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Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans

Comparative Analysis 2022



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Analysis 2022**

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Introduction

Six years have passed since in 2016 the Regional Platform for advocating media freedom and journalists' safety (now Safejournalists platform) has published its first assessment on the level of media freedom and journalists' safety in five Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo¹ and Serbia). The first assessment in 2016 established many deficiencies in the implementation of the constitutional and legal guarantees for media freedom and safety of journalists in five Western Balkan countries: media, journalists and their associations had been target to various political, commercial and other types of pressures which created a system of dependencies, capturing entirely the professional integrity of the journalists and eventually violating the citizens' right to be objectively and comprehensively informed about all the relevant issues in their democratic societies. The next assessment, presented in the comparative analysis published in 2018, confirmed that a limited progress was indeed achieved in the course of 2017 and 2018, but also established that authorities the process for creating safer and more free environment for media and journalists was complex, slow and sometimes regressive because the authorities in most countries demonstrated obvious reluctance to understand the demands of journalists' associations and to raise the level of media freedom and safety of journalists in their countries.

In this publication we present the comparative findings from the third assessment based on the advocacy research conducted in the same five countries, but now for two new countries that joined the Platform in 2020: Albania and Croatia. As in the previous two cycles, the comparative findings presented here rely primarily on the data collected by the national researchers² and published in the seven national reports³. Assessing the level of media freedom and journalists' safety in a country is a complex research task that requires interdisciplinary expertise and research experience in different fields: media law, media policy, journalism studies etc. Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis⁴, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans. Hence, the research conducted by the national researchers relied predominantly on other published analysis, studies, reports and articles in these fields. In addition, a range of new qualitative and quantitative data was also collected by the national researchers through: (1) qualitative in-depth interviews with experts, journalists, lawyers, representatives of public institutions and other relevant actors, (2) qualitative analysis of documents – legal acts, by-laws, strategies, reports of public institutions etc., (3) in some countries also surveys with journalists from different media, (4) collection and analysis of statistical data either from official statistics or for the databases kept by journalists' associations – partners of the Safejournalists Platform.

1 This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.

2 The research team was composed of: Blerjana Bino (Albania), Monika Kutri (Croatia), Maja Radevic (Bosnia and Herzegovina), Gëtoarbë Mulliqaj Bojaj (Kosovo), Milan Spirovski (North Macedonia), Marijana Camovic and Bojana Lakovic (Montenegro) and Rade Djurić (Serbia). Snezana Trpevska (Lead Researcher) and Igor Micevski (co-author of the comparative analysis).

3 The list of the national reports for 2019, 2020 and 2021 is given in the References.

4 The first edition of the research methodology for this advocacy research was developed in 2016 and fine-tuned over the years to reflect the situation in the Western Balkan countries. The advocacy research is designed and coordinated by Snezana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia (www.resis.mk).

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

A Legal protection	B Journalists' position in the newsrooms	C Journalists' safety
A1 Legal guarantees for media and journalists' freedom and their application in practice	B1 Economic restrictions on journalists' freedom	C1 Safety and Impunity Statistics
A2 The effects of defamation law on journalists	B2 Editorial independence in the private media	C2 State institutions and political actors' behavior concerning journalists' protection
A3 Legal protection of political pluralism in the media	B3 Editorial independence in the public service broadcaster	C3 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists
A4 Freedom of journalists' work and association – legal guarantees and practice	B4 Editorial independence in the not-for-profit	
A5 Legal protection of journalists' sources	B5 Freedom of journalists in the news production process	
A6 Protection of the right to access of information	B6 Economic position of women journalists	

As with other advocacy research projects, this one had also a very specific purpose – to raise the awareness of the importance of media freedom and safety of journalists, to influence legislators and policy makers, to hold officials accountable for their actions and to change behavior among journalists themselves and among the citizens. In the past three years, the indicators have been used by the five journalists' associations as a reliable mechanism for monitoring and advocating media freedoms and journalists' safety at national and regional levels. Therefore, in the section focused on Conclusions and Recommendations we put emphasis especially on the specific actions, proposals and initiatives undertaken by the partners in the Regional Platform which indeed contributed to certain positive change in their respective countries.

Summary of Findings

A Legal Protection of Media and Journalists' Freedom

A1 Legal guarantees for media and journalists' freedom and their application in practice

In the previous two comparative analyses published in 2016 and 2018, the main conclusion for the countries in the region was that the national legal frameworks incorporate the basic safeguards for the right to freedom of expression and information, but the main problem was their poor implementation. The same finding is valid for the last three years (2019, 2020 and 2021), but it is now extended to the two countries newly included in the assessment: Albania and Croatia. The authorities in most countries have shown declarative perseverance to improve freedom and safety of journalists, but that initial commitment was further diluted through the complicated labyrinth of institutional-legal procedures and did not result in concrete changes and actions.

- In 2016, the partners in the Platform found that in the few years prior to 2016, there were frequent changes in media legislation, but in general we concluded that the process itself was not transparent and inclusive. Six years later, we can say in general that some progress has been made, although the process of media reforms in general has been very slow everywhere. What the members of the Platform have succeeded so far, is to be an active stake-holder in the process of designing media reforms and developing media legislation and to push the authorities to make the process more transparent and inclusive.
- There has been no change concerning the procedural requirements for the establishment of print or online media outlets: in all seven countries they may be established under the usual procedures applicable for the registration of business legal entities in front of the competent authorities. However, some authorities have attempted to impose legal regulation on the content of online news media, arguing that this sector is not transparent and unprofessional. It is positive that journalists' associations themselves have taken the initiative to overcome this problem by strengthening self-regulation. In terms of practicing freedom of expression on the Internet, the situation has deteriorated in comparison to 2016, mainly due to the re-strictions imposed by authorities during the pandemic in 2020 and the first half of 2021.
- In comparison to 2016, in terms of independence and capacity of the regulatory bodies, some progress has been made in two of the countries: North Macedonia and Montenegro. This assessment is also valid for Croatia, although the journalists' association of Croatia warns of fragility of this independence. In four of the countries (Serbia, Albania, Bosnia and Herzegovina and Kosovo), no progress has been made – journalists in these countries believe that the regulators are strongly influenced by political actors and interests; and are partly efficient in performing their legally defined functions.
- The 2016 report noted that state advertising in the media has been abused for many years by the governments in the region for retaining political control over the most influential media. Five years later, we conclude that this tendency is present in all seven countries, but to a different extent – there are countries (Montenegro, North Macedonia and Croatia) where some progress was made in the last years as opposed to those in which no progress has been made (Serbia, Bosnia and Herzegovina, Kosovo and Albania).
- The existence of various state support schemes is of great importance for the development of diversity and pluralism in the media sectors and hence for the journalists themselves. Financial mechanisms to support content diversity and media pluralism exist only in three countries in the region: Serbia, Montenegro and Croatia. In Serbia this model has been operational for several years, but in practice it is implemented with many irregularities. Media subsidies for the print media sector exist only in North Macedonia.
- State support of the linguistic diversity in the media sector can contribute a lot for the social inclusiveness of the overall media scene. However, funding schemes to support particularly the smaller media outlets that publish content in the languages of national minorities exist only in three countries: Serbia, Montenegro and Croatia. In the other four countries there are neither developed policies nor funding mechanisms to support the private and non-profit media that broadcast in the languages of national minorities.
- In the analysis published in 2016, we concluded that there is a discrepancy between the legal safeguards for the autonomy and independence of the PSBs in the region and their actual implementation in practice. Five years later the problems are almost the same: in terms of the funding framework, only three of the seven countries seem to have established effective models of independent financing of public services (Albania, Croatia and Montenegro). The other four countries still seem to be looking for an appropriate, sustainable and independent funding framework. Political influences on public services, to a greater or lesser extent, are still present in all countries and are visible both through the election of oversight and governing bodies and through financial and political pressures.

A2 The effects of defamation law on journalists

- With one exception, the Western Balkan countries have decriminalized defamation – some of which have done so decades ago. Political power centres have, however, as in

the period before 2016, continued to look for ways to apply pressure on journalists – either through high damage claims for defamation lawsuits or in the last few years through filing SLAPP lawsuits. None of the seven countries, however, has legal protection against SLAPP lawsuits.

- These conclusions are not equally valid for all seven countries: in North Macedonia, after the regime change in 2017, the number of defamation lawsuits against journalists has been significantly reduced; Serbia, Montenegro and Bosnia and Herzegovina still have the highest number of active lawsuits against journalists; most of the countries, but notably Croatia, suffer from high amounts for non-peculiar damage for defamation in the court practice, while Kosovo and Albania have an issue with the lack of official data about the number of law-suits against journalists.

A3 Legal protection of political pluralism in the media

- Media system arrangements in the states of the region have managed to put in place most of legal guarantees concerning political pluralism in the media, but its protection is subject to rules that refer mostly to election periods. For the period outside election campaigns, media specific laws contain explicit obligations, but only for the public broadcasting services.
- The practical application of these principles, both during and outside election campaigns, reveals the level of actual political influences on media and journalism. In countries where the ruling political parties demonstrate a stronger tendency towards authoritarian rule, political pressure on media coverage is much more visible both during and outside elections.

A4 Freedom of journalists' work and association – legal guarantees and practice

- There have been no bigger changes in this reporting period concerning freedom of journalists' work and association. In all seven countries journalists do not need licenses for their work, but are only accredited by their professional associations. However, between 2019 and 2021, new attempts to introduce state licencing of journalists again surfaced in some countries, under the pretext of protecting journalists' profession and ethics.
- Despite the fact that licenses do not exist, there are a number of cases of journalists being obstructed or restricted while reporting. This was particularly exacerbated during 2020 and 2021 due to the lock down measures imposed by the states to prevent the spread of the pandemic.
- Journalists' associations are not strong everywhere – Albania, Kosovo and Montenegro do not have sufficiently strong associations to serve as points for policy change pressures. In the rest of the region's countries, associations are a greater force but the more they are consolidated the more they are exposed to pressures from various state and non-state actors.
- Unions are either non-existent or they are insufficiently strong to push effectively for labour rights – exception being the Trade Union of Montenegro. Press councils exist everywhere, except in Croatia, where the body stopped working due to organizational and financial problems. Nevertheless, in all other countries these bodies are still vulnerable, due to organizational and financial unsustainability.

A5 Legal protection of journalists' sources

- Despite the present legal guarantees for protection of confidential sources, media systems within the countries assessed by the Platform have seen some deterioration in the past several years. Some deterioration may be especially claimed in Montenegro and

Serbia, due to growing pressures of the respective authorities to use “national security” as a legal argument to input provisions in the laws that may be misused to introduce uncertainties both for sources and for journalists.

- Investigative journalists are mainly expected to be exposed to vulnerability and with them the totality of the public sphere, since the cases of infringement of the principle of confidentiality of sources bares a big part of the responsibility for the chilling effect on journalism. This issue needs a special attention in the years to come, despite the fact that journalists in most of them generally still feel free to contact sources.

A6 Protection of the right to access of information

- The overall assessment remains unchanged for this indicator – all the legal systems in the region contain mechanisms that guarantee access to information. In all of them though, this legislative structure is not sufficient to compel institutions to act in accordance to it – institutions frequently evade delivering the requested information, responses are vague and uninformative, they are not delivered in a timely fashion and they are deliberately partial so as not to reveal potential misconduct.
- Regarding the obligation of proactive transparency, there are differences between institutions in all countries, some publish more information on their websites, while others do much less. Parliaments are rated by journalists as the most transparent institutions, the judiciary as partially transparent, and the government and ministries almost everywhere show the least openness and responsiveness.

B Journalists' position in the newsroom, professional ethics and level of censorship

B1 Economic restrictions on journalists' freedom

- The overall labour rights including the economic position and working status of journalists in the region have not been improved in the last several years. There is still a lack of a precise data on the number of journalists and their demographic and labour position. This is the key reason why journalists' associations are not in a position even to make detailed evaluations of labour rights of the community of journalists.
- Still, in all the countries of the region vulnerabilities are revealing concerning the insufficient percent of journalists with permanent contracts, underpaid work, not paid overtime work, workplace mobbing, censorship from editors and directly from political actors, as well as self-censorship. The pandemic exacerbated the situation everywhere.

B2 Editorial independence in the private media

- In most countries of the region editorial independence is proscribed in the respective laws as a general principle, without specific and obligatory provisions. This nonrestrictiveness is understood throughout the region as looseness by political actors, media owners and executives and is used as an open door to influence the editorial policy of the private media outlets.
- Adoption of internal self-regulatory rules for protecting the newsrooms and journalists from influences is lagging behind in more or less all these media systems – media organizations are still reluctant to adopt documents that would guarantee the independence of newsroom from political actors, media owners, management and marketing departments.

- The blurring of legal provisions and the absence of internal rules is often used by media owners as a way to maximize profit at the expense of the journalists' right to freely and objectively inform the citizens. This creates a cemented ecosystem, in which the private media are primarily seen as a money-making businesses – like any other on the market.

B3 Editorial independence in the public service broadcaster

- Save from some minor positive developments in one case, in all countries of the region the editorial structures are still under an immense influence of political actors, primarily governmental structures, which has an obvious effect on the program output. In addition, due to structural labour pressures on journalists, self-censorship creates an atmosphere not favourable to political independence.
- All the PSBs in the region, with one exception, have in place formal organizational rules that require separation of their newsrooms and managerial and financial structures. Most of the PSBs, also have in place internal codes of ethics to guide journalists and management conduct. However, these formal rules are greatly disrespected.

B4 Editorial independence in the not-for-profit media sector

- The non-profit media sector is still underdeveloped, but most of the non-profit organizations that do exist are infused with a higher level of professionalism and political independence in comparison to the rest of the media system. Hence, these media are frequently subject to direct political pressures – cases were reported in the past years of various instances of political pressure on journalists working in these outlets.
- In general, at present still the media with the highest level of editorial independence, free from both internal political and business attachments, are the non-profit media. This is the case with the entire region. However, the very condition that makes these organizations freer, makes them also vulnerable – independence from internal financing, means dependence from foreign financing, which is not stable, and the model is problematic in terms of its sustainability.

B5 Freedom of journalists in the news production process

- The level of professional freedom of journalists in their working environment reflects the overall freedom in these mostly partly free societies. The situation in all these countries has neither deteriorated, nor has been improved in the past several years.
- Self-censorship is still a major problem for most journalists in the region, primarily due to their inappropriate socio-economic position and job insecurity. These factors make journalists especially vulnerable to political and economic pressures, which in turn leads to self-censorship and even censorship.
- Nevertheless, the freedom of journalists within the newsrooms depends on the specific political environment in each country, the overall level of safety for working in journalism and the particular media where they work.

B6 Economic position of women journalists

- There is still a lack of sufficient and reliable data in all the countries in the region about the economic status of women journalists. The problem of lack of knowledge is everywhere a strategic one – having only circumstantial data on the working position and sta-

tus of women in the newsrooms hinders community's capability to organize advocacy or to engage in strategic policy making.

- The anecdotal evidence – mainly based on some sporadic qualitative data collection methods (such as individual interviewing) that has been done in the past three years – seem to suggest that women journalists are in a worse socio-economic position than men, that they are, not infrequently, target to sexual harassment, that though they are as numerous in the journalist profession, they are far less likely to hold executive and editorial position.

C Journalists' safety

C1 Safety and Impunity Statistics

- Verbal threats and harassment, but more worryingly, threats to lives and threats to physical safety against journalists, are still the most prominent types of open pressure towards journalists and their media organizations. The frequency of this misconduct was highest in Serbia both in 2020 and 2021 but there was arguably high number of these types in almost all the rest of the countries on the region.
- Incredibly disturbing is the rise of threats for the lives and physical safety of journalists in 2021 in Serbia, but also in Croatia and Kosovo. They are an indication of a level of lawlessness which in its vacuum creates an atmosphere of impunity, having in mind that most of these threats are made by structures in power or by people who are openly or tacitly protected by power. The effect of these manifestations also creates a culture of fear in the midst of the journalist's community resulting in self-censorship which devastates the public sphere.
- Distressing also are the instances of actual physical attacks – present in all countries but in some they are continuously present – in Albania for example, where also one murder of a media owner was registered. After 2020 in Serbia, the number of actual physical attacks has decreased, but that does not mean that the situation is relaxed.

C2 State institutions and political actors' behaviour concerning journalists' protection

- Most of the countries in the region still have not adopted specific policy documents in which media freedoms and journalists' safety are endorsed as crucial strategic goal of the state. The criminal codes contain general guarantees for the protection of journalists, however not all of these codes contain provisions with a particular emphasis on journalists. In some countries however, Serbia, Croatia and Montenegro, this has been done – journalists as professionals engaged in activities of public interest are protected with the Criminal codes, in part because of the advocacy of journalist associations.
- The assessment made in previous reporting periods – that though relevant institutions in few of the countries of the region have adopted internal instructions and have established data-bases and report about the crimes and attacks against journalists, this is still not a regular practice, and the statistical data are insufficient – still stands. The evidence gathered by journalists' associations, especially the database established within the Platform Safejournalists six years ago, present a valuable and reliable source of information on all types of threats, harassment, and violence towards journalists in the Western Balkans.
- In part of these countries, the political actors found it hard to publicly condemn violence and threat against journalists. And the deeper problem in the same set of countries in this region is that the political actors are themselves responsible for making the threats.

- Judicial institutions in most countries of the region are not strong enough and lack political will to sanction transgressions and avoid impunity. The positive practices noted in the previous comparative report in 2016 are also still valid – in part of the countries, journalists’ associations remain to make steps towards cooperation, but also resolute pressure towards state institutions to tackle issues of journalists’ safety.
- The Safejournalists Platform is an effort to internationalize a front of associations from countries with similar problems, in order to make joint efforts to overcome them learning for each other’s experiences and applying them in practice.

C3 Criminal and civil justice system’s behaviour concerning threats and acts of violence against journalists

- Montenegro and Serbia stand out in the region in that they have incorporated in their respective systems specific bodies committed to monitoring investigations of violence against and murders of journalists – in Montenegro this body revitalized its work in 2021 with visible effects, and in the Serbian case it had success enabling the legal outcome of one of the most notorious murders of journalists in the past two and a half decades. The rest of the countries in the region, including Croatia as EU member, do not have such bodies.
- There have been some positive developments in some countries noted in the previous report, however in all these, the practice of the institutions remains lags behind the verbally expressed will or even the already made steps of structured monitoring of cases of threats and attacks against journalists. The Courts, the Prosecutors’ Offices, the Ministries of Interior, and the Police, in all these counties, need to adopt internal protocols and procedures for dealing with cases involving journalists, need to incorporate trainings for the relevant employees in order to cope with the requirements, need to enable timely investigations, indictments and conclusions of the cases involving journalists and need to improve the track record concerning bringing to justice not only the direct perpetrators, but also the instigators and organizers of violence against journalists.

A

Legal protection of media and journalists' freedom

The basic international instruments on human rights and freedoms require from signatory states and parties to constitutionally guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of borders. This right has a two-fold character for the journalists: (1) it provides them with an individual right to express opinions and to inform the public without any external intervention – a journalistic freedom from something or someone; and (2) gives the mass media freedom to establish them-selves as institutions inherent to the democratic process – a media freedom which is essential for the journalist's self-governance – freedom to something.

The constitutional guarantees for journalistic and media freedoms imply both 'negative' and 'positive' obligations on public authorities in the respective states. In terms of the journalists' right to freedom of expression, for example, public authorities are obliged to refrain from any type of interference with the journalistic work (negative obligation), but also to actively promote this freedom and to defend it from unjustified and unproportioned restrictions against any public or private players. Positive obligation of the states assumes also that any kind of violence or threats for violence directed against the journalists and media workers are taken more seriously and more importantly are sanctioned.

Guarantees for media freedoms entail that public authorities are not only obliged to 'non-interference' with media independence but also to create and encourage a pluralist media landscape in which different ideological, cultural, social and political points of view are expressed. Also, legal guarantees for media and journalistic freedoms should not only be limited to traditional mass media. Public authorities are obliged also to

take all necessary steps to foster freedom of expression and access of individuals to the internet, as well as to strengthen the independence of online news outlets.

A1 Legal guarantees for media and journalists' freedom and their application in practice

Is the right to freedom of expression and information guaranteed? Does it also encompass access to the internet? Are the legal guarantees implemented in practice?

In the previous two comparative analyses published in 2016⁵ and 2018⁶, the main conclusion for the countries in the region was that the national legal frameworks mainly incorporate the basic safeguards for freedom of expression and media and journalists' freedom, but the main problem was their poor implementation. The same conclusion is valid for the last three years (2019, 2020 and 2021). However, this same conclusion is now extended to the two countries, newly included in the assessment: Albania and Croatia.

The biggest concern of the platform partners is related to the fact that the attitude and behavior of public authorities towards media and journalists' freedoms have not changed essentially, even in countries where political pressures have decreased, and general freedoms have improved (for example, Croatia and North Macedonia). At first glance, it seems that the authorities in most countries are trying to demonstrate understanding and willingness to accept the specific demands of journalists' associations for greater freedom and safety of journalists, but it turned out that this is only an illusion. When one takes a deeper look, under the superficial impression, one will see that initial acceptance is further diluted through the complicated labyrinth of institutional-legal procedures and does not result in concrete changes and actions. Consequently, the prevailing attitude among journalists' associations is that what has been believed to be a progress, is in fact an illusion – as the authorities can easily and overnight revoke the hard-won freedoms and guarantees. This general attitude of the authorities in the region towards the media and journalism can be most easily understood from

the extent to which they implement (or oppose) the demands of journalism organizations for media reform in their countries.

Whether strategic documents for media reforms and media legislation were developed in a transparent and inclusive process?

The question if strategic documents for media reforms and media legislation were developed in a transparent and inclusive process? – is very important for journalists' associations. This is because the answer to this question serves as a litmus for the extent to which they influence policymaking in the media sphere. In 2016, the partners in the Platform found that in the few years prior to 2016, there were frequent changes in legislation, but in general in the 5 countries we concluded that the process itself was not transparent and inclusive. Six years later we can say in general that some progress has been made. In all countries of the region, various laws have been amended over the past few years, partly to harmonize national with European legislation and partly as a result of lobbying by journalists' and media organizations to improve journalistic and media freedoms. What the members of the Platform have succeeded so far, is to be an active stakeholder in the process and to push the authorities to make the process more transparent and inclusive. In some cases, they have managed to initiate bringing about better legal solutions (North Macedonia, Montenegro). However, it must be emphasized that the process of media reforms in general has been very slow everywhere – on one side due to the pressures from different political and business interests and on the other due to the reluctance of the authorities themselves to accept the demands of journalists' associations and to increase the level of media and journalistic freedoms.

In **Albania**, in 2019 the authorities tried to amend the Law on Audiovisual Media by expanding the powers of the regulator (which was not assessed as independent) and intended to regulate online media as well. The process was not transparent, and civil society, experts and international organizations (including the Venice Commission) opposed with criticism that the law could restrict freedom of expression in general and in the online sphere in particular. In October 2021, the Government pledged to reconsider the adoption of the amendments to the media legislation drafted in 2019, but the announced changes to the legislation were not realized.⁷

⁵ Snezana Tipevska and Igor Micevski, "Indicators on the Level of Media Freedom and Journalists' Safety in the Western Balkans Comparative Analysis 2016". Belgrade: Independent Journalists' Association of Serbia. Accessed on 29.06.2022. <https://nuns.rs/media/2021/04/WB-Indicators-media-freedoms-and-safety-of-journalists-Comparative-Analysis.pdf>

⁶ Ibid.

⁷ Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.11. Tirana: Independent Journalists Association of Serbia, 2021 Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

In **Bosnia and Herzegovina**, over the last three years, it has been established that several laws that are important for the freedom of the media and journalists need to be changed, and BH journalists have been leading the process of advocating for these changes. They have even submitted to the competent authorities a draft version of the Law on Media Transparency. For journalists, the proposal to amend the Criminal Code to treat attacks on journalists as criminal offenses against persons pursuing a profession of public interest was particularly important. However, by the end of 2021, there had been no progress in passing these laws⁸.

In **Croatia**, media legislation was only declaratively developed in a transparent and inclusive process, but it was assessed that final solutions in the legislation were still made by the governing structures behind closed doors⁹. The proposal for new Law on Electronic Media was in a parliamentary procedure. At the end of 2019, the Croatian Journalists' Association withdrew from the Working Group of the Ministry of Culture because their proposals were not accepted in the draft-proposal of the Law on Electronic Media. During 2021, a new Copyright and Related Rights Act and a new Electronic Media Act (ZEM) were adopted.

In **Kosovo**, the process of amending the Law on Radio and Television of Kosovo (RTK) began in 2019, but it was very slow and insufficiently transparent, which was the assessment of both the European Commission and the journalists' association. The Law has not yet been adopted by the end of 2021¹⁰.

In 2018, a new cycle of media reforms began in **Montenegro**. The process was assessed as transparent, relevant NGOs were indeed involved in the working groups, while the Trade Union of Media of Montenegro (TUMM) managed to advocate for provisions in the law that provide greater protection for journalists within the newsroom. However, during the adoption of certain provisions, there was a lot of criticism from the media and the process itself was very slow, because amendments to the Law on Electronic Media (i.e. the Law on

Audiovisual Media Services) have been underway for almost four years.

In **North Macedonia**¹¹, the Association of Journalists (AJM) and other media NGOs have been advocating for systemic media reforms for several years, but political parties have blocked the process by not electing new members of the regulatory body and the Council of the Macedonian Radio and Television. It is to be noted that the AJM has succeeded in advocating for amendments to the Criminal Code and to the Law on Civil Liability for Defamation and Insult, which would provide greater protection for journalists and reduce the negative effect of high amounts for non-peculiar damage from defamation. However, the AJM has not yet succeeded in revoking the provisions in the Electoral Code according to which political advertising in the media is paid from the state budget, thus making private media completely dependent on political parties.

In **Serbia**¹², journalists' associations have managed to be part of the process of adopting the new Media Strategy, which began in 2017, but it turned out that they had to closely monitor the process and argue within the working groups with government officials and other interest groups for adopting good solutions and protecting already acquired rights.

Were there attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and Internet-based media? Do these requirements go beyond a mere business and tax registration? Have the state authorities attempted to restrict the right to internet access or seek to block or filter internet content?

There has been no change in comparison to the last reporting period concerning the procedural requirements for the establishment of print or online media outlets. Print and online media in all seven countries in the region may be established under the usual procedures applicable for the registration of business legal entities in front of the competent authorities. However, the level of regulation of online media has become quite an important issue in the region, due to the growing number of unregistered and non-transparent online news portals. In some countries, the authorities have misused

8 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.10. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 29.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BIH-ENG-2021.pdf>

9 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.10. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

10 Getoarë Mulliqaj Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.10. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

11 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.10. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

12 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.10. Belgrade: Independent Journalists Association of Serbia, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

this argument to propose amendments to the law with an intention to regulate the content of online news media. In others, the journalists' associations themselves have taken the initiative to overcome this problem by strengthening self-regulation in order to preserve freedom of expression on the Internet. In terms of practicing freedom of expression on the Internet, the situation has deteriorated in comparison to 2016. This was mainly conditioned by the general restrictions imposed by some authorities during the pandemic in 2020 and the first half of 2021.

In **Albania**¹³, print and online media that perform economic activities and gain income from advertisements or subscription must register with the tax authorities. In addition, online media register their domains with the Electronic and Postal Communications Authority, which requires that they provide basic information on ownership and contact information. In 2019 the Albanian Government attempted to amend the Law on Audiovisual Media by expanding the powers of the regulator to monitor and regulate online media, but this initiative was later revoked due to many public reactions and the negative opinion of the Venice Commission. Although in 2021 the Government still declared to pursue with the attempts for the online media regulation, new amendments have not been proposed until the end of the year. In 2020 and 2021, there were some cases of arbitrary restrictions of online media content on the grounds of spreading panic in cases of two emergencies: earthquake of November 2020 and COVID-19 pandemic.

In the last several years, there were no attempts by the authorities in **Bosnia and Herzegovina** to impose licensing or other strict requirements for the establishment of print and online media. Nevertheless, the journalists' and media associations themselves have been trying to solve the lack of transparency and professionalism in the online media sector by proposing a Law on Transparency of Media Ownership that would also oblige online news portals to become more transparent. In addition, at the end of 2021, the Press Council adopted amendments to the Code of Print and Online Media, which increased the responsibility of publishers/editors for the entire published content, including readers' comments with hate speech, incitement to violence, threats etc. During the pandemic, with the justification that they were fighting against false news and wanted to prevent the spread of panic, the authorities in BiH issued several decisions on the basis of which journalists and citizens were threatened with high fines for spreading false in-

formation on social networks. Under the pressure from journalists' associations and international organizations, these decisions were eventually withdrawn and proceedings against 18 individuals were suspended.¹⁴

There are no licenses or other restrictive legal requirements for print and online media registration in **Croatia**. The print media are only required to register with the Croatian Chamber of Commerce, while online media are registered with the Agency for Electronic Media. In recent years there have been no attempts by the authorities to impose any other restrictive requirements for print and online media outlets. According to information provided by the Croatian Journalists' Association, during the pandemic in 2020 and 2021, there were no attempts to restrict the right to access the Internet or block or filter content.

The **Kosovo** authorities have not imposed prior and stricter requirements for the registration of print and online media outlets. The registration of these media goes through the Business Registration Agency and at the Tax Administration of Kosovo. In terms of the published content, they should comply only with the ethical principles of reporting determined by the Press Council. The Association of Journalists of Kosovo has not reported about any attempts by state authorities to restrict the right to internet access during the pandemic.

In **Montenegro**, the procedure for establishing electronic and print media has not changed over the last few years and has not included overly restrictive requirements, beyond mere business registration. With the amendments to the Law on Media that came into force in 2021, online media have the obligation to register with the Ministry of Public Administration, Digital Society and Media, instead of with the Agency for Electronic Media (AEM). In 2020 and 2021, during the pandemic, the Trade Union of Media of Montenegro had not reported about any attempts by the state to restrict the right to access the Internet, nor to block or filter online content.

In **North Macedonia**, in the past several years there were no attempts by the authorities to impose stricter requirements for the establishment of print and online media outlets. These media have to be registered as legal entities only at the Central Registry and at the Taxation Authority. The Association of Journalists, the Council of Media Ethics and other media NGOs have developed a firm commitment to keep the online media within the scope of self-regulation. Hence, the Register

¹³ Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.11. Tirana: Independent Journalists Association of Serbia, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

¹⁴ Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2020", p.10. Sarajevo: Association BH novinari [BH Journalists], 2021. Accessed on 29.06.2022. <https://bhnovinari.ba/wp-content/uploads/2021/07/BIH-ENG-2020.pdf>

of Professional Online Media has been developed, which in 2021 had over 150 members.

In the past three years, the authorities in **Serbia** have not attempted to impose licenses or other stricter requirements in terms of the establishment of print and online media. The Law does not oblige the print and online media to register in the Serbian Business Registers Agency, but if not registered, these media are also not allowed to participate in the calls for projects of public interest nor to receive state aid in any other way. However, there are many administrative obstacles when registering the media at local level in the Serbian Business Registers Agency. According to the Independent Association of Journalists of Serbia (IJAS), during 2020 and 2021, there were several attempts to remove content from YouTube and social networks and to block journalists' accounts on Twitter, Instagram and Facebook and several cases of surveillance and interception of communications that had negative consequences on journalists' freedom of work.

Are the regulatory authorities performing their mission and functions in an independent and non-discriminatory manner?

In four of the countries (Serbia, Albania, Bosnia and Herzegovina and Kosovo), no progress has been made in the past three years in comparison to the assessment in 2016. The overall perception on the regulators in these countries remains – journalists believe that they are strongly influenced by political actors and interests; and as not sufficiently efficient in performing their legally defined functions. In comparison to 2016, in terms of independence and capacity of the regulatory bodies, some progress has been made in two of the countries: North Macedonia and Montenegro. In this analysis this group of countries is joined by Croatia, where the regulatory body has gained relatively stable and independent status over the past few years, although the journalists' association of Croatia warns of fragility of this independence.

In **Albania**¹⁵, various reports claim that the Audiovisual Media Authority of Albania (AMA) has not been able to function independently of political interests and that all its members have a clear political affiliation. This is due to the fact that its members are being proposed by the ruling party/coalition. Serious concerns were raised by various independent organisations regarding the independence of the chairwoman elected in July – Mrs.

Armela Krasniqi, given her close links to PM Rama and the ruling Socialist Party. In 2020 and 2021, AMA operated with limited human resources as all positions of its steering board, except for the Chairperson, became vacant between 2019 and 2021. The EC urged the new Parliament to fill these vacancies and make AMA fully operational by ensuring the independence and legitimacy of the regulatory authority.

By Law, Communications Regulatory Agency (CRA) of **Bosnia and Herzegovina** is defined as an independent institution with all regulatory powers, but concerns about political influence over the election of his leadership continued in the following years. The European Commission in its 2019 report stressed that “the procedure for appointing members of the CRA Council needs to be improved, in order to ensure its protection from any political and economic interference.” The same assessments for the work of the regulator remained during 2021.

In **Croatia**, the Council for Electronic Media Council operates transparently and effectively, but certain concerns were expressed by the journalists' association: “...the fact that the parliamentary majority has an important influence on the appointment of the Agency's decision-making body may in practice affect the political independence of the regulatory body.” The parliamentary majority has too much power in appointing members of the Council, and the qualifications required for membership are too broad and can be interpreted in a number of ways. In 2021, the work of the Electronic Media Council was specifically considered in the event of the award of a frequency to the company Top radio d.o.o., owned by a businessman who was tied to accusations of being involved in the concealment of the real owners of the media.¹⁶

The activity of the Independent Media Commission in **Kosovo** is perceived as highly influenced by the political parties, due to the fact that the selection of the decision-making body is made by the political parties in the parliament, but not according to the procedures that guarantee its independent functioning.

The way in which the media regulator in **North Macedonia** performed its functions during the last few years was positively assessed in several analyses and reports. In its 2021 report, the European Commission expressed concern about some form of pressure on the regulator because: “...the Government continued to use its discretionary right in the distribution of state funds

¹⁵ Blerjana Bino, “Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2020”, p.11. Tirana: Independent Journalists Association of Serbia, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

¹⁶ Monika Kutri, “Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2021”, Zagreb: Croatian Journalists' Association, 2022. Accessed on 29.08.2022. <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

to the broadcasting sector, further decreasing the allocations for the public service broadcaster, media regulator and broadcasting public enterprise, contrary to the requirements introduced in the law on Audio and Audiovisual Media Services.”¹⁷

In the past years, the main challenges for the regulatory body in **Montenegro** (Agency for Electronic Media – AEM) have been its limited competencies to effectively control and sanction the media and political pressures aimed at undermining its independence. In 2019, a new draft-Law on Audiovisual media Services was prepared, which envisaged an expanded scope of competencies of the regulator for efficient implementation of the Law and provisions aimed at further strengthening its independence. However, this draft-Law has not yet been adopted by the end of 2021. The general assessment of the European Commission for the work of the regulator is that “... continued to exercise its mandate in a professional manner... [but] still lacks the authority and measures to effectively monitor and sanction broadcasters.”

In **Serbia**, criticism to the regulator is directed because of its selectivity, bias and discriminatory practice in decision-making process, inefficiency in monitoring and sanctioning the broadcasters that violate the law, especially in cases of broadcasting content with hate speech, violation of human rights or endangering the development of minors. However, the most serious criticism is related to the fact that the Serbian regulatory body acts in a selective and biased manner towards the pro-governmental private broadcasters, i.e. it is seen as an “unseen hand of the Government”. This was especially noticeable during the post-election period and the appointment of new members on this body, which started in October 2021.

Is there a practice of state advertising in the media and is it abused for political influence over their editorial policy?

The 2016 report noted that state advertising – the allocation of money from the State Budget for the so-called promotional campaigns of the state institutions, was a widely used practice in the region which was misused by the authorities for exerting political control over the media. In addition, it was assessed that this situation largely arises from the shortcomings and gaps in the legislation regulating this issue. Five years later, it is still evident that the governments in the region tend to abuse this mechanism to control the media. This ten-

dency is present in all seven countries, but to a different extent and one may differentiate countries where some progress was made (Montenegro, North Macedonia and Croatia) as opposed to those (Serbia, Bosnia and Herzegovina, Kosovo and Albania) in which no progress has been made.

In **Albania**, the state funding for advertising campaigns or advertisements and announcements of the public institutions is the primary source of funding for the private media. State institutions usually appoint advertising agencies to allocate the funds without publishing clear criteria how this money is allocated to media outlets. Also, state institutions are not sufficiently transparent on their public spending in different advertising campaign in the media.

In **Bosnia and Herzegovina** there is still no progress in terms of adopting clear legal rules for allocation of state money to the media and for transparency of public spending for advertising in the media. Journalists’ associations emphasize that the public sector in Bosnia and Herzegovina allocates significant funds to the media based on commercial contracts for advertising and other media services, but information on the amounts and procedures for allocating these funds is often not published.

In **Croatia**, state advertising in the private media has also been a regular practice in the last few years. Private media receive money either directly from the state budget or from the state, public and local companies, as well as from municipalities. The main concerns of the Croatian Journalists’ Association are related to the lack of transparency and some irregularities especially at regional and local level. The criticism is related to the fact that the money received from the local authorities creates a dependence on the media and journalists on the will of the local officials who often “remind” the private media of who is funding them¹⁸. When it comes to financing local media in 2021, the City of Pula was the first in Croatia to decide to change the system of co-financing of local media. However, this kind of funding began with problems and new controversies in the profession and the public.¹⁹

The practice of non-transparent state advertising in **Kosovo** media continued over the last years. According

¹⁷ Milan Spirovski, “North Macedonia – Indicators on the Level of Media Freedom and Journalists’ Safety 2021”, p.10. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

¹⁸ Monika Kutri, “Croatia – Indicators on the Level of Media Freedom and Journalists’ Safety 2020”, p.11-12. Zagreb: Croatian Journalists’ Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

¹⁹ Monika Kutri, “Croatia – Indicators on the Level of Media Freedom and Journalists’ Safety 2021”. Zagreb: Croatian Journalists’ Association, 2022. Accessed on 29.08.2022. <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

to AJK, in 2021 no reports on the financial expenditures for public information have been provided or published by the institutions which was also emphasized by the European Commission in its progress report for 2021. A serious consequence of this practice is that the media become dependent on those funds, and there is a continuing risk to their editorial policy.

In **Montenegro**, in the past years the practice of non-transparent state advertising seriously undermined the editorial independence of the media and distorted the conditions on the media market. With the new provisions of the Law on media adopted in February 2021 the private media were obliged to report regularly how much funds they had received from the Budget, while the state institutions were obliged to submit reports on the funds spent in the media. However, in practice no progress has been registered yet when it comes to transparent spending of public money for advertising in the media.

In **North Macedonia**, due to the enduring abuse of public money to influence politically the broadcasting media, a moratorium on state advertising was introduced in 2015, and in December 2018 a ban was introduced in the provisions of the Law on Audio and Audiovisual Media Services. In the last four years, this provision was generally respected at the state level, but municipalities and local public enterprises continued to pay private local media outlets from their budgets for various types of services. In May 2021, the Government announced its intention to withdraw the legal ban on state advertising, but this proposal was not put into effect by the end of the year.

In **Serbia**, the legal provisions are still unclear and therefore allow for selective and non-transparent distribution of state funds intended for advertising in the media. The authorities have full control over this mechanism and use it regularly to “reward” the media that support the political party in power. State institutions are non-transparent or publish only partial data on funds allocated to the media. Journalists’ associations are pushing for this issue to be regulated by the new media strategy, but the process is slow and difficult, and no change can be expected any time soon.

Are there any types of media subsidies or production of media content of public interest and how is it implemented in practice?

The various mechanisms of financial state support are of great importance for the development of pluralism in the media sector and consequently important for the audience’s access to a variety of quality content. Financial mechanisms to support media content production exist in three countries in the region: Serbia, Montenegro

and Croatia. There is no such mechanism in North Macedonia, but the government grants subsidies in support of print media. In Albania, Kosovo and Bosnia and Herzegovina, there are no mechanisms for financial support for content production, nor state subsidies for the media that are economically unsustainable. During the pandemic, in 2020 and 2021, the governments of several countries brought general special measures of direct and indirect support to all media to deal with the negative consequences of the pandemic. Those measures are not presented in detail here, as they were of a temporary character.

In **Albania** there are neither direct media subsidies nor funds allocated to private media to produce media content of public interest. Journalists, media staff, and media associations have been arguing for introduction of subsidies to support media diversity programming.

Media subsidies do not exist in **Bosnia and Herzegovina**, although the professional media and journalistic community has been advocating for years for the establishment of a fund for media pluralism and the production of content relevant to the public.

In **Croatia**, various programs to support production of media content have been implemented in the past few years: in 2020 the regulatory body awarded grants for journalistic articles and research stories on various topics of public interest published in the electronic media. A second content support scheme is the Electronic Media Pluralism and Diversity Fund, which is also managed by the Agency for Electronic Media. The funds are intended for encouraging the production and broadcasting of audio-visual and radio programs produced by local and regional broadcasters, non-profit TV and radio stations, non-profit providers of electronic publications and non-profit producers. A third form of financial support was provided by the Ministry of Culture and Media, in cooperation with the European Social Fund, for the implementation of the “Community Media” program, aimed to improve the quality of media coverage of vulnerable groups and raise public awareness of their rights. The fund was established in 2015, but the first grants were awarded only in mid-2020.

No special mechanism has been introduced neither in **Kosovo** to support the pluralism of media and content diversity in the non-profit or community media sector. The last financial support of the state to the smaller media was in 2017 when several media outlets in Serbian and other non-majority languages received grants.

In **Montenegro**, after the revoking of two previous mechanisms for supporting content diversity in 2017, there were no other supporting schemes for the media other than the reduced value added tax (VAT) rate to 7 percent (instead of the generally applicable 21 per-

cent). A positive step in Montenegro was the reintroduction of a legal mechanism for financial support of content in 2020 – through the Fund for Encouraging Media Pluralism and Diversity. According to the Law on Media, the state allocates funds from the state budget for media that publish news and information: 60% of the funds (granted by the media regulator) are shared between commercial and non-profit media, while 40% go to the sub-fund for daily and weekly print media and online publications – these funds are granted by an independent commission of the Ministry. During 2021, a competition for projects, in which 32 print media and electronic publications applied.

In **North Macedonia**, there are subsidies only for the print media, which are awarded by the Government according to the Program that is adopted every year. These subsidies are awarded for the fourth year in a row. However, in 2021 a significantly lower fund was awarded in comparison to previous years. The allocation of funds is decided by a Commission that has adopted clear and transparent criteria for the allocation of funds. Until 2018, based on the Law on Audio and Audiovisual Media Services from 2013, commercial TV stations at national level were awarded funds from the State Budget for the production of documentary and feature TV programs. However, this model was abolished in February 2018, due to the criticism that the procedure for allocation of funds allows political interference in the editorial policy of the biggest private TV stations in the country.

The model of encouraging the diversity of program content (programs of public interest) in **Serbia** has been operational for several years, but according to the Independent Journalists Association (IJAS), it is implemented in practice with successions of irregularities: the procedure for awarding the projects is non-transparent, mostly without any explanation of the criteria on the basis of which funds are granted; the funds are frequently allocated to media that violate the legal provisions and the code of ethics of journalists; the topics covered in the approved projects often do not reflect the public interest, etc. Journalists' associations are particularly concerned about the allocation of funds to purposively established productions and media that are considered very close to the government. Journalists' associations proposed solutions to prevent the abuses of this mechanism through changes in legislation, but they were not accepted by the end of 2021.

What are the mechanisms for financing media in the languages of national minorities?

Pluralism in the media sphere includes the dimension of social inclusiveness which, among other things, is evaluated by the extent to which different linguistic and ethnic

minorities can establish (private or non-profit) media outlets in their respective languages or have access to the programs of such media outlets. In all seven countries, public service broadcasters are legally obliged, and they do broadcast programs in the languages of ethnic minorities. For the commercial and non-profit media sectors, policy makers should have established funding schemes to support particularly the smaller media outlets that otherwise would not survive on the media market. In 2016, the Platform has established that such funding schemes exist only in few countries, but also that some of these schemes are not sufficiently transparent or barely functional. Five years later, the situation is almost the same: such mechanisms exist only in Serbia, Montenegro and Croatia, while in other four countries (Kosovo, North Macedonia, BiH and Albania) there are neither developed policies nor funding mechanisms to support the private and non-profit media that broadcast in the languages of national minorities that live in these countries.

Albania The Law on the Protection of National Minorities recognizes the right of minorities to use the press and electronic media in their mother tongue. No state policy regarding minorities and media has been drafted or implemented in recent years. According to the applicable law on national minorities, the state budget must dedicate a special fund for minorities each year. This funding is administered by the Committee for National Minorities, but there was no open call for funding allocation until the end of 2021. There is no clear estimation of the numbers of online media for national minorities because there is no reliable data of the overall online media portals either.

The national minorities in **Bosnia and Herzegovina** have the legal right to establish media in their own languages, but there are no funding mechanisms to encourage linguistic pluralism in the private media sector. The Law on Protection of the Rights of National Minorities also obliges the public service broadcasters to produce and broadcast programs in the minority languages at least once in a week. There are several non-governmental organizations in BiH that have news portals with content in languages spoken by smaller communities.

In **Croatia** the media of national minorities, are financed through the funding administered by the Council for National Minorities. Every year there are funds envisaged in the state, regional and local budgets, aimed for co-financing the programs of radio and television stations owned by or intended for national minorities. The Agency for Electronic Media, through the Fund for Encouraging Pluralism and Diversity of Electronic Media, every year allocates funds to media service providers that broadcast programs intended for national minorities in the Republic of Croatia. During 2021, a total of HRK 1.687.231,03 (about 224,012 EUR) was allocated to tele-

vision and radio broadcasters, non-profit electronic publications and non-profit producers of audiovisual programs. The Council for National Minorities also financed 63 information programs in 2021 through the Decision on the distribution of funds provided in the State Budget for the needs of national minorities.

In **Kosovo** there are around 40 media outlets that broadcast/publish content in Serbian, Turkish, Bosnian or Roma language. There is no specific funding scheme for supporting the non-profit and the private media that publish content in the languages of these minorities. Private minority media outlets are funded from advertising and other sources, but their advertising income is insignificant, so they are not economically sustainable. The non-profit media are also in very difficult situation – they usually apply for grants from foreign or other donors, but this is very demanding and complex task and distract them from carrying out their core activity – producing and publishing content for local ethnic minorities.

According to the information provided by the Trade Union of Media of **Montenegro**, there are 7 media newsrooms that publish content in the languages of national minorities: 3 tv stations, 2 radio stations, one print media and one online news media outlet. The situation of the minority media has significantly improved with the establishment of the Fund for the Protection and Realization of Minority Rights in 2017. The source of funding is the state budget (at least 0.15% of the annual state budget), while the grants are distributed upon a public competition. Several rounds of competitions have been published: in the first half of 2017, when a total of 292,926.00 Euros were distributed for 67 projects, in 2019 566,000 Euros distributed for 99 projects, in 2020 more than 1.1 million Euro were supported for 196 projects, and in 2021 1.066 million euros were allocated for 185 applications.

In **North Macedonia**, there is no funding mechanism for supporting the private and non-profit media outlets in the languages of ethnic minorities. The existing private media that broadcast programs in the languages of smaller ethnic communities are not economically sustainable because they are not attractive for advertisers. At the end of 2021, there were 19 television and 13 radio stations that broadcasted in one of the languages of ethnic communities. The largest number of these private broadcasters broadcast in Albanian language, and only a few broadcasters have programs in the languages of other smaller ethnic communities (Turks, Roma, Vlachs, Serbs and Bosnians). Non-profit radio stations that broadcast in minority languages don't exist. There are only few non-profit online news portals that publish in minority languages.

In **Serbia**, the access of national minorities to the establishment of media in their own languages has been guaranteed in legislation for several years. The so-called Councils of National Minorities may establish non-profit or commercial media in the languages of national minorities, and their funding is also prescribed by law. In 2021, in Serbia there were more than 150 media outlets that, besides in Serbian, also broadcast/publish content in other languages: Hungarian, Romani, Slovak and Albanian language. They are granted annual subsidies by the state with argumentation that they cannot function on the market. In addition, they are partly supported by the institutions at state, regional and local level, through the other funding scheme – co-financing of programs of public interest. However, the problems highlighted in this area still are the same as five years ago: the influence of national councils on their editorial policy, unclear and non-transparent criteria for allocating the funds to these media outlets and unclear (or lost) links between their programs and the needs of the citizens for whom these programs are intended.

Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independent and stable functioning? Do the supervisory bodies represent the society at large?

In the analysis published in 2016, we concluded that safeguards for the independence and autonomy of public services were embedded in the legal framework of all countries, but in practice public broadcasting services were still facing lack of sustainable funding and various forms of political pressures. Five years later the problems are almost the same. In terms of the funding framework, three of the seven countries seem to have managed to establish an effective model of independent financing of public services: Croatia and Albania have established a public tax or fee that is paid by each household, while Montenegro has a model fully based on the Budget which is set up through a specific contract agreed between the Government and the public broadcasting service. The other four countries still seem to be looking for an appropriate sustainable and independent funding framework: Serbia has some temporary combined model (of budget and public tax), but in practice RTS is almost entirely dependent on budget funds; in Kosovo, amendments to the Law from 2019 were drafted in order to introduce also a combined model, but they were not adopted in the Parliament by the end of 2021; in North Macedonia in 2018, a new framework was adopted that is fully based on the Budget funds, but the Government does not implement the scheme set by the Law and allocates less funds than envisaged; in BiH, the broadcasting fee is inefficiently collected, leading the three public services to uncertainty and huge debts. Political influences on pub-

lic services, to a greater or lesser extent, are still present in all countries and are visible both through the election of oversight and governing bodies and through financial and political pressures.

The transformation of **Albania's** public broadcasting service, as in other countries in the region, has not been achieved in the past years primarily due to: (1) the huge political influence on the appointment procedure of its oversight and management bodies and on its editorial policy; and (2) mismanagement of the public service that often led criticism and accusations of its executives for corruption. As a result, in 2021 the entire composition of the RTSH board was dismissed, although this election was also criticized because it was made under the great influence of the Socialist Party, which at that time had a majority in Parliament. The newly elected board then irregularly (without announcing a public call) elected a new Director General, which was also publicly criticized and noted in the European Commission's 2021 report. At the end of 2021, a new Director General was re-elected, former director of Top Channel – the largest private TV station in the country. However, it is assessed that the funding framework for the public broadcasting service in Albania is efficient and ensures its independence – RTSH is funded by a broadcasting fee paid by each household through the electricity bills.

In **Bosnia and Herzegovina**, the laws guarantee the institutional autonomy and editorial independence of the three public broadcasters, but the problem is still the political influence on their work in practice, that is exercised at all levels – through the boards of directors, directors and editors-in-chief. The public service corporation, as stipulated in the Law on the Public Broadcasting System, has never been established. Instead, there are three parallel public services that serve different ethnic groups, political structures and interest groups. In such a situation, one of the basic functions of the public broadcasting service is called into question – its cohesive role in the society, which is especially important in the deeply divided Bosnian society. The state has not yet established a sustainable and efficient model for collecting the RTV fee, which has led to large debts of the two public services.

In **Croatia** the framework for financing the public service is well developed and quite efficient – the Croatian Radio and Television (HRT) is financed through the radio and television fee, which is paid by all citizens, and amounts to about 1.2 billion kuna annually. It is generally estimated that this provides HRT with financial independence and stability over the years. Nevertheless, there is a great concern in Croatia about HRT's actual political independence. This assessment is argued by the fact that the ruling majority in the Croatian Parliament has so far strongly influenced the appointments of HRT's governing structures and also attempted to influence its

editorial policy. The HRT Programming Council has 11 members, nine of whom are elected by the Parliament based on a public call, while two are elected by HRT's employees. By Law, this body should represent and protect the public interest by monitoring the program and improving the HRT's radio and audiovisual programs and other audio and multimedia services.

There has been no progress in the transformation of the public service broadcaster – Radio Television of **Kosovo** (RTK) in the last three years. It is neither financially stable nor editorially independent. In order to improve the position of the public broadcaster, amendments to the Law on Radio Television of Kosovo were drafted in 2019, but they were not adopted even by the end of 2021. The intention was to introduce a new combined funding model: from the broadcasting fee and from the state budget. The RTK management and supervisory bodies were criticized over the past five years about mismanagement, nepotism, affiliation with political parties and other irregularities. Hence, in 2021 major changes occurred – the Assembly dismissed the RTK board and opened a competitive and transparent procedure for appointing new members, in which over 90 candidates were interviewed. Nine of the 11 members of the new Board were elected by the end of 2021.

In 2018, the dismissals of members of the oversight body, management and editors-in-chief of the public broadcaster (RTCG) in **Montenegro** seriously affected the RTCG editorial policy as a result of those changes, during 2019 and 2020, the public service broadcaster was often criticized for its political bias toward the ruling Democratic Party of Socialists (DPS). The amendments of the Law on the National Public Broadcaster Radio-Television of Montenegro, adopted in summer 2020, were supposed to strengthen the independence of the public broadcaster and its supervisory body. However, the required changes did not happen until 2021, when a new composition of the RTCG Council was elected, and consequently a new management of the public service. The 2021 Progress Report of the European Commission noted that these changes have led to a greater balance in RTCG reporting on various policy options and views in the Montenegrin political scene. When it comes to funding framework, compared to the period before 2018, there has been some progress achieved in Montenegro: in 2018 a three-year funding contract worth about 40 million Euros was signed between the Government and the public broadcaster of Montenegro. However, this positive assessment does not apply to local public broadcasting which is funded by the local municipalities, thus making the local public broadcasters more dependent and vulnerable to political influence.

In **North Macedonia**, at the end of 2018, a new model of financing the public broadcaster – Macedonian Radio and Television, was introduced. The legal changes abol-

ished the previous framework based on the broadcasting tax collection and moved to a legally fixed percentage of the state Budget. However, MRT continued to face financial problems due to large debts accumulated from the previous years and the fact that the Government did not fully comply the legal obligation to allocate the funds envisaged with the Law. Nevertheless, the public broadcaster expanded its programming functions: new thematic channels (children's and sports channels) were opened, and the program services of ethnic minorities were also increased. As part of the media reforms plan to strengthen the independence of the public service, in 2018 the procedure for electing the members of the supervisory body (MRT Program Council) was improved to secure proper representation and influence of the civil society sector over the MRT program policy. However, by the end of 2021, the procedure for electing the members of this body was not performed by the Parliament due to political disagreements between the ruling and the opposition political parties.

In **Serbia**, the combined “temporary” funding model introduced in early 2016 did not ensure sustainable and independent functioning of the two public services – RT Serbia and RT Vojvodina. Namely, in 2016, a special law was adopted according to which in the period from January 1st 2016 to December 31st, 2021, public services will be financed partly from the broadcasting fee and partly from the Budget. However, the share of direct budget funds in this financial construction has increased significantly in the last few years, making both services even more dependent on the Government. In 2021, with legal changes, this “temporary” funding model was extended for an additional year, i.e. no efforts were made by the authorities to ensure full functionality of the combined model and hence financial autonomy of public services from the state. The influence of the ruling party on their editorial policy has been very visible in recent years. Program councils, according to the law and the composition of their members, should represent the society as a whole, but in practice it is very common those bodies to be silent in terms of political influences on the public broadcaster's program policies.

A2 The effects of defamation law on journalists

Are the defamation laws' provisions overly severe or protective for the benefit of state officials? How many lawsuits have been initiated against journalists by the state officials in the past three years? Are there examples when other legal provisions were used to 'silence' journalists for legitimate criticism or for investigative journalism? Is justice administered in a way that is politically motivated against some journalists? What kinds of penalties have been imposed? Do the courts recognize the self-regulatory mechanism (if any)? Do they accept the validity of a published reply, correction or apology? What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?

With one exception, all the Western Balkan countries have decriminalized defamation – some of which have done so decades ago. A feature that persists, however, that despite this fact, in many of them, political power centres have maintained to look for alternative ways to apply pressure on journalists' freedom of expression and with that to make a controlled impact on the public sphere – in some cases, the lawsuits against journalists draw their reason from a variety of laws which is why in the past three years we still have a high number of active cases against journalists. In most cases – there are high damage claims by plaintiffs, for defamation lawsuits against journalists. The highest claims are made by officials or political party representatives, which points to a clear reason for the trend – silencing critical voices. These conclusions are not however equally distributed across countries: North Macedonia, has the best performance – after the regime change in 2017, but once it got to a certain level, it has not done much to make further improvements; Serbia, Montenegro and Bosnia and Herzegovina still have the highest number of active law suits against journalists; Most of the countries, but notably Croatia, suffer from high amounts for non-peculiar damage for defamation in the court practice, and most countries, most notably Kosovo and Albania have an issue with collecting relevant official data to establish and assess the situation concerning the effect of defamation on journalists' freedom of expression.

Albania²⁰ has reformed its Criminal Code in 2012 removing the penalty of prison sentences of up to two years for defamation. It has however maintained the recognition of defamation's criminal character by instituting fines for offenders, that vary from €400 to €12,000. The Civil Code also contains provisions concerning defamation. In December 2020 the Government proposed to criminalize satirical memes and other online posts. The attempts have not yet been effectuated upon the outrage of the media professionals and the pressures of international actors. There are no exact figures on lawsuit incidences within the past three years. As general note however, politicians and representatives of big businesses have been the ones most frequently initiating lawsuits aiming to silence investigative journalism or critical media. Journalists and media experts in the country argue that the current situation is contributing to the overall deterioration of media freedom. Bosnia and Herzegovina has seen high numbers of active lawsuits between 2019 and 2021. The estimation is that in 2021 there were 300 active lawsuits against journalists and the media – about 80% of which were filed by political officials and directors of public institutions. Compensation claims range between €2,500 and €5,000 euros. Public threats and SLAPP suits also pose a risk for the journalist' community in the country – silencing investigative professionals and ultimately benefiting political actors. This issue continues to galvanize journalists' negative perceptions concerning implementation of the laws. The media community recently proposed a limitation of the maximum compensation for intangible damage, even though courts rarely grant compensation for intangible damages in amounts greater than €2,500. Defamation was decriminalized in 2002 and is now regulated by the Law on Protection against Defamation (at the level of entities and of the Brčko District), the Law on Obligations and the Law on Civil Procedure (at the level of Federation Bosnia and Herzegovina and Republika Srpska).

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In the beginning of 2020, **Croatia** has decriminalized the grave defamation, previously defined as “serious shaming”. However, provisions concerning defamation and insult have not been entirely removed from the Criminal Code, so the criminal cases based on defamation or insult may end with demand for high monetary compensation from the journalist. In the first quarter of 2021 only, at least 924 lawsuits against media and journalists were noted as active by the Croatian Journalist Association²². Damage claims by plaintiffs are set to at least just over €10,000. The highest claim has been set to as high as 1 million euros. Majority of the plaintiffs are politicians. Many of the noted lawsuits may be considered SLAPP suits. For journalists who are sued, such lawsuits lead to self-censorship. They are aware that lawsuits exhaust them, financially and mentally, and then they would rather not choose to go forward with some “problematic” topics.

No database exists in **Kosovo** concerning the number of lawsuits brought about against journalists, despite the Courts Officials assurances of designing such a database by mid-2021. Since this basic knowledge is not available, journalists and media workers are exposed to vulnerability. There is however some data collected by independent organizations in the civil sector – a monitoring by the Kosovo Law Institute during 2021 suggested that more than 40 new lawsuits were filed during 2021, and that in addition there are over 100 active lawsuits against journalists, piled up from previous years. Majority of these may be considered are SLAPP suits. The cases of lawsuits against journalists are not public and neither media nor journalists speak up publicly because of fear of influencing the outcome of such legal processes²³. Since 2012, insult and defamation

20 Blerjana Bino, “Albania – Indicators on the Level of Media Freedom and Journalists’ Safety 2020”, p.13. Tirana: Independent Journalists Association of Serbia, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

21 Maja Radevic, “Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists’ Safety in BiH 2021”, p.12. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

22 Monika Kutri, “Croatia – Indicators on the Level of Media Freedom and Journalists’ Safety 2020”, p.13. Zagreb: Croatian Journalists’ Association, 2021.

Accessed on 28.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

23 Getoarbë Mulliqi Bajaj, “Kosovo – Indicators on the level of media freedom and journalists’ safety 2021”, p.13. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022: https://gqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

are subject to civil liability, according to the provisions of the Civil Law against Defamation and Insult. Yet, the civil offence is still sanctioned with large fines, which in turn discourages journalists to report on certain topics. The amendments proposed by the Government, to the Criminal Code in 2017 in order to introduce criminal sanctions for insult and defamation against the state, state symbols or state leaders have not had a follow up in the years since.

In **Montenegro** during the last three years, the number of lawsuits against journalists has remained large. The number of active lawsuits in 2019 was 37, in 2020 it was 22 and in 2021 that number was 54. Peculiar to Montenegro is the fact that only six of these lawsuits are from officials or politicians. However, their damage claims as plaintiffs are also the highest – claims on their part are made of up to 120,000 euros. The highest lawsuit claim was the one made by the then still state President Milo Djukanovic, in 2019. Decisions on defamation in Montenegro are made within the civil disputes since 2011, and this is according to the Law on Obligations. The conclusion remains those high penalties have enormous negative effect on journalists. Journalists in Montenegro generally do not feel discouraged due to possible defamation lawsuits, but they often adapt their reporting so as not to be sued.²⁴

In **North Macedonia**, the number of charges against journalists in the past three years has been dramatically reduced, so journalists do not feel as much pressure in recent years as prior 2017. In 2021, there were a total of 20 active cases in the courts, only one of which was filed by a politician. The Journalists' Association has nevertheless insisted that non-peculiar damage claims by plaintiffs should be reduced to a lower level. The legal formulations for this change have been completed, but they have not yet been adopted. At present in North Macedonia the effects of self-censorship are limited. The Law on Civil Liability for Insult and Defamation that decriminalized defamation was adopted in 2012²⁵.

Defamation has been decriminalized in **Serbia** since 2012, and nowadays journalists can be sued for offences under the provisions of the media laws that allow for the harmed individual the right to compensation for ma-

terial and non-material damage. However, in 2020²⁶ there were attempts of pro-government associations and MPs from the ruling political party to initiate debates on introducing new form of criminal offence to especially protect the President of the Republic, Prime Minister and members of government. Anti-defamation provisions in the media laws do not stipulate special treatment for officials, however court practice indicates that the system is leaning towards increased protection of some officials in opposition to the treatment of ordinary citizens. The legal framework does not contain safeguards to prevent or discourage SLAPP lawsuits. The number of lawsuits filed against journalists and the media in the last three years is high. In 2021 alone²⁷, 401 lawsuits have been filed against journalists, and a total of 598 lawsuits filed against journalists in previous years have been resolved over the same period. The amounts requested in the lawsuits filed are largely increased – amounts ranging from 850 to 1500 euros are judged. The journalists themselves experience these lawsuits as pressure, warning and form of exhaustion and therefore they cause fear and self-censorship.

A3 Legal protection of political pluralism in the media

Is political pluralism in the media guaranteed in the media legislation? Is it an obligation only for the PSB or for the private broadcasters as well? Is there a specific obligation for the regulatory authority to protect political pluralism in the media?

Political pluralism remained vulnerable throughout the region during the last five years with rare exceptions. Media system arrangements in the states of the region have generally managed to put in place most of constitutional and regulation guarantees concerning this important aspect of the media environments, but they have simultaneously not ensured a complete respect for the written rules. One aspect, however, that exposes possible deficiencies in the written rules themselves, is the fact that the protection of political pluralism is subject to rules that refer only to election periods. For the period outside election campaigns, media specific

24 *Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.12-13. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>*

25 *Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.13. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>*

26 *Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.13-15. Belgrade: Independent Journalists Association of Serbia, 2021. Accessed on 29.06.2022. <https://nuns.rs/media/2021/08/SRB-ENG-2020.pdf>*

27 *Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.14-15. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>*

laws contain explicit obligations, but only for the public broadcasting services, while for the private broadcasters this is only determined as a general programming principle. The practical application of these principles, both during and outside election campaigns, provides a real illustration of the level of political influences on media and journalism. In countries where the ruling political parties demonstrate a stronger tendency towards authoritarian rule, political pressure on media coverage is much more visible both during and outside elections. This report, as well as other reports that measure political pluralism in the media agree that journalist associations, CSOs, domestic and transnational political actors, have to do more in this domain even in the countries that demonstrate relatively low vulnerability concerning political pluralism in the media at present, but that have for years not improved further the situation either.

Albania's media landscape remains polarized between 2019 and 2021 – media are generally regarded as partisan – undoubtedly leaning towards either of the two leading political parties²⁸. Consequently, the principle of fair and equal access to media, particularly concerning the mainstream audio-visual media, is clearly jeopardized. Hence, it can be assessed that political pluralism in the media is not sufficiently protected outside the electoral cycles. Although the legislation guarantees fair and equal access to media, by all political actors during election campaigns, the practice is nowhere near this normative formulation. For example, in 2021 the monitoring conducted by the regulator (Albanian media Authority) confirmed that “...the Socialist Party systematically received more coverage than other contestants in the electoral campaign for the general elections in 2021²⁹”.

Political pluralism in the media in **Bosnia and Herzegovina**³⁰ remained vulnerable throughout the past three years even though legal guarantees are mostly in place, with the exception of the guarantees concerning online media – an issue more or less controversial throughout the whole region. The apparent discrepancies between legal guarantees and practice, reveal problems of the political arrangement of this country. According to the analyses conducted for the needs of the journalists in 2020, both the public broadcasters

and the private media, rarely include a spectrum of opinions and positions on a certain topic. Pluralism in the local media is even more vulnerable. Internet media, as elsewhere, are the media platforms with the least regard for professional rules to respect political pluralism especially during elections, which is why the Central Electoral Commission in 2021 argued in favor of changes in the Electoral Code. Freedom of expression and political pluralism in BiH are guaranteed in the Constitution, the Law on Communications and in the Electoral Code. The Communications Regulatory Agency (RAK) is tasked with monitoring respect for political pluralism in general, but it only monitors during electoral cycles.

In **Croatia**, there is a general assessment that outside the election campaign parliamentary parties mostly have sufficient and proportionate access to mainstream media outlets. Non-parliamentary parties remain at risk in this domain³¹. The conclusions are slightly different however, when assessing the situation during the electoral campaigns – in the duration of electoral cycles, media tend to have some bias towards representatives of ruling political parties. In part, this comes from the noted in theory – incumbency advantage – as public officials are covered both as officials and as party contestants for the next election. The regulatory body in **Croatia** is tasked with monitoring the implementation of the Electronic Media Act. The equal and free access to media is guaranteed by law.

During the general and local electoral cycles held in **Kosovo** respectively in February and October of 2021 the media were, according to the Independent Media Commission, balanced and fair towards all candidates and political parties with minor disbalances, concerning a breach of the rules for the start of the media campaign by some parties³². There is a lack of additional sources for the verification of these claims. However, there is a widespread perception that there is an apparent media bias in the representation of some views and some political parties especially during electoral period. Also, the EC 2021 report states that “the lack of financial self-sustainability, further exacerbated by the COVID-19 pandemic, leaves media vulnerable to political and business interests”³³. These factors, coupled with the fact that the regulator is insufficiently equipped and there are no other sources to verify and control developments

28 Blerjana Bino, “Albania – Indicators on the Level of Media Freedom and Journalists’ Safety 2020”, p.14-15. Tirana: Independent Journalists Association of Serbia, 2021. Accessed on 30.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

29 Blerjana Bino, “Albania – Indicators on the Level of Media Freedom and Journalists’ Safety 2021”, p.14-16. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 01.07.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

30 Maja Radevic, “Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists’ Safety in BiH 2021”, p.12-13. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

31 Monika Kutri, “Croatia – Indicators on the Level of Media Freedom and Journalists’ Safety 2020”, p.14-15. Zagreb: Croatian Journalists’ Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

32 Getoarë Mulliqaj Bojaj, “Kosovo – Indicators on the level of media freedom and journalists’ safety 2021”, p.14-15. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://gqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

33 *Ibid.*

in media content distribution, pose a serious threat for political pluralism in Kosovo.

In **Montenegro**, the general assessment of domestic and transnational organizations, including the European Commission and the OSCE, is that the media landscape remains deeply polarized and characterized by politically biased and unbalanced reporting, especially during periods of elections. This was a general criticism also in the monitoring reports of these organizations during the elections of 2020 – lack of independence and polarization of broadcasters³⁴. The OSCE report even stated that while public service broadcaster followed its legal obligations, the commercial TV stations violated the rules for balanced and impartial coverage of political actors. Media legislation and electoral laws in the country are generally aligned with international standards in terms of guaranteeing political pluralism in the media, including during election campaign. The provisions in the law pertaining to political pluralism, prescribe in details obligations of the Public Service Broadcaster. This is however not entirely the case with the obligations of the private broadcasters for which the provisions are less explicit. Vulnerability in this domain is also exposed by the fact that the media regulator has obligations to monitor political pluralism but only during the electoral campaigns.

In **North Macedonia**³⁵, the situation concerning political pluralism in the media has visible improvements in comparison to the period before 2016, when many media outlets were under systematic political pressure from the ruling party at that point in time. Having said that however, one must also add that in the past three years there have been no significant positive movements after the initial success and stabilization achieved between 2018 and 2020. According to the monitoring conducted by the regulatory authority, the Public Service Broadcaster in the last few years reports in a much more neutral and balanced manner in the period of election campaigns, while certain deviations were noticed in the coverage of private broadcasters. As for the periods when there are no elections, although there is still certain political inclination of some of the most influential media, the general picture of political pluralism in the media is far better than before. Legislation regarding political pluralism in the media is in place, although, as in other countries of

the region, the provisions are far more detailed for the Public Broadcaster than from the public media.

In **Serbia**³⁶, equal access of political actors to media, remained a problem in the last three years. An analysis conducted in 2021 of the primetime news programs aired by the national coverage public and private television, states that the parties in power dominate the media coverage as opposed to the opposition. The monitoring conducted by the regulatory authority during the election campaign has been criticized by CSOs working on media and journalism topics, for its controversial methodology and findings that did not reflect the reality of media output – the results were in contradiction to independent analyses that exposed unfair and unequal access to media content during election campaigns. The present media legislation regulates in detail the obligations of public service broadcasters to respect and encourage the pluralism of political, religious and other ideas in the society. Private broadcasters, however, do not have clearly defined legal obligation to respect political pluralism in the media outside of election processes. During elections periods both private and public broadcasters are obliged by law to secure registered political parties, coalitions and candidates appropriate media representation without discrimination. For printed and online media, only the Journalists' Code of Ethics is mandatory.

A4 Freedom of journalists' work and association – legal guarantees and practice

Do journalists have to be licensed by the state to work? Have journalists been refused the right to report from certain places or events? Are journalists organized in professional associations and if yes how? Are there pressures on their association or individual members? Are journalists organized in trade unions and if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions? How many journalists are members of the trade unions?

There have been no dramatic changes in this reporting period concerning freedom of journalists' work and as-

34 *Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.13-14. Podgorica: Trade Union of Media of Montenegro, 2021. Accessed on 30.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/download-1.pdf>*

35 *Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.14-15. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>*

36 *Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.17-19. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>*

sociation. Having said this however, there have been attempts between 2019 and 2021 to mainstream the deliberations to introduce a practice of state licensing of journalists within several of the regions' countries, under the pretext of protecting journalists' profession and ethics. This has, however, been dubbed a practice potentially devastating for freedom of work and speech – journalists' and media organizations (associations and unions alike), throughout the region have been arguing, in unison, that this practice will lead to political constraints against “unwanted” journalists and media, having in mind the history of semi-authoritarian modes of rule in most of the countries of the region. In general, legislative, and constitutional arrangements, guarantee freedom of self-organization of journalists in the region. Still depending on the political context, in some countries the freedoms of work and organization are greater, than in others. Despite the fact that licenses do not exist, there are a number of cases of journalists being obstructed or restricted while reporting. This was particularly exacerbated during 2020 and 2021 due to the lock down measures imposed by the states to prevent the spread of the pandemic. Journalists' associations are not strong everywhere – Albania, Kosovo and Montenegro do not have sufficiently strong associations to serve as points for policy change pressures. In the rest of the region's countries associations are a greater force but the more they are consolidated the more they are exposed to pressures from various state and non-state actors. Unions are either non-existent or they are insufficiently strong to push effectively for labour rights – exception being the Trade Union of Montenegro. Press councils or self-regulatory bodies exist everywhere, except in Croatia, where the body stopped working due to organizational and financial problems. Where these bodies are stronger, they are exposed to great pressure from both politicians and media owners. Nevertheless, in all other countries these bodies are still vulnerable, due to organizational and financial unsustainability.

Journalist associations exist in **Albania**³⁷, but they have remained weak in the past three years, both in their policy influence within the country as well as in their international standing, as they are not associated with international journalist organizations. The absence of journalists' trade unions also presents a serious vulnerability. A new development in 2021 was the Albanian Parliament's announcement about a change in the set of rules for the Accreditation, Accommodation and Orientation of Mass Media in the building of the Parliament which was adopted without consultation with journalists and media workers' associations. In 2021 also, the Journalists'

Movement was established as a status and rights protection initiative of professional journalists. Throughout this period, journalists have informed of cases of reporting restrictions tied to the pandemic crisis. The biggest issue concerning reporting restrictions in the country remains the still present practice of staged political events in which journalists handed political PR material prepared in advance by the political actors that reduces journalism to mere non-critical transmission of content. A wide-spread practice remains in where journalists are allowed to ask only “controlled” questions at press conferences, and even few reported cases where journalists were not allowed to make appearance which is especially the case with investigative journalists.

In **Bosnia and Herzegovina**³⁸ in the past years between two comparative reports, the authorities have not attempted to introduce state-controlled licenses for journalists. However, since journalists' associations are fairly strong, they remain subject to pressures and even attacks, which were more frequent in 2020. In 2021, the self-regulatory structure – The Press Council, received over a thousand complaints by journalists and half of these were related to hate speech online. Labour legislation is mainly aligned with international standards, but provisions concerning termination of employment contracts are insufficiently precise which poses a vulnerability for labour rights of journalists and media workers. There is no united BiH journalists' trade union, however there are several branch specific media workers' unions, that put together have 18% of the total number of journalists as their members. Though journalists are free to join trade unions, vulnerability is exposed by the fragmentation of loyalties of journalists in this clientelistic, politically and ethnically complex society.

Journalists in **Croatia**³⁹ do not need work licenses, nor have there been any attempts by the state to introduce them. The main problem that would arise in the eventual licensing of journalists is the definition of journalists in the Media Act. According to the Croatian Journalists' Association (CJA), most of the journalists have never been denied the right to report on certain events, i.e. there were only some sporadic cases in the last few years. Journalists are free to join professional organizations and trade unions. The Croatian Journalists' Association is strong and large professional association, often being target of attacks and pressures. Trade

37 Blerjana Bino, “Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021”, p.14. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

38 Maja Radevic, “Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021”, p.14. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

39 Monika Kutri, “Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020”, p.15-16. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

Union of Croatian Journalists is also very strong organization, but some media owners do not view such an organization in a favourable manner. The self-regulatory body (Croatian Media Council) was established in 2011, but due to organizational and financial problems, it ceased to exist after several years of existence.

In **Kosovo** journalists are not subject to professional licensing and in this reporting period there have been no institutional attempts to introduce this practice. There have been few cases of journalists being prevented to report on certain events in 2021⁴⁰. Also, the restrictions in connection to the pandemic, which made an inevitable impact on the work of journalists, have further increased vulnerabilities concerning freedom to report. Labour rights are also under strain, since in Kosovo, a united independent trade union of journalists does not exist. The public broadcaster has three Unions, but no efforts were made in the past three years to build a unionized network to increase effectiveness of labour rights demands by these professionals. This despite the fact that the legislative arrangement contains guarantees to freedom of association. Journalists report cases of labour rights breach in front of the Association of Journalists of Kosovo. This organization remains insufficiently strong, however, to create policy change pressures.

A new development in **Montenegro**⁴¹, is that in 2021, state representatives and some media workers proposed, in media strategy deliberations, that the state in the future introduces licenses for journalists in order to protect professional ethics. This however has not been formally effectuated in the draft-Strategy. Journalists' organizations, have in the past reached a clear and a unified position against such a practice due to dangers of state sponsored manipulation with the process which would inevitably affect freedom of speech. Legal safeguards for freedom of association are in place in Montenegro, however the three journalist organizations existing in the country are insufficiently strong to influence policy in a meaningful way. The Trade Union of Media of Montenegro with its 600 members remains the strongest journalists' organization. Journalists have not been generally prevented from reporting throughout the reporting period, however, in 2021 instances of discrimination of journalists working for "unwelcome"

media were registered in a survey conducted by the Trade Union of Media of Montenegro. In 2021, the public service broadcaster withdrew its membership in the Media Council for Self-Regulation, under the explanation that an ombudsman was established within the PSB.

There are no legal restrictions on the work of journalists in **North Macedonia**⁴². In recent years, there have been no attempts to introduce licensing in the profession, but there have been sporadic cases of journalists being prevented from reporting on certain events, such as the 2021 local elections. News organizations are free to operate and have become stronger over the years. The Journalists' Association is the leading professional association with a strong influence on media policies. The Media Ethics Council has established itself as a credible body, but it is still vulnerable due to the problems with lack of funding and institutional capacity. The Independent Union of Journalists and Media Workers has been strengthened compared to the period before 2016, but this body still faces many problems due to the lack of funding, weak institutional capacity and present pressures and obstructions from the media owners and managers regarding the right of journalists to organize or join trade unions.

As in previous years, in 2021 there was another endeavour in **Serbia**⁴³ to introduce a practice of licensing of journalists – Government officials and pro-government journalist associations argued in this direction within the Working Group for Amendments to the Law on Public Information and Media. Between 2019 and 2021, cases were registered when journalists and media were not prohibited access to report on events or were discriminated against as they were not invited or were not issued accreditations for events. This was particularly the case during the 2020 state of emergency announced due the pandemic. During 2021, NUNS recorded 13 cases of this sort, mostly for journalists who critically report on the work of government representatives and institutions. Journalists' associations remain strong; however, various types of pressures are still being placed on critically oriented journalist associations. Trade unions exist, but they are still insufficiently strong to dictate terms for labour rights improvement. The Press Council is very active, but also often attacked, especially by the pro-government media.

40 Getoarbë Mulliqi Bojaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.15-16. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

41 Marjana Camovic-Velicovic and Bojana Lakovic-Konatar, MONTENEGRO – Indicators on the Level of Media Freedom and Journalists' Safety 2021, Podgorica: Trade Union of Media of Montenegro, 2022, p.14-15. Accessed on June 29th, 2022: <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

42 Milan Spirovski, NORTH MACEDONIA – Indicators on the Level of Media Freedom and Journalists' Safety 2021, Skopje: Association of Journalists of Macedonia, 2022, p.15-16. Accessed on June 29th, 2022: <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

43 Rade Djuric, SERBIA – Indicators on the Level of Media Freedom and Journalists' Safety 2021, Belgrade: Independent Journalists Association of Serbia, 2022, p.17-19. Accessed on June 29th, 2022: <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

A5 Legal protection of journalists' sources

How is the confidentiality of journalists' sources guaranteed by the legislation? Is confidentiality of journalists' sources respected? Were there examples of ordering the journalists to disclose their sources and was that justified to protect the public interest? Were there any sanctions against journalists who refused to disclose the identity of a source? Do journalists feel free to seek access to and maintain contacts with sources of information?

Media systems within the countries assessed by the Platform have seen some deterioration in the past several years, despite the present legal guarantees for protection of confidential sources. Some deterioration may be claimed in Montenegro and Serbia, due to growing pressures of the respective authorities to use "national security" as a legal argument to input provisions in the laws that may be misused to introduce uncertainties both for sources and for journalists. This securitization of the issue is a global trend especially after 9/11 attacks and journalists and their associations in the Western Balkan countries in this respect are struggling to push their countries to a sensitive and sensible balance to the protection of their sources. In addition, though in most of these countries, the Platform witnessed a deterioration in the practice of this benchmark, such as in Albania, Bosnia and Herzegovina and Serbia, it may be said that this issue needs a special attention in the years to come, despite the fact that journalists in most of them generally still feel free to contact sources. Investigative journalists are mainly expected to be exposed to vulnerability and with them the totality of the public sphere, since the cases of infringement of the principle of confidentiality of sources bares a big part of the responsibility for the chilling effect on journalism. The following are the assessments per country elaborated in more details in the respective national reports:

The confidentiality of journalists' sources, remains to be legally protected in **Albania**⁴⁴. The practice, is however, lagging behind – reports of international organizations have in the past three years been warning of risks concerning the actual protection of journalists' sources both from organized crime structures, and from state institutions' infringements. In addition, reports have, such as the 2022 Reporters Without Borders report, stressed

44 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.17-18. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

the lack of state's capability to cope with these risks. An important incident occurred in 2021 – a media platform was asked to disclose a source by the state. The court order was part of an investigation into the alleged data breach, but media rights groups have criticized the order, saying it was politically motivated. The European Court of Human Rights (ECHR) reacted swiftly asking for the suspension of the measure on grounds of freedom of speech and protection of confidential sources. Albanian judiciary complied with the ECHR's request. Especially investigative journalists remain to be exposed to risk to pressures to exposed confidential sources.

There have been no changes in the legislative guarantees concerning journalists' sources protection in **Bosnia and Herzegovina** in the past three years⁴⁵ – they are incorporated in both the Criminal Procedure Code and the Entity and Brčko District Defamation Protection Laws. Despite the existence of legal guarantees, in the last three years there have been incidents concerning pressures towards investigative journalists, to disclose sources. One case is particularly indicative of this practice – a popular online magazine's journalists were questioned in the Prosecutor's Office of BiH in 2019 in an attempt by the institution to acquire information on their source. Throughout 2020 and 2021 in BiH, the issue of journalists' sources protection was put centre stage due to a controversy concerning secretly recorded and photographed materials for media use in order to reveal possible corruption. Political actors and courts made accusations for misconduct, towards the journalists collecting these materials. Despite pressures, between 2019 and 2021, journalists have generally managed to protect their sources of information and remain well acquainted with legal provisions that allow them not to reveal the identity of their sources.

The legislative structure of **Croatia** maintained a high level of protection of sources of information⁴⁶. Throughout the reporting period between 2019 and 2021, there were no reported cases of breach of the provisions in these laws – according to the latest research of the journalists' association of Croatia, journalists have not reported cases of pressures by the state or cases of imposition of sanctions for not revealing a source. Journalists generally feel free to seek access and maintain contacts with sources of information. The

45 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.15. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

46 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.16. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

courts are permitted to ask the journalist to disclose his/her source, only if the public interest prevails over the protection of the right to freedom of expression of journalists and the right to privacy of the source.

Kosovo has a separate Law on the Protection of Journalists' Sources – in place since 2013⁴⁷. The right not to reveal an information source can be limited by court orders only on a legitimate ground. In practice, throughout the reporting period between 2019 and 2021 there have been no recorded cases of authorities demanding a journalist to reveal the identity of his/her source. In general, journalists claim that they feel safe to maintain relations with their sources of information. However, there have been claims made by journalists that there are cases when sources of information do not feel safe to cooperate with journalists. This is due to the low level of trust in the media as well as the fear of revenge of those being exposed for corruption.

In 2020 the Parliament of **Montenegro**⁴⁸ adopted amendments in the Media Law pertaining to, among other issues, guarantees to the right to confidentiality of journalists' sources. The interventions were met with opposition since they contain an important exemption for the journalists right not to reveal the source – the state prosecutor may now ask a journalist for a full disclosure in cases of national security, territorial integrity, and public health considerations. The critics argue that the amendments are a back door to unnecessary securitization of certain corruption cases and a precursor to state pressure towards the journalists and the media to reveal their sources. In the past three years, there has been one isolated case of state authorities asking journalists to reveal a confidential source. In 2021 a journalist was questioned in the Prosecutor's Office following a report about the director of the National Security Agency (ANB) due to a published text in which the journalist referred to allegedly state protected information.

Throughout the reporting period between 2019 and 2021 there has been one reported case in **North Macedonia**⁴⁹, of applying pressure towards an online platform to reveal its source of information. The case dates from 2019 – prosecutors made accusations that

the outlet published state confidential materials on an ongoing court case. The case never entered the courts. Several legal acts in the country explicitly guarantee journalists the right to protection of their sources. In practice, apart from the mentioned case, this right has generally been respected. The general assessment of the Association of Journalists is that journalists feel free to contact their sources of information, especially in the segment of investigative journalism. In 2018, amendments were adopted to the Law on Protection of Whistle-blowers, which provided greater protection to confidential sources of journalists. However, the number of reported corruption cases by whistle-blowers remains low.

Legislation in **Serbia**⁵⁰ contains guarantees for the protection of journalists' rights not to reveal confidential sources. However, legislation also contains some exemptions under predefined circumstances which are subject to controversy within the journalists' and media experts' communities. Also, Journalists' associations expressed concerns over the recently proposed provisions in the Law on Internal Affairs, which introduce biometric surveillance. These organizations claim – will significantly jeopardize the right to privacy of all citizens, including potential journalists' sources. It may be assessed that in the past three years the right to protection of sources in Serbia has been respected though there have been attempts by authorities to obtain information for confidential sources. One important case date from the end of 2021 when during environmental protests during the pre-investigation process journalists were asked to provide information on the protest organizers. There is overall reluctance of journalists to contact confidential sources due to uncertainty of authorities behaviour in cases when they have to expose corruption.

47 Getaorbë Mulliqaj Bojaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.16-17. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

48 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.15-16. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

49 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.16-17. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

50 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.19-20. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

A6 Protection of the right to access of information

What are the legal rules on access to official documents and information which are relevant for journalists? Do the journalists use these rules? Do the authorities follow the rules without delays? How many refusals have been reported by journalists? Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions? Is public access to parliamentary sessions provided? Are there restrictions for journalists to follow parliamentary work? How open are the Government and the respective ministries?

During the three-year reporting period some improvements have been reported concerning the legal frameworks on general access to public information in some of the countries. However, there have been no improvements in terms of strengthening journalists' rights to access specifically. In part of the region announcements were made that the legislation concerning access to information will be changed, but that has mostly been met with criticism and opposition. The overall assessment however remains unchanged in the most part – it is clear that all the institutional systems in the region contain legislative arrangements that guarantee access to information. In all of them though, this legislative structure is not sufficient to compel institutions to act in accordance to it – institutions frequently evade delivering the requested information, responses are vague and uninformative, they are not delivered in a timely fashion and they are deliberately partial so as not to reveal potential misconduct. All this has an effect of undermining investigative efforts and reporting on corruption efforts. Regarding the obligation of proactive transparency, there are differences between institutions in all countries, some publish more information about their work on websites, while others do much less. Parliaments are rated as the most transparent institutions, the judiciary as partially transparent, and the government and ministries almost everywhere show the least openness and responsiveness.

International standards are mostly incorporated in **Albania's** Law on the right to information and this includes the right to file a complaint to compel public authorities to disclose information to journalists⁵¹. As in oth-

51 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.18-20. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

er areas – discrepancies between normative principles and practice are compelling – invoking the provisions of this Law, however, exposes journalists to variety of difficulties. Public institutions, tend to use the maximum time limit at their disposal to respond and provide as little data as possible in their responses, which poses a risk for journalist and the public relevance of their news stories. This is especially relevant when journalists request information about procurement contracts, audits, and salaries of officials. Towards the end of 2021 the government in Tirana made public its plans to centralize all its public relations in a single state agency. This raised concerns within the journalist community because this entity may impact the level of transparency of state institutions, in a situation when journalists already overwhelmingly feel that there is a lack of transparency of state institutions. With the judiciary reform underway, media access to court proceedings was provided generally in a non-discriminatory fashion – cases of access restrictions in 2021 were tied to the pandemic.

The right to access to public information in **Bosnia and Herzegovina** has been guaranteed by law for more than two decades, but the main problem is the implementation of this right in practice. During 2020, the Ministry of Justice drafted a new Law on Freedom of Access to Information at the level of BiH institutions⁵², throughout 2021 public consultations were held on the topic⁵³. Journalists and CSO representatives raised concerns that provisions were not in line with international standards and that even more, they could undermine already acquired rights of the existing law. Media and CSOs have been emphasizing the non-transparency of institutions, the tendency of institutions to delay and to provide incomplete responses, and often to completely ignore their requests. BH journalists reported that during the pandemic, many public institutions restricted the access to public information abusing the state of emergency. There is an overwhelming opinion within the journalist community that judicial institutions are insufficiently transparent.

Croatia has sufficient legal guarantees concerning journalists' right to access public documents and informa-

52 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2020", p.16-17. Sarajevo: Association BH novinari [BH Journalists], 2021. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2021/07/BIH-ENG-2020.pdf>

53 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.15-16. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BIH-ENG-2021.pdf>

tion⁵⁴. However, as everywhere in the region, practice lags behind – since the institutions often refuse to provide requested information, journalists often issue complaints to the information commissioner referring to the rights guaranteed by this law. When it comes to information that cannot provoke greater controversy in the public, institutions tend to be generally open, while information sensitive to the reputation of that institution is more difficult to obtain. State authorities are generally open to media.

In **Kosovo**, access to official documents is guaranteed by law⁵⁵. In practice, however, public institutions lack political will and institutional capacity to adequately respond to requests for access to public documents. Journalists' overwhelming opinion is that public institutions, especially the government, are not sufficiently transparent. Access to courts sessions is provided for journalists in a non-discriminatory fashion, but throughout the reporting period between 2019 and 2021 there were some attempts to limit the access of journalists to court sessions. Journalists have access to the Assembly, and they cover plenary meetings and committees without any restrictions. There are more than 400 journalists accredited for the Assembly which is perceived as the most transparent institution.

Montenegro during 2021 began a process of deliberation on the amendments of the 2017 Law on Free Access to Information, which are due to be adopted during 2022⁵⁶. The law was a target to criticism ever since it was originally adopted, and this process may be marked as a positive development. During 2021, journalists filed a total of 113 requests for information using the provisions of this existing Law, but the institutions only partially provided access. This process further exposed the need to amend the law. The general assessment of journalists and journalists' associations is that state institutions have been only partially transparent during the last three years, especially during the pandemic. The new 2020 Government has made some efforts to make all its institutions more transparent. Parliament has strengthened its transparency with

the opening of the Parliamentary Channel. The courts remain only partially open to the public and the media.

The 2019 amendments to the Law on Free Access to Public Information in **North Macedonia**, strengthened the powers of the regulatory body, and reduced institutions' timeframe for their legal obligation to deliver access to requested public information to 20 days (previously it was 30 days). For journalists working in investigative journalism, this was an important change, but in practice they still face problems as there are still delays of the institutions' responses and the relevance of information provided that often does not correspond to their requests. The general assessment of the journalists is that the transparency of the institutions has been improved in comparison prior to 2016, but they are still not fully open and accountable. In 2020, due to pandemic-related restrictions, most institutions had limited transparency⁵⁷. In the last few years, the Government has increased its transparency, comparing to other state institutions. The courts in Skopje are more transparent compared to the courts in the smaller cities. The Assembly is also perceived as more transparent than before, but journalists have problems in obtaining information from the coordinators of the parliamentary groups.

At the end of 2021, amendments to the Law on Free Access to Information of Public Importance were adopted in **Serbia**⁵⁸, but in relation to the rights of journalists, the law remained unchanged. In practice, journalists still have problems with long deadlines for providing information and the general tendency among institutions of delaying responses, ignoring, and not replying to the received requests. The number of complaints addressed to the Commissioner due to noncompliance of the institutions to the law, tend to grow from year to year – institutions rarely provide all relevant information to applicants. A problem is also the discriminatory practice – media close to the ruling party often receive much more information from state bodies than critical media. The judiciary is generally transparent in its work, but some courts show a different and unequal attitude towards journalists as information seekers. During 2020, journalists' access to public trials was frequently restricted, due to pandemic protocols. The Assembly of Serbia is a positive example in this regard. However, at the level of municipal councils there are numerous instances of public access denial to attend sessions. The

54 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.16-17. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

55 Gëtoarbë Mulliqi Bojaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.17-19. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://aqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

56 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.14-15. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

57 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.17-18. Skopje: Association of Journalists of Macedonia, 2021. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2021/06/MK-ENG-2020.pdf>

58 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.20-23. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

Government is generally open to communication, but this largely depends on the individual attitude towards the journalists and their critical attitude towards the work of the Government. Ministries often delay access to information for the legal 40 days, making it difficult and often using the confidentiality of certain data as a reason to deny access.

Journalists in many countries are facing increasing economic pressures which hinders their editorial independence in the newsrooms. One of the ways to ensure editorial independence of journalists working in public, private or non-profit media is by formally guaranty-

ing their organizational and labour status in the newsroom and by securing their adequate working conditions. Professional media organizations should develop and adopt internal documents that define the relations between the media owners and managerial sectors, on one side and the newsrooms on the other. Also, it is of crucial importance for journalists to have signed fair working contracts and collective agreements that guarantee editorial independence. The following group of indicators looks deeper in the journalists' working status and their self-perceptions on their freedom within the newsrooms.

B

Journalists' position in the newsrooms, professional ethics and level of censorship

B1 Economic restrictions on journalists' freedom

How many journalists have signed work contracts? Do they have adequate social protection? How high are the journalists' salaries? Are they paid regularly? What are the journalists' work conditions? What are the biggest problems they face in the workplace? Do they perceive their position better or worse compared with the previous period?

The overall labour rights including the economic position and working status of journalists in the region have not been improved in the three-years reporting period. This domain is in fact exposed to an important set of vulnerabilities. Primarily, because there is a lack of a precise data on the number of journalists and their demographic and labour position characteristics. This lack is in some countries total – researchers are often not in a position even to make estimates of labour rights of the community of journalists. This lack is also systemic – political power does not have an incentive to enable a precise collection of this data because the precise knowledge would expose the level of infringement and would reveal how mechanisms of coercion and clientelistic ties work between political actors, editors, and journalists. The comprehensive knowledge issues need to be addressed urgently. In all the countries of the region where estimates can be made, vulnerabilities are showing concerning the insufficient percent of journalists with permanent contracts, underpaid work, not paid overtime work, work-place mobbing, censorship from editors and directly from political actors, as well as self-censorship. The pandemic aggravated the situation everywhere.

Labour rights of journalists in **Albania** have remained at an unsatisfactory level throughout the reporting period. The situation has even briefly deteriorated in 2020⁵⁹ due to the hit that media, as elsewhere in the region, took from the pandemic. Most common labour related issues for journalists are the widespread practice of not signing employment contracts for journalists engaged on a long-term basis, lack of social security and work security arrangements, and the lack of respect for regularity of payments by media organizations. In addition, verbal abuse in the workplace, and discrimination based on gender or political beliefs still persist. These issues are particularly a problem for journalists working in the online sector, and young professionals at the beginning of their career. Since the population of journalists in Albania is relatively young, a vast number of journalists overall is underpaid – earning less than 300 euros per month⁶⁰. Copyright infringement is also a major problem in broadcast, print and online media.

In **Bosnia and Herzegovina**, the working status and economic position of journalists have remained poor, during the three-year reporting period – there are some segments where a minor deterioration has been recorded. A study published in 2021 shows that almost 50% of the journalists in the country earn a salary lower than the national average net⁶¹. Due to structural pressures – the decline of the print sector, journalists in that sector are suffering the worst labour position. Nearly 60% of journalists in the print sector have a lower-than-average salary. Overtime work is generally unpaid in BiH media sector. According to the same recent survey, around 40% of journalists believe that there has been no improvement in the working conditions in their respective media organizations. In addition nearly one third believe that the situation has worsened in the few past years. In 2021, BH Journalists Helpline recorded 9 labour disputes or mobbing of journalists – six more than the year before. Censorship by editors and unjustified position transfers are the most common types of pressures on journalists in BiH.

Journalists in **Croatia** struggle with the levels of their working status and economic position in a similar fashion to other WB countries, despite country's EU mem-

bership. There have been no improvements in the past three years. According to the Trade Union of Croatian Journalists recent data, less than half of their members (1000 out of 2200), have a permanent employment contract⁶². Majority of the Union's members are part of a growing journalistic gig-economy, exceptionally vulnerable to variety of types of pressures. Collective agreements exist only in three media in Croatia. During the past two decades, attempts were made to negotiate a national collective labour agreement. However, they were halted due to lack of readiness of the employers to guarantee basic labour rights including the 40-hour working week or a clear system of promotion within these organizations and a fair pay for overtime work. In 2020, the coronavirus crisis was used as a basis of terminating journalists' employments, reducing salaries and terminating contracts with freelancers. According to the 2020 CJA survey among the part time journalists – only 15% of them retained their engagements.

Journalists in **Kosovo** continue to be exposed to vulnerabilities springing from the fact that there is a systematic absence of data on variety of issues in relation to their labour rights and working conditions⁶³. This has not changed during the three-year reporting period. A partial data collected by the Association of Journalists of Kosovo indicates that there is a widespread infringement of the labour rights of journalists including absence of employment contracts, underpaid work, not paid overtime – overall prevalence of gig economy. The journalists of the public broadcaster are working without social security since 2016 and so do most of the media workers in private media. The financial uncertainty of journalists, it is estimated has worsened in 2020 due to the pandemic.

In the three-years reporting period, the labour rights and working conditions of journalists have remained unchanged in **Montenegro**. This assessment is made in the Trade Union's estimation since the state does not collect and consequently, the journalists' organizations in Montenegro do not possess accurate data on the total number of journalists and their employment status – there is a discrepancy between the data published by official statistics and the information available to the national Trade Union. The Union found that in 2021 there were 1,806 employees in the media – 360 more than

59 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.19-20. Tirana: Independent Journalists Association of Serbia, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

60 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.21-22. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

61 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.17-18. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

62 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.18-19. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

63 Getoarbë Mulliqi Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.20-21. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://gqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

the official statistics⁶⁴. There are no accurate data on the number of journalists, nor on how many of them have signed employment contracts. The economic viability of most media in the fragmented market is very weak, so that the salaries of most journalists are low, and a large number of media outlets do not pay contributions to their salaries. Salaries of journalists and media workers are often paid with delays, especially in local public broadcasters. According to the assessment made by the Union, around 40% of the journalists engage in an additional paid work. The pandemic in 2020 worsened the situation. Censorship and self – censorship in Montenegro, remain a problem.

In **North Macedonia**, the stability of the working status of journalists and their labour rights remains unchanged in the three-year reporting period. The data on the number of journalists in the newsrooms, the number of journalists with employment contracts and the amount of their salaries is partial and therefore insufficient to make a precise assessment on the situation. According to this partial data, many journalists in the private media have fixed term or part-time contracts. In a survey conducted in 2021 by the Trade Union it was indicated that around 56% of the respondents are employed on a permanent basis, 43% based on a fixed-term or part-time contract, and 1% work on a voluntary basis⁶⁵. Most journalists are dissatisfied with the amount of their salaries, and as in previous years, they complain that they are not paid their pension and social insurance benefits, their overtime work is not paid, and they work without compensation on holidays and weekends. Most of the journalists have monthly incomes far below the average salary in the country, according to 2021 estimates – less than 500 euro. During the pandemic, the working status of journalists was further aggravated.

Journalists in **Serbia** have not seen progress in terms of their working status and socio-economic position. During the height of the pandemic, the economic viability of the media deteriorated further, additionally affecting the working position overall and of journalists, in particular. Precise data on the number of journalists with signed employment contracts is lacking. According to some estimates, a large percentage of journalists work part-time, registered through employment agencies. The number of journalists who work part-time or even illegally (without any contract) is significant. It is al-

so worrying that pension, social and health insurance is not covered to significant number of journalists and media workers. There is no significant improvement concerning the amount of journalists' salaries either. In 2016 it was estimated that most journalists have salaries between 200 and 400 euros, and in 2021 that range is estimated at 300 to 400 euros⁶⁶. The average salary in public media services is at the level of the average salary in the state. Hence, significant number of journalists work for more that on newsroom or to do work unrelated to journalism, to be able provide enough income to meet their living needs. This is especially characteristic of local media journalists.

B2 Editorial independence in the private media

How many media outlets have internal organizational structures that keep the newsrooms separate and independent from managers and marketing departments? Do private media outlets have rules set up for editorial independence from media owners and managing bodies? Are those rules respected? Do private media outlets' newsrooms have adopted internal codes of ethics or they comply with a general code of ethics? What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?

Achieving editorial independence is a complex concept that requires a subtle synergy between legislative, self-regulatory, structural, and behavioural domains of the media systems. Each domain is a necessary, but not in itself sufficient prerequisite to achieving editorial independence. In all the countries of the region editorial independence is proscribed in the respective laws in a non-restrictive fashion. Though this is a positive feature, this non-restrictiveness is understood throughout the region as looseness by political actors, media owners and executives and is used as an open door to blur the lines between ethical and unethical behaviour. Self-regulation and adoption of internal rules for financial ethics is lagging behind in more or less all these media systems – media organizations, throughout the region, are still reluctant to design documents that would

64 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.18-19. Podgorica: Trade Union of Media of Montenegro, 2022, p.18-19. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

65 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.19-20. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

66 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.23-24. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

create the necessary conditions to guarantee the independence of newsroom from the management and marketing departments. This dictates a not always ethical behaviour of journalists, editors, media owners, executives and political actors, as the blurring of the rules is used as a way to maximize profit at the expense of public sphere's freedom ultimately. This creates a cemented ecosystem, that locks the structure of the media systems in manner that normalizes the view on the media not as meaning making structures within the public domain but only and primarily as money making business – like any other on the market.

In **Albania between** 2019 and 2021 the level of editorial independence in the newsrooms has remained unchanged in comparison to the past years⁶⁷. Most media outlets have limited resources, separation of newsroom from management and marketing is frequently not respected. Basic organizational protocols and editorial conduct have been adopted by only few larger private media outlets. However, editorial independence in practice is compromised due to partisan and business affiliations and loyalties. In general, private media do not have a written policy on ethical standards or established codes of ethics. They however mostly comply with the general standards set out by the Albanian Media Council. The most common forms of pressure that media owners and managers exert over newsrooms or individual journalists are intimidation, economic insecurity, harassment, control over content and framing, there have even been cases of blackmail.

In **Bosnia and Herzegovina**, between 2019 and 2021 the situation with the editorial independence has remained unchanged – media organizations are still reluctant to design documents that would create the necessary conditions to guarantee the independence of newsroom from the management and marketing departments⁶⁸. The quality of media reporting and the principles of fairness in representing variety of political positions in the news and current affair programs are continuously disrespected due to connections between media owners and political power structures. Most private media do not have internal codes of ethics and in this sense journalists and editors are mostly guided by their own ethical norms and principles, and some media rely on the BiH Code of Press and Online Media. The level of income is one of the main forms of pressure on journalists, and the servile attitude towards advertisers and po-

litical officials is increasingly threatening the independence of journalists.

In **Croatia** the relations between publishers, editor-in-chiefs and journalists are determined by respective media statutes. Since this is stipulated in the Media Act, all electronic media that are part of the Register of Electronic Media at the Agency for Electronic Media have a statute, and editorial statutes are also present in those printed media that want to reduce VAT on printing. However, this is a necessary but not sufficient condition for reinforcing editorial independence of the private media. The legislature has not succeeded in imposing sanctions for failing to enforce the provisions of the statute and that leaves room for violations of many rules. In addition to editorial statutes, private media are not obliged to adopt other rules that protect editorial independence from the owner and management bodies of the media. A newest evidence that the problem of influencing editing and journalistic work exists in the Croatian private media was the survey published by the NGO "Gong" on pressures and new forms of censorship within the newsrooms.⁶⁹

Overall, the situation with the editorial independence in **Kosovo**⁷⁰ has also remained unchanged, though a few media have adopted organizational documents according to which the newsrooms should be kept separate and independent from managers and marketing departments in the reporting period. This fact however, does not mean that in these media the management and marketing sectors do not influence the editorial content in a competitive environment with a fragmented media landscape media as businesses are not always in compliance with journalistic ethics in the effort to secure their income. According to the latest Human Rights' Report of the State Department, while some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests, those with fewer resources sometimes accepted financial support in exchange for positive coverage or for refraining from publishing negative stories harmful to funders' interests.

Montenegro has in the reporting period witnessed a positive development in this domain – that private media are slowly beginning to understand the importance of internal organizational rules for the functioning of the

67 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.22-23. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

68 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.18-19. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

69 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2021". Zagreb: Croatian Journalists' Association, 2022. Accessed on June 29th, 2022. <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

70 Getoarbë Mulliq Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.21-22. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://gqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

newsroom⁷¹. A positive example is the editorial office of an independent influential daily newspaper, which has adopted ethical guidelines with incorporated mechanisms to protect the integrity of journalists and rules for separation of newsrooms from marketing services. Also, the Trade Union has succeeded in its advocacy to enable the incorporation of editorial independence provisions in the Law on Media. Still, the practice is lagging behind. Majority of newsrooms are under a clear editorial influence by media owners and managers. According to the findings of the Union's recent study, there are subtle rather than visible pressures, and "covert advertising, tacit agreement not to write negatively about advertisers and reporting in accordance with the media editorial policy, which is not defined..."

In **North Macedonia**, there have been no changes in terms of this indicator compared to the period before 2016. Although the Law on Media obliges publishers to adopt an internal organizational act, very few private media have adopted such documents or rules, according to which the editorial board is formally separated from the media management. In practice, newsrooms in larger media are separated from managerial structures. However, executives and owners exert various forms of subtle pressure on editorial and programming policies to pursue their commercial and political interests. This is even more evident in small regional and local media, where newsrooms have shrunk and where influence comes from both owners and local actors of power. In most cases, private media do not have internal ethical rules, but are governed by the Code of Journalists of Macedonia and the Guidelines for Ethical Reporting in Online Media⁷².

In **Serbia**⁷³ there are some, but rare examples of media organizations that have adopted internal documented procedures governing the internal organization and preventing influences on the newsroom from management and owners. Most of the private media do not have their own internal ethical rules that protect editorial independence from media owners or management. The absence of such internal safeguards contributes allowing pressures on these media's editorial policy. Pressures

are primarily of a political and financial nature and are directly related to owners attempts of increasing profitability. Internal pressures in the pro-governmental private media come mostly from the management, but also from editors. Mostly through so-called soft censorship. In general, the Code of Journalists of Serbia, adopted by the two largest journalist associations NUNS and UNS, applies to all journalists in private media, while journalists in online media apply the Code of the Online Media Association.

B3 Editorial independence in the public service broadcaster

Does the PSB have an adopted code of journalists' conduct and editorial independence? Do the journalists comply with this code? Do the PSB bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected? What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS? What was the most illustrative example of the pressure exerted by the government over the work of entire newsrooms or individual journalists?

Most of the PSBs in the region, with one exception, have in place formal rules on the strategic separation between their newsrooms and managerial and financial structures. Most of the PSBs, also with some exceptions, have in place internal codes of ethics to guide journalists and management conduct. As in other domains, however, the formal provisions are greatly disrespected. Save from some minor positive developments in one case, in all countries of the region the editorial structures are under an immense influence of political actors, primarily governmental structures, which has an obvious effect on the program output. In addition, due to structural labour pressures on journalists, self-censorship creates an atmosphere not favourable to political independence.

A new development in **Albania** in the three-year reporting period is the fact that in 2020 the national public broadcasting service published its editorial policy online – something it was obliged to do by law but had

71 *Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, MONTENEGRO – Indicators on the Level of Media Freedom and Journalists' Safety 2021, Podgorica: Trade Union of Media of Montenegro, 2022, p.20. Accessed on June 29th, 2022: <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>*

72 *Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.20-21. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>*

73 *Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.25. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>*

thereto not accomplished⁷⁴. The document structures its key principles of editorial independence. The document contains a code of ethics and a list of professional standards. Though this marks an incredibly important improvement, it is however not a sufficient condition to enable editorial independence of the PSB. In practice, despite this improvement, the PSB's news and current affair programs are mostly in favour of the ruling parties and the incumbent government with which it maintains clientelistic ties. Managers tend to influence the work of editorial departments and journalists. In principle, though, PSB has separate newsroom from managing bodies.

The status of the editorial independence and institutional autonomy of public service broadcasters in **Bosnia and Herzegovina** remains unsatisfactory⁷⁵. Though legislative arrangements have guaranteed their independence and they have adopted internal documents regulating the independence of newsrooms from governing and supervisory bodies – this is superficial. In practice the principles of political independence of the election of the governing bodies within the broadcasters are not respected, the broadcasters continue to be exposed to influence, both through politically controlled boards of directors and directly. Financial independence is lacking. During 2021, several attempts were made by the authorities to influence the editorial policy of public broadcasters.

In **Croatia** the public service broadcaster has a Code of Ethics and the PSB has its own rulebook concerning its internal organization even though it lacks complete clarity in some segments such as the responsibilities of some board executive positions in the PSB. The position of the editors is heavily influenced by the director general. The overwhelming perception is that governments structures are interfering PSB functions and decisions. In the past two years, there were several instances where PSB management has sued employees who complained about these issues. The management has sued for defamation also the Croatian Journalists' Association and even some of the private as well, concerning these allegations, which is unprecedented even for the countries of the region. Censorship and self-censorship is in consequence prevalent in the Croatian PSB. In June 2021, several people were arrested for suspicion of corruption, including Kazimir Bačić,

director-general of HRT⁷⁶. Bačić's arrest had nothing to do with HRT's operations, but the event led his dismissal as director-general and the election of a new one. During the election procedure, the Social Democratic Party's proposed that the new director should withdraw the lawsuits against journalists brought during Kazimir Bačić's tenure. The parliamentary majority rejected the proposal.⁷⁷

In **Kosovo**, the PSB has not improved its position in relation to its editorial independence⁷⁸. This despite the fact that ethical and professional standards are subject to a set of internal documents and that the PSB has a disciplinary committee to rule on ethical issues. During the three-year reporting period, the research has not detected direct pressures on the newsrooms or individual journalists. This however does not exclude indirect subtle pressures amounting to a self-censorship culture in the newsroom. According to some journalists, pressures are directed toward editors and managerial bodies by political actors.

In 2021 in **Montenegro**, the newly elected PSB Council initiated adjustments statute of the broadcaster⁷⁹. Some of the provisions in the amendments aimed at restricting the freedom of employees to express their opinions on social networks. This has been received as infringement by journalists within and outside the PSB. Apart from this controversy the PSB editorial independence was marked by some improvements throughout 2021 – the election of the new Council and top management overall relaxed the perceptions of political pressure on the broadcaster. However, this assessment is premature, as the issue of political end editorial independence needs to be cultivated in more lengthy processes. In terms of the structural position of editorial independence in the PSB – it has adopted its Code of Ethics years ago on top of existing legal guarantees. The Code formally prescribes the independence of newsrooms from governing bodies, but practice lags behind this principle. In the past years, the public broadcaster has been criticized for biased reporting. Due to this, amendments to

74 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.21-22. Tirana: Independent Journalists Association of Serbia, 2021, p.21-22. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/07/AL-ENG-2020.pdf>

75 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.19-20. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

76 <https://www.vecernji.hr/vijesti/zbog-sumnje-u-korupciju-uhiceno-vise-osoba-medu-nijima-i-kazimir-bacic-glavni-ravnatelj-hrt-a-1504348>; accessed on: 201.2022.

77 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2021". Zagreb: Croatian Journalists' Association, 2022. Accessed on June 29th, 2022: <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

78 Getoarbë Mulliq Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.22. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

79 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.20-21. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

the Statute and the Rules of Procedure have been proposed – which have not hitherto been adopted. A positive development is the fact that the new leadership of the PSB seems to make a genuine attempt to distance itself from political influences. Local public broadcasters are in a worse position than the RTCG. Pressures from local government representatives is more frequent.

Formally, the PSB in **North Macedonia**⁸⁰ has the key internal documents in place – it has adopted its Code of Ethics in 2017 and it has officially accepted a set of acts that incorporate rules on the separation newsroom operations and the functioning of the management structures. However, in practice there are numerous problems because of which these documents do not produce the wanted effect – the Ethics Committee at the PSB, charged with monitoring the compliance with the Code, has hitherto not received a single complaint. This is why the biggest journalist association in the country has claimed a necessity to amend the Code to establish procedures for submitting complaints and to infuse transparency in the work of the Committee. In addition, the documents pertaining to the separation of the newsroom and the management lack instruments for transparency. There is a wide front in North Macedonia claiming the necessity of media reforms that would ensure a real financial transparency, depoliticization and quality improvements in the functioning of the PSB.

Though editorial independence of public media services is prescribed by law in **Serbia** and though the statutes of the two main public services contain provisions on the independence of editorial policy and the prohibition of any form of censorship, the PSBs, have not adopted a separate code of ethics that regulate in detail the principles of reporting and conduct of journalists⁸¹. In practice also, editorial independence of the PSBs in the country is greatly compromised – editors and journalists are under enormous influence and pressure from government representatives, which is confirmed on a daily basis in the biased reporting on the work of Government and the lack of analysis on issues of public importance. In addition, the PSBs in Serbia have not adopted internal organizational rules to safeguard the principle of strategic separation between newsrooms and the managing bodies which exposes the PSBs to many types of manipulations.

B4 Editorial independence of the journalists in the non-profit sector

Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do the journalists comply with this code? What are the most common forms of pressure over the non-profit media outlets? What was the most illustrative example of the pressure exerted over the non-profit media?

The non-profit media sector has remained unchanged in the reporting period between 2019 and 2021. Non-profit media sector continues to be underdeveloped, but everywhere in the region, the few non-profit organizations that do exist are infused with a higher level of professionalism and political independence in comparison to the rest of the media system. Most of these organizations in the region are funded by international organizations or foreign governments so they are at the same time in many respects more free and safer than the rest of the media, and on the other hand they are more vulnerable. They are freer and safer because most of them do not depend on financing from local advertisers that in this region are frequently instrumentalized to exert a proxy political pressure on media. This however does not protect them from direct political pressures – cases were reported in the three-year period of instances of political pressure on journalists working in these outlets in forms of various laws suits, though these come and go with the change of political situations in the respective countries. The non-profit media are not easily put under the clientelistic grip of political actors, the yaw the private media and the PSBs are. However, the very condition that makes these organizations freer, makes them also vulnerable – independence from internal financing, means dependence from foreign financing, which is not stable, and the model is problematic in terms of its sustainability. In general, at present still the media with the highest level of editorial independence, free from both internal political and business attachments, are the non-profit media. This is the case with the entire region.

In **Albania** non-profit media have a better track record in the past three-years concerning political independence and that remains unchanged in the past three years⁸². And this is true both for written rules of these organizations and for their practice – many of the non-profit media have adopted codes of journalists' conduct and

80 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.21-22. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

81 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.25-26. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

82 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.23-24. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

the organizations are following their editorial policy designed independently from internal political power centres and from business interests. The non-profit media organizations are the ones mostly engaged in investigative reporting and fact-checking activities. This sector is understandably not as developed as the private media sector and its influence is limited. The most common forms of pressure over the non-profit media are lack of funding for content production, SLAPP, such as the 2020 case against BIRN Albania journalists, and lack of access to public information which is related to the limited transparency of public institutions and intimidation of journalists.

In the non-profit sector of **Bosnia and Herzegovina**, the situation has not changed over the last three years⁸³. The non-profit media operate almost exclusively in the online sector and are funded, as elsewhere in the region, from foreign donors. These are media that deal mainly with investigative journalism and are considered as impartial and professional media organizations. As a result, their editors and journalists are often exposed to various types of pressures in 2021 several investigative online media were subject to hacker attacks. Also, their employees are frequently verbally attacked by politicians in the BH Federation and in Republika Srpska. SLAPP lawsuits are a common type of pressure against them.

Non-profit media in **Croatia**⁸⁴ generally have very small newsrooms. All serious non-profit media have their own editorial statutes. Not many of them have a code of ethics – they rather abide by the Code of Honour of Croatian Journalists. The most common form of pressure on non-profit media is to hinder their funding – Croatia as a member state has a somewhat different scheme for funding the CSO sector – a significant part of the funds comes from the state structured and committed budgets. Hence, withholding funding remains the most common form of pressure on non-profit media. The non-profit media cannot function from citizens' donations because in Croatia there is no crowd sourcing culture. Such media are dependent on project funds and funds allocated by local and regional self-government units, as well as the state. The second most common form of pressure are SLAPP lawsuits, which have become more frequent in recent years.

Though **Kosovo's** not-for-profit sector is underdeveloped, still the outlets that are registered as not-for-profit organizations tend to enjoy greater editorial independence⁸⁵. However, these outlets are funded by international media organizations, foreign governments, embassies, and the European Commission, which opens a question of their long-term viability. Only some of them comply with general codes of ethics and professional standards, whereas some of them have developed and comply with their own codes of conduct such as BIRN. Between 2019 and 2021, therefore little has changed in this domain in Kosovo.

Non-profit media in **Montenegro** are also underdeveloped⁸⁶. There are only two non-profit radio stations in the broadcasting sector, and some non-profit online media, exclusively funded by donations. However, they usually do not have formal newsrooms and employees. Rather they hire journalists and engage them on certain project and end their employment when the funds for the projects are spent. Sustainability, as elsewhere in the region, is a problem for these media.

The non-profit media sector in **North Macedonia** consists of several online new portals and 4 radio stations, three of which are student radios, and one is a religious radio⁸⁷. Non-profit online media are funded predominantly or entirely by donors and some of them investigative journalists' newsrooms. The editorial offices of these media are small and consist of several journalists, and their funding is unstable and unsustainable. Non-profit online news media do not have special codes of ethics but follow the general professional rules and provisions of the Guidelines for Ethical Media Reporting adopted by the Council for Media Ethics, which in fact elaborate the basic ethical principles of the Code of Journalists in the online sphere. The pressure on non-profit media, some of which deal with investigative journalism, has decreased in the last years. However, individual cases of pressure on investigative online newsrooms are also observed in 2021.

83 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.20. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

84 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.21. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

85 Getoarbë Mulliq Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.22-23. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://aqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

86 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.21. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

87 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.22-23. Skopje: Association of Journalists of Macedonia, 2022, p.22-23. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

Non-profit media in **Serbia** are mostly working in the domain of investigative reporting⁸⁸. They predominantly respect the professional rules and are critical towards power centres. They are, consequently, frequently targeted by pro-government media and the government itself. Journalists in these media adhere to the Code of Journalists of Serbia and the Code of the Association of Online Media. Few of these media have internal organizational documents, and only one has a written code of ethics. Pressures on critical non-profit media are very strong, varied and continuous.

B5 Freedom of journalists in the news production process

How much freedom do the journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized? How often do the journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)? What are the journalists' self-perceptions on the extent to which they have been influenced by different sources of influence: editors, managers, owners, political actors, state? How many journalists report censorship? How many journalists report they succumbed to self-censorship due to fear of losing their job or other risks?

The level of professional freedom of journalists in the region reflects the overall freedom in these mostly partly free societies. This remains to be the assessment in the past three years between 2019 and 2021. Though the situation in all these countries has not deteriorated, it has not been improved either. Self-censorship is still a major problem for most journalists in the region, primarily due to their inappropriate socio-economic position and job insecurity. These factors make journalists especially vulnerable to political and economic pressures, which in turn leads to self-censorship and even censorship which they are not in a position to oppose. Nevertheless, the freedom of journalists within the newsrooms depends on the specific political environment in each country, the overall level of safety for working in journalism and the particular media where they work.

88 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.26-27. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

In **Albania** between 2019 and 2021⁸⁹ the assessment on the level of journalists' freedom of speech has not been improved in comparison to previous reports of the Platform. Journalists' freedom to choose a topic for analysis goes as far as it is not in contradiction to business and political interests of their respective media structures. Self – censorship is still present, as is the practice of subtle censorship – when the editors omit certain information or certain aspects of an issue analysed by a journalist, or when relevant topics do not get to see the light of day because of ulterior considerations. The risks for censorship and self-censorship, studies confirm, come from the political and economic domains as well as out of lack of professionalism, within the journalist community. Censorship and self-censorship are more common in the broadcast media than in other sectors.

As a general assessment, in **Bosnia and Herzegovina**, as in other countries of the region, journalists working for non-profit media enjoy a greater professional freedom and with that a greater freedom of speech than, those working for public or private media in the country⁹⁰. This is also their own perception. Within the public media sector, the overall situation has not improved between 2019 and 2021. Journalists in this sector are subject to subtle censorship and self-censorship. This is to a great extent the situation also with the private sector, though the situation there is harder to generalize since the professional freedom, freedom to choose one's own news topics, or to work without the pressure of censorship varies between different newsrooms. In 2021, some incidents of pressure and censorship were reported within media newsrooms. Sometimes it is the pressure of editors in terms of trying to impose an opinion, suggesting the individuals to be contacted for a certain topic, changing the content of the articles.

According to a survey conducted by the Journalists' Association in **Croatia** 71% of its members claimed to have (mostly or completely) freedom of choosing their own news topics⁹¹. A slightly lower percent (66%) of the respondents claimed to have been free to decide on the angle and the frame of the story without interference. When asked how often they participate in editorial and newsroom coordination such as participation in

89 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.24-25. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

90 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p. 21. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BIH-ENG-2021.pdf>

91 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.21-22. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

editorial courses, nearly half (55%) of the respondents claimed that they frequently participate in such meetings. These numbers however reveal plenty, if one looks at them from a “negative” perspective – they reveal that nearly one fifth of journalist members of the Association are in a position of compromised freedom to choose a topic or to choose a frame. In addition, half of the respondents, are never or are rarely participating in planning meetings. Nonprofit media, which have small newsrooms, often do not have this kind of coordination and mostly agree on tasks “on the go”. These percentages are indication that there is a relatively fragile situation with journalists’ freedom in Croatia, where most of the cases of censorship are never reported to the Association.

In **Kosovo** there is a certain level of limitations that journalists face in respect to their freedom to choose news topics and their framing⁹². This in Kosovo is rather a case of self – censorship than open censorship. Journalist more frequently refrain from being critical in their news stories, then to have their editor or other actor interfere openly with their professional choices. Self-censorship, a 2020 study of the association of Journalists shows, is manifested when journalists join a particular media organization that is perceived to be leaning to a political party or influential entrepreneurs. Journalists hesitate to write against interests of ownership of media or their favourite political party thinking. An important and a distressing fact coming out of this research is that for some journalists the internalization of the rules of the newsroom concerning which topics and frames are acceptable and which are not, does not represent a problem, since they claim to have known from the beginning what to expect before joining the newsroom. The senior journalists are mainly the ones to be aware of what the limits are in covering a topic and they simply comply with those limits.

In **Montenegro**, a study conducted in 2021 by the Trade Union on a sample of 87 journalists, suggests the level of journalistic freedom in the newsrooms has not improved in past three years since the last report of the Platform⁹³. A high percent of respondents (76%) believe that they do not enjoy freedom in choosing their own topics and that the will of the editors decisively influence their work. Additionally, 86% of respondents claimed that they are financially insecure. In Montenegro near-

ly half of the surveyed population of journalists claimed that they have found themselves in a situation in which their news stories were censored and 37% of them said they felt some political interference during the last two years. These compelling evidence of a widespread culture of political pressure indicate that the situation in Montenegro in this respect is systematically poor.

In the years since the fall of the last nationalist government in Skopje in 2017, journalists in **North Macedonia** have experienced noticeably increased levels of professional freedom. This is partly reflected in the way they work within the newsroom. Most of the journalists who were interviewed by the Association of Journalists believe that in 2021 they had more freedom in choosing the topics they have been reporting on comparing to previous years⁹⁴. However, due to the poor working conditions and inadequate work status, as well as due to the persistent financial and clientelistic ties of the media owners with the government, the level of actual freedom of most journalists in private media may still be considered low. For these reasons, it is emphasized that there is more conformism and self-censorship among journalists than direct pressures and influences.

In **Serbia**⁹⁵ in the last reporting period the situation with journalists’ freedom remains unchanged. The journalists working for critical and investigative media, especially the non-profit media, enjoy a greater freedom. Journalists and editors in these media decide in collaboratively on the topic and on the angle to approach it. The situation is somewhat different in public and private media in the country – journalists working in public service media have claimed that they are free to suggest topics, but when there is a level of sensitivity attached to the chosen topic, they are then confined to a limited power to write critically, due to other considerations (political or business). In the private pro-governmental media, the journalists’ freedom to choose is even more limited. Politically dependent media employ journalists who are aware of the expectations and topics they need to write about, and there are no direct restrictions. Respect for ethical principles is also related to the organizational context. Journalists are often well acquainted with ethical principles, but in a particular media outlet they act in accordance with media editorial policy, due to the fear of losing their jobs.

92 Getoarbë Mulliqi Bajaj, “Kosovo – Indicators on the level of media freedom and Journalists’ safety 2021”, p.23-24. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

93 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, “Montenegro – Indicators on the Level of Media Freedom and Journalists’ Safety 2021”, p.22-23. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

94 Milan Spirovski, “North Macedonia – Indicators on the Level of Media Freedom and Journalists’ Safety 2021”, p.23. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

95 Rade Djuric, “Serbia – Indicators on the Level of Media Freedom and Journalists’ Safety 2021”, p.27-28. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

B6 Economic position of women journalists

Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men? Do women tend to hold leading editorial positions in the newsrooms, as much as men? How high are their salaries in comparison to men's? Are they subject to specific gender-based pressures?

There is in general still a lack of sufficient and reliable data in all the countries in the region about the economic status of women journalists. The problem of lack of knowledge is everywhere a strategic one – having only circumstantial data on the working position and status of women in the newsrooms hinders community's capability to organize advocacy or to engage in strategic policy making. The general, anecdotal evidence – mainly based on some sporadic qualitative data collection methods (such as individual interviewing) that has been done in the past three years – seem to suggest that women journalists are in a worse socio-economic position than men, that they are, not infrequently, target to sexual harassment, that though they are as numerous in the journalist profession, they are far less likely to hold executive and editorial position. Tangible evidence of the extent of these practices and forms of discrimination need to be secured through more thorough research strategies.

In **Albania** women journalists, according to interviewees conducted during the data collection process, work under worse conditions than men and earn less on average⁹⁶. The assessment on these issues is not based on a systematic data collection process and there is no precise reliable data on the actual level of the salaries – knowledge on the issue also poses a problem in Albania. Though present, cases of sexual harassment of women journalists and online threats are rarely reported to authorities or to journalists' associations. It is estimated that women journalists are more numerous than men journalists – however there are far more men than women in editorial positions and executive positions in the media in the country.

Female journalists in **Bosnia and Herzegovina**, claim that their position in the profession of journalism is worse than those men, even though they do not claim to be

discriminated in terms of the level of their average earnings⁹⁷. In the last three years BH Journalists' Association, recorded 65 cases of gender-based discrimination, violence and other forms of pressure on female journalists – including mobbing, violations of labour rights, verbal and physical attacks, defamation etc. The number of gender based harassment of female journalist has increased – especially the online incidents – 53% of the reported violations were made online. As elsewhere in the region women journalists rarely report these violations, mainly because of lack of trust in the judicial system. Advancement in the hierarchy of media organization is led frequent in women than in men journalists. Men hold nearly 70% of executive and editorial positions (68.5%).

In **Croatia** there is also a prevalent belief among women journalists that their position in the newsrooms is inferior to that of men⁹⁸. This is of course a reflection of the situation in the overall society as in the other parts in the region. A tremendous vulnerability is exposed with the issues related to the maternity leave – discrimination in this domain exists for women journalists under contract, but this vulnerability is even more pronounced for those women journalists who are not protected by working contract but are a part of the journalists gig ecosystem – their engagement is not extended and these journalists are forced to work throughout their pregnancy and maternity leave. The numbers of the Croatian Employment Service, in 2020, show that 396 female and 153 male journalists were registered in their unemployment register – a significantly higher figure of women unemployed journalists.

Kosovo lacks differential data, on the number of men and data that have signed employment contracts⁹⁹. Circumstantial assessments show however that there are noticeably more women journalists in the newsrooms. There is no precise data on the number of women executives and editors in chief in media in Kosovo, however most of the mainstream media's primetime TV shows are hosted by men. The last report of the IREX Media Sustainability Index, claims that Kosovo has a shortage of female analysts and commentator on cur-

96 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.25. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

97 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.21-22. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

98 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2020", p.22-23. Zagreb: Croatian Journalists' Association, 2021. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2021/09/CRO-ENG-2020-final.pdf?lang=mk>

99 Getoarë Mulliqi Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.24. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

rent affair issues. Gender based discrimination in relation to maternity leave is present especially in the private media, despite the guarantees in the Labour Law which are decently protective for the population in the domain of maternity rights. Qualitative research evidence collected by the association suggest that women journalists in the public service broadcaster face less of the problems present in the private media.

Half of the journalists in **Montenegro** are women and most editorial positions in the media are held by women, while a small percentage of them are in executive positions¹⁰⁰. Since in general working conditions for journalist in the country not favourable for all journalists – this applies as well to female journalists. There were no direct and open pressures on female journalists based on gender affiliation in the period between 2019 and 2021, but they were exposed to other problems in connection to maternity rights. A study conducted in 2021 by the Trade Union found that women journalists are marginalized within the newsrooms especially when on maternity leave. In addition, instances of mild to more serious sexual harassment are present.

In **North Macedonia**¹⁰¹, the overall assessment of relevant journalists' organizations is that basic women rights guaranteed by law – such as payment of wages, maternity leave and paid leave – are respected. However, it seems that gender discrimination and adverse position in the workplace are not always recognized by women journalists themselves. In North Macedonia also, there is structural discrimination of women journalists – judging from the number of women journalists in executive and editorial positions, the system of promotions in the media in general discriminates them. According to this data, the number of female journalists in editorial and managerial positions is much lower than the number of men in these positions.

The **Serbia's** association of journalists has assessed that during the reporting period between 2019 and 2021 the position of women in the newsrooms has been more unfavourable in comparison to that of men¹⁰². Though women dominate the profession in terms of number of professionals, still they are far less likely to hold editorial positions, mostly held by men at present. Concerning pay, on the face of it, there is almost no difference between female and male journalists, however the analysis of the structural position of both sexes reveals there is a higher representation of women in the lower paid jobs in the media industry – as presenters and anchors, and their lower presence in the – better paid – management positions. Women journalists are also at times target to chauvinism – government officials and tabloid journalists refer to female journalists at press conferences inappropriately using sexual allusions.

100 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, *MONTENEGRO – Indicators on the Level of Media Freedom and Journalists' Safety 2021*, Podgorica: Trade Union of Media of Montenegro, 2022, p.23-24. Accessed on June 29th, 2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

101 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.23-24. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

102 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.28. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>



The safety of journalists is a central issue concerning the realization of freedom of expression. Unless journalists are safe and secure they cannot be expected to carry out their professional duties. Many assessments of press freedom consider violence against journalists as a key factor in determining the level of media freedoms. Intimidation of journalists in various forms has been noted in international reports in some Western Balkan countries in the past several years, especially while reporting on corruption or electoral fraud. Journalists still live in fear as there is an absence of efficient, fair and free judiciary. Governments on their part, rather than guaranteeing safety, often contribute to a climate of fear by demonizing critical journalists as traitors – a practice which inevitably leads to self-censorship.

C1 Safety and impunity statistics

Number and types of threats against the lives of journalists and other types of threats. Number of actual attacks. How many journalists were murdered in the past 15-20 years? Number and types of threats and attacks on media institutions, organizations, media and journalists' associations.

Verbal threats and harassment, but more worryingly, threats to lives and threats to physical safety against journalists, are still the most prominent types of open pressure towards journalists and their media organization. The frequency of this misconduct is

	Albania		Bosnia and Herzegovina		Croatia		Kosovo		Montenegro		North Macedonia		Serbia	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
Threats and harassment that are not related to the physical safety of journalists	3	2	10	11	5	14	11	13	8	12	7	3	25	13
Threats to the life and physical safety of journalists	1	1	6	6	2	15	6	10	2	5	3	1	15	33
Actual attacks on journalists	9	9	3	3	5	3	4	3	2	4	2	1	28	5
Murders of journalists	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Threats and attacks on media and news organizations	3	2	7	6	1	2	3	3	4	7	2	0	4	11

highest in Serbia both in 2020 and 2021 but there is a arguably high number of these types in almost all the rest of the countries on the region. Incredibly disturbing is the rise of threats for the lives and physical safety of journalists in 2021 in Serbia, but also in Croatia and Kosovo. They are an indication of a level of lawlessness which in its vacuum creates an atmosphere of impunity, having in mind that most of these threats are made by structures in power or by people who are openly or tacitly protected by power. The effect of these manifestations also creates a culture of fear in the midst of the journalist's community resulting in self-censorship which devastates the public sphere. Distressing also are the instances of actual physical attacks – present in all countries but in some they are continuously present – in Albania for example, where also one murder of a media owner was registered. After 2020 in Serbia, the number of actual physical attacks has decreased, but that does not mean that the situation is relaxed.

According to the number and severity of attacks on journalists, **Albania** is one of the countries where the situation has deteriorated in recent years, as it has fallen several places on the Reporters Without Borders list¹⁰³. The number of actual or physical attacks on journalists and media crews in 2020 and 2021 registered by the journalists' associations reached 18, and in 2020, a media owner was murdered, under unclear circumstances. Journalists in Albania have been exposed to serious attacks and were frequently harassed and offended by highest officials: there have been instances of automatic weapon attacks on their homes, firearm threats, death threats on live television, their residence permits revoked, instances of targeted smear campaigns, and

attacks by the public officials, including by the Prime Minister.

In terms of journalists' safety, the situation in **Bosnia and Herzegovina** has not changed in the last two years¹⁰⁴. According to the database of BH Journalists, in both 2020 and 2021, a total of 26 cases of threats and attacks on journalists and the media were registered. The most numerous were cases of threats and intimidation of journalists, as well as various forms of pressure, which often came from representatives of public institutions. The number of cases of threats and harassment of journalists through social networks, has also increased. During the pandemic in 2020, journalists and the media were physically attacked several times and were prevented from doing their job by having their equipment confiscated or their recordings deleted. In one of the incidents a cameraman was attacked at the Alliance of Independent Social Democrats rally in Banja Luka – members of the security of the party's president and BiH presidency member physically prevented the cameraman from doing his job.

During 2021, 34 threats and attacks on journalists were registered in **Croatia**, which is a significant increase compared to 2020, in which a total of 12 threats and attacks on journalists and their organizations were recorded¹⁰⁵. What is really worrying is that the number of death threats or threats to the physical safety of journalists has increased dramatically comparing to the previ-

¹⁰³ Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.26-29. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

¹⁰⁴ Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.23-25. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

¹⁰⁵ Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2021". Zagreb: Croatian Journalists' Association, 2022. Accessed on June 29th, 2022: <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

ous year, when only 2 cases were registered: a total of 15 were registered in 2021, of which 14 were addressed online. However, there are indications that this number was even higher. Many journalists with whom the Croatian Journalists' Association conducted their advocacy research declared that they had received at least one threat online but they did not report it "as they consider this practice as part of their job".

Based on the reported cases during 2021 the safety of journalists in **Kosovo** deteriorated in comparison to previous years¹⁰⁶. The number of physical attacks and verbal threats in comparison to 2020 has increased – there were 5 attacks more. In comparison to 2019 it is by eight cases higher. In the past four years, AJK has recorded 91 cases of threats towards journalists and other media workers, totalling with 17 cases in 2018, 21 cases in 2019, 24 cases in 2020 and 29 cases in 2021. Impunity concerning the assaults, threats, harassments, and other forms of violence toward journalists, that took place during 2021 and earlier, is still a prominent feature of the system. The pandemic as well as the set of political events during the reporting period were the most significant factors for these developments. In one of the recorded incidents, a journalist, frequently reporting on topics of religious fundamentalism and radical groups, was attacked on his way home, ending up with broken teeth and nose.

The indicators on the number of threats and attacks on journalists and media in **Montenegro**¹⁰⁷ in the last two years (17 in 2020 and 28 in 2021) suggest that there was a deterioration of the situation compared to previous years. Out of the 28 cases in 2021, the competent prosecutors qualified as many as 10 cases as criminal offenses prosecuted ex officio. Of these cases, 8 have been investigated and criminal proceedings have been instituted against the perpetrators, and two cases are still under investigation. This indicates the seriousness of the acts committed, but also the promptness and efficiency of the competent authorities to quickly shed light on such serious attacks on journalists and the media, which is an improvement compared to 2020 when none of the 17 cases was resolved. Of particular concern is the increase in the number of physical attacks on journalists or media crews during 2021, in which some journalists also received bodily injuries. In one of the incidents, an entire TV crew was attacked at the Cetinje Monastery

by a group of protesters against the enthronement of Metropolitan bishop Joanikije at the Cetinje monastery.

According to the number of registered threats and real attacks, the safety of journalists in **North Macedonia** in 2021 has improved compared to 2020¹⁰⁸. However, comparing the two previous years 2017-2018, it seems that the safety of journalists is still a matter of concern due to the increased number of online threats and harassment of journalists and the inefficiency of the competent institutions to investigate and sanction the most serious forms of threats. What is particularly worrying is that some of the threats and attacks that took place during the past two years were made by representatives of political parties or persons affiliated with them such as the President of the political party GROM who using social media posted insults and calls for violence against a journalist of one TV station.

Comparing to other countries in the region, in the last two years, journalists and media in **Serbia** were exposed to largest number of threats, harassments and actual attacks¹⁰⁹. The number of threats and attacks is only one aspect of the pressure on journalists, the other is that most of them were carried out by government institutions and politicians. For example, in November and December 2021, during the civil environmental protests in Serbia, the police and the public prosecutor's office summoned journalists for informative talks and suspected them as actual organizers of "illegal" protests of citizens and environmental organizations. In 2020, during the pandemic, as many as 28 physical attacks on journalists were recorded, including several seriously injured journalists, arrested and those who were restricted in their movement, or their equipment confiscated. One of the reasons for the increase in the number of physical attacks lies in the specific situation brought about by the state of emergency and the violent protests in July 2020.

106 Getoarbë Mulliqi Bojaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.25-28. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://ajk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

107 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.25-29. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

108 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.25-27. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

109 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.29-32. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

C2 State institutions' and political actors' behaviour concerning journalists' protection

Have the state institutions developed policies and allocated sufficient resources to support the protection of journalists? Are there guidelines to police regarding harassment, intimidation or attacks on journalists? Are there mechanisms for monitoring and reporting on threats, harassment and violence towards journalists? Are the attacks on the safety of journalists recognized by institutions as a breach of freedom of expression and do public officials make clear statements condemning attacks? Do the state institutions cooperate with the journalists' organizations on safety issues? Was there recent case of electronic surveillance of journalists?

Most of the countries in the region still have not adopted specific policy documents in which media freedoms and journalists' safety are endorsed as crucial strategic goal of the state. The criminal codes contain general guarantees for the protection of journalists, however not all of these codes contain provisions with a particular emphasis on journalists. In some countries however, Serbia, Croatia and Montenegro (in North Macedonia amendments are drafted), this has been done – journalists as professionals engaged in activities of public interest are protected with the Criminal codes, in part because of the advocacy of journalist associations. The regions' associations have demanded throughout the past three years until 2021, these types of changes in the criminal codes of the region's countries for years arguing that journalists have a distinctive role in the defense of freedom in the public sphere and in the overall process of democratization – so an attack on a journalist should not only be considered an attack on one person, but an attack on the freedom of the public sphere and democracy as such. The assessment made in previous reporting periods – that though relevant institutions in few of the countries of the region have adopted internal instructions and have established databases and report about the crimes and attacks against journalists, this is still not a regular practice, and the statistical data are insufficient – still stands. The evidence gathered by journalists' associations, especially the database established within the Regional Platform for Advocating Media Freedom and Journalists' Safety (now Safejournalists Platform) six years ago, present a valuable and reliable source of information on all types of threats, harassment, and violence towards journalists in the Western Balkans. However, this cannot be a substitute for official data on the basis of which state policies need to be amended. In part of these countries, between 2019 and 2021

the political actors found it hard to publicly condemn violence and threat against journalists. And the deeper problem in the same set of countries in this region is that the political actors are themselves responsible for making the threats. Judicial institutions in most countries of the region are not strong enough and lack political will to sanction transgressions and avoid impunity. The positive practices noted in the previous comparative report are also still valid – in part of the countries, journalists' associations remain to make steps towards cooperation, but also resolute pressure towards state institutions to tackle issues of journalists' safety. In addition, this Platform is an effort to internationalize a front of associations from countries with similar problems, in order to make joint efforts to overcome them learning for each other's experiences and applying them in practice.

Albania's legal corpus contains general guarantees on the online and offline safety of journalists¹¹⁰. However, in practice during 2020 and 2021 the state institutions remained weak in terms of position of capabilities to protect journalists. The state has a limited range of specific protocols for management of issues concerning the special features of journalists' work, except for some sporadic awareness raising trainings for employees of the ministry of interior. Relevant institutions do not record data on specific attacks on journalists – therefore it is next to impossible to establish the total number and the characteristics of actual transgressions that were carried out with impunity. In 2020 and 2021, it was noted that attacks on the safety of journalists were in principle condemned by the state. The police 2021 improved the swiftness of its public reactions to breaches – but these have rarely been followed by starting actual investigations. No case of electronic surveillance on journalists in the last two years, was recorded.

In the past three years there have been no improvements of the legal and institutional online and offline protection of journalists in **Bosnia and Herzegovina**¹¹¹. County's criminal code does not recognize attacks on journalists as a separate delict. All levels of government in the county are still not responsive to the claims made in 2019 by the BH Journalists' association to amend the criminal code on the account of the need for special protection of journalist's safety in the code. The state has not yet adopted documents regulating the behaviour of the police towards journalists – the only existing

¹¹⁰ Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.29. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

¹¹¹ Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.26-27. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BiH-ENG-2021.pdf>

document of this sort are the OSCE Guidelines for the Police in the Treatment of the Media and for the Media in Dealing with the Police. Another insurmountable problem is the lack of precise official knowledge on the exact number and types of threats and attacks on journalists – the state does not collect this data so the only reliable data is the one produced by this Platform. The only exception in this domain is the Republika Srpska's Ministry of the Interior, which has established special evidence of cases, related to journalists. The judicial institutions have not pushed for progress either – The decision made by the High Judicial and Prosecutorial Council on the proposal of BH Journalists from 2017, which orders courts and prosecutor's offices to keep evidence on the lawsuits against journalists and the media, has not yet been implemented by judicial institutions. Politicians and public officials very rarely condemn threats and attacks on journalists. They are rather more often the attackers

In **Croatia** the Criminal Code contains guarantees for journalists' safety – its Article 315b prohibits coercion against a person who performs activities of public interest, and this applies to journalists¹¹². The Ministry of Interior and the police force have not adopted documents concerning protocols of treatment in the event of an attack on journalists by third parties. Nevertheless, the police has adopted a Media Relations Guidelines. The Ministry of Justice and Public Administration keep records on criminal cases in which the defendants are journalists, as well as on civil proceedings for damages. The State Attorney's Office keeps records of acts committed to the detriment of journalists, for which the persecution is undertaken ex officio. Officials rarely publicly condemn attacks on journalists – they only do so when under public pressure themselves. In 2020 and 2021 there have been no recorded cases of electronic surveillance of journalists.

Kosovo has had a new development concerning this indicator – the Criminal Code of the Republic instated in the first half of 2019, guarantees protection of every person who may be a victim of a criminal offense because of his work¹¹³. This general provision may be applied to journalists – however, there are still no particular provisions and specific state policies to support journalists' safety. Kosovo still has a problem to secure a reliable official data on number of attacks and threats to-

wards journalists. This despite the fact that in 2020 the prosecutors' office and the Pristina Basic Court have appointed coordinators to collect such data and despite the fact that something similar has been done within the Kosovo police. These institutions, however, do not have standard procedures in handling cases of intimidation threats or attacks on journalists specifically. Public officials are reluctant to condemn violence against journalists though institutions, at least verbally, recognize attacks on the safety of journalists as a breach of freedom of expression. No cases of electronic surveillance of journalists during the last few years have been recorded.

Montenegro, at the end of 2021 adopted amendments to the Criminal Code that stipulate more rigorous sanctions for attacks on journalists and media workers in comparison to its previous versions¹¹⁴. Years of pressure of the Union and other non-governmental organizations contributed to the positive development and at present the work of journalists and media is more clearly defined as work of public value. In addition, now the Criminal code contains more precisely defined penalties for transgressions. These changes have already prompted institutional developments – the Ministry of Interior pledged to appoint persons in charge of monitoring attacks on journalists. The Ministry has however previously stated that it already had allocated this task to some of their professionals. The relevant journalists' organizations are closely following these developments, especially since the Ministry of the Interior's official tracking of attacks on journalists is not sufficiently detailed and it is provided only upon formal request. Montenegro has already established the practice of political actor's public condemnation of pressures towards journalists, though this is not always the case. There have been no reported cases of electronic surveillance of journalists or media in the last two years, but the Special Prosecutor's Office has launched an investigation in 2020, following the allegations on such a practice received from the authorities.

In the last three years in **North Macedonia**, positive steps have been taken to improve the legislation and to introduce institutional procedures and mechanisms for greater protection of journalists. Amendments have been made to the Criminal Code that will expand the prosecution's competence to act ex officio for crimes related to attacks and threats against journalists and in-

112 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2021". Zagreb: Croatian Journalists' Association, 2022. Accessed on June 29th, 2022. <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

113 Getoarë Mulliqaj Bojaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.28-30. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://agk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

114 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.29-31. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

crease penalties for attackers¹¹⁵. However, institutions have done little to increase their efficiency for investigating and sanctioning attacks on journalists and the media, as well as for monitoring and reporting on such cases. The Basic Public Prosecutor's Office was encouraged to establish a special unit that will work on such cases, and the Ministry of Interior was prompted to regularly update the register of attacks on journalists and to publish the data. Still with no tangible success. No internal guidelines or regulations have been adopted on how members of the military and police should behave towards journalists. Since the great scandal of 2015, that eventually led to the fall of the government in Skopje two years later there have been no new recorded cases of electronic surveillance.

In the region, **Serbia**¹¹⁶ has the best developed system of criminal law and institutional measures to protect journalists and media workers, and a good progress has been made in this regard in the last few years. At least three criminal offenses are foreseen in the Criminal Code, which directly relate to endangering or attacking physically journalists as persons performing activities of public importance. The initiatives of the Permanent Working Group – a body composed of representatives of competent institutions and journalists' associations to monitor and issue reactions concerning safety of journalists – have had certain success in improving the system of reporting the cases and investigating and sanctioning perpetrators. The Ministry of the Interior and the Public Prosecutor's Office prepared internal instructions concerning the special focused they now have to have concerned deterring attacks on journalists. Both institutions have been keeping records of attacks on journalists since 2016. The Public Prosecutor's Office prepares a monthly bulletin on their actions in relation to crimes committed against journalists. At the same time, a database of journalists' associations IAJS and AJS exists. Practical implementation, however, of all these measures is still lagging behind and that needs to be addressed in the following years.

C3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists

Are there specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists? Are there special procedures put in place that can deal appropriately with attacks on women journalists? Are the investigations of crimes against journalists conducted promptly, independently and efficiently? Are effective prosecutions for violence and intimidation carried out against the full chain of actors in attacks, including the instigators/masterminds and perpetrators? Are measures of protection provided to journalists? Does the State ensure that appropriate training and capacity is provided to police, prosecutors, lawyers and judges?

Montenegro and Serbia stand out in the region in that they have incorporated in their respective systems specific bodies committed to monitoring investigations of violence against and murders of journalists – in Montenegro this body revitalized its work in 2021 with visible effects, and in the Serbian case it had success enabling the legal outcome of one of the most notorious murders of journalists in the past two and a half decades. The rest of the countries in the region, including the EU member, do not have such bodies. There have been some positive developments in some countries noted in the previous report, however in all these, the practice of the institutions remains lags behind the verbally expressed will or even the already made steps of structured monitoring of cases of threats and attacks against journalists. The Courts, the Prosecutors' Offices, the Ministries of Interior, and the Police, in all these countries, need to adopt internal protocols and procedures for dealing with cases involving journalists, need to incorporate trainings for the relevant employees in order to cope with the requirements, need to enable timely investigations, indictments and conclusions of the cases involving journalists and need to improve the track record concerning bringing to justice not only the direct perpetrators, but also the instigators and organizers of violence against journalists.

¹¹⁵ Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.27-28. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

¹¹⁶ Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.32-36. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

Albania¹¹⁷ still does not have special bodies within the institutions of the civil justice system to consolidate investigations and prosecutions of threats and acts of violence against journalists. Also, legal provisions do not encompass equipping the relevant law enforcement and judicial institutions with additional resources to cover investigations into transgressions against journalists. Albania does not have in place specific protocols for these types of investigations. Though there is an increasing sensitivity for the specific character of cases involving journalists no specialized legal service is available to journalists. State institutions lack resources and capacities to protect journalists in the online and offline domain. The victim protection system and safety mechanisms envisaged in the law are not customized to journalists and victims may not avail of sufficiency of protection or an internal relocation alternative.

In **Bosnia and Herzegovina**¹¹⁸, some progress was noted in 2011 due to the resolution of 11 cases in favor of journalists, involving final verdicts for the perpetrators. In addition, in two cases, two institutions sanctioned their employees for threats and inappropriate treatment of journalists. Still overall – sanctions against offenders of threats and attacks on journalists remain largely ineffective because of the lack of a systemic response to the problem. Even in cases where the direct perpetrators are convicted, the real organizers of the offence go unpunished – as in the case of an attempted murder of a journalist in 2018. There are no special structures within the institutions dedicated to investigating and prosecuting attacks on journalists. The Judicial Case Database does not mark the cases of threats and attacks involving journalists separately. Investigations of physical attacks on journalists are inefficient, and so is the Prosecutors' processing of these cases.

In **Croatia**¹¹⁹, there are no special departments within relevant institutions dealing exclusively with investigations into threats and violence against journalists. The State Attorney's Office and the Ministry of the Interior Affairs are investigating threats and violence against journalists as any other case of similar properties. In cases monitored by the Association of journalists since 2014, it has been noted that effective verdicts have been handed

down only to perpetrators – there were no cases of verdicts against organizers and instigators.

In the **Kosovo**¹²⁰ justice system, there are no specific bodies committed specifically to investigations, prosecutions, and protection of journalists' safety. The Police, the Ministry of Internal Affairs, the Prosecution, and the Courts have not adopted protocols for trainings to adjust to the special requirements for cases concerning journalist and media workers. In addition, Kosovo's institutions do not allocate adequate resources to cover investigations, and the measures of protection provided to journalists are inadequate. This coupled with the lack of political will, because of which cases involving journalists are stalled or unexplainably prolonged, amounts to an unfavorable environment for journalists' safety. Courts are also not perceived as efficient as their track record of delivering verdicts in such cases is low. Because of the delay in the establishment of the centralized database the courts are not able to provide data on cases of journalists to the journalist association. Between 2017 and 2021, 115 cases of threats, assaults, harassment and other forms of pressure towards journalists have been reported – only few have been solved.

In **Montenegro**¹²¹, a positive development concerning this indicator in the past three years is the re-establishment of the Commission for monitoring the investigations of attacks on journalists and media existed for several years in the past, but its work was re-established in 2021. The improvement in the investigation of more serious attacks on journalists recorded in 2021 may, in great part, be attributed to the efficiency of this Commission. However, there is still no progress in resolving older cases, including the murders and attempted murders and the Commission reported that it has met obstructions in its work. According to the assessment of the Trade Union, the Ministry of the Interior, was more efficient in 2021 than before because it acted in every case of attack. The police have not however, adopted new procedures, on handling cases involving journalists.

117 Blerjana Bino, "Albania – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.30-31. Tirana: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/ALB-ENG-2021.pdf>

118 Maja Radevic, "Bosnia And Herzegovina – Indicators on the Level of Media Freedom and Journalists' Safety in BiH 2021", p.27-30. Sarajevo: Association BH novinari [BH Journalists], 2022. Accessed on 30.06.2022. <https://bhnovinari.ba/wp-content/uploads/2022/06/BIH-ENG-2021.pdf>

119 Monika Kutri, "Croatia – Indicators on the Level of Media Freedom and Journalists' Safety 2021". Zagreb: Croatian Journalists' Association, 2022. Accessed on June 29th, 2022; <https://safejournalists.net/resources/croatia-indicators-on-the-level-of-media-freedom-and-journalists-safety-2021/>

120 Getoarë Mulliqi Bajaj, "Kosovo – Indicators on the level of media freedom and journalists' safety 2021", p.30-33. Prishtina: Association of Journalists of Kosovo, 2022. Accessed on 29.06.2022. https://aqk-ks.org/site/assets/files/2896/indicators_on_the_level_of_media_freedom_and_journalists_safety_2021.pdf

121 Marijana Camovic-Velickovic and Bojana Lakovic-Konatar, "Montenegro – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.31-35. Podgorica: Trade Union of Media of Montenegro, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/05/MNE-ENG-2021-1.pdf>

In the past three years little has changed in **North Macedonia**¹²² in the criminal and civil justice system's behaviour concerning threats and acts of violence against journalists. Courts are still lacking protocols on collecting data concerning cases involving journalists and consequently are not collecting that data. The judicial-prosecutorial system has scarce resources and a lack of political will is widespread, because of which the request for specialization of certain courts and prosecutors or for the establishment of special departments dedicated to investigations related to journalism and the media, cannot be satisfied. Investigations into attacks on journalists, are stalled or prolonged and rarely end with a verdict. Impunity is still estimated at a high level, with less than 10 per cent of registered cases being resolved. One of the most important court cases for journalism in Macedonia ended in December 2020, with the rejection of the lawsuits of two journalists who demanded damages from the state for violating their rights during the riots in the Parliament on April 27, 2017. Cases like these indicate that the state still demonstrates important problems in the functioning of its legal system.

Serbia¹²³, along now with Montenegro, has a special body established by the Government tasked to monitor the work of the competent authorities in investigations of the murders of journalists and to propose measures to improve investigations. It has been operational since 2013. The Commission on reviewing the facts related to the investigation of the murders of journalists has so far followed the investigations of three murders made within the last decade and a half. One of these cases has been resolved – the procedure for the other two murders is still in the pre-investigation phase. The Republic Public Prosecutor's Office and the Ministry of the Interior have sufficient resources to investigate threats and attacks on journalists. However, the Police shows a lack of knowledge about the difficulties that journalists face in performing their duties. In the past three years the initial phases of investigations into reported incidents were fast and effective, but the subsequent stages the processing of the cases become rather slow. Most cases do not reach the courts. Prosecutors still find it very difficult to decide on indictments in cases involving journalists, because of the insufficient understanding of certain types of offences – such as the delicts of endangering security and persecution, which are the most common form of attack on journalists.

122 Milan Spirovski, "North Macedonia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.29-32. Skopje: Association of Journalists of Macedonia, 2022. Accessed on 29.06.2022. <https://znm.org.mk/wp-content/uploads/2022/05/MK-ENG-2021.pdf>

123 Rade Djuric, "Serbia – Indicators on the Level of Media Freedom and Journalists' Safety 2021", p.36-38. Belgrade: Independent Journalists Association of Serbia, 2022. Accessed on 29.06.2022. <https://safejournalists.net/wp-content/uploads/2022/06/SRB-ENG-2021-1.pdf>

Achievements of the Safejournalists Network

The advocacy research conducted by the partners of the Safejournalists.net platform in six annual cycles aimed to help them detect the main problems and to design and implement various advocacy activities for overcoming those problems and improving the situation with media freedoms and the safety of journalists in each individual country. This part of the analysis presents the achievements of each of the partners based on their own observations. At the beginning, the perceptions of the journalistic organizations that worked on this project for six years are presented, and at the end, the evaluations for the two countries (Albania and Croatia) that joined later are presented, that is, that worked on this research for only two cycles, in 2020 and 2021.

BH Journalists – Bosnia and Herzegovina

- **Legal Framework:** The Safejournalists network is well recognized at the level of BiH institutions dealing with media work, media freedoms and investigations and prosecutions of attacks and threats against journalists. With the support of the Network, BHJA has started several initiatives to change the legal framework relating to media and journalists. They have produced several amendments to the Law on Free Access to Information, the Law on Protection against Defamation in the Federation and the RS, the Criminal Code of BiH and the entities. In 2021, one of the most important initiatives is the drafting of a new Law on Freedom of Access to Information at the level of BiH institutions. Yet, despite numerous, repeated criticisms from the EU, there is still no progress in adopting amendments to Criminal Code that would allow for more efficient prosecution of attacks on journalists. The amendments to the Law on Protection against Defamation, which were supported by the

Parliamentary Assembly of BiH in 2020, with the aim to reduce the number of defamation lawsuits filed against journalists by politicians and other public officials, still awaiting adoption too.

- Journalists' rights in the newsroom: Thanks to the activities of the Network, journalists are more educated, understand better their rights and are empowered to demand from public officials and other actors respect for media freedom and safety of journalists. They are well aware of their labour and other rights and the institutional mechanisms for their protection. Female journalists, who are often the victims of online harassment and hate speech, are also much more empowered to ask for help and support of both BHJA and Safejournalists Network.
- Safety of Journalists: Thanks, among other, to the Network's activities, public reactions and advocacy of sanctioning the attackers, people in judicial institutions have become more efficient when it comes to prosecuting threats and attacks on journalists. Through Free Media Help Line (FMHL), which operates within the BH Journalists Association (BHJA), in 2021, 11 cases in favor of journalists were resolved in the courts of Bosnia and Herzegovina, which is the highest number registered so far in one year. The general assessment is that the cooperation between the media and the judicial community is better than in previous years, although there is still a lot of space for its improvement. BH Journalists especially emphasizes very good cooperation with the police institutions, which respond to all requests sent through the Safejournalists Network in a timely and specific manner. On the other hand, from certain institutions – such as the Court of BiH – when BH Journalists pointed out to them violations of journalists' rights and freedoms, the answers that is frequently given is that "they are not competent for that".

Association of journalists of Kosovo

- Legal protection: In December 2019, the Association of Journalists of Kosovo has signed an Memorandum of Understanding with the Kosovo Bar Association (KBA). This initiative started as a result of the research segments in the areas of working conditions and safety of journalists. AJK started this collaboration with the KBA due to the fact that journalists were reluctant to report the violations of their labour rights and cases of threats and attacks. The main reason for they hesitation to report such cases was that they did not have legal protection, nor could afford lawyers who would legally represent them when being attacked, assaulted, threatened or harassed. KBA withdrew from the MoU in late August 2020, without prior notice. Afterwards, with the support of the

OSCE – Mission in Kosovo, AJK had engaged a lawyer in their organization, who dealt with the reported cases. In 2019-2020 there was an initiative to revise the Code of Conduct, which would limit the ability of journalists to report from court sessions, obliging them to wait until the final verdict. Following concerns raised by the AJK and various local and international organizations, this attempt has been suspended by the Independent Media Commission. In 2021 AJK called upon the institutions to include journalists as beneficiaries for Free Legal Aid (it was voted at the Kosovo Assembly in March 2022). All this has been facilitated and promoted through the reactions and news published on the Safejournalists.net platform.

- Journalists' rights in the newsroom: The results of the advocacy research conducted in the framework of Safejournalists network have expanded journalists' knowledge and awareness regarding their legally defined labour rights and the protection mechanisms. This also encouraged some journalists to report the violation of their labour rights to the AJK.
- Journalists' safety: Joint reactions of the Safejournalists network are taken more seriously by state officials and are therefore processed as such. Kosovo Police takes the AJK requests with priority, especially the ones related to joint reactions. The Kosovo Police and the Prosecutor's Office have created their own databases for the cases of attacks and threats against journalists. The chain breaks at the Court, where the cases are not yet segregated and there is the point where the AJK encounters difficulties in obtaining information about the status of the cases of violence against journalists.

Trade Union of Media of Montenegro

- Legal Framework: The Safejournalists.net network is, mostly thanks to the efforts of the Trade Union of Media of Montenegro, recognized as an important factor in the fight for better legal solutions, but also a generally better position of journalists and other media workers in Montenegro. With the help of the network, we managed to first make an analysis of the situation and cross-section when it comes to the key media laws, the Law on Media, the Law on Electronic Media and the Law on the National Public Broadcaster Radio and Television of Montenegro. The analysis resulted in a series of amendments to these laws that we submitted in 2017, some of which were included in the revised laws in 2020. Thanks to our efforts, the Law on Media was amended and the autonomy of journalists within newsrooms was increased. From 2021, through work in working groups, we are actively working to improve legal solutions in the umbrella media laws, but these

solutions have not yet entered parliamentary procedures. Also, we are part of the working group that compiled the first Media Strategy in Montenegro 2022-2025, which unfortunately has not yet seen the light of day and is also not part of the parliamentary procedure. Thanks to the efforts of SMCG and the non-governmental organization Action for Human Rights (HRA), at the end of 2021, amendments to the Criminal Code were adopted and stricter penalties for attackers of journalists were provided.

- **Journalists' rights in the newsroom:** Thanks to the efforts of the Network, journalists in Montenegro are more empowered to fight for their rights, are educated and increasingly recognize and react to cases of violation of professional rights. Almost half of the media workers in Montenegro are united in the Trade Union of Media of Montenegro, they recognize the importance of labor rights and influence the situation to change. TUMM initiated negotiations on the new Branch collective agreement in the field of media, which is the first time in the last 15 years that this document has been changed and that attempts have been made to systematically protect the working rights of journalists. Journalists and other media workers are informed about problems in other media, but also about the state of the media sector in Montenegro, thanks to the research work of the Trade Union of Media of Montenegro and more than 20 analyses and research study in the field of media in Montenegro. Given that a large number of lawsuits for violation of personal rights (defamation and insult) have been recognized as a big problem over the years, the TUMM has established a trial monitoring system, as well as a database of all lawsuits for violation of honor and reputation. In order to continue to inform the membership in the best possible way, as well as all other media workers, we launched the first video podcast that deals with the labor and professional rights of journalists and other media workers.
- **Safety of Journalists:** Thanks to the advocacy activities of the Trade Union of Media of Montenegro and the SafeJournalists.net network, judicial institutions in Montenegro, especially Police, have taken attacks on journalists and other media workers more seriously in the last two years. SMCG has established a database of attacks on journalists and media workers in Montenegro for the last six years, which often includes attacks that were not registered in the Police Directorate. Also, with the help of the SafeJournalists.net network, a response mechanism to attacks on journalists and media workers in Montenegro was established and a system of free legal aid to journalists and other media workers in Montenegro was established. However, the most important change, which will have the greatest effect on the work of journalists, is the adoption of

the proposal of the Human Rights Action and Trade Union of Media of Montenegro to provide additional protection for journalists. Namely, at the beginning of this year, amendments to the Criminal Code came into force, which increase the penalties for attacks on journalists in the course of their professional duties. SMCG and Human Rights Action have been advocating for these changes for several years, but only after the joint initiative of nine organizations did, they enter the Parliamentary process and become part of the law. The general assessment is that the cooperation between the media and the judicial community is better than in previous years, although there is still a lot of room for its improvement.

Association of Journalists of Macedonia – North Macedonia

- **Legal Framework:** In the past several years in North Macedonia, Association of Journalists of Macedonia (AJM) has been the most vocal advocate for improving the legal environment concerning freedom of expression. The participation in the Safejournalists network certainly gives AJM more credibility in its activities at national and regional levels. AJM took an active role in the consultation process with the Ministry of Justice in finding solutions for the institutional protection of journalists and media workers, by introducing provisions in the Criminal Code that would guarantee journalists and media workers' safety when performing their job. As a result of the persistent requests by AJM, the Government of North Macedonia accepted the proposed amendments to the Criminal Code, which are in line with the recommendations of the Council of Europe. The purpose is to establish a more efficient system for protecting journalists, while discouraging potential attackers in the future. In practice, this means that the new Criminal Code will provide better protection of journalists in cases of threats and attacks while performing their professional obligations, that is, to treat an attack against journalist as an attack on an official and perpetrator to be prosecuted ex officio, instead of the journalist having to file a private lawsuit. AJM initiated and took an active role in the revision of the Law on Civil Liability for Defamation and Insult. As a result of AJMs' engagement and active contribution, the potential penalties for journalists were five times decreased in the new proposal. Yet it is to be noted that the amendments to these laws are still awaiting the adoption by the Parliament, hopefully by the end of 2022.
- **Journalists' rights in the newsroom:** The general perception among journalists is that the situation has improved compared to the conditions in the past six – seven years. Safejournalists network's pro-

active reactions, at both regional and national level, contributed for journalists to be better informed about their rights and with the AJM support to be more confident in demanding actions from the public officials and other actors pertaining to protection of media freedom and journalists' rights. The number of requests for assistance to the AJM office is increasing, indicating that journalists and media workers are more aware and ecreezes the correct address to turn to when they have a problem, facing threats, insults, mobbing or similar situations of endangerment and violation of their rights, in and out of the newsroom.

- Safety of Journalists: Improving the safety of journalists is a long-term battle. Since its establishment in 2016, the Safejournalists network has demonstrated continuity in its activities for protection and promotion of journalists and media workers safety, both at national and regional level. AJM has been very insistent in alarming both the institutions and the general public about cases of attacks, threats, and hate speech against journalists in general, and women journalists, conveyed mostly through social networks or other communication channels. At the national level, compared to the previous years, in 2021 it is noticeable that the number of threats and physical attacks against journalists and media workers is decreasing. However, although the numbers of physical attacks show tendency of decreasing, it is worrying that journalists and media professionals are increasingly subject to threats and harassment on social networks, some of which were severe threats to the physical safety of journalists investigating corruption and other negative social phenomena. It is important to note that in December 2021, AJM has won a lawsuit for hate speech on social media (a threat to all journalists written on official AJM's Facebook page). This is the first time in the country that the prosecutor's office and the court – initiated investigation and sanctioned the perpetrator for severe online hate speech and threat directed at journalists. Also, the court decision in favor of AJM is expected to set new judicial practice.

Albania

- The case of Albania is specific because the journalists' association is not a member of the Safejournalists network and generally professional journalists' associations are not well consolidat-

ed in Albania.¹²⁴ The assessment of positive changes resulting from the advocacy research conducted in Albania for 2020 refers refer to what has been achieved by joint actions of media organizations, CSOs and journalists' associations in the past two years.

- A welcome achievement was the formation of the Albanian Alliance for Ethical Media which established self-regulation mechanisms in 2020. Managed by the Albanian Media Council, this Alliance is a voluntary group of 16 Albanian media outlets dedicated to rigorously implementing the Code of Ethics for Journalists. The Alliance seeks to enforce a functioning self-regulation mechanism by receiving and reviewing complaints from the public regarding ethical violations of online media. The Alliance provides the latter with recommendations, which however are not mandatory. The logo of the Alliance will be used as the seal of ethical media to be displayed on their websites. The Alliance was particularly vocal in 2021 regarding ethical journalism.
- On 2 June 2021, the Bureau of the Assembly of Albania published an amended regulation for the Accreditation, Accommodation and Orientation of Mass Media in the Parliament. The rules, adopted without consultation with journalists and media workers' associations and unions, civil society or other pertinent stakeholders, were planned to come into effect in September 2021. Compared with the rules that were in force, these new restrictions to freedom of movement negatively affected the ability of journalists and media workers to report and decreased the level of transparency of the Parliament. As such, the Union of Albanian Journalists, independent media organizations, independent journalists and CSOs were successful in 2021 in lobbying the Assembly in changing the Regulation on the Accreditation of Media to the Assembly in June 2021. The Safejournalists network and the Media Freedom Rapid Response sent opened letters to Parliament to amend the regulation. Journalists protested and a consultation process followed the protests, and some changes were introduced in the regulation.
- In Albania, the reactions of the Safejournalists network and joint reactions with other international platforms such as the Media Freedom Rapid Response and others have received growing attention in the public sphere. They are covered in the media, in public debates and referred to by relevant stakeholders. Public officials are now aware of the work of the Safejournalists network in Albania. More so,

¹²⁴ This paragraph is written by the independent researcher Blerjana Bino, engaged by the Safejournalists network to conduct the advocacy research and to draft the country narrative report for Albania.

individual journalists now report cases directly to the Safejournalists network trusting the advocacy and lobbying opportunities of the network.

Croatian Journalists' Association

- Croatian Journalists' Association (CJA) joined the advocacy research of the Safejournalists network in 2020, so they initiated advocacy activities based on the findings in 2020 predominantly in the area of journalists' safety.
- Although it seems that the number of attacks on journalists has increased significantly compared to the first year, it seems that journalists have actually become more aware of the importance of reporting attacks. During 2021, CJA had 34 registered attacks on journalists. Only the Faktograf editorial office sent a large list of threats and attacks they received. The Safejournalists.net project enabled the systematic monitoring of attacks on journalists and

ensured that one person in CJA is exclusively engaged in this work. This project also enabled the creation of annual reports that facilitate CJA's advocacy activities, based on comprehensive evidence. Croatian Journalists' Association and Trade Union of Croatian Journalists were in a meeting with representatives of the Ministry of the Interior and proposed signing the Police Code, to which the representatives of the Ministry of the Interior agreed in principle: it was agreed to form a special mechanism to protect journalists from harassment. These two things were agreed in principle, but it is certainly a positive shift compared to what has been done so far in the country. It was agreed that the police should better organize the protection of journalists at high-risk gatherings in the future. From year to year, the CJA cooperates with the police on all matters related to the protection of journalists. This is the result of the comprehensive work of the CJA, but also of this project, which specifically indicates the attack statistics, which are not positive.

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