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FREEDOM OF EXPRESSION IN SOUTH-EASTERN EUROPE



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South-East European Partnership for Media Development

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The European Commission is the EU's executive body.

"The European Union is made up of 28 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders".

FREEDOM OF EXPRESSION IN SOUTH-EASTERN EUROPE

INTRODUCTION

Ioana Avădani, Romania

The present report is the sixth (and last) in a series of reports examining the freedom of expression, prepared within the frame of the South East European Partnership for Media Development project. It provides a broad overview of the state of the freedom of expression in South-Eastern Europe (Albania, Bosnia and Herzegovina, FYROM, Montenegro and Serbia, but also Bulgaria and Romania).

The report is organised around the relevant provisions of the EU Human Rights **Guidelines on Freedom of Expression**¹ and analyses the situation of the freedom of expression starting from what EU designed as main areas of action and best suited tools for action. This approach is based on the fact that all the countries covered by the project aspire to EU membership and are - at least theoretically - striving to reach EU standards in this field. Perspectives from Bulgaria and Romania, already ten years into their membership but battling their own shortcomings, help the understanding of the systemic nature of the problems the Western Balkans face. Thus, the report maybe seen as a tool for futher orientation of EU efforts in safeguarding and consolidating the freedom of expression in this part of Europe.

The report highlights some of the evolutions over the last four years, to account for any progress - or erosion, for that matter - of the freedom of expression situation in the target countries. It shows how importantly the political will and commitment to freedom of expression influenced the exercise of this fundamental human right by citizens and media in the region. In this respect, the report is a warning about the fragility of the democratic processes nowadays.

In order to provide a regional bird's-eye view, we combined the national reports produced by our partner centers. In the preparation of the national reports, the authors consulted media reports and studies about the status of the media and journalism in their countries. They also conducted interviews with journalists, academics and IT experts. The national reports were completed with relevant information from Bulgaria and Romania that put in focus regional trends.

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Available at https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

The previous reports on freedom of expression produced under the project dealt with specific, less explored issues such as hate speech (especially on religious grounds), the benefits (or lack of there of) of the digitalization of analogue TV, the depth and quality of international news reporting, the effects of the social media on the freedom of expression and the gatekeepers and intermediaries that affect the free flow of information². We intended this last report of our series to provide a more general view on all issues pertaining to freedom of expression, a benchmark for what freedom of expression looked like in the Western Balkans by the end of 2017.

OVERVIEW

The media landscape in the five Western Balkan countries - Albania, Bosnia and Herzegovina (BiH), Former Yugoslav Republic of Macedonia (FYROM), Montenegro, Serbia- and the two EU-member states, Bulgaria and Romania, is marked by the worsening trends in media freedom noticed globally. The countries in the region face the very same challenges as all developing countries and, which is even more alarming, as the established democracies, including the EU member states.

“The World Press Freedom map is getting darker. The global indicator calculated by RSF has never been so high, which means that media freedom is under threat now more than ever”, said Reporters Without Borders (RSF) in their 2017 World Press Freedom Index analysis. “Media freedom’s erosion is particularly visible in the European democracies”, RSF added.³

“Press freedom globally has declined to its lowest levels in 13 years, thanks both to new threats to journalists and media outlets in major democracies, and to further crackdowns on independent media in authoritarian countries like Russia and China,” according to “Freedom of the press 2017”, report of the independent watchdog organization Freedom House.

“Government officials and politicians in countries across Europe displayed varying levels of contempt for the media in 2016, encouraging the perception of critical journalists as political enemies and opening the door to broader harassment,” said the report.

“Officials in some EU member states hampered journalists’ access to elected representatives and government functions”, said Freedom House.⁴

Despite the existing and in some countries well developed legal framework, the Western Balkans, Bulgaria and Romania keep experiencing systemic flaws that require political will, long-term sustained efforts and support on European level to step in the promotion of freedom of expression and protection of journalists’ and media freedom and pluralism.

The countries legislation is misused and authorities are often restricting journalists’ access to information or use the legislation in a way which endangers the protection of their sources. National security, corruption-related and anti-terrorist legislations can also be used to prosecute journalists for the wrong reasons. In the same time authorities largely fail to bring to an end investigations into acts of violence and intimidation of journalists.

“Journalists perform unique functions in taking forward our fundamental freedoms and bolstering the strength of our societies -- they must be defended through concerted action by Governments, supported by the United Nations, working with all relevant actors, from international regional organizations, judiciaries and media to private companies, academia and civil society,” said Irina Bokova, former General Director of UNESCO in a message on the occasion of the International Day to End Impunity for Crimes against Journalists.⁵

On the contrary, the role of the media in the Western Balkans, Romania and Bulgaria is undermined and is no longer the backbone of the democracies in the region. Media fails to play its role of the informer providing unbiased news and information on markets flooded with fake news, propaganda and mushrooming media outlets with unknown ownership and mode of funding. Its power to create public

“The media freedom and pluralism are fundamental rights, enshrined in Article 11 of the Charter of Fundamental Rights. The European Commission is aware of the challenges the different EU member states are facing in regard to the media freedom, including Bulgaria. The Commission finances different independent projects that monitor, observe and assess the risks to media pluralism in all EU countries and offer practical solutions to journalists who are subject of threats. The latest study in the field, the so-called Media Pluralism Monitor, a project implemented by the European University Institute in Florence, Italy, shows that not a single EU member state is “immunized” against risks in relation to the media pluralism. Specifically, for Bulgaria, the report finds ‘high risk’ for media pluralism, mainly in the areas of market pluralism and political independence. The main conclusion of the report for Bulgaria is that the three main risk factors are the distribution of public funds for advertising, the interference with editorial content and ownership concentration”

Ognian Zlatev,
Head of the Representation of the EC in Bulgaria

² Reports are available at <https://seemediapartnership.cji.ro/category/publications/>

³ 2017 World Press Freedom Index, Reporters Without Borders

⁴ Freedom of The Press 2017, Freedom House

⁵ Message from Ms Irina Bokova, Director-General of UNESCO, on the occasion of the International Day to End Impunity for Crimes against Journalists, 2 November 2017 (<http://en.unesco.org/message-from-ms-irina-bokova-director-general-of-unesco-on-the-occasion-of-the-2017-10-26>)

opinion is exploited by politicians, state officials, businessmen, and security services, hindered from keeping country leaders and institutions accountable for their actions and unable to trigger the involvement of law enforcement agencies.

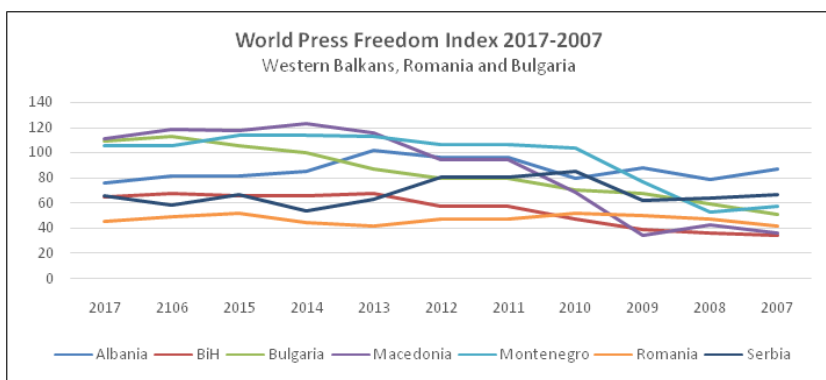
The media is losing its position of a democracy watchdog in the region coupled with insufficient or lack of political will to promote and protect media independence, freedom and pluralism. Unprecedented political intervention in the media and pressure on journalists and their editorial judgement is noticeable across the region which puts at risk media independence and freedom.

Making the landscape even more complicated, social media multiply freedoms and communications by players and influencers beyond traditional media outlets. The availability of media content has significantly risen thanks to sharing and user-generated content. In the context of vast media content available at the fingerprints of literally everyone, to both consume and produce, media literacy and independent and professional journalism providing reliable, verifiable and objective news and information are vital for the media independence, freedom and sustainability.

Numerous researches and renown media freedom indices show that not only the lack of progress, but also that the journalists freedom of expression and media environment have deteriorated compared to five and even 10 years ago.

“The European Union and Balkans region continues to be the one where the media are freest, although its regional indicator (of the overall level of constraints and violations) registered the biggest increase in the past year: +3.8%, according to the analysis of the Reporters Without Borders of the 2017 World Press Freedom Index. The differences in regional indicator change over the past five years are particularly noticeable. The European Union and Balkans indicator rose by 17.5% over the past five years compared to an increase of 0.9% in Asia-Pacific”, the analysis said.

Graphic 1

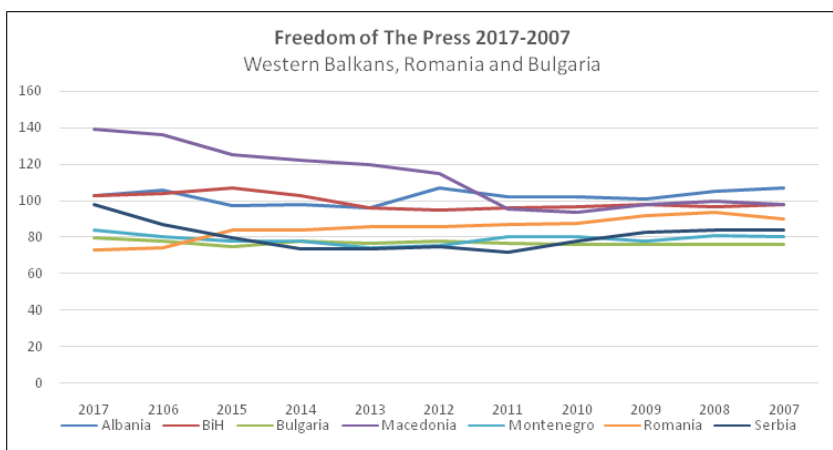


Source: Reporters Without Borders

Media freedom erosion is clearly visible in FYROM, Bulgaria and Montenegro. The three countries have been freefalling since 2007 and are currently ranked 111, 109 and 106, respectively, in the 2017 World Press Freedom Index of RSF of 180 countries worldwide included in the index. FYROM best ranking in the last 10 years was in 2009, when the country was placed on 34th place. Bulgaria’s best ranking was in 2007 on 51st place and Montenegro’s in 2008 and ranked 53rd.

The best performer in 2017 World Press Freedom Index was Romania, ranked 46th with a relatively stable performance in the last 10 years.

Graphic 2



Source: Freedom House

“Political leaders in Western Balkan countries placed greater pressure on independent media, apparently emboldened by the EU’s flagging commitment to enforcing democratic standards among aspiring member states.

In FYROM, the ruling party wielded considerable control over the news cycle through the public broadcaster and friendly private outlets, and reporters risked attacks while covering antigovernment protests, including by police. Serbian officials intensified efforts to paint investigative outlets as foreign-backed provocateurs... Officials in Montenegro, an EU candidate, excluded photographers and videographers from a discussion in the parliament last summer, reportedly marking the country’s first such ban.

A chilling effect among critical journalists, coupled with a more passive EU, has created new opportunities for Russia’s Balkan-based media outlets, which promote themes of shared Slavic history and culture as well as conspiracy theories about threats posed by NATO,” reads the Freedom House report.

“The EU’s silence in the face of violations in prospective member states in the Balkans is an important example of its diminished influence”, the report added.

It is seen in the Graphic 2 that even the two EU-member states, Romania and Bulgaria, cannot be distinguished as actually leading and presenting best practices in the protection and promotion of media freedom and independence.

Media freedom and independence in the Western Balkans, Bulgaria and Romania is additionally threatened by the lack of transparency of media ownership which in turn remains a key obstacle in the fight against corruption and puts in doubt the credibility of the information released. The financial dependence of the media outlets, which are chronically underfunded, opens the way for any external influence, propaganda and biased information. There has been a trend of media ownership concentration in the recent years, which put the power of the media in just a few hands thus fueling media dependence on political and business power holders, who are very often connected.

Public service broadcasters are also on the line of fire as their legitimacy is put in question as they face similar threats including political dependence and misuse; funding model which fail to guarantee their serving the public interest and inability to adjust to new technological trends and lack of flexibility. In practice public service broadcasters and their editorial policies are subject to direct and indirect pressures from those strong of the day.

The financial restraints and political pressure resulted in three other visible trends: falling pay and social status of journalists, which makes them vulnerable to pressure, closure of media outlets leading to loss of jobs of media workers and overall crash of the image of the profession.

The journalist profession is now one of low pay, low social protection, little or no job security, under constant threat of terminating labour contracts. All the above coupled with other media market trends leads to tabloidization of all media which features self-censorship, dependency and low quality of journalism.

Harassment, threats, and physical attacks against journalists are noticed across Western Balkans, Romania and Bulgaria. Intimidation is persistent with government officials and politicians continuously assaulting and harassing journalists from calling them “spies”, “foreign mercenaries”, “enemy of the state” to the extent of directly threatening a journalist on air that he will lose his job if he asks questions.

Political leaders themselves attack the credibility and independence of the media using hate speech and hostile rhetoric freely, personalized abuse and direct and indirect editorial pressure. Journalists’ harassment across the whole region is no more news. Politicians, party leaders and businessmen do not refrain from demonstrating total disrespect towards journalists and media freedom.

“I don’t think I should answer for something that someone says in private media”, said Serbia’s Prime Minister Aleksandar Vučić.

In Bulgaria, during a morning show of one of the biggest national TV stations, an MP from the ruling party has threatened the TV host on air that he might lose his job for the questions asked, while in a separate case the Deputy PM has “joked” with the same journalist threatening that he could easily organize a “Victorgate” – reference to the TV host’s first name, and the notorious Watergate scandal in the US that terminated the career of President Richard Nixon.

“When attacks on journalists remain unpunished, a very negative message is sent that reporting the “embarrassing truth” or “unwanted opinions” will get ordinary people in trouble. Furthermore, society loses confidence in its own judiciary system which is meant to protect everyone from attacks on their rights. Perpetrators of crimes against journalists are thus emboldened when they realize they can attack their targets without ever facing justice. Society as a whole suffers from impunity. The kind of news that gets “silenced” is exactly the kind that the public needs to know. Information is quintessential in order to make the best decisions in their lives, be it economic, social or political. This access to reliable and quality information is the very cornerstone of democracy, good governance, and effective institutions.”

Irina Bokova, former UNESCO General Director of on the occasion of International Day to End Impunity for Crimes against Journalists 2017

Media and journalists in general are vulnerable, left without instruments to protect themselves from political and economic pressure on editorial policies. The trust in the relationships between media/journalist, politics, governments, business centres of power and the public is destroyed. The public on the other hand is showing an increased tolerance to violence and is taken by the example of the political leaders in the countries.

ACTS OF VIOLENCE AGAINST JOURNALISTS IN WESTERN BALKANSON THE RISE

In Serbia critically inclined journalists suffer everyday struggle to survive in almost unbearable circumstances – pressures, discreditation, attacks on personal level and humiliation, threats, primitive name calling and living with targets on their backs. Many journalists who voice their criticism towards the government or investigate crimes and corruption of the people in power have been subject to smear campaigns in the Serbian government-controlled tabloids, such as the daily *Informer* and *TV Pink*.

The Independent Journalists' Association of Serbia recorded 55 attacks on journalists in 2017. Five of these were physical attacks, and one of them was an attack on property. Reporters were pressured 34 times, and experienced verbal threats in 15 cases.

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Table 1 – Attacks on journalists in Serbia since 2008⁶

Year	No. of attacks	Physical attacks	Attacks on property	Threats on property	Pressures	Verbal threats
2008	144	69	9	8	25	33
2009	35	8	7	0	11	9
2010	34	11	2	0	8	13
2011	73	16	10	1	29	17
2012	31	11	2	0	0	18
2013	23	6	2	0	0	15
2014	36	11	2	0	9	14
2015	58	12	4	0	17	25
2016	69	9	1	0	33	26
2017	55	5	1	0	34	15

On July 7 this year, journalist Dragana Pećo's⁷ apartment was broken into, while she was out of town. As her belongings had been moved around but nothing was stolen, and as her work is focused on investigating crime and corruption within the Serbian political power, it is believed that the breaking in is related to her job. Although the authorities have promised that the case will be resolved, no additional information has been communicated by the police or the prosecution so far⁸. At some point, authorities even suggested that this breaking in is not an isolated case in that neighbourhood, so it probably has no connection to her work as an investigative journalist⁹.

In this context it is also important to mention the case of Brankica Stanković. She is a Serbian investigative journalist reporting on topics of crime and political corruption in Serbia. She is the main writer of the investigative television news programme *Insajder* (Serbian for "Insider") which used to be broadcast on B92 television. Her reports have led to much controversy, and she routinely receives death threats. Because of that, she has been placed under 24 hours police protection since December 2009.

6 More at: <http://www.bazenuns.rs/srpski/napadi-na-novinare> Visited: 29. September 2017

7 Dragana Pećo works for KRIK (Crime and Corruption Reporting Network).

8 More at: <https://www.krik.rs/dva-meseca-od-obijanja-stana-novinarka-krik-a/> Visited: September 26, 2017.

9 More at: <https://www.cenzolovka.rs/pritisci-i-napadi/dragana-peco-o-obijanju-stana-policija-mi-je-rekla-da-to-nema-veze-s-mojim-poslom-zivim-pod-oprezom/> Visited: September 26, 2017.

Svetozar Rakovic, secretary general of Independent Journalists' Association of Serbia (NUNS), stated for daily Danas¹⁰ that NUNS has long been pointing out to the growing trend of violence against journalists and other media workers. He believes that the inefficiency of the prosecution authorities encourages and instigates the perpetrators, which is unquestionably confirmed by statistics.

„Legal experts point out that there are no objective reasons for the inefficiency of the police and the prosecution in cases of verbal attacks and threats to journalists, especially through social networks. More and more often, those who threaten journalists do not hide their name and surname, they are aware that they will not be held accountable for this“, said Raković.

Worryingly, it is known to happen that even the attackers of journalists in Serbia walk freely. For example, 23 years after the murder of Radislava Dada Vujasinovic, a journalist with the magazine Duga, perpetrators of this crime are still at large.

In the first days of the conflict in the former Yugoslavia Dada Vujasinović reported directly from the line of fire, and she also wrote about the connection between crime and authorities in Serbia. She was found dead in her apartment on 8 April 1994. The police first ruled it a suicide, by shooting from a hunting rifle. However, according to a 2008 ballistics expert¹¹, Vlada Kostić, her death was “probably caused by the operation of another person“.

The Serbian government set up a commission in 2013 to assess the state of investigations into the killings of journalists in Serbia. The Commission primarily investigated the killings of three prominent journalists, Vujasinović mentioned above, Slavko Ćuruvija and Milan Pantić.

A publisher and journalist, Ćuruvija was shot in the head on April 11, 1999, while coming back home from an Easter walk. The killers and those who directed them were not identified until 2014, despite promises undertaken by every government since Slobodan Milošević. Milošević and his wife, Mirjana Marković, are widely believed to have been involved in Ćuruvija's death, because during the March-June 1999 NATO bombing of Serbia, Ćuruvija blamed the Milošević regime for the military intervention¹². In January 2014 two people were arrested and two others named by the Serbian police as suspects in Ćuruvija's murder, including Radomir Marković, former head of the State Security Service (SDB) from 1998 to 2001¹³.

Milan Pantić, a local journalist from the central town of Jagodina, was murdered in front of his home on June 11, 2001, by blunt force trauma inflicted to his head. Sixteen years after the murder, the police investigation was finally terminated, and the names of suspected orderers and perpetrators “from the territory of Belgrade and Jagodina” were delivered to the prosecutor.

“Pantić's liquidation is directly linked to his journalistic work in 1999, 2000, until June 11, 2001. The murder is linked to his professional engagement, the topics he chose, his investigative journalism that he did in his hometown. At the beginning of the work of the Commission, for the first time all of Pantić's articles were collected and systematized and analyzed, in order to define the possible motives and clues. The analysis of his work has helped define more clearly the motives (for the murder). He certainly left a very persuasive professional trace, also when it comes to the fight against corruption,” said Veran Matić, president of the Commission for the Investigation of the Murder of Journalists¹⁴.

The mechanisms of controlling the media which were in place during the totalitarian regime have changed, maybe even become more perfidious. The control that has become hidden, subtler. Attacks on freedom of media nowadays are common, but more sophisticated. Journalists and media associations have recently warned citizens and international community that the Government in Serbia has entered a new, brutal phase of the crackdown on media freedom and the intimidation of journalists in order to completely disable the media's controlling role and break any free critical voice¹⁵. There are many examples of that, but especially illustrative is the case of the local weekly magazine Novine Vranjske.

Vranjskewas recently shut down due to political and financial pressures. Its founder and editor in chief, Vukašin Obradović, went on a hunger strike, which he ended due to serious health issues. Obradović said he wanted to draw attention to the “meaningless fight for media freedom that he has been fighting for the last thirty years”. Obradović has often been the target of propaganda of pro-government media that labelled him a foreign mercenary.

„Since its foundation in 1994, Vranjske has suffered various types of threats and pressures. Offices were broken into three times, my car was damaged twice, and the threats were sent to my colleagues, myself and my family. Cases of burglary, theft and property damage have never been clarified, and most of the threats have not been investigated“, he said¹⁶.

10 More at: http://www.danas.rs/drustvo.55.html?news_id351853&titlePretnejinapadinanovinareostajuufioci Visited: September 26, 2017

11 More at: <http://www.novosti.rs/vesti/naslovna/aktuelno.290.html:231025-Tuzilastvo-Dada-ubijena> Visited: September 2, 2017

12 More at: <http://www.balkaninsight.com/en/article/serbia-to-investigate-mystery-killings-of-journalists> Visited: September 2, 2017

13 More at: <http://www.politika.co.rs/sr/clanak/281428/Ulemek-otkrio-ubice-Slavka-Curuvije> Visited: September 2, 2017

14 More at: http://www.b92.net/eng/news/crimes.php?yyyy2017&mm06&dd08&nav_id=101500 Visited: October 2, 2017

15 More at: <http://www.nuns.rs/info/statements/32074/udruzenja-nova-faza-gusenja-medijskih-sloboda-i-zastrasivanja-novinara.html>

Visited: September 26, 2017

16 More at: <http://mediareform.rs/otvoreno-pismo-vukasina-obradovica-direktorki-poreske-uprave-vranju/> Visited: September 26, 2017

In recent months, tax inspections have been investigating Vranjske novine's finances. "Our publisher was forced to declare bankruptcy, although all past debts had been resolved", explained Obradović¹⁷.

The day Obradović decided to start the hunger strike, the Prime Minister of Serbia, Ana Brnabić, was visiting Vranje. When reporters asked her about the shutting down of Vranjske, she replied that the state cannot subsidise media. The next day, she tweeted the following: "In 2017, the Government allocated Vranjske an amount higher than all that was given from 2008 to 2012", and added hashtag – enough of hypocrisy¹⁸.

Reacting to the case of Vranjske, the Independent Journalists Association of Serbia stated that "in this situation, no one – neither citizens, nor NGOs, nor international organizations – should be surprised if Serbia wakes up one day, very soon, without a single professional media outlet."

Foundation Slavko Ćuruvija organized a protest to support Obradović and Vranjske, after which The Media Freedom Group was formed by 27 media, journalistic and media associations and civil society organizations, supported by more than 300 other organizations¹⁹ and many more individuals. At noon on September 28 (The Universal Access to Information Day), all of them stopped their broadcasts for one hour with the message "Stop the media darkness!". The media, portals, organizations, as well as citizens, made their screens and profiles on social networks black. Some of the printed editions were marked with a black sign or with a black ribbon symbolizing media darkness. "This is what it looks like without free media" – was written on the black background. Posts, videos and audio content on media freedom were shared on social networks. The Media Freedom Group announced that future actions were being planned in order to keep fighting for the freedom of speech. Answering the question on the action "Stop the media darkness", Prime Minister Ana Brnabić said that she had not noticed that the media in Serbia are afraid to say "anything" about her personally, the Serbian government or the President of Serbia²⁰, and that those who do not criticize „obviously think that the Government is doing a good job.“

The US daily New York Times, reported on the campaign against media darkness and pressures on media in Serbia by the regime of Aleksandar Vučić.

„Vučić, a former extreme nationalist who now calls himself a reformist, has dismissed the accusations of media crackdown as attempts to discredit his government. Critics say Western officials have turned a blind eye to Vučić's stifling of democratic freedoms in Serbia as long as he cooperated in maintaining stability in the volatile Balkans,“ it is said in an article named Serbia's Media Stage Blackout Over Pressure on Free Press²¹.

Reporters Without Borders (RSF), on behalf of Serbian journalists, also called on the international community to condemn the growing hostility of the Government towards journalists and media in Serbia²². They reacted because of Vranjske case, but also because of other evident cases of media freedom limitations, such as the one concerning the website KRIK (Crime and Corruption Reporting Network) and its editor Stevan Dojčinović, who were the target of an attack by the Movement of Socialists and the media that supported the government because they raised the question of Defense Minister Vulin's real estate.

After being investigated by KRIK, Defense Minister called Dojčinović "a drug addict and a great enemy of the state" without rejecting the claims stated in the article or explaining the questions that were raised. Dojčinović is said to receive money from foreigners to write articles against Vulin, not to report these benefits to competent institutions, to criminalize those who work in the interests of Serbia, and that every enemy of Serbia is his friend.²³ Dojčinović filed a motion against Aleksandar Vulin's Socialist Movement, because the things this party has published about him in a series of statements.²⁴ He said that this kind of attacks cannot destroy his reputation but could jeopardise his security and that of other KRIK journalists²⁵.

The European and International Federations of Journalists (EFJ/IFJ) also reacted²⁶. „The Serbian government should clearly state that it strictly enforces laws and that all media and journalists have the same treatment. We urge Serbian officials to publicly condemn threats to media freedom and attacks on journalists“, said EFJ President Mogens Bliher, and IFJ president Philippe Leruth added:

“The continuous attacks on Vranjske novine are a scandal for democracy in Serbia. We cannot tolerate that a well-respected weekly be under constant scrutiny and intimidation for just carrying out its tasks of informing Serbian citizens. We ask the Serbian government

17 More at: <https://www.balkanicaucaso.org/eng/Areas/Serbia/Serbia-the-state-against-independent-media-182844> Visited: September 26, 2017

18 Available at: <https://twitter.com/anabrnic/status/910422946367275008> Visited: October 2, 2017

19 Available at <http://mc.rs/stop-medijskom-mraku-rezultati.3877.html> Visited: October 3, 2017

20 More at: <http://rs.n1info.com/a331638/Vesti/Vesti/Ana-Brnabic-o-medijima.html> Visited: October 2, 2017

21 More at: <https://www.nytimes.com/aponline/2017/09/28/world/europe/ap-eu-serbia-media.html?mcubz0> Visited: October 2, 2017

22 More at: <https://rsf.org/en/news/rsf-backs-serbias-embattled-independent-media> Visited: October 2, 2017

23 More at: <https://www.krik.rs/vulin-dojcinovic-je-narkoman-mrzi-srbiju/> Visited: September 26, 2017

24 More at: <https://www.krik.rs/urednik-krik-a-tuzio-pokret-socijalista/> Visited: September 26, 2017

25 More at: <https://www.balkaninsight.com/en/article/serbian-defence-minister-s-party-called-investigative-journalist-drug-addict--09-19-2017> Visited: September 26, 2017

26 More at: <http://europeanjournalists.org/blog/2017/09/22/serbian-weekly-vranjske-novine-closed-following-administrative-harassment/> Visited: September 26, 2017

to do its utmost to guarantee a free and independent press in the country”.

In Bulgaria, there have been several cases in the recent years of aggression against Bulgarian journalists. Even though the number has dramatically decreased in comparison with the previous years, it is still there.

There were a number of reports on harassment, threats, and physical attacks against journalists and media outlets in 2015.

In October 2015, a reporter and a cameraman from Nova TV were assaulted in the town of Samokov by a municipal council candidate and several of his supporters. Another reporter from Nova TV, Veronika Dimitrova, was publicly threatened by a politician months after her investigation revealed connections between his party and a criminal group.

In August 2015, the national daily newspaper Sega, which had been critical of the government, revealed that the National Revenue Agency (NRA) had started a tax inspection against it. “...the coincidence that the tax inspection of Sega newspaper began only days after the Bulgarian Prime Minister Boyko Borissov publicly expressed his dissatisfaction with the paper”, said the Union of the Publishers in Bulgaria in a declaration. The Union also reminded of a similar case in 2014, when NRA went on a full tax investigation at Economedia, the publisher of Kapital weekly, Dnevnik daily newspaper and Kapital Daily. The papers at that time had published series of critical articles related to Corporate Commercial Bank (known as KTB), its funding, the links of its owner Tsvetan Vassilev with the MP from the Movement for Freedom and Rights party, being most critical towards the government at that time and the Prosecutor’s office.

Following the news released about Sega tax inspection, the NRA announced that it was investigating the entire print sector as it had been identified as an industry with a high risk of tax fraud, quoting a total of 54 print media. It was not made public whether the investigation started at the same time or when in general.

A year later only one article is found giving information about NRA revision campaign – no infringements were found in Sega newspaper as well as in another 11 media outlets; two media groups did not undergo a tax inspection: Economedia and New Bulgarian Media Group (allegedly owned by the MP Delyan Peevski).

In another case, in October 2017, the car of the reporter of the popular TV show *Gospodari na Efira*, Zornitsa Akmanova, was set on fire in the town of Karlovo. The accident came as a result of a series of journalistic reports about the garage mechanic Plamen Dimitrov, who has deceived many of his customers.

On 5 October 2017, two politicians from Bulgaria’s ruling parties threatened on air the TV host during a morning show of one of the biggest national TV stations in the country, Nova TV. Angered by questions posed by Viktor Nikolaev, a host of NOVA TV’s morning show *Zdravey Bulgaria*, about the acquisition of new fighter jets and tensions in Bulgaria’s main GERB party, two officials from the ruling coalition, Deputy Prime Minister Valeri Simeonov and MP Anton Todorov (GERB), hinted that Nikolaev might lose his job for the questions he had asked, giving as an example the fate of his former co-host, Ana Tsoleva. She had recently resigned from *Zdravey Bulgaria* amid speculations that she might have been pushed out over her work as a journalist.

“You are using very strong words and they might cost you your bread (livelihood). They already cost the bread of your colleague – she had taken a certain direction, and as far as I can see, her chair is missing now,” GERB MP Todorov warned Nikolaev. In response to another question, the MP added: “For such a question, if I was a boss of NOVA TV, I would fire you.”

The very next guest on the show, Valeri Simeonov, from the nationalist United Patriots, GERB’s coalition ally and current Deputy Prime Minister, also did not hide his dissatisfaction with the journalist’s questions. Quizzed about alleged corruption scandals and conflicts of interest in Prime Minister’s Boyko Borissov’s government, Simeonov threatened to organise a “Victorgate” – a reference to the TV’s host’s first name, and the notorious Watergate scandal in the US that terminated the career of President Richard Nixon.

Hours later, Anton Todorov explained in writing that he did not want to threaten Viktor Nikolaev and apologized for his words. Todorov pointed out that he had been the subject of an unprecedented attack in recent days because of his revelations about the oligarchy and behind-the-scenes influence.

In a statement to the media later on that day, GERB announced that the party distanced itself from the MP’s opinion and declared that “free journalism has the right to ask questions.”

On 9 October 2017, Anton Todorov announced that he was resigning from the Parliament. In his statement, he again apologized to the host of the NOVA TV morning show, Viktor Nikolaev, to all the viewers and Bulgarian media he voluntarily or involuntarily affected with his participation (in the show). He said that media freedom for him is a fundamental value. “I am convinced that without freedom there is no justice, it is the foundation of a democratic society,” Todorov said. “Because of attempts to turn my reply into a label of the party from which I was elected, its leader and the millions who voted for that party, please accept my resignation as a Member of Parliament,” the statement said.

The Deputy PM Valeri Simeonov in turn, in an ultimatum, gave 24 hours to four Bulgarian media to officially apologize to him for misrepresenting his stance on his argument between him and journalist Viktor Nikolaev. The press release reads: “I give 24 hours for an apology.” Notably the ultimatum was disseminated by the press office of the Council of Ministers and published on the Council’s website on 07.10.2017.

“This topic has been exhausted, more or less. I shall start separate lawsuits”, Deputy PM Valeri Simeonov said in the studio of Bulgaria ON AIR two days later.

Professional organizations of journalists condemned the threats. In an official statement, the Media Development Center called the threats and the lack of respect for media freedom “a crime”, and said it expected politicians to defend media freedom instead of attacking it. The Association of European Journalists called on the Bulgarian media to boycott politicians who threatened journalists and demonstrated disrespect for freedom of speech.

On 11.10.2017 dozens of citizens and journalists gathered downtown Sofia to voice their categorical stands against the imposition of censorship and pressure on media by politicians.

Cases of serious violence were not recorded in Albania in the last years except for one in March 2017 when a journalist was beaten, by unidentified persons, for unknown reasons. Elvi Fundo, director of the news portal Citynews.al and Radio Best, was beaten by two persons on March 8, 2017, in Tirana. He was briefly hospitalized. Later Fundo declared on his Facebook page that the assault was “not a political act, but a crime by corrupt media clans with ties to the drug mafia.”

A single register of assaults and pressure on journalists does not exist in BiH. Not even police and court records register assaults based on profession, but based on types of acts committed (e.g. physical assaults, disruption of public order and peace and so on).

The Association BH Journalists has had a Journalist Help Line for years, where journalists report a specific type of assault or pressure. However, this is done on a voluntary basis and it provides indications rather than show the actual situation. It is assumed that only one-third of the cases of actual pressure are actually reported and registered.

According to Journalist Help Line data, there were 45 registered cases in the first half of 2017 and 64 in 2016. The number of reported physical assaults in the first six months of 2017 was nearly the same as in the entire 2016.

Table 2 - Journalist Help Line registered cases of violence and pressure

Type of assault	H1 2017	2016
Threat/pressure	2	13
Political pressure	9	6
Physical assault	9	10
Labour dispute/mobbing	5	3
Defamation	2	6
Death threats	7	9
Prevented access to information	0	2
Public reactions to events	3	8
Other	4	7
Total number of registered cases	45	64

The gravest assault was carried out against a cameraman of Anadolu Agency (state agency from Turkey with a newsroom in Sarajevo), which took place in Serbia while he was working on a feature. The Anadolu cameraman from Sarajevo was physically assaulted by unidentified persons at the Belgrade railway station, who inflicted serious bodily injuries that landed him in hospital. Police reacted promptly. The proceedings are still underway, but the motive for the attack has not been established.

Most media attention was attracted by threats to a journalist of Buka portal and Al Jazeera, Milos Bursac. Most of his articles criticize the Republika Srpska government, as well as corruption in the RS and Serb nationalism. He has often received threats. One of the most serious occurred in July 2017 when he wrote an article criticizing a request by a right-wing group to organize a rally in Banja Luka to show support for General Ratko Mladic, who was on trial in The Hague for war crimes. The request for the support rally was for 11 July, the day of the commemoration of 8,300 Bosniaks murdered in Srebrenica, which General Mladic is indicted for. Bursac wrote in the article: “A schizoid, Nazi meeting of neo-fascists...” In addition, a couple of days later, on Al Jazeera Balkan he published an article entitled “I was silent while Bihac was shelled,” in which he remembers the three-year siege of Bihac from the perspective of a mobilized member of the RS Army. He wrote in the column that there is no justification for any crime

committed during the war in B&H.

Soon after, he received anonymous threats from an unknown Facebook address, threatening to kill him and his family. The case was reported to the police. He received wide support from other journalists and NGO activists, mostly from Sarajevo, but also from other parts of B&H. Fortunately, RS police in collaboration with the cyber-crime department apprehended 40-year-old A.B. from Bosanska Gradiska in August, who was established to have sent the threat.

In another serious instance, on July 19, 2017, an armed man entered Dnevni Avaz advertising office and threatened to blow up the paper. The reason was his ad with inappropriate content had not been published. Police reacted promptly and immediately upon arrival arrested the attacker who was armed with two hand grenades. It was established that he was an American citizen of B&H origin previously known to the police for writing letters of similar threatening content.

Dnevni Avaz was once again in the spotlight over a bloody attack, which was not officially established to be connected to news reporting. The underage son of the paper's editor-in-chief was stabbed with a screwdriver in downtown Sarajevo. Dnevni Avaz reported that it was an act of retaliation against the editor-in-chief's son for the paper's editorial policy which is critical of the ruling SDA party. However, police who apprehended the attacker said the incident was a clash between minors.

Overall, when it comes to physical assaults on journalists and death threats, police react instantly almost always and generally manage to find the attackers, as numerous examples demonstrate. An area in which journalists are vulnerable and not protected is the political pressure on public media and economic pressure on private media, where editors and directors internally put editorial pressure on journalists.

Since 2014 the police have recorded 33 cases, which are reported as attacks on journalists in Montenegro.

According to the Trade Union of Media of Montenegro (TUMM), 19 of them have been prosecuted, 12 are still in proceedings, and two cases have been rejected. According to the police, from 2004 until now there have been 76 cases of attacks on reporters, out of which 43 cases were processed, 25 are still open, and 8 case were dropped.

In the meantime, some new threats on journalists have been recorded. The journalist with the daily Dan, Vladimir Otasevic, in September 2017 reported that the Prime Minister's brother had threatened his safety.

The OSCE's Representative on Freedom of the Media, Harlem Désir, condemned the threat directed at Otasevic and called for a swift investigation. "I strongly condemn the recent death threat made against Otasevic," Désir said. "Violence and harassment, including all threats against members of the media, are totally unacceptable."

No killings, executions or enforced disappearance of journalists have been registered in FYROM. The most characteristic forms of endangering the security of journalists in the past years have been verbal threats, physical attacks, arrests and damage to the property of journalists.

Macedonia types	2013	2014	2015	2016
Threats	N/A	1	7	2
Physical attack	N/A	1	6	3
Attack on property	N/A	2	3	1
Arrest	N/A	1	0	0
Total	N/A	5	16	6

Source: *Indicators of the level of media freedom and journalists' safety in the Western Balkans [COMPARATIVE ANALYSIS]*²⁷

The most striking case is the one of the journalist Kezharovski who was arrested in 2013 on charges of disclosing the identity of a protected witness in the case "Oreshe" in one of his articles. Journalists' associations, civil society organizations for human rights protection and media organizations claimed that the witness had not been given the status of a protected witness at the time of the publication of the text. They regarded the entire case as a direct attack of the government on the media freedom and freedom of expression. After the spectacular arrest by the police in which they demonstrated unnecessary force, Kezharovski spent 1 year and 9 months in detention. In the meantime, the court sentenced him to four and a half years in prison, which was reduced by the appellate court in Skopje to two years in prison. Kezharovski was conditionally released on probation at the beginning of 2015.

27 Trepvska S. and Micevski I., *Indicators on the level of media freedom and journalists' safety in the Western Balkans [COMPARATIVE ANALYSIS]*, 2016, p. 54.

As of late, FYROM is once again a country without detained journalists, since the journalist Zoran Bozhinovski was released after spending nearly three years in detention, first in the detention in Serbia, followed by 14 months in the “Shutka” investigative prison in Skopje. Bozhinovski was charged with espionage in the case of “Likvidacija”, which has become infamous by the series of controversies in the court proceedings. Journalists’ associations repeatedly reacted that holding a journalist in detention for almost three years was an absolutely non-existent practice in the free and democratic countries, while Bozhinovski himself indicated the serious irregularities in the procedure and the undue delay by the court.

The case known as ‘Likvidacija’ in FYROM gives a breathtaking example of power abuse as in May 2013 the investigating journalist Tomislav Kezharovski was arrested by special forces and sued for an article he wrote in 2008. Despite the absence of any evidence that he violated any law, Kezharovski was sentenced to four and a half years in prison. After spending five months in jail, in cramped and unsanitary conditions, and without access to medical treatment, he was released into house arrest pending the outcome of his appeal. As in January 2015 his sentence was reduced to two years, he was arrested again to serve the remaining five months. Widespread domestic and international protests, by hundreds of journalists and activists led to Kezharovski’s release.

The intensity of verbal and physical attacks on journalists and media workers began to increase as of 2014, and further escalated during the political crisis, which began in 2015, right until the violent incursion of protesters in the Assembly in late April 2017. At that time, journalists were exposed to constant threats, pressures and physical attacks. For example, in front of the house of the journalist Borjan Jovanovski, an anonymous person left a burial wreath with death threats. The car of long-time journalist and editor Branko Trichkovski was burned in front of his home. The owner and editor of the “Maktel” online portal, Sashe Ivanovski, was physically attacked several times.

During the months of protests of anti-government and pro-government movements, dozens of incidents were reported in which journalists, cameramen and photo-reporters were injured, as well as cases in which personal belongings, equipment for work, etc. were seized and destroyed.

There have been no cases of killings, attacks, executions, torture, enforced disappearance or other acts of serious violence against any individual for exercising his or her right to freedom of opinion and expression in Romania; no such cases have been registered over many years.

Still, the FREEEX Report²⁸ recorded an increasing number of physical attacks or threats against journalists. The perpetrators were, in some cases, representatives of local authorities (mayors, city councilors), but most of them were members of the public, followers of some informal leaders, priests and their flocks, sports fans. We could say that there is an increased tolerance to violence in Romania and journalists are among the first victims.

POLITICAL & JUDICIAL SYSTEMS FAIL TO PROTECT JOURNALISTS AND PROMOTE MEDIA FREEDOM

Most of the cases involving attacks on journalists and/or media remain largely unsolved throughout the region as in the same time the judicial systems in Western Balkans, Romania and Bulgaria fail to provide effective legal protection of journalists and demonstrate inefficiencies end-to-end from investigation through prosecution to courts. The lack of actions and inability of the state institutions and judicial system to act upon such cases creates the perception that there is an intended policy of impunity for violence against journalists and overall media freedom.

Most of the known acts of violence against journalists in Romania remain unpunished or are sanctioned with minor fines.

Serbia is a clear example of elective justice in cases of violence and attacks against journalists. Authorities and government officials use the term “media freedom” in many public appearances, but in reality, they do nothing to implement it. On the contrary. The law exists, but it is not respected. The inefficiency of the prosecution encourages and instigates the perpetrators, which is unquestionably confirmed by statistics.

The Government selectively reacts to attacks on journalists, and the last example is the attack on journalists of TV Pink, when President Aleksandar Vučić visited the injured reporters in hospital and the attacker was immediately arrested, said Srđan Škoro, a member of the presidency of the Free Citizens Movement²⁹.

²⁸ Freeex Report 2016-2017, Media Monitoring Agency, available at <http://mma.ro/ro/freeex/publicatii/lansarea-raportului-freeex-2016-2017-libertatea-presei-in-romania>
²⁹ More at: <http://rs.n1info.com/a318968/Vesti/Vesti/Skoro-Selektivna-pravda-za-novinare-Vucic-generise-nasilje.html> Visited: October 2, 2017

In front of the building of TV Pink, a media close to president Aleksandar Vučić and the Serbian Progressive Party, a protest was organized by political parties Dveri and Healthy Serbia, together with Sloga trade union, entitled “It cannot go on like this anymore”. At the protest an incident occurred when one person physically attacked journalists of TV Pink, Gordana Uzelac and Mara Dragović. Following this event president Vučić visited the journalists at the hospital and talked to their families, saying that „it is comforting that those who beat up will be punished“ and that he will seek what is important - the sharpening of penalties for bullies and monsters that beat women³⁰.

On the other hand, at the rally organized by the Serbian Progressive Party in front of the National Assembly of Serbia on the day of the inauguration of president Aleksandar Vučić mandate, a couple of attacks on journalists occurred and the authorities reacted very differently³¹. According to media reports³², the journalist of daily Danas Lidija Valtner was physically attacked in the presence of police officers who did nothing. She was pulled by two men holding her by the neck and trying to take away her mobile phone, while she was taking a statement from a man who was thrown out of a Serbian Progressive Party meeting because he carried a banner saying “You took my pension, you took my apartment, what’s next?”. Journalists from VICE, Radio Belgrade, and Insider were also verbally attacked at the same event. According to Insider and VICE reporter³³, the attackers, when warned by the journalist that they will call the police, responded: “The police cannot help you.”

A member of the Democratic Party, Maja Videnović requested that at a session of the Committee of Culture and Information, an attack on journalists and photo-reporters on the day of the inauguration of the Serbian president be discussed, but Maja Gojkovic, the committee chair person and the president of Serbian Parliament, replied that the topic could not be included, because the agenda could not be amended. Later, the Minister of Internal Affairs Nebojsa Stefanovic said that all those who attacked journalists and citizens the day of inauguration of Aleksandar Vučić mandate, were identified. “When the criminal proceedings are over and all witnesses are heard, the prosecution will approve the release of all the facts that the public should know.” Stefanovic said³⁴.

In addition to the president’s visit to the journalists from TV Pink in the hospital, Škoro added: „I haven’t noticed that Vučić visited reporters injured during his inauguration.“

In Bulgaria, the overall inefficiency of the Bulgarian judicial system (investigation, prosecution and judges) has been the focal point of the criticism by the European Commission towards Bulgaria starting before the country’s EU accession in 2007 and continuing until now.

The last monitoring report from the EC, the European Parliament and the Council on the progress in Bulgaria under the Co-operation and Verification Mechanism, published on 25 January 2017, states:

“It has proved difficult to take decisions in sensitive areas like the restructuring of courts and prosecutors’ offices as part of an overall reform of the judicial map. Whilst sensible managerial decisions – such as reallocating positions year by year – have gone some way to mitigate such gaps, the Supreme Judicial Council has not been able or willing to drive reform ahead in such areas. This has contributed to a workload imbalance for the larger courts in the country, with a negative impact on the overall performance of the Bulgarian judiciary. This lack of distinction between its functions and the executive tends to exacerbate suspicions of undue influence and criticisms of a lack of overall accountability of the prosecution. Over the past ten years, the prosecution service has seen several rounds of reorganisation as well as legislative and other measures to improve its effectiveness. Nevertheless, in spite of these efforts, the results show that significant challenges remain”.

Having in mind all of the existing problems in the field, such crimes simply cannot make it through the judicial system in Bulgaria.

Nevertheless, the state authorities reacted adequately in the case of the reporter Zornitsa Akmanova’s burned car. The Chief Prosecutor Sotir Tsatsarov ordered the resumption of investigations on all the signals filed against the garage mechanic Plamen Dimitrov. He was apprehended as a perpetrator of fraud in the town of Karlovo in May-June 2016.

“There are two fundamental elements of quality professional journalism: freedom to publish the truth and the facts, and responsibility to publish the truth and the facts. The European Union counts on media and civil society as the watchdogs of Albania’s democracy and will be supportive of any transformative action in that regard.”

Romana Vlahutin, EU Ambassador to Albania

30 Available at: <http://www.blic.rs/vesti/drustvo/vucic-posetio-novinarke-pinka-izvinjavamo-se-trazicemo-poostravanje-kazni-za/dpk185j> Visited: October 3, 2017

31 Photographs available at: <http://www.ne.rs/vesti-iz-zemlje/foto-ovo-su-nasilnici-koji-su-maltretirali-na-mitingu-podr%C5%A1ke-vu%C4%8Di%C4%87u> Visited: October 3, 2017

32 More at: <http://www.newsweek.rs/srbija/83627-policija-ili-rezimski-batinasi-zasto-novinarima-nije-dozvoljeno-da-rade-svoj-posao.html> Visited: October 2, 2017

33 More at: http://www.b92.net/info/vesti/index.php?yyyy2017&mm05&dd31&nav_id1266872 Visited: October 2, 2017

34 More at: <http://rs.n1info.com/a284930/Vesti/Vesti/Identifikovani-napadaci-na-novinare-i-gradjane.html> Visited: October 2, 2017

In Albania, usually the police or even ministers, and sometimes the Prime Minister, condemn such attacks immediately. In the recent years one can refer only to the above-mentioned case of Elvi Fundo. The police, and even the Prime Minister, reacted promptly to condemn the assault. This case was also quickly and forcefully condemned by the opposition, who gave a political spin to it, given the right-wing affiliation of the journalist under attack and him serving as press advisor to a minister in the previous government. So, condemnation does happen, but politicization of events is also something to consider.

When it comes to perpetrators, they are not always found out. In this case, one of the assailants was arrested though, in August 2017. The journalist that was beaten up declared he did not know the person arrested, and publicly thanked the police for the job done. The matter has been taken to court.

Overall physical crimes against journalists are very rare. The police and ministers express their solidarity when it happens, but there have been very few cases when the authors have been found and the matter taken to court.

“All Montenegrin media should be in a position to report freely and elect their editorial policy themselves. However, in order to do so, media freedom must be respected, and in particular, all cases of violence against journalists must be resolved.”

Aivo Orav, EU Ambassador in Podgorica, (19 April 2017, CDM)

Most of the cases of attacks on journalists in Montenegro that happened in the last 13 years are not resolved yet. For example, the assassination of the editor-in-chief of the daily “Dan”, Duško Jovanović, has not been resolved yet, because only one accomplice has been prosecuted. The motive for the murder, has not yet been identified either. Until now the case of the journalist of daily Vijesti and weekly Monitor Tufik Softić, - who was assaulted on 2 November 2007 by two masked men – has

not been solved. He was hospitalized with grave injuries to his arm and head. Softić was investigating and reporting on organized crime groups. According to him, the person he suspects of the assault, who had previously threatened him and was suspected of membership of Darko Šarić’s organized crime group involved in drug trafficking, has never been interrogated with respect to the assault.

Bar sports journalist Mladen Stojović was assaulted in his apartment in late May 2008. In the B92 show Insider in January 2008, Stojović testified about “soccer mafia”. The police and the Supreme State Prosecutor said that there were no traces that could lead them to the assailants. Those are just some of lot of unsolved cases of media attacks.

“The premises of one commercial media company were damaged and several journalists were physically and verbally assaulted and threatened during anti-government protests in October 2015. There has been no progress in the resolution of cases of attacks on journalists”, according to the EC progress report for Montenegro in 2016.

“An ad hoc commission was set up by the government in 2013 to monitor investigations of cases of violence against journalists. The commission failed to fulfill its tasks partly due to strong polarization between its government and the civil society components: this made it difficult even to adopt joint recommendations... The Commission was reestablished in June 2016, with a larger representation of the civil society. The Parliament formed an ad hoc committee with a similar mandate”, noted the Commission.

Nikola Markovic, editor in daily Dan and president of the Commission said a few months ago that it “turns out that the Commission should control the investigations without insight into one document”.

The criminal and civil court system do not provide effective legal protection of journalists in the course of performing their professional work. Journalists do not enjoy special status and are treated like any other citizen before the Criminal Code.

According to the Association of Journalists of Macedonia, out of 33 incidents in the period 2014 - 2016, 31 cases were reported to the relevant institutions, but none has had a judicial resolution. The inertness of the institutions, gives the impression that there is a policy of impunity for violence against journalists that directly limits the freedom of the media in the country.³⁵

Despite the formal and declarative press freedom pledges, no politician has ever suffered any consequences due to threat or attack on a journalist regardless of the fact that certain politicians were directly involved or related to such attacks. According to the information of the AJM, no disciplinary measures have been enforced against any of the perpetrators.³⁶

After the change of power in mid-2017, representatives of the new governing elite expressed determination that the policy of impunity for violence against journalists would cease. Despite the declared efforts of the new government, the registered cases of threats and attacks on journalists have not been completely resolved, and the perpetrators have neither been located nor sanctioned by the institutions.

35 Nebiu B., Selmani and N., Sekulovski D., “Indicators on the level of media freedom and journalists’ safety” [MACEDONIA] Summary of the findings, 2016, p. 40, Available at: <http://safejournalists.net/wp-content/uploads/2017/01/Indicators-on-the-level-of-media-freedom-and-journalists-safety-2016.pdf>

36 *ibid.*

HIGH LEVEL OF TOLERANCE TOWARDS ACTS OF VIOLENCE AGAINST JOURNALISTS

As a practice the state officials and policy influencers do not denounce acts of violence against journalists; moreover, they regard the media and journalists as a tool for political or business influence or pressure. If ever brought to public attention, such acts are reported by the media outlets and almost never supported by state officials or policy makers.

There have been only few good examples in the recent years in Albania and Bosnia and Herzegovina, while such acts of violence are often and mainly denounced by opposition leaders, NGOs or professional associations. In the majority of the cases, state officials and policy makers are even hostile towards critical and neutral media and journalists and those who stand for their independent opinion.

Despite the good examples, it is a practice in the region to ignore such cases, thus keeping the society uninformed and uninvolved while political leaders and state official demonstrate a very high level of tolerance towards acts of violence and disrespect to the journalists and media.

In Romania, the state seems to be in a direct confrontation with the journalists. Media are perceived as being political tools or influence instruments in the hands of one party or person or another. After the massive anti-corruption street-protests in February 2017, the Interior Minister Carmen Dan publicly created (and presented in a press conference) a “black list” of journalists who have commentend on the events in a way critical toward the government on their Facebook accounts. She stated that the journalists (and two members of the oposition) had incited the people to protests and violence.

There were a flurry of actions against the people suspected to have “supported” the street protests: the Ploiești workshop of a person who offered to produce free-of-charge banners for the protesters was searched by the police, who requested the list of people who had askedfor such free banners; police opened investigations against five people who have flown small drones over the crowds during the protests; police investigated the persons from whose balcony laser slogans hadbeen beamedon the buildings in Piata Victoriei in Bucharest (the hub of the massive protests).

All the same, mayors and police in several cities in Romania fined the people who expressed critical views towards them on their Facebook accounts.

The mayor of Bucharest, Gabriela Firea, a former journalist herself, sued the people who claimed that she withheld information on an impending storm supposed to hit Bucharest in September 2017. Mayor Firea made official announcements and ordered the closing of schools, but rumors on Facebook and anonymous text messages claimed that the situation was going to be much worse. Firea complained to the prosecutors and opened an investigation for “the dissemination of false information”. Noteworthy, article 404 in the Penal Code deals with “purposedly dissemination of false information, if the information can harm the national security”, so invoking this article was abusive and irrelevant to the cause

There are no records of state officials or other important policy influencers officially denouncing acts of violence, repression or limiting the freedom of expression of journalists in Bulgaria. If ever brought to public attention, such cases are reported by the media outlets and never supported by state officials or policy makers.

State officials have seldom denounced violence and intimidation against journalists, either as part of a major international debate or as a personal stance of the respective official.

In January 2015, in relation to the Charlie Hebdo terrorist attack, Bulgaria’s President Rosen Plevneliev and UNESCO General Director Irina Bokova, who is Bulgarian, made a common statement saying that the freedom of expression and the media freedom are among the most important values in the contemporary societies and that cannot be changed under any circumstances. Regular statements of UNESCO General Director Irina Bokova condemning acts of violence against journalists committed worldwide can be found both in the international and Bulgarian media.

It was noticed in the Albanian case of Elvi Fundo earlier this year. In 2015, when journalist Artan Hoxha received death threats, he was put under police protection. In a few cases, when there have been threats or incidents, the minister of internal affairs has gone to meet the journalists, apart from police investigations. However, in spite of the overall solidarity and support shown, finding the perpetrators is still the most difficult job.

The Council of Ministers of BiH (state government) condemned all forms of threats and assaults on journalists and expressed readiness to battle the spreading of hate speech, according to a press release issued after the government’s session held on 5

September 2017. The condemnation of threats and assaults on journalists came after a review of cases of violation of journalists' rights reported to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, via Association BH Journalists and Western Balkan Regional Platform for Advocating Media Freedom and Journalists' Safety.

The Association BH Journalists has for years publicly condemned every assault on journalists and pressure on media and raised public alarm in this regard, as well as called on police and government bodies to urgently solve such cases. In addition, NGO activists and public figures, through social networks, condemn threats to journalists. However, this is often selective on social networks and support is usually extended to journalists and media whose social and political views are close to these respective figures.

In Montenegro attacks against journalists were mostly denounced by opposition leaders, NGOs and professional associations. The ex prime minister Milo Djukanovic used to denounce the attacks but at the same time he called journalists, editors and owners of Vijesti and Monitor – media mafia. After his speeches about media mafia, attacks against journalists or the property of the respective media outlets became frequent.

After the threats of his brother Velizar Markovic to Vladimir Otasevic, prime minister Dusko Markovic advised reporters to leave politicians' family members out of politics. "Do your jobs as you wish--write, fabricate, insult the PM, but leave my family alone," he said.

Previous Government led by rightist VMRO-DPMNE, whose term of office ended with the Parliamentary Elections held on 11 December 2016, had shown a very reluctant, but in some cases, threatening attitude towards critical and neutral media and journalists in the period of its rule (2006-2016). The new left ist government, led by SDSM, took the power in June 2017, declaring a different, open and transparent approach towards media and journalists, which is yet to be seen.

Many examples demonstrate the hostile attitudes especially towards critical media and journalists, in the period before 2016. In 2015, an unknown person brought a funeral wreath at the front door of the journalists Borjan Jovanovski, who was known for his critical stances towards the former Government. The incident was properly reported in the Ministry of Interior, but no formal action was taken by the institutions afterwards. The ruling party VMRO-DPMNE denounced the act as "unacceptable and harmful" for Jovanovski and for the atmosphere in the country. The party also appealed to the institutions to investigate these events in order to prevent manipulations of the public's feelings.³⁷ Despite that, this statement was understood in the media community more as declarative, since the message along with the funeral wreath was that it was sent from Todor Aleksandrov (a controversial historical figure, whose ideological prominence for building the independent Macedonian state was recognized by VMRO-DPMNE). However, the media community perceived this statement more in a declarative manner, which was the reason the journalists gathered and protested in front of the Government intending to, as they said - "return the wreath to the sender".

Another high official of the Macedonian Government, the vice-prime minister Vladimir Pesevski, physically attacked the journalist Sase Ivanovski on 15 July 2015. The editor in chief of the portal "Maktel", Ivanovski, approached the vice-prime minister to ask questions regarding the "Przino Agreement"³⁸ in a public space while the minister was entering his car. The assault was recorded on camera and then the video was published on the internet. No formal action was taken in regard of the incident, the Government official involved in the incident suffered no political consequences, in spite of the fact that the case was widely publicized.

"Freedom of speech in B&H is evident and guaranteed by the law. However, there are occasionally cases of its repression and especially overstepping. This is particularly dangerous in B&H when it comes to hate speech. I believe that in everyday work for media representatives in B&H there is a very thin line between hate speech and freedom of expression. We are witnesses and we are living in a time when across Europe, and we might say across the world, every day we can hear hate speech, speech that insults the feelings of various groups and different people. In the last couple of years, overstepping of freedom of expression has particularly been present in social media, where along with disinformation we can find hate speech. We simply have to find a way to curb hate speech, to fight it, to open opportunities for people to report such speech if they hear it somewhere, whether on the internet, in other media or in everyday life."

Ambassador Lars-Gunnar Wigemark, Head of EU Delegation to B&H and EU Special Representative at a conference on hate speech organized by the Ministry of Human Rights and Refugees of B&H with the support of the EU in B&H (8 December 2016)

37 Link to the article: <http://plusinfo.mk/vest/23049/vmro-dpmne-go-osudi-incidentot-prireden-na-semejstvoto-na-borjan-jovanovski>.
38 "Przino agreement" was the result from the political dialogue among the biggest political parties in FYROM

LEGISLATION IN WESTERN BALKANS IN PLACE TO PROTECT JOURNALISTS' SOURCES OF INFORMATION

Overall the legislation to protect the sources of journalists is in place.

The right to protect the journalists' sources of information in Romania is expressly guaranteed for the journalists working in the public radio and television, via specific articles in the law 41/1991 (article 14(11)). A journalist may be required to unveil his or her sources only if a court order has been issued to this avail. There are no known cases when such an order has been issued. Still, there was at least one occasion when a publication voluntarily revealed the identity of a source previously protected just to demonstrate to the Government that they had not lied in formulating some accusations. Journalists' codes of ethics describe the protection of sources as both "a duty and a privilege".

In Bulgaria, however, the legal systems seem unable to provide enough safeguard for the protection of sources of information and a number of cases were reported where pressure was put on media outlets in pursue of disclosure of their sources of information. Such provisions are implemented only in the Law on Radio and Television (published in State Gazette, issue 138, 1998). Within the self-regulation framework, the Bulgarian Media Ethical Code states that "We would not violate the secrecy of sources".

There were many cases in 2015 of proceedings led by the Financial Supervision Commission (FSC) against media outlets in pursue of disclosure of their information sources. Part of these proceedings resulted in record high fines despite the recommendation of the Council of Europe.

In the autumn of 2014 in ZOV News, Vratsa, two consecutive letters from the FSC were received requesting the disclosure of the media sources of information in connection to a publication investigating large queues in front of the local office of First Investment Bank. Those letters informed the media outlet that it had the right to refuse to disclose the information, in which case it would be fined. Although ZOV News disclosed their sources, namely the morning talk-shows on the national TV broadcasters and despite the fact that PIK news agency and a local newspaper Konkurent (known to be owned by the MP and businessman Delyan Peevski) ran the same story, the FSC imposed a record high fine of 100 000 leva (50 000 euro) only on ZOV News.

Two consecutive sanctions totaling 150 000 leva (75 000 euros) were imposed by the FSC on Capital newspaper based on allegations of market manipulations in January 2015. The Commission exclusively pointed out that neither journalists from the media, nor people linked to the publishers have benefited in any way from the information and publications itself, still the paper was fined. In addition, two Capital newspaper journalists were personally fined with 5 000 leva (2500 euros) each for refusing to disclose their sources of information.

The online media Mediapool was sanctioned in 2014 based on accusations for linking the name of the MP Delyan Peevski with First Investment Bank in a publication. The media was accused by the FSC that it failed to inform itself from the National Audit Office website that Delyan Peevski does not own any bank accounts or other assets.

Protecting confidential sources of information is one of the guiding principles for audiovisual media operators, as regulated by Law on Audiovisual Media in Albania. In addition, Article 159 of the Code of Penal Procedures also includes journalists among the professions that are not forced to reveal their sources of information, regarded as professional secret. However, it is upon the court discretion to determine whether the data are essential proof and then the court can order the journalists to reveal their sources. There have been no such cases in court. Even when there have been requests for the media to reveal the sources, there has been no insistence to do so after the refusal of the media to do such a thing.

Protection of sources of information is defined in several laws on multiple levels in BiH. The provisions are generally respected and there have not been any prominent scandals or pressure in this area.

The Law on Protection from Defamation, which was passed in both B&H entities and in Brcko District, contains a virtually identical article. Thus the Law on Protection from Defamation of the Federation of B&H (Article 9) states: "A journalist and any other natural person regularly or professionally engaged in the journalistic activity of seeking, receiving or imparting information to the public, who has obtained information from a confidential source, has the right not to disclose the identity of that source. This right includes the right not to disclose any document or fact which may reveal the identity of the source, particularly any oral, written, audio, visual or electronic material. The right not to disclose the identity of a confidential source is extended to any other natural person involved in proceedings under this law who, as a result of his or her professional relationship with a journalist or other person referred to in this article, acquires knowledge of the identity of a confidential source of information." (More: www.fbihvlada.gov.ba)

The protection of confidential sources is also stipulated in the Press Code (Article 13). The article calls on journalists, “whenever possible, to rely on open, identified sources of information,” and adds that “journalists and their publications have an obligation to protect the identity of those who provide information in confidence, whether or not they explicitly request confidentiality.”

The Criminal Procedure Code of the Federation of BiH in Article 96 includes journalists on the list of persons who shall not be heard as witnesses in criminal procedure: “The following persons shall not be heard as witnesses: ... journalists for the purpose of protecting a source of information.”

In Montenegro the Media Law envisages the protection of the journalists’ right not to disclose their sources.

In the FYROM, the protection of the information sources is primarily stipulated in the Constitution in Article 16, paragraph 6, which guarantees the right to the protection of the source of information in the mass media. In this way, the Constitution guarantees the right of the journalists to protect their sources, and allows the free exchange of information between the citizen and the journalist.

The Law on Media (2013, Article 12) states the right of the journalist not to disclose the source of the information, i.e. the data that can reveal the source in accordance with the international law and the Constitution of the FYROM. Apart from the journalist, this right is also enjoyed by other persons who, due to their professional connection with the journalist, are familiar with the data that can reveal the source, by collecting, editing or expanding the information. If the journalist intends to protect the source of the information and to invoke this right, he is obliged to inform the editor-in-chief of the medium prior to publishing the information.

According to the Law on Civil Liability for Defamation and Insult (2012, Article 12), the defendant, journalist or other natural person, whose profession is to inform the public, in the procedure for civil liability for insult or defamation may not be required to disclose his/her secret source of information about the facts that he/she is obliged to prove.

The Law on Prevention of Corruption (2002, Article 56) states that no one can ask the journalists who publishes information on a corruption act to disclose the source of the information, except in the court procedure.³⁹

COUNTRIES LACK PRACTICE IN IMPLEMENTING LEGISLATION FOR THE PROTECTION OF WHISTLEBLOWERS

Western Balkan countries, including Romania but with the exception of Bulgaria, have adopted or are in a process of adopting legislation to provide protection for whistleblowers. All countries still tackle with the implementation of the respective laws or lack practice in implementing the adopted legislation, which leads to an overall inadequate protection for whistleblowers.

Whistleblowers are often among the most important actors in the fight against crime and corruption in companies and institutions. Ensuring effective protection for whistleblowers is extremely significant in a democratic society, because it encourages people to stand up against irregularities, such as corruption, human rights violations, and other illegal acts in their surroundings. This is especially important as in most cases without whistleblowers reporting such wrongdoings, they could not be detected by the authorities.

The initiative for the protection of whistleblowers in Serbia was started by The Commissioner for Protection of the Information of Public Importance, Rodoljub Šabić, and former ombudsman Saša Janković who did a draft of the law. However, former Justice Minister Nikola Selaković delivered his version⁴⁰, different from Šabić’s, to the Serbian Parliament, which was adopted without a public debate.

The Law on Protection of Whistleblowers⁴¹ in Serbia was adopted in 2014, and its implementation began in June 2015. It is part of the Action Plan of the National Strategy for the Fight against Corruption. A working group was created, gathering people from judiciary, civil society organizations, governmental institutions and whistleblowers.

Whistleblowers are people who reveal information about violation of regulations and warn of irregularities in their companies or institutions, and according to the law, they have the right to court protection if they suffer adverse actions, such as dismissal or some kind of retaliation⁴².

39 “Pravdiko” <http://www.pravdiko.mk/zakonska-ramka-na-pravoto-na-zashtita-na-izvorot-na-informatsii/>

40 More at: <https://www.vranjske.co.rs/info/blagojevi%C4%87-va%C5%BEe%C4%87i-zakon-o-za%C5%A1titi-uzbunjiva%C4%8Da-nedore%C4%8Den> Visited: October 2, 2017

41 More at: <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2014/3140-14%20LAT.pdf> Visited: October 3, 2017

42 More at: https://www.cins.rs/english/research_stories/article/safe-and-sound-jury-still-out-on-serbias-whistleblower-protection-law Visited: October 3, 2017

The Law on the Protection of Whistleblowers states that: „The person authorized to receive the information is obliged to protect the information on the person of the whistleblower, that is the data on the basis of which the identity of the whistleblower may be detected, unless the whistleblower agrees with the disclosure of such data, and in accordance with the law regulating the protection of personal data”.

Any person who learns the data referred to in paragraph 1 of this Article shall be obliged to protect these data. The person authorized to receive information shall, when receiving information, inform the whistleblower that his identity may be disclosed to the competent authority if, without the disclosure of the identity of the whistleblower, authorities would not be able to act, and to inform him of the measures for the protection of the participants in the criminal proceedings. If during the course of the procedure it is necessary to reveal the identity of the whistleblower, the person authorized to receive the information is obliged to notify the whistleblower about that prior to the disclosure of the identity. The data referred to in paragraph 1 of this Article shall not be disclosed to the person indicated in the information, unless otherwise provided by a special law.

Two years after the passing of The Law on the Protection of Whistleblowers⁴³ the first valid verdict was reached. “This verdict is historical for Serbia, because for the first time the judiciary ruled that the executive authorities acted wrongly and lied before the court”, said Vladimir Radomirović, editor-in-chief of the anti-corruption website Pištaljka.

However, Predrag Blagojević points out⁴⁴ that the whistleblowers in Serbia are going through a calvary, both because of the defective law and the role of the judiciary. “The judiciary does not understand why whistleblowers are important for the country, because on the example of Vranje we can see through what troubles and problems the whistleblowers who point to corruption in society go, as opposed to the whistleblowers in America where they receive awards,” noted Blagojević.

Beside The Law on Protection of Whistleblowers cited above, another important regulation for ensuring freedom of the media, and freedom of expression in general is The Law on Public Information,⁴⁵ which states that: „The journalist is not obliged to disclose the source of information, except for data related to a criminal offense, or a perpetrator of a criminal offense for whom a prison sentence of at least five years is prescribed, if the data for this criminal offense can not be obtained otherwise.”

However, it is known to happen that this law becomes meaningless, because there is no need for the protection of the sources or whistleblowers if the journalists are unlawfully being listened in to and followed by authorities.

Romania has adopted Law 571/2004 on protection of the personnel with the public authorities, public institutions and other units who reveal violations of the law, the equivalent of the whistleblower protection law. According to the law, the personnel who publicly reveals violations of the law may not be subject to repercussions from his or her employer.

While the law is explicit, its implementation is less than ideal. From policemen to journalists, whistleblowers have been harassed and faced administrative sanctions or even sacking. In March 2016, two journalists with the public radio exposed the editorial pressure and censorship they and their colleagues were facing, during a public debate on the plight of public media. Subsequently, they have been subject to investigations by the Ethical Committee and an ad-hoc Disciplinary Commission, who both found them not guilty. Still, the investigations, that lasted several months, created a huge tension within the public radio and put a lot of pressure on the two journalists.

Whistleblowers in police and health care system have also been subject to harassment.

The Albanian Parliament approved Law no. 60/2016 “On Whistleblowing and Protection of Whistleblowers” on June 2016. The aim of the law is to prevent and fight corruption in the public and private sector and to offer protection to whistleblowers that signal any wrong doing and corruptive affairs in these sections.

The respective authorities that investigate wrong doing based on whistleblowers’ claims should protect the anonymity of whistleblowers, unless the latter have consented to renounce the anonymity. The law also seeks to protect whistleblowers from possible revenge at the workplace once the administrative investigation starts, stipulating a series of cases that might constitute revenge. In addition, the whistleblower is entitled to seek protection and move to a different structure, if his rights are being violated.

The law entered into force in October 2016. There have been no public cases involving whistleblowers so far.

⁴³ The Appellate Court in Novi Sad brought the first final verdict under the Law on the Protection of the Whistleblowers, in favor of Maria Beretka, who pointed out the malversations in the communal inspection when charging a parking fee.

⁴⁴ More at: <https://www.vranjske.co.rs/info/blagojevi%C4%87-va%C5%BEe%C4%87i-zakon-o-za%C5%A1iti-uzbunjiva%C4%8Danedore%C4%8Den> Visited: 29.9.2017.

⁴⁵ Available at: <http://rem.rs/uploads/files/Zakoni/1615-Zakon%20o%20javnom%20informisanju%20i%20medijima.pdf> Visited: 29.9.2017.

In Bosnia and Herzegovina, each of the administrative entities that create the federation has its own legislation. The Law on the Protection of Reporters of Corruption in the Republika Srpska was passed on 15 June 2017 by the People's Assembly of the RS. The law should be passed in Brcko District and the Federation of BiH. The Law on the Protection of Reporters of Corruption of BiH was passed in 2013, but it only protects state institutions employee at the BiH level, i.e. it only regulates internal, but not external reporting of corruption.

In Montenegro, the Secondary legislation on the protection of whistleblowers was adopted in December 2015. The law of anticorruption stipulates the protection of whistleblowers, too.

The Law on the Protection of Whistleblowers entered into force in March 2016. It regulates the protected reporting of crime and corruption, the rights of the whistleblowers, the actions and duties of the institutions, i.e. the private companies and companies in relation to the protected reporting and the provided protection of the whistleblowers.

According to the Law, the whistleblower has the right to data and identity protection, he/she should be protected from any "harmful effect" due to the reporting, and the protection should be provided by the institution it was reported to. The whistleblowers have the right to court protection if they consider that their rights or the rights of someone close to them have been threatened as a result of the reporting, and the burden of proof falls on the institution or the legal entity.

The passing of this Law was the result of the wiretapping scandal involving more than 20,000 people (including journalists and senior government officials) by the Directorate for Security and Counterintelligence (DSC), which was revealed by the SDSM party (then in opposition) in February 2015. As a result of the disclosure of the scandal, several people who took the data from the DSC were arrested and detained, but after the new government led by the SDSM came to power, they were released.

Bulgaria is the only country in the researched region without specific legislation in relation to whistleblowers. There is no commonly accepted definition of the term whistleblower. Currently the protection of whistleblowers to some extent falls within the anti-corruption legislation.

Each Bulgarian administrative institution has a document that is dedicated to internal rules for the reporting of violations of the code of conduct (Ethical Code) and anticorruption procedures.

In 2015 a new institution was established – Specialized unit "Anticorruption" – under the agreement among the Prosecutor's Office, Ministry of Interior and SANS (State Agency for National Security). It is composed of about 50 prosecutors from the Sofia City Prosecutor's Office, investigators from Sofia Investigation Service and National Investigation Service, investigators and other officials of the Ministry of Interior and agents. The new unit is subordinated to the Prosecutor General or indicated by his deputy Prosecutor General. It has two units specialized in crimes committed by magistrates and corruption at the highest level of government. Its operation is supported by information from NRA (National Revenue Agency), National Customs Agency, Public Financial Inspection Agency and other state authorities after reasoned request, signed by the Prosecutor General, the Minister of Interior and the Chairman of SANS. The document for establishment of the unit provides the opportunity to include an endangered person in a witness protection program. The institution is established as part of the Strategy for the fight against corruption at the highest level of government 2015-2020.

A new bill to prevent corruption and forfeiture of illegally acquired property was presented by the Council of Ministers in June, 2016. It foresees an establishment of a single anti-corruption body, which will acquire the functions and the competences of the Commission for Prevention and Ascertainment of Conflict of Interest, the Commission for Withdrawal of Criminal Assets, the Centre for Prevention and Countering Corruption and Organised Crime (BORKOR) and the National Audit Office's unit which accepts and checks property statements. The new institution was named National Anti-Corruption and Forfeiture of Illegally Acquired Property Bureau. The Bureau will be headed by a director and four deputies elected by the National Assembly. It will also be authorized to request the court to reveal insurance and tax secrets, as well as to have access to the Central Credit Register database. To ensure more comprehensive information on the property of high-level public officials, the bill expands the circle of circumstances they must declare.

NO OFFICIAL CENSORSHIP ON THE FREE FLOW OF INFORMATION, THOUGH NEW CASES ARE STILL REPORTED

In none of the countries official censorship or publicly announced cases of attempts to block, jam, filter, censor or close down communication, ICT and online services networks were registered. However, cases are reported where incomplete implementation of the regulations were monitored, which brings up the question whether a complete compliance with European standards exists.

No cases were registered of attempts to block, jam, filter, censor or close down communication ICT and online services networks in Romania and Bosnia and Herzegovina. In Albania no legal provisions allow for filtering or blocking a website.

In Bulgaria, there were no registered or publicly announced attempts to block, jam, filter, censor or close down communication ICT and online services networks.

However, in March 2017 there was an unprecedented example of blocking the distribution network of a newspaper.

On 5 March 2017 the publishers of the new satirical newspaper Prass Press announced that they will approach the Commission for the Protection of Competition, claiming that the first issue of the paper (issued on March 1) had been 'stolen' by a distribution company. They urged the regulator to check out whether the company National Distribution had abused its monopoly position on the market.

"More than 90% out of 10,000 copies of the circulation has been somewhere 'arrested'," said the journalist Ivan Bakalov. In Facebook posts the publishers suspected that the Bulgarian MP, businessman and media mogul Delyan Peevski exerted pressure on the distribution company.

In June 2013, when Peevski was appointed head of the State Agency for National Security, the biggest street protests that Sofia had seen in over a decade erupted. Since then, after 15 years of political and economic success, the 35-year-old owner of a media empire has come under more fire. During the last 5 years Delyan Peevski has created a shadowy media empire and National Distribution is considered to be one of the companies under his economic and political influence even though its official owner is another person.

The word "Prass" in the title of the new satirical newspaper Prass Press actually refers to the meaning "pig" and is directly associated with Delyan Peevski's nickname. The publisher Ivan Bakalov and the cartoonists Chavdar Nikolov, Hristo Komarnitski, Alla and Chavdar Georgiev announced that they will alert international organizations monitoring the freedom of speech, because they believed that the distribution of the newspaper had been intentionally hampered, which they considered a rude violation of press freedom.

"Prass Press" enjoyed the sympathy of the media and Bulgarian cartoonists after the circulation of the first issue mysteriously disappeared and many people could not buy it. On 8 March 2017 the cartoonists of the newspaper organised a campaign in a central square in the capital Sofia, where they handed out personally the last 50 copies of the paper. Hundreds of people went there to express their support. The publishers also received international support – the Bulgarian animator Ushev Theo, and Oscar nominee, drew a special cartoon and sent it to his Bulgarian counterparts. The drawing was sold out with the last copies of "Prass Press". The next issue of the newspaper was published on 15 March 2017 and the publishers announced that it would be distributed by supporters and volunteers across the country.

As media freedom in Serbia is increasingly endangered, there is a lot of dissatisfaction among journalists, editors, and media workers. Many give statements on media freedom almost daily, trying to force relevant institutions and the public to react. As most of national television channels are close to those in power, discussions on media freedom and status of the journalistic profession are almost always online, on web portals and social media.

Svetlana Lukić, editor in chief of the Serbian portal Peščanik, said in an interview for Media and reform Center Niš⁴⁶ that in her opinion the only place where media can report freely is the Internet. However, it was known to happen that hackers attack and block Peščanik. On one occasion, in 2014, it happened right after publishing the article about the allegedly plagiarized doctoral dissertation of the Minister of Internal Affairs Nebojša Stefanović⁴⁷. A similar thing happened to the Center for Investigative Journalism of Serbia (CINS) in 2014. "When Radio 021 published a story about the daughter of the Governor of the National Bank of Serbia, Jorgovanka Tabaković, this text was removed from their site after several hours. We've published a story about why the

⁴⁶ More at: <http://mediareform.rs/svetlana-lukic-mnogim-novinarima-nacrtana-meta/> Visited: October 3, 2017

⁴⁷ More at: <https://www.slobodnaevropa.org/a/sajt-pescanika-oboren-posle-teksta-o-doktoratu-ministru-policije/25406937.html> Visited: September 26, 2017

article was removed, and somebody hit the server on our site and backdated our website for one day back, so our text disappeared from the CINS website,” explains Branko Čečen⁴⁸, the director of the Center for Investigative Journalism of Serbia.

However, this is not the only method used to prevent journalists from reporting. “After an article about associate of Andrija Drašković⁴⁹ that became influential in this society, in February of this year (2014), our site was inserted with software that’s collecting everything - data and metadata, which means that it has access to our addresses, phone numbers, internal communication. This server sends all the collected data to one dispersive server, and then further, to those who want our data”, said Čečen and added that police did nothing.

Stevan Dojčinović also claims that everybody who works at KRIK is being under surveillance. “Somewhere in 2015, we began to notice the people who followed and photographed us with cameras hidden in bags or with mobile phones.” In March 2016, KRIK discovered that the Security Intelligence Agency actually surveils them, and that the data it collects is massively published by the tabloids. “Only then did we see how serious the problem was, when they started publishing articles in the daily Informer, first of all, about me. We could see all those shots made by hidden cameras, I could read my telephone conversations, and then I saw how far it went”, said Dojčinović⁵⁰.

Predrag Blagojević, the editor in chief of daily online magazine Južne Vesti was also followed⁵¹. He reported to the police that he was being recorded by a stranger on March 21 from a parked car “Golf 5” with a video camera, and when he approached the car, the driver suddenly stopped recording, started the engine and fled. After the information on whether the editor of Južne Vesti has been tapped or monitored in the last 3 years by the Ministry of Interior Affairs was marked as “Strictly Confidential”, the High Court of Nis has announced that it had not issued an order of that kind.

In Albania, there are no legal provisions allowing for filtering or blocking a website. However, a recent article brought to the attention of the public an episode in which the general attorney had intervened to take down stories on his daughter from several portals. According to the article the head prosecutor had demanded from the Authority on Electronic and Postal Communications (AKEP) to take measures against some portals that had carried a piece on his daughter’s lifestyle, deeming the piece in violation of ethical norms and rules. The piece in question was first written by a media contributor on his Facebook page, based on the social media posts made by prosecutor Lalla’s daughter. The piece was republished by several portals and online media in August 2016, focusing on the extravagant and luxurious lifestyle of the prosecutor’s daughter. Even though the regulator, AKEP, admitted it is not entitled by law to judge on the content published in online media, and there is no such institution in the country, they said that the prosecution ranks among the authorities that are entitled to assess whether the content of an article is illegal, and for this reason felt obliged to pass on the prosecutor’s request to the online media to delete the content in question. This case displays two phenomena: first the reflection of growing public concern on the often unethical conduct of especially online media. Second, the case displays a misuse of public position for personal interest and a risky precedent in terms of trying to control and censor unfavorable media content, even though the law does not seem to clearly allow any such influence.

In practice so far there have been no other indications of government or state bodies trying to impose filters or take down specific websites. In fact, sometimes the government websites have been hacked and temporarily out of order due to unidentified interventions. However, a few isolated episodes have shown that there are sometimes attempts to temporarily silence or manipulate a website. For example, immediately before the general elections of June 2017 the website of one of the daily newspapers, Shqip, was cloned and contained clearly anti-government news, which is not at all consistent with the usual editorial line of the newspaper. Similarly, a few newspapers, most notably Gazeta Tema, have sometimes reported that the website had been hacked or temporarily put out of order.

A public dispute in this context has been that of Habjon Hasani, from Hashtag website, against Carlo Bollino, director of Shqiptarja.com. In October 2016, the news portal Hashtag.al, led by Habjon Hasani, was temporarily taken down, after complaints from Carlo Bollino, a well-known Italian journalist that has founded several media in Albania in the last 20 years. Bollino’s claims were that Hashtag was using his photos without permission and the website was spreading false information. According to Hasani the block stemmed from a series of articles published on the “arbitrary firing of journalist Alida Tota and the motives or truth on what was happening in the landfill of Sharra.” The blocking of website also extended to reports made for Lolita, a Facebook page and community, which is highly popular in Albania, after publishing a comment on the blocking of Hashtag. According to Bollino, Lolita’s post contained a vulgar and denigrating message on him and his family, so he asked Facebook to take the post down, which they did, putting Lolita on Facebook’s grey list. The website was reinstated after changing its address, but the episode illustrated new opportunities for the war within the media itself, a war accentuated by personal relations and political alignments, too, but

48 More at: <http://www.vreme.co.rs/download.php/system/storage/pdf/1225trib.pdf> Visited: September 26, 2017

49 More at: <https://www.reportingproject.net/peopleofinterest/profil.php?profil9> Visited: October 3, 2017

50 More at: <http://www.espreso.rs/vesti/drustvo/174477/stevan-dojcinovic-urednik-krik-a-spijiniraju-nam-celu-redakciju-a-onda-bia-daje-te-podatke-informeru-i-tabloidima-video> Visited: September 26, 2017

51 More at: <https://www.juznevesti.com/Hronika/Jos-se-ne-zna-ko-je-snimao-novinaru-Juznih-vesti.sr.html> Visited: September 26, 2017

showing how technology can be used to block or filter information, even temporarily.

Regarding legislation on online media, the approach to regulation has been rather liberal, regulating some technical aspects, but not intervening to regulate content. More specifically, the legislation states that any legal or physical person is free to offer services of information society without any preliminary authorization or any other similar requirement. In fact, there is no obligation for online media to register with any authorities. The only request they have to make is to the regulatory authority on electronic communication, if they want to obtain a domain ending in .al, but even this is a formal requirement, which applies to all websites, not just to media, and which does not meddle with content in the websites.

However, given the lack of ethics and moderation of especially the sections of user generated content in online media, the calls for regulating this field have intensified. The government is currently working on an amendment that would aim to increase protection from unethical comments, but the draft is still under discussion. A previous draft proposed from an MP, considered problematic, unclear, and too drastic, was withdrawn.

In October 2016, on the day of Montenegrin parliamentary elections, several messaging applications such as WhatsApp and Viber were blocked. A few hours before polling stations opened, the authorities announced that they had foiled a mysterious plot to oust Prime Minister Milo Djukanovic and had arrested 20 suspects in Podgorica.

That case is also mentioned in the last European Commission non-paper report: “Temporary suspension of certain social media platforms for communication on the day of election, as well as the way it is ordered, provokes concern about compliance with European standards”

In FYROM to date, no blocking or obstruction of telecommunications networks has been ordered to censor the free flow of information.

The legislation on freedom of expression and protection of human rights in the public communication applies to both traditional and online media. However, in spite of that, there is an incomplete application of the regulations when it comes to public communication on the Internet. This is especially true for the implementation of the Criminal Code and the provisions on hate speech, the Law on Defamation and Insult, the Law on Prevention and Protection against Discrimination, as well as in the Law on Labour Relations and the Law on Copyrights. The few examples of law enforcement in this respect, however, confirm that the rule exists and that the media and public communication, regardless of whether it is online or not, must not be used to violate human rights and dignity.⁵²

MULTIPLE CASES OF VIOLATIONS OF THE RIGHT TO PRIVACY AND PROTECTION OF PERSONAL DATA ACROSS THE REGION

In Romania over the last years there have been repeated attempts to pass laws regulating the Internet that would have a negative effect on the privacy of citizens. Such a draft law is the cyber-security law that would require all the business companies, irrespective of their size, to adopt enhanced security measures for their electronic systems. The European National Information Security Directive asks for such measures to be taken only by the national structures of public interest. The law would have allowed the Romanian Intelligence Service access to the companies computers. In a previous version of the law, even the private computers would have been subject to this kind of treatment. The law was not adopted by the Parliament and is currently in a limbo.

There were also attempts at passing a law on the compulsory registration of the pre-pay SIM cards. Previous versions of the law have been considered unconstitutional by the Constitutional Court, who ruled that the law was not offering enough guarantees for proper protection and processing of the personal data of the citizens.

The media is generally not sensitive to the protection of privacy, despite the provisions in the Civil and Criminal Code and the ones of the various journalistic ethical codes. Very few of these cases make it to courts.

Journalists from the Bulgarian investigative website Bivol were summoned by the Sofia City Prosecutor’s Office in February 2016 for questioning in connection with the case known as Yaneva Gate. In November 2015, Bivol began publishing leaked recordings featuring Vladimira Yaneva, the former President of the Sofia City Court (SCC), and her former deputy and ex-SCC judge, Rumyana Chenalova. The conversations were taped a year ago, when the Supreme Judicial Council had suspended Yaneva for illegally granting permits to use electronic equipment to spy on people. The Supreme Judicial Council represents the judiciary, and

⁵² Sarachini, P., (Ed.) “Makedonija vo digitalnata era – megjun pravata I odgovornostite pri komuniciranjeto na internet”, MIM, Skopje, 2014. Available at:http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf.

monitors judicial staffing policy and impartiality. The wiretaps have once again raised questions about the judiciary's practices, lack of separation of powers, and questionable adherence to the rule of law. The journalists commissioned only the analysis of the longest file, which contains some of the most scandalous revelations, involving people such as the Prime Minister, the Prosecutor General, Supreme Judicial Council members, and the President of one of the two Supreme Courts in apparent violations of the law. This file also discusses illegal spying on foreign embassies. Yordanov and Tchobanov explained in media interviews that they had told the prosecutor they could have not said how the recordings were obtained or by whom, as they arrived through Balkanleaks, Bivol's platform for anonymous sharing of documents, which is modeled on Wikileaks.

A report, commissioned by the Prosecutor's Office, concluded that the recordings were made illegally and were manipulated. However, their author and content have not been released. Bivol's journalists said that Acustek has done analyses for the Ministry of Justice of Ireland; the Ministries of Defense and of Interior of France; and the police in Italy, Romania, Poland, Serbia, Morocco, Egypt, China and Latvia. Dr. Catalin Grigoras, Director of the National Center for Media Forensics in Denver in the US state of Colorado, and specialists from the Media Distribution and Security Department of the Fraunhofer Institute in Germany, have also confirmed for Bivol that the file has not been manipulated. Prosecutor General Sotir Tsatsarov said the leaked recordings and their publication by Bivol are an attempt to discredit him and his institution.

Yaneva Gate was criticized sharply in the January European Commission report on Bulgaria's progress that is prepared under the Cooperation and Verification Mechanism (CVM). "It will be important for the credibility of the process that all steps are taken to ensure that investigation takes place in a transparent and impartial manner," the report says.

In 2016, during a live talk show on TV, in Albania, the investigative journalist Artan Hoxha made assumptions and gave information from his sources related to drug trafficking in the country. Right after the show prosecutors showed up at the TV station, and confiscated the mobile phones of Artan Hoxha, claiming that he had revealed secret details of an ongoing investigation. They asked him to provide the prosecution with the codes of encryption, but he refused to do so, citing his right to protect his sources of information.

In Bosnia and Herzegovina, information that state secret services were eavesdropping on various local and foreign figures appeared in the media, as well as in political circles. In mid-September, the Croatian weekly Nacional reported that the Intelligence and Security Agency (OSA) of B&H was eavesdropping on certain Croatian officials and businessmen.

B&H Security Minister Dragan Mektic confirmed right away indirectly that there had been eavesdropping, but said there had been no espionage scandal and everything had been done in line with the law. "Understandably, B&H will protect its interests, but in line with the admissible norms and of course the law," Mektic told a press conference, but declined to specify the reasons for eavesdropping.

A member of the OSA Oversight Committee, Predrag Kozul, said he would demand an investigation into the agency's operations. Kozul, also a delegate in the B&H Parliament, believes that OSA is being abused. He accused the security minister of undermining the intelligence and security system in B&H by his statements.

Just a few days before that, a similar scandal erupted, but with different actors. The Prosecutor's Office of B&H issued a public statement saying that the office was conducting an extensive investigation into unlawful eavesdropping on its Chief Prosecutor Gordana Tadic and Vice President of the High Judicial and Prosecutorial Council Ruzica Jukic for the crimes of unauthorized eavesdropping and audio or optical recording in connection with the crime of interference with the work of the judiciary.

The State Security Agency, SIPA, denied eavesdropping on these judicial officials. The agency said that a journalist of the Dnevno portal, Josip Simic, had submitted a criminal report against B&H Security Minister Dragan Mektic, enclosing with the report a falsified SIPA document which says that the state agency had followed and eavesdropped on the chief prosecutor and that this information and transcripts had been delivered to Mektic. Simic was then brought in and questioned by SIPA and after that released. The Prosecutor's Office is also investigating the case of alleged falsification of documents.

The B&H public believes that secret services are not fully controlled by parliament and that the part of government which has control over them often uses them for political confrontations in B&H.

Back in 2008 in Montenegro, the NGO MANS filed a complaint with the Constitutional Court challenging the laws and the memorandum of understanding between the police and the telephone company M-Tel, which gave the police direct access to the databases of mobile telephone service providers, without judicial oversight, for the purpose of monitoring potential criminal activity. M-Tel is one of the country's three mobile phone service providers. MANS asserted that this violated citizens' right to privacy. Police responded that all communications monitoring had to be approved by the competent prosecutor's office.

At the beginning of 2015, the biggest affair of massive illegal wiretapping in the history of FYROM was revealed. The affair was

exposed by the then largest opposition party SDSM, which accused the top officials of the VMRO DPMNE, the ruling party at the time, of illegal wiretapping.

According to the then opposition leader and current prime minister, Zoran Zaev, over 20,000 citizens were taped, in hundreds of thousands of recorded conversations.

After the biggest political parties reached the “Przhino agreement” (July, 2015) to overcome the political crisis, a Special Public Prosecutor’s Office (SPPO) was established, with the task of investigating the people responsible for the illegal wiretaps, as well as the suspicions of committed crimes that emerged from the revealed conversations. As the responsible authority in the illegal wiretapping, the SPPO suspected senior officials from the Directorate for Security and Counterintelligence as well as the Fifth Section (secret police). After the indictment, two of the defendants have been on the run.

Also, in another procedure, the SPPO charged heads and members of the Ministry of Interior and the secret services of unlawful destruction of the wiretapping equipment, which the SPPO suspects that it was used in the illegal wiretapping.

The affair with the illegal wiretapping of thousands of citizens was treated differently by pro-government and critically-oriented media. The pro-government media affirmed the views of the government at the time, informing that the tapes were provided by the so-called “foreign services”, together with whom the then opposition allegedly aimed to overthrow the legitimately elected government. They also reported that the recordings were edited in a “cut-and-paste” montage so as to compromise the then government officials and present them in a negative context. On the other hand, critically and neutral oriented media repeatedly demanded responsibility from the competent institutions for the illegal wiretapping, enabled the debate of the opposing parties and investigated the possible perpetrators behind the illegal investigations and their motives.

BEST PRACTICE CASES OF PROTECTING JOURNALISTS’ FREEDOM OF EXPRESSION SPUR ACROSS THE REGION BACKED BY PROFESSIONALS, LEADERS AND CIVIL SOCIETY

The combined efforts of a handful of Romanian NGOs (Center for Independent Journalism, Association for Internet and Technology, Media Monitoring Agency, Romanian Helsinki Committee) led the move to prevent the adoption or the implementation of restrictive or abusive legislation of the Big Brother type. The transposition of the Data Retention Directive has been rejected by the Constitutional Court as it did not respect the privacy of the citizens. For the same reasons, five different versions of the compulsory registration of the pre-pay SIM cards have been prevented from being adopted and implemented.

At the beginning of 2015, Bulgaria’s Ministry of Justice began drafting amendments to the Penal Code, which, at the request of the United Nations, must address the challenges in fighting terrorism. However, the amendments also reflected a part of the Penal Code concerning the mass media, and more specifically article 162, paragraph. 1, which states: “Whoever by means of words, media or other mass communication channels, electronic information systems or otherwise preaches or incites to discrimination, violence or hatred, based on race, nationality or ethnicity, shall be punished by one to four years and with a fine of five thousand up to ten thousand leva (5 000 euros), as well as with public reprimand”. The proposal of the Ministry of Justice was to add “or political affiliation” after “ethnicity”. Thus each politician could complain about being discriminated and the media to be affected by the law.

After signals from the media, the Minister of Justice Hristo Ivanov (now leader of the right political party “Da, Bulgaria”) promised that the amendments to the Penal Code will be removed, because this could lead to a dangerous restriction of the freedom of speech. The official motive for removing the scandalous amendment, announced on 24 March 2015, was: “restricting freedom of speech can only exist in the presence of genocide, war crimes and similar extremely serious crimes against humanity”.

A best practice case in Albania can be considered an action to amend defamation laws in the country, as well as an effort to prevent any regress in the legal reform once it was achieved. The Albanian Parliament adopted amendments to the Penal Code on March 1, 2012, decriminalizing libel and defamation. These changes followed a first round of amendments to the Civil Code defamation provisions, passed by Parliament on February 17 of the same year. The changes culminated a seven-year effort led by the Justice Initiative and the Albanian Media Institute, which received multi-partisan support in three successive legislatures and civil society discussions.

In addition, media community and other organizations of civil society also supported the initiative and the amendment was considered a success in terms of enabling an environment conducive to freedom of expression.

However, in 2016 the legal reform of defamation suffered a setback. The Council of Ministers proposed new amendments to the Penal Code, which aimed to criminalize defamation again. Moreover, the aim of the new amendment was to grant specific protection against defamation to high public officials. The proposal followed remarks made by the Prime Minister in a plenary session in the Parliament, when he addressed the political debate in the parliament, where continuous verbal assaults and exchange of verbal attacks between political rivals had become the norm. The reasoning behind the proposal was that there had been grave violations of the defamation against high public officials since the decriminalization of libel, and punishment through civil lawsuits had been insufficient.

The news on this amendment sparked instant reaction and opposition from media community. There were calls for protests from heads of associations and a petition against it circulated among the media community and civil society. The Albanian Media Institute and Soros Foundation, who were the main supporters and drivers of the decriminalization of libel and defamation in 2012, submitted a written opinion to the Parliamentary Commission on Legal Affairs, upon the request of this commission, considering the initiative is a hasty one, with technical shortcomings and with a very negative impact on many aspects related to freedom of expression.

As a result, after pressure from different actors, and media coverage, the amendment was withdrawn. This was one of the rare cases when different actors united in a concrete action to protect freedom of expression.

An example of successful lobbying for the passing of legislation was an activity implemented during the project ACCOUNT (Anti-corruption civic organisation unified network), which consisted of several NGOs from all over Bosnia and Herzegovina working to advance anti-corruption reforms in BiH and prevent and fight corruption. ACCOUNT was involved in the passing of the law on the protection of persons who report corruption in the Republika Srpska. The association Infohouse, one of the partners implementing the project, established cooperation with the responsible Ministry of Justice of the RS, through meetings, participating in public discussions and signing cooperation memoranda, after which an ACCOUNT amendment on protection of whistleblowers was adopted and incorporated in the final text of the law. The stand that was adopted is that someone who reports corruption, along with filing reports with law enforcement agencies and prosecutor's offices, may also report corruption to civil society organizations working on protection of human rights and battling corruption. This encourages those who report corruption because they can notify an NGO that can afterwards formulate the report, which is less stressful for the whistleblower. Of course, in case of judicial proceedings, the person who reports corruption needs to testify, but at least in the first phase of the proceedings he or she is not at the center of the process.

In 2017, the European Court of Human Rights brought a decision in favour of the journalists in the case "Selmani and others against the FY Republic of Macedonia" related to the events of December 24, 2012 when journalists were forcibly expelled from the gallery of the Macedonian Parliament. This judgement in a case of freedom of expression violation is very important for the democracy and rule of law in FYROM, since it is the first one related to Article 10 from the ECHR. The European Court found a violation of two rights guaranteed by the European Convention on Human Rights: the right to freedom of expression stipulated in the Article 10 and the right to a fair trial stipulated in the Article 6. The judgement is a proof that the institutions in the country failed to meet their primary mission to protect and promote the fundamental human rights. It was considered as a victory of the journalist' community and will contribute to creating a precedential law practice regarding law cases related to Article 10.

VOICES FROM THE REGION: GETTING INTO JOURNALISTS SHOES



Snježana Milivojević, professor at The Faculty of Political Science in Serbia, stated for FoNet that since this Government came to power, one could witness a constant regression in the area of media freedom. "Since the authorities, after many efforts, have received a ticket to the media sector, erstwhile excessive cases of tabloidization are now the dominant media form," Milivojević said. Journalist Tamara Spaić agrees, saying that „the Serbian

Progressive Party coming to power was a milestone for journalism in Serbia, which, by the way, had not been anything special before, but at least the critical thinking, journalistic research and basic decency did not pull back to the corners of the Internet due to the tabloids.“



Danica Vučenić, Serbian Journalist in an interview for television N1⁵³: “Professional media are in an abnormal situation, where, on one hand, they are confronted with the Government, and they are treated as the opposition political organizations, and on the other hand, a front is open to the media which spread propaganda... Professional media are in a clinch, in which every title, every information is interpreted through the political discourse, as a part of political struggle, and not as information that is published in the public interest.”



Slaviša Lekić, President of Independent Journalists Association of Serbia said in an interview for DW⁵⁴ that „only reality shows and tabloids, and all this tabloid culture that promotes gossip, rumors, affairs and scandals can survive here“. And added: „Okay, maybe it’s the same globally, but I do not think that the almost perfect concept of lynching and media lashing of those who do not think the same as the ruling nomenclature has come to life anywhere as it did in Serbian tabloids. And it’s no longer a matter of a race for sensation and profit: behind almost every story in these tabloid containers is the political background.“ This can be illustrated with any front page of the daily Informer, which the Government uses to deal both with disobedient journalists and political opponents.



Svetlana Lukić, Editor-in-Chief of Serbian portal Peščanik, said in an interview for Media and Reform Center Niš⁵⁵ that the situation in the Serbian media has never been worse, and that the current situation in media is even worse than when Slobodan Milosevic was in power. Lukić explains that with the coming to power of the Government of the Serbian president Aleksandar Vučić, who was the information minister in Milosevic’s Government, two changes happened: first, media abuse became enormous, and second, confrontations with journalists became personal. “I dedicated my life to journalism and I literally feel like crying when I hear the words “media freedom in Serbia”. I have been fighting for media freedom all my life, and I am completely defeated.”



Vukašin Obradović⁵⁶, founder of recently shut down Serbia’s weekly Vranjske and former president of the Independent Journalists Association of Serbia: “Attacks on journalists, in every civilized society, are a measure of democracy.”

“Unfortunately, we have not yet developed the awareness that the attack on the representatives of the public is something that is inadmissible and incompatible with the trends of modern civilization. That is why, even after democratic changes, we are witnessing, almost daily, our colleagues being targeted. The low level of sensitivity and collegial solidarity have brought us so far that verbal attacks are often not even registered, although they sometimes have more severe consequences than physical attacks.”



Cristian Tudor Popescu, a Romanian journalist, columnist and short-story writer: “The black mail, the black mail with threats are not rare in our media. There is an old saying, still working these days: you gain more with what you DON’T say and what you DON’T write on TV, on the net or in a newspaper. This is how the media black mail works.”⁵⁷



Dan Tăpălagă, a prominent Romanian journalist and tutor on political journalism in various universities: “In a world increasingly preoccupied by the new aggressive tactics developed by Russia in the information war, Romania is preparing herself to allow to be conquered. While the US, Germany or even organizations such as NATO try to counter the new weapons perfected by Russia, the Romanian media is inflicting to themselves the bad that Moscow’s trolls endeavor to inflict to others.”⁵⁸

53 More at: <http://rs.n1info.com/a330166/Vesti/Vesti/Danica-Vucenic-Vlast-tretira-profesionalne-medije-kao-opozicione-organizacije.html> Visited: September 26, 2017

54 More at: <https://www.cenzolovka.rs/pritisci-i-napadi/tiha-eutanazija-novinarstva/> Visited: September 26, 2017

55 More at: <http://mediareform.rs/svetlana-lukic-mnogim-novinarima-nacrtana-meta/> Visited: October 3, 2017

56 More at: <http://www.nuns.rs/Projekti/ongoing-projects/series/27/baza-podataka-napada-na-novinare.html> Visited: September 29, 2017

57 <https://www.digi24.ro/stiri/actualitate/justitie/ctp-salut-ca-un-caz-de-santaj-in-pres-a-fost-instrumentat-si-s-a-ajuns-la-solutii-definitive-751360>

58 <http://www.hotnews.ro/stiri-opinii-22012024-metodele-rusiei-cum-pregateste-romania-pentru-cucerita-mediatic.htm>



Brîndușa Armanca, a Romanian academic and journalist: “Lies can be often revealed if the media houses and journalists want to dig out the truth. The Internet and the television are huge archives that can push the oil to the surface of the water. Even the social media can pay services to the truth, if the professionals know where to look.”⁵⁹



Ioana Avădani, the executive director of the Centre for Independent Journalism in Bucharest: “We live paradoxical times: an almost unlimited freedom of expression coexists with harsh censorship, up-close monitoring and unseen threats. I think that the best explanation for this paradox is that there are no more just two actors fighting - professional media, on one hand and governments, on the other. The individuals have become an important part of the public conversation, private actors (such as Internet service providers or big content aggregators) can decide who’s getting what information and when. The whole matter of the freedom of expression has changed and the solutions to keep it guaranteed are getting more and more complicated.”⁶⁰



Bulgaria’s famous TV presenter Ani Tsoleva in an interview in May 2017: “Everyday efforts are being made so that journalism becomes a dirty and unpretentious profession. There are people who are called journalists, but they are actually propaganda servants. There are journalists who rely on those who are in power, they change the truth very easily. This happens every day.”⁶¹



Yana Pelovska, Managing Director of Media Development Center in Bulgaria: “The fact that there was a case in Bulgaria in the beginning of October 2017 of politicians threatening journalists on air is alarming. Threats towards media professionals and the lack of sensitivity to freedom of expression is a crime and we expect politicians to protect these freedoms rather than limit them. Underestimating the freedom of expression is equal to non-observance of good international standards and practices and contributes to Bulgaria’s poor image on the global media scene. We are confident that Bulgarian journalists will continue to work to maintain high standards in the profession, part of which is to ask questions important to Bulgarian society and to seek the truth.”



Fatos Lubonja, an Albanian editorialist, in Panorama newspaper after the firing of two editors closer to the opposition after a “change in editorial policy” of the media they worked with: “How is it possible that we have come to a point where it has become the norm that the media owners get rich thanks to a journalism that works against the principles that determine how a media in a democracy and free market should work?...”

Take note: never before, since the emergence of commercial media, have we lived in a media situation where almost all owners have decided to have pro-government editorial policies. What does this mean? Let us analyze the phenomenon a bit further. Some call our private media an expression of the development of liberal capitalism. However, what we see is quite the opposite. The free market is based on the diversity of products, diversity of consumers and tastes, as well as the competition with the best and cheapest product. On the other hand, our media seem to want to produce all the same goods: pro-government editorial policies, and what is worse, they do so by sending away professionals and replacing them with servile people or even the relatives of media owners.”



Blendi Salaj, an Albanian radio and television journalist, lecturer and social activist, asked on media practices of reporting elections and politics: “In theory the media should serve the public to control politics. In practice everything is upside down, in the case when media cooperate with politics to keep the public under control.”⁶²



Mero Baze, an Albanian journalist, editorial on quality of Albanian press: “The press escaping from its responsibilities to public opinion and running after news that quenches the thirst for clicks and audience, promoting perversity and petty crime, especially domestic crime, is one of its biggest regresses...”

59 <http://www.contributors.ro/media-tech/co%C8%9Bofene-de-partid-%C8%99i-de-pres/>

60 <http://europunkt.ro/2017/07/07/interviu-ioana-avadani-directorul-cji-in-romania-cenzura-economica-si-auto-cenzura-sunt-cu-siguranta-cele-mai-frecvente-forme-ale-cenzurii/>

61 <https://nova.bg/news/view/2017/05/24/183124/цолова-и-николаев-полагат-се-всекидневни-усилия-журналистиката-да-е-мръсна-професия>

62 Blendi Salaj, qtd. in Vladimir Karaj, Reporter.al <https://www.reporter.al/shitja-e-emisioneve-televizive-mjegullon-linjen-ndarese-mes-lajmit-dhe-propagandes/>

The degradation of Albanian press and television into an ordinary screen of crimes and perversities, and the tendency to avoid public battles and the mission to protect public interest, is an attempt to replace the importance of the public mission of the press with the fake interest that media elicits as a public gossiping venue.”⁶³



Esiona Konomi, an Albanian journalist's reflection on quality of news coverage related to recent events: “Populism and rhetoric of quips (things that can earn you an election victory in this country) has beaten us [journalists] and taken out of our legal context, as well as has deprived us of the elements of accuracy, making us an easy prey for persons that underestimate media, as well as for those that want to use us, or cannot find any reasons as to why to trust us.

And it is only my fault, our fault! It is the fault of the brief lines that we speedily write each day, without taking a moment to go deeper than that.”⁶⁴



Editor-in-Chief of “Zurnal” Eldin Karic in a commentary on threats to the journalist Dragan Bursac: For months Dragan Bursac, a journalist from Banja Luka, has been subject to serious threats to him and his family. Because he is willing, without any calculations, to call negative trends in society by their real name, he has become a target of fascists, who are dressed in festive uniforms of patriots and defenders of traditional values. It is hard in these times to be Dragan Bursac in Banja Luka, Republika Srpska, Bosnia and Herzegovina. It is just as hard as to be Bursac in Sarajevo, Mostar, Siroki Brijeg, Tuzla... In these frightful times, it is not easy to be human and that is why each one of us needs to awaken the Bursac within us.⁶⁵



Srdjan Puhalo, Psychologist, blogger and media analyst: I am 45 years old, I have 17 years of service accrual, everyday contacts with media, and I have still not come upon a journalist who said they practiced self-censorship. They told me about censorship, about racketeering, but no one said a word about self-censorship. It seems this is a phenomenon that always happens to someone else and somewhere else.⁶⁶



Amir Suzanj, editor of public BH Radio for the project South-East European Partnership for Media Development: The media staffing policy is seriously jeopardized and people who ‘strayed into journalism’ have come to many media. Fully aware of their deep shortcomings, they agree to be political puppets of those they serve. In this situation, self-censorship is a key element of their work, which most certainly reflects on the quality of media content. Besides an evident inability to professionally look at events and processes in society, these ‘journalists’ try, whenever possible, not to confront the centers they serve and thus self-censorship is not just a big barrier in their work; it is also the philosophy of their media action. Nevertheless, a certain number of journalists in B&H’s media landscape remain highly professional and without hesitation evaluate processes in Bosnia and Herzegovina.



Biljana Petkovska, director of Macedonian Institute for Media, commenting on the last report of the Reporters Without Borders “Macedonia, Bad boy in the Balkans” (26 April, 2017): „In the countries such as Macedonia, the reasons for this kind of situation in the media field is the existence of corruptive and clientelistic relations among managers, editors and media owners from one side with the ruling elites, from the other. This deeply rooted corruption is one of the key problems which systematically destroys the media in the region. In Macedonia, that is manifested in most evident and maleficent manner, which is why the country is pointed as the “bad boy in the Balkans”.

Note: The statement refers to the former government led by rightist VMRO-DPMNE that was in power by 2016.⁶⁷



Tamara Causidis, president of the Independent Union of Journalists and Media workers, commenting the last report of the Reporters Without Borders “Macedonia, Bad boy on the Balkans” (26 April, 2017): „The ruling elites

63 Mero Baze, Gazeta Tema, <http://www.gazetatema.net/2017/02/12/e-shtuna-e-cmimeve-dhe-e-diela-e-krimave-shqiptare/>

64 Esiona Konomi, journalist Shqiptarja.com, in her Facebook page, as well as <http://vizion.com.al/pse-jemi-kazani-i-rames-nga-esiona-konomi/>

65 <http://zumal.info/novost/20614/probudimo-bursaca-u-sebi>

66 <http://analiziraj.ba/2017/06/21/autocenzura-s-ljudskim-licem/>

67 <https://mk.voanews.com/a/macedonia-reporters-without-borders/3826238.html>

do not give up the control over the news and media, as well as demonizing and marginalizing of everything that represents professional and critical journalism and free expression. Macedonian journalists and media workers have the lowest salaries and least rights compared to other states in the region, censorship and self-censorship rates are the highest, which are factors that determine the country's rating”.

Note: The statement refers to the former government led by right ist VMRO-DPMNE that was in power by 2016.⁶⁸



Assessment and recommendations of the Senior Experts' Group on systemic Rule of Law issues 2017, issued on 14 September 2017 in the chapter devoted to Media and Civil Society, states that:

“113. Recommendations of the 2015 in the area of media have only to a limited extent been implemented. The media still faces many of the same challenges that have influenced the media land scape for severaly ears now and the perception is still that the media outlets are politically affiliated or instruments of influential persons.”

“117. The media professionalisals ostill suffering from numerous challenges. The perception is that investigative journalism is not carried out generally, due to fear, lack of resources as well as journalistic skills.

Investigative journalism is of ten not prioritised and also obstructed by authorities, which hampers citizens' access to reliable pluralist and objective information. It is reported to be difficult to access in formation and decision-makers. Both journalists and stake holders report that journalists often are failing to perform in accordance with ethical standards, which undermines the credibility of the profession. This is further reinforced by allegations of corrupt practices of some journalists resulting from self-censorship or the lack of necessary professional skills. Furthermore, the two largest associations for journalists–the Association of Journalists of Macedonia and Macedonian Association of Journalists are not cooperating. The labour conditions for journalists are still very poor with low salaries and short term employment contracts with no job security. The OSCE/ODIHR did note in its Election observation mission final report concerns about th eindependence of the public broadcaster MRT, the Media Agency, intimidation and threats against journalists and failure to provide balanced and impartial coverage.”

SUPPLEMENT

TOOLS ASSESSMENT FOR PROMOTION AND PROTECTION OF FREEDOM OF EXPRESSION

The tools below were suggested in May 2014 by the Council of the European Union in order to further the promotion and protection of freedom of opinion and expression. SEENIPM partners' experts have assessed and commented on the tools in the context of the political, economic and media landscape in the respective country and identified the ones that are expected to work best or are most relevant to the country

Tool	Bulgaria	Romania	Albania	Bosnia and Herzegovina	Montenegro	FYROM	Serbia
Political dialogues and high level visits	X			Talks between EU representatives and BiH officials are mainly oriented to solving serious political problems in the country. There is almost no talk about the media and freedom of expression.		Political dialogue among the political parties for overcoming the political crisis in the country with mediation of the international community (the so-called „Przino agreements“);	
Monitoring, assessing and reporting on freedom of expression	X	Via the Cooperation and Verification Mechanism, in which media freedom is a permanent topic.	EU monitors media freedom and draws up reports that are included in annual enlargement reports.	X	X	EU Country Progress reports	
Public Statements and Demarches	X			The occasional demarche of the EU is mainly concerned with the importance of continuing the work of public service broadcasters addressed to politicians as well as the general public		Statements of the representatives of EU, USA and other international community representatives	
Financial instruments		X	X	X	X	X	
Public diplomacy in multilateral fora	X	X				X	

Media Freedom and pluralism in the EU enlargement policy			Media freedom is constantly monitored by EU, and reflected in progress reports. In addition, consultancy on legal amendments has also been offered, upon request.	The laws and statements of politicians emphasize the freedom of the media and expression. There is currently a dispute with the EU because parties in the state parliament cannot agree on the financing of public service broadcasting.			
Promoting Council of Europe and OSCE acquis	X		EU sometimes supports projects, along with CoE and OSCE, focusing on freedom of expression, ECHR practices on free speech, self-regulation and media professionalism, etc.				
Trade measures							
Training and technical exchanges			EU has supported publicly initiatives for securing safe internet for children or other similar initiatives. It also provides technical assistance, if needed, on freedom of expression legislation.	X			
Capacity building				Great attention is focused to the abuse of the Internet. The EU and UN work with state authorities (police and judiciary) on disclosure of cybercrime, sexual exploitation of children and the fight against terrorism. NGOs, thanks to EU support, are very active in this field.			

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FREEDOM OF EXPRESSION IN SOUTH-EASTERN EUROPE

