

# ASSOCIATION OF EUROPEAN JOURNALISTS



## **Goodbye to Media Freedom? Spotlight on Europe**

### **An Update of the AEJ Media Freedom Survey**

**Edited and presented by William Horsley  
AEJ Media Freedom Representative**

**EUROPEAN JOURNALISTS SURVEY FINDS  
MEDIA FREEDOM “IN RETREAT” IN EUROPE**

*Brussels, February 28th 2008*

**Members of the Association of European Journalists make up a network of journalists across Europe who monitor and assess violations of legitimate freedom of the media. In this Update to our original Survey, *Goodbye to Freedom?* (November 2007), we present further research from 15 countries which provides new evidence that media freedom is in retreat in much of Europe.**

**Armenia  
Austria  
Croatia  
Cyprus  
Czech Republic  
France  
Hungary  
Ireland  
Italy  
Poland  
Russia  
Slovakia  
Spain  
Turkey  
United Kingdom (& EU audiovisual policy)**

# **Goodbye to Media Freedom?**

## **An Update of the AEJ Media Freedom Survey**

### **SUMMARY AND PRESS NOTICE**

Members of the Association of European Journalists make up a network of journalists across Europe who monitor and assess violations of legitimate freedom of the media. In this Update to our original Survey, *Goodbye to Freedom?* (November 2007), we present further research from 15 countries which provides new evidence that media freedom is in retreat in much of Europe.

The AEJ considers media freedom and independence to be fundamental principles of open societies, and that the injury and damage now being done to them require urgent action. We invite our media colleagues and the government authorities around Europe to take note of our findings, and to restore the health of media freedom as a vital element in the well-being of European societies as a whole.

The serious violations and threats to media freedom which the AEJ highlights in our latest conclusions include:

- **In Russia and Armenia, blatant media bias has favoured pro-government candidates in recent elections. This looks like a premeditated deception of voters and casts doubt on the validity of the results. Russia and Armenia are also among several member states of the Council of Europe where violence and intimidation against journalists are commonplace.**
- **The Slovenian government has been accused by the country's leading media organisations and more than 500 journalists of interfering in the editorial policies of public broadcasting and parts of the print media. The AEJ supports our Slovenian media colleagues in their request for an independent inquiry into the alleged assault on their independence. We consider the government's refusal to enter into a proper dialogue about these complaints as a dereliction of its current role as the Presidency of the European Union. (Slovenia is not covered in the text of the AEJ Survey or the Update.)**
- **Our reports on Croatia, Slovakia and Poland show that political forces there are seeking to manipulate the flow of news and comment on the publicly-owned media through the appointment of their supporters to top positions. Public broadcasting across Europe faces a crisis of public trust and funding, and the prospect of changing radically or being abolished in years to come.**
- **The independence and the journalistic quality of Europe's mainstream media are being undermined by new commercial pressures and an over-concentration of ownership. In France, media takeovers by big business interests spell the end of the long tradition of newspaper ownership by groups whose primary interest is media.**
- **Security-related laws are being used more aggressively by European governments to block access to official information and to threaten journalists with jail or fines for defamation, revealing state secrets or refusing to disclose confidential sources. Journalists in France have called on the government to fulfil its broken promises to recognise journalists' legal right to protect their sources.**

**These assaults on media freedom have important implications for the European media:**

- 1. The AEJ finds a marked trend for national governments around Europe to use harsher methods, including heavy official “spin” and tighter controls on journalists’ access to information, to block media criticism. Journalists are coming under more pressure to censor themselves or toe a political line and not to challenge authority. The open confrontation between government and the media in Slovenia is mirrored in various ways in the UK, Ireland, Slovakia and the Czech Republic, among others.**
- 2. The media freedom rights enshrined in the European Convention on Human Rights, which is binding on all 47 member countries of the Council of Europe, are being undermined by abuses and the indifference of governments, and by journalists’ own neglect. Europe’s leaders and media have allowed the civil rights and media freedoms won for all Europeans at the end of the Cold War to be placed in doubt again. New forms of political and religious intolerance inside Europe and beyond its borders mean those battles must be won all over again.**
- 3. Media “dumbing down” has weakened public support for the media and also for media freedom, and 21st century economics have made news into a cheap commodity. Journalists need to demonstrate real commitment to objectivity and fairness – the gold standard of good journalism – to earn back public trust. Media freedom is not an optional extra. Without it, governments cannot be held to account and there can be no rule of law.**

**William Horsley**

*Brussels, February 28th 2008*

#### **FURTHER INFORMATION**

[Goodbye to Freedom? A Survey of Media Freedom across Europe](#) was published in November 2007. It can be downloaded free of charge from [www.aej-uk.org/survey.htm](http://www.aej-uk.org/survey.htm) either in full or by country section.

The editor, [William Horsley](#), is the AEJ Media Freedom Representative and a former BBC news correspondent. He is also [Chairman of the AEJ’s UK Section](#).

The hostile conditions for the work of free and independent media in Armenia that were described in last November's AEJ Survey have in no way improved since that time. The officially-announced election victory of the serving prime minister Serzh Sarksyan has led to popular street protests in the capital, Yerevan, by tens of thousands of people who accuse the authorities of rigging the election. Allegations of serious media bias before and during the campaign are central to the evident mistrust of a substantial part of the electorate. Armenia appears to face the risk of further social and political unrest, after the government rejected the complaints out of hand and issued warnings that it would take harsh action against those who mounted protests over the election result.

**Thus the intense pressures accompanying the campaign for the presidential election of February 19th 2008 brought even more severe attacks on media freedom and more extreme distortions of the media landscape than those already seen,** despite some evident attempts by the authorities to moderate some of the most obvious patterns of media bias under the watchful eyes of various groups of international election observers.

Well ahead of the election campaign, as was recorded in the AEJ's Survey last year, regulators chosen with the approval of the Armenian president or his political allies took steps to close down the only television stations which were conspicuously critical of the government., A1+ and Noyan Tapan. **The Armenian government remains in breach of the definitive ruling of the European Court of Human Rights which upheld the appeal made by the television stations concerned. And on the day of the election at least two journalists are reported to have been assaulted, and the security forces were criticised for failing to take proper action to prevent the attacks.**

In all, nine candidates presented themselves as candidates for the presidency. They included the prime minister, Serzh Sarksyan, who was the candidate of the government and of the outgoing president, Robert Kocharian; as well as the former Armenian President Levon Ter-Petrosian. The high tensions generated by this election contest called for fair and transparent rules governing media coverage. Instead the government stands accused of blatantly using its almost total control of the national broadcast media to favour the candidacy of Mr Sarksyan and selectively to discredit his opponents.

Independent studies of the output of Armenian public TV during the campaign indicate a concerted editorial policy in which various opposition candidates were allowed ample airtime in which they directed public criticism against the former president, but hostile comment about the incumbent government was kept to a minimum. Mr Ter-Petrosian's campaign staff complained that their official election material, including videos giving information on the candidate's planned election rallies, were not aired because some TV channels refused to show them.

**The OSCE's Election Observer Mission said in its preliminary report that Mr Ter-Petrosian received extensive negative coverage across the broadcast media. It added that the responsible broadcasting authorities, the National Commission on Television and Radio, "did not fulfil its mandate to monitor compliance with legal provisions."** The OSCE also quoted the comment of the Secretary-General of the Council of Europe in December 2007 that the current situation in Armenia "does not meet the standards of the Council of Europe."

Certain newspapers supporting Mr Ter-Petrosian were also accused of overstepping the proper bounds of criticism of his opponents. In December 2007 another presidential

candidate, Vazgen Manukyan, convinced the public prosecutor's office to investigate a defamation complaint against the daily newspaper *Haykakan Zhamanak* (The Armenian Times).

There may also be grounds for suspecting violations of the election rules through administrative harassment of media which failed to support the government's preferred candidate. The Gala TV station based in Armenia's second city, Gyumri, broke ranks by giving substantial coverage to Mr Ter-Petrosian's attempted comeback. Soon afterwards the tax authorities launched an investigation into the TV station's finances and concluded that it owed the state a large sum in unpaid taxes. The company now faces demands for payment of about 58,000 euros and the possible loss of its broadcasting licence.

Gala TV is also reported to have been starved of revenues by the mass withdrawal of advertising by as many as 37 of its previous business clients. Public protests staged by local media and NGOs in support of Gala TV have so far failed to persuade the authorities to temper their hostility to one of the few broadcasters which still shows a capacity for critical and independent inquiry of the government's actions.

Meanwhile **Chorrord Ishkhanutyun ("Fourth Estate")**, an opposition newspaper in Yerevan, became the latest target of a series of apparently premeditated and violent attacks. At 4.30 a.m. on December 13th 2007 the office door and the windows of the newspaper office were shattered in an explosion. Fortunately nobody was injured. The Chief Editor, Shogher Matevosyan, has said she believes the attack was the work of certain figures who objected to the paper's reporting of the distribution of gifts by district officials.

This catalogue of violations of media freedoms has drawn public criticism from Miklós Haraszti, the OSCE's Representative on Freedom of the Media. In a statement on December 21st 2007 he expressed concern at the authorities' apparent threat to end the broadcasting licence of Gala TV. He also condemned the attack on *Chorrord Ishkhanutyun*'s offices.

In a letter to the Armenian Foreign Minister Vartan Oskanian, Mr Haraszti wrote: "The recent cases of harassment and violence against independent and opposition media have contributed to an atmosphere of intimidation and fear in the journalistic community in Armenia." And he called on the Armenian government to fulfil its OSCE commitments to ensure safe and favourable working conditions for the media.

## Austria

## Otmar Lahodinsky

**In late January 2008 the European Commission told the Austrian public radio and TV, ORF, that its financial structure is not compatible with EU law.** A legal complaint against illegal subsidies was opened against the Republic of Austria. The EU competition authorities took action in response to complaints by some commercial Austrian broadcasters which argue that for the public broadcaster to receive fees from viewers while at the same time earning money from commercial sources – especially in new sectors like the Internet and subscription channels – represents a distortion of competition. The Republic of Austria must report back to the Commission on how it defines the public interest in programming and on the situation concerning cross-subsidies in sectors like the ORF special channel TW 1 and its Online services. ORF is

suffering from serious financial problems, but some of its officials have indicated that they may seek a compromise including a reduction in the number of advertisements on the station's website. A similar lawsuit started earlier against the German public TV organisations ARD and ZDF was settled in 2007 when they both undertook to make a number of changes to answer the complaints of their commercial broadcasting rivals. The Commission's legal action coincided with an ORF decision to raise the cost of the viewers' licence fee by 9.4 % from July 2008.

## Croatia

## Zdenko Duka

**The issue of the political parties' role in making appointments to the top jobs in Croatian National Public Television (HTV) has again come centre stage for journalists who are concerned about the fragile state of media freedom in the country.**

In September last year the appointment of Hloverka Novak Srzić as the News Program editor in chief of HTV brought a storm of protest from journalists, on account of her background as a senior TV editor during the era of Franjo Tudjman, when public television was strictly under political control and journalists who strove to exercise independence suffered severely.

The concerns of journalist organisations have also been focused on the case of Željko Peratović, a freelance journalist whose apartment was searched by police in the middle of October. He was held in police custody for one day and questioned on suspicion of revealing state secret on his Internet blog. Formal charges have not yet been brought against him.

## Cyprus: Part One

## William Horsley

A hard-fought three-sided campaign for elections to the post of President of the Republic of Cyprus culminated in elections in February 2008. The incumbent, Tassos Papadopoulos, was seeking re-election in the face of harsh criticism from his opponents, Demetris Christofias and Ioannis Kasoulides, over his emotional rejection on national TV of the United Nations' Annan Plan for the island's future at the time of the 2004 referendum, only days before the admission of the internationally-recognised Greek Cypriot government to the European Union. The campaign was played out under a close media spotlight, and unexpectedly Mr Papadopoulos was rejected in the first round of voting.

**The result can be seen as an encouragement to that substantial section of Greek Cypriot society which was dismayed by the populist use of the media by Mr Papadopoulos during his time in power.** The victory of Mr Christofias in the run-off election has opened up new possibilities for inter-communal talks aimed at a lasting political settlement for the island.

**A landmark agreement has at last been reached among the representative journalistic organisations of both the Greek and Turkish Cypriot communities.**

In it they pledge to work together to achieve a settlement of the long-standing Cyprus dispute. The agreement is in the form of a protocol signed by the Cyprus Journalists Union, representing the Greek Cypriot media, and two northern Cyprus organisations, the Press Workers Trade Union and the Cyprus Turkish Journalists Union. All three organisations demanded that journalists from both sides should have the unrestricted right to travel and enjoy access to news sources throughout the island. It is the first ever formal example of institutional cooperation between Greek and Turkish Cypriot journalist associations in modern times.

In Northern Cyprus (the self-declared Turkish Republic of Northern Cyprus), the climate for the work of the media has grown somewhat better since last year. But several fundamental limitations on the media's freedom and independence remain.

- The government's strict control of leading media was demonstrated with alarming clarity last year in the wake of the TAK News Agency's decision to carry a report (sourced from Greek Cypriot Radio) about an alleged secret agreement on new proposals for Cyprus' future between the AKEL party in the south and leaders of the ruling CTP in northern Cyprus. Overwhelming pressure was placed on the head of the news agency, Emir Ersoy, to make a public apology, which he did. The media unions in the north protested loudly at what they called unacceptable political pressure on such a key editorial figure.
- Equally disappointing has been the failure of the authorities to carry out its undertakings to reform the laws regulating state-controlled TV and the state-controlled news agency TAK. Journalists were eager in particular to see the ending of the current system that reserves one seat on the Board of Directors of BRT, state television, for a representative of the Turkish armed forces. The current arrangements plainly contradict basic principles of media independence.

**Nationalist attack the reputation of a woman poet:** A popular Turkish Cypriot writer and poet, Nese Yasin, the author of a book "Secret History of Sad Girls" has come under repeated attack in the nationalist, right-wing newspaper Volkan, in articles which accused her of being a "traitor and a prostitute". In recent times Volkan, which is associated with reactionary elements in the government and military apparatus, has brought a series of legal cases against journalists in the court in Nicosia.

The main positive developments are:

- The Northern Cyprus Parliament passed a set of changes to the penal code which, on paper at least, give journalists more freedom and latitude to write critically about the actions and decisions of government officials. However in practice a number of legal cases against journalists launched before the passage of the amended law are still proceeding. The wording of the relevant law also remains too vague to provide reliable protection for journalists against arbitrary judicial action.
- As noted in the AEJ's Survey of November 2007, a new Press Work Law was approved by the parliament in May. It does much to protect the legal and professional rights of journalists, and to establish their rights as employees in cases of dispute. However, despite sustained pressure from journalists unions the law has still not been implemented.

## The Czech Republic

Tomáš Vrba

**The end of 2007 and early part of 2008 have seen a continuation of an extended period of unfriendly relations between the media and leading politicians at the national level.** The prime minister Mirek Topolanek declared himself “shocked” at the manner in which Czech public TV covered the first round of presidential elections which were held recently. The broadcaster robustly rejected the allegation that it had failed to remain impartial in its coverage. Despite the sour atmosphere, no blatant cases of political pressure on journalists have been reported in the months covered by this Update of the AEJ’s November 2007 Survey of Media Freedom issues.

The latest findings of the Eurobarometer poll for the Czech Republic have revealed a marked decline in public confidence in the country’s political institutions, to a level far below the EU average . At the same time it confirmed the stable and relatively very high degree of trust shown by the public towards the national media, which is well above the EU average. Thus 70% of Czechs believe radio (EU average 60%), followed by TV (68% compared with 52% for the EU as a whole), and Internet sites (55%, compared with only 33% in the EU generally).

## France

Régis Verley

**The French newspaper industry continues to experience very difficult times, in which firms with a weak economic base remain relatively easy prey for wealthy industrial groups looking for new media acquisitions.**

*Le Monde*, whose fragile financial condition has long made it the target of a potential takeover, experienced a new shake-up in its management structure. The result seems sure to be a significant weakening of the traditional control exercised by the newspaper journalists themselves over the company’s management. To avoid the risk of financial failure, the supervisory board (the “*comité de surveillance*”) has proposed a “recapitalisation” whose effect would be to transfer more decision-making power to the shareholders at the expense of the journalists on the management committee.

As part of the deal it was agreed at the journalists’ insistence that Alain Minc, the head of the supervisory board, should step down from that post. Mr Minc is a known associate of leading business figures including Arnaud Lagardère, who already owns a substantial media empire and who is thought to be interested in acquiring a majority interest in *Le Monde* himself.

**Workers in French state television and radio also fear for their jobs after President Sarkozy’s surprise announcement last month that he intends to abolish all advertising on public TV and radio,** making them solely dependent on revenues from a licence fee paid by viewers. The trade unions fear that a sharp decline in revenues is inevitable, leading to large-scale job losses. A one-day strike by broadcast workers on February 13th severely disrupted programming on about a dozen radio and TV stations and signalled the start of a potentially bitter and long-drawn-out dispute.

There are particular concerns that one effect of the president’s decision could be that the regional broadcasting network FR3, which is now part of the public service broadcasting system, might in future come under the control of the regional press. That would reinforce the power of regional media monopolies, further impoverishing the



diversity of news media. Competition has already been much depleted, since in most of the regions of France only one newspaper remains in business after a long period of hardship and mergers.

In recent months, following the election of Nicolas Sarkozy as president of France, the national media have experienced an extraordinary reversal of the long-standing convention by which the private lives of leading public figures were considered off-limits for reporting. The change was instigated by Mr Sarkozy himself. Whereas last year, during the presidential election campaign, he showed impatience and annoyance over various media reports concerning the collapse of his marriage to his then wife, Cécilia, in the new year he appeared to court celebrity-style coverage of his whirlwind romance and marriage to the Italian singer and former model, Carla Bruni. This precedent may well present difficulties for the nation's head of state if at some future time he chooses to revert to his previous stance of stern disapproval of all media "intrusion" into his personal affairs.

It is also questionable whether this new focus on the president's personal romance and on his new spouse and companion, which has occupied considerable space even in the pages of *Le Figaro* and *Le Monde*, can be described as positive in terms of the media's expected role to keep the public informed about important affairs of state and of society. Some serious-minded commentators are inclined towards a more sceptical assessment: that the heady series of stories about the president's turbulent personal life act as a kind of smoke-screen which diverts attention from underlying social problems including public transport strikes and the country's deep-seated economic woes.

**The past several months have produced several other troubling cases with regard to pressures on media freedom.**

First is the case of three journalists who found themselves caught up in the highly controversial operation carried out by the "Zoe's Arc" NGO (also called "Children's Rescue") in Darfur and were arrested and accused, along with the agency workers, of kidnapping a group of African children. So journalists who were there to witness and report on the planned airlift of the children to France ended up being wrongly accused of being party to a conspiracy. It was only after a lengthy period of detention and high-level diplomatic interventions that they were released.

Another case involved the arrest in Niger of two freelance French reporters for ARTE, the French-German TV channel, Pierre Cresson and Thomas Dandois. They entered the country without permission in order to prepare reports on the Tuareg rebellion in the north of the country.

In their case the French authorities also appealed successfully for the journalists' release. But their drivers remained in prison facing the threat of criminal convictions. The French Ministry of Foreign Affairs has asked journalists in future not to enter Niger without the approval of the Niger government. In effect, that advice would amount to an end to international reporting from parts of the country affected by war. Reporters Sans Frontières has responded by saying that the work of journalists must by definition be where the problems are that need to be brought to public attention.

**Inside France journalists have faced yet more cases of judicial pressure and coercion to reveal their privileged sources of information.** In Brittany a journalist working for the regional newspaper, *Le Télégramme de Brest*, refused a judge's order to disclose the sources of information he had collected on a murder. The judge then

obtained from Orange, the mobile phone provider, a list of calls made by the journalist, and so was able to identify his source.

Another journalist for *Le Monde* was arrested after publishing a dossier on Al Qaeda-related activities in France, and it was established that the information had come from a secret report by the French security services. The journalist was arrested and threatened before disclosing the name of his informant.

These episodes represent a flagrant breach of the acknowledged right of journalists to protect their confidential sources. The actions of the judiciary to violate that right contradict the government's own commitment to uphold this well-established journalistic right. President Sarkozy himself has said publicly that journalists must have the right to refuse to divulge their information sources, and the Ministry of Justice has promised to present its proposals for enacting those safeguards in the near future.

## Hungary

## József Martin

**As was pointed out in the AEJ's country report on Hungary in the November 2007 Media Freedom Survey, Hungarian journalists are unjustly exposed to a legal jeopardy because of the continued existence of a national law that makes it an offence for journalists to disclose state secrets,** while state officials who are responsible for such disclosures enjoy protection from the law. The protracted investigation into a newspaper journalist, Antonia Radi, who since 2003 has faced accusations of making public details of a Mafia-related trial in the city of Székesfehérvár, had taken on the character of a test case. At length, in December 2007, Antonia Radi was released and the case against her was terminated. Pressures to revise the law have been championed internationally by Miklós Haraszti, the OSCE Representative on Freedom of the Media.

Hungarian journalist organisations and other NGOs have also stepped up demands for changes in the law to protect journalists from arrest and mistreatment at the hands of police when covering street demonstrations. Two journalists were arrested while carrying out their professional duties by covering a demonstration in Budapest last November. The ensuing protests led to direct talks between media and police representatives aimed at avoiding any repetition of the disputes that arose at that time.

## Ireland

## Joe Carroll

The Irish Minister for Justice, Brian Lenihan, has warned that if the media do not respect privacy under the new Press Ombudsman and Press Council he will go ahead and bring in a stricter law to ensure rights to privacy. He gave the warning at the formal launch of the Press Council on January 9th 2008.

He said that he hoped for the early enactment of the new Defamation Bill, which will make the libel laws less onerous and remove the liability now associated with any apology by a newspaper. But he added that "The fact is that politicians of all persuasions and, I would suggest, many outside politics as well, are very wary of the power of the media and the manner in which it is exercised."

He warned that “if the media fails to show respect for the right to privacy as specified in its own code of practice, the Government will have no choice but to proceed with its privacy legislation.”

The Chairman of the Press Council, Professor Tom Mitchell, said at the launch that media which violated the council’s code of conduct or failed to take corrective action would be exposed and face damage to their professional standing and credibility.

## Italy

## Carmelo Occhino

In view of the collapse of the centre-left coalition government led by Prime Minister Romano Prodi in January 2008 and the prospect of fresh national elections in April, the parliamentary progress of the media-related bills proposed by the outgoing government has been stopped. The main pieces of proposed legislation concerned are the media bill proposed by Telecommunications Minister Paolo Gentiloni concerning the reform of the media market, and the bill tabled by Justice Minister Clemente Mastella, which had been intended to regulate publication in the media of telephone intercepts that form part of judicial investigations.

## Poland

## Krzysztof Bobiński

**The AEJ’s report on Poland for last November’s Survey described in detail how a systematic political bias was allowed to develop within the country’s public broadcasting system under the last government, headed by the Law and Justice Party. That report demonstrated how that failure to maintain impartiality in public TV and radio represents a severe distortion of the overall media landscape in Poland.**

**The change of government following elections in October 2007 has not yet brought about any decisive improvements, and public confidence in the public broadcasting system remains at a low ebb.**

The broadcast media licensing body, the State Committee on Radio and Television (KRRiT), which is dominated by appointees and supporters of the outgoing government, remains in place. So do the chief executives of publicly owned television, TVP, and of public radio, Polskie Radio, who were chosen by supervisory boards which were themselves appointed by the KRRiT. The two supervisory boards, whose terms of office are due to end in 2009, are alone empowered to replace the heads of TV and radio. These boards owe their loyalty to the previous government. Only a change in Poland’s media laws could bring about an early change in their composition.

This means that editors and journalists who have known sympathies with the previous administration remain in key positions in the publicly owned broadcast media. However, in response to strident criticism of the evident bias in their programming, both TVP and Polskie Radio have of late given more airtime to commentators identified with other political options who were previously shunned.

Meanwhile the new government headed by Donald Tusk and his pro-business centrist Civic Platform (PO) has drafted a new broadcast law which would shift licensing decisions from the KRRiT to the Telecommunications Regulator (URE) whose head is

appointed directly by the prime minister. Under the proposed new law, the KRRiT would be left with a monitoring function. The system of appointing its members is also to be changed. This would mean that the seven members of the KRRiT (not five as at present) would continue to be chosen by the two houses of parliament and the president, but only from among candidates who have secured the approval of organisations of academics, journalists or other relevant professions. The KRRiT would also continue to make appointments to the public media's supervisory boards, and would share responsibility with the boards for senior management appointments..

Civic Platform has also flirted with a more radical change – the idea of scrapping the TV and radio licence fee which all owners of radio and TV sets are required to pay. The licence fee system provides guaranteed funds for the public service broadcast media, but they also enjoy large advertising revenues. By the end of last year a mere 40% of the population were actually paying the fee, and the amount charged to each household had also fallen by 30% compared with twelve months earlier.

The proposed changes have attracted criticism from Civic Platform's opponents in the previous government coalition that the new government is seeking in its turn to dominate the public media. Government supporters have failed to answer these charges convincingly.

The desultory discussion in Poland's print media on the merits of having an impartial public broadcast media free of partisan political control has failed to fire the public imagination. A forthcoming congress of the Stowarzyszenie Dziennikarzy Polskich (SDP), the journalists' professional organisation, has however set in train a movement for renewal of the SDP whose leadership had identified with the practices of the previous government. The "reformers" have set themselves the target of turning the SDP into an effective lobby for achieving a reliable system of impartiality in the media.

## Russia

## Gillian McCormack

**International observers from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe branded the Russian parliamentary elections held in December 2007 as "not fair", citing voting irregularities and heavy media bias.** The research company Medialogia, contracted by the online Russian newspaper *Gazeta.ru* to monitor media coverage of the elections, sampled over 3,000 examples of TV, radio and newspaper coverage. They found that the party of power – United Russia, led by President Putin – received twice as much coverage as any other party during the three-month election campaign period, and that coverage of United Russia was also more positive than that of rival parties.

The outspoken and well-documented criticisms of international observers, including those of systematic media bias, were brushed aside without detailed examination by the Russian Central Election Commission. And the Russian Federation placed itself further at odds with its international commitments when it refused to give the OSCE/ODIHR the customary facilities, including visas, to allow its election monitors to fulfil their mission to observe Russia's presidential election scheduled for March 2nd 2008. In a statement on February 7th the OSCE listed several important parts of the election process which the Russian authorities had thus made it impossible for the international observers to verify – including the right of political parties to conduct campaigning in a

fair atmosphere without administrative obstacles and access to the media on a non-discriminatory basis.

On January 10th 2008, Ekho Moskvyy (Echo Moscow Radio) reported that journalists from the Vladimir TV company TV-6 were being sued for defamation of President Putin by a city parliament member belonging to United Russia. During a TV news report on a political meeting staged by Putin supporters, the journalists used the word “Putting” to describe the event – a new slang word used to describe pro-Putin meetings (a combination of the words “Putin” and “meeting”). Mikhail Babich, who brought the lawsuit, argued that the use of the word was offensive. The case has been referred to the investigative committee of the local prosecutor's office for a ruling as to whether or not a defamation trial should proceed.

In May 2006, the editor of an online Russian newspaper in Ivanovo had his offices closed down and a criminal investigation launched against him on suspicion of libelling the Russian president after publishing what was described as a complimentary article calling Vladimir Putin “Russia’s phallic symbol”. The editor was eventually fined the equivalent of \$850.

In addition, a Moldovan journalist working for the Russian news magazine The New Times (which is critical of the Russian government) was denied re-entry into Russia in January 2008 on the basis of Article 28 of the Immigration Law, which says that a foreigner may be expelled “to preserve national defence, state security, public order or public health.” Her immigration problems are thought to be linked to her activities as an investigative journalist and a recent article exposing the use of a Kremlin slush fund to finance parties that participated in the parliamentary elections.

## Slovakia

Edited by William Horsley

**This Update draws on a statement of protest about infringements of media freedom sent on January 16th 2008 by Zuzana Krutka, Chairwoman of the Slovak Syndicate of Journalists, to the European Federation of Journalists. The statement confirmed the sense of alarm among Slovak journalists about two ways in which the government is accused of failing to respect legitimate media freedoms – first, in behaving in a hostile way to segments of the media it regards as “unfriendly”, and secondly in seeking to gain partisan control of Slovakia’s public broadcasting institutions. In Slovakia the government itself stands accused of being the principal source of threats to the working of free and independent media.**

What follows are two short extracts from the Statement by the main Slovak journalists trade union.

### 1) on the government’s political media policy:

“There is tension arising from the hostile position of the Prime Minister towards all media and journalists, and in particular towards journalists from the dailies *Sme* and *Plus 1 deň*. All print media in Slovakia are private. The newspapers and magazines close to the governmental coalition have a very small circulation and weak influence. This is one reason why the government, and especially the Prime Minister, would like to gain control of the media. Journalists see the government’s chosen tool as the draft of the Press Act. A new Press Act should have been enacted years ago, but no government

or parliament since 1990 managed to do so. The present draft, prepared by the Ministry of Culture with amendments by the Legislation Council, contains our own basic demands (although the contents may yet be changed in the course of the legislative process – either for the better or the worse). The Cabinet approved the draft some two weeks ago and now it is on the way to Parliament. So far we do not know the attitude of the MPs to this draft, but we fear that they may propose changes which would have a negative effect in terms of media freedom.”

## **2) on political use of public broadcasting:**

“The main problem, as we see it today, is the attitude towards the public service media, namely Slovenská televízia – STV (Slovak television) and Slovenský rozhlas – SRo (Slovak radio). [As I have mentioned in my previous e-mail,] they do not have enough money to make good programmes and to be independent. Their main income should be from so-called licence fees but many households do not pay it, even it is a very small amount (40 SK for SRo, 100 SK for STV, 1 EUR = approx. 33 SK). The Ministry of Culture is preparing a new draft of the Licence Fees Act according to which the fees should be paid by all electricity consumers. As these two media do not have enough money they usually ask for money from the government (through the Ministry of Culture or the Ministry of Finance) for concrete purposes. Sometimes they get it and sometimes not.

“We expect changes in the managements of both public media in the spring because at that time one third (5 out of 15) of the membership of the respective councils (STV Council and SRo Council) are due to be re-elected. The former Director General of the STV has been recalled by the Council because he did not fulfil his tasks and the new one has not yet been elected.

“STV has no Director General today and it has outstanding debts. So we are really worried that it is this medium that the coalition parties want to control. At the same time we read in newspaper articles and blogs that the public service media are not necessary.

**“It is therefore very important for us to have:**

- 1. a good law on financing the public service media**
- 2. truly independent Councils of STV and SRo**
- 3. to that end the laws concerning STV and SRo need to be reformed**

“The Slovak Syndicate of Journalists has called on European journalist organisations, including the European Federation of Journalists, as well as the relevant authorities of the European Union and the Council of Europe, to give moral and practical help to Slovak journalists against the ongoing attempts of the Slovak government to undermine media freedom and to gain partisan advantage for itself by manipulating the media.”

**The hard-fought campaign for national elections to be held in Spain on March 9th has increased the pressure on Spain's influential media titles to declare their political preference of allegiance. They have responded by exhibiting an extreme tendency to endorse one political side or the other and criticise their opponents in their editorial stance. Newspapers are thus increasingly taking on the character of partisan bulletins.**

One dominant issue concerning media freedom has been the tension surrounding the issue of moves to ban some Basque political parties from taking part in the elections at all. The parties concerned are ANV (Basque National Action) and PCTV (Basque Homeland Communist Party). The Socialist Government has come close to accusing both parties of being new manifestations of ETA and its political wing Herri Batasuna, which in Spain are considered terrorist organisations.

Both the ANV and PCTV have said that they will be present in March 9th elections, even if it means defying a judicial ban on taking part. So they have both put the maximum pressure on the media to publish their statements of self-justification and so affect the public mood. **Journalists in the Basque region continue to suffer from unpredictable pressures and threats, in the form of face to face comments and messages delivered in other ways.** The government has given warnings of the risk that ETA may be preparing some new high-profile action before March 9th in order to affect the polls, especially after the arrests of those suspected in connection with the explosion in December 2006 in Terminal 4 of Madrid's Barajas Airport, which killed two people.

Security measures were extremely tight for the meeting of the Alliance/Forum of Civilisations Alliance, which is dedicated primarily to establishing better cooperation between Western and Moslem countries in order to counter the concept of a Clash of Civilisations. The ending of the trial of those responsible for the March 11th 2003 Madrid train bombings represented a watershed for Spaniards in and there has been general public relief that the debate concerning Islamic militancy has somewhat quietened down since the trial.

**There is abundant fresh evidence to support the concerns that were already expressed in last year's AEJ Survey about the decline in the status and economic standing of journalists. The decline in the public's perception of journalistic standards continues to fall. There is a steady rate of attrition in terms of long-term jobs in journalism, while new contracts tend increasingly to be short-term.** The number of freelancers is steadily growing, and non-staff contributors are obliged to work for ever-lower rates of pay. In the magazines field, especially in the monthlies and local television and radio, new journalists are often obliged to work as interns or for "work experience". That is the main reason why up to 60% of young Spanish journalists now find employment in the press offices of public ministries or corporations instead of taking work as journalists. The profession is under pressure in new ways, thanks to harsh economic pressures and very fast technological change.

Article 301: Last year the Justice and Development Party (AKP)-led government headed by Prime Minister Recep Tayyip Erdogan signalled its intention to amend the much-criticised Article 301 of the Penal Code. That promise was seen as one of the most significant responses to recent criticism from the European Union about Turkey's alleged loss of momentum for the reforms needed to further the country's talks aimed at eventual EU membership. Article 301, which currently makes a criminal offence out of insulting "Turkishness", has formed the legal basis for numerous criminal prosecutions of journalists and writers.

The urgent need to remove all repressive laws limiting free speech from the statute book has been underlined by the 15-month suspended sentence handed down by a Turkish court last month on a prominent liberal scholar, Professor Atilla Yayla. He was found guilty of insulting Mustafa Kemal Atatürk, the founder of modern Turkey, by suggesting that the early Turkish Republic was less liberal than official accounts maintain. Changes to the law under which Prof Yayla was convicted are not currently being discussed.

**At the time of writing this Update of the AEJ Survey on Turkey, the government has not released the text of its proposed amendments to Article 301. However it is widely expected that the reformed law will restrict the right to approve prosecutions under that provision of the law to the Justice Minister, so ending what critics have seen as a free-for-all system under which nationalist lawyers have been able to exploit the catch-all law to harass anyone who publicly criticises past or present actions of the Turkish state, including the mass killings of Armenians at the time of the break-up of the Ottoman empire in the early 20th century.**

Other anticipated changes include replacing "insulting Turkishness" with the words "insulting the Turkish nation". The maximum penalty is also thought likely to be reduced to two years' imprisonment. In practice, Turkish courts have in recent times refrained from passing mandatory jail sentences under the article, but the inhibiting effect of the law on free expression has nevertheless been great because of the real fear of prosecution and of the possible ensuing loss of livelihood on the part of journalists and writers.

The government has also postponed several times the promised publication of a draft of its proposed new Turkish constitution, which was first due on December 15th 2007. The government has raised expectations that the new document would include further liberalising measures in the area of freedom of expression, by describing the draft as a constitution of freedoms. In reality the government has found itself mired in controversy over one particular proposal – to remove the ban on the wearing of Islamic-style headscarves in universities.

Turkish journalists are also mobilising themselves to defend a special dispensation they have enjoyed under the country's social security provisions ever since 1960, but which would be removed under planned changes to the law presented by the government. For the past 48 years the law has recognised the profession of journalism, together with some others, as being in the category of difficult or dangerous jobs, and made special provision so that male journalists could retire with a full pension after 20 years' work (that is, five years less than those in other professions). The government has announced its intention to place journalists on the same basis as other professions. The new rules would mean, in effect, that Turkish journalists could not count on retiring with a full



pension until they reach the age of 60, and the amount of their contribution to the state pension scheme would be steeply increased (from 7,200 to 9000 days). Journalists in the recently-formed “G-9 platform” have organised protests to the political parties and directly to the Prime Minister in person. The campaign continues.

Much public attention in Turkey has focused on the case of the highly popular transvestite TV entertainer, Seyfettin Dursunoglu – known as “Huysuz (bad-tempered) Virgin” – whose regular show was taken off air for a short time following criticism from members of the RTUK, the Radio and Television Supreme Council, that the programme’s contents presented a bad example to children. In the wake of counter-criticism about alleged censorship the programme was reinstated.

## United Kingdom

William Horsley

**In the four months since the AEJ’s Media Freedom Survey of last November, the UK has reflected two strongly negative trends that are transforming the whole European media landscape. One is the rapid decline in the market strength of mainstream titles which are ceding ground and advertising revenue to the new media. The other is the crisis of confidence in the skills and values of “old media” journalism.**

**As a result, established media organisations and their journalists are afflicted by low morale, fear of job losses and degraded conditions of work. These cramp media freedom and encourage a mindset that makes freedom and independence secondary to things like keeping one’s job or avoiding confrontation with powerful figures in government, business or public life.**

**Decline of the mainstream media:** Although no national title has been forced out of business, most have made significant job cuts. Free hand-out newspapers have made inroads into readership. The major newspapers’ effort to maintain market share by going online themselves has hit their profitability. The National Union of Journalists says as many as 6000 media jobs have been lost in Britain in recent years.

The BBC retains a high level of public trust, according to recent opinion polls. But it has faced criticism following faked TV phone-in shows and “Queengate” – a video that manipulated recorded material to suggest, misleadingly, that the Queen had angrily walked out of a photo session. A below-inflation licence fee settlement is forcing substantial job and budget cuts. The BBC has energetically pushed into a range of commercial activities such as deals with YouTube, Apple’s iTunes media store and The Lonely Planet travel guides. It has also accepted advertising on some of its websites. These have helped shore up the BBC’s prominence but they have blurred its image as a public service broadcaster. This may invite changes to its licence fee funding in future.

Financial weakness has affected other TV channels, including Channel 4 – also a public service broadcaster. The clear winner in the contest for UK revenues and market share is BSkyB, part of the media empire of Rupert Murdoch.

**Several senior British journalists have criticised declining journalistic standards and dumbing-down in the mainstream media.** BBC presenter Jeremy Paxman accused managers of a “catastrophic collective loss of nerve.” They have, he said, lost sight of the need to give the highest priority to accurate and authoritative reporting in the scramble for ratings and slick 24-hour news presentation. Guardian writer Nick

Davies argues in a new book, *Flat Earth News*, that the reporting of truth has been “subverted by the mass production of ignorance.” He coined the phrase “churnalism” to describe how many journalists are now compelled to work – without the time to check facts or even leave their offices, they churn out copy simply taken from press releases or copied from the work of a shrinking number of reporters who still report professionally, taking responsibility for checking facts and the necessary context of the story.

**More restrictive laws:** Human rights organisations, including *Index on Censorship*, complain that the widening of the definition of terrorism is exposing journalists to prosecution for reporting language that may be deemed to contravene the law. Evidence suggests that judges use the anti-terrorism laws as a blanket justification to impose reporting restrictions on trials.

One welcome development in 2006 was the recognition of a “public interest” defence to libel for responsible journalism, but fear of a lawsuit is still a powerful deterrent to legitimate journalism because of the often catastrophic cost of losing a case.

Last autumn incitement to religious hatred became a crime. It covers threatening words or behaviour that are intended to stir the public up against a group defined by their religious beliefs, but does not outlaw criticism or even “ridicule, insult or abuse” of beliefs or religious practices.

**Freedom of information:** A ruling this month by the Information Tribunal is a victory for the public’s right to know about matters of national interest. It overruled the government’s objections to the release of a confidential early draft of a dossier about Iraq’s supposed weapons of mass destruction, written by the Foreign Office chief press officer John Williams. It casts doubt on the government’s long-standing claim that this draft played no part in the creation of the official dossier issued in the name of the Joint Intelligence Committee in September 2002. The wording of the two documents is strikingly similar in many places.

This episode appears to confirm that the system set up to run the Freedom of Information Act is working well and fulfilling its goal of breaking down the British government’s entrenched habits of secrecy. The public desire for open and accountable government is strong. The media’s ability to meet that demand is much less sure.

## **The European Union and the new Audiovisual Directive**

The new Audiovisual Media Services Directive will be in force throughout the EU from 19 December 2009. Implementation will depend on the effectiveness of a new regime of self-regulation organised by internet service providers.

The **Association of European Journalists** is an independent, self-funding association for journalists interested in European affairs. The AEJ is recognised by the Council of Europe, the OSCE and UNESCO. Our goals are to develop constructive professional contacts among journalists across Europe’s borders, to advance knowledge and debate on European affairs, and to uphold media freedom. For details, see [www.aej.org](http://www.aej.org).

The **European Journalism Centre** co-hosted the launch of this AEJ Survey Update. It is an independent, international, non-profit institute dedicated to the highest standards in journalism, primarily through the further training of journalists and media professionals. Building on its extensive international network, the EJC operates as a facilitator and partner in a wide variety of training projects. For details, see [www.ejc.net](http://www.ejc.net)