

Media in the Western Balkans: Who Controls the Past Controls the Future.

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Abstract

The contribution assesses the role of the media in the countries of the Western Balkans and the development of press freedom over the long run. The author closely analyses the legislative framework and its implementation in practice and focuses in particular on the economic and political pressure on the media in the region. The analysis includes aspects of media ownership, its shady and opaque structures often linked to local politicians. The author makes an argument that the media in the Balkans are under serious constraints and this has serious impact on the quality of democracy in the region; the media are used as means to cement the illiberal regimes and no longer serve as watchdogs of democracy. The media serve as means to spread governmental propaganda, twist the information and undermine the accountability of the politicians.

Keywords: Media freedom, Western Balkans, media financing, freedom of expression, illiberal regime

Introduction

In 2018, the European Commission released a new enlargement strategy for the Western Balkan states offering them a credible enlargement possibility and setting 2025 as a possible enlargement date. Nevertheless, the progress of all Western Balkan states towards membership has thus far been very slow. Furthermore, we have seen clear democratic backsliding in the region, so the optimism about upcoming membership seems to be premature as all of the EU aspirants would have to change their track and deliver difficult and key reforms in democratic development in order to reach the goal of liberal democracy.

As Levitsky and Way stress, four arenas are of particular importance in the contest between liberal democracy and authoritarian regimes: 1) the electoral arena; 2) the legislature; 3) the judiciary; and 4) the media. (Levitsky and Way 2002). The media in ripe autocracies are entirely controlled by the government and no opposition voices are allowed. In liberal democracies, the media function as a watchdog who monitors and holds those in power accountable. The media has been regarded as the fourth estate, supplementing the three branches of government by providing checks and balances. They also serve as the basic source of information and the quality information constitutes one of the cornerstones of genuine democracy, since “a broadly and equitably informed citizenry helps assure a democracy that is both responsive and responsible” (Delli Carpini and Keeter 1996, 1). Democracy is strengthened and its integrity ensured by the free flow of information and competition among public and private media articulating a variety of political viewpoints to educate the public and allow it to make informed choices, particularly at election time (Gunther and Mughan 2000, 5). Free media, its quality and independence, is essential and one of the cornerstones of liberal democracy.

In the grey zone in-between, in illiberal regimes, we find media controlled by the government but also independent media that serve as a mouthpiece for opposition forces. Those in power in illiberal regimes seek subtler mechanisms of repression than those in the authoritarian regimes. These techniques embrace the selective allocation of state advertising, bribery, manipulation of debts and taxes owned by media outlets, the fomentation of conflicts among stockholders, and restrictive press laws that facilitate the prosecution of independent and opposition journalists usually via extensive use of libel laws to harass or persecute independent newspapers legally (Levitsky and Way 2002). They might also deny the opposition adequate media coverage, harass opposition candidates and their supporters or use governmentally controlled media as a mouthpiece of propaganda and glorification of the regime in order to skew the playing field in favour of incumbents so the competition is real but not fair (Levitsky and Way 2010, 5). The regime might also empower the Media Council to overlook the arena in order to provide “balanced” coverage, with the definition of balance determined by the Media Council. Other (vague) terms such as “human dignity” or “good faith” and “fairness” might be misused and restricted, so the media arena creates a self-censorship culture in which journalists are under immense pressure to conform to the ruling political agenda.

Existing scholarly accounts of freedom of the media in the Balkans suggest that Balkan media freedom becomes an oxymoron. Of greatest concern in the last decade have been the links

between the media and politicians, dependence of media on the governing party and physical and verbal assaults on journalists (Abazi undated, ANEM 2015, Belgrade Centre for Human Rights 2012, 2018, Bieber and Kmezic 2015, Blazeva et al. 2015, Blazeva and Mukoska 2018, Brunwasser et al. 2016, Fetoshi 2017, Jusić and Irion 2018, Kolozova and Georgijev 2018, Lani and Cupi 2002, Lani and Cupi 2008, Petković et al. 2014, Vladislavljević forthcoming, Vogel 2015). Many of the existing comparative analyses are either outdated or do not include Croatia, assessments and comparisons of the contemporary situation in Macedonia, or omit the link of the quality of the media with the quality of democracy.

Our text tries to fill this gap. The aim of this text is to examine the state of the media and its impact on the quality of democracy in the Balkan region. The countries examined in this text are those of the Western Balkans - Albania, Bosnia and Herzegovina (BiH), Croatia, Kosovo, Macedonia¹, Montenegro and Serbia. Although Croatia can no longer be called a Western Balkan country since its integration into the EU, it does share many patterns with its neighbours in terms of media control and was thus included, as a comparison between it, as an EU member state, and the aspirants for EU membership is valuable. We look at the legislative framework and how it is implemented in practice accompanied by a close overview of media ownership and all sorts of the possible constraints they face. The text does not omit the physical and verbal assaults on journalists or the issue of fake news, and so presents a unique, comprehensive analysis of the state of the media in the region. The constitutions and primary legislation dealing with the media were used as primary source, several country analyses by different authors were used as a secondary source. Several semi-structured interviews with journalists, media scholars, and members of civil society from the Western Balkan region were undertaken to give better understanding of the issue. Our argument is that the countries of the Western Balkans have not gone through sudden democratic reversal in terms of media freedom. Rather, what we can observe is the continuous misuse of power by the extremely strong executive slowly usurping supremacy and control over the media. The control is indirect and subtle in order to preserve the image of democracy. Media are used as means to cement the illiberal regimes. Whoever controls the past, controls the future, under the banner of those who are not with us are against us. This continuous process of democratic erosion is legitimized through the meetings with the EU so that the citizen cannot object to it. Control over the media is one of the essential puzzles

¹ The shortened version of the constitutional name North Macedonia (Severna Makedonija) is used throughout the text.

in the whole illiberal picture that provides legitimacy to the authoritarian leaders and helps to bolster the regimes.

The paper's structure is as follows: The first part presents an overview of the media in the region. This is followed by the legislative framework and the role of the regulatory bodies involved; issues of libel and defamation are discussed. The third part looks at media ownership and economic pressure, followed by a section dealing with political pressure and censorship. The last part focuses on the intimidation of journalists, and the physical and verbal assaults they face. The conclusion then outlines the paper's main findings and broader implications for the region.

Overview of the Media in the Western Balkans

Balkan countries share similar patterns in the use of media – the main source of information remains state TV in all of the countries under our scrutiny; 50-60 % use TV as the main source of information (c.f. BBC 2017, BBC 2017a, BBC 2018, Flanders Investment and Trade 2016, Be in Kosovo undated, Cvetanoski 2016). Virtually all households have a colour television set and the public broadcasters are viewed as the main source of information, even though the private broadcasters are gaining audience share but are viewed as entertainment. The press and radio are not that popular; more than 50 % of the population do not read newspapers. Daily newspapers have experienced the biggest decline in overall consumption compared to other types of media; some are trying to survive by moving to internet.

The media sector in all of our Balkan countries can be characterized as very fragmented. In Albania, a country of less than three million people, there are almost 20 daily newspapers, one national public TV station and two national privately owned TV stations, four community radio stations and scores of local TV and radio stations. In Macedonia, the number of TV and radio stations per capita is even higher: there are over 64 commercial TV channels and over 70 radio stations. This fragmentation in Macedonia could be attributed to the reflection of the multilingual structure of the society, airing in Macedonian and Albanian and, on the local level, also in Romany and the Serbian/Croatian/Bosnian languages (Šopar 2008, 120). The Montenegrin media sector is also very fragmented with a relatively high number of media outlets. We could also observe huge polarisation of the media in Montenegro, as the sector is divided between the pro-government media and those critical of the government. As EU reports point out, contrary to similar de facto situations in other countries, the media in Montenegro do

not pretend to be objective and do not hide their particular affiliation (Smokvina et al. 2017, 17). In Serbia, the market is probably least fragmented in terms of population size: there are more than 90 TV channels, six TV stations are licensed to broadcast nationally and 30 have regional licenses. In Croatia, the public broadcaster HRT dominates the arena, though faces competition from private networks including the leading national station Nova TV, owned by a US investment company. In regards to Croatia, Austrian and German media companies have stakes in the print media. Ethnic and state divisions in Bosnia and Herzegovina shape the media in the country, as outlets run by the entities are more popular than the state-wide ones. Public Service Broadcasting (PSB) in Bosnia and Herzegovina is a reflection of the country's complex political and constitutional arrangements. Considering the linguistic similarities between the three official languages (Bosnian, Serbian, and Croatian), law makers have established a unique Public Service Broadcasting System consisting of three broadcasters: a state-level broadcaster (*BHRT*) and the two entity-level broadcasters (*RTRS* and *RTVFBiH*) (Jusić, Džihana 2008, 82). In Kosovo, again the ethnic division shapes the media outlets, as we have the media for the Albanians and the media aimed at Serbs. Although they are all based in Kosovo, they have strong competition from popular networks based in Albania and Serbia.

The way Balkan citizens access their media has seen important changes in the last few years as internet is gaining popularity and around 70 % of the population in all of the countries is online (the highest is probably Kosovo with 80 % of internet users). Facebook is the top social media resource in the Balkans, followed by YouTube. Traditional media are making an effort to expand their internet presence throughout the region, and most of the major newspapers and TV channels have websites where content can either be directly accessed or downloaded as pdf files. A significant portion of the general population has access to the internet and it has become the second most important medium for obtaining information, the share of internet increases at the expense of TV (BBC 2017, BBC 2017a, Kyrke –Smith undated, Fetoshi 2017).

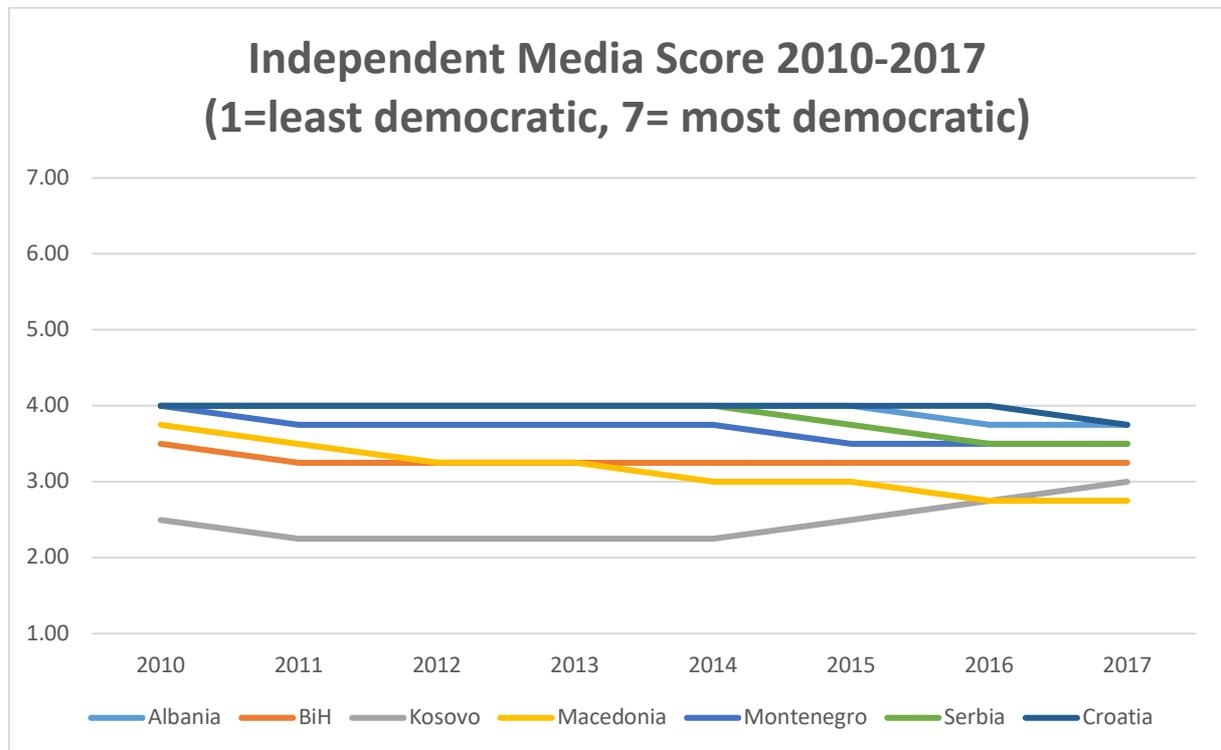
Access to the internet is high in the Balkans and there is no special regulation related to the internet as of yet. Online social media ushered in a new era of post-truth politics, the golden era of fake news, and the spread of hate speech. However, fake news is nothing new in the Balkans; invented stories were part of the game during the fall of Yugoslavia and are part of regional folklore. The style of journalism has not changed much since the 1990s and invented news is widely present and somehow accepted. The 2018 Media Literacy Index of the Open Society

Institute in Sofia stated that the Balkan countries are the most susceptible in Europe to fake news (OSI 2018). The interviews conducted also show that fake news is becoming a bigger problem in the new digital age, while traditional media has become less professional and more dependent on the media owners.

The Macedonian Institute for Media stresses that 'internet media have become a mainstream source of information, second in consumption and impact (behind TV), but for most journalists, experts, and the educated and adult audience, many of them are unreliable and offer its audience some information that strays from ethics and proper public discourse, and that is closer to propaganda and hate speech' (Macedonian Institute for Media 2015, 9-10). A typical example could be presenting pro-Russian stances while omitting the role of the EU as the biggest foreign direct investor and trading partner of the Balkans. The research points out the threat for the future and stresses that young people do not consume online news critically and tend to believe and share news without verifying the sources (Turčilo in Turčilo et al. 2017, 27).

One of the main paradoxes of the media in ex-Yugoslavian countries is that while it did have periods of governmental control, the media in these countries all share a liberal tradition stemming from the high decentralization of the media during the communist regime (Tunnard 2010, 103). Being aware of the methodological, conceptual and other problems with measuring media freedom (see e.g. Behmer 2009, Schneider 2014), when looking at the 2017 global media freedom ratings by Reporters Without Borders (RWB), the worst ranked Western Balkan country, Macedonia, placed 111th out of 180, while the best WB country, Bosnia and Herzegovina ended up on 65th place (Reporters Without Borders 2017). The Freedom House Independent Media Score similarly scores Macedonia as a Balkan laggard mainly due to the events of 2016. The scores also reflect deteriorating media freedom in all of the countries under our scrutiny, except one, Kosovo, where the slight improvement is justified by the improvement in the way authorities handle threats against journalists (Freedom House 2017). What is intriguing is that Croatia has fallen steadily in the Reporters Without Borders index since joining the EU in 2013 by a total of ten places in five years. The drop was not only due to the misuse of the concept of hate speech aimed at the closure of Serbian minority media launched by the Croatian nationalists in their 2016/17 campaign but also due to the fact that journalists investigating corruption, organized crime or war crimes are often subjected to intimidation

campaigns and that the government kept interfering in the Croatian public broadcasting company HRT.



Graph n. 1: Independent Media Score 2010-2017. Data taken from Freedom House 2010-17.

Similarly, in Albania, the media has either been under the direct influence of politicians, employed self-censorship in order to survive and when not, being attacked by Prime Minister Rama calling journalists “ignorant”, “poison”, “garbage bin”, scandalmongers”, “charlatans” and “public enemies” (Reporters Without Borders 2018). Serbian Prime Minister Aleksandar Vučić, who served in 1998 in the Milošević government as the Minister for Information, seems to have learned his lessons from the golden 1990s and, according to the RWB rating, media freedom has declined sharply ever since he became Prime Minister of Serbia. Even though the Serbian regulatory bodies continue to receive complaints about violations of democratic standards, the outcome is always the same: the pro-governmental media could by no means violate any measures. The regional tradition of calling someone a traitor for criticising the government is also present in Kosovo, where the label for these “quislings” – “Serbian sympathizers” – is added. This was also present in the 2017 verbal and physical attack on Parim Olluri, the head of investigative news website Insajderi.com who became “the traitor of Kosovo” when he uncovered corruption among former Kosovo Liberation Army commanders.

In Bosnia and Herzegovina, it is the journalist Slobodan Vasković who continues to report on the assaults on journalists on his blog. Vasković emphasises the role of the President of Republika Srpska, Milorad Dodik, who has continuously attacked mainly female journalists and thus shaped the public discourse against the media, claiming that it is sometimes necessary to beat the journalists up (Blog of Slobodan Vasković).

The journalists are not only verbally and physically attacked; if the politicians do not like them, they might also end up in prison. This happened in Montenegro to Jovo Martinović, an investigative journalist who was arrested over alleged marijuana trafficking charges and spent 15 months in custody. He claimed the only reason for his arrest was the investigative reporting he was working on and he still faces 10 more years in prison. This is not surprising if we keep in mind Milo Djukanović's never ending role in the Montenegrin transitional period, although it is quite alarming when we consider that Montenegro, along with Serbia, has been seen as a frontrunner in EU integration by the EU Commission. The attacks on journalists in Macedonia were fuelled during the 2017 political crisis in which many journalists were physically attacked during demonstrations which created a hostile climate for media freedom in the country. So, where and when and why did the countries take the wrong direction on their path towards democracy?

Legislative Framework and the Regulatory Bodies

The legislation of the Western Balkan countries in terms of media is very well developed according to the EU standards. The accession process and the subsequent Europeanization is pivotal in the shaping of countries' legislation as the EU's political commitment to media pluralism and freedom is generally high, since they are both considered to be fundamental elements for the democratisation of the enlargement countries (Brogi et al 2014). All countries with the exception of Kosovo are, as members of the Council of Europe, signatories of the European Convention on Human Rights, which is then part of their legislation (sometimes it is even recalled in the constitution itself) and guarantees the freedom of expression. Kosovo, not having signed the Convention, guarantees the freedom of expression in the Kosovo Constitution (de Hert and Korenica 2016). Media freedom and plurality is guaranteed and censorship prohibited by all of the constitutions in the region. The right to information is guaranteed only by some of the Constitutions (Kosovo, Albania, Montenegro, Croatia, and Macedonia). Nevertheless, the legal regulations are not necessarily observed - even though the right to access information is guaranteed in the Montenegrin constitution, the government quite often denies

access to information that would uncover corruption. According to the European Union (EU), in 2014, 1,007 of 4,058 initial requests for access to public information were denied, amounting to a noncompliance rate of 25 percent (Freedom House Montenegro 2016).

All states have established special regulatory bodies to supervise the broadcasting market and its compliance with the plurality or equality and other obligations during the electoral campaign. However, they are generally perceived as being weak, unprofessional, biased and dependent on the political powers (Erichsen et al. 2013) and despite the perfect compliance with the EU laws, there is a great gap in their implementation, as media are quite often interconnected to politicians and their surrounding businessman. Furthermore, the regulatory bodies are usually elected with a simple parliamentary majority, and are thus closely related to the ruling party. The case of Albania is notable, as the civil society is involved in proposing candidates to the AMA (Audio-visual Media Authority), which is the main regulatory body, but the members of parliament from the opposition and ruling majority respectively take turns in shortlisting candidates; because they are elected by a simple majority in the Parliament, only those having party support have a chance to be elected. Even though the nomination is executed by NGOs, academia and industry, the political bias prevails over professionalism. The countries' media regulators are not financially independent, have inadequate monitoring capacity and are seen as highly politicized.

In most of the countries, defamation was decriminalised so that is no longer punishable by imprisonment, but remains punishable by high fines¹. Decriminalisation of libel and defamation is usually hailed, but also criticised as the accompanying fines are extremely high in all of the countries compared to the regular wages of journalists. The reputations of investigative journalists are destroyed and the damages imposed by the courts for alleged psychological trauma threaten the very existence of the media. The defamation laws and lawsuits can very easily lead to self-censorship and thus threaten the investigative journalism in the countries. The problem also remains how judges determine emotional distress and what standards they use, let alone that the judiciary system is quite often under political control.

In Albania and Croatia, defamation is still a criminal offence, but considered a misdemeanour and punishable by fine. According to the Croatian Journalists' Association (HND), as of April 2014 there were more than 40 pending criminal cases against journalists for defamation and insult in Croatia proper (Freedom House 2016). In Croatia, war veterans and the Catholic

Church still remain a sensitive issue. In 2016, the Croatian Journalist's Association sanctioned Journalist Nikola Bajto for a satirical version of the national anthem published a couple of days after Veteran's Day. In January 2019, the Croatian Journalist's Association expressed concern over a set of cases in which courts ruled against a number of media outlets, ordering them to pay fines for cases of mental anguish. They also described the rulings as legally unfounded and unfair and called on the relevant institutions to undertake legislative changes that would define clear and predictable rules for the publishing industry (HDP and HND 2019). The criminal act of defamation is not sanctioned in Croatia if it is a truthful claim publicized for the sake of public interest or for some other justified reason. However, the law gives plenty of space for interpretation of what information is of public interest so it is left to the court to interpret case by case, which has resulted in many controversial court rulings. In the last few years there has been an increase in law suits against media outlets for defamation, instigated by members of parliament, the government, the legal system, civil society groups and other media. There have been many cases in which the media were sanctioned with a fine although the published content about e.g. a politician occupying a public function was proven to be true. Recently, one local media outlet, *Podravski list*, was sanctioned for publishing a critical article about the wife of the city mayor being employed in the local library. Although the story was true and deals with persons holding public office, the media outlet was sanctioned for a shameful or embarrassing writing style (Vozab 2019).

Albania offers a very nice story in relation to defamation: in 2015, a drug related investigation suggested that the personal car of the Minister of Interior had been used to transport drugs between Albania and neighbouring countries. The Minister claimed that he had sold the car, but the ownership had not been transferred because all of his assets had been frozen to guarantee the payment of a defamation claim, brought against him by the former Prime Minister's children. As Adrian Leka points out, it is an anecdotal example of various interesting facts about defamation laws and practice in Albania: people that could not be investigated for drug trafficking could be sued for defamation and defamation claims are quite common (Leka 2018). In 2013, Albania approved a Ministerial Code which states that government members should not sue any journalists without having the Prime Minister's (PM) approval and that the PM can discharge a minister if she/he does not respect this rule. This practise on one hand led to the limitation of the number of defamation cases but on the other hand proved not to be sustainable because prime ministers may base their decisions on political criteria.

Nonetheless, criminal law remains a significant potential pressure mechanism on the media, through using the open-ended methods such as incitement to hatred or security-related standards and examples of this practice are numerous (Bieber-Kmezic 2014, 11). Public figures can (and do) use these methods as means to punish journalists, which curtails the plurality of the media and induces fear among journalists. Croatia has the harshest laws on insulting the national symbols (emblem, national anthem, flag, and republic) – mocking these is punishable by up to three years in prison. In Albania, Serbia, and Montenegro, the punishment is a fine or imprisonment up to three months, while in Macedonia, it is only a fine. Montenegro is the only country that penalizes blasphemy or insult to religion.

Media Ownership and Working under Economic Pressure

Television, radio, and newspapers are operated both by state-owned and private corporations. The public broadcasters are usually financed through a license fee, state subsidies, advertising, sale of programmes, sponsorships or their own production and controlled by the regulatory bodies described earlier. Throughout the regions, the public broadcasters are financially dependent on the state and show a strong pro-government bias. Most of the media in the region are privately owned by locals while foreign ownership of the media is rather limited, which could have also contributed to the lack of growth of media professionalization. The media landscape is highly fragmented and saturated, but instead of bringing more diversity, the outcome is low profitability and undermining of economic sustainability (Brogi et al. 2014).

In many countries, local media are often instances financed and subsidized largely by local governments. For this reason, these media are often criticized for being mouthpieces of local government. In Croatia, an additional contentious issue is that the financial support from the Fund for Media Pluralism is often transferred to this kind of media. As there is a perception that the Fund is meant to support minority and independent media, this issue is a big controversy in the media sector (Vozab 2019). The surveys of BIRN and Belgrade Centre for Human Rights showed that 8 out of 15 Serbian media outlets in the sample were owned or under the control of individuals well known for their affiliation with politicians in power and the real owners of 18 out of the 30 most influential outlets in Serbia remain unknown (Belgrade Centre for Human Rights 2012, BIRN/Reporters Without Borders 2017; Mirovni Institute 2004, Kerševan Smokvina ed. 2017, Kmezić 2019, 102). In Montenegro, despite the legal requirements to inform the regulator about the ownership structure, there is no practice to inform the public about media ownership and consequently the public is familiar only with the illusory owners of

certain media. Consequently, Petros Stathis, a Greek entrepreneur closely related to the governing party in Montenegro, owns several national media outlets, but as there is no central publicly available register containing all the information regarding media ownership, there are allegations that he is only a fictive owner (Čađenović - Radulović 2017).

The main sources of private media revenues are advertising, broadcasting tax, in-house programming production, budget subsidies and revenues from copies sold. However, revenues are scarce, the advertising market has been consistently shrinking and, throughout the region, the state remains the main advertiser, which raises questions of media independence. Financial crises in the public service media were quite often used as the basis for imposing political influence. In Macedonia, after winning the elections in 2006, the VMRO-DPMNE led government took steps to consolidate Macedonian Radio-Television's organisational and financial crisis, imposing its political control over the new management and supervisory bodies. In order to achieve these goals, several amendments to the 2005 Broadcasting Law were adopted over the following years and the over-exposure of the government's work and the public service broadcaster's obedience to the ruling party were omnipresent (Trpevska/Micevski 2017). In Montenegro, there is a perception that the Government's interference is higher when it comes to the work of the public broadcaster but the biggest commercial TV stations *Pink M* and *Prva TV* are considered to be excessively pro-governmental as well. The *Monitor*, a pioneer of investigative journalism in Montenegro, has ended up with limited room to manoeuvre because of economic pressures exercised by the government (Čađenović - Radulović 2017; Brogi 2014, Brkić 2015). Governments also act selectively when it comes to non-tax payers – e.g. the Montenegrin *TV Vijesti* (accused by the way by the government media of unprofessional and illegal behaviour) blamed unfair media conditions when the Montenegrin government blocked its bank accounts for nearly two months for failure to make a regular tax payment; this resulted in enormous financial losses and the company brought the issue to the Courts. The latest decision in this regard is that of the Government of Montenegro of 2 March 2017 to call off debts of broadcasters in the amount of €1,847,189; this represents 36 monthly invoices to 53 broadcasters (13 local public radio stations, 3 local public television stations, 31 commercial radio stations and 6 commercial television stations). This support is expected to continue in the coming years, for a total amount of €1,597,052 for the years 2017-2021. There is multiple and cumulative evidence that these funding mechanisms are used to support “pro-government media”² (Nikolić 2019).

Economic pressure is also used selectively by the governments. A typical example of this is when, in 2008, the Croatian government blocked the bank accounts of the Croatian satirical magazine *Feral Tribune* (which was highly critical of the government) because of their VAT debt, which led to the suspension of publication. This was on top of the previously imposed 50 % sales tax in 1994 on the very same journal. A similar situation occurred in Montenegro in 2015, when the account of the *TV Vijesti* was blocked because of tax debts. In Serbia, in 2018, the Serbian website *Južne vesti* accused the country's tax authority of deliberately subjecting it to prolonged and undue financial inspections because of its critical reports aimed at the government. Editorial independence is also threatened by the fact that some media outlets rely on revenues from their owners' other businesses.

The state has become one of the major sources of revenue in the media sector in the region, be it in the form of subsidies or indirectly through state advertising. The state remains the major advertiser in all of the cases, which positions it to condition advertising contracts with editorial loyalty. It is estimated that 25 percent of the annual Serbian state advertising budget is spent in the media sector, while in Macedonia the state was among the top five advertisers for several consecutive years (Bieber-Kmezic 2015, 18). The interviewed scholars from Macedonia agree that the state of affairs has changed there: since 2017 the state is no longer the main advertiser and it no longer promotes its ideas and ideology; this has left space for Coca Cola and Procter and Gamble (Koložova, 2018). In Montenegro, some newspapers receive an important amount of state advertising, while others receive almost none. Several stakeholders revealed that they do not receive state advertising even when they offer to publish this advertising free of charge. State advertising is not managed in a transparent manner and the allocation of this advertising discriminates between media outlets. Similarly in neighbouring Albania, opposition media rarely have state advertisements (Nikolić 2019, Kondi 2019).

Advertising is also a tool used to silence the media and the state chooses only government-friendly media to advertise government-controlled public companies. Government-friendly media also seem to be favoured in the case of subsidies; the direct financing of media from the state budget, usually on the local level, also remains a problem. Many of the interviewed journalists and experts stated that low salaries also remain one of the major challenges. As the level of journalists' salaries remains low, some journalists supplement their low wages with other sources of income, which can potentially lead to conflicts of interest in their reporting.

The underpaid journalists tend to self-censorship in order to keep their jobs, which underpins the illiberal regimes.

Working under political Pressure, Censorship and Self-censorship

Political control can be manifested in various ways. The first example is parliamentary control of the public broadcasters and its potential misuse. Government interference in the Croatian public broadcasting company HRT in 2016 challenged media independence in the country. HRT's director general (appointed by the Social Democratic Party led Parliament) was fired quite early after the elections and a new interim director, Siniša Kovačić, was appointed. Kovačić then embarked on a massive round of staff restructuring and approximately 70 journalists were reassigned or replaced; critics saw this as an ideologically driven purge. Journalists experience political interference from time to time – for example government officials tried to discredit journalist Danka Derifaj after she reported about alleged nepotism in Jastrebarsko in 2014. One recent example is that of former Minister of Finance Martina Dalić who admitted to having personally stopped the publication of information about state intervention in the retail enterprise *Agrokor* in 2017 (Vozab 2019). Journalists and civil society groups describe an atmosphere in which certain politicians have deliberately fostered mistrust in critical media, regulatory bodies and human rights defenders so as to undercut the credibility of these institutions. Frequently, this is manifested in verbal attacks on “leftist media” that display insufficient “patriotism”, with journalists smeared as “traitors”, “anti-Croats” or equated with members of groups such as the Četniks. Saša Leković, president of the Croatian Journalists' Association (HND), commented on the current atmosphere for media in Croatia: 'Once a country is an EU member, nobody cares anymore' (Griffin 2016; Matić 2018).

In Bosnia and Herzegovina, it is very common for media owners and managers to be very closely related to the incumbents, and consequently they develop mutually beneficial relations (media funding in return for expecting media support and propaganda). The media in the country depend on the interests of their owners, and their editorial policies reflect the preferred political option (Brogi et al. 2014). The independent researchers in Bosnia and Herzegovina stress the control the editorial board has over *Radio Televizija Republike Srpske*. As a public station, and the most watched broadcasting service in the Republika Srpska (RS), it is able to shape public discourse putting up strong barriers against changes in regulation (Hasić and Karabegović 2018, 7). In Bosnia and Herzegovina, a good example of this is the case of *klix.ba*.

In 2014, the popular website published an audio recording of the former prime minister of Republika Srpska, Željka Cvijanović, implicating her in a corruption scandal; soon afterwards klix.ba reporters were subject to police interrogation and pressures involving threats of criminal charges for publishing unauthorized material. Tanja Topić, an independent journalist now working for the Fridrich Ebert Stiftung regional office in Banja Luka, stressed that the pressure on the media in Republika Srpska started in 2006 when Milorad Dodik became Prime Minister: 'Firstly, they started to put pressure on those based in Sarajevo, then they hindered the opposition media to press conferences, and stopped the journalist accreditations to the critical ones which followed with the verbal attacks on the journalists either on the ethnic basis or on the sexual or gender basis'. Topić explained that the pressure on the media became stronger when the Serbian historian Stefan Karganović and his collective published a book under SNSD (*Savez nezavisnih socijalnih demokrata/Alliance of Independent Social Democrats*) edition *Rušenje Republike Srpske* (Karganović et al 2008). The book was an open call against the freedom of the media and claimed that media are used as a means to destroy states (Topić, 2018). When asked the same question regarding media freedom in Republika Srpska, Milorad Dodik advisor Aleksandar Vranješ, a media expert at Banja Luka state university, unsurprisingly gave the opposite answer: 'I don't know any contemporary example of state repression against the media in the sense of commonly accepted definitions of state repression.' (Vranješ 2018).

In Serbia, the political pressure on the media is mainly related to the former prime minister and current president Aleksandar Vučić who launched a war with the critical media, namely Balkans Investigative Reporting Network, which he called the mafia; this sent a strong message about unwelcomed investigative journalism. As one of the journalists recalled for the Slavko Čuruvija Foundation, a news programme used to be politics, politics, sport and weather and now it is Vučić, Vučić, Vučić, sport and weather' (Fondacija Slavko Čurivija 2018, Škoro 2016). Pro-government newspapers lead smear campaigns against independent news outlets or NGOs critical of the government (e.g. the stance taken by *Politika* and *Informer* on revelations of a corruption scandal by BIRN). State officials fail to condemn threats and hate speech made against journalists or even use those and promote the assaults on media, and therefore condone the attacks on journalists. Quite prominent in this respect is Aleksandar Vučić calling journalists liars, traitors, enemies and foreign spies. The survey conducted by BIRN jointly with Reporters Without Borders found that three quarters of surveyed journalists (74%) negatively assessed the state of media freedom in Serbia in 2017. Half of them (50%) believe that serious obstacles

exist to the practical attainment of media freedoms and the rights of journalists, while a quarter (24%) believe that in practice there are no conditions at all to attain media freedoms. When asked “Who is the main source of control of the media content in Serbia today?”, 58% answered that it was the political establishment, while 9% said it was the owners and management jointly (BIRN/Reporters Without Borders 2017, 14).

In Montenegro, politically motivated changes in the national broadcaster RTCG, and putting it under the control of the government and ruling party, raises serious concern. The government has initiated changes in the Law on Public Broadcasting Services of Montenegro that restrict its independence. According to experts of Council of Europe, some solutions that deal with finance, management structure and the RTCG Council are very problematic and undermine the professional independence of national broadcasters. The Council of Europe pointed out that resisting the law is much better and in accordance with international standards. Representatives of the major printed media have expressed fears that changes “were being made” to discipline the independent media rather than legally regulate that area (Nikolić 2019). The independent dailies *Vijesti* and *Dan* in Montenegro have been fined hundreds of thousands of euros in damages for insulting Đukanović and his family members. A series of lawsuits filed by Milo Đukanović against various journalists and media outlets accompanied with the politically controlled judiciary system makes media independence a challenge in Montenegro.

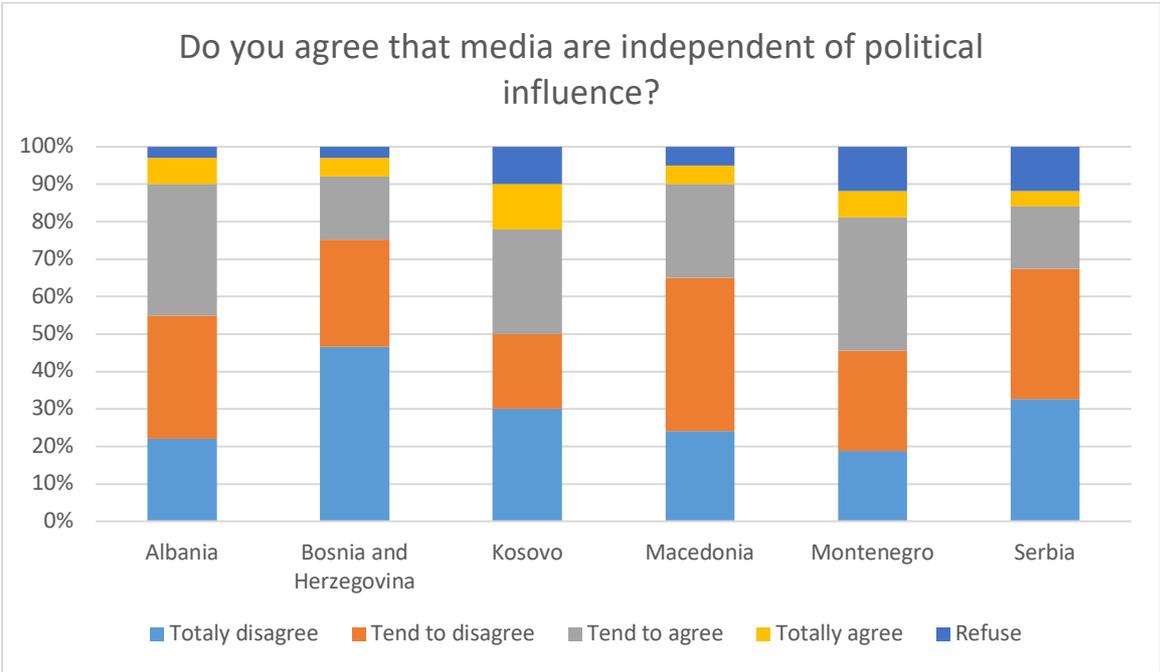
One Macedonian media advocate says that 'the pressure on the media is never explicit and what we see is an indirect pressure. The situation in Macedonia has changed for better as now we see open criticism of the government which was not before. However, the government still kept the all mechanisms and style regarding the media. What we see is a state capture' (Kolozova, 2018). In Macedonia, media advocates complain about over-legislation, which is stuck in the old mechanisms asking for too detailed provisions for the broadcasters, which puts them too easily under political pressure, and for a small technical mistake they can very easily go bankrupt³. The number of court cases related to media and journalists generally induces fear, fuels self-censorship and discourages investigative journalism. The democracy watchdogs in Macedonia also complain about the new amendments to the Electoral code, which legalize political advertising in the commercial media during election campaigns that are paid for with public money and overseen by the State Election Commission. They fear the politicisation of the commission and of once again losing the freedom of media reporting (Association of Journalists of Macedonia et al. 2018).

In Albania, the media outlets typically take an editorial line that suits the interest of their owners, who are often involved in politics and thus self-censorship remains a big challenge, and bias is especially visible during the election periods. Editorial independence and protection of the journalistic profession are victims of economic and political priorities that are interwoven within the media system. Often sandwiched between business and politics, journalists routinely resort to self-censorship, preferring to keep and advance their job (Freedom House Albania 2015, Albanian Media Institute 2018). The Albanian media institute published a survey related to the pressure on the media; the editors and journalists named political parties (39%), central and local organs of executive power (27.8%) and the media owners (21.7%,) as the sources of greatest pressure exerted on their media, followed by private advertisers (14.8%) and equal pressure by the judiciary and criminal circles (at 7.8% each), while 24.3%, the third biggest group, preferred not to answer or claimed to not be able to make an assessment at this issue (Albanian Media Institute 2018). Similarly to the neighbouring countries, the country is living through an era of the exacerbation of political rhetoric against the media, with the Prime Minister offending and insulting journalists on live TV as *primus inter pares*. Idavet Sharifi stressed in the interview that in Albania the government has started to aggressively use social media to distribute government propaganda in an attempt to offer an alternative to the free media in distributing news to its citizens. ERTV is a 'brutal example of this' (Sherifi 2018).

In Kosovo, the main journalists' association, AGK, claims that government officials use verbal threats against journalists and that journalists who criticise public officials are often denounced as traitors or Serbian sympathizers. The editors' self-censorship remains and the stories critical of the government are barred from being published or broadcast. When critical, the media outlets are subject to intimidation through tax investigations or blocked from accessing public information (Freedom House 2016). The lack of investigative journalism, the presence of political bias, extensive coverage of the ruling party and minimal coverage of opposition parties predominate the media sector in Kosovo.

The survey of Regional Cooperation Council Balkan Barometer 2018 shows that 64% of the respondents totally disagree (32%) or tend to disagree (32%) with the statement that the media are independent of political influence, while only 5 % totally agree and 22% of the respondents tend to agree with the statement. The biggest scepticism towards the independence of the media

seems to be in Bosnia and Herzegovina, and quite surprisingly Montenegro fares the best in this survey in terms of perception of media independence.



Graph n. 2: Independence of media. Data taken from the survey of Regional Cooperation Council 2018.

In all of the countries, some media outlets are very close to the government and are used by the government to attack both independent media and civil society. They also quite often offer little criticism of governmental politics and give no or limited space to governmental critics. Even though censorship officially does not exist, self-censorship is widely applied due to subtle political and economic pressures. From the interviews, it seems that while there is a constant situation in media freedom vis a vis the politicians in the Federation of BIH (FBH), Kosovo and Montenegro, there has been a slight improvement in Macedonia, large scale deterioration in Republika Srpska and Serbia and slight aggravation in Albania and Croatia. Although we do have some democracy in terms of plurality of the media, the reality is that the media are afraid to function as a watchdog monitoring those in power; they are constantly under political and economic pressure, so the accountability of politicians becomes obsolete term. Citizens obtain twisted or distorted information from Potemkin villages, which helps the ruling parties and leaders to stay in power. The citizens, provided with warped information, make decisions and elect the same leaders who provide them with the twisted information. The illiberal regimes are then strengthened or cemented so we have seen the same faces in Balkan politics over the last

thirty years: most prominently Milo Djukanović in Montenegro and Milorad Dodik in Republika Srpska. The democracy in Serbia seems to have declined sharply since the 2014 inauguration of Aleksandar Vučić as Prime Minister and it is also noteworthy that we see slight aggravation in Croatia, an EU country where journalists, especially those covering organized crime, war crimes and corruption, continue to face harassment. The legitimacy of the media depends on the idea that they are trustworthy, but in a system where a large proportion of the population does not trust the media, the whole system is paralysed and there is no light at the end of the tunnel.

Intimidation, Physical Assaults, Assassinations of Journalists

The last decade of the 20th century was not very pleasant for journalists in the Balkans: a total of 37 journalists working in the Serbian media were killed, abducted, went missing or died under suspicious circumstances in 1991-2001; during the wars in the 1990s, 14 Croatian, 17 Bosnian and 15 Kosovan journalists were murdered (Borissova 2014). A couple of cases provoked international outrage and condemnation. In Serbia, it was the murder of Slavko Čuruvija in 1999; according to the indictment an “unknown person” ordered the killing and the former head of Serbian State Security Radomir Marković abetted the crime, while three former security service officers took part in the organisation and execution of the murder. At the time of writing this text (September 2018), the case is still before the Belgrade Higher Court. It is basically the same situation with the proceedings related to the murder of the editor-in-chief of the Montenegrin newspaper *Dan*, Duško Jovanović, who was killed in 2004; the culprit is still unknown.

Episodes of physical aggression have become quite common. The monitoring platform Safe Journalists reported 514 attacks on journalists and reporters in the region since 2016: 122 in BiH, 50 in Croatia, 85 in Kosovo, 53 in Macedonia, 33 in Montenegro and 171 in Serbia (Safe Journalists 2019). Verbal and physical attacks by both political representatives and pro-government media against journalists happen on a daily basis. Olivera Lakić, a Montenegrin journalist involved in investigating cigarette smuggling and its link to politics, has been threatened and attacked and beaten and even shot. We can recall the smear campaign from 2014 in Montenegro against Vanja Čalović, the executive director of the Montenegrin watchdog Network for Affirmation of the NGO Sector (MANS), in which the government controlled daily newspaper *Informer* and state-owned *Pobjeda* were involved. Most recently (2018), there is the

case from Croatia, when Ivan Djakić, the son of MP Josip Djakić, threatened journalist Ivan Žada, first in public and then on Facebook. The Croatian Journalist Association stresses that the number of attacks against journalists is rising and political leaders remain silent (HND 2018). The journalists who criticized the nationalist tone embodied in the presence of controversial nationalist singer Marko Perković Thompson at the World Cup celebrations were put on a black list compiled by right wing supporters; this black list of allegedly unpatriotic reporters circulated on social networks for a while.

Most of the attacks on journalists remain unsolved; the report by Human Rights Action in Montenegro states that 2/3 of the 55 cases of attacks on journalists in Montenegro in the 2004-2016 period remain unsolved (Radović et al. 2016). In the 2006-2015 period, there were close to 400 cases of violations of freedom of speech and the rights of journalists, while criminal charges were pursued in only nine of those cases (Bieber, Kmezic 2015). As Tanja Topić stated, 'every fourth man thinks it's necessary to beat up journalists', so the physical attacks on journalists become a norm throughout the Balkans' (Topić 2018). The journalists are then afraid to investigate any organized crime or corruption that leads to politicians and their links with criminal groups, and so the position of the incumbents is fostered.

Conclusion

Balkan countries share a similar pattern in the media – the main source of information remains TV while internet is catching up as internet penetration reaches 70%-80 % of the population. The media sector is very fragmented in all of the countries and is shaped by the ethnic and language divisions. The accession process has influenced the legal shape of media regulation in the Western Balkans – the legislation in terms of the media is very well developed and according to the EU standards. Nevertheless, there is a great discrepancy between the legislation and its implementation and the ratings of media watchdogs show either deterioration of media freedom (the ratings are until 2017 and therefore do not take into account the regime change in Macedonia) or stagnation of an already bad situation. BiH is rated as the country with the biggest media freedom and Macedonia as the last country out of the Western Balkans.

Regarding legislation, defamation was decriminalized in most of the countries but it remains a part of the civil code and is punishable by fine. Besides defamation, there are other potential pressure mechanisms on the media through open-ended methods such as security related standards or incitement to hatred. All states comply with the EU acquis and have established

regulatory bodies to supervise the media market in order to ensure plurality and equality. Our analysis shows that these bodies are quite often dependent on the political power (usually elected with a simple parliamentary majority), politicised, part of the clientelist network and are perceived as biased and unprofessional.

The overall picture is pretty much the same, the indirect pressure on the media prevails and attacks by politicians are on the rise. The media ownership structures are blurred, quite often openly or allegedly linked to the political scene. The state remains one of the main advertisers in the media and thus it is the main source of revenues; this is used quite often by the states as an efficient weapon against non-obedient journalists. Low salaries also belong among the main challenges for media freedom in the Balkans – journalists seek other jobs and might end up in a conflict of interest. Journalists quite often face physical or verbal assaults, and it is very common to be verbally attacked by politicians or smeared by pro-governmental media.

Governments also quite arbitrarily punish the non-obedient media outlets ones by freezing their bank assets or putting them under harsh financial control. Most of the funding then goes to pro-government media and the critical and non-obedient outlets receive an insignificant portion. State funding for the media is non-transparent and not regulated and far from fulfilling the European standards (public interest driven and based on non-discriminatory criteria) and is often transformed into a means of controlling media. Despite all of that, there are still many journalists who stand against the discrimination and raise their voices and concern. The voices, however, are often targeted at and ask for aid from the European Union; the majority of the declarations or media ratings stemming from the region appear only in English and never in local languages. Many of the journalists then face verbal and physical assaults, which are overlooked, and the state institutions are not interested in investigating or punishing the aggressors. The dichotomy between the approved legislation and the implementation in practice remains a challenge for the Western Balkan countries. What's more, as the case of Croatia shows, is that membership in the EU does not resolve all of the problems. It is far more difficult to fight democracy when being in the EU club; being in the EU does not necessarily secure living in a liberal democracy.

The interviews we have conducted indicate that media freedom has improved over the last five years only in Macedonia, where all those interviewed stated they can see slight improvement though they still have reservations about the legislation regarding the media offered up by the

new government and the continuing state capture. Those interviewed from Republika Srpska and Serbia gave the worst evaluation of the development, seeing strong aggravation in the free media coverage in the past five years. The situations in FBiH, Kosovo and Montenegro seem to stagnate somewhere in ratings as media freedom with major restrictions, while the situations in Albania and Croatia have slightly deteriorated, namely due to political pressures and ongoing physical assaults and intimidation of journalists. Still, most of those interviewed agreed on the evaluation of the general situation of media freedom as freedom of media with major restrictions.

Journalists are perceived as “political agents”, the trust in media is very low and citizens are moving to the internet. Online media is an unregulated space for fake, ideological and all other news that people consume; it contributes to the distrust in the media and the vicious cycle continues. The internet helped the opposition topple the Milošević regime and now it seems that it is helping to topple the democratic standards not only in Serbia but throughout the whole region. This leaves us with the feeling that it is a good servant but a bad master. The politicians use online space for their propaganda and people are being kept in their social bubbles.

The fact that the democratic façade remains and that the pressure mechanisms on the media contributes to the erosion of democracy is intriguing. The Balkan states seem to be captured by a strong executive, and a society based on networks helps to foster the supremacy of the executive, which seems to penetrate into the everyday lives of citizens. Control over the media is essential for illiberal regimes, as they provide twisted information in the form of Potemkin villages, reinforcing and sublimating the merits of the ruling elite and also covering up the bad deeds of the incumbents. Governmental propaganda is crucial for the regime to be preserved; the media lose their function as a watchdog of democracy; and the incumbents are no longer accountable to the citizens. The legitimacy of the media lies in their trustworthiness, but when a large proportion of the citizens do not trust the media, they lose their function as the fourth power in democracy and instead provide legitimacy to authoritarian leaders. The illiberal regimes are further legitimized through the EU summits and meetings with European politicians.

The role of the media is crucial in democracy as it contributes to the society with active and well informed citizens. In the Balkans, on the contrary, media are used as means to cement illiberal regimes. The case of Macedonia shows us that in order to change that, more has to be

done rather than only changing the ruling elite. Still, Macedonia might show us that there is some light at the end of the tunnel, with its efforts to dismantle the captured state. As media do remain fourth power even in 21st century, we mustn't overlook their crucial role for democracy.

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¹ For comparison of defamation laws see OSCE 2017. It's noteworthy that some of the EU countries do consider defamation a criminal offence punishable by imprisonment.

² Olivera Nikolić also mentioned the redistribution of subsidies: out of 318.942 Euros allocated to printed media in Montenegro in 2016, pro-governmental *Pobjeda* received €207,676, pro-governmental *Dnevne Novine* €40,681, while the ones critical of the government received far less (*Dan* €14,828 and *Vijesti* €7,332) (Nikolić 2019).

³ Telma TV, one of Macedonia's most critical media outlets, received three fines for offenses falling under non-adherence to the program formats, the last on "5 minutes gap of unbalanced broadcasting of folk and pop music", which drew a fine of 20,000 euros and placed Telma on the edge of bankruptcy. Also the TV station Alsat-M have been noticed because the Tom and Jerry series did not translated the word "ouch" (Shishovski and Lechevska 2015).