Self-regulation principles

Media self-regulation is about freedom. Free media are a pillar of a free and democratic society. The definition of freedom, the fight for it, and the actual realization of whether one has it or has lost it – all these issues have been the subject of numerous debates over the centuries.

Self-regulation is vital for media precisely because the media are regarded as a democracy watchdog. If an individual or an organization has the mission to protect other people’s values and national achievements, this imposes great moral obligations. Those obligations should be subject to self-regulation, not imposed by any state, and not to any other kind of order or control, because no matter what political regime is in power, the world’s laws are based on free will and the daily choices we make.

Self-regulation is also important for media as it has the power to generate change: of mentality, behaviour, policy, life. If the media want to be a driver of change, they should be responsible enough to change and develop constantly.

Viewpoints on media self-regulation vary from culture to culture and from continent to continent. In closed or transitional societies the issue is seen more as one of advocacy. Self-regulation functions primarily for the protection of media from political censorship, economic dependence and devastating court cases. Others see media self-regulation as an educational tool for both journalists – since it imposes high professional standards – and the public – since it demands more vigilant media literacy. Last but not least, self-regulation is regarded as a tool for media accountability, which is so necessary and important if there is to be trust in the media.

Media self-regulation is equally important in developing countries and in those with mature democracies, as achieving freedom and independence is just as important as their preservation and protection in a socially responsible way.

Self-regulation protects the right of journalists to be independent and impartial, and to be judged for professional mistakes, not by those in power but by their colleagues. It aims at establishing minimum standards on accuracy, professional ethics, protection of privacy and other personal rights, preserving editorial freedom and freedom of speech, as well as a diversity of points of view and opinions.

Media self-regulation involves editors, media professionals, journalists and civil society as the main media consumers. Media consumers increasingly seek guarantees of the values and quality of media, and in this era of information overload, when we are flooded with news particularly via the Internet, credibility is challenged as never before. In an era when literally everyone can report the events they witness, the challenge to traditional media to prove their reliability becomes a life-or-death issue for them. Complaint mechanisms offer quality assurance and feedback. Often they are the fastest and most efficient way to obtain justice in the event of factual errors or violation of rights, in contrast with undertaking a long and devastating legal process. And here comes a very important task of media self-regulation – to make sure that those who report events quickly also report them correctly.

Responsible self-regulation guards freedom of expression, but *it is not meant to reduce the noise level of democracy*, as Miklos Harashti, former Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of Media, puts it. It is meant to set that noise at an acceptable level for the public, to produce music for those who – especially in new democracies – can find heated disputes which appear to them to be gratuitous to be a nuisance.

There have been a number of attempts to define the purpose of media accountability systems (MAS). In this paper the author takes the view that they are the means by which the public can induce the media generally to behave responsibly and fairly, and individual journalists to respect the rules of their profession. There are a number of diverse systems which attempt to do this, including codes of ethics or
conduct, media ombudsmen, councils and tribunals, for example in association with professional journalists’ associations. There are instances where MAS exist within the media (for example, as a regular column or correction box in a newspaper or magazine), and others when they act as a joint structure of the media and the public (for example, a press council).

Press councils

The press council is probably the best-known mechanism for the enforcement of media self-regulation. It is a flexible structure which is normally shaped according to the local cultural, historical and political contexts and traditions, hence there is no universal model for a press council. According to the RJI global journalists’ resource (http://www.rjionline.org/mas/about/index.php):

> in its ideal shape, it gathers and represents all three major actors of social communication: the people who own the power to inform, those who possess the talent to inform and those who have the right to be informed.

> Because a council has no power to force anyone to do anything, its efficiency depends on the cooperation of all groups involved – proprietors, reporters and the public. That association is as important for what it implies as for what it can achieve. It implies that it is not acceptable for someone to use a news medium as he/she wants, just because she/he owns it or possesses political power. By setting up a tripartite council, owners acknowledge that their employees are entitled to a major say in the process, and journalists acknowledge that media users also have a function. That is a great step for civic engagement and democracy.¹

Press councils are essentially good for building trust and credibility in the media, for serving as a driver to improve quality standards, for preventing interference from the state and other authorities, and for reducing the number of lawsuits against journalists and media organizations. The main duties of a press council are to:

* accept complaints
* verify the eligibility of the complaint for the process
* review the complaint thoroughly from all angles
* serve as a mediator between the plaintiff and the media
* take decisions on complaints based on rules and regulations
* identify breaches by the media of the code of ethics
* secure the transparency of and publicity for all decisions taken
* analyse and comment on trends in the media, and provide guidance regarding norms
* set professional standards for journalists
* suggest amendments to the code of ethics (if mandated to do so)
* defend press freedom.

A working press council should give comprehensive representation to all stakeholders (journalists, editors, media owners, media consumers, civil society), and all members should be of good standing and publicly acceptable. In order to be beneficial for both the media and society, a press council should develop and establish working rules and procedures, and its members should continuously dedicate their efforts to building trust in the concept of self-regulation.

There are countries with long-established press councils (such as Norway, Sweden, Germany and the Netherlands), and there are also councils in transitional contexts (including Bosnia and Herzegovina, Montenegro, Armenia, Serbia, as well as in Kosovo – as understood in the context of Security Council Resolution 1244), where recent democratic changes facilitated the explosion of independent media, and so increased the need for self-regulation. However, some notable exceptions should be pointed out. Austria, the Czech Republic and France are still in a process of establishing their systems, while press
councils do not exist in Italy, Greece, Poland, Portugal and the USA. Roughly half of existing press councils cover both print and electronic media, as is the case for instance in Finland, the Netherlands and Denmark. However, some well-known press councils cover only print media, as happens in the United Kingdom and Sweden.

In the countries of Central Europe and South East Europe (SEE) that have recently undergone democratic transition, media self-regulation has become an issue during the last few years since it is obvious that the established regulatory systems are insufficient to cope with all aspects of press freedom. One reason is that regulation focuses primarily on broadcast media, while the deregulated press remain subject to growing tabloidization and further ‘profanation’ of their content. This is because of a low level of professionalism among journalists, underdeveloped media management capacities, and a search for quick and easy profits on the behalf of media owners. Various corporate, economic and political influences still interfere in the regulatory bodies, and impede the proper functioning of the media as a real fourth estate. Self-regulatory mechanisms do exist in some but not all countries in the region, and are accepted voluntarily as leading principles and standards to be adhered to, but they are applied to different ranges of media in different countries, and professional codes do not cover all the media. Moreover, the continuing violation of self-regulation brings into question the ability of the media fully to maintain their civic role. Thus, it continues to be claimed that journalism in SEE lags behind the developed Western democracies, journalists continue to be prosecuted for libel (and in the broadcast media, for slander), and mistrust and poor cooperation between media outlets, institutions and society in general mars the image of the press.

In the vast majority of existing press councils, an important role is played by representatives of civil society. This actually provides significant benefits: it gives the body greater credibility, it secures its transparency and accountability, it provides an independent and unbiased viewpoint, and civil society representatives serve as the voice of media consumers (as most countries lack media consumers’ associations).

The main role of press councils is to deal with complaints, but they also fulfil some of the other functions listed above: they can propose amendments to codes of ethics and conduct, and issue guidelines and good practice papers.

An important aspect of the normal functioning of an independent press council is its financing mechanism. In an ideal scenario there should be a diversity of sources of funding. Media organizations might be predominant in the mix, as in the Netherlands or Sweden, or the funding could be provided 50/50 by media owners and journalists, as in Norway. In some countries, for instance Switzerland, the council is funded entirely by journalists, and in some other countries (such as Luxembourg and Cyprus) it is thought acceptable for the state to provide some of the funding, since public/state media are also subject to the codes of ethics.

In transitional contexts and those in the initial stages of the development of media self-regulation, a major role is typically assigned to international donors. Press councils in Bosnia and Herzegovina, Montenegro as well as in Kosovo (as understood in the context of Security Council Resolution 1244/1999) have been created and are still supported financially by international entities such as the European Commission and OSCE, and also receive funding from, for example, EU development programmes for Member or Applicant States.

Guaranteeing the independence of press councils in the countries of SEE is of crucial importance, and a challenge. The democratization processes in these countries are fragile and still immature. There can still be considerable political influence on the media, because former patterns of regulation affect the behaviour of both politicians and media professionals, leading to a higher level of self-censorship. At the same time the processes of developing a market economy inevitably affect the media in these countries.

Other factors influencing the development and sustainability of press councils in SEE countries are the lack of a tradition of and experience with self-regulation across the region, and political cleavages within the community of journalists. Often there are factions, which lead to a lack of dialogue and solidarity, and prevent journalists from combining to defend their common interests.

There are still numerous examples in the region of persisting political pressure, especially on the
public service media. Journalists loyal to the government tend to be treated better than those critical of it, and it can even appear that private media monopolies are acting primarily as servants of the government. Such examples of close cooperation and mutual dependence between the political elites and business groups with a vested interest in the media sector expose journalists to both political and economic dependence. This can result in the devaluation of the concept of media self-regulation, but major media organizations are even less likely to accept any form of statutory regulation.

**Applications of the MAS in SEE and Turkey**

The ten years from 2000 onwards witnessed a wide, comprehensive, multi-level and obviously challenging process of democratization across the whole of SEE. Some countries have joined the European Union, and others have signed Accession Partnership agreements. These developments underline the need for amendments to existing legislation, with a view to completing the alignment of national and EU legislation in the short to medium term, strengthening the institutional capacity to implement EU and other international standards, and ensuring free and harmonious development of the media sector. As an important part of this process, most countries in the region have launched a media reform process, and have put substantial effort into developing a framework for independent media, although the level of media reform, pluralism and general legislation varies from country to country. Little has been done in practice, however, to secure the consistent implementation of the norms of regulation. Major problems in implementing self-regulatory mechanisms include the weak institutional capacities of professional media organizations; a low level of acceptance by certain stakeholders, especially publishers; a low awareness by the public of the existence of regulatory mechanisms; their credibility and functioning; and the small impact they have had on the media.

Furthermore, problems remain which impede further development. These include the need for a strong protection of democratic advances and of independence from state and political influence; journalists’ fear of reporting adverse news impartially, as they are still hampered by economic dependence (and in some cases even risk direct physical attacks); a lack of sound journalistic training; weak professional structures; and in many cases an unclear and incomplete legislative framework. In addition, laws and regulations adopted to guarantee the independence of the media are not always implemented effectively. In addition to the private media market, one of the most challenging tasks for all these countries has been and is to secure the independence of public broadcasting services and media regulatory authorities.

**Albania**

Among the recent challenges for the Albanian media sector, we can single out the repolitization of the media and the loss of consensus in the media community, together with non-transparent media ownership. The media are now more divided than ever before, and although there is an ongoing healthy debate, it tends to involve attacks on those with other perspectives, rather than civilized discussion. Some of the dilemmas include a crisis of values. Media organizations are particularly divided over how to cover the recent Balkan wars. What one person sees as necessary free expression, another might consider to be unacceptable hate speech. It seems that although there are guidelines in theory, they are not consistently put into practice. In particular, there is a visible divide between the media based in the capital, Tirana, and media organizations elsewhere in the country.

A first code of ethics was drafted by the main journalists’ associations and the Albanian Media Institute in 1996. This represented a new concept for the recently introduced profession of journalist. There was no formal endorsement by media organizations, and its implementation was left to the free will of journalists. The attempt of some media (for instance, the daily newspaper *Shekulli*) to maintain their own codes of ethics, imposing fines on journalists that broke them, did not work well. There was no clear division of roles (between owner, editor and rank-and-file journalists), and the codes were not used as a tool for accountability to the public. The main weakness of the 1996 code was not that any of its provisions were considered unsuitable or were not accepted by the community; rather, the main flaw in
this attempt at self-regulation was the lack of an implementing mechanism that would supervise journalists’ conduct in relation to the code. Without such a mechanism the code was relegated to a piece of paper that was at best not a determining factor in journalism conduct, and at worst a document whose existence journalists did not even know about.

The code was revised in 2006, and the revision process involved all stakeholders in the media community, at all hierarchical levels. As expected, the revised code was no different in its core from the previous code: its main concerns were still the accuracy and fairness of information, the right to reply, handling of information sources, considerations of private life versus public interest, the protection of minors and so on. The revision process included consultation of as many codes of ethics as possible, in Europe and beyond, to provide a broad reference base. The essential new feature of this code was that it began as a code of conduct, rather than as a code that covered the main deontological aspects of journalism. In other words, it started as an attempt to respond to as many as possible of the potential dilemmas journalists face in their work, rather than an attempt to outline general principles, as the previous code had done. More specifically, it introduced some new areas and concepts, such as the coverage of accidents and misfortunes, the separation of editorial content from advertising, coverage of elections, public relations and press activities, reporting on polls, criminal memoirs and letters from readers. Three new chapters were added, covering the major issues of plagiarism, the role of media in society, and relationships within the community of journalists.

Journalists’ associations came to a formal agreement to support the implementation of the code. However, despite this generally expressed preparedness to abide by the code, concrete measures to establish other self-regulatory mechanisms were weak.

Several environmental factors have influenced the development of media self-regulation in Albania, including labour relations, the lack of tradition and organization, and the lack of interest shown by media owners in self-regulation. The labour market in the media in Albania remains unstable, and often journalists do not have proper work contracts. The working conditions in the media sector are poor. Many journalists suffer from heavy workloads and delays in payment for their work, and in these circumstances they are not motivated to give priority to discussion of ethics and professional self-regulation.

Albania has not historically had an efficient trade union or organization of media workers, and this lack affects the ability of the profession to unite and work together in an organized manner. Fierce competition between media organizations remains more important than agreement on professional standards. The lack of awareness about the concept of self-regulation still persists.

Self-regulation is an enemy to media clientelism and lack of transparency in the media market, over ownership and especially finances. That is why it has not yet been embraced by the major stakeholders and key market drivers in Albania.

The Albanian Media Institute, as a leading media non-governmental organization (NGO), should be praised for its constant efforts to improve the professional standards of journalism in Albania. It is on its initiative that a series of in-house training on media ethics are currently taking place (with special attention being paid to media organizations outside Tirana). However, there is a common understanding that media owners should step into the spotlight and play a major role, taking responsibility for providing quality information.

Despite the limited progress, the efforts made so far and those continuing are of great importance for the country, as they inevitably increase awareness of the key ethical rules and generate interest in more frequent professional debate on media ethics.

It should be pointed out that all stakeholders participating in the process have expressed themselves eager to see the establishment of some kind of media self-regulatory body, but largely for the reasons outlined above, nothing has happened. To a degree the situation resembles that in Croatia (see below), with significant efforts and streamlined energy but missed momentum. The main problem seems to be a lack of collective will and consensus on the part of the media industry.
Bosnia and Herzegovina

Political developments in the Western Balkans were complex following the disintegration of the former Yugoslavia in the mid-1990s. When Bosnia and Herzegovina was established as a specific entity, it was effectively administered as an international protectorate. As a part of this administration, a number of international practices and institutions were imported into – it would even be true to say, imposed on – the local environment, which did not necessarily take into consideration features of the domestic culture and society. The Press Council of Bosnia and Herzegovina is one example. It was established in 2000 under the auspices and guidance of the international community, in an effort to contribute to the peaceful reconciliation of the country. Nominally this was the first press council in SEE, but again it should be underlined that the initiative and the drive towards its creation came from outside the local community.

For the first three years of its operation the Press Council was chaired by Professor Robert Pinker, seconded from the UK Press Complaints Commission. In 2006 the Press Council went through a process of comprehensive restructuring, although the international community continued to provide support – both financial and with technical assistance, training and so on – as it has done throughout the council’s lifespan. In parallel with the Press Council in Bosnia and Herzegovina, a media ombudsman was established. This office deals primarily with breaches of the regulations on access to information.

At present the members of the Press Council consist of 13 newspaper publishers, 2 representatives of journalists’ associations and 2 members of the public. The board of directors has 9 members (8 publishers and 1 journalist). There is a complaints commission of 8 members (2 journalists and 6 members of the public). The daily operation of the Press Council is managed by an executive director, and a complaints officer handles incoming complaints.

In its daily work the Press Council of Bosnia and Herzegovina adjudicates on all complaints about the media, and not only complaints about those print media that have subscribed to the national code of ethics. Admirably, the notion of media self-regulation and knowledge of the work of the Press Council are spreading throughout the media community in the country. The Press Council’s involvement in a discussion on decriminalizing defamation was instrumental in this. Media ethics now features on the curriculum of the journalism school in Sarajevo, and for the first time journalists are selecting ethical issues as topics for their dissertations. But the old conflicts cannot entirely be escaped in a country that is still in the process of overcoming the aftermath of recent conflicts Most complaints are about inaccurate reporting, hate speech, and notably come from politicians during election campaigns. As in all other countries in the region, there tends to be a low standard of professional journalism, with much poor-quality reporting. Most of the print media run stories about celebrities and scandals rather than engage in serious investigations. Professional debates do not feature at all. There is an emphasis on salonsko novinarstvo (celebrity journalism), and there have been numerous examples of media manipulation.

The Press Council is also initiating professional discussions, for example on whether regulation of the newly emerging web-based media should also become part of its remit.

It is encouraging that courts have recently made reference to the Press Code in judging the professional conduct of journalists in defamation trials. There have been a large number of such trials, and plaintiffs are frequently awarded compensation from press organizations. This fact, and the specific references to the code, have also helped to boost the reputation of the Press Council and the public’s trust in it.

One chronic problem of the media self-regulatory body remains its funding. Initially it was established on the basis of project-based or one-off grants, but it is crucial to replace these with continuing stable sources of funding. The national media sector needs to acknowledge and accept ownership of the process of media self-regulation, and engage more actively in its realization.

Croatia

Although Croatia has been involved for some years in an application to join the European Union, media regulation, and the situation of the media more generally in Croatia, do not comply with European standards. Journalists suffer from intimidation, and some have been killed, a situation that continues with
a negligible (if any) reaction from the authorities. There is a prevalence of censorship and self-censorship, with regular pre-selection of published information in response to political and economic pressure. International media conglomerates such as WAZ and RTL have invested in Croatia, but unfortunately this has not done much to contribute to improved standards of journalism. According to Professor Štefan Malovčić, head of the Department of Journalism at Dubrovnik University, journalists in Croatia are ‘collateral victims’ of battles between media owners. In 2010 Reporters Without Borders (RSF) ranked Croatia in 78th place on its World Press Freedom Index, a huge drop of 33 places from its 2009 position.

The Croatian Journalists Association (CJA) is the largest, oldest and most respected professional entity in the country, and has tried time and again to revive the debate about the need for a media self-regulatory system and how it can best be introduced. CJA drew up a code of ethics in 1993. At the time of its adoption it was viewed as compatible with existing international ethical standards, such as those of the International Federation of Journalists (IFJ). However, soon after its adoption it became apparent that there were several shortcomings in the code. It had insufficient provisions regarding the coverage of children in the media, it applied only to CJA members, and last but not least, it made no reference whatsoever to the involvement of publishers in the disciplinary process.

In 2004 the CJA’s Council of Honour looked carefully at the practices and experience of the Deutsche Presserat (the press council in Germany) and at the National Council for Journalism Ethics (the press council in Bulgaria). At that time all stakeholders agreed that the establishment of a press council in Croatia was imminent, and in 2006 a special task force was charged to negotiate potential financial support from the government for this initiative. Funding was not granted, and this was yet another discouragement for the media community in Croatia.

However, the CJA has not abandoned the idea of establishing a wider-ranging self-regulatory media body, which would replace its Court of Honour but play a larger role. The CJA should set an example by sorting out its internal structural and organizational problems and involving other stakeholders. It is of crucial importance for such efforts that media owners should be involved comprehensively at all stages of this process, but this is made very difficult by their deliberate refusal to engage in such professional debates.

Kosovo (under UNSCR 1244/1999)

The status of Kosovo is still under dispute, but it is discussed here as constituted under UN Security Council Resolution 1244 (1999). Media developments in Kosovo share all the features of present-day media developments in other parts of SEE. Just a few of the problems (which also act as factors constraining professional debate on the need for a media accountability system) are low professional standards, the lack of in-depth and investigative reporting combined with omnipresent self-censorship, ‘profanization’ of content, and visible political and economic pressure (from both central government and local authorities). Moreover, the pressure coming from the government through distribution of advertising budgets is becoming more and more sophisticated. In a release of 26 October 2009 the European Broadcasting Union (EBU) accused the prime minister of Kosovo (under UNSCR 1244/1999) of ‘exerting political and financial pressure on Kosovo’s public service broadcaster (PSB) in the run-up to elections’. The prime minister denied these allegations, but a glance at the local media market trends makes it apparent that the government and other public bodies are effectively the biggest advertiser. This inevitably leads to pressure on journalists to avoid offending this important advertiser, resulting in biased and inaccurate reporting.

The vast majority of the public use television as their prime source of information (86 per cent compared with 7 per cent for print media, according to a recent survey by Index Kosova), and this means that the Press Council has the difficult task of setting standards which relatively few members of the public are likely to appreciate even when they are firmly established.

The Kosovo Press Council was established in 2005, broadly following the model used in Bosnia and Herzegovina: that is, the impetus came from the international authorities and was not primarily local. Perhaps this is one reason that the council still has a low level of visibility in, and acceptance by, the
media community. More positively, its existence and activities were acknowledged in the two of the regular reports by the European Commission on the situation in Kosovo (under UNSCR 1244/1999), in 2008 and 2009. The recently adopted Civil Code also makes special reference to the function of the Press Council as preferred route for adjudication.

The board of the Press Council has an international chair. The Press Council also has an executive director and a complaints officer. The council has 13 members, who are all editors-in-chief of major newspapers. As the council is in its initial stages, most of its activities follow the pattern of learning-by-doing. The challenging environment should be taken in consideration in accessing its achievements.

One positive development is the fact that the association of publishers finds it essential to join the Kosovo Press Council in discussing professional issues of media industry, including self-regulatory mechanisms. Such synergy could only be beneficial as there cannot be positive changes in the status quo if publishers are not involved.

Former Yugoslav Republic of Macedonia

Political developments over the 15 years from 1995 in Macedonia have led, among other consequences, to a disproportionately large number of newspaper and magazines for a country of this size, population and economic potential. At the same time professional standards are generally low, and the media are not free of political and other types of influence. They are still seen as an instrument for achieving political, economic and other goals. Although legislation imposes some restrictions, it is a common practice for political figures to own media enterprises and use them to pursue their political and other aspirations. There are frequent ‘media wars’ between owners. Not surprisingly, the market environment is unfavourable for those publications that strive to be independent of any power centres and to meet their costs through advertisements and their cover price. There is a serious ethical crisis in the media, which has been little helped even by international investors who have gained substantial shares of the print media market, although their appearance was initially welcomed as a guarantor of professional quality and financial stability. Unethical reporting is encouraged rather than met with sanctions, and there is widespread self-censorship. There is a general lack of professional debate within the media community, and it can appear that media owners are only interested in increasing their profits, and have little concern about the ethics of their actions. In spite of this discouraging context, there was a wide-ranging professional debate led by the Association of Macedonian Journalists (AMJ), which resulted in the adoption of a code of conduct on 14 November 2001, regulating the conduct of journalists in all sectors. However, although the code is in line with international standards, there are numerous examples of bad practice in its implementation. Another drawback is that the code is quite short and declarative, and does not provide detailed guidelines on how journalists should behave in practical situations. There is a general lack of in-house self-regulatory documents by individual media enterprises: codes of conduct, proceedings, statutes, statements, declarations and so on, that might fill this gap. Only a few enterprises (those publishing the daily newspapers Dnevnik and Utrinski vestnik) have their own self-regulatory system.

The AMJ set up a Council of Honour to implement the code of conduct. Its five members are journalists from different media contexts. Although it has started well, it is not realistic to expect significant results. As well as the problems outlined above, the members of the Council of Honour are also working journalists with little time to spare for this activity. There are not the financial resources to mount an effective campaign to raise public awareness of the Council’s activities. The Council has no powers to impose sanctions on journalists who breach the code, and again because of lack of funding, it has no independent way of publicizing its findings. Not all publications are willing to publish its decisions, particularly when they confirm breaches of the code by the publication’s own journalists.

At present, the AMJ is being restructured, and this will also impact on the work of the Council of Honour. It is yet to be seen whether this will enhance its credibility and make it more operational and proactive rather than reactive, and whether it will lead to the media community making better use of this mechanism.
In late 2009 the local operation of Westdeutsche Allgemeine Zeitung, one of the biggest international media investors not only in Macedonia but throughout the whole of SEE, announced the adoption of a new ethical code for its employees. It has appointed a German expert as an ombudsman dealing with complaints about Macedonian editions of its publications, and has also formed an izdavacki soviet (publishing council) which will consist of three distinguished experts. It is too soon for the results of these efforts to be apparent, but they are awaited with much interest.

The hope remains that despite this grim picture of the country’s media scene, efforts to improve standards will be encouraged, and that the AMJ will lead the debate on the steps that need to be taken, rather than leaving it to politicians. Recently, there have been discussions about appointing a media ombudsman as another option for media self-regulation. There is a shared understanding that media owners should also be involved, since without their participation the debate is likely to prove fruitless.

Montenegro

Yet another recently declared independent state in SEE, following its independence referendum in 2006 Montenegro is still struggling with issues of national identity and integrity, stretching to questions about the national language, church and culture. A positive sign is that the local media are gradually leaving behind the big theme of national independence and are focusing on topics of daily importance for the citizens. Nonetheless, the media are highly politicized, editorial self-censorship is widespread and standards of journalism are low. Given its small size and underdeveloped media market, and the fact that the community of journalists is divided, the media in Montenegro are exposed to political and economic pressures.

The profession of journalism has received legal recognition in Montenegro. The Constitution guarantees freedom of speech, and in 2002 a set of media laws were adopted, which in theory provide for admirable working conditions. Also in 2002 a code of conduct drafted by the Association of Professional Journalists (UNEM) was endorsed by the local stakeholders as well as by the Montenegro Media Institute, a leading media development NGO. In 2003, the Association was renamed the Journalistic Self-Regulatory Body (NST), and the Institute co-signed its new constitution. NST’s work is supported by the OSCE.

NST includes representatives of various journalists’ associations. It has a board of directors and a Council which receives and deals with complaints. The seats on the Council are allocated by statute to representatives of journalists’ associations and five prominent media professionals. Two Council sub-committees monitor the work of the electronic media and the press. They also review citizens’ complaints about code violations. In practical terms this means that NST responds to individual complaints and monitors compliance with the code. Any citizen can file a complaint, even if no damage has been done directly to them, provided that the complaint is not anonymous. There are no financial sanctions against any organization that is found to be in violation of the code, but if an offending media house refuses to acknowledge its infraction and does not publish a correction and an apology, the media house and the journalist are ‘reprimanded’ at a special NST press conference, which publicizes this failure.

NST has identified as among the main challenges facing the media in Montenegro cases of labelling in headlines, defamation and the still insufficient depth of professional debate. It is telling that although Montenegro has a number of associations and unions in the media sector, they generate no real substance. One way of promoting media self-regulation and improving media content is to enhance media literacy, especially in secondary schools.

The continuing fragility of the media scene in Montenegro was shown by the withdrawal in November 2009 of two of the country’s mainstream publications (the daily Vijesti and weekly Monitor) from the NST because of personal conflicts. This led to the threat of a temporary freeze in NST activities, and speculation about the possible establishment of another self-regulatory body. As frequently happens, this emphasizes that media self-regulation in SEE remains at an early stage, that there is a low level of professionalism, and that personal agendas continue to play too large a role.
Serbia

Serbia is gradually breaking the vicious circle of old mentalities, nationalism and supremacy patterns, and focusing on its application for EU membership. The media in Serbia are faced with similar challenges to the rest of the countries in SEE: a fragmented and underdeveloped market, low professional standards and little debate, visible political and economic pressures, and a dispersed professional community. Widespread conformism and a low level of sensibility and responsibility also contribute to the negligible credibility and respect journalists enjoy in public eyes. ‘Only politicians lie more than journalists’, stated one of the participants in a UNESCO-supported round table on media self-regulation held in Novi Sad in November 2009. The so-called ‘quality media’ provide journalism of just as low quality as that in the tabloids, only it is packaged more professionally. The two major journalists’ associations in the country, UNS (the Association of Journalists of Serbia) and NUNS (Independent Association of Journalists of Serbia), spent years of effort opposing each other rather than joining forces and concentrating on finding solutions for the problems of the sector.

However, in March 2009 UNS and NUNS agreed to adopt a code of ethics which was drafted in 2006 and intended to replace the associations’ individual codes. This gave a green light to the introduction of media self-regulation in Serbia. The main stakeholders realized that the introduction of media self-regulation is the way to improve public perceptions of and attitudes towards the media, and that this is the task of the media sector itself rather than of the state.

Following this adoption, in early 2010 major Serbian media organizations, owners, publishers and journalists established a Press Council and a Complaints Commission, following the model of the Norwegian Press Council. Special acknowledgement should be made of the driving role played by Hakon Blankenborg, Norwegian Ambassador in Belgrade. Over 2010 and 2011 the Norwegian Press Council will provide technical assistance, consultancy and exchange of best practices to their colleagues in Serbia.

The Press Council is structured to give appropriate representation to the media industry, media associations and the public at large. Besides dealing with complaints it is anticipated that the Press Council will also react on its own initiative in cases of violation of the code of ethics or on other matters of public interest. On 30 April 2010 the first chair of the board of the Press Council of Serbia was elected. Simultaneously the government commissioned a new Media Strategy (with financial support from the European Union), and it is to be seen how the main stakeholders will overcome years of confrontation in the name of improving the overall state of the media in the country.

Turkey

Turkey demonstrates a different pace of media market development from the countries in the western part of SEE. It might be expected that since it has not suffered from the same political disruption as the countries that made up the former Yugoslavia, does not suffer from the same negligible advertising market, and has one of the most dynamic economies in Europe, the Turkish media should be confronting issues of a different nature, with intensive professional debate about quality journalism, new media and the challenges of the digital technology, and so on. The reality is rather different. Local media experts talk about dismal levels of professionalism and ethical reporting. This is particularly seen in the examples of so-called investigative reporting: too often it descends into interrogation or intimidation. A number of factors contribute to the overall gloomy picture. There is a strong influence of the state as well as of different religious groups on the media. Media legislation is restrictive, there is a lack of respect for editorial freedom, and there are examples of state oppression, using ‘carrot and stick’ policies to deal with the media. Media owners have a major influence on editorial content, and this has led to the creation of a ‘media aristocracy’ of well-paid columnists who are very loyal to the media owners. There is a generally low level of professional standards among journalists, and journalists’ unions have been suppressed. All this logically results in a very low level of public trust in the national media.

As in other countries in the region, there is lack of broad professional debate in Turkey on issues such as ethics and media accountability. A Press Council was formed in 1986, but it accounts to very few newspapers and does not enjoy significant respect among the media community. At the moment there are
at least three other initiatives related to media accountability. However some public figures in the media sector question whether there is any demand for media self-regulation in Turkey, and if so, where it comes from. One positive development was the establishment in early 2000 of a readers’ editor/ombudsman for several of the important daily newspapers in Turkey, such as Sabah, Milliyet and Star. This reinforces the argument that a news-ombudsman model of media self-regulation is more appropriate for Turkey than a council model, given the size, diversity and complexity of the local media scene.

Conclusion

Of the countries of SEE, the media communities in Albania and Croatia seem closest to finalizing the process of introducing media self-regulation through the efforts of journalists’ associations. In FYR Macedonia, more systematic effort needs to be put into bringing the media community together. The existing press councils in Bosnia and Herzegovina, Montenegro and Kosovo – understood in the context of Security Council Resolution 1244 (1999) – should be encouraged to diversify their funding sources and strengthen their managerial capacities. The newly established Press Council in Serbia should be welcomed and assisted in taking its first steps. The mentoring and coaching approach of the Norwegian Press Council could prove positive, provided it takes into consideration local traditions and culture. For Turkey, a dual approach may be anticipated. Further support should be given to the good practices of media ombudsmanship, but steps also need to be taken to establish an effective press council. To this end, interested civic groups should be encouraged to reach a consensus on the possible restructuring of the existing press council, or if it is considered more appropriate, the introduction of a completely new structure. In the latter situation there is an obvious need for a strong local organization that could bring together all sides.

Although the countries are at several different stages in developing media accountability mechanisms, all of them need to continue the debate on media self-regulation. More effort should be put into encouraging media enterprises to take the lead in the process. This is not easy, since media owners and the political establishments tend to share the benefits of a cosy symbiotic working relationship, and see no reason to change their ways. However, countries applying for accession to the European Union must demonstrate that they have the political will and capability to harmonize their laws and the jurisprudence of their courts with the requirements of the European Convention on Human Rights. Once accession is granted to an applicant state, the judgements of its domestic courts become more open to challenge in the European Court of Human Rights, and its media owners are left more exposed to new risks of costly litigation at both domestic and European levels. Media owners can best protect themselves against such risks by supporting the establishment of self-regulatory councils and codes of practice that comply with the requirements of both domestic and European jurisprudence. These are some of the reasons that 22 of the 27 EU Member States have established press councils, or are in the process of doing so.

This chapter has identified three major requirements for the application of MAS in SEE countries and Turkey:

* the need for knowledge and skills in running media as a business and securing editorial independence
* the need for sustainable funding of media self-regulatory bodies
* the need for trust in MAS, initially among the media community, but also among the wider business community, civil society and the general public.

As far as funding is concerned, for SEE countries the international community continues to play a major role, but this does not offer a long-term solution. Other innovative ways of funding should be explored, including collaboration with business, advertising and the public relations (PR) sector.

Forms of self-regulation and professional standards do not only need to be established; they also need to be promoted. A variety of means for achieving this should be considered, such as the initiation of
professional fora to discuss controversial and more publicly sensitive issues regarding media practice, and the development of databases with case studies. Collaboration with universities should be enhanced in order to embed ethics and professional standards in the curriculum for journalism students. As part of the promotion of media quality, professional contests could be organized drawing on international patterns and expertise.

An exchange of experiences and face-to-face meetings with counterparts from countries with well-functioning self-regulatory bodies is vital and productive. There is a need to develop effective networks and cooperation between the various international journalists’ organizations in sharing their experiences of self-regulation with the local journalism communities.

Because of the global economic crisis and the still underdeveloped media markets in the region, international organizations such as UNESCO, OSCE and the Council of Europe should coordinate and streamline their support in order to raise greater funds, thus possibly achieving better results. International support should however be provided using a tailored approach which takes into consideration the local culture and stage of media development.

Notes
1 http://www.rjionline.org/mas/about/index.php
2 http://www.indexkosova.com/fly/docs/doc2_63.pdf