media independence: a long-term goal for the region, challenged by systemic issues
Recent reports on media freedom by regional and international organisations point to deep-rooted issues, mostly considered to be [systemic in nature](#), and therefore requiring long-term efforts to resolve. They are seen as stemming from the new socio-economic context that has emerged in the region over the past two decades, which combines the challenges of post-authoritarian transition with economic crisis, exposing the media to both government and market pressures. With democracy assessed as [declining](#) in the region for the sixth year in a row, Freedom House's [2016 Nations in Transit](#) report suggests prioritising the objective of media independence at national and EU level, along with the rule of law and good governance, in the search for a sustainable solution.

The host of outstanding media-related issues includes political interference; problematic financial dependency; the significant share of state aid and its arbitrary distribution; dwindling media revenues; [intimidation](#) of journalists; [poor working conditions](#); and underfunded public broadcasters that are directly or indirectly controlled by governments and affiliated interest groups, among others.

Non-transparent media ownership and media dependence on state aid
A ['worrying tendency'](#) noted across the region is the 'overlapping of media, politics, and business', which results in media giving priority to partisan interests. Financial and ownership data for the media is generally inaccessible in the Balkan countries. The public is thus prevented from finding out who owns certain media, and what financial stakes and political affiliations are involved. This overarching issue of non-transparent media ownership is considered by some analysts as a ['more subtle means'](#) than direct political influence to interfere with the editorial policy of media outlets.

The financial relations between state and media in the region are analysed in a [2016 report](#) by the [South East European Media Observatory](#), which describes them as 'highly complex and difficult to discern'. The report claims that in most countries the media serves a political purpose, and outlines the media's increasing dependence on state

---

funds as a significant risk factor. It also suggests that media privatisation in the region has not achieved its objective, and that the state has not 'withdrawn' from media ownership in practice. On the contrary, prompted by the economic crisis that began in 2008, the state has become the most important source of revenue for private companies, supporting media directly and indirectly in many different ways in most Western Balkan countries. Public broadcasters in the region are described as generally and 'quite overtly' dependent on state funding, since they rely on revenue from state advertising and political campaigns. The report also claims that breaches of labour law by media companies are tolerated and go unpunished in the region, limiting journalists' autonomy.

Other recurring issues: self-censorship, 'tabloidisation', impunity, defamation

Other worrying trends identified at the 2015 annual meeting of the European Federation of journalists include self-censorship (encouraged by job insecurity and fear of retaliation), 'tabloidisation' (switching the focus from topics of public interest to entertainment and propaganda), and impunity (failure to properly investigate crimes and attacks against journalists). In April 2016, on the occasion of the 17th anniversary of the murder of the Serbian journalist Slavko Ćuruvija, the OSCE Representative on Freedom of the Media called for an end to impunity across the region. The trial for the journalist's murder only began in 2015, following a 16-year delay.

While defamation has been decriminalised in all enlargement countries except Turkey, the related civil lawsuits in the Balkans are numerous and slow to resolve, which is perceived as yet another means of pressure. There was a particularly worrying development in this area in November 2015, when the Albanian government proposed legislative changes that would restore prison sentences for defamation. Civil rights activists warned that, if adopted, this could foster self-censorship in the media.

Direct and indirect threats to journalists

In 2015, Human Rights Watch published a report on direct and indirect threats to journalists. It documents physical attacks and threats, punitive lawsuits, and smear campaigns targeting journalists in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. The report also exposes cases of cyber-attacks against online media outlets critical of the government, and targeting of female journalists in particular through 'sexually explicit language'. It concludes that the investigation and prosecution of attacks on journalists is inadequate.
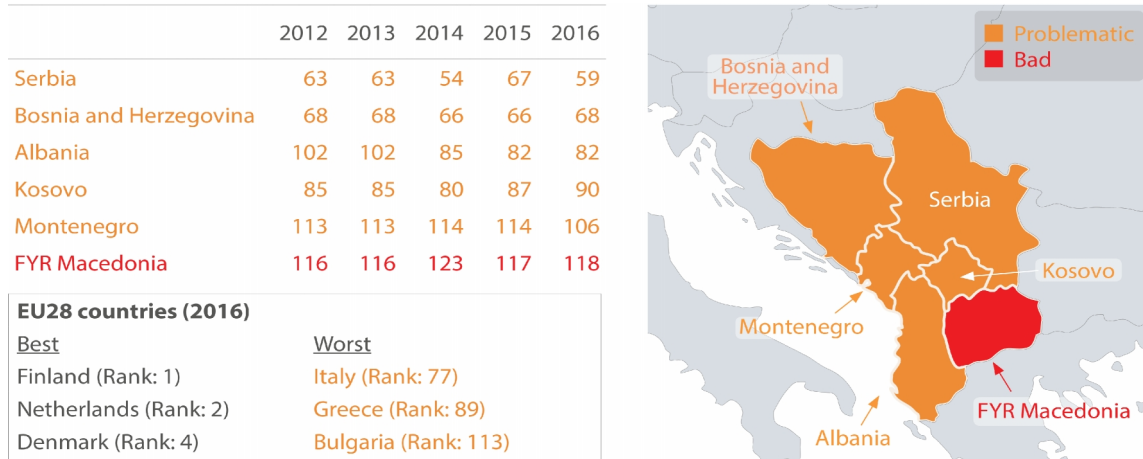
Other cases of intimidation and harassment of journalists who dare to write about political and economic corruption are highlighted in a 2015 report on the state of the media in Bosnia and Herzegovina, Macedonia, and Serbia, published by the European Fund for the Balkans. The report also draws attention to increasing problems in the media sector, such as obscure media ownership, monopolisation of distribution, external pressure and internal censorship, as well as increasing conformity by journalists.

Media freedom indices and media landscape by country

Media freedom is regularly monitored by organisations such as the International Research & Exchanges Board (IREX), Reporters without Borders, and Freedom House. The OSCE and the Council of Europe provide additional ad hoc reports. Three of the most prominent international media freedom indices recently sent a message that the media freedom situation in the Western Balkans is deteriorating. The 2016 World Press Freedom Index (see Figure 1) by Reporters Without Borders shows that 'media freedom

is in retreat', with FYR Macedonia and Montenegro ranked lowest in the region. According to Freedom House's 2016 Freedom of the Press ranking, media is 'partly free' in all Western Balkan countries except FYR Macedonia, where press freedom has significantly declined and is assessed as 'not free'.

Figure 1 – Press freedom in the Western Balkans

	2012	2013	2014	2015	2016
Serbia	63	63	54	67	59
Bosnia and Herzegovina	68	68	66	66	68
Albania	102	102	85	82	82
Kosovo	85	85	80	87	90
Montenegro	113	113	114	114	106
FYR Macedonia	116	116	123	117	118

EU28 countries (2016)	
Best	Worst
Finland (Rank: 1)	Italy (Rank: 77)
Netherlands (Rank: 2)	Greece (Rank: 89)
Denmark (Rank: 4)	Bulgaria (Rank: 113)

Source: **2016 World Press Freedom Index**. The press freedom map offers a visual overview of the situation in 180 countries in colours: good (white), fairly good (yellow), problematic (orange), bad (red) and very bad (black).

Freedom House's 2015 Freedom of the Press Index points out that the Balkans' media environments feature several common problems: defamation and insult laws used to suppress critical reporting; public broadcasters with a pro-government bias; editorial pressure from political and business circles leading to self-censorship; harassment and attacks on journalists going largely unpunished; and opaque ownership structures.

IREX's Media Sustainability Index (MSI) measures the strength and success of a country's media sector by assessing five aspects of a media system: freedom of speech; journalists' professionalism; plurality of news outlets; business management; and supporting institutions. The 2016 MSI edition notes that the media situation in Southeast Europe has changed little, and negative trends have broadly persisted.

IREX's main messages per country can be summarised as follows:

Albania: The report identifies online media as the only area of growth and expansion. It highlights as most pertinent the consequences of the economic crisis, and problems with media regulators and with the public television broadcaster. The need to secure financing in the difficult economic context has allowed advertising to be used as a tool to exert pressure on the media, 'silently erod[ing]' its independence. A 2015 report by the Balkan Investigative Reporting Network draws attention to another trend: widespread self-censorship.

Bosnia and Herzegovina: The 2016 report draws attention to political and financial pressures on media. Media ownership transparency, government financing, and political control over public broadcasters are in the spotlight. Polarisation along ethnic lines is also a particularly concerning phenomenon in this country.

Kosovo: Kosovo faces difficulties providing for sustainable financing for public service media, as well as guaranteeing the safety of journalists, some of whom suffered injuries at the hands of the police during protests in 2015. The growing number of new online media is no longer seen as a positive sign, as they widely fail to respect ethical standards of journalism.

FYR Macedonia: The political crisis in the [country](#), sparked in 2015 by a scandal involving widespread [illegal wiretapping](#), including of journalists, is said to have further polarised the media sector, mainly along political lines. Media reform is one of the important topics of discussion in ongoing EU-mediated negotiations between the ruling and opposition parties. They are necessary to ensure free and fair elections, currently scheduled for 5 June 2016. The aim is to guarantee an independent regulatory body, and objective and professional reporting ahead of the elections, and to protect the media from interference through the abuse of government advertising budgets.

Montenegro: Despite some positive developments, such as the [adoption](#) of a new Media Ethics code in April 2016, [IREX assesses](#) the media scene as internally divided by 'political and commercial motivations'. Divisions are especially apparent during elections. IREX also observes that high-profile cases of violence against journalists, including the case of the [2004 murder](#) of the prominent journalist and editor-in-chief of the Montenegrin daily *Dan*, remain unresolved, adding to a climate of impunity. Ensuring the independence of the public broadcaster, and developing guidelines for courts to align their rulings with those of the European Court for Human Rights in the area of freedom of expression, are seen as issues to be addressed.

Serbia: The media sector in [Serbia](#) has witnessed [delays](#) in implementing three new media laws; an incomplete media privatisation process; [smear campaigns](#) against journalists; and general failures to respect ethical, professional and social norms. Historical and more recent cases of attacks against journalists and media outlets have prompted [loud protests](#) by the European Federation of Journalists. On a more positive note, the report highlights that the prime minister [fired](#) the minister of defence after he made a vulgar and sexist remark about a TV B92 journalist, which had triggered protests by journalists.

Media freedom in the context of EU enlargement

Media freedom in the EU as a benchmark

Freedom of expression is one of the values on which the EU is founded (Article 2, [TEU](#)). Commitment to promoting these values is among the main criteria used to assess a country's aspirations to become an EU member (Article 49, TEU). As the media and their markets are fundamentally national in scope, the EU [lacks explicit competence](#) in media freedom and pluralism matters. The relevant EU *acquis* is mainly linked to internal market' liberalisation and harmonisation, referring only indirectly to media freedom and pluralism.

Since 2009, the EU has monitored media pluralism internally via the [Media Pluralism Monitor](#). Its 2015 results show that [no country is entirely invulnerable to risks](#) in the field. Reporters without Borders' [2015 report](#) even suggests that media freedom is deteriorating in the EU, where a gap is widening between six countries that are among the top ten performers, and three others with rankings comparable to those of the Balkan countries.

These facts may be viewed as sore points in relations with enlargement countries. At the same time, they highlight the importance of the EU's political and financial leverage for influencing developments in aspiring countries, prior to their gaining membership.

Freedom of expression as part of the EU's enlargement agenda

Although media freedom is a condition for EU membership, the EU [does not have a specific policy](#) on media in the Western Balkans. Candidate countries are nevertheless expected to guarantee freedom of expression, which is an important element of

democracy, and one of the [Copenhagen criteria](). They are also expected to align their legislation with the relevant EU *acquis.* Of the [chapters]() for EU accession negotiations, those with a potential impact on media freedom include Chapters 23 (Judiciary and Fundamental Rights) and 10 (Information Society and Media). Chapters 7 (Intellectual Property Law), 8 (Competition Policy), 3 (Right of Establishment and Freedom to Provide Services) and 6 (Company Law) can also affect the degree of media freedom in a country.

The role of the EU: support and monitoring

In a [2013 resolution]() on the 'EU Charter: standard settings for media freedom across the EU', the European Parliament states its belief that in the case of further accessions to the EU, additional emphasis should be placed on protection of freedoms, particularly freedom of speech, since these are widely considered to be elements of the human rights and democracy that form part of the Copenhagen criteria.

However, simply transposing EU rules and putting in place a strong regulatory framework do not in themselves guarantee media freedom. Media freedom depends to a large extent on national level governance and factors such as the political and economic situation, as well as a proactive role for professional organisations and self-regulatory bodies, among others. In the long term, a healthier environment for journalism will also depend on the efficiency of the judicial system, on political commitment, and a greater role for civil society.

The EU provides support for enlargement countries in [several ways](): via legal assistance in drafting legislation; by monitoring candidate countries' policies in the area; and by providing financial support through its [Instrument for Pre-accession Assistance](). To this end, the Commission has at its disposal such tools as the Enlargement Strategy Papers; its annual progress reports; regular dialogue with Western Balkan stakeholders; accession negotiations; and other initiatives.

'Speak-Up!' Conferences (2011-2015)

In 2011, the Commission launched its first 'Speak-Up!' conference (the most [recent]() was in November 2015) to examine the systemic nature of media challenges in the enlargement area, and to formulate an adequate response. In this forum, the Commission, together with media representatives and decision-makers from the region and Turkey, discuss ways in which the EU can help to support media freedom in the region.

In the 2013 [Conclusions]() of the 'Speak-Up!2' conference, four priorities for regional action were outlined: 1) improving the performance of public broadcasters; 2) ensuring effective mechanisms for media self-regulation; 3) improving judicial practice and capacity in freedom-of-expression cases; and 4) introducing an EU award for investigative journalism in Southeast Europe. The Commission also committed itself to major financial and policy efforts in the area of freedom of expression.

'Guidelines for EU support to media freedom and media integrity' (2014-2020)

In consultation with the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the European Broadcasting Union, the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) has translated the above-mentioned commitment into a set of ['Guidelines for EU support to media freedom and media integrity']() (2014-2020). The guidelines recommend that support contribute to three main objectives: 1) creating an enabling legal environment, improving judicial practices and addressing the status of public service broadcasters in the region (largely controlled by governments); 2) encouraging

the media to improve its internal governance (financial transparency, ethical and editorial codes, mechanisms to deal with complaints from the audience, etc.); and 3) increasing the capacity and representativeness of media industry organisations, as drivers of positive change.

The guidelines aim to express political objectives in the form of a 'results framework'. They provide a list of measurable indicators and desired outcomes, as well as suggested ways of measuring the indicators. DG NEAR, together with EU delegations in the region, and international organisations and civil society networks active in the area, will be responsible for monitoring implementation of the guidelines. The Commission plans to provide a mixture of political and financial support for priorities, and respond to the different needs and contexts, underlining that accession-related funding is 'limited in volume and time'.

Baseline assessment of the Guidelines for EU support to media freedom
In November 2015, before the 'SpeakUp!3' conference, the Commission presented the preliminary findings of its Baseline Assessment of indicators based on the above-mentioned Guidelines. They pointed to several important issues and common trends, such as a worsening economic situation for most media outlets in all enlargement countries (except Turkey); increasing interference by political and economic interests; media dependence; selective use of 'state advertising' and controlled distribution of commercial advertising; and non-transparent and illegal concentration of ownership. Throughout the region, public service broadcasters remain underfunded and heavily influenced by political and economic interests, and are still seen by the public as 'state broadcasters'. Smear campaigns against prominent civil society actors and independent journalists are frequent, which indicates further interference with media independence. Investigation and prosecution of media-related cases (of murders and physical attacks on journalists) remain slow and selective. Censorship and self-censorship among journalists is assumed to be widespread, and investigative journalism obstructed. The Commission also expresses concern about a shortage of skills in the sector; weak self-regulatory bodies; low web literacy; and lack of public trust in the media.

European Commission's 2015 reports on the media environment

The 2015 progress reports published by the European Commission on 10 November 2015 include an overview of the main developments and shortcomings in the media environment, as well as a set of recommendations organised under several headings. While they highlight some successes in selected areas, their verdict on freedom of expression is overwhelmingly negative. The general message is that all countries have achieved 'some level of preparation' in the area, but 'no progress' has been made in the past year (Kosovo, Montenegro and Serbia), and some countries have gone backwards (Bosnia, FYR Macedonia). The overall environment is assessed as 'generally not conducive' to the full exercise of freedom of expression, with the exception of Albania.

The reports find that the legislative framework is predominantly in place and in line with the EU *acquis* and international standards. Serbia and FYR Macedonia are commended for adopting new, or updating existing, media laws. The authors note that in Bosnia and Herzegovina, recent legislative developments in one of its two entities, Republika Srpska, have fuelled concerns about the possible limitation of freedom of expression online. The country is also grappling with difficulties harmonising legislation in its constituent parts with that at state level. Kosovo is the only country whose report

acknowledges that the legislative and institutional framework for media freedom remains fragmented, and some areas unregulated, with no legislative developments in terms of media ownership and transparency. In all countries, effective implementation remains a challenge.

Another common characteristic is continuing political pressure on, and intimidation of, journalists, as well as media polarisation along ethnic lines. Threats and violence against journalists, although not as frequent as in the past, are still a concern. This, combined with a low level of job security and low salaries, increases journalists' vulnerability throughout the region and encourages self-censorship. Transparency of media ownership, state financing of public broadcasters and the general lack of economic sustainability of the media are cited as pervasive issues that undermine reporting quality and professionalism.

European Parliament resolutions in 2016

Between February and April 2016, the EP adopted six resolutions based on the Commission's 2015 reports, urging each country to address its particular shortcomings. The EP calls on Serbia to investigate past and recent cases of attacks against journalists and media outlets, to ensure full implementation of new media laws, and to provide for transparency in media ownership and funding. It calls on all political parties in FYR Macedonia to agree on urgent media reforms, on authorities in Montenegro to ensure the independence of its public broadcasting service, and on Kosovo to better protect journalists and swiftly plug gaps in legislation. Albania is urged to address widespread self-censorship, while Bosnia and Herzegovina is pushed to tackle the continued polarisation of the media along political and ethnic lines, and the delayed digital switchover. In all the resolutions the EP reiterates the importance of media freedom and pluralism, and freedom of expression in the broader sense, as a core EU value and a cornerstone of democracy. It deplores the lack of progress and backsliding in the past year, and calls for implementation of the existing laws and the creation of an environment that allows the media to serve the public interest.

Main references

Press freedom in the EU: Legal framework and challenges, Poptcheva, Eva-Maria, EPRS, 2015.

Freedom of Media in the Western Balkans, Centre for Media Pluralism and Media Freedom, 2014.

Media Integrity Matters, South East Observatory, 2014.

Mapping Media Freedom Quarterly report, 2015.

Media Freedom and Integrity in the Western Balkans: recent developments, European Fund for the Balkans, 2015.

A blind eye on news: self-censorship in the Albanian media, BIRN, 2015.

Media Freedom Indices: What they tell us and what they don't, DW Akademie, 2014.

Disclaimer and Copyright

eprs@ep.europa.eu
http://www.eprs.ep.parl.union.eu (intranet)
http://www.europarl.europa.eu/thinktank (internet)
http://epthinktank.eu (blog)