



**This project is  
funded by the  
European Union.**

# A needs-assessment of the media councils in South East Europe

Catherine Speller  
June 2015



## Contents:

2	Introduction
5	Acknowledgments
6	Review of existing literature
12	Bosnia and Herzegovina
27	The Former Yugoslav Republic of Macedonia
40	Montenegro
52	Serbia
66	Kosovo (under UNSCR 1244)
79	Conclusions and recommendations
85	Appendices
91	Select Bibliography
97	Notes

*The report aims to encourage the improved functionality and long-term sustainability of five media self-regulatory bodies in South East Europe.*

This report has been produced with the support of UNESCO in the framework of the Project 'Media Accountability in South East Europe' financed by the European Union (EU).

The designations employed and the presentation of material throughout this document do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

The ideas and opinions expressed in this publication are those of the authors; they are not necessarily those of UNESCO, the EU and other donors and do not commit them.

This report was commissioned by UNESCO's Division of Freedom of Expression and Media Development, which since January 2013 has managed a project to strengthen media accountability systems in South East Europe and Turkey.

Funded by the European Commission, the project 'Media Accountability in South East Europe' aims to increase media freedom by strengthening ethical and professional standards in journalism. It has promoted the concept of media self-regulation among media and other constituents, and has worked to raise awareness among civil society about issues related to media accountability more generally.

The report focuses on five media councils in the region: in Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244). The aim of the report is to analyse the operations of each council and to provide an assessment of their needs based on the particular challenges they face. The report also identifies areas for potential future activities for each to consider, all with a view to encouraging their improved functionality and sustainability in the long term. The report is intended to be used by UNESCO as a basis for future evaluation, and for developing future activities within the framework of a forthcoming project to support the work of media councils in the region.

The study was commissioned as an internal working paper to steer a meeting of the Press Councils and UNESCO at the 2015 World Press Freedom Day in Riga. [1] The purpose of the side-event was to discuss the draft findings of this study and discuss possible areas of support to the five media councils for the future. Accordingly, the study - and in particular, the proposed recommended activities contained at the end of each chapter - should be understood in that specific context.

Each chapter of the report focuses on a different media council. The chapters open with an overview of key factual information about each organisation, presented in the form of a table. The tables include material about the councils' history, complaints-handling processes and complaints data, their membership arrangements and their sanctions. These detailed tables are intended to serve as a point of reference for the narrative part of the chapter, and the two sections should be read in conjunction with one another.

Each chapter goes on to outline the main strengths of the council, summarises the key challenges it currently faces, and concludes with some suggestions for future activities.

## Introduction



Catherine Speller

This report focuses on five media councils in the region: in Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244).

These suggestions are intended to inform a separate, more detailed activity plan which will be drafted at a later date in consultation with the media councils, who have had input into the outline programme as it stands here. A number of broad issues and challenges are common to several or all of the councils, so some general recommendations, which may be relevant to the region as a whole, are presented in the conclusions and recommendations section.

As the report makes clear, each media council is distinct and should be considered as an individual entity. (Indeed, the absence of a 'one size fits all' model of media self-regulation is briefly discussed in the literature review). Although the information presented in the introductory tables follows the same format, this study is not intended to be a comparative analysis of the five councils as such, particularly since the media councils record, define and present data in slightly different ways. The content of the chapters reflects the particular issues that arose in the research and are 'weighted' slightly differently from one another as a result. One of the aims of the report is to collate and systematically present information in a format that does not seem to have been done before. However, given the wealth of contextual factors that impact on the councils' operations, it is worth cautioning against drawing too many broad conclusions on the basis of the data itself. For example: complaints statistics can be interpreted in several different ways, and there are limits to what we can say this kind of information reveals by itself.

The information in the report is drawn from a mixture of desk research, correspondence and meetings with representatives of each media council, and informal consultation with external stakeholders. Two visits to the region were undertaken, in February and March 2015. Specific comments and ideas suggested by these interviewees have deliberately not been attributed in the report, and no quotes are provided; rather these discussions have informed the shape of the report more generally. A list of all those consulted is provided in Appendix 1. Meetings were held with as broad a range of people and organisations as possible, though the number and scope of these meetings were inevitably restricted by the limited time available, both in-country and to undertake the study more generally. One group of stakeholders missing from the discussions were individual members of civil society who had used the services of the media councils. Their views would be interesting to poll in the future, should another project have the resources to do so. In the apparent absence of widespread public polling on the work of media councils, it is difficult to draw conclusions in this area.

Each media council is distinct and should be considered as an individual entity

This study is not intended to be a comparative analysis of the 5 media councils

Three practical considerations should be mentioned. Firstly, the scope of the report is deliberately restricted to the operational practices of the five councils; it does not include detailed consideration of the complex underlying political, historical and conditions in the region. That work has been undertaken by many organisations with extensive expertise in these areas, and this report should be read with those broader frameworks in mind. As a starting point, a summary of three of the main media freedom/sustainability indices is provided in Appendix 2, while a number of reports and other texts are referenced in the bibliography. The EU membership status of each of the five places is provided as a point of reference in Appendix 3. [2] A literature review has been provided to survey some of the key work on media self-regulation in South East Europe that has been published to date; again, this study should be read in the context of that work.

Secondly, the needs-assessment brief for the project was broad, potentially encompassing every aspect of the councils' operations and activities. Many of these issues are extremely complicated, as are the legislative and political contexts in which the councils operate. The relatively short timeframe to complete the project (January – May 2015), means that the report reflects a 'state-of-play' snapshot of the situation as it emerged from the information provided.

It is obvious that a more detailed academic report could be written about any one aspect of the work of the media councils' operations. For example, although the councils have provided an overview of the numbers of complaints they dealt with in 2014, this report does not seek to analyse the rulings themselves. An exploration of the most common Code issues dealt with by the councils (which might be related to privacy, say, or hate speech) could provide the focus for valuable future research.

Lastly, some documents were only available in the local language, for example, complaints decisions and some of the key governance documents. Translation of such documents has not been undertaken professionally, so some analysis in the study may be based on potentially imprecise or imperfect language. Although the media councils have checked the factual accuracy of the information in the report, any misunderstandings or errors based on inaccurate translation remain mine.

In essence, the report is intended to be a practical, constructive document which can be used and built on as part of a planning process for the future and, in that sense, I hope it is a useful and interesting contribution to the debate



## Acknowledgments

Thanks are due to the staff and officials at each media council for their warmth and hospitality in welcoming me to the region, for answering my many questions, and for sharing information so readily. The councils' detailed comments on the text have been invaluable. Many stakeholders in the region were generous with their time and expertise, and I am grateful to them also.

I would like to acknowledge the work of Lara Fielden, former Visiting Fellow at the Reuters Institute for the Study of Journalism, whose report *Regulating the Press: A Comparative Study of International Press Councils* provided me with the idea of how to present key factual information about the work of media councils. I am also extremely grateful to her for her thoughtful comments on some of the draft chapters of this report. Professor Robert Pinker CBE has also been a supportive sounding board throughout the project.

The production and content of this report has been overseen by Adeline Hulin, Consultant to UNESCO and manager of the Media Accountability in South East Europe project. The report was commissioned by Tarja Turtia, Programme Specialist at UNESCO within the Division of Freedom of Expression and Media Development (Culture and Information Sector).

More information about the UNESCO project, and the work of the Organization: <http://en.unesco.org/themes/fostering-freedom-expression>



## Review of existing literature

There is certainly no shortage of studies that assess the media landscape in South East Europe. Such studies often take the form of detailed surveys of the state of media freedom, legislation and policy, in which information about the work of self-regulatory media councils is included as a small component. In this way, analyses of individual media accountability systems are usually included within a broad framework outlining the state of media in the region more generally, rather than necessarily tackled in depth as a standalone subject. An understanding of the underlying political, economic and social conditions in which media operate in the region is necessary in order to appreciate the complex environments in which media self-regulatory councils operate, so this work rightly provides the starting point for any kind of needs-based analysis. Some examples are summarised below.

Nonetheless, what appears to be missing from the debate is a more complete analysis of the work of media councils based on detailed factual data. The websites of the media councils themselves are a valuable source of information in this regard, but the level of detail provided varies. It is also notable that much of the information presented in the introductory tables in this report was sometimes not easily available in the public domain. In many ways this is understandable: there is no formal requirement to compel media councils publicly to present data in this systematic way, and they have limited resources to dedicate to collating and presenting information of the kind required here. [3]

The website of the Alliance of Independent Press Councils of Europe (AIPCE) is a good starting point for anyone interested in media self-regulation. [4] The Alliance is a loose network of independent content regulators for both press and broadcast media in which all the councils in this study participate. Its annual conferences provide a forum for media council representatives to discuss topical issues, to exchange ideas and to offer and receive advice. In addition to the annual meetings, media councils throughout Europe (and, increasingly, the world), use a Google Group to pose questions, and to share information and experiences about policy challenges, ethical issues and complaint-handling procedures.

As there is deliberately no formal membership structure of the Alliance and no centralised secretariat or funding, the website provides useful basic information about the presence of numerous media councils, but no substantive information much beyond this. The role of the Alliance is discussed further in the conclusions and recommendations.

One of the best-known initiatives that attempted to collate information about global media accountability systems was undertaken by the French academic Claude-Jean Bertrand. [5] Bertrand had a longstanding interest in the concept of what he termed 'Media Accountability Systems', or M\*A\*S\*, which include "any non-governmental means of inducing media and journalists to respect the ethical rules set by the profession." [6] A website created by Bertrand that described various media accountability systems across the world was transferred to the Donald W. Reynolds Journalism Institute at the University of Missouri in the United States. Its Global Journalist website includes information about press councils and codes of ethics around the world. However, much of the information is now out of date and is therefore of limited use to anyone seeking to undertake in-depth research about the current situation. [7]

It is notable that although several detailed academic studies have been undertaken into media councils in Western Europe, no studies with a comparable level of detail about the operations of councils in South East Europe appear to have been published to date. For example, Lara Fielden's 2012 report *Regulating the Press: A Comparative Study of International Press Councils*, produced for the Reuters Institute for the Study of Journalism at the University of Oxford, provides an in-depth comparative analysis of press councils in Sweden, Germany, Finland, Denmark, Ireland and Australia. The purpose of the report, which was discussed at the Leveson Inquiry in the UK in July 2012, [8] was to "contribute to the developing debate on UK press regulation through an examination of the ways in which press regulators in other countries approach key issues." [9]

Daphne Koene's earlier (2008) study *Press Councils in Western Europe* [10] provides a detailed analysis of the working practices of six press councils in the Netherlands, Sweden, Denmark, Great Britain, Germany and Belgium (Flemish Press Council). The report was commissioned by the Netherlands Press Council (of which Koene is the Secretary General), as a means of identifying ideas and procedures that might help to strengthen its own working practices. The report explores each council's organisation and funding arrangements, complaints procedures, sanctions and complaints statistics among other features, before assessing the relevance of this information to the situation in the Netherlands. Accordingly, the report served both as an internal working document to be used by the Board of the Council as part of its planning process for the future, and as a useful policy resource for external interested parties.

A further example of a paper which looks at the work of media councils in Western Europe is the 2012 policy brief *Reforming the PCC: Lessons from Abroad* produced by the Media Policy Project at the London School of Economics and Political Science (LSE). [11]

Published at the height of the discussions about the future of media self-regulation in the UK, the brief outlines features of press and journalism councils in the EU and European Free Trade Association (EFTA) member states, with a view to making recommendations about the UK situation. The paper looks at some of the fundamental features of a press council that were under discussion in the UK at the time, including the appointment of press council members and their length of service, the constituent organisations of self-regulatory organisations, and procedural approaches to dealing with complaints. Although the brief is considerably less detailed than the two reports cited above, all three studies are useful as a means of illuminating the working practices of regulatory organisations. However, all three focus on countries with very different cultural and political contexts to those in which the councils in South East Europe are operating, which are arguably far more fragile as a result.

Robert Pinker's chapter on the development of press self-regulation in Europe, contained in *Privacy and Personality Rights*, provides a very helpful overview of the origins of self-regulatory media councils throughout the continent, particularly with regard to the link between self-regulation and the EU accession process. [12] He charts the growth in the numbers of self-regulatory media councils in Europe, noting that while in the mid-1990s only six EU member states had fully operative self-regulatory councils, by the time he was writing the chapter, there were more than 20. Importantly, Pinker argues that "there are no universally applicable blue-prints for successful self-regulation that other countries can adopt ready made for their particular purposes", and that those 20+ fully operational councils, together with their ethical codes of practice, are "characterised as much by their differences as their similarities." [13]

There are indeed many variations in the specific systems and practices of media councils around the world. The absence of a 'one size fits all' model may be one of the reasons why a recommendation made in early 2013 by the High Level Group on Media Freedom and Pluralism for a degree of greater standardisation across Europe did not prove popular in informal discussions with many of the media councils who are members of the Alliance. The High Level Group's report, "A free and pluralistic media to sustain European democracy", had recommended that, "The national media councils should follow a set of European-wide standards and be monitored by the Commission to ensure that they comply with European values." [14]

The AIPCE website reproduces the "core beliefs of the participating organisations", one of which is "that it is not possible to operate a universal Code of ethics, and that the imposition of supra national Codes and regulatory organisations, either at the European or global level, should be opposed." [15] This would appear to contradict the High Level Group's recommendation noted above. As previously mentioned, the Alliance is not a formally-constituted body and so did not provide a policy response on the matter, though the issue was debated constructively with representatives from the European Commission at the 2013 AIPCE conference held in Tel Aviv.

As the implementing partner for the European Commission-funded project under which this study falls, UNESCO has been active in publishing materials about self-regulation. For example, it houses a dedicated web portal about the work of the councils in South East Europe (including information about the situation in Albania and Turkey). The site provides a profile for each country or region, outlining the situation with regard to media legislation, regulatory bodies and self-regulatory bodies, journalist associations and unions, and codes of ethics. [16] The website was created to establish “a reference for media accountability systems/self-regulation and a virtual network of interested professionals in the region”, [17] and is a helpful point of reference for anyone seeking a starting point for understanding the situation.

The principles underpinning self-regulation are outlined in a 2011 UNESCO report. Titled *Professional Journalism and Self-Regulation: New Media, Old Dilemmas in South-East Europe*, the report was commissioned in the framework of a previous UNESCO project, ‘Alignment to International Standards in the Media Sector of South East European Countries’ [18] and is a useful primer on the different forms that self-regulatory mechanisms can take. It covers the work of Ombudsmen and readers’ editors as well as of press councils, which are the focus of this study. The UNESCO report includes a digest of the situation in the five places considered in this study, together with useful case studies and expert opinion pieces. Dating from 2011, it is interesting to see both how much has changed in the region since then, and how little.

A brief discussion of self-regulation is included in a major 2014 UNESCO report, *World Trends in Freedom of Expression and Media Development*. Prepared as the basis of a summary report on the global state of press freedom and the safety of journalists, the report was presented to the General Conference of UNESCO Member States in November 2013. The report addresses four key themes: freedom, pluralism, independence and safety. It does not consider countries individually; rather the analysis centres on the six geographic regions that make up the voting groupings within UNESCO: Western Europe and North America; Central and Eastern Europe; [19] Latin America and the Caribbean; Asia and the Pacific; Africa; and the Arab Region.

The report’s finding on the overall global picture with regard to the state of self-regulation is telling. It states:

*“Self-regulation is a norm around which there has been continued struggle for acceptance. And although some progress in self-regulation has been seen in countries in transition, it has remained insufficient and susceptible to calls for self-regulation systems to become statutory, co-regulatory, or even be replaced by direct state-operated regulatory arrangements.”* [20]

More specifically with regard to South East Europe, the report’s accompanying *Regional Overview on Central and Eastern Europe* finds that:

*“Although a string of self-regulatory bodies has existed in the region, these have remained rather dormant. They mostly consisted of initiatives put forward by journalists aimed at developing agreements in the profession on industry-related issues such as ethics or relations with centres of power and third parties. In roughly half of these countries, professional codes or similar tools have been adopted in the past five to ten years, although compliance has been erratic. In the half of the region that has such codes, the lack of an implementing body has remained problematic.”* [21]

This finding paints a rather negative picture.

A recent survey of the global state of journalism and self-regulation was published in February 2015 by the European Journalism Network (EJN). Titled *The Trust Factor: An EJN Survey of Journalism and Self-regulation*, the report assesses the state of self-regulation in ten parts of the world, including in the Balkans. It finds that the experience of self-regulation in the region is one of “mixed fortunes”, [22] noting that while the acceptance of self-regulation has “more or less” been achieved across the region, it is “handicapped by certain realities”. [23] The reports sets out some of these overarching challenges, addressing what it terms the “crisis conditions” under which media function. It finds that “the structures of self-regulation at national level, at enterprise level and at the level of the individual journalist are severely restricted. [...] self-regulation remains a principle exercised only to the small extent that journalists and media managers are willing and empowered to do so.” [24]

One of the most comprehensive reports available about the state of media freedom in the region is *Freedom of Media in the Western Balkans*, published by the European Parliament's Directorate-General for External Policies Policy Department in October 2014. [25] The report analyses media freedom and pluralism in each of the five places covered in this report, as well as Albania, considered in light of the European Union's enlargement policy. It provides contextual information about the legal and regulatory frameworks in each place, together with information about the media markets of those countries and various other considerations. Addressing media self-regulation, the report's assessment is that there is a “lack of strong self-regulatory bodies” in the region [26] and that “Journalistic self-regulatory organisations, and especially journalistic unions, are very weak or even functionally non-existent”. [27] The report's individual country chapters provide a summary of the role and status of the self-regulatory mechanisms in operation at the time of writing.

The report also outlines the European Union policies and financial instruments that foster media freedom and media pluralism in the region, thereby usefully situating a discussion of self-regulation within a broader framework of the accession process to membership of the EU. It also provides information about media assistance and development work by other actors in the region such as the Office for Security and Cooperation in Europe (OSCE) and the Council of Europe, and explains how these institutions relate to the EU's work. This part of the report is particularly useful; as the introductory tables at the start of each chapter in this study make clear, media councils receive both technical and financial support from a wide range of donors, and coordination between them is perhaps not as harmonised as it might be. This issue is addressed later in this study, as part of the conclusions.

Some of the recommendations the authors of the *Freedom of Media in the Western Balkans* report relate to self-regulation. For example, the authors recommend that “There should be independent regular, comprehensive and in-depth monitoring of the application of the legal framework and self-regulation norms, concerning media freedom and pluralism”. [28]

Such monitoring would have several benefits, it claims: “Detailed monitoring has strong potential to highlight subtle, covert and non-transparent detrimental practices as well as to identify potential risks for the sustainability of media freedom achievements”, enable donors and others to develop informed strategies and policies, and “provide an additional, more focused instrument than the [EU] Progress Reports” that currently exist. [29] (See below for more information about progress reports). The fact that an audit process is proposed which would encompass self-regulatory systems in the region is significant, since this would potentially have implications for the media councils considered in this study.

The European Commission's *Enlargement Strategy and Main Challenges 2014-15* provides a regional snapshot of the overall picture, noting that “More efforts are needed to ensure the political and financial independence of public service broadcasters, to strengthen regulatory agencies and foster functional media self-regulation.” [30] More specifically, the Commission's annual progress reports summarise progress for each candidate or potential candidate country on a huge range of issues, in which references to media self-regulation are sometimes made. [31] Given the huge range of issues the progress reports have to cover, such references are necessarily brief, but they can nonetheless act as a valuable barometer of the overall picture. References made in recent progress reports to the five media councils covered in this study have been included in the country chapters where relevant.

A further overview of the state of self-regulation in three of the five places covered by this report - the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Kosovo under UNSCR 1244 - is provided in the *Western Balkans and Turkey Media and Freedom of Expression Fact-finding and Scoping Study*, commissioned by the European Commission. The study maps assistance strategies undertaken to support media self-regulation and summarises the state of play with regard to the self-regulatory situation in each place. The report notes the European Commission's support to media councils to date by means of initiatives such as training and skills programmes, networking activities and awareness-raising campaigns, but concludes that what is needed now is a new approach: “What press councils or their forerunners lack is money for operational costs. [...] To gain financial sustainability, media owners have to be won over.” [32] This appears to be an astute observation, since long-term financial security remains a very real problem.

The apparent lack of capacity for media in the region to be able to make the same commitment is an issue noted in an interesting working paper produced for the Analitika Center for Social Research, *International Assistance and Media Democratization in the Western Balkans: A Cross-National Comparison*. This suggests that:

*“Other consequences of still developing journalistic professionalism are that across the region mechanisms of self-regulation and self-governance symptomatically lack acceptance and support from their own constituency, i.e. press and media outlets, journalists and editors. Since under the European media model the press especially should be self-regulating this poses a Catch 22 situation between the local capacity and imported best practices.”* [33]

Perhaps, ultimately, all of the literature might be said to have one characteristic in common: it is all very good at identifying the problems, and arguably much less so at identifying realistic, lasting solutions.

# 1- Press Council in Bosnia-Herzegovina

## Introductory information

Country / region	<b>Bosnia and Herzegovina (BiH)</b> Population: 3,871,643 (2014 estimate, according to <i>CIA World Factbook</i> ) [34]
Name of organisation	<b>The Press Council in Bosnia-Herzegovina</b> <b>Vijeće za štampu u Bosni i Hercegovini (Bosnian)</b> <b>Vijeće za tisak u Bosni i Hercegovini (Croatian)</b> <b>Савјет за штампу Босни и Херцеговини (Serbian)</b>
Type of regulation	<b>Voluntary self-regulation</b>
<b>History, funding and staff</b>	
Year founded	2000
Brief history and significant milestones	<ul style="list-style-type: none"> <li>The Council's origins lie in the post-war years of the late 1990s. At that time, the Office of the High Representative (then the highest civil authority in the country) together with the international community, established a new regulatory body to licence and regulate radio and TV: the Independent Media Commission (IMC). The IMC investigated how a system of press self-regulation might best work for the country. In late 1998 and early 1999 the IMC worked with the six journalists' associations to develop a voluntary Press Code, which was subsequently adopted in 1999.</li> <li>The Press Council was established in 2000, one year after Code had been agreed. It began operations with an International Chairman from the UK Press Complaints Commission, which provided expertise and support. [35]</li> <li>Initially, the Council operated within the Federation of BiH only, though it was instituted in a way to enable it to operate throughout the entire country at a later date. Many international organizations supported the establishment of the Council, including the OSCE, the UK Press Complaints Commission, IREX, USAID and the Open Society Institute.</li> <li>In 2005, work was undertaken to develop the Council so that it could operate in Republika Srpska as well as in the Federation of Bosnia and Herzegovina, the two autonomous entities that make up Bosnia and Herzegovina. (See page 19 for a brief explanation of the significance of this development). This was completed in December 2006, and the new body was registered at the Ministry of Justice in August 2007. The Council remains one of only a small number of centralized organisations operating across both entities in Bosnia and Herzegovina.</li> <li>In late 2010, the Council expanded its remit to also include online-only news portals as members.</li> </ul>
Budget and funding arrangements	<ul style="list-style-type: none"> <li>The annual budget is c. €160,000. <ul style="list-style-type: none"> <li>Approximately €60,000 is for core funding;</li> <li>The rest (€100,000) is for projects.</li> </ul> </li> <li>Funding comes from the international community (current donors include Civil Rights Defenders, the German Embassy in Sarajevo, UNESCO, National Endowment for Democracy (NED) and the Council of Europe). Grants from Civil Rights Defenders and NED contribute towards core costs, but most external funding is project-specific.</li> <li>Until November 2014, some media members were contributing to the costs of the Council (a requested membership fee of €45 per month). There are currently some problems in this regard: at the Council's Annual Assembly in November 2014, members decided to stop paying membership fees to the Council, citing a lack of available money. Although the previous Council's statute makes clear that member titles that do not contribute financially to the work of the Council for more than three months will no longer be considered as members, the precise cost is not set out here. In practice, only approximately 5% of total income had come from membership fees.</li> <li>In May 2015, members of the Press Council agreed that in lieu of paying a membership fee, each would instead donate space in their print or online editions with an equivalent annual advertising value of €2600, to advertise the work of the Press Council.</li> <li>Sponsorship is sometimes secured from local companies to cover travel costs for some of the members who sometimes participate in international media conferences abroad; these contributions are small-scale.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>A full-time Executive Director and two other members of staff: one project coordinator for complaints, and one economic/technical secretary who is responsible for administration. Three people are also employed on a part-time basis: a project assistant; a website administrator; and an accountant.</li> </ul>

<b>Purpose and complaints-handling work</b>	
<b>Legal basis</b>	<ul style="list-style-type: none"> <li>• The Council operates as a not-for-profit and is registered at the Ministry of Justice BiH as a civil society organisation.</li> <li>• The Council's legal status is set out in Article 1 of its statute, which notes its foundation "in accordance with the Law on Associations and Foundations of Bosnia and Herzegovina [...], with the mission of improving and protecting professional standards in print and online media in Bosnia and Herzegovina." This registration enables the Council to operate legally at the level of BiH (i.e. across both entities). In return, there are obligations on the Council to pay taxes and to operate transparently, for example by publicly disclosing the names of Board members, and by notifying the Ministry of any changes to the statute. However, the day-to-day operations of the Council are independent of the workings of the Ministry, and of Government generally.</li> </ul>
<b>Primary purpose/functions</b>	<p>The Council's main objectives are:</p> <ul style="list-style-type: none"> <li>• To improve and protect ethical standards in print and online media; and to strengthen self-regulation in BiH;</li> <li>• To monitor the implementation of professional standards in newspaper and online coverage;</li> <li>• To advocate for media freedom and freedom of information;</li> <li>• To oversee the application of the Press Code of BiH;</li> <li>• To improve professional standards in print and online media;</li> <li>• To protect the public from unprofessional journalistic reporting and to deal with complaints made by citizens against media outlets.</li> </ul>
<b>Summary of complaints-handling work and process</b>	<ul style="list-style-type: none"> <li>• Complainants are required to send the Council a copy of the article under complaint and a letter spelling out the issue under the terms of the Code of Ethics. The Council will contact the publication and seek to resolve the complaint by mediation (for example, by means of negotiating a denial or a correction). If resolution is not possible, the complaint is considered formally by the Complaints Commission, which makes a ruling under the Code. Adjudications are reached by consensus.</li> <li>• The Complaints Commission reaches and adopts decisions following discussions, which take place until a consensus is reached. If a member of the Commission does not agree with the majority at the end of the discussion, or if he/she has a conflict of interest, then he/she will exclude him/herself from the decision. All members of the Commission have the right to take part in the discussion, and the declaration is public.</li> </ul>
<b>Who can complain and how are complaints received?</b>	<ul style="list-style-type: none"> <li>• Anyone is free to make a complaint, regardless of whether the complainant is personally affected by it or not. The process is free. Complaints can be made by post, email or fax.</li> </ul>
<b>Proactive investigations?</b>	<ul style="list-style-type: none"> <li>• Under the terms of the rules and procedures of the Complaints Commission, the Commission has the option to consider cases where no official complaint has been received, based on the suggestion of the Chairman and Vice-Chairman of the Complaints Commission. However, this right is exercised only in very extreme or urgent cases, on the basis that complaints are generally understood to be stronger if they are made by ordinary citizens. In 2014, there were a total of 3 self-initiated complaints.</li> <li>• Complaints work is supplemented by ad-hoc proactive monitoring initiatives. One example is the 'Stop Hate Speech!' campaign, which was undertaken in the run-up to the 2014 BiH elections. 42 websites were monitored daily for instances of hate speech by a team of 11 people and, where necessary, the message "Stop! Hate Speech" was posted to remind users that hate speech is abuse, and is a sanctionable offence under the country's criminal laws. This project received discrete funding of approximately €25K.</li> </ul>
<b>Appeal mechanism for complaints?</b>	<ul style="list-style-type: none"> <li>• Yes – a complainant may appeal his or her decision to the Council's Board of Directors for a further decision. However, in practice, this mechanism is used extremely rarely (there have only been two such cases in the last 14 years).</li> </ul>

<p><b>Summary of complaints statistics (2014)</b></p>	<p><b>875</b> complaints received in total: 281 about editorial content; 594 on user-generated comments on online portals.</p> <p>Breakdown by decision (editorial content and comments taken together):</p> <ul style="list-style-type: none"> <li>• Self-regulation (i.e. resolved between the parties following Press Council mediation) - 411</li> <li>• Adjudicated (212 upheld; 199 not upheld) - 408</li> <li>• 'Untimely' (and so could not be considered for this reason)- 25</li> <li>• Out of jurisdiction - 17</li> <li>• Still in process at the end of the year - 16</li> <li>• Withdrawn by complainant - 4</li> <li>• <i>Ad acta</i> - 5</li> <li>• Not considered (on the basis that the identity of the complainant was not known) – 1</li> <li>• Answers sent to complainant (complainant told to address their concerns directly to the editor of the portal, to remove comments) – 2</li> </ul> <p>Before a decision is reached: breakdown by article (editorial content and comments taken together):</p> <ul style="list-style-type: none"> <li>• General Provisions - 2</li> <li>• Article 1 (Public Interest) - 8</li> <li>• Article 2 (Editorial Responsibility) - 14</li> <li>• Article 3 (Incitement) - 25</li> <li>• Article 4 (Discrimination) - 15</li> <li>• Article 4a (Gender Equality and Respect of Individuality) - 2</li> <li>• Article 5 (Accuracy and Fair Reporting) - 84</li> <li>• Article 6 (Comment, Conjecture and Fact) - 5</li> <li>• Article 7 (Opportunity to Reply) - 64</li> <li>• Article 8 (Misrepresentation) - 0</li> <li>• Article 9 (Privacy) - 6</li> <li>• Article 10 (Persons Charged With Criminal Offences) - 3</li> <li>• Article 10a (Protection of Witnesses) - 0</li> <li>• Article 11 (Protection of Children and Minors) - 17</li> <li>• Article 12 (Advertising and Sponsorship) - 0</li> <li>• Article 13 (Confidentiality of Sources) - 0</li> <li>• Article 14 (Copyright and Author's Rights) - 4</li> <li>• Article 15 (Complaints) - 48</li> </ul> <p>For comments:</p> <ul style="list-style-type: none"> <li>• Hate Speech and Incitement - 395</li> <li>• Rude and Offensive Speech - 199</li> </ul> <p>Breaches of the Code: breakdown by article (editorial content and comments taken together):</p> <ul style="list-style-type: none"> <li>• General Provisions - 11</li> <li>• Article 1 (Public Interest) - 16</li> <li>• Article 2 (Editorial Responsibility) - 35</li> <li>• Article 3 (Incitement) - 19</li> <li>• Article 4 (Discrimination) - 13</li> <li>• Article 4a (Gender Equality and Respect of Individuality) - 8</li> <li>• Article 5 (Accuracy and Fair Reporting) - 28</li> <li>• Article 6 (Comment, Conjecture and Fact) - 10</li> <li>• Article 7 (Opportunity to Reply) - 28</li> <li>• Article 8 (Misrepresentation) - 0</li> <li>• Article 9 (Privacy) - 5</li> <li>• Article 10 (Persons Charged With Criminal Offences) - 5</li> <li>• Article 10a (Protection of Witnesses) - 0</li> <li>• Article 11 (Protection of Children and Minors) - 11</li> <li>• Article 12 (Advertising and Sponsorship) - 0</li> <li>• Article 13 (Confidentiality of Sources) - 0</li> <li>• Article 14 (Copyright and Author's Rights) - 0</li> <li>• Article 15 (Complaints) - 24</li> </ul>
<p><b>Complainants</b></p>	<ul style="list-style-type: none"> <li>• The Council requests information about complainants' gender, residence, whether or not they have complained to the Press Council before and how they learned about its work. This information is presented publicly in the complaints statistics, available on the Council's website. A distinction is made between individuals and those who are representing an institution or a civil society organisation.</li> <li>• The vast majority of complaints are made by members of the public. Most complainants live in the Federation, but complaints are also made by people living in Republika Srpska and abroad.</li> </ul>
<p><b>Active role in defending press freedom?</b></p>	<ul style="list-style-type: none"> <li>• Yes, under Article 12 of the Council's statute, the Council advocates for media freedom and freedom of information. The Council has issued many public statements about intrusions into press freedom and attacks on journalists, including recently following the news of proposed changes to the media law that attempted to redefine what was meant by 'public space' in the online sphere.</li> </ul>

Membership and scope	
<b>Membership: print/broadcast/online?</b>	<ul style="list-style-type: none"> <li>• In summary: the Council's remit covers print and online media. There are currently five online-only members. Broadcast regulation operates separately, and is undertaken by the Communications Regulatory Agency.</li> <li>• As set out in the statute, "Membership in the Association may be acquired by any legal entity, registered with the relevant authorities in the territory of Bosnia and Herzegovina, which carries out activities in the field of online journalism and the printing-press industry, if it accepts this Statute and the objectives of the Association under the conditions laid down by the Law and this Statute." Members used to be required to pay a fee and publish the logo of the Council; as previously noted, the fee system is no longer operational.</li> <li>• The Council utilises a discretionary power to exclude from membership any publication that it deems does not reach an acceptable standard of reporting. In this way, so-called 'yellow' titles are excluded.</li> <li>• However, regardless of membership status in the Council, the Complaints Commission will consider a complaint about <u>any</u> title. This is because it sees one of its duties as to promote ethical reporting throughout the country regardless of the administrative or membership status of a particular title or publisher.</li> </ul>
<b>Summary of members</b>	<ul style="list-style-type: none"> <li>• 15 titles in total are members, including the five online-only portals. Acceptance of several new members is currently in process.</li> <li>• Several key titles remain outside formal membership of the Council - but not, as noted above, from its jurisdiction. The most notable example is the newspaper <i>Daily Avaz</i>.</li> <li>• Media members are from different parts of BiH, though mostly from the Federation. In terms of print media members, around 80% of the total number of print media houses are official members of the Press Council.</li> </ul>
<b>Details of new media members?</b>	<ul style="list-style-type: none"> <li>• To be accepted as a member of the Council, an online portal must fulfil certain basic requirements: it must have an editorial staff list with clearly stated contacts, a named editor-in-chief and at least two professional journalists; it must endorse the Code of Ethics; it must accept the principles of media self-regulation; it must have been operating for a minimum of six months; it must be registered as a limited company, not an NGO or advertising agency; and it must not belong to either a political party or a marketing agency.</li> <li>• At present, there are five online-only members; several new online media are about to become members.</li> </ul>
<b>If voluntary membership: any significant gaps in membership and/or compliance?</b>	<ul style="list-style-type: none"> <li>• Yes – see above.</li> <li>• A small number of decisions are not published by titles; it is not obligatory for them to do so. All decisions are publicly available on the Council's website and on its Facebook and Twitter pages.</li> </ul>
<b>Incentives to become a member of/comply with the decisions of the Council?</b>	Not formally, though some members publish the logo of the Press Council in their pages or online as a means of distinguishing them from non-members. (As discussed below, new plans are under way so that all members will contribute space in print or online to advertise the work of the Council). The Council's Executive Director is of the view that membership has to be earned and is a badge of honour for media titles.
<b>Complaints about audio-visual material published on newspaper and magazine websites?</b>	No – at present, this is not covered.
<b>Complaints about user-generated content / readers' comments?</b>	Yes – see above for the global complaints figure. Complaints of this nature now represent the biggest section of complaints received by the Council. The Council has reminded editors that they are responsible for the journalistic and editorial content of the portal, and that he or she is obliged to remove hate speech. If he or she permits such comments to remain online, he or she becomes responsible for this content.

<b>Decision-making</b>	
<b>Membership of Board</b>	<p>There are two relevant bodies: the Assembly, which undertakes governance, appointments and financial responsibilities; and the Board of Directors, which is the executive organ of the Association. There is also the role of Executive Director. Full information of the responsibilities of each is provided in the statute.</p> <p><u>The Assembly</u></p> <ul style="list-style-type: none"> <li>Total of 8 members: all members of the Press Council, including the President of the Assembly (all of whom are senior individuals from the media, plus members of the Complaints Commission).</li> </ul> <p><u>The Board of Directors</u></p> <ul style="list-style-type: none"> <li>5 members including the Chairman, all but one of whom is a senior editor or publishing director.</li> </ul>
<b>Appointment of Board</b>	<p><u>The Board of Directors</u></p> <ul style="list-style-type: none"> <li>Appointed by the Assembly for a period of two years, with the possibility of re-election.</li> <li>The Board elects the Chairperson and Deputy Chairperson of the Board from the ranks of the appointed members.</li> </ul>
<b>Membership of complaints committee</b>	<p>There are 9 members in total (+ 2 as the deputies of regular members), of which:</p> <ul style="list-style-type: none"> <li>5 have a journalistic background;</li> <li>4 are not practicing journalists. Of the current members, the professional backgrounds span law and academia.</li> </ul> <p>Note that members cannot be politicians or otherwise active in political life.</p>
<b>Appointment of complaints committee</b>	<p>The Board of Directors appoints and dismisses members of the Complaints Commission. The appointed Complaints Commission elects a Chairperson and a Deputy Chairperson of the Complaints Commission.</p>
<b>System for decision-makers to recuse if complaints about their titles?</b>	<p>Members of the Complaints Commission whose titles are under complaint do not attend meetings at which they are discussed and are not sent papers for that complaint. There is no formal register of interests.</p>
<b>Code of Ethics</b>	
<b>Summary of content of Code of Ethics</b>	<ul style="list-style-type: none"> <li>The Code is drawn from existing European standards of journalistic practice and includes provisions related to incitement, discrimination, fair and accurate reporting, privacy and the protection of minors. The Code also allows for complaints to be taken by one journalist or title against another in allegations of copyright infringement.</li> <li>The Code has been updated to make clear that its provisions cover online media as well as print. The last update was in 2011.</li> </ul>
<b>Who is responsible for writing the Code? Public input?</b>	<ul style="list-style-type: none"> <li>The Code was adopted in 1999 by all of the journalists' associations in BiH. Subsequently, it was amended in 2005, 2006 and 2011, following consultation with the journalist associations and media editors.</li> <li>There is an informal mechanism for civil society organisations to be consulted about changes. However, the Council notes that it will always pass on recommendations for changes based on feedback it receives.</li> </ul>
<b>Powers</b>	
<b>Overview of available powers and sanctions</b>	<ul style="list-style-type: none"> <li>In common with other voluntary systems of media self-regulation, the most serious sanction is the publication of a critical adjudication. There are no powers to fine offending titles. The Press Council can also negotiate the publication of right-to-reply responses by complainants, apologies, retractions and so on.</li> </ul>
<b>Are member publications of the Council required to publish a) decisions upholding complaints against them? b) decisions not upholding complaints against them?</b>	<p>a) Yes (though this is not explicitly covered in the statute).</p> <p>b) No, though some titles do this anyway as a matter of course.</p>

<p><b>Are there any conditions applying to the publication of decisions when they are required to be published in relation to:</b> a) promptness? b) prominence?</p>	<p>a) No b) There are no special rules regarding prominence. Many titles have dedicated sections where a sanction/apology or correction would be expected to be published, but it is difficult for the Press Council to have a formal influence over this due to the voluntary nature of self-regulation. Ultimately, the decision is left to the editor's discretion.</p>
<p><b>Does the Council issue adjudications against publications that are not formal members of the regulatory system?</b></p>	<p>Yes – see above for details. The Council has made a deliberate distinction between membership as it applies in the administrative sense to certain titles, and ethics, which apply to everyone.</p>
<p><b>Public and industry engagement</b></p>	
<p><b>Summary of training offered to journalists and/or editors</b></p>	<p>Many seminars have been run for editors and journalists over the years. Additionally, the Council runs an annual School of Media Ethics (now in its tenth year) for students from various universities to learn about self-regulation, ethics, and other topics. The aim is to instil new entrants into the media with a detailed understanding of the importance of ethics in professional life.</p>
<p><b>Summary of public engagement work</b></p>	<p>Many initiatives, including:</p> <ul style="list-style-type: none"> <li>• Awareness-raising and educational events for citizens throughout both entities in BiH;</li> <li>• Membership of a coalition on combatting hate speech, which draws together NGOs to promote public awareness of the issue;</li> <li>• A weekly radio programme, 'Your voice in the Media - Zoom', which covers topics such as: citizens' rights regarding media, self-regulation, journalists' conditions of work, and public opinion regarding media and hate speech. Programmes are broadcast on PBS and on local radio stations in BiH, and are available to download on a dedicated educational website and a Facebook page;</li> <li>• Targeted campaigns around hate speech;</li> <li>• Numerous seminars and events over the years with the Judiciary in BiH to discuss the role of self-regulation, the application of the Defamation Law in BiH and Article 10 of the ECHR;</li> <li>• Specific public campaigns and events, for example 'Citizens and Journalists together fighting for the truth' to mark World Press Freedom Day in 35 towns and cities in BiH simultaneously;</li> <li>• (Co)-commissioning public research, for example in the area of the extent of media freedom in the country.</li> </ul> <p>Additionally, the Council plays a consultancy role in providing information and advice to new and proposed media councils elsewhere in the world, and has run workshops and seminars either in Bosnia and Herzegovina or abroad.</p>
<p><b>Online presence</b></p>	<p>A detailed website with information in four languages (Bosnian, Croatian, Serbian and English): (<a href="http://www.vzs.ba">www.vzs.ba</a>). There is also a dedicated educational web site <a href="http://www.edukacija.vzs.ba">www.edukacija.vzs.ba</a>, a Facebook profile <a href="https://www.facebook.com/VijeceZaStampuBiH">https://www.facebook.com/VijeceZaStampuBiH</a> and a Twitter account <a href="https://twitter.com/VZSuBiH">https://twitter.com/VZSuBiH</a>. Radio shows are posted online.</p>
<p><b>The future</b></p>	
<p><b>Summary of main challenges</b></p>	<ul style="list-style-type: none"> <li>• Securing core funding to cover day-to-day administration, salaries and office costs, both from member titles and external sources</li> <li>• Ensuring sufficient staffing, particularly with regard to administration</li> <li>• Ensuring compliance by media with decisions of the Complaints Commission</li> <li>• Managing an ever-increasing number of complaints, particularly in the realm of online comments</li> <li>• Managing expectations of the Council as a whole.</li> </ul>

Source: Press Council in Bosnia-Herzegovina

## Summary of existing strengths

### ***Credibility and external recognition***

- The Press Council in Bosnia-Herzegovina is generally understood as a rare success story of media self-regulation in South East Europe. The country comprises two autonomous entities, Republika Srpska and the Federation of Bosnia-Herzegovina, and the Council is one of only a few centralized institutions operating across both. The importance of this feature of the Council's operations should not be underestimated, while the continued operation of the Council some 15 years after its establishment represents a considerable achievement. Operating in a still-fragile political environment, the work of the Press Council should be understood as a sign of the positive role that a self-regulatory media system can play in a post-conflict country.
- The Council's work has been recognised by many external actors. The European Commission's 2013 progress report points to the Council's work in continuing "its cooperation with judicial institutions and journalists' associations to improve the quality of reporting and to raise the public's awareness of legal rights" [36], while the European Journalism Network's aforementioned report notes that the Bosnian Press Council "enjoys the greatest credibility [of any self-regulatory body] in the region". [37]
- Evidence of this sort of 'elder statesman' role in the region is illustrated by the numerous requests the Council receives to carry out training and capacity-building work in countries that are either seeking to establish a new self-regulatory mechanism, or where a nascent council is in place. In recent years, staff from the Press Council have delivered training activities in Myanmar, Mongolia and FYR Macedonia, among other countries. Participation by the Council's staff and Board members in numerous regional meetings and conferences is a further sign of the credibility with which the Council is viewed. The Council has considerable expertise to offer, both in terms of practical issues such as dealing with hate speech and with broader institutional challenges such as remit and funding. This experience was highlighted by many of the people spoken to for this study, and should be acknowledged as a sign of real credibility.

## **Public profile and use of services**

- As a complaints-handling organisation, the Council is active, and its services are well used. As set out in the introductory table, the Bosnian Press Council receives by far the greatest number of complaints of any media council in the region. Complaints numbers have increased year-on-year since its inception, with the greatest rise between 2013 and 2014.
- Whilst it is difficult precisely to ascribe reasons for this, the figures appear to suggest that the Press Council has made good progress in establishing a strong public profile. The Council's own useful research demonstrates that some complainants find out about the Council via one of its online platforms: the Facebook page or main website, or via the online radio programmes. The Council itself is clear that there is a link between the rise in complaints numbers and greater awareness levels, noting in a 2012 report that:

*"[...] significant progress has been observed in terms of the number of citizens' complaints suggesting that citizens' awareness of their right to response has improved and that existence of this media self-regulating body is well justified."* [38]

## **Transparency**

- Complaints data is presented in a transparent way on the Council's website and other online platforms, and the outcomes of all decisions are published. It is important for any organisation that offers a public service that information about its work is as clear and complete as possible, so the depth and quality of information on the Council's website is valuable. Information about how to make a complaint is complemented by information about all complaints ruled on to date, which provides an important public record of data. The site also includes an online complaints form as well as engaging elements such as (via a link to a separate platform) a portal where radio programmes can be downloaded. Overall, the impression is of a public-facing institution committed to outreach and engagement.
- Indeed, the Press Council has made considerable effort to engage with civil society. There is a good outreach programme in place, spanning the production of a weekly radio show, an active presence on various social media channels, a journalism school for students (now in its 10<sup>th</sup> year), involvement with other organisations in an anti-hate speech coalition, and public discussion events across Bosnia and Herzegovina. Other initiatives are undertaken as and when funding is available. For a small organisation with limited resources, the Council does an admirable job communicating its work.

## **Online media**

- The voluntary extension in 2011 by the Press Council of its remit so that it can consider complaints about online-only news portals reflects a commitment to responding to the regulatory challenges posed by new technologies. The introductory table sets out the minimum requirements that portals must meet to be considered as members of the Council and provides more information in this area.

- The Council will respond to a complaint about an online website even if it is not a member, and reports that cooperation is generally strong.
- Although at present only five online-only portals are members, the Council reports that this number is shortly to increase. The individuals consulted for this report spoke positively about the Council's work online and, in particular, its work to combat the publication of hate speech. Information about one project on this topic is included in the introductory table. The remit extension does raise a number of practical challenges, however, including around resourcing. This would seem to be borne out by the most recent set of complaints figures, which reflect the volume of complaints about online content that the Council is now dealing with.

### **Code of Ethics**

- The Press Code of BiH has been updated at regular intervals, and a mechanism exists for the consideration of proposals for amendments. A detailed examination of the provisions of the Press Code falls outside the scope of this report, but it was a notable feature of the conversations with stakeholders that no one raised any major deficiencies with it. No significant objections to the Press Council's rulings were raised by the sample of stakeholders spoken to in Sarajevo; credibility of decision-making did not emerge as a cause for concern.

### **Relationships with media professionals**

- The Council has worked with BiH's journalist associations to act as a defender of free speech, a role it actively undertakes in addition to dealing with complaints. For example, the Council recently coordinated a response with the associations to protest about a police raid on the klix.ba portal, which provoked criticism from the OSCE Representative on the Media, Dunja Mijatović, among others. (39) Notably, of the six journalist associations that operate in BiH, only one based in Sarajevo (the Journalists' Association of Bosnia and Herzegovina) could be consulted for this study, due to limited time available. Accordingly, while it is not possible to establish a more complete perspective about the Press Council's relationships to journalist associations in the country as a whole, that particular working relationship was described as very constructive by both parties.

# Summary of key challenges: a needs-analysis

## **Funding**

- The most urgent challenge facing the Council is that of developing a sustainable funding model. Ever since its inception, the Press Council has been almost entirely dependent on the international community to pay for it. Fifteen years after it was launched, this remains a concern. At present, some funding to cover core activities is in place, but most donor support is project-specific, and therefore more restrictive. The Council reports that the lack of guaranteed income in the long-term makes strategic planning extremely difficult.
- Until recently, some media members of the Council were contributing to its costs by paying a membership fee. Although the total funds generated from this arrangement were small, the arrangement demonstrated the commitment of the media, together with an ability to partially pay for its own system of regulation. However, in November 2014, these payments ceased, with the media citing the general economic downturn and a lack of available funds. As long as the media are either unable or unwilling to cover the costs of the Press Council, it will remain in a vulnerable financial position, dependent on the goodwill - and an alignment of funding priorities - of international donors. This raises an important question about where the ultimate responsibility lies for paying for self-regulation, which is discussed further in the conclusions.
- The Council reports that at a recent Board meeting, members of the Press Council agreed that in lieu of paying a membership fee, each member would instead donate space in their print or online editions with an equivalent annual advertising value of €2600 to advertise the work of the Press Council. Even though this is not the same as a system of direct financial contributions, it is a positive development nonetheless.
- As discussed below, the Council is considering the possibility that it could one day be entitled to receive state funds, if a change to the defamation law can be secured. This proposal will need careful consideration to preserve the Council's independence.

## **Resources**

- Limited resources characterise other aspects of the Council's operations and have implications for the Council's long-term sustainability. The organisation is run by a full-time Executive Director who has worked for the Council for the past 10 years. The considerable expertise and commitment the Executive Director brings to the role is beneficial to the Council and is acknowledged widely in the region. Without a deputy, however, a risk exists that the Council is overly-dependent on one individual in a senior role. (This risk is particularly felt when work is undertaken overseas). The issue of capacity within the office needs to be addressed to ensure that workloads are both manageable and appropriately shared.

## **Membership**

- The absence of some mainstream media titles from membership of the Council has created a negative perception in some quarters that the Press Council lacks full power in the area of sanctions. The absence of (daily newspaper) *Dnevni Avaz* as a member of the Press Council was highlighted by several people consulted during the field visit. In the context of a voluntary system that lacks legal powers or formal incentive mechanisms, this situation is perhaps inevitable, and media councils elsewhere in Europe have had to contend with similar scenarios.
- The Council's response has been pragmatic: it makes a deliberate distinction between the administrative side of membership which is restricted to titles that choose to be members, and the broader application of ethical standards (that is to say, issuing rulings/opinions, as it is entitled to do), which it applies to all media outlets regardless of membership status. The Council views being accepted as a member as a type of incentive mechanism, on the basis that membership represents a distinction between media in terms of their public credibility.

## **Managing expectations**

- In a similar vein, the extension of the Council's remit to include online-only news portals raises expectations about its powers in this area. This is in regard to two related areas:
  - 1) How much monitoring of online content the Council can reasonably be expected to undertake proactively, given the high number of instances of alleged hate speech and its limited resources;
  - 2) What, in practice, its powers are in this area, given that so few news portals are members of the Council.
- External expectations of the Council's proactive work are high and need to be managed. The success of the Council's 'Stop! Hate Speech' campaign in the run-up to the 2014 elections appears to have led to some stakeholders to take the view that the Council should be undertaking this kind of monitoring work as routine. There is perhaps not a full appreciation for the intense workload involved with this campaign, which entailed 11 people working every day to monitor the web, and extra funding of \$25,000 (equivalent to c. €22,000). The so-called 'mushrooming' of online news portals poses many challenges for the Press Council in Bosnia-Herzegovina (and elsewhere in the world), which needs to ensure that those unfamiliar with its working practices appreciate what it can and cannot do in this area.

## **Compliance**

- Compliance with the publication of upheld Press Council decisions remains an issue, though the Council's record is arguably stronger than elsewhere in the region. As with other self-regulatory systems not underpinned by contract, publication of a sanction by a member publication is voluntary. As such, the Council is correct to point out that publication of decisions on its own website and social media accounts represents an important public sanction in its own right.

- However, it is an important feature of a self-regulatory system that editors should themselves be prepared publicly to acknowledge to readers when they have made a mistake, so in the long term, it may be beneficial to the Council for it to continue to take steps to improve the record in this area, as well as to continue to encourage new titles to become members.

### ***Links to Judiciary***

- Although the Press Council has made huge efforts to engage the Judiciary and the courts in its work over the years, particularly with regard to hate speech, it reports that the impact of this activity in the sense of promotion of its mediation services has not been as positive as it might wish. [40] The Council has already started to consider a new strategy to create relationships with Judges at a more senior level, working via the High Council of Judiciary for this purpose. This plan is to be welcomed, as the Council needs to ensure that the Judiciary properly understand the role of self-regulation and its relationship to the law.
- (Figures provided by the Press Council provide some useful context here: it claims that the number of legal cases against media and journalists in the past ten years totals approximately 1000. Most of these cases were apparently filed by people with a public profile, including politicians; only a very few were filed by ordinary citizens. In comparison, the number of complaints made to the Press Council by citizens is much higher).

## Recommended actions and activities

### **1. Develop a financial strategy to encourage long-term stability**

- Talks should be held with members of the Assembly to discuss how to encourage the re-commencement of membership payments, even if this cannot be achieved immediately. The Board of Directors and the Council's Executive Director should be tasked with this work, and with developing a workable model of calculations for the future following discussions with media owners.
- Discussions should also be held to discuss the possibility of expanding the membership base to include more print and online titles in future.
- A number of people associated with the Press Council are keen to investigate the feasibility of securing a change to Article 8 of the Law on Protection against Defamation in the Federation, and the Obligation to Mitigate Damage contained in the equivalent Law in Republika Srpska. If successful, this would require complainants to use the Press Council's services before going to law. [41] The claim is that the Press Council would be entitled to receive state funds (to cover 49% of its operating costs) on the basis that the Council was performing a public service. The legal implications of this proposal cannot be addressed in this study but the Council may wish to explore it further, bearing in mind the importance of preserving independence from government in decision-making.

### **2. Develop a new awareness-raising campaign / engagement programme for media**

- Publications and web portals that are members of the Press Council should now be encouraged to publish adverts about its work as part of a positive initiative for the media to demonstrate their commitment to self-regulation. A campaign could be run over a set number of weeks or months, with take-up monitored by the Council.
- Editors of online portals need to understand their own legal and regulatory responsibilities, and should be encouraged to take on responsibilities for content, including readers' comments. As efforts are made to increase the number of online-only members of the Council, a dedicated working group should be established to make recommendations about dealing with complaints online, and the expectations that the Council has in this area.

### **3. Develop new proposals for further monitoring and campaign projects**

- The success of the 'Stop! Hate Speech' campaign and the impressive results it yielded suggests that the Council would find success were it to submit funding bids for projects of a similar nature. The statistical records kept by the Council are extremely useful in their level of detail; this data should be analysed and used to develop proposals that could attract discretionary funding from external sources.

## 2 - The Council of Media Ethics of Macedonia

<b>Introductory information</b>	
<b>Country / region</b>	<b>Former Yugoslav Republic (FYR) of Macedonia</b> Population: 2,091,719 (July 2014 estimate, according to <i>CIA World Factbook</i> ) [42]
<b>Name of organisation</b>	<b>Council of Media Ethics of Macedonia (CMEM)</b> <b>СОВЕТ ЗА ЕТИКА ВО МЕДИУМИТЕ НА МАКЕДОНИЈА</b> <b>(Macedonian)</b>
<b>Type of regulation</b>	<b>Voluntary self-regulation</b>
<b>History, funding and staff</b>	
<b>Year founded</b>	2013; operations commenced formally in 2014
<b>Brief history and significant milestones</b>	<ul style="list-style-type: none"> <li>• The formal launch of the CMEM took place in Skopje in October 2014 following many years of work to establish a new self-regulatory media council. This work was undertaken by a range of actors, including the Association of Journalists of Macedonia and the OSCE Mission to Skopje, which coordinated a working group tasked with producing an action plan to bring about improvements in the country's media landscape. [43]</li> <li>• Efforts to create the CMEM included considerable capacity-building and training work undertaken by other media councils from the region and international experts, who provided technical assistance with various aspects of regulation and complaints-handling procedures.</li> <li>• In January 2015, an Executive Director was appointed to manage all day-to-day operations and to determine the strategic direction of the organisation.</li> </ul>
<b>Budget and funding arrangements</b>	<ul style="list-style-type: none"> <li>• The annual budget is c. €65,000. <ul style="list-style-type: none"> <li>◦ All of this is core funding.</li> </ul> </li> <li>• Institutional funding has been secured from the Royal Netherlands Embassy in Skopje for the first two years of the CMEM's operations, which will last until December 2016. The budget totals €130,000 over two years, and covers operational costs including salaries, office rent and other overheads. The funding also covers the meeting attendance fees for the members of the Press Complaints Commission (i.e. the CMEM's complaints committee; see below for more information).</li> <li>• Additional support has been provided by a variety of other sources, including from UNESCO, which has supported the establishment of a website and the publication of a leaflet explaining the work of the Council. UNESCO also provided a small grant (€3,000) for awareness-raising activities at the regional/local level. Support was also provided for production of a video clip.</li> <li>• The OSCE continues to work closely with the CMEM, though it does not provide running costs. There are plans for the OSCE Mission to Skopje to provide training on hate speech for members of the Press Complaints Commission in June (14-16) this year.</li> <li>• At the moment, the Council is entirely dependent on external support. Despite the statute requiring media who are members to pay an annual membership fee, at present no media outlet is making a financial contribution.</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>• A full-time Executive Director, plus one full-time administrative assistant who provides operational support to the Executive Director and the various constituent CMEM Boards.</li> </ul>
<b>Purpose and complaints-handling work</b>	
<b>Legal basis</b>	The CMEM operates in accordance with the (2010) Law on Associations and Foundations, which determines the conditions under which NGOs in the Republic of Macedonia must operate. Under Article 3 of the Council's statute, the CMEM operates as a "a non-governmental, non-political and non-profit organization, which brings together its members based on the principle of free will, in order to accomplish the goals and activities determined by this Statute".

<b>Primary purpose/functions</b>	<p>The CMEM's main objectives are:</p> <ul style="list-style-type: none"> <li>• To protect freedom of the media and the right of the public to be informed;</li> <li>• To prevent influence by the state, political parties and other centres of power over the media;</li> <li>• To protect public interests by providing an independent, effective and fair complaints-handling process;</li> <li>• To promote high standards by adopting clear and practical guidelines on the work of editors and journalists;</li> <li>• To raise public awareness about ethical standards in the media;</li> <li>• To create an environment in which media are self-critical, self-aware and are accountable to the public;</li> <li>• To facilitate public access to the media;</li> <li>• To promote the Code of Journalists of Macedonia;</li> <li>• To reduce all forms of censorship and self-censorship in journalism.</li> </ul>
<b>Summary of complaints-handling work and process</b>	<ul style="list-style-type: none"> <li>• Complaints are permitted within one month of publication or broadcast of the original article/programme. Complaints must be made in writing, either by post or email.</li> <li>• All complaints are first assessed by the Executive Offices of the CMEM to determine whether or not they fall within the organisation's jurisdiction. The Executive Office has the discretion to attempt to resolve the complaint between the parties, and to request if appropriate that the media outlet offer a right of reply to the complainant. Complaint-handling procedures, including how to mediate between the parties, are presently under consideration by the CMEM.</li> <li>• Complaints are discussed in person by members of the Press Complaints Commission at its (weekly or bi-weekly) meetings, according to the rules of procedure. The Commission considers a dossier of information prepared about the case by the Executive Office, including information about the outcome of the potential reconciliation between the two sides, if it was initiated. Barring overriding circumstances, the Press Complaints Commission has a deadline of one month to make a decision about a complaint.</li> <li>• Anonymous complaints are not permitted, nor are complaints against individual journalists.</li> <li>• All decisions are published on the CMEM website. If a media outlet is found to have breached the Code, the CMEM requests that its decision is published or broadcast.</li> </ul>
<b>Who can complain and how are complaints received?</b>	<ul style="list-style-type: none"> <li>• Anyone can complain (including journalists), and the process is free. There is an online complaints form for this purpose.</li> </ul>
<b>Proactive investigations?</b>	<ul style="list-style-type: none"> <li>• Article 33 of the CMEM's statute outlines the PCC's responsibilities and competencies. Among other things, the PCC: <ul style="list-style-type: none"> <li>• "initiates its own analysis on particular important issues related to the provisions in the Code";</li> <li>• "reviews the results from monitoring and research on observation of the professional standards in the media contents";</li> <li>• "monitors the use of Code of Journalists and asks questions related to its violation in the media".</li> </ul> </li> <li>• A policy position about how the PCC should best interpret these provisions in the absence of a complaint being received is in the process of being formulated.</li> </ul>
<b>Appeal mechanism for complaints?</b>	No.
<b>Summary of complaints statistics (2014)</b>	<ul style="list-style-type: none"> <li>• Since the CMEM began operations in October 2014, it has received a total of 35 complaints. Of these: <ul style="list-style-type: none"> <li>- 26 decisions have been made by the Complaints Commission;</li> <li>- 4 complaints were resolved through mediation;</li> <li>- 1 complaint was not considered because the complaint related to content older than one month following publication;</li> <li>- 1 case was closed because the complaint was withdrawn;</li> <li>- 1 case was closed because the complaint referred to a Facebook post which could not be dealt with.</li> </ul> </li> </ul> <p>Note that some of these complaints will be discussed at the next meeting of the PCC.</p>

<b>Complainants</b>	Complainants so far have included: journalists, citizens; the Ombudsman's Office; Members of Parliament; the Cabinet of the President of the country; professors at the state University, civil society organizations and editors.
<b>Active role in defending press freedom?</b>	<ul style="list-style-type: none"> <li>• Yes, Article 4 of the statute makes clear that one of the roles of the Council is to protect the freedom of the media. The CMEM issued a statement of support following the deaths of journalists at <i>Charlie Hebdo</i>, and also issued a statement following the allegations of widespread wiretapping in FYR Macedonia, including of journalists. Generally speaking, the Association of Journalists of Macedonia usually responds in relation to issues that are of direct interest to the journalistic community, while the CMEM responds where the situation is specifically linked to journalistic ethics.</li> </ul>
<b>Membership and scope</b>	
<b>Membership: print/broadcast/online?</b>	<ul style="list-style-type: none"> <li>• In summary: the CMEM's remit covers print, broadcast and online media. A member may be any medium that creates its own news content and is a legal entity registered in the Republic of Macedonia with the competent authorities.</li> <li>• Membership is agreed on the basis of a media outlet agreeing to the terms of the statute. The Board decides whether or not to accept a new member by reviewing applications for accession.</li> <li>• Note that the Agency for Audio and Audiovisual Media Services has responsibilities for broadcast licensing, pluralism and transparency and media literacy, among other responsibilities set out under the Law on Audio and Audiovisual Media Services. The CMEM's role is to deal with questions about broadcast members' ethical and professional standards. [44]</li> </ul>
<b>Summary of members</b>	<p>According to the founders present at the Assembly held on 29 November 2013, the members are as follows:</p> <ul style="list-style-type: none"> <li>• 9 internet portals</li> <li>• 5 radio stations</li> <li>• 9 television stations</li> <li>• 7 newspapers</li> <li>• 3 magazines</li> <li>• 2 associations of journalists (AJM and Macedonian Institute for Media: MIM)</li> <li>• 1 media company (MPM)</li> </ul> <p>There was then a delay before the CMEM began operations. Accordingly, it is now in the process of contacting all members to assess membership status (i.e. to check they are still on board) and to establish a cooperative relationship for the future. Since the process of membership renewals is ongoing, it is difficult to estimate the percentage of the media market covered by the CMEM's membership base at this time.</p>
<b>Details of new media members?</b>	See above; the membership numbers are currently being determined. Discussions are ongoing about how to engage with the numerous online news portals that do not fall under the CMEM's remit.
<b>If voluntary membership: any significant gaps in membership and/or compliance?</b>	So far, media outlets that have been found by the Press Complaints Commission to have violated the Code are not cooperating to publish the ruling. Steps to address this - including by requiring other media outlets to publish/broadcast the decision as a means of drawing attention to the error elsewhere - are currently being considered.
<b>Incentives to become a member of/comply with the decisions of the Council?</b>	Not formally, though the Council will try to encourage member titles to publish references to its work in their titles, to serve as a marker of credibility. The Council notes that this could also be achieved by involving editors, journalists and media managers in various research projects on ethical reporting.
<b>Complaints about audio-visual material published on newspaper and magazine websites?</b>	No – at present, this is not covered.
<b>Complaints about user-generated content / readers' comments?</b>	Not yet, though the Council plans to amend its operational procedures to permit this in future.

Decision-making	
<b>Membership of Board</b>	<p>According to the statute, the CMEM is composed of the following three bodies: the Assembly; the Managing Board; and the Supervisory Board. There is also an Executive Director who heads up the Executive Office, which performs a Secretariat function to the CMEM. Full details about each are provided in the statute. The work of the Press Complaints Commission (whose role it is to adjudicate on complaints) is dealt with separately below.</p> <p><u>The Assembly</u> The Assembly is the highest body of the Council and is composed of all its media members (see elsewhere for information about the total number of members). Its role encompasses adopting the statute, agreeing annual and financial reports, electing members of the Managing Board, and electing a chairman and a vice-chairman of the Assembly.</p> <p><u>The Managing Board</u> The Managing Board is an executive body of the CMEM, which organizes and coordinates the work of the Council between the sessions of the Assembly. The Managing Board implements all the activities of the CMEM, along with the programme, the financial plan and the decisions of the Assembly. There are 7 members, all of whom are media representatives (see below).</p> <p><u>The Supervisory Board</u> The main duties of the Supervisory Board are: to control the application of the Statute and the other general acts of the Council; to control the financial operations of the Council; to control the use of sources and revenues by the Council; and to submit a report to the Assembly with findings and decisions at least once a year. Its duties are detailed in Article 26 of the statute.  There are 5 members, 3 of whom are elected from the representatives of media owners, and 2 from the journalists appointed by the Association of Journalists. There are no public members.</p>
<b>Appointment of Board</b>	<p><u>The Assembly</u> The Assembly is composed of all the members of the CMEM. Membership of the CMEM is granted or rejected by the Managing Board.</p> <p><u>The Managing Board</u> The Board members and the deputies are elected by the Assembly of the Association for a period of four years, with the possibility of a re-election. Four of the members of the Board are elected to represent media owners; while three are journalists who are proposed by the Association of Journalists of Macedonia. The Managing Board elects a President and a Vice President from its members.</p> <p><u>The Supervisory Board</u> The members of the Supervisory Board are elected by the Assembly of the Association for a period of four years, with the possibility of re-election. Three of the members of the Supervisory Board are elected as representatives of media owners, and two as journalists (who are appointed by the Association of Journalists).</p>
<b>Membership of complaints committee</b>	<p>This is known as the Press Complaints Commission. There are 7 members in total, of which:</p> <ul style="list-style-type: none"> <li>• 2 are representatives of media owners;</li> <li>• 2 are representatives of journalists proposed by the Association of Journalists, and;</li> <li>• 3 are representatives from public life who are not professionally related to journalism in the media, but instead are experts in media, ethics in journalism, media law and other related areas.</li> </ul> <p>Members are elected for a term of three years, with the possibility of re-election for one further term. Decisions are made by a simple majority. Meetings are held as needed, but at least four times per year. As the CMEM is still quite new, the PCC has so far met at least once per month. Members of the Press Complaints Commission are paid a monthly honorarium to attend meetings. Details about the Press Complaints Commission's work can be found in the statute.</p>
<b>Appointment of complaints committee</b>	<p>The members are appointed by the Managing Board. In turn, the members of the PCC elect a Chairperson and a Deputy Chairperson.</p>
<b>System for decision-makers to recuse if complaints about their titles?</b>	<p>Yes – a provision exists in the rules of procedure so that members of the PCC cannot vote on issues related to which they have a conflict of interest. Conflicts of interest are declared before the start of each meeting of the PCC. There is no formal register of interests for members.</p>

<b>Code of Ethics</b>	
<b>Summary of content of Code of Ethics</b>	<ul style="list-style-type: none"> <li>The Code used by the CMEM has been inherited from the Association of Journalists, whose Code dates from 2001. The Code is based on the principles of the International Federation of Journalists (IFJ) and is supplemented by a series of guidelines which have been developed by the AJM to enhance understanding of the interpretation of editorial standards.</li> <li>A number of changes have been proposed to bring the Code up to date. These will be discussed shortly as part of the main strategic planning process being undertaken by the CMEM, led by its Executive Director.</li> </ul>
<b>Who is responsible for writing the Code? Public input?</b>	<ul style="list-style-type: none"> <li>As noted above, the Code was written and adopted by the Association of Journalists in the Republic of Macedonia.</li> <li>There is no formal mechanism for the public to be consulted about changes.</li> </ul>
<b>Powers</b>	
<b>Overview of available powers and sanctions</b>	<ul style="list-style-type: none"> <li>In common with other voluntary systems of media self-regulation, the most serious sanction is the publication of a critical adjudication. There are no powers to fine offending titles. The Press Council can also negotiate the publication of right-to-reply responses by complainants, apologies, retractions and so on.</li> </ul>
<b>Are member publications of the Council required to publish:</b> a) decisions upholding complaints against them? b) decisions not upholding complaints against them?	<p>a) Yes. The statute states that the CMEM has the responsibility to "respect and publish the decisions of the Press Complaints Commission, particularly when the complaint refers to their media" (Article 8).</p> <p>b) No.</p>
<b>Are there any conditions applying to the publication of decisions when they are required to be published in relation to:</b> a) promptness? b) prominence?	<p>a) No.</p> <p>b) Yes. The Rules of operation state that the CMEM will request media outlets that have a complaint upheld to publish the ruling in "a space that is defined by the Council"; and further, that it will "also require from its members to publish the decision." In both instances, publication will be free of charge. Some issues have arisen with regard to the application of this rule, with regard to publications against which a critical ruling has been issued not publishing the decision.</p>
<b>Does the Council issue adjudications against publications that are not formal members of the regulatory system?</b>	<p>Yes. The PCC considers complaints against media that are not members of the CMEM. The procedure for these complaints is the same as the one for the members of the CMEM. However, instead of issuing a formal decision, the Commission instead will issue what it terms an "opinion" on the case, which is made on the basis of the information made available.</p>

Public and industry engagement	
<b>Summary of training offered to journalists and/or editors</b>	As the CMEM remains a new institution, its programme of activities is still being planned. The Macedonian Institute for Media has an important role to play in this area of work, and there is good cooperation between the two organisations.
<b>Summary of public engagement work</b>	Recent profile-raising activities have included: <ul style="list-style-type: none"> <li>• Production of a leaflet for the public, which introduces the work of the organisation and the services it offers. The leaflet includes a section about the different roles of the PCC and the Association of Journalists' Council of Honour;</li> <li>• A new video clip about the work of the Council (in both Macedonian and English) which was recently launched;</li> <li>• Establishing an active Twitter profile and a Facebook page;</li> <li>• Undertaking media appearances to explain rulings about complaints and the role of the organisation more generally.</li> <li>• Public debates have been run in several towns throughout the country, to ensure that the general public based outside Skopje has an opportunity to learn about the Council's work. Four debates have been organized so far, in Bitola, Ohrid, Strumica and Stip. Two will be organized in Kumanovo (12 June) and Tetovo (17 June).</li> </ul>
<b>Online presence</b>	A website with information in three languages (Macedonian, Albanian and English): <a href="http://www.semm.mk/en/">http://www.semm.mk/en/</a> A Twitter account: <a href="https://twitter.com/semm_mk">https://twitter.com/semm_mk</a> A Facebook page has also been created; a YouTube profile is planned.
The future	
<b>Summary of main challenges</b>	<ul style="list-style-type: none"> <li>• Ensuring sufficient staffing, particularly with regard to complaints-handling, legal advice and administration</li> <li>• Ensuring compliance by media with decisions of the Press Complaints Commission</li> <li>• Building the profile of the CMEM as a whole, for the public as well as for decision-makers, academics, and other stakeholders</li> <li>• Establishing protocols and Memoranda of Understanding between the constituent parts of the CMEM and other parts of the media industry.</li> </ul>

Source: Council of Media Ethics of Macedonia



# Summary of existing strengths

## **A new start**

- The formal launch of the Council of Media Ethics of Macedonia in October 2014 represented the culmination of many years of hard work to create a new self-regulatory mechanism. The path to that point was not an easy one by all accounts, and the tremendous amount of work that was undertaken – in particular by the Association of Journalists of Macedonia - to get there should be acknowledged. As the coordinating body of a working group tasked with drafting an action plan for the future, the Association played a key role in the many discussions that took place. Now fully operational and under the leadership (as of January 2015) of a full-time Executive Director, the organisation is providing an important service to civil society in FYR Macedonia.
- The CMEM is the newest of all of the media councils discussed in this study. Its potential to succeed was noted by everyone spoken to for this study, all of whom were keen to stress their support together with a commitment to make things work. This is extremely encouraging, and indicates that there is a strong base of support and goodwill to build on. Support and cooperation will be vital if the organisation is to succeed, particularly in what appears to be an increasingly challenging environment for journalism.
- The CMEM has successfully secured institutional funding from the Royal Netherlands Embassy in Macedonia for the first two years of its operations, which will last until December 2016. This development is positive, since it puts the organisation in a strong position to establish itself. The funding covers the CMEM's main costs, including salaries, attendance fees for members of the Press Complaints Commission (see table) and overhead costs. This funding is supplemented by project support for awareness-raising activities from UNESCO, and technical support from the OSCE Mission to Skopje, which also had a role to play supporting the establishment of the Council. The CMEM is aware that it needs to think ahead to ensure a sustainable financial base in the long term, and is already exploring a number of options in this regard.

## **Membership**

- The CMEM's membership base spans TV and radio stations as well as print and online. The breadth and scope of work makes its mission particularly complex; it is one of only two media councils in this study (the other is the Media Self-Regulation Council in Montenegro, discussed in the next chapter) that deal with complaints about broadcast content. The recent annual Assembly served as a good opportunity for the organisation to further consolidate its engagement efforts with media members.

- A number of people referred to the credibility of various individuals who serve on one of the CMEM's committees, citing the professional credibility they have.

### **Complaints**

- The CMEM is already receiving and ruling on complaints: its services are being used, and it is busy. There have been several high-profile complaints to deal with in the short duration of its existence to date, including one from the Head of Mission at the OSCE Mission to Skopje, who complained that comments made by a presenter on the television channel "SITEL" constituted hate speech under the terms of Article 10 of the Code of Ethics. This incident generated considerable attention. The Press Complaints Commission's detailed ruling has recently been published and outlines in detail why it decided to uphold the complaint. [45]
- That the adjudicatory function is already being tested in this way is a good sign, which should help with future awareness-raising activities. The CMEM reports that at first only politicians complained, but that now the services are being used by members of civil society. This is a positive step which indicates that the public is being made aware of the services offered.
- The basic complaint-handling system appears to be working well. A new database has been developed to assist with recording and tracking complaints (including mediation work), as well as with logging media coverage.

### **Transparency**

- In terms of transparency, the organisation's website contains a good deal of information, and is accessible and easy to use. The statute and the rules of procedure are clear and detailed. Complaints decisions to date have been published in a dedicated section of the website and there is a well-designed online complaints form. There is anecdotal evidence to suggest that its online presence is beginning to be felt: the CMEM reports that members of the public have read and commented on its decisions via Facebook. It will be interesting to monitor this in the months ahead to assess how and where these efforts can be enhanced.

## Summary of key challenges: a needs-analysis

- As mentioned above, the CMEM is a very new organisation. It is important to bear this in mind in the analysis that follows because, like any new organisation, it takes time for working practices to become established. The points mentioned below should be understood in the context of an organisation operational at the time of writing for only a little over six months, and with an Executive Director in place for half of that time.

### **Harmonisation with other key players**

- One of the main areas of activity as the CMEM establishes itself is that of agreeing how to define and harmonise its relationships with other institutions and associations active in the country. Communication between these organisations is ongoing and constructive, and all parties are committed to cooperation. This is encouraging, since there are one or two (potentially significant) issues related to divisions of responsibility that still need to be resolved.
- One such example relates to the Code of Ethics of the Journalists of Macedonia, which is administered by the CMEM. At the moment, it is not entirely clear how any potential amendments to the Code would be dealt with, given the overlap in responsibilities between the Council and the Association of Journalists of Macedonia, which was responsible for writing the original Code. The Code dates from 2001 and has not been updated since then. It is very brief compared to other ethical Codes in the region and does not contain any references to online journalism.

### **Code of Ethics**

- Although the members of the Press Complaints Commission consulted for this study reported that the existing provisions of the Code were adequate for the Commission to be able to deal with complaints (a good sign, as the Code need to be robust when 'tested' against complaints), at some point in the future, the Code - like all sets of rules - will need to be amended to take account of technological and societal changes. When that time comes, it will be important to understand the process for doing so: how should changes be proposed? What process should be followed to ensure that all relevant parties are included? And crucially: which institution(s) is/are ultimately responsible for this? These questions are currently under discussion.
- A second example relates to the fact that another self-regulatory complaints mechanism is operating in parallel to that offered by the CMEM. The Association of Journalists is continuing to operate the Council of Honour, the self-regulatory mechanism in place before the establishment of the new media council. The Association states that it is the "sole self-regulatory body of journalists in Macedonia", the aim of which is to "to look after and to promote the ethical principles, criteria and standards of professional and responsible journalism stipulated in the Code of Journalists of Macedonia." [46] Both the Council of Honour and the CMEM use the same Code of Ethics, and both routes are open to the public to use.

- The Association's work to promote high ethical standards and its commitment to self-regulation is to be welcomed. In practice, the existence of two self-regulatory services does arguably have the potential to cause confusion. There is also a theoretical risk that the two decision-making bodies could come to different decisions about the same complaint, which may or may not be significant.
- It is important to make clear that during the course of the in-country discussions, this issue was in fact not in any way seen as problematic: the overwhelming view was that it was right that journalists had their own system of complaint-handling; and that the more schemes that promoted responsibility within the media, the better. Clarity of purpose will be vital here as the role of the CMEM becomes more defined and understood: as such, the recent publication of a leaflet spelling out the roles of the two organisations can be seen as a sensible and pragmatic response.
- Again, harmonisation between all parties will be crucial. The same is also true within the CMEM itself, where relationships between the various committees (for example, between the Managing Board and the Press Complaints Commission) might also benefit from more definition. The CMEM is presently organising various meetings to discuss this issue to ensure that cooperative, constructive relationships define its working practices. That the organisation is working on this issue as a key strategic priority is a positive sign, and one which bodes well for the future.

### **Complaints**

- As yet, there is no final agreed position about whether and how the Press Complaints Commission should act in the absence of a complaint. Additionally, the details of a mediation/complaints resolution mechanism are still being worked out, with the Executive Director undertaking all the substantive complaints-handling work in addition to her managerial responsibilities. It will be important to assess to what extent this is desirable in the long term if the case workload increases significantly.

### **Compliance**

- As elsewhere in the region, regulatory compliance is a concern. At the time of writing, the CMEM had issued 16 adjudications, but none of the upheld complaints have been published by the media title in question, despite this being a requirement of the statute. As noted above, the organisation is still finding its way in terms of liaising with members, so this situation is understandable in some ways. On the other hand, it is discouraging that this is the position at such an early point in the Council's life. As with the other issues noted in this analysis, the CMEM acknowledges the challenge, and has developed a pragmatic response. It plans to amend the Rules of operation so that if a media outlet has not published the ruling after a certain timeframe, other media members will be required to do so. In this way, the responsibility of promoting ethics is shared between all media members.

## **Funding**

- In terms of financial sustainability, although core funding is in place for now, this is due to end in late 2016. As elsewhere in the region, there is no income from the media industry despite the fact that this is called for in the statute. The fact that the CMEM has begun operations without income in place from the media industry in place potentially sets a difficult precedent to introduce this requirement in the future, though there are practical reasons for the current situation. There are several potential new income streams being pursued, and it will be important to develop these in good time to ensure as broad and secure an income base as possible.

## **Recommended actions and activities**

### **1. Develop and strengthen internal complaint-handling mechanisms, particularly in the area of mediation and complaints-handling processes**

- This work is already under way. The role of the OSCE Mission to Skopje has been particularly positive here to date, and various activities are already planned. The Rules of Procedure are already under discussion, and an action plan has been drafted to address various issues in a timely manner.

### **2. Formulate policy positions on proactive work, and how to handle non-compliance by members**

- The Council is already discussing how it could best work in this area. Further discussions will take place at the General Assembly of members.

### **3. Address the issue of long-term sustainability at an early stage by researching new sources of income, including from media members and the donor community**

- A key area of activity will be that of assessing the different options with regard to encouraging payments from media members.

### **4. Develop a relationship with the Alliance of Independent Press Councils of Europe in order to benefit from the expertise and experience of other press councils**

- Good links have already been established with the Norwegian and German Press Councils through capacity-building work, including a successful study visit to Germany. Similar activities could be planned for the future, since several members of the Press Complaints Commission mentioned specific topics related to governance and management responsibility about which they wanted to learn more.
- The Alliance's email list should be used as a regular resource for asking questions and sharing information. The Council has just started to participate in the activities of the Alliance, and should participate in the next conference, which is to be hosted by the Austrian Press Council and held in Vienna in October 2015.

### **5. Develop a public awareness-raising campaign**

- Some work has already been planned in this area, including a series of regional events to be held in six towns. This kind of initiative is particularly important for a new organisation.
- This outreach work should be supplemented by building relationships with key opinion-formers, with Universities offering journalism courses, and with the judiciary, to ensure that Judges are aware of the work of the Council and the aims of media self-regulation.

## 3 - Media Self-Regulation Council (Montenegro)

<b>Introductory information</b>	
<b>Country / region</b>	<b>Montenegro</b> Population: 650,036 (July 2014 estimate, according to CIA World Factbook) [47]
<b>Name of organisation</b>	<b>Media Self-Regulation Council (Medijskisavetasamoregulaciju)</b>
<b>Type of regulation</b>	<b>Voluntary self-regulation</b>
<b>History, funding and staff</b>	
<b>Year founded</b>	2012
<b>Brief history and significant milestones</b>	<ul style="list-style-type: none"> <li>• Please note: the information in this table concerns the Media Self-Regulation Council, but other self-regulatory mechanisms either operate or have operated in Montenegro. For more information about the situation, please refer to the next section.</li> <li>• The Media Self-Regulation Council was established in March 2012 after previous efforts at operating a self-regulatory system failed. The new organisation was intended to represent a break with the past and work to a new era of trusted journalism in Montenegro. The Council was founded by 19 media organisations spanning TV, radio, newspapers and online portals.</li> <li>• According to the website of the Council, membership is open to all media in Montenegro that want to continue to develop and promote journalistic ethics and professional standards.</li> </ul>
<b>Budget and funding arrangements</b>	<ul style="list-style-type: none"> <li>• At present, the Council reports that it is not being funded at all, and staff are not being paid. The Council claims that it requires approximately €40,000 per annum to fund its operations. For the first three years of its operations, the Council received funding from the Montenegrin Government, apparently following an agreement about a joint action plan with the European Commission. No further information is available about this, but the Council reports that it intended this to be a short-term solution to the practical difficulty of securing funding on an ongoing basis.</li> <li>• Government funding was agreed on the basis of a decreasing amount (to be paid directly from the Government budget), over three years: <ul style="list-style-type: none"> <li>○ Year 1 (2012), 100% at €30,000</li> <li>○ Year 2 (2013), 75% at €22,000</li> <li>○ Year 3 (2014), 50% at €15,000.</li> </ul> </li> <li>• Although Article 12 of the Council's statute sets out the requirement for member titles to pay a monthly contribution of €50, in practice, no contributions are made. Other than very specific support (for example, to cover the costs of a Council representative participating in an event or seminar), the Council does not receive any funding for core or project activities from external sources, including from the international donor community.</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>• An Executive Secretary. He is the only executive staff member. Information about members of the Commission for Monitoring and Complaints is provided below.</li> </ul>
<b>Purpose and complaints-handling work</b>	
<b>Legal basis</b>	The Council is registered as an NGO under the Montenegrin Law on NGOs (Fig. Gazette no. 39/11).

<p><b>Primary purpose/functions</b></p>	<p>As set out in Article 7 of the statute, the Council's main objectives are:</p> <ul style="list-style-type: none"> <li>• To promote and develop media self-regulation in Montenegro;</li> <li>• To oversee the Code of Journalists of Montenegro in order to protect the public from unethical reporting in the media.</li> </ul> <p>The Council carries out the following activities:</p> <ul style="list-style-type: none"> <li>• monitoring the implementation of the Code of Journalists of Montenegro in the media;</li> <li>• publishing monthly, semi-annual and annual reports on compliance with the Code of Journalists of Montenegro;</li> <li>• deciding on petitions and complaints about the work of media and violations of the Code of Journalists of Montenegro;</li> <li>• informing the media about specific complaints.</li> </ul>
<p><b>Summary of complaints-handling work and process</b></p>	<ul style="list-style-type: none"> <li>• Unlike the majority of other self-regulatory Press Councils, the Council was established in such a way that dealing with complaints brought to it by citizens is a smaller part of its work, which focuses much more on monitoring. As envisaged in the statute, the Council's Commission for Monitoring and Complaints is required to proactively monitor and record of its own volition reports on violations of the Code of Journalists of Montenegro on a daily basis. The Commission also monitors some TV and radio news programmes, though this work is undertaken very infrequently due to limited resources.</li> <li>• Under Article 21 of the statute, the Council is required to liaise with publications to ensure it is taking into account the views of the editor when reaching a decision. The Council reports that cooperation from most media titles is good (if sometimes slow) when dealing with complaints, but that there is limited or no cooperation with media that are not members. (This view is contradicted by others). As such, some of the Council's statements are sometimes drafted without substantive input from editors, as cooperation from two particular media titles (those that are not members of the Council), is currently limited.</li> <li>• Since the daily newspapers <i>Dan</i> and <i>Vijesti</i> and the weekly news magazine <i>Monitor</i> have all established their own in-house Ombudsmen systems to deal with complaints, the Council says that it tells complainants that they should first submit their complaint direct to the relevant Ombudsman. If they are not satisfied with his or her response, they can then turn to the Council, which can take into account the decision of the Ombudsman.</li> <li>• Detailed information explaining how the monitoring Commission deals with complaints is limited. The Rulebook on Complaint Proceedings has only recently been published.</li> <li>• Note that the Council does not contact media outlets for comments when undertaking its day-to-day media monitoring work – this is only done if a formal complaint is submitted. Accordingly, decisions about whether or not there has been a violation of the Code are made without input from the media title concerned.</li> <li>• Note that the Council reports that it only monitors those titles that sell over 4000 copies (this excludes, for example, the weekly magazine <i>Monitor</i>).</li> </ul>
<p><b>Who can complain and how are complaints received?</b></p>	<ul style="list-style-type: none"> <li>• Anyone can complain, and the process is free. Complaints can be made online, or by post, email, telephone or fax. Anonymous complaints can be accepted, if it can be determined that the complainant has a genuine link to the content about which they wish to complain. The Council notes that only one anonymous complaint has been received.</li> </ul>
<p><b>Proactive investigations?</b></p>	<ul style="list-style-type: none"> <li>• See above for information about the monitoring work, which is undertaken on a proactive basis.</li> </ul>
<p><b>Sanctions and enforcement</b></p>	<ul style="list-style-type: none"> <li>• The original plan when the Council was initiated was that it would be able to issue critical adjudications, which would be published by members in the event of a breach of the Code. However, the Council reports that in practice this does not happen, and that its decisions are routinely ignored.</li> </ul>
<p><b>Appeal mechanism for complaints?</b></p>	<p>No such mechanism is noted in the statute.</p>
<p><b>Summary of complaints statistics (2014)</b></p>	<p><u>Complaints work</u></p> <p>51 complaints were received in 2014, an increase of 30 on the previous year. Only a very small number (1-2 per year) of complaints are received about broadcast content. The Council reports that of these 51 complaints:</p> <ul style="list-style-type: none"> <li>- 20 complaints concerned potential breaches of principle I (Accuracy) of the Code;</li> <li>- 23 complaints concerned principle IV (Documentation) about right of correction and reply.</li> </ul> <p>No other information is available in summary format. The Council states that this is because its existing resources do not permit it.</p> <p>Although mediation is mentioned as a possibility in the statute, complaints resolution work of this type happens only very rarely. The Council reports one such case in 2015 so far.</p> <p><u>Monitoring work</u></p> <p>The Council recorded 190 breaches of articles in Code in the print media, and an "enormous number" in comments in online media. No other information is available in summary format, for the same reason given above.</p>

<b>Complainants</b>	Detailed information about the background of complainants is not available, for the same reason given above.
<b>Active role in defending press freedom?</b>	<ul style="list-style-type: none"> <li>Not specifically, though the Council has occasionally offered its support to the cause of press freedom. For example, in the aftermath of the <i>Charlie Hebdo</i> attacks, it sent letters of support to French authorities and editors. It also protested against some proposed amendments to the country's media law on the basis that it said they would limit media freedom in the country, and reports that it is vocal whenever there is an attack on a journalist or media outlet.</li> </ul>
<b>Membership and scope</b>	
<b>Membership: print/broadcast/online?</b>	<ul style="list-style-type: none"> <li>In summary: the Council's remit covers print, online media and broadcast complaints. The requirements of members of the Council are as follows: <ul style="list-style-type: none"> <li>For print media: titles must be published regularly, either daily or on a Sunday; have operated for at least 6 months; and have a minimum circulation of 3,000;</li> <li>For television and radio: coverage must extend to a minimum of 10% of the territory of Montenegro; the station must have been registered for at least six months; and daily news and political programmes must make up at least 5% of its production of broadcast programmes;</li> <li>For online: the site must have been published regularly on the internet for at least twelve months; it must be based in Montenegro and have a minimum of 5 percent of its own production. The number of unique visits must have a monthly average minimum of 5,000 readers per day.</li> </ul> </li> <li>The Council was established by 19 members in 2012. Three titles have opted out of the Council's remit: the influential dailies <i>Dan</i> and <i>Vijesti</i> and the weekly news magazine <i>Monitor</i>. These three titles have each instituted their own internal system of complaint-handling, through the establishment of an independent Ombudsman.</li> <li>Under the terms of Article 2 of the Rulebook on Complaints Proceedings, the Council's Commission for Monitoring and Complaints can accept complaints relating to the work of the media registered in Montenegro, regardless of whether they are members of the Council. However, in practice, the Council's decision to do so has caused considerable difficulties, practical and otherwise.</li> </ul>
<b>Summary of members</b>	21 media outlets in total are members of the Council. A list of the members can be seen at <a href="http://medijskisavjet.me/o-nama/osniva%C4%8Di-medijskog-savjeta/">http://medijskisavjet.me/o-nama/osniva%C4%8Di-medijskog-savjeta/</a> Note that these members only represent part of the media landscape in Montenegro, which is reportedly very divided. [48]
<b>Details of new media members?</b>	<ul style="list-style-type: none"> <li>At present, there are three online members: Portal ANALITIKA, Portal CAFFE DEL MONTENEGRO, and Portal RTCG.</li> <li>The Council also monitors online media which are not members of the Council. These are: Portal Vijesti, Portal PC NEN and Portal IN4S.</li> </ul>
<b>If voluntary membership: any significant gaps in membership and/or compliance?</b>	<ul style="list-style-type: none"> <li>Yes – see above.</li> <li>There is a widespread problem with compliance, and with influential media not accepting the remit of the Council.</li> </ul>
<b>Incentives to become a member of/comply with the decisions of the Council?</b>	No.
<b>Complaints about audio-visual material published on newspaper and magazine websites?</b>	No.
<b>Complaints about user-generated content / readers' comments?</b>	No. There are no specific rules about this, even though the Council reports that most problems lie here.

<b>Decision-making</b>	
<b>Membership of Board</b>	The Managing Board comprises 7 members, all of whom are media owners, Directors, or editors-in-chief. There are no public members.
<b>Appointment of Board</b>	The members of the Managing Board are nominated by the Assembly of the Council.
<b>Membership of complaints committee</b>	This is known as the Commission for Monitoring and Complaints. There are 3 members in total, including the Executive Secretary of the Council. <ul style="list-style-type: none"> <li>All 3 members have a background in journalism.</li> <li>There are no public members.</li> </ul>
<b>Appointment of complaints committee</b>	The Assembly of the Council elects the Executive Secretary. The other members of the Commission for Monitoring and Complaints are nominated by the Managing Board.
<b>System for decision-makers to recuse if complaints about their titles?</b>	There is no formal written procedure to deal with potential conflicts of interest, but the Council reports that when a member of the monitoring committee is connected to the media about which the Council is considering a complaint, that person will be excluded from the decision-making process. The Council plans to address this issue in the Rulebook of Complaint Proceedings in due course.
<b>Code of Ethics</b>	
<b>Summary of content of Code of Ethics</b>	<ul style="list-style-type: none"> <li>The Code includes detailed provisions related to newsgathering/research techniques and hate speech, as well as accurate reporting, privacy and the protection of minors and plagiarism.</li> <li>There are currently no provisions relating to online journalism, nor any mention of the issue of online comments by readers, though this is under consideration as part of a review of the Code (see below for more information).</li> </ul>
<b>Who is responsible for writing the Code? Public input?</b>	<ul style="list-style-type: none"> <li>A major initiative to update the Journalists' Code was recently undertaken in Podgorica. Coordinated by the Council of Europe and the office of the OSCE Representative on the Freedom of the Media, a series of workshops were held which brought together representatives from the Media Council, editors from all main newspaper titles, as well as TV and radio stations. It is hoped that a new draft version of the new Code – which will include new sections on dealing with online comments, and updated sections about privacy and the protection of minors – will be available soon, and will be adopted shortly thereafter.</li> <li>A public discussion is planned once the first draft of the amended Code has been adopted by the media.</li> </ul>
<b>Powers</b>	
<b>Overview of available powers and sanctions</b>	<ul style="list-style-type: none"> <li>The statute does not set out what powers are available to the Council, and when and how they might be exercised; sanctions are not mentioned as they are in the statutes of the other media councils.</li> <li>The Council reports that it was not intended that it would have the power to sanction any media.</li> </ul>

<p><b>Are member publications of the Council required to publish</b></p> <p><b>a) decisions upholding complaints against them?</b></p> <p><b>b) decisions not upholding complaints against them?</b></p>	<p>a) No; there is nothing in the statute to suggest that this should be the position. The Council's decisions are presented at press conferences, together with the monitoring reports. Ultimately, the media outlets can decide whether or not they wish to publish a decision as it relates to them as there is nothing to compel them to cooperate with publication.</p> <p>b) No.</p>
<p><b>Are there any conditions applying to the publication of decisions when they are required to be published in relation to:</b></p> <p><b>a) promptness?</b></p> <p><b>b) prominence?</b></p>	<p>There are no special rules regarding prominence; this would seem not to be realistic at this stage given the position outlined above.</p>
<p><b>Does the Council issue adjudications against publications that are not formal members of the regulatory system?</b></p>	<p>Yes. These are not adjudications as traditionally understood within the context of self-regulation but the Council regularly publishes assessments about <i>Dan</i> and <i>Vijesti</i> in its monitoring reports. As previously noted, these assessments cause problems because the titles do not recognize the authority of the Council.</p>
<p><b>Public and industry engagement</b></p>	
<p><b>Summary of training offered to journalists and/or editors</b></p>	<p>Press conferences are held every time the Council publishes a monitoring report, and the Commission for Monitoring and Complaints takes this opportunity to explain to the assembled media the reasons behind some of the more significant rulings. Some titles will publish reports about these seminars afterwards.</p>
<p><b>Summary of public engagement work</b></p>	<ul style="list-style-type: none"> <li>• One recent initiative was a radio advert about the work of the Council, which was to be broadcast on stations throughout the country as part of an effort to raise awareness of services to citizens. This was a UNESCO-supported project.</li> <li>• Additionally, the Council issues public statements when there are issues around press freedom, for example, when there are attacks on media freedom or against individual journalists.</li> </ul>
<p><b>Online presence</b></p>	<p>A website with information in two languages (Montenegrin and English):</p> <p><a href="http://medijskisavjet.me/">http://medijskisavjet.me/</a></p>
<p><b>The future</b></p>	
<p><b>Summary of main challenges</b></p>	<ul style="list-style-type: none"> <li>• Securing adequate, long-term funding</li> <li>• Bringing all media together 'under the same tent'; or else establishing a practical way forward to ensure better cooperation with media</li> <li>• Increasing credibility and general perceptions of the Council's work and reputation</li> <li>• Managing expectations of the Council as a whole, particularly with regard to monitoring.</li> </ul>

Source: Media Self-Regulation Council of Montenegro

## Summary of existing strengths

- Of the five councils covered in this study, the self-regulatory landscape in Montenegro is by far the most complicated, and some brief contextual information is required. [49] As noted in the introductory table, the media is reportedly very divided, and the regulatory system is fragmented as a result. Some of the information and opinions shared during the research were contradictory and, as a result, it is extremely difficult (particularly for an external observer) to reach an informed view about the situation. The challenges are significant, and the lack of unity among the various constituents striking. Accordingly, realistic solutions are difficult to identify. This chapter tries to incorporate information from all 'sides' of the debate.

### **Background**

- The main self-regulatory organisation dealing with complaints about print, online and broadcast content is the Media Self-Regulation Council (hereafter MSRC), which has been operating since 2012. A smaller complaint-handling council designed to deal with complaints about local media and periodicals has also been established, though it appears not to be active at present and it has not been possible to include information about it here. Several titles have instituted their own internal systems of complaint-handling by means of an Ombudsman position: the daily newspapers *Vijestí* and *Dan*; and the weekly news magazine, *Monitor*. (Note that at the time of writing, the Ombudsman position at *Vijestí* had not been filled since December 2014). All three titles have chosen not to join the MSRC. This study focuses on the MSRC on the basis that it is the biggest and most active self-regulatory mechanism currently operating at a national level, and because it is a member of the Alliance of Independent Press Councils of Europe.
- Despite sustained efforts undertaken over many years by a variety of actors, it has so far not proven possible to establish a single self-regulatory authority under which all media fall. The OSCE Mission to Montenegro and the Council of Europe have recently organised a number of constructive meetings in Podgorica with all the key players, the main purpose of which was to discuss a series of proposed amendments to the Journalists' Code of Montenegro, and to map out a way forward. The first draft of the updated Code has now been prepared. Individuals involved in those meetings report that while the work undertaken in this forum was positive, it remains unlikely that the wider picture will change in the foreseeable future. For now, it appears that the various bodies will continue to operate separately.
- Unlike other countries in the region, there are no large journalist or publisher associations or trade unions in operation. As such, there is a void where a professional or trade association might expect to be found. This problem has an impact on how a regulatory system is constructed, because it means that there is not an active culture of media cooperating across political lines.

- Within this context, the fact that a self-regulatory media mechanism operates at all can be seen as a positive first step. As the panel participants for the 2014 Media Sustainability Index acknowledge, the MSRC contributes to the promotion of professional ethics, [50] and a number of features of its work should be acknowledged. Members of the public are using the service: 51 complaints were received in 2014, a figure in line with the workload of the Press Council of Kosovo. As required to do by its statute, the MSRC performs a monitoring role, identifying and publicising violations of the Journalists' Code. (Note, however, that the credibility of this work is heavily disputed by some, as discussed below).
- The Council's Executive Secretary and other representatives from the Commission for Monitoring and Complaints participate in events about media self-regulation, including at press conferences at which they present the latest reports of the Monitoring Commission. There is also active participation on the part of the MSRC to participate in regional dialogue and conferences about the media, and it has been involved in the regional Media NEThics initiative coordinated by the Council of Europe, as have the other four councils in this study. [51] The MSRC has also engaged in efforts to raise awareness of its role among civil society.
- Despite the many criticisms of the Council, it is operating without any funding in difficult circumstances.

# Summary of key challenges: a needs-analysis

## Membership

- According to the discussions with stakeholders, the absence of three of the country's media titles from membership of the Council is one of the main reasons for dissatisfaction with the current system. Many media councils elsewhere in the world also do not have universal membership, but in a small country like Montenegro, this has particularly serious implications for credibility. Whatever the reasons and however the situation is managed, perception matters. As the EU Delegation to Montenegro's Progress Report for 2014 notes, "The media community remains divided over the creation of one authority responsible for monitoring and upholding professional and ethical standards in journalism." [52]
- This situation is aggravated by the fact that the Council uses its monitoring reports to issue opinions about articles published in media titles that are not members. On the one hand this is understandable: the Council was established to operate in this way and other media councils in the region also do something similar. On the other hand, a number of practical problems arise. Firstly, the lack of cooperation the MSRC claims to receive from these titles when dealing with a complaint means that the Council arguably does not always have the full details that it needs in order to come to a considered view. (It reports that cooperation is good from other titles). This potentially undermines the quality of its decision-making. Secondly, as noted in the aforementioned *Freedom of Media in the Western Balkans* report, "There are concerns that this body functions with certain political biases." [53]
- Some stakeholders claim that the Council establishes many more breaches than it should in some media; and conversely, that it minimises the seriousness of breaches published in other media. Such perceptions cannot be easily interrogated from a distance; the point is that such a lack of acceptance regarding the Council's remit and credibility has created an impasse for the future. Somehow, this has to be addressed.

## Monitoring work

- In any case, the model underpinning the Council serves to make its work extremely difficult. As outlined in Article 21 of the statute, the Council was instituted so that routine daily monitoring of published media content would be one of its main responsibilities. This was a deliberate strategy, designed to address irresponsible media content. The numbers of complaints made to the Council by civil society remains low compared to the number of issues addressed by means of the (proactive) monitoring work - though, as the Council points out, this does not necessarily mean that less time is spent on the complaints submitted to it by members of civil society, since this will ultimately depend on the complexity of the issues involved.
- A three-strong Monitoring and Complaints Commission, comprising the Executive Secretary and two senior journalists, is tasked with monitoring published content, both in print and online. They assess articles against the Journalists' Code, and publish their findings in reports.

This model is different to those that direct the functions of the other media councils in the region, none of which undertakes daily monitoring as routine. (The Serbian Press Council has just started a proactive monitoring project, but the parameters of this project are more precisely defined and will span a set period of time).

- Monitoring can be an important area of work for a media self-regulatory body because it can enable it to examine ethical issues that may not otherwise be 'captured' in complaints brought to it by civil society. However, it can be a challenging area of work. In this case, there is a serious practical problem about the volume of material published every day and the small number of committee members – all of whom have other professional responsibilities – who are expected to stay on top of it all. Most broadcast content is not monitored for this reason. This work is already extremely difficult to resource; in the long term, it could become impossible. The approach also raises questions about the value of rulings formed on the basis of an initial reading of an article (i.e. without input from an editor). Editors are contacted when there is a complaint from a member of the public, but not for the routine monitoring work.
- The MSRC's complaints and monitoring data has been subject to intense scrutiny by a local NGO called Human Rights Action. With the support of several international donors, it has established a shadow monitoring project in which it too monitors the media every day, and publishes its findings about violations of the Code. [54] Its data on the Montenegrin media provides a sharp contrast to that of the MSRC, and it claims to have found big discrepancies in the Council's findings. For example, for the period 1 October 2013 – 15 February 2014, it claims to have found 511 violations of the Code, as opposed to the 83 established by the MSRC. [55] The MSRC points out that presenting a global figure in this way masks the fact that some violations are much less serious than others, and that the work was undertaken by an organisation that itself does not have any members.
- Perhaps for any decision-making body, opinions will always vary about the merits of a particular decision. Often the issues are not always clear-cut and people will have a range of views: this is to be expected. The issue here is firstly the degree of difference between the two sets of figures and secondly (and more importantly), the point that arguably neither organisation can be said to have all the information required to form a complete view. This issue gets to the heart of what a self-regulatory system is constituted to do, and what the philosophy is behind it. One practical way forward here might be to reframe the model in some way to make it more manageable, as discussed in more detail below.
- With regard to issuing rulings on media which are not members: it is true that other media councils in the region also do this. The Council also claims that the majority of complaints it receives concern titles that are not members. The difference in Montenegro is the frequency with which this happens and the depth of the division in the media which appears to have led to such resentment. Without agreeing a sensible way forward on this, these divisions will continue.

## **Transparency**

- Despite the very welcome presence of a website with basic information about the Council's operations and staff, the recently-published Rules of Procedure are not as detailed as those of other councils in the region, and the complaints-handling system is more difficult to understand. There is no information easily available about where funding for the Council comes (or came) from, and there is also no annual report, published or otherwise. In addition to the practical problems this situation raises about understanding the system, there is an overall lack of transparency about the Council's detailed operations, which undermines the services it offers.

## **Public input and representation**

- Unlike all of the other four media councils discussed in this report, there is no public representation in the Council, and both the Board of Directors and the Monitoring and Complaints Commission are entirely composed of individuals with a connection to the media. The precise constitution of a Council's committees must be for it to decide, but given the widespread perception that the Council lacks independence, it may be worth considering the merit of introducing one or two independent voices into the decision-making process. This option is reported to be under consideration.

## **Sanctions and compliance**

- Significantly, the Council also lacks the authority to sanction media outlets that breach the Code. The statute does not refer to sanctions, and there is no information about what ought to happen when a title is found to have breached the Code. In practice, the Council explains that its role is to highlight breaches of the Journalists' Code by publishing its findings in its monitoring reports and at press conferences organised by the Council. Voluntary-based systems of this sort (i.e. those not based on contract) may struggle to compel a title to publish, and the other councils in the region all have problems in this area. The key difference is that their statutes and/or rules of procedure include more detailed information about this area of work. The 2014 EU Progress Report states that self-regulatory bodies in Montenegro are "weak". [56] A close analysis of the statute in the area of sanctions might help to understand one of the reasons why this might be the case.

## **Funding**

- Finally, there is a crisis of funding. Having been funded for the first three years of its operations by the Montenegrin Government, the Council is no longer receiving any income. No media title is making a financial contribution. The possibility of membership fees is mentioned in the statute, but no detail is given about how this might work in practice and nor is it a condition of membership. There is no support from international donors. The Council is currently operating in an extremely difficult position, which is unsustainable in the long term.

## Recommended actions and activities

- There is much to address here. Finding solutions will not be easy to do unless there is a genuine willingness on the part of media to work together.

### **1. Agree the terms of the revised Journalists' Code**

- The first logical step would seem to be to finalise the terms of the Journalists' Code. Given that it is unlikely that a single regulatory authority can be established to deal with complaints about all media, agreement about a shared set of ethical standards, regardless of politics, would be a good start. This agreement would also represent a pre-condition for cooperation in the future.

### **2. Consider reframing the existing model of monitoring**

- Thought could be given to how the current model could be reframed to make it more manageable for the Commission for Monitoring and Complaints. On a more strategic basis, the Commission could look at particular topics over a set period of time rather than trying to analyse all published content, every day, and/or only monitor media that are members of the Council. These measures may go some way to improving the situation.
- The Council could also consider the merits of amending the statute to introduce civil society representatives into the decision-making process.
- To address the concerns about the Council ruling on non-member titles, consideration could be given to making a clearer distinction between member and non-member publications, for example by issuing a (less formal) 'opinion' on a non-member title.

### **3. Address the issue of long-term financial sustainability**

- Members should be encouraged to finance the operations of the Council.

### **4. Continue efforts to raise public awareness of the complaints service**

- Only after the points above have been addressed can the Council begin to think more seriously about awareness-raising activities among civil society, educational faculties and so on. This could encourage more complaints to be made, thereby shifting the focus onto this area of work at the same time as decreasing the volume of material routinely monitored on a proactive basis.

## 4 - Press Council of Serbia

## Introductory information

<b>Country / region</b>	<b>Republic of Serbia</b> Population: 7,209,764 (July 2014 estimate, according to CIA World Factbook) [57]
<b>Name of organisation</b>	<b>Press Council (Savet za štampu)</b>
<b>Type of regulation</b>	<b>Voluntary self-regulation</b>
<b>History, funding and staff</b>	
<b>Year founded</b>	2009 (registered); began operations in 2011
<b>Brief history and significant milestones</b>	<ul style="list-style-type: none"> <li>• Efforts to establish Serbia's first Press Council began in 2006 when a new Code of Ethics was adopted by the two main associations of journalists: the Journalists' Association of Serbia (UNS) and the Independent Journalists' Association of Serbia (NUNS). The Founding Act of the Press Council was signed in 2009 by representatives from these two associations together with the two publishers' groups, Association of Media and Local Press.</li> <li>• The Serbian Government subsequently adopted the strategy put forward by the proposed new self-regulatory body in 2011, and work began in earnest in September of that year.</li> <li>• In February 2013, the statute was amended in two significant areas: firstly, the jurisdiction of the Council was extended to enable it to deal with complaints about online-only media; and secondly, the Council's remit was extended to deal with complaints about titles which are not formally members of the Press Council.</li> </ul>
<b>Budget and funding arrangements</b>	<ul style="list-style-type: none"> <li>• The annual budget for 2015 is €100,000. <ul style="list-style-type: none"> <li>◦ All of this is for core funding.</li> </ul> </li> <li>• Funding currently comes from the Norwegian Ministry of Foreign Affairs and the Norwegian Embassy in Belgrade, which has supported the work of the Council from its inception. However, this arrangement is drawing to a close, and other funding options are now being considered.</li> <li>• Limited project support has been received from UNESCO and IREX. The OSCE Mission to Serbia and the Council of Europe have also funded projects (for example, the OSCE sponsored the filming of a meeting of the Press Complaints Commission (see below) held at the Faculty of Political Science at the University of Belgrade. It also provided support for a conference titled "Self-Regulate: Perspectives of Self-Regulation in Online Media", which brought together more than 40 representatives of online media outlets).</li> <li>• No financial contributions are made by members of the Press Council at present, even though a (non-detailed) provision for this is included in the Council's statute and in the Articles of Association. The Association of Media, the Journalists' Association of Serbia and the Independent Association of Journalists funded the Press Council's activities during the first four months of 2014, when there were no donors.</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>• One full-time employee: a Secretary-General who is responsible for all aspects of day-to-day operations. Her work is supported by a project manager, whose main role thus far has been to deal with applications for funding. There is no dedicated administrative support for the Council.</li> </ul>
<b>Purpose and complaints-handling work</b>	
<b>Legal basis</b>	The Press Council is registered as an NGO and operates in accordance with the Serbian Law on Associations.

<b>Primary purpose/functions</b>	<p>The Press Council's primary functions are:</p> <ul style="list-style-type: none"> <li>• Implementing the Code of Ethics in the printed media and in their releases on all platforms offline and online, including for news portals and news agencies;</li> <li>• Mediating in order to resolve disputes between media and complainants and adjudicating complaints about alleged breaches of the Code of Ethics;</li> <li>• Educating journalists and editors to promote ethical behaviour and compliance with the Code.</li> </ul>
<b>Summary of complaints-handling work and process</b>	<ul style="list-style-type: none"> <li>• Complainants are asked to send by letter or email a copy of the article in question and an outline of the complaint, together with relevant background materials and link to the online piece, if appropriate. Under the terms of the rules of procedures of the Press Complaints Commission, the Secretary General first determines whether the complaint is valid. If it is, she will attempt to mediate between the parties.</li> <li>• If mediation is not successful, the complaint is put to the Press Complaints Commission (PCC, see below for more information) to discuss at one of its monthly meetings. The Commission meets once every month, and all complaints are discussed in person. Meetings are held in public, as part of an effort to promote transparency in decision-making.</li> <li>• At present, the Commission makes decisions based on a 2/3 majority vote, provided that <i>at least one</i> vote (my emphasis) is given by a representative of each of the four professional associations, as well as by one of the public representatives. In practice, this system effectively offers a veto to each journalist/publisher association, and a number of difficulties have been identified in this regard. The Press Council acknowledges that there is a problem, and it intends to amend the statute so that in future, decisions will be taken on the basis of an overall majority vote, rather than by requiring agreement from every constituent association.</li> </ul>
<b>Who can complain and how are complaints received?</b>	<ul style="list-style-type: none"> <li>• Any individual, organization or institution who is directly affected by the content under complaint (written consent is required if a complaint is filed on behalf of someone else).</li> <li>• Complaints can be received by letter, email or via a complaints form available on the website. Since complaints are discussed in public meetings, complainants are required at the outset to permit information pertaining to their complaint to be put into the public domain.</li> </ul>
<b>Proactive investigations?</b>	<ul style="list-style-type: none"> <li>• The Council has recently started a new area of activity focusing on proactive monitoring. On 1 April 2015, the Council began a new project titled "Monitoring the compliance of the Journalist's Code of Ethics in daily newspapers". This is a nine-month project which will involve the daily monitoring of eight daily newspapers with national coverage, assessing and categorising violations of the Journalist's Code of Ethics.</li> <li>• The project will produce four reports in total. These will be presented to editors in order to suggest possible improvements in their daily practice. On the basis of this research, a set of recommendations will be made, which will include training of editors and journalists, seminars and workshops (topics to be based on the research results), all of which will serve to aid them in improving their work in relation to the Code. This project is supported by the OSCE Mission to Serbia and the Ministry of Culture and Information.</li> </ul>
<b>Appeal mechanism for complaints?</b>	No.
<b>Summary of complaints statistics (2014)</b>	<p>80 complaints were received in total in 2014, of which 52 were discussed by the PCC. This is an increase of 22 on the total for 2012.</p> <p><u>Breakdown by decision:</u></p> <ul style="list-style-type: none"> <li>• 23 cases raised a breach of the Code;</li> <li>• 4 were settled by mediation;</li> <li>• 9 cases – several provisions of the Code were breached;</li> <li>• In 5 cases, no decision was published.</li> </ul> <p><u>Breakdown by article of the Code:</u></p> <p>The Council reports that the media mostly breached the part of the Code that relates to Truthfulness in Reporting, mostly to do with publishing baseless accusations, libel or rumours, as well as the obligation to differentiate fact from speculation. The Journalistic Diligence section was breached several times. Other breaches related to the Responsibility of Journalists section (mainly relating to the obligation to publish corrections) and the Respect for Privacy section.</p>

<b>Complainants</b>	The Press Council keeps a record of the background of complainants. Of a total of 80 complaints in 2014: <ul style="list-style-type: none"> <li>• 53 were made by citizens;</li> <li>• 11 were made by media outlets;</li> <li>• 12 were made by NGOs;</li> <li>• 2 were made by state institutions;</li> <li>• 2 were made by companies.</li> </ul>
<b>Active role in defending press freedom?</b>	No. The Council deliberately has not adopted a public role defending media freedom or speaking on behalf of the media industry. This work is undertaken by the four journalist and publisher associations instead - the regulatory/complaint-handling and advocacy roles are understood to be separate.
<b>Membership and scope</b>	
<b>Membership: print/broadcast/online?</b>	<ul style="list-style-type: none"> <li>• In summary: the Council's remit covers print and (since 2013) online-only media. Jurisdiction automatically extends to all members of the two main publisher associations (Media Association and Local Press), unless a title explicitly chooses to opt out. Publications that are not members of one of these industry bodies can also request to join the Council, though it is not possible to opt out of jurisdiction by the Press Council and remain a member of a professional association. News agencies are also covered by the Council's remit.</li> <li>• Both print and online-only members must have an imprint, an editorial office with a minimum of three members and an editor-in-chief.</li> <li>• Broadcast regulation in Serbia operates separately. TV and radio complaints are dealt with by the Regulatory Authority of Electronic Media, a state body with which the Council has established a cooperative relationship.</li> </ul>
<b>Summary of members</b>	<ul style="list-style-type: none"> <li>• In total, the Council members comprise 13 daily newspapers, 27 magazines, 34 local papers, four online portals and two news agencies. The Council estimates that its membership covers 90% of traditional print titles and spans the whole political spectrum.</li> </ul>
<b>Details of new media members?</b>	<ul style="list-style-type: none"> <li>• There are currently four online-only media members: <i>Juzne vesti</i>, <i>Šumadija press</i>, <i>Telegraf.rs</i> and <i>OzonPress</i>. The Council is actively trying to attract new online-only members, whilst some online-only media are themselves making efforts to mobilise to form their own professional association.</li> </ul>
<b>If voluntary membership: any significant gaps in membership and/or compliance?</b>	Two daily newspapers fall outside the full jurisdiction of the Press Council: <i>Danas</i> , and <i>Informer</i> (a tabloid). <i>Informer</i> was part of the self-regulatory system until recently, but withdrew its membership after the Council ruled against it. Notably, however, the Council will still issue adjudications about articles published in <i>Danas</i> , and notes that if complaints against it are not upheld, <i>Danas</i> will publish them. The Council reports that it has not upheld a complaint against <i>Danas</i> .
<b>Incentives to become a member of/comply with the decisions of the Council?</b>	Not formally, though some Serbian municipalities and the Ministry of Culture and Information which offer funding opportunities to media outlets have included respect for the Press Council's jurisdiction a pre-requisite of being eligible to apply for funding.
<b>Complaints about audio-visual material published on newspaper and magazine websites?</b>	Yes. There were two complaints in 2014: one concerning footage taken from a Facebook profile; the other regarding the publication of secretly recorded conversation.
<b>Complaints about user-generated content / readers' comments?</b>	Yes, though the Council notes that complainants generally submit complaints about readers' comments in conjunction with a complaint about the content of the article to which the comment refers (i.e. rather than just about a comment itself). Most complaints concern hate speech and discrimination.

Decision-making	
<b>Membership of Board</b>	<p>The structure of the Press Council is tripartite. It consists of representatives of publishers and owners of the print media, journalists' associations, and the public.</p> <p>The Council's Managing Board has a total of 8 members:</p> <ul style="list-style-type: none"> <li>• All are industry representatives.</li> </ul> <p>Members represent the following associations. Note that the number of representatives for each association is fixed:</p> <ul style="list-style-type: none"> <li>• Media Association (A publishers' association) – 3 members;</li> <li>• Local Press (A publishers' association) – 1 member;</li> <li>• Journalists' Association of Serbia – 2 members;</li> <li>• Independent Journalists' Association of Serbia – 2 members.</li> </ul> <p>There is no public representation. As set out in Article 2 of the statute, the President of the Managing Board is also the President of the Council, whose role it is to call and schedule the Managing Board.</p> <p>At the moment, the President of the Managing Board is a member of the Press Complaints Commission, but there is no rule to say this must be so.</p> <p>Although the statute provides for each representative to have a deputy to represent them in case of absence, in practice, this system is not used. The statute will shortly be amended on this point.</p>
<b>Appointment of Board</b>	<p>The Managing Boards of the four industry associations choose their representatives for the Board and the Complaints Commission of the Press Council.</p>
<b>Membership of complaints committee</b>	<p>This committee is known as the Press Complaints Commission, or PCC. It has 11 members, of which:</p> <ul style="list-style-type: none"> <li>• 8 are from journalist or publisher associations (see below for the breakdown)</li> <li>• 3 are members of the public.</li> </ul> <p>Members are drawn from the following organisations:</p> <ul style="list-style-type: none"> <li>• Media Association – 3 members;</li> <li>• Local Press – 1 member;</li> <li>• Journalists' Association of Serbia – 2 members;</li> <li>• Independent Association of Journalists of Serbia – 2 members;</li> <li>• Public members – 3 members.</li> </ul> <p>As with the Board, the statute provides for each representative to have a deputy to represent them in case of absence, but in practice, this system is not used. As above, the intention is to amend the statute in the near future on this point.</p>
<b>Appointment of complaints committee</b>	<ul style="list-style-type: none"> <li>• Public members are appointed following open advertisement. Suggestions may be made by members of the Press Council, or by NGOs and or civil society organisations working in various fields. The decision is made by the Council's Board. Members of the Press Council choose their representatives for the Press Complaints Commission after the elections conducted in accordance with their own general Acts. Each member of the Press Complaints Commission is appointed for a period of 4 years.</li> <li>• One member of the Commission is appointed to the post of President. This post operates on the basis of a six-month rotation, with members agreeing the appointment amongst them.</li> </ul>
<b>System for decision-makers to recuse if complaints about their titles?</b>	<p>Members of the PCC who have a link to a title under complaint do not consider these complaints, though they remain in the room when the complaints are discussed. There is no dedicated register of interests or similar document that would make clear which exact relationships these refer to, though the rule itself is set out in the rules of procedure of the complaints commission (rule no. 13).</p>

<b>Code of Ethics</b>	
<b>Summary of content of Code of Ethics</b>	The Code of Ethics is an extremely detailed document, covering a broad range of topics. It is divided into the following main sections, or chapters: Truth and reporting; Independence from pressure; Prevention of corruption and conflicts of interest; Responsibility of journalists; Journalistic attention; Relationship to sources of information; Compliance policy; The use of honourable means; and Respect of copyright. Within each section fall a number of provisions, which are supplemented by more general guidelines.
<b>Who is responsible for writing the Code? Public input?</b>	The Code of Ethics was agreed by merging together the two Codes of the two journalist associations and agreeing a new version. It followed consultation with external stakeholders and the public. Proposals for amendments are discussed and agreed by the professional associations as and when reviews are deemed necessary. There is no formal mechanism for public input.
<b>Powers</b>	
<b>Overview of available powers and sanctions</b>	<ul style="list-style-type: none"> <li>In line with other self-regulatory media organisations, the Press Council can issue a critical adjudication, but it cannot issue fines. It also has an important mediation role to play, which can result in the publication of an apology or similar.</li> <li>The Council has adopted an arguably pragmatic approach to the publication of its upheld adjudications, offering both a full and a shortened version of the decision, the latter of which it believes is more likely to be published by an offending tabloid.</li> </ul>
<b>Are member publications of the Council required to publish</b> <b>a) decisions upholding complaints against them?</b> <b>b) decisions not upholding complaints against them?</b>	a) Yes. Rule no. 17 of the rules on the procedures of the complaints commission sets out the expectation that a critical adjudication must be published by the media outlet no later than the third issue following receipt of the decision (or within seven days if online). Media outlets are permitted to publish a commentary of up to 2000 characters to accompany the Press Council's ruling, though the text must be checked by the Council in advance of publication. b) No, there is no obligation, although some titles choose to do so.
<b>Are there any conditions applying to the publication of decisions when they are required to be published in relation to:</b> <b>a) promptness?</b> <b>b) prominence?</b>	There are no formal rules regarding either prominence or promptness. The Council's usual expectation would be for same-page publication as the original article. Generally speaking, the Council reports that this has worked well in practice, with the exception of content originally published on the front page.
<b>Does the Council issue adjudications against publications that are not formal members of the regulatory system?</b>	Yes. The Council amended its statute in 2013 so that it could issue rulings on breaches of the Code by media outlets that do not accept the jurisdiction of the Council (this was not possible under original statute). This is known as limited jurisdiction, or limited competence. These titles are not obliged to publish critical adjudications (known in this scenario as warnings, rather than adjudications in the formal sense) but the Council publishes them on its website and distributes them widely in order to publicise its work.
<b>Public and industry engagement</b>	
<b>Summary of training offered to journalists and/or editors</b>	In effect, the Council's press conferences/briefings serve this purpose, as they seek to explain why a particular decision was taken and explain to media how the Journalists' Code of Ethics has been interpreted.
<b>Summary of public engagement work</b>	Various initiatives have been undertaken: <ul style="list-style-type: none"> <li>Six seminars have been organised for more than 100 members of the Judiciary about the work of the Press Council, as a means of encouraging them to direct citizens to the Council where appropriate. Judges and prosecutors – who came from major towns throughout Serbia - were presented with information about the most interesting cases ruled on by the Complaints Commission, together with legal cases. It was recommended to Judges that they direct citizens to the Press Council and to take account of whether the plaintiff had asked the media outlet to publish a correction, and whether the plaintiff had used the services of the Press Council, when making a decision about awarding damages;</li> <li>Many awareness-raising events have been held throughout the country to explain the work of the PCC. A video of one PCC meeting, filmed in the presence of University students in Belgrade, has been published on a recently-established YouTube channel;</li> <li>Press conferences are held on a quarterly basis to announce the results of recent decisions and other relevant topics of interest;</li> <li>The Council has partnered with NGOs to undertake awareness-raising activities in particular areas which may give rise to complaints, for example within Serbia's LGBT community.</li> </ul>

<b>Online presence</b>	<p>The Council's website is <a href="http://www.savetzastampu.rs/english/">http://www.savetzastampu.rs/english/</a></p> <p>There are also three social media channels, as follows:</p> <ul style="list-style-type: none"> <li>• <b>YouTube:</b> <a href="https://www.youtube.com/user/savetzastampu">https://www.youtube.com/user/savetzastampu</a></li> <li>• <b>Facebook:</b> <a href="https://www.facebook.com/savet.za.stampu">https://www.facebook.com/savet.za.stampu</a></li> <li>• <b>Twitter:</b> <a href="https://twitter.com/savet_za_stampu">https://twitter.com/savet_za_stampu</a></li> </ul>
<b>The future</b>	
<b>Main challenges</b>	<ul style="list-style-type: none"> <li>• Lack of stable funding in the long-term, given the absence of financial contributions from members</li> <li>• Compliance: media refusing to publish Press Council decisions (though this is very rare), or (more likely) only publishing a self-edited version of decisions; lack of meaningful cooperation from the media industry</li> <li>• Low numbers of complaints from civil society</li> <li>• Low levels of public awareness among civil society</li> <li>• Amending the statute to deal with various complaint-handling / governance procedures and challenges.</li> </ul>

Source: Press Council



# Summary of existing strengths

## **Context**

- The launch of the Press Council in 2011 represents a huge achievement for the media in Serbia. The establishment of a self-regulatory organisation was the culmination of lengthy negotiations to bring together under one roof representatives from two journalist associations with very different political affiliations. The broader historical and political context has been documented elsewhere [58] but is worth referring to here briefly in recognition of the enormous challenges that have been overcome.

## **Funding**

- The Press Council reports that it hopes to be funded soon by a new source. This is very positive news which will put the Council in a much stronger position than it is at present, where support from the Norwegian Embassy in Belgrade is drawing to a close and no media members are making financial contributions. [59]

## **Governance structure**

- The Press Council's governance structures include representatives of both media publishers and journalists, a feature not necessarily reflected in the make-up of other media councils. The composition of any decision-making committee needs to be based on the specific circumstances of the country in which it operates, and opinions vary as to the merits of different configurations. However, it is notable that a significant number of people consulted for this report referred to the presence of the two professions (both on the Managing Board and the Complaints Commission) as a positive characteristic. The fact that there is also public representation on the Complaints Commission (though not on the Managing Board) by means of the Council's tripartite structure, was also highlighted as a positive feature.

## **Complaints**

- Even as a relatively young organisation, the Press Council's services have been used by several well-known individuals. In 2013, the Mayor of Belgrade chose to complain to the Council rather than going to law; the same was true in 2014 for the President of Serbia. The Press Council regards this as a sign of its credibility, and compares this to the previous year when no complaints were made by politicians or individuals in the public eye. Inevitably, such complaints attracted considerable attention and are said to have increased the Press Council's public profile. (Note that the Council had previously received a few complaints from less prominent politicians and other public figures, but those complaints did not generate as much publicity as those made by the President of the State and the Mayor of Belgrade).

- Complaints numbers have risen by 38% from 2013 to 2014: this is a significant increase which would appear to indicate that more people are aware of the work of the Council than a few years ago.

### **Transparency**

- Complaints rulings and information about how to make a complaint are presented clearly on the Council's website. Meetings of the Complaints Commission are held in public and information about the discussion of members is published to reflect the deliberations and explain how a decision was reached. The Council also holds regular press conferences at which it presents its work, including rulings on recent cases. The Council's website provides a helpful, searchable record of complaints rulings and there is a good range of information. The Council has established an active profile on social media, including videos which show the workings of its meetings. These efforts suggest a commitment on the part of the Council to engage with audiences and present its work in a transparent way.

### **Flexibility**

- The Council's statute and its internal processes are sufficiently flexible to allow changes to be proposed and implemented if necessary. The statute has already been amended since the Council's launch, firstly to enable it to deal with complaints about online-only media; and secondly to enable it to issue 'rulings' about media titles that are not formal members of the Council. The fact that two such important governance-related issues have already been tackled suggests that the Council is adept, and can respond to challenges. A number of problems with the Press Council's existing voting system have been identified (see below for information); plans are already under way to amend the statute to enable the Council to operate a new system in future.

### **Online media**

- The Council's decision to extend its remit to enable it to deal with complaints about online-only news portals reflects a willingness to respond to technological changes. Four online-only news portals are already members of the Council, which has undertaken engagement work with other publishers to assess their interest in becoming members. One of the members of the Managing Board represents a website, and it is useful for the Council to have an insight into this area of the news publishing industry.

## **Code of Ethics**

- The Code of Ethics administered by the Press Council is comprehensive, and no significant deficiencies were identified by anyone consulted for this report (including by members of the Complaints Commission). The text of the existing Code stems from two Codes that were previously administered separately by the two journalist associations. Consultation to agree a single set of rules was undertaken as part of the wider efforts to construct a new self-regulatory council.

## **Public engagement**

- Members of the Complaints Commission have active roles in speaking about the work of the Press Council and feature in the YouTube videos about the work of the organisation. The level of commitment and engagement demonstrated by the members spoken to as part of this study is encouraging. It benefits the Council as a whole, which only has two members of staff who already have full workloads.

# Summary of key challenges: a needs-analysis

## Cooperation and compliance

- The main challenge facing the Council is a lack of cooperation by the media. The Council is open about this problem, noting in its annual report to the 2014 meeting of the Alliance of Independent Press Councils of Europe (AIPCE) that:

*"The issue of media not publishing decisions relating to them still persists, although to a lot lesser extent than at the start of operation of the Press Council. Media still tend to sporadically publish only short excerpts of decisions, in inadequate spaces, or in print editions only (and not in their online versions, that as a rule have more readers). This issue will have to be dealt with by the Council to find an effective solution."* [60]

- The report goes on to note more positively that media titles are now much more likely to engage with the Council following notification of a complaint, possibly because "[...] media feel it is important for them to "defend" themselves in front of the Council". The problem lies in what happens after an upheld ruling is issued. The Council reports that decisions are either occasionally ignored, or (much more likely) selectively edited so that only a small extract of the text is published. The Council also notes its frustration at seeing the same editorial mistakes being repeated by media titles, which suggests that the ethical lessons from previous rulings are not being learned. The Council has just begun a new monitoring project partly in response to this concern, as discussed below.
- Concerns about compliance are acknowledged beyond the Council, and were raised by many individuals consulted for this report. The 2014 Progress Report by the European Commission Delegation to Serbia notes that "media owners and top editorial staff should pay more attention to abiding by professional standards, with support from the Press Council." [61] This statement implies that there is room for improvement in the media's track record to date.
- Lack of cooperation from media members also extends to the Council's mediation work. The Council's report for the period November 2014 - February 2015 states that only two complaints were resolved by mediation during this time. [62] It suggests as an explanation "that the editorial staff are still reluctant to admit mistakes and agree to the complainants." [63] This figure is not an anomaly - as the introductory table shows, the total number of complaints resolved by mediation is very low. These figures would appear to indicate a complaints-handling system that is yet to become fully established in the culture of the media. Cooperation is key to the success of a voluntary system, and this needs to be addressed as a priority.

## **Complaints numbers**

- Despite the fact that the number of complaints made to the Council is rising year on year, the overall total is acknowledged by the Council to be quite low. Inevitably, this raises questions about the Council's public profile. The Council has carried out many awareness-raising initiatives, the details of which are provided in the table. In part as a response to the problem of non-compliance, the Press Council has just started work on a new OSCE-funded project, which will involve proactive monitoring of media. It will be interesting to learn more about the results of this in due course, and to see how editors respond.

## **Internal procedures**

- There are a number of complications with the Press Council's internal procedures for decision-making, most notably, the system which determines the voting arrangements for both the Board of Directors and the Complaints Commission. The existing position for the Complaints Commission according to the statute is as follows:

*"The Complaints Commission makes decisions and public warnings by two-thirds majority vote, provided that at least one vote "FOR" is given by representatives of all the members of the Press Council and one representative of the public." [64]*

- As pointed out by almost everyone consulted for this report, this position restricts the Commission's ability to act independently by effectively offering a veto to any one of the four constituent associations of the Press Council. Although the Council reports that this veto has not been used, it nonetheless has the potential to create a number of practical problems with decision-making.
- The Press Council plans to amend the statute to require a simple (i.e. overall) majority vote instead which should improve matters in this regard. This amendment is due to be made in June 2015. A further amendment will see the requirement for both Board and Complaints Commission representatives to have deputies removed from the statute, as the Council believes this provision to be unnecessary. [65] Otherwise, internal complaint-handling processes are reported to be operating broadly well, though the burden on the Secretary General is high.
- A number of individuals raised questions about a single person serving as President of the Press Council, President of the Managing Board, and as a member of the Complaints Commission. This arrangement is not the rule, but is the reality of the situation at present. This question is difficult to address from a distance, but there is a perception issue in some quarters about this.

## Recommended actions and activities

### 1. **Develop an educational / engagement strategy to encourage better cooperation from media**

- The work already undertaken to educate editors and publishers about the benefits of self-regulation and the outcomes of complaints should be built on, both by means of the monitoring project and other initiatives.
- The Council could develop an educational resource for editors as part of this work. Rather than focussing on individual complaints, the Council could collate lessons learned from the most significant rulings and publish them as a handbook to be used in newsrooms. (This measure could also be useful for other media councils to consider).

### 2. **Amend the statute to deal with internal complaint-handling issues**

- As previously noted, the internal procedures currently causing problems should be tackled by means of changes to the statute, or further consultation as necessary.

### 3. **Develop public awareness-raising activities to encourage citizens to make complaints**

- A good project proposal has already been worked up which outlines the delivery of two public debates on the topic of self-regulation and freedom of speech. These debates would be arranged in conjunction with a local debating club and the University of Belgrade. Similar activities, particularly outside Belgrade, should also be considered.

### 4. **Develop a policy and a membership strategy for online-only publishers**

- The Council should continue to liaise with online-only publishers that are not presently members of the Council. There is an opportunity here to make the case for self-regulation online, and the Press Council could support the existing work being undertaken by some leading websites to set up a new professional association of online publishers.

### 5. **Develop a long-term strategy to deal with funding the Council**

- Although the (still provisional) forthcoming funding arrangements are to be welcomed, a plan still needs to be drawn up to address the issue of contributions from members, as well as other income.

## 5 - Press Council of Kosovo\* (under UNSCR 1244)

Introductory information	
Country / region	<b>Kosovo (under UNSCR 1244)</b> Population: 1,859,203 (July 2014 estimate, according to CIA World Factbook) [66]
Name of organisation	<b>The Press Council of Kosovo (PCK; English)</b> <b>Këshilli i Mediave të Shkruara të Kosovës (Albanian)</b> <b>Savet Štampe Kosova (Serbian)</b>
Type of regulation	<b>Voluntary self-regulation</b>
History, funding and staff	
Year founded	2005
Brief history and significant milestones	<ul style="list-style-type: none"> <li>The Press Council of Kosovo was established in September 2005 with the assistance of the Organisation for Security and Cooperation in Europe (OSCE) Mission in Kosovo. Regulation of print and broadcast media had previously been in the hands of the Temporary Media Commissioner (TMC), a role established by the United Nations Mission in Kosovo in 2000. The Temporary Media Commissioner was also responsible for broadcast regulation, and had the power to levy fines up to €50,000 per violation. [67]</li> <li>The Secretariat of the Press Council started its regular activities in December 2005. The OSCE has continued to work closely with the PCK to provide support via technical assistance, though it no longer provides direct funding.</li> <li>The first Chairman of the PCK was an international expert in media regulation. He stepped down in 2010, and that role is now held by an experienced local person.</li> <li>In 2009, the Board of the Press Council amended its statute to extend membership to incorporate web-based media (news agencies).</li> </ul>
Budget and funding arrangements	<ul style="list-style-type: none"> <li>The annual budget for 2015 is c. €70,000. <ul style="list-style-type: none"> <li>Approximately €50,000 is for core funding;</li> <li>The rest (€20,000) is for projects.</li> </ul> </li> <li>Most of the PCK's budget comes from Civil Rights Defenders, which provides money for core operating costs. For 2015, its support totals €35,000, an increase of €2000 on the previous year. The PCK estimates that this figure covers its basic operating costs (salaries, rent, utilities and so on) for approximately six months.</li> <li>Additional (usually project-specific) funding is sought from other sources. In 2014, funding was received from Civil Rights Defenders, the Royal Norwegian Embassy (which has provided the most funding to the PCK after Civil Rights Defenders), the British Embassy in Pristina and UNESCO. In 2015 the funders are Civil Rights Defenders, National Endowment for Democracy and UNESCO. The grant from the National Endowment for Democracy covers some of the PCK's operational costs.</li> <li>As set out in Article 8 of the PCK's statute, media titles that are members of the PCK contribute financially to the Press Council's budget. The statute provides details about how the precise figure is determined. However, in practice, member contributions have not proven to be a reliable source of income: the PCK reports that only a total of approximately €2000 is contributed per year. The Council reports that the following titles regularly pay membership contributions: <i>Koha Ditore</i>, <i>Zeri</i>, Kosovapress news agency, <i>Gazeta Express</i> and <i>Jeta ne Kosove</i>.</li> <li>No funding is received from any Government or Assembly of Kosovo source. Thus far, the PCK has never pursued this avenue of potential funding on the basis that it wishes to preserve its independence from the state. However, the fact that the PCK is mentioned in the Civil Law on Defamation and Insult as a body to which complaints should be filed (see below), provides the possibility that the PCK could seek funding from the Kosovan Parliament, on the basis that it is providing a public service. There are no active plans to do so at present, but the option remains under consideration for the future.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>A full-time Executive Director and three other full-time members of staff: a complaints officer; a PR and projects officer; and a projects assistant. There is also a part-time accountant. A legal officer is employed on a part-time, ad-hoc basis to provide advice about complaints when necessary.</li> </ul>

Purpose and complaints-handling work	
<b>Legal basis</b>	<ul style="list-style-type: none"> <li>As set out in the statute, the Press Council is a not-for-profit association "according to the definition given by paragraph 2.2 of UNMIK Regulation No. 1999/22 registered as a local association" (i.e. as an NGO).</li> <li>The PCK is recognised under UNMIK Regulation 2007/13 ('On the promulgation of the civil law on defamation and insult adopted by the Assembly of Kosovo'), as follows:  <i>"Prior to filing a complaint under this law, an allegedly injured person shall undertake all reasonable measures to mitigate any harm caused by the expression. In particular the complainant shall request a correction of that expression from the person who allegedly caused the harm. Such actions may include seeking a remedy from the publisher of an allegedly defamatory or insulting expression and filing a claim with any appropriate regulatory body such as (The Independent Media Commission) or self-regulatory body such as (Press Council)."</i> </li> </ul>
<b>Primary purpose/functions</b>	<p>The PCK's main objectives are:</p> <ul style="list-style-type: none"> <li>To promote and enforce the Press Code of Conduct;</li> <li>To deal with complaints about breaches of the Press Code of Conduct by the print media, and to reach decisions about them;</li> <li>To decide on measures if a complaint is considered justified;</li> <li>To contribute to the creation of a free, independent, professional and unbiased media sector in Kosovo (under UNSCR 1244).</li> </ul>
<b>Summary of complaints-handling work and process</b>	<ul style="list-style-type: none"> <li>Complaints may be made in writing, according to the procedures of the Secretariat. Complaints must be made within one month from the date of publication of the content under complaint.</li> <li>The PCK's complaints officer is charged with reviewing all complaints received and deciding whether or not the complaint falls within the competence of the Press Council. In cases that do, efforts are made to mediate the complaint between the parties. If a complaint cannot be resolved within one month from the start of proceedings, it is referred to the Board for a decision. Barring special overriding circumstances, a final decision is made within three months of a complaint being received.</li> <li>The complaints officer presents complaints to the Board, together with all relevant supporting materials. According to the statute, the PCK has the power to invite the complainant and representatives of the media under complaint to a hearing, on the basis of a recommendation by the Director. However, in practice, this power is rarely exercised.</li> </ul>
<b>Who can complain and how are complaints received?</b>	<ul style="list-style-type: none"> <li>Complaints may be made by anyone (though titles that are members of the PCK are not allowed to complain about one another). Anonymous complaints are not considered, nor are complaints against individual journalists: a case must be made against a publication rather than an individual.</li> <li>A new website has recently been launched, which now enables complaints to be made online.</li> </ul>
<b>Proactive investigations?</b>	<ul style="list-style-type: none"> <li>There is some debate about proactive investigations. The ability to initiate investigations is not referred to explicitly in the statute, though there is a reference within the Council's Rules of Procedure. This states that: "The Press Council investigates complaints received for violations of the Press Code of Kosovo <i>and also prosecutes cases on its own initiative</i>" [my emphasis].</li> <li>As a general rule, the Council waits to receive complaints rather than acting more proactively. Its basic position is that it does not believe it to be appropriate to monitor the press on an on-going basis, nor does it have the resources to be able to do so. Despite this, it has on occasion issued pre-emptive warnings to media, for example following reports of hate speech in reader comments online connected to a visit by the Serbian Prime Minister to a sensitive location within Kosovo (under UNSCR 1244).</li> <li>Note that the Assembly does discuss major issues about press reporting and about which it may not have received a complaint, if it feels that a discussion is merited. However, it would be rare for such a discussion to lead to an investigation. In part, this is related to the experience of the PCK in its early years, in which a high-profile incident led to some complications for the PCK regarding its remit and powers.</li> </ul>

<b>Appeal mechanism for complaints?</b>	<ul style="list-style-type: none"> <li>No; this is not available.</li> </ul>
<b>Summary of complaints statistics (2014)</b>	<p>In 2014, the PCK received a total of 34 complaints. (In 2013, the total was 26).</p> <p><u>Breakdown by decision:</u></p> <ul style="list-style-type: none"> <li>Adjudicated complaints - 30 adjudicated complaints (6 upheld; 3 partly upheld; 21 not upheld)</li> <li>Complaints not considered - 2</li> <li>Resolved via mediation - 2</li> </ul> <p><u>Breakdown by Article of the Journalists' Code:</u></p> <ul style="list-style-type: none"> <li>21 complaints received about a potential breach related to reporting the truth</li> <li>6 complaints received about a potential breach related to right of reply</li> <li>3 complaints received about a potential breach related to incitement and hate speech</li> <li>1 complaint received about a potential breach related to privacy</li> </ul>
<b>Complainants</b>	<ul style="list-style-type: none"> <li>There is no information available about the background of complainants.</li> </ul>
<b>Active role in defending press freedom?</b>	<ul style="list-style-type: none"> <li>Yes, the PCK has published statements in the aftermath of attacks on journalists, in which it sets out its opposition to attacks on journalists and the importance of preserving free speech. In the aftermath of the <i>Charlie Hebdo</i> attacks in Paris, the PCK wrote letters of support to the French Embassy in Pristina.</li> <li>However, the role of actively advocating for media freedom is generally undertaken by the Association of Professional Journalists of Kosovo, an industry body which tends to focus on this work.</li> </ul>
<b>Membership and scope</b>	
<b>Membership: print/broadcast/online?</b>	<ul style="list-style-type: none"> <li>In summary: the Council's remit covers print media: daily newspapers, magazines; plus online media and news agencies. Discussions are ongoing about whether and how to further expand into the realm of online-only news portals.</li> <li>Broadcast regulation operates separately, and is covered by the Independent Media Commission (IMC), which issues broadcast licenses and promotes ethical, technical, and professional standards.</li> </ul>
<b>Summary of members</b>	<ul style="list-style-type: none"> <li>20 titles in total are members of the PCK, all of whom are represented in the Assembly of Members by an editor-in-chief or his or her deputy. The statute notes that the Press Council "is open to all Kosovo's print media; including those ones currently not signatories of this Statute and all future print media." Debates about potential future members are ongoing.</li> <li>A breakdown of the current membership is as follows: 6 daily newspapers (and their respective online versions), 8 online media, 3 news agencies, and 2 monthly magazines in Bosnian and Turkish languages.</li> <li>The Council reports that its membership comprises all national newspapers, together with the majority of the most popular online media and the majority of the most active news agencies. The Council states that a full range of political views is represented.</li> </ul>
<b>Details of new media members?</b>	<ul style="list-style-type: none"> <li>To be accepted as a member of the Council, an online media outlet must sign a copy of the statute and the Code of Conduct to indicate that they agree to abide by them. This is the same requirement that would apply to a traditional print media outlet.</li> <li>At present, there are eight online-only members, as set out above. All members are treated the same, whether they are traditional or online media.</li> </ul>
<b>If voluntary membership: any significant gaps in membership and/or compliance?</b>	<ul style="list-style-type: none"> <li>Yes – a few magazines are not part of the self-regulatory system, though the PCK reports that it has never received a complaint about those titles and that it does not keep records of those titles that are not members of the Council.</li> <li>However, as required by the statute, the Council will accept complaints brought to it about any media, regardless of whether or not they are members. In such instances, the Council will issue an 'opinion' rather than a formal adjudication.</li> <li>Regarding compliance, it remains extremely rare for any title, PCK member or otherwise, to actually publish a PCK ruling.</li> </ul>

<b>Incentives to become a member of/comply with the decisions of the Council?</b>	Not at the moment. The PCK is aware of the future possibility of formalising incentive mechanisms to join the Council in the context of the cases brought under defamation law. However, the PCK reports that this is not a realistic option for now, given what it describes as the absence of a proper legal framework and functioning justice system.
<b>Complaints about audio-visual material published on newspaper and magazine websites?</b>	<ul style="list-style-type: none"> <li>• A small number of complaints have been received about video content posted on PCK members' websites. These have proven problematic to deal with because of a lack of clarity about whether or not such content falls within the remit of the PCK or should instead be considered by the Independent Media Commission (IMC). Further discussions are required here to agree a policy position.</li> <li>• However, the general position is that the PCK should deal with everything published on the websites of PCK members, since it is "media content" and should therefore be treated in terms of a potential breach of the Code of Conduct. The PCK plans to look into amending and adapting its guidelines on the use of Press Code of Ethics (see below) to include jurisdiction over both audio and video content published on PCK members' websites.</li> </ul>
<b>Complaints about user-generated content / readers' comments?</b>	Yes, such complaints are already being dealt with.
<b>Decision-making</b>	
<b>Membership of Board</b>	<p>The PCK's Board is known as the Assembly of Members. Of a total of 21 members:</p> <ul style="list-style-type: none"> <li>• 18 are members of the Kosovo print media, each of which is represented by an editor-in-chief.</li> <li>• 3 are independent international and/or local members who serve as Chairman and Vice-Chairmen of the Assembly. One of the two Vice-Chairmen is always from a non-Albanian background.</li> </ul> <p>Membership of the media members entails a commitment to sign the Press Code of Conduct and the statute, a signed copy of which is available on the PCK website. Both the editorial and independent members are paid to attend meetings, which are held at least once per month. Payment is as follows:</p> <ul style="list-style-type: none"> <li>• For the Chairman: €50 per attended meeting</li> <li>• For the Vice-Chairmen: €40 per attended meeting</li> <li>• For the other members: €30 per attended meeting.</li> </ul>
<b>Appointment of Board</b>	<ul style="list-style-type: none"> <li>• For the media members: Appointment to the Assembly is automatic upon accepting the Press Code of Conduct and the statute. As such, every member of the Council is represented on the Assembly, which also performs the adjudicatory function.</li> <li>• For the independent members: They are nominated and elected by simple majority voting by the editors-in-chief already serving as members of the Council. Election is for a two year term which may be renewed once.</li> </ul>
<b>Membership of complaints committee</b>	Same as above - the Assembly performs both governance/administrative duties and the complaints adjudicatory function.
<b>Appointment of complaints committee</b>	Same as above - the Assembly performs both governance/administrative duties and the complaints adjudicatory function.
<b>System for decision-makers to recuse if complaints about their titles?</b>	Yes. If there is a complaint about a title represented on the Press Council, that title's representative is not allowed to vote on it. However, he/she may remain in the room while it is discussed, and is entitled to read the relevant paperwork associated with the case. The Council reports that this has always been its procedure and that it has not caused any serious problems.
<b>Code of Ethics</b>	
<b>Summary of content of Code of Ethics</b>	<ul style="list-style-type: none"> <li>• The Code draws on international standards of journalistic practice, and has been in force since 2005. Main sections span reporting the truth, privacy, corruption and bribes, protection of children and minors, incitement and hate speech, among other topics.</li> <li>• The Code of Conduct is supplemented by a series of guidelines, which are designed to provide explanations and clarification of the provisions of the PCK. The purpose of the guidelines is to enhance understanding of the Code and encourage adherence to the rules. The most recent version of the guidelines is dated 2015.</li> <li>• Specific reference has been made to online journalism. In 2015, the Code was amended to include additional guidelines for online journalism. These refer to public comments posted on web based media and the websites of news agencies.</li> </ul>
<b>Who is responsible for writing the Code? Public input?</b>	<ul style="list-style-type: none"> <li>• The Code is the responsibility of the Assembly of Members, and it is empowered by the Council's statute to make changes to it. A 75% majority vote is required for a proposed amendment to pass.</li> <li>• The Code was last amended in 2015 to take account of various changes to the law (for example, to change the age limit of a minor from 16 to 18, in order to comply with legislation). The PCK reports that the Code is constantly under review and that changes can be made swiftly as needed.</li> <li>• There is no formal mechanism for the public to be consulted about changes.</li> </ul>

<b>Powers</b>	
<b>Overview of available powers and sanctions</b>	<ul style="list-style-type: none"> <li>In common with other voluntary systems of media self-regulation, the most serious sanction is the publication of a critical adjudication. Although the PCK was initially set up on the basis that it would be able to issue fines to offending publications, this did not prove workable in practice, and this provision was subsequently dropped from the statute.</li> <li>The Council's decisions are communicated by press releases and via the website, which houses a record of all published decisions.</li> <li>As noted above, the PCK also has a role to play in mediating complaints and attempting to resolve them between the two parties. In practice, the Council estimates that this happens in approximately 10% of cases.</li> </ul>
<b>Are member publications of the Council required to publish</b> a) decisions upholding complaints against them? b) decisions not upholding complaints against them?	a) Yes. b) No, though some titles do.
<b>Are there any conditions applying to the publication of decisions when they are required to be published in relation to:</b> a) promptness? b) prominence?	The statute makes clear that the Assembly "has the power to order a print media to print its adjudications on a place indicated by the Assembly". However, in practice, compliance has been a problem and it is rare for titles to publish rulings that are upheld against them (though they may publish a PCK press release about a case).
<b>Does the Council issue adjudications against publications that are not formal members of the regulatory system?</b>	Yes – see above for details.
<b>Public and industry engagement</b>	
<b>Summary of training offered to journalists and/or editors</b>	<p>As elsewhere in the region, considerable efforts have been invested in this area of work over the years. For example:</p> <ul style="list-style-type: none"> <li>Between June and September 2014, the PCK worked with the British Embassy in Pristina to organise four workshops for journalists to discuss ethical issues, particularly in regard to online content and hate speech. Copies of books about media ethics were presented to students upon completion of the workshops;</li> <li>With support from the National Endowment for Democracy, the Council has run a number of Media Ethics Schools for journalism students. These have proven to be very popular. The sessions cover self-regulation and use real-life case studies to discuss the Press Code. Following completion of two of the schools of journalism ethics, the PCK collated the lectures in a dedicated book on journalism ethics, which it published. 300 copies were distributed to PCK board members, journalism students and the general public;</li> <li>Past seminars for journalists have taken place outside Pristina to encourage regional awareness of the PCK. In one case, a round-table was organised to bring together journalists from minority groups; in another, a discussion was held with representatives of Kosovan Serb media.</li> </ul>
<b>Summary of public engagement work</b>	<p>Many initiatives, including:</p> <ul style="list-style-type: none"> <li>Radio advertisements which were broadcast on four local radio stations (these are available to view on YouTube);</li> <li>The PCK has organised various round-table meetings for journalists and editors in towns in Kosovo, information about which is subsequently reported in local media. This has been a deliberate strategy to help to increase public awareness;</li> <li>The PCK office houses a small library with books about media ethics. These are available to the general public, as well as to journalists and students. The publications span a range of languages;</li> <li>Meetings of the Assembly are open to media watchdogs and representatives of the Council's partners, "unless otherwise decided by the Assembly" (Article 6 of the statute). Complainants do not attend meetings.</li> <li>The PCK is involved in a research programme which analyses the media situation in Kosovo (under UNSCR 1244) on an annual basis, according to 27 indicators identified by the Council of Europe. There is more information via this link: <a href="http://presscouncil-ks.org/wp-content/uploads/2015/05/Media-Indicators-2015.pdf">http://presscouncil-ks.org/wp-content/uploads/2015/05/Media-Indicators-2015.pdf</a></li> </ul>
<b>Online presence</b>	A website with information in three languages (Albanian, Serbian and English): <a href="http://presscouncil-ks.org/">http://presscouncil-ks.org/</a> ; plus a Facebook profile: <a href="https://www.facebook.com/KMSHKosove?ref=hl">https://www.facebook.com/KMSHKosove?ref=hl</a> .

The future	
Summary of main challenges	<ul style="list-style-type: none"> <li>• Ensuring sufficient staffing and resources to enable the PCK to continue to carry out its core functions, as well as having the capacity to undertake proactive work if it wishes to</li> <li>• Increasing public awareness of services and activities, and generating more complaints</li> <li>• Adopting a policy position with regard to the potential regulation of online news portals (and managing external expectations here)</li> <li>• Ensuring compliance by media in publishing critical rulings by the Council.</li> </ul>

Source: Press Council of Kosovo



## Summary of existing strengths

### **Longevity**

- Despite existing in an environment largely characterised by political and economic fragility, the Press Council of Kosovo (hereafter PCK) has nonetheless managed to operate on a continuous basis for almost 10 years. This is no small feat, and its longevity should be acknowledged as a tangible sign of success. After the Press Council of Bosnia and Herzegovina, the PCK is the longest-established self-regulatory media council in the region. The Council has good financial and technical support from a range of donors including institutional support from Civil Rights Defenders. The security that comes with securing core funding (even if only a partial contribution to overall costs) should not be under-estimated – though the Civil Rights Defenders grant is due to end in 2015 and it is as yet unclear whether it will be continued after this point.

### **Reputation**

- The Council has a broadly positive reputation among external stakeholders, particularly regarding the degree to which it is said to operate independently of political influence. This is important for any organisation, so it was notable during the discussions with stakeholders that the issue of operational independence was only referred to in positive or neutral terms. One reason for this might be the fact that the PCK has not pursued funding from the Assembly of Kosovo, even though this is a route that is apparently open to it to explore, given the recognition of the Council in the civil defamation law (see the information under 'legal basis' in the introductory table).

### **Membership**

- The membership base of the PCK is almost universal as far as the main traditional print media are concerned. The Council reports that only a small number of magazines are not members, but that it does not keep records for non-members. Unusually for the region, the membership model is based on a system of direct representation, which means that a representative of every member attends meetings of the Assembly. As the introductory table at the start of this chapter makes clear, the governance and decision-making responsibilities are not separated into distinct committees at the PCK as they are at other media councils.
- In practice, this means that every member of the Council is required to participate in the adjudicatory process. There are a number of advantages (and some disadvantages) associated with this model. Perhaps the most obvious advantage is that by dint of being required to attend regular meetings, the system encourages hands-on involvement by all media in the PCK's work. It is difficult to prove the value of the arrangement one way or another, but given that membership scope seems to be less of a concern than other places in the region, it may well be the case that the 'buy-in' that this system encourages works in the PCK's favour. The small size of Kosovo (under UNSCR 1244) may also be a factor here.

- The PCK is aware that it needs to remain relevant in the digital age, and in 2009 adapted its statute to enable it to deal with online-only media. At present, eight online media are members of the Council, which is currently considering how best it can develop its role with regard to other online media. This development presents an opportunity to think strategically about the future, and the Council is now at a stage where it needs to spend some time thinking through the various policy and regulatory implications associated with the proliferation of online media. This is discussed further in the next section.

### **Code of Ethics**

- In terms of the Council's adjudicatory work, the Press Code appears to be a flexible document which has been updated a number of times since it was adopted by the Council. Such flexibility is encouraging, because it suggests a system is in place for proposals to be made and agreed (though the Council comments that this flexibility only extends to accommodating minor, rather than substantive, changes). Most of the individuals consulted for this report did not raise material concerns about the provisions of the Code *per se*, though one or two did, and it is important that discussions about reviewing the Code are ongoing. For the most part, discussion around issues of complaints-handling tended to focus on questions about how the Code is interpreted by the PCK (see below), a separate issue to the content of the Code itself. The formal recognition of the PCK's role in UNMIK Regulation 2007/13 (see table) can also be interpreted as strength, since it formalises the requirement for people to use the Council's services before pursuing a legal complaint. [68]

### **Education and awareness-raising**

- The Council plays an important role in educating students and others about journalism ethics. Considerable efforts have been made to provide training, most notably by means of an annual media ethics school. This is arranged with the support of the National Endowment for Democracy. The PCK views this work as a crucial means of instituting a strong sense of ethics within the emerging generation of journalists. This work is important and well-received, and there are good links to Universities that offer journalism studies. The PCK wants to position itself as an education provider – a particularly important role given the absence of a dedicated Kosovan media institute. Since 2010, it has also operated a small library which contains more than 100 books and publications in Albanian, Serbian and English, which have been used by journalists and students of journalism.
- The PCK has also worked hard to promote its services to civil society and other stakeholders, including outside Pristina where awareness levels might naturally be assumed to be lower than in the capital. For example, radio adverts have been produced for broadcast on four local stations. The PCK is aware that it needs to continue to work to increase its profile with external stakeholders. The appointment of a dedicated PR and projects officer is an important step forward in this regard, providing the Council with an additional resource to focus on engagement activities beyond the core complaints-handling work. This is a positive appointment, which reflects a commitment to establishing new external relationships to increase profile and visibility.

## ***Development and new projects***

- There are a number of potentially important projects in progress or in development, including a partnership with the EU Office in Kosovo (under UNSCR 1244) for the PCK to serve as the coordinating partner for a new DG Enlargement-sponsored investigative journalism award. [69] A new website has recently been launched (<http://www.presscouncil-ks.org/>) which is intended to provide a dedicated platform for mobiles and tablets, and which incorporates new multimedia elements into the site. For the first time, the PCK website enables complaints to be submitted online. These initiatives are forward-looking and positive.
- The Council has been very encouraged by the reference to its work in the 2014 Progress Report of the EU Office in Kosovo (under UNSCR 1244), which notes that the PCK is “recognised as a platform capable of further developing professional self-regulation”. [70] This is an important acknowledgement of the potential of the Council, which can be built on in the years ahead.

# Summary of key challenges: a needs-analysis

## Funding

- The PCK is heavily dependent on funding from external donors, with only a very small proportion of its income received as contributions by members. This situation puts the PCK in a vulnerable position, since it is susceptible to changes in donor priorities in the future. Although funding comes from a range of sources, thereby mitigating this risk to an extent, it is nonetheless a concern that after nearly a full decade of operations, the media does not provide more support. This is true elsewhere in the region, and is a reminder of the difficult economic conditions that underpin the work the councils are doing.
- The Council reports that the option of pursuing (state) Assembly funds may be considered in future. According to the Council's 2015-2019 strategic plan, "[The] PCK is also examining the possibility of providing support from the Kosovo Parliament on the condition of maintaining autonomy in making decisions." [71] Although the Council advises that this remains a theoretical proposition rather than an active line of enquiry for the moment, as with the Press Council in Bosnia-Herzegovina, it will be important for the PCK to retain autonomy from political decision-makers if it does decide to pursue funding of this sort.
- The PCK previously developed a self-sustainability plan as part of a work-stream supported by Civil Rights Defenders. [72] However, the concrete proposals for income-generation activities explored in this document have proven difficult to implement in practice. Examples of possible activities proposed here had included:
  - Charging a small fee for people to attend PCK-run training workshops. Primarily aimed at journalists and editors, these workshops would be themed around topics identified by the PCK via its monitoring work as requiring follow-up work. The workshops would feature prominent guest speakers and would aim to improve the quality of reporting throughout Kosovo (under UNSCR 1244).
  - Introducing a new paid-for service open to every newspaper willing to pay a fee for it. The PCK would audit newspapers' published content, and identify any ethical errors: an "ethical auditing" service. A report would be prepared together with recommendations for the future, which could include training by the PCK.
  - Selling advertising space on the PCK website for a small fee.
- A more up-to-date (unpublished) strategy, dated 2015-2019, focuses on the need to identify new external donors rather than on how the Council can itself generate income. The Council believes this to be a more realistic approach. Financial sustainability remains a serious challenge in the long term, and there are no easy solutions.

- The fact that members of the Assembly are paid to attend meetings also has financial implications relevant to sustainability considerations. Based on the figures for attendance fees provided in the statute, each meeting of the Assembly could cost up to €850 to staff, were every member to be present. (This figure also includes the cost of renting a meeting room, plus refreshments). Over the course of a year, the total cost of this payment adds up. The incentivization element of such a system is understandable, particularly in a region where salaries are low and working practices are demanding. However, in the long run, such a system may not be sustainable.
- Further, the fact that attendance fees of up to €8500 could be paid out to members of the Assembly over the course of a year when members are only contributing c. €2000 does raise an important question about the sizeable gap between these figures. This needs to be tackled somehow.

### **Online media**

- One implication of the attendance fee model that might be useful to consider is: what would happen if more media titles were to join the Press Council? Under the existing system, a representative from a new title would attend meetings of the Assembly, and would presumably be entitled to receive an attendance fee if the model remains as it is. Given that the PCK is currently considering whether it could extend its membership base to include more online-only news portals, such a system may prove challenging to resource, particularly if the numbers were to rise significantly. There are plenty of different options to consider here; the Council reports that it is considering reducing the attendance fee, for example. Nonetheless, if the total numbers of media members did rise significantly, this measure may not solve the problem in the long term.
- Online media pose some important policy questions to which the Council needs to formulate a response. At present, only eight online media are members, and the Council reports that there has been limited interest from others about joining. However, there is an expectation - both within the Council and outside it - that the PCK should be doing more to deal with online content. Discussions are already under way within the Council about how it should respond to the regulatory challenges posed by online portals and a draft strategy has been proposed for the Board's consideration. However, there remains – for now, at least – an absence of a formal, agreed strategy.
- In addition to the financial considerations noted above, there is also an important practical question linked to decision making: is there a maximum number of Assembly members beyond which meetings become unworkable? The Council is presently considering this and other questions as it develops its thinking in the area of online regulation. Further time and resources need to be invested in researching these issues, taking professional and/or technical advice as necessary. Some relevant questions for the Council to bear in mind as part of this process might include:

- How realistic / desirable is it for the Council to deal with material posted online? Where do the boundaries lie, given the volume of material and the PCK's limited resources?
- How might the existing complaints procedures need to be adapted to deal with online material?
- Where are the precise lines of responsibility between the PCK and the Independent Media Commission (see introductory table), particularly with regard to online video content?
- If news portals become members of the Council, should they have the same status as other members? Would they vote on all issues / attend all meetings, or would a sub-committee be more appropriate here?
- Would it be more sensible for news portals to establish their own regulatory mechanism? If so, what cooperation between it and the PCK might be useful and appropriate?

## **Complaints**

- The number of complaints received by the Council is arguably quite low, especially when compared to the Press Council of Bosnia and Herzegovina, the other long-established media council in the region. Although the number of complaints has increased in recent years, public awareness is acknowledged by the Council as an area where improvements can be made, and efforts in this area may generate more complaints in future. (A recent report by the Thomson Foundation provides some useful information about the current visibility of the Council and how this might be improved in future). [73] The Council points out that a significant increase to the current figures would not be workable, given that every complaint is discussed in person, and that its in-house capacities are limited.
- Some concerns were raised by stakeholders about some of the Council's published rulings; specifically, that there is sometimes a lack of detail in the explanation of whether and how the Code has been breached. This perception is difficult to assess without access to all the original background documents and without observing the discussions, but certainly any perception of ambiguity or lack of clarity has the potential to undermine the PCK's credibility. Some capacity-building work has already been undertaken in this area, so further work of this sort might usefully be considered for the future, together with support for complaint-handling processes.

## **Compliance**

- Compliance is a concern, with the Council reporting that media titles routinely ignore critical adjudications, only publishing those in which a complaint against them is not upheld or publishing the Council's press release rather than the decision itself. This is common throughout the region so is not specific to the PCK, and there is no easy solution. However, it remains problematic that for whatever reason, one of the defining features of self-regulation – a willingness to accept public rebuke if a mistake has been made – has seemingly not embedded itself in the culture of the Kosovan media.
- In this regard, it might be worth the PCK considering the long-term viability of its existing governance model, in which all members are represented in the complaints decision-making process. An alternative governance model could encourage a clearer distinction between corporate decision-making and complaints about media content in which members have an interest.

## Recommended actions and activities

### **1. Agree on a policy at Board level about online media**

- The Council is already considering this. One idea would be to institute a dedicated sub-committee of the Board of Assembly, which could consider in detail the PCK's response to the challenges posed by online news publication, including a strategy for new membership. Policy recommendations and an action plan for consideration by the PCK as a whole should follow. This process should involve consultation with the Independent Media Commission and other relevant stakeholders to iron out the existing confusion regarding remit.

### **2. Update and develop the self-sustainability plans to assess what work could be undertaken to secure income**

- These aforementioned reports included a number of ideas which could be developed, perhaps in conjunction with some of the other projects currently under consideration.
- As in Bosnia and Herzegovina, work needs to be undertaken with the media to encourage payment of contributions. Some of the responsibility should fall on the media directly, rather than on the Council.

### **3. Develop new initiatives for the new PCK website**

- Now that the new PCK website has been launched, work should continue on improving and enhancing the website's functionality and services. For example, data about complaints could be presented in a more user-friendly format. This may require adapting or changing existing in-house procedures, such as capturing and recording data, so there may be technical considerations here.

### **4. Internal complaints procedures should be developed and improved where necessary**

- The details of this proposed initiative should be led by the PCK; one idea would be to work on enhancing the mediation and resolution process. At present, the PCK estimates that approximately 10% of cases are resolved. A greater emphasis on this side of work could be considered, in part to try to explain the benefits of this work to editors.
- The PCK reports that it is working on amending its rules of procedures, for example to respond more quickly to complaints about online media.

### **5. Create a new advertising campaign to promote the work of the PCK**

- It could become a condition of membership that media titles are required actively to publicise the work of the PCK. This would be a positive way of advertising the services offered by the PCK, and serve as a kind of 'badge of honour' for member titles. It would also distinguish them from websites that may not necessarily adhere to the same standards.



## Conclusions and recommendations

The five media councils considered in this study are all operating in difficult circumstances. The combination of difficult economic and political conditions, limited sustainable funding and high external expectations to deal with complex regulatory problems have an impact on the councils' long-term functionality and sustainability. However, despite many challenges, the councils continue to operate and maintain their services to the public. It is important to acknowledge the many positive aspects of the councils' work.

The particular complexities and sensitivities of the region must constantly be borne in mind when considering how best to support the work of the councils in future. This is particularly relevant when identifying and implementing new project activities, given that there can be some discrepancies between information contained in the councils' statutes and the reality of the situations on the ground. A pragmatic response is needed which has regard for this.

### **Common challenges**

- Each media council is unique and faces its own particular challenges. However, it is clear that a number of overarching issues are common to all five organisations. These issues are summarised briefly below.

#### **1. A lack of financial sustainability**

- The fact that even the longest-established media councils are still almost entirely dependent on support from the international community many years after they began operations is a cause for concern as far as financial sustainability is concerned, since it demonstrates that there are no easy routes to guaranteed long-term financial security. There is no obvious solution here, given that media in the region are generally not making financial contributions to the councils, despite this usually being referred to in the councils' statutes. (Media outlets do of course support the councils in many other ways, including by dedicating senior staff to serve on committees, sometimes for no fee, and by sharing professional expertise and other resources. However, this is different to providing direct funding to cover day-to-day costs).

- As noted in the introduction, representatives of the media councils met in Riga in May 2015 and discussed a draft version of this study. One important area under discussion was funding, and how to encourage long-term financial sustainability. The representatives stressed the practical difficulties inherent in the expectation (held by some external stakeholders) that media in the region could contribute financially to the running costs of the councils. This was unrealistic in their view, on the basis of the severe economic difficulties in the region. They made clear that financial support from international organisations was the only realistic option for a secure funding source at this time. Some councils also expressed uncertainty about the viability of pursuing income-generation ideas when these were mooted since this would potentially conflict with the legal status of the councils as not-for-profit organisations.
- Despite the very real difficult financial environment for media, it is important nonetheless to consider what can be done in the long term to encourage financial contributions, however small, from media owners and publishers, given that the success of self-regulation will – to a large extent – be determined by the commitment of the industry itself.

## **2. Limited in-house resources**

- All of the councils are operating with small secretariats, with many individuals performing a variety of roles in addition to their official jobs. High workloads have implications both for individuals and for the organisations as a whole, since there is very limited (if any) spare capacity to cope with unexpected events or an increase in complaint numbers. Many of the staff and committee members who serve on one of the councils reported a desire for training on various policy, governance or management-related issues. This kind of capacity-building work should underpin future activities to ensure that the organisations have as robust and strong a staffing base as possible.

## **3. Limited cooperation and compliance**

- Cooperation is a challenge for many press and media councils around the world operating within the framework of a voluntary system. The councils have developed various responses to try to deal with this issue, which is likely to be ongoing in the absence of membership systems formally equipped to exclude or otherwise sanction media outlets that do not comply. The arrangements of membership – in particular, what it means in practice to be a member and how the councils make a distinction between members and non-members – will continue to be important areas to consider.
- One of the options that could be explored by media councils in South East Europe is the idea of developing incentive mechanisms to encourage media outlets to adhere to a system of self-regulation, while remaining voluntary. Various incentivisation options have been developed with regard to press councils in Western Europe which have attracted attention from scholars and media practitioners alike. However, it is a complex legal area, particularly for countries in democratic transition.

- As analysed by Adeline Hulin in her 2014 paper for the Robert Schuman Centre for Advanced Studies at the European University Institute *Statutory media self-regulation: beneficial or detrimental for media freedom?* membership of a self-regulatory media council can be incentivised to media on the basis of advantageous costs and/or damages arrangements in law, which “may include rewarding or punitive measures for those media who adhere to or exclude the model of self-regulation.” For example, Hulin states:

- “In Ireland, media belonging to the system of media self-regulation may benefit during defamation proceedings. The adherence to the Press Council’s code is recognized by the 2009 Irish Defamation Act stating:

*The court shall, in determining whether it was fair and reasonable to publish the statement concerned, take into account such matters it considers relevant including in the case of a statement published in a periodical by a person who, at the time of publication, was a member of the Press Council, the extent to which the person adhered to the code of standards of the Press Council and abided by determinations of the Press Ombudsmen and determinations of the Press Council.” (Irish Defamation Act, 2009)[74]*

- An exploration of incentive mechanisms lies outside the scope of this study, but is mentioned here briefly because the subject may merit further consideration as a separate, follow-up piece of research at a later date.

#### **4. The growth of online media**

- The councils are already adapting and responding to the regulatory challenges posed by the growth of new media. However, there remain many policy-related questions still to explore, including several connected to the lines of division between self-regulatory media councils and other regulatory agencies that operate in each country. The questions that have emerged about whether and how councils should deal with audio-visual content published online is an example of why clarity around remit in this area matters.
- These questions will certainly need further consideration in due course, as will the matter of how to resource what could be a major new area of work.

#### **5. Need for ongoing awareness-raising work**

- At the discussion in Riga, some representatives of the media councils described the work they are engaged in as a kind of “mission”. This work, in their view, requires ongoing education and advocacy work among civil society, and ongoing training about ethical codes among editors and journalists. Despite the different lengths of time for which the councils have been established, all remain relatively new organisations in the long historical context of the region’s turbulent past. The kind of engagement activities the councils undertake to promote broad cultural awareness of their services require continual efforts, if the organisations are to become fully embedded in the communities in which they are based.

#### **Funding**

- As noted above, efforts should be made to discuss with media owners and publishers how to gradually introduce a workable model of financial contributions to part-fund the media councils.

- A change of this sort would lessen the existing heavy dependency on the donor community, and demonstrate evidence of a commitment by the media industry to the success of the councils.
- As a related measure, it may also be worth exploring options to gradually reduce over time the attendance fees for Assembly or committee meetings (in those councils where this is the norm), on the basis that this measure would also help to strengthen sustainability.

### **Donor coordination**

- As the introductory tables in the report illustrate, a number of different donors fund the media councils. It was clear from conversations with representatives from various donor organisations that there is a real commitment to helping the councils thrive.
- It has been quite difficult to establish from information readily available in the public domain precise, up-to-date details about funding arrangements. The councils generally provide a list of donors on their websites which is useful, but the information is limited. Whilst acknowledging that the publication of financial information may have confidentiality and/or commercial implications, it might nonetheless be useful to UNESCO (and other donors) if more detailed information about the councils' budgets were made publicly available. Such information could include a breakdown of costs, distinguishing between the essential core operating costs needed for day-to-day activities, and additional project-based costs.
- As the principal funders of media councils in the region, international donors play an important and influential role in the development of media self-regulation. In some cases, there appear to be overlaps between the aims of some donor-funded projects, and an apparent absence of coordination between the different donors. Given the arguably specialist nature of the work of media councils, it may be worth considering some new initiatives to encourage greater coordination between donors, possibly through the establishment of a new working group which could discuss relevant media policy developments at both national and European levels, for example.

### **Regional and international networks**

- The AIPCE network is already a valuable resource for the councils in South East Europe, all of whom are members. At the 2014 conference in Brussels, it was agreed that from now on, a working group would be established to ensure the permanence of the Alliance between one conference and the next, to build on the exchange between members that currently takes place via email. The working group comprises representatives from the organizer of the conference of the current year, the organizer of the next conference and a press council of one of the Balkan countries and/or young democracies from Eastern Europe. The current members are the Austrian Press Council, the Belgian Press Council (Raad voor de Journalistiek), and the Press Council of Kosovo.
- One of the tasks of the first working group is to draft a set of proposals to intensify the exchange of ideas and cooperation throughout the year by means of a better functioning website, social media or other tools. Accordingly, there may be further initiatives to explore in due course that might be beneficial to the councils in South East Europe.

- Further, given that representatives of some of the longer-established media councils in Western Europe have long played an advisory role in South East Europe when requested to do so, it may be worth members of the Alliance discussing the potential value of developing a more formal mentoring role between different councils, if partnerships of this sort are considered to have potential value.
- There are a number of significant policy issues that could usefully be explored and discussed via the AIPCE network in greater depth than has been done at present. For example, funding from Parliamentary sources remains an avenue that some media councils said they wished to pursue, with various individuals citing the case of the German press council which receives some funding from the state. Given the potential implications of this, more detailed research could usefully be undertaken on this subject, perhaps leading to the circulation of a summary policy paper.
- Beyond the Alliance, the extent of the regional cooperation between the councils on a day-to-day basis is extremely positive. Other initiatives such as the aforementioned Media NETHics initiative also have a very useful role to play in facilitating dialogue and the sharing of good practice, and should be encouraged. It would be helpful for UNESCO and the Council of Europe to continue to liaise, and to cooperate further in their support to media councils.

### **Information sharing**

- If the tables of information about each of the media councils are considered to be sufficiently useful, it may be worth publishing an edited version of them online, perhaps on the AIPCE website, so that the information is disseminated to as broad an audience as possible. The information could be particularly useful to donors for those councils that receive funding from external sources, since it could partially serve as an auditing/accounting mechanism. Information could be updated on an annual basis. This would build on the role of the existing Google Group, and would make the information more accessible to the public.

### **Beyond press and media councils: other types of self-regulation**

- Although analysis of the work of in-house ombudsmen and readers' editors fell outside the scope of this report, such systems are reportedly not particularly established in the region as a whole. UNESCO's *World Trends in Freedom of Expression and Media Development* report notes that "Ombudsmen from only two Central and Eastern European countries were regular members of the global Organization of News Ombudsmen in 2013." [75] Since none of the media councils in this study formally require complainants to address their complaints to publications before lodging a complaint with the council, it would be interesting to assess what efforts are being made, if any, to encourage in-house complaint-handling systems to complement the role of the councils.
- Indeed, although the issue of the funding of media councils is not specifically mentioned, the EU's 2014-2020 guidelines for support to media freedom and media integrity in enlargement countries stress the need for media outlets themselves to assume responsibility for improved internal governance and production. One of the recommendations is that "There should be effective mechanisms in place to deal honestly and transparently with readers/viewers

## The future

- The media councils discussed in this report do not exist in a vacuum. Their fortunes are, to a large extent, dictated by external factors, including the general conditions under which media members operate. It is important, therefore, that proposals to support their work take account of the broader social, economic and political conditions. Support of, and buy-in to, the councils' work by media is a key determining factor in the success of self-regulatory systems. The underlying economic conditions and political pressures faced by journalists are important to recognise and tackle too, if the ethical standards that lie at the heart of the councils' work are to become fully embedded into the culture of journalism in the region. Efforts in these areas should be coupled with ongoing awareness-raising, educational and media literacy efforts with citizens, to promote the work of the councils and to encourage a climate of open debate about standards and available opportunities for redress.
- All of these efforts will take time. Despite the clear need of the media councils for support and investment, ultimately what they depend on to succeed in their work is a free and enabling external environment for media more generally. As Robert Pinker argues, a free media environment is critical to the success of self-regulation:

*"Self-regulation only works effectively in countries where governments uphold the right to freedom of expression and allow their citizens a generous degree of freedom in regulating their own lives and associational activities within the institutional contexts of their civil societies. These are the contexts in which their culturally distinctive traditions of voluntary co-operation and compliance take root and grow.*

*Making self-regulation work is an integral part of the same processes. There are no political or legal short-cuts to success. Making democracy work in practice takes a good deal longer than drafting democratic constitutions and the same is true of Press Councils and their Codes of Practice." [77]*

- This is important to remember. The reference also serves as a useful reminder that in addition to all of this, the other important thing that is needed is patience.

## Appendix 1: List of stakeholders consulted

### **Bosnia and Herzegovina**

**Maida Bahto Kestendžić**, Project Coordinator for Complaints, Press Council in Bosnia-Herzegovina

**Ines Bamburać-Alibašić**, Executive Director, Mediacentar Sarajevo

**Dejan Jazvić**, Editor, Vecernji list BH, Sarajevo office; and deputy to an Assembly / Board of Directors member, Press Council of Bosnia-Herzegovina

**Jasna Jelisić**, Political Advisor, Delegation of the European Union to Bosnia and Herzegovina and European Union Special Representative in BiH

**Andy McGuffie**, Head of Communication and Spokesperson, Delegation of the European Union to BiH and European Union Special Representative in BiH

**Dario Novalić**, Chairman, Board of Directors, Press Council in Bosnia-Herzegovina; Director, Denamedia

**Emir Powlakić**, Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Bosnia and Herzegovina Communications Regulatory Agency

**Borka Rudić**, General Secretary, Journalists' Association of BiH

**Vildana Selimbegović**, Editor-in-Chief, *Oslobođenje*

**Željka Šulc**, Chief, Press and Public Information Unit, OSCE Mission to Bosnia and Herzegovina

**Adis Šušnjar**, Coordinator/Editor of the E-journalist, Journalists' Association of BiH

**Nina Suomalainen**, Former Deputy Head of Mission, OSCE Mission to Bosnia and Herzegovina

**Jens Wagner**, Cultural Attaché, German Embassy in Bosnia and Herzegovina

**Ljiljana Zurovac**, Executive Director, Press Council in Bosnia-Herzegovina

### **FYR Macedonia**

**Mirce Adamcevski**, President, Press Complaints Commission, Council of Media Ethics of Macedonia

**Teofil Blazeovski**, Member, Press Complaints Commission, Council of Media Ethics of Macedonia

**Marina Ćorgievska**, Administrative Assistant, Council of Media Ethics of Macedonia

**Arlinda Idrizi**, Advisor, Political and Economic Affairs, Embassy of the Kingdom of the Netherlands

**Islam Jusufi**, Former Programme Manager, Economic Issues, Institution-Building and Pre-Accession Reporting, Delegation of the European Union to Skopje

**Ioanna Lachana**, Public Information and Media Officer, OSCE Mission to Skopje

**Mihajlo Lahtov**, Senior Public Information and Media Assistant, OSCE Mission to Skopje

**Besim Nebiu**, former Executive Director, Association of Journalists of Macedonia

**Biljana Petkosvska**, Executive Director, Macedonian Institute for Media

**Tome Sekerdziev**, National Rule of Law Officer, OSCE Mission to Skopje

**Dragan Sekulovski**, Executive Director, Association of Journalists of Macedonia

**Katerina Sinadinovska**, Chairman, Council of Media Ethics of Macedonia

**Marina Tuneva**, Executive Director, Council of Media Ethics of Macedonia

### **Montenegro**

**Gordana Borović**, Member, Commission for Monitoring and Complaints, Media Council for Self-Regulation

**Božena Jelušić**, former Ombudsman, *Vijesti*

**Mirjana Radović**, Freedom of Expression Officer, Human Rights Action

**Nemanja Tepavčević**, Press and Information Officer, Delegation of the European Union to Montenegro

**Mihailo Jovović**, Editor-in-Chief, *Vijesti*

**Ranko Vujović**, Executive Secretary, Media Council for Self-Regulation

**Matija Vasiljević**, Programme Assistant, OSCE Mission to Montenegro

**Dragoljub Duško Vuković**, Freelance journalist, media analyst and instructor; formerly of the Montenegrin Institute for Media

### **Serbia**

**Predag Azdejković**, Public member, Complaints Commission, Press Council

**Predrag Blagojević**, Editor-in-Chief, *Južne Vesti*, and member of Complaints Commission, Press Council

**Aleksandar Djordjević**, Media and Information Officer, EU Delegation to Serbia

**Miroslav Janković**, Legal Officer, OSCE Mission to Serbia

**Petar Jeremić**, President of the Executive Board, Association of Journalists (UNS)

**Dalila Ljubičić**, Executive Director, Media Association

**Čedomir Mitrović**, Project Manager, Press Council

**Gordana Novaković**, Secretary General, Press Council

**Tamara Skrozza**, Member, Complaints Commission, Press Council

**Ljiljana Smajlović**, Editor-in-Chief, *Politika*, and President of the Managing Board, Press Council

### **Kosovo (under UNSCR 1244)**

**Nora Behluli**, Complaints Officer, Press Council of Kosovo

**Arben Hajredinaj**, National Programme Officer, Democratization Department/Media Unit, OSCE Mission in Kosovo

**Kelmend Hapçiu**, Executive Director, KosovoLive

**Nehat Islami**, Executive Director, Press Council of Kosovo

**Senad Kamenica**, Senior Media Adviser, OSCE Mission in Kosovo

**Flutura Kusari**: former Board member, Press Council of Kosovo

**Sarah Maliqi**, Programme Officer, Civil Rights Defenders

**Fisnik Minci**, Journalist, *Koha Ditore*, and Association of Journalists

**Artan Muhaxhiri**, Department of Sociology, University of Pristina

**Imer Mushkolaj**, Vice-Chair, Press Council of Kosovo

**Qerim Ondozi**, PR and Projects Officer, Press Council of Kosovo

**Brikenda Rexhepi**, Editor, *Koha Ditore*

**Bill Taylor**, Consultant to the Thomson Foundation

### **Other**

**Sally Broughton-Micova**, London School of Economics and Political Science (LSE) Department of Media and Communications; Acting Director, LSE Media Policy Project

**Lara Fielden**, former Visiting Fellow, Reuters Institute for the Study of Journalism, University of Oxford

**Adeline Hulin**, Consultant, Media Accountability in South East Europe project, Communication and Information Sector, UNESCO

**Daphne Koene**, Secretary, Netherlands Press Council

**Dieter Loraine**, Managing Director, Albany Associates Ltd.

**Peter Noorlander**, CEO, Media Legal Defence Initiative

**Professor Robert Pinker CBE**, Former Chairman, Press Council in Bosnia-Herzegovina

**Maja Stojanović**, Project Officer, Promoting freedom of expression and information and freedom of the media in South-East Europe (SEE) project, Council of Europe

**Tarja Turtia**, Programme Specialist, Communication and Information Sector, UNESCO

**Flip Voets**, Former Ombudsman, Council for Journalism (Raad voor de Journalistiek), Belgium

**Alexander Warzilek**, Managing Director, Austrian Press Council

## Appendix 2: media freedom / sustainability indicators 2015

<b>Name of country/region</b>	<b>Freedom House score (0 = most free, 100 = least free)</b>	<b>Reporters without Borders (World rank 1-180 places)</b>	<b>IREX Media Sustainability Index (overall average score)</b>
Bosnia and Herzegovina	51 (Partly free)	66 <sup>th</sup> place	2.03 (Near sustainability)
FYR Macedonia	58 (Partly free)	117 <sup>th</sup> place	1.72 (Unsustainable mixed system)
Montenegro	39 (Partly free)	114 <sup>th</sup> place	2.15 (Near sustainability)
Serbia	40 (Partly free)	67 <sup>th</sup> place	1.80 (Unsustainable mixed system)
Kosovo (under UNSCR 1244)	49 (Partly free)	87 <sup>th</sup> place	2.27 (Near sustainability)

Note that links to these reports, which provide full details about the methodologies employed, can be found in the Bibliography.

## Appendix 3: EU membership status

Name of country / region	Status
Bosnia and Herzegovina	Potential candidate
FYR Macedonia	Candidate
Montenegro	Candidate
Serbia	Candidate
Kosovo (under UNSCR 1244)	Potential candidate



## Select Bibliography

**Agency for Audio and Audiovisual Media Services (FYR Macedonia)**, <http://www.avmu.mk/> (accessed on 19 May 2015).

**Alliance of Independent Press Councils of Europe (AIPCE)**, [www.aipce.net](http://www.aipce.net) (accessed on 14 April 2015).

**Association of Journalists of Macedonia and Macedonian Institute for Media**, *Action Plan for Improvement of the Media Landscape in the Republic of Macedonia*.

[http://www.znm.org.mk/drupal-7.7/sites/default/files/Action%20plan\\_31%20january%202012\\_FIN\\_eng.pdf](http://www.znm.org.mk/drupal-7.7/sites/default/files/Action%20plan_31%20january%202012_FIN_eng.pdf) (accessed on 16 May 2015).

**Brkic, Daniela**, *Online Hate Speech: Montenegro country report*. (Montenegro Media Institute, 2013). Available at [http://www.mminstitute.org/files/Online\\_Hate\\_Speech.pdf](http://www.mminstitute.org/files/Online_Hate_Speech.pdf) (accessed on 15 May 2015).

**Brogi, Elena, Alina Dobрева and Pier Luigi Parcu**, *Freedom of Media in the Western Balkans*. (Brussels: European Parliament Directorate-General for External Policies Policy Department, 2014). Available at [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO\\_STU\(2014\)534982\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO_STU(2014)534982_EN.pdf) (accessed on 22 April 2015).

**Center for International Media Assistance (CIMA)**, [www.centerforinternationalmediaassistance.org](http://www.centerforinternationalmediaassistance.org) (accessed on 22 April 2015).

**Center for International Media Assistance**, "Creating Sustainable Media Systems in the Balkans", event recording, 2 April 2015. Available at <http://www.centerforinternationalmediaassistance.net/event/creating-sustainable-media-systems-in-the-balkans/> (accessed on 15 May 2015).

**Center for International Media Assistance**, "Taking Stock: Top development practitioners on where we are now and where we are going", event recording, 10 March 2015. Available at <http://www.centerforinternationalmediaassistance.net/event/media-development-lessons-learned-field/> (accessed on 15 May 2015).

**Council of Europe**, "Freedom of expression and information and freedom of the media in South-East Europe" project website, [http://www.coe.org.rs/eng/tdoc\\_sr/coe\\_office\\_in\\_belgrade/projects\\_sr/?conid=2896](http://www.coe.org.rs/eng/tdoc_sr/coe_office_in_belgrade/projects_sr/?conid=2896) (accessed on 22 April 2015).

**Council of Honour (Association of Journalists of Macedonia)**, <http://www.znm.org.mk/drupal-7.7/en/node/223> (accessed on 22 April 2015).

**Council of Media Ethics of Macedonia**, [www.semm.mk/en](http://www.semm.mk/en) (accessed on 22 April 2015).

**Jennifer Dunham**, 'The EU Should Set Explicit Press Freedom Requirements for Candidate Countries', blog. <https://freedomhouse.org/blog/eu-should-set-explicit-press-freedom-requirements-candidate-countries#.VVNbfllVikq> (accessed on 13 May 2015).

**European Commission**, *Enlargement Strategy and Main Challenges 2014-15*. Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-strategy-paper\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-strategy-paper_en.pdf) (accessed on 22 April 2015).

**European Commission**, *DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020*. Available at [http://ec.europa.eu/enlargement/pdf/press\\_corner/elarg-guidelines-for-media-freedom-and-integrity\\_210214.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf) (accessed on 20 May 2015).

**European Commission**, *A free and pluralistic media to sustain European democracy: The report of the High Level Group on Media Freedom and Pluralism*. 2013. Available at: [http://ec.europa.eu/information\\_society/media\\_taskforce/doc/pluralism/hlg/hlg\\_final\\_report.pdf](http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/hlg/hlg_final_report.pdf) (accessed on 1 April 2015).

**European Commission**, "European Neighbourhood Policy and Enlargement Negotiations", website. <http://ec.europa.eu/enlargement/> (accessed on 15 May 2015).

**European Commission**, "Conclusions of the Speak Up! 2 Conference". Available at <http://www.speakup2conference.eu/files/cms1/speak-up-conference-conclusions635061314514304713.pdf> (accessed on 12 April 2015).

**European Commission**, *Bosnia and Herzegovina Progress Report* (2014). Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-bosnia-and-herzegovina-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf) (accessed on 18 May 2015)

**European Commission**, *Kosovo Progress Report* (2014). Available at [http://eeas.europa.eu/delegations/kosovo/documents/eu\\_kosovo/20141008\\_kosovo\\_progress\\_report\\_2014\\_en.pdf](http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20141008_kosovo_progress_report_2014_en.pdf) (accessed on 18 May 2015).

**European Commission**, *Montenegro Progress Report* (2014). Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-montenegro-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf) (accessed on 18 May 2015).

**European Commission**, *Serbia Progress Report* (2014). Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20140108-serbia-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf) (accessed on 18 May 2015).

**Fielden, Lara**, *Regulating the Press: A Comparative Study of International Press Councils*. (Reuters Institute for the Study of Journalism, University of Oxford, 2012). Available at <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Regulating%20the%20Press.pdf> (accessed on 18 May 2015).

**Gillette, Robert**, "Media Matters: Professionalizing and Regulating Media in Post-Conflict Bosnia and Kosovo" presentation summary, 14 June 2006. Available at <http://www.wilsoncenter.org/publication/324-media-matters-professionalizing-and-regulating-media-post-conflict-bosnia-and-kosovo> (accessed on 16 May 2015).

**Gorjanc-Prelević, Tea** (ed.), *Monitoring of Journalistic Self-Regulatory Bodies in Montenegro. Third Report, 1<sup>st</sup> October 2013 – 1 March 2014*. (Human Rights Action, 2014). Available at <http://www.hraction.org/wp-content/uploads/Monitoring-of-Journalistic-Self-Regulatory-Bodies-in-Montenegro-third-report.pdf> (accessed on 19 May 2015).

**International Research and Exchanges Board (IREX)**, *Europe and Eurasia Media Sustainability Index 2014*. Available at [https://www.irex.org/sites/default/files/u105/MSI\\_EE\\_2014\\_Full.pdf](https://www.irex.org/sites/default/files/u105/MSI_EE_2014_Full.pdf) (accessed on 22 April 2015).

**Irion, Kristina, and Jusić, Tarik**, *International Assistance and Media Democratization in the Western Balkans: A Cross-National Comparison (Working Paper 1/2013)*. (Analitika Center for Social Research, 2013).

**Haraszti, Miklós**, *The OSCE Media Self-Regulation Guidebook: all questions and answers*. (OSCE, 2008).

**Hodžić, Sanela**, *Flash report 4: Bosnia and Herzegovina*. (South East European Media Observatory, 2014). Available at <http://mediaobservatory.net/radar/flash-report-4-bosnia-and-herzegovina> (accessed on 18 May 2015).

**Hulin, Adeline**, "Statutory media self-regulation: beneficial or detrimental for media freedom?" Working paper RSCAS 2014/127. (Robert Schuman Centre for Advanced Studies Centre for Media Pluralism and Media Freedom, European University Institute, 2014). Available at [http://cadmus.eui.eu/bitstream/handle/1814/34047/RSCAS\\_WP\\_2014\\_127.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/34047/RSCAS_WP_2014_127.pdf?sequence=1) (accessed on 19 May 2015).

**Koene, Daphne C.**, *Press Councils in Western Europe*. (AMB Press, 2009).

**Leveson Inquiry**, website, [www.levesoninquiry.org.uk](http://www.levesoninquiry.org.uk) (accessed on 19 May 2015).

**Media Self-Regulation Council (Montenegro)**, <http://medijskisavjet.me/en/> (accessed on 22 April 2015).

**Missouri School of Journalism**, "Claude-Jean Bertrand, Creator of the Media Accountability System (M\*A\*S\*) Concept, Dies". Webpage. Available at <http://journalism.missouri.edu/2007/10/claude-jean-bertrand-creator-of-the-media-accountability-system-mas-concept-dies/> (accessed on 19 May 2015).

**Organisation for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media**, <http://www.osce.org/fom> (accessed on 22 April 2015).

**OSCE Mission in Kosovo**, *Freedom of Media and Safety of Journalists in Kosovo*. (2014). Available at <http://www.osce.org/kosovo/122390?download=true> (accessed on 16 May 2015).

**Particip GmbH** (consortium led by Particip), *Western Balkans and Turkey Media and Freedom of Expression Fact-finding and Scoping Study*. (European Commission, 2013).

**Pinker, Robert**, 'The Development of Press Self-regulation in Europe', in *Privacy and Personality Rights*, ed. by Robert Deacon, Nigel Lipton and Robert Pinker. (Bristol: Jordan Publishing Ltd., 2010), pp. 65-77.

**Press Council in Bosnia-Herzegovina**, [www.english.vzs.ba](http://www.english.vzs.ba) (accessed on 19 May 2015).

**Press Council in Bosnia-Herzegovina**, *Memorandum submitted by the Press Council of Bosnia and Herzegovina to the UK Parliamentary Select Committee Inquiry into Privacy and Media Intrusion*, 27 January 2003. Available at <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmcumeds/458/458w20.htm>, (accessed on 16 May 2015).

**Press Council in Bosnia-Herzegovina**, *Annual report for 2014 AIPCE conference*. Unpublished.

**Press Council in Bosnia-Herzegovina and Association of BH Journalists**, *Shadow Report for Bosnia and Herzegovina: Indicators for measuring media freedoms in the countries members of the Council of Europe*. (2012). Available at <http://www.civilrightsdefenders.org/files/Indicators-for-Media-in-a-Democracy-Bosnia-and-Herzegovina-report.pdf> (accessed on 19 May 2015).

**Press Council of Kosovo**, <http://presscouncil-ks.org/> (accessed on 19 May 2015).

**Press Council of Kosovo**, *Self-Sustainability Plan*. (Unpublished, 2012).

**Press Council of Kosovo**, *Strategjia punuese per periudhen 2015-2019 [Albanian language only; Strategic plan 2015-2019]*. (Unpublished, 2015).

**Press Council of Serbia**, [www.savetzastampu.rs/english](http://www.savetzastampu.rs/english) (accessed on 19 May 2015).

**Puppis, Manuel, Sally Broughton-Micova and Damian Tambini**, *Media Policy Brief 6 - Reforming the PCC: Lessons from Abroad*. (LSE Media Policy Project, 2012).

**Donald W. Reynolds Journalism Institute (University of Missouri)**, <http://www.rjionline.org/MAS-About> (accessed on 22 April 2015).

**Ristow, Bill**, *Sword and Shield: Self-Regulation and International Media*. (Center for International Media Assistance, 2009). Available at <http://www.cima.ned.org/resource/sword-and-shield-self-regulation-and-international-media/> (accessed on 19 May 2015).

**Taylor, Bill**, *Setting Media Standards: Public awareness and effectiveness of the Independent Media Commission and the Kosovo Press Council*. (Thomson Foundation, 2015). Available at [http://www.thomsonfoundation.org/assets/News\\_Features/2015/Kosovo%20report/Kosovo\\_Report\\_new1602\\_setting\\_media\\_standards.pdf](http://www.thomsonfoundation.org/assets/News_Features/2015/Kosovo%20report/Kosovo_Report_new1602_setting_media_standards.pdf) (accessed on 19 May 2015).

**White, Aidan**, (ed.), *The Trust Factor: An EJN Review of Journalism and Self-regulation*. (Ethical Journalism Network, 2015). Available at <http://ethicaljournalismnetwork.org/assets/docs/142/118/79dd78e-837b376.pdf> (accessed on 19 May 2015).

**UNESCO**, *Media Accountability in South-East Europe project website*. Available at <http://unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/south-east-europe-and-turkey/> (accessed on 22 April 2015).

**UNESCO**, *Professional Journalism Self-Regulation and New Media, Old Dilemmas in South East Europe and Turkey* (2011). Available at <http://unesdoc.unesco.org/images/0019/001908/190810e.pdf> (accessed on 19 May 2015).

**UNESCO**, *World Trends in Freedom of Expression and Media Development*. (Paris, 2014). Available at <http://unesdoc.unesco.org/images/0022/002270/227025e.pdf> (accessed on 19 May 2015).

**UNESCO**, *World Trends in Freedom of Expression and Media Development: Regional overview of Central and Eastern Europe*. (Paris, 2014). Available at <http://unesdoc.unesco.org/images/0022/002277/227738e.pdf> (accessed on 19 May 2015).

# Notes

- [1] <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day-2015/>
- [2] See [http://ec.europa.eu/enlargement/countries/check-current-status/index\\_en.htm](http://ec.europa.eu/enlargement/countries/check-current-status/index_en.htm) for more information about the Enlargement Policy.
- [3] The website address of each media council is provided in the relevant introductory table at the start of each chapter.
- [4] See [www.aipce.net](http://www.aipce.net)
- [5] See <http://www.rjionline.org/MAS-Claude-Jean-Bertrand> for more information about Bertrand's life.
- [6] Cited in <http://journalism.missouri.edu/2007/10/claude-jean-bertrand-creator-of-the-media-accountability-system-mas-concept-dies/>
- [7] See <http://www.rjionline.org/media-accountability-systems>
- [8] See <http://webarchive.nationalarchives.gov.uk/20140129104557/http://www.levesoninquiry.org.uk/hearing/2012-07-13pm/>
- [9] See <http://reutersinstitute.politics.ox.ac.uk/sites/default/files/Regulating%20the%20Press.pdf>, p. 7.
- [10] Available to download at <http://www.rvdj.nl/english/research-2>
- [11] Available at <http://www.lse.ac.uk/media@lse/documents/MPP/Policy-Brief-6-Replacing-the-PCC.pdf>
- [12] Robert Pinker, "The Development of Press Self-Regulation in Europe" in Robert Deacon, Nigel Lipton and Robert Pinker, *Privacy and Personality Rights*, pp. 65-77.
- [13] *Ibid.*, p. 68.
- [14] See <https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/HLG%20Final%20Report.pdf>, p. 21 (Recommendation 4).
- [15] <http://www.aipce.net/aboutAipce.html>
- [16] <http://unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/south-east-europe-and-turkey/>
- [17] Cited in [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/wbt\\_media\\_study.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/wbt_media_study.pdf), p. 38.
- [18] Available at <http://unesdoc.unesco.org/images/0019/001908/190810e.pdf>
- [19] Note that Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia are included in this region, as defined by UNESCO.
- [20] <http://unesdoc.unesco.org/images/0022/002270/227025e.pdf>, p. 68.
- [21] <http://unesdoc.unesco.org/images/0022/002277/227738e.pdf>, p. 21.
- [22] <http://ethicaljournalismnetwork.org/assets/docs/142/118/79dd78e-837b376.pdf>, p. 4.
- [23] *Ibid.*, p. 1.
- [24] *Ibid.*, p. 7.
- [25] Available at [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO\\_STU%282014%29534982\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO_STU%282014%29534982_EN.pdf)
- [26] *Ibid.*, p. 8.
- [27] *Ibid.*, p. 10.
- [28] *Ibid.*, p. 73.
- [29] *Ibid.*, p. 73.
- [30] See [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-strategy-paper\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-strategy-paper_en.pdf), p. 14.
- [31] The accession status of each of the five places covered in this study is provided in Appendix 3. More information about the EU enlargement negotiations can be found at [http://ec.europa.eu/enlargement/index\\_en.htm](http://ec.europa.eu/enlargement/index_en.htm)
- [32] See [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/wbt\\_media\\_study.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/wbt_media_study.pdf), p. 49.
- [33] Download available at <http://www.analitika.ba/en/publications/international-assistance-and-media-democratization-western-balkans-cross-national>, p. 23.
- [34] This estimate (and those cited in the four other introductory tables), is taken from the IREX *Europe and Eurasia Media Sustainability Index 2015*. The Bosnia and Herzegovina chapter is available to download at <https://www.irex.org/sites/default/files/2015-msi-bosnia-herzegovina.pdf> (figure cited on p. 16).
- [35] This is based on information contained in a 2003 Memorandum submitted by the Press Council in Bosnia and Herzegovina to the UK Parliamentary Select Committee on Culture, Media and Sport, and which provides a more complete picture of the history of the Press Council: <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmcomeds/458/458w20.htm>
- [36] Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/ba\\_rapport\\_2013\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/ba_rapport_2013_en.pdf), p. 16.
- [37] *The Trust Factor*, p. 7.
- [38] Press Council in Bosnia-Herzegovina and Association of BH Journalists, *Indicators for Measuring Media Freedoms in the Countries Members of the Council of Europe: Shadow Report for Bosnia and Herzegovina* (Sarajevo, 2012), p. 44. Available at <http://www.civilrightsdefenders.org/files/Indicators-for-Media-in-a-Democracy-Bosnia-and-Herzegovina-report.pdf>
- [39] OSCE press release, 29/12/14. Available at <http://www.osce.org/fom/133056>
- [40] See <http://mediaobservatory.net/radar/flash-report-4-bosnia-and-herzegovina>.
- [41] Article 8 (Obligation to Mitigate Harm) of the Law on Protection Against Defamation in the Federation of BiH stipulates that "An allegedly injured person shall undertake all necessary measures to mitigate any harm caused by the expression of false fact and in particular requesting a correction of that expression from the person who allegedly caused the harm", while the Republika Srpska Law (Article 8 – Obligation to Mitigate) states that "A claimant under this Act shall undertake all necessary measures to mitigate any harm caused by the allegedly defamatory expression including, but not limited to, requesting a correction from the person who allegedly caused the harm." As cited on the website of the Press Council in Bosnia-Herzegovina: [http://english.vzs.ba/index.php?option=com\\_content&view=category&id=9&Itemid=12&lang=en](http://english.vzs.ba/index.php?option=com_content&view=category&id=9&Itemid=12&lang=en)

- [42] Cited in <https://www.irex.org/sites/default/files/2015-msi-macedonia.pdf>, p. 72.
- [43] See p. 12 of the *Action Plan for Improvement of the Media Landscape in the Republic of Macedonia*, produced by the Macedonian Institute for Media and the Association of Journalists of Macedonia. This section of the plan focuses on self-regulation, and provides some useful background information about how the present regulatory situation was arrived at: [http://www.znm.org.mk/drupal-7.7/sites/default/files/Action%20plan\\_31%20january%202012\\_FIN\\_eng.pdf](http://www.znm.org.mk/drupal-7.7/sites/default/files/Action%20plan_31%20january%202012_FIN_eng.pdf)
- [44] The Agency's website is <http://www.avmu.mk/> where full details of its competencies can be found.
- [45] The ruling can be read here (Macedonian language only): <http://www.semm.mk/attachments/article/138/%D0%9E%D0%91%D0%A1%D0%95%20Vs.%20%D0%A1%D0%B8%D1%82%D0%B5%D0%BB.pdf>
- [46] See <http://www.znm.org.mk/drupal-7.7/en/node/223f45>
- [47] Cited in <https://www.irex.org/sites/default/files/2015-msi-montenegro.pdf>, p. 84.
- [48] For detailed information about the state of Montenegrin media, see <https://www.irex.org/sites/default/files/2015-msi-montenegro.pdf>
- [49] A detailed overview of the history of efforts to bring about a successful self-regulatory system can be found in a 2012 report by the Montenegro Media Institute: [http://www.mminstitute.org/files/Online\\_Hate\\_Speech.pdf](http://www.mminstitute.org/files/Online_Hate_Speech.pdf)
- [50] See [https://www.irex.org/sites/default/files/u105/EE\\_MSI\\_2014\\_Montenegro.pdf](https://www.irex.org/sites/default/files/u105/EE_MSI_2014_Montenegro.pdf), p. 87.
- [51] More information about the Media NETHics initiative (coordinated by the Council of Europe) can be found at [http://www.coe.org.rs/eng/activities\\_sr/?conid=3686](http://www.coe.org.rs/eng/activities_sr/?conid=3686). The Council of Europe's broader project website is available at [http://www.coe.org.rs/eng/tdoc\\_sr/coe\\_office\\_in\\_belgrade/projects\\_sr/?conid=2896](http://www.coe.org.rs/eng/tdoc_sr/coe_office_in_belgrade/projects_sr/?conid=2896)
- [52] See [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-montenegro-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf), p. 45.
- [53] Brogi, Dobrea and Parcu, *Freedom of Media in the Western Balkans*, p. 22.
- [54] See <http://www.hraction.org/?p=2429> for information about the project.
- [55] Data available at <http://www.hraction.org/wp-content/uploads/Monitoring-of-Journalistic-Self-Regulatory-Bodies-in-Montenegro-third-report.pdf>
- [56] European Commission Progress Report 2014, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-montenegro-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf), p. 3.
- [57] Cited in <https://www.irex.org/sites/default/files/2015-msi-serbia.pdf>, p. 116.
- [58] See, for example, <http://mediaobservatory.net/sites/default/files/serbia.pdf>
- [59] Article 27 of the statute outlines the different ways in which the Council acquires its assets. "Contribution of the members" is listed as the first option, but no other detail is provided about how this would work in practice, for example, how much the contributions might be, and how often they would be made. There is a similar statement in Article 8 of the Articles of Association (<http://www.savetzastampu.rs/cirilica/osnivacki-akt>; Serbian language only), but again, no further detail is provided.
- [60] Press Council, 2014 Annual Report prepared for the annual meeting of the Alliance of Independent Press Councils of Europe. Unpublished.
- [61] Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20140108-serbia-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf), p. 46.
- [62] The situation in Bosnia and Herzegovina provides an interesting contrast here. The number of what the Press Council terms complaints solved by "self-regulation" is much higher: 411 for 2014.
- [63] Available at [http://www.savetzastampu.rs/izvestaji/110/2015/02/24/rezultati-rada-komisije-za-zalbe-saveta-za-stampu-u-periodu-novembar-2014-februar-2015\\_-godine.html](http://www.savetzastampu.rs/izvestaji/110/2015/02/24/rezultati-rada-komisije-za-zalbe-saveta-za-stampu-u-periodu-novembar-2014-februar-2015_-godine.html) (Serbian language only).
- [64] See <http://www.savetzastampu.rs/english/statute> (Article 24).
- [65] See Articles 11, 12, 19, 21 and 23 of the statute for an outline of the existing situation.
- [66] Cited in <https://www.irex.org/sites/default/files/2015-msi-kosovo.pdf>, p. 58.
- [67] See *Media Matters: Professionalizing and Regulating Media in Post-Conflict Bosnia and Kosovo*, a detailed and informative summary of a presentation by Robert Gillette, who served as the Temporary Media Commissioner of Kosovo between 2003 and 2006: <http://www.wilsoncenter.org/publication/324-media-matters-professionalizing-and-regulating-media-post-conflict-bosnia-and-kosovo>. See also the OSCE Mission in Kosovo's press release at the time welcoming the formation of the Press Council: <http://www.osce.org/kosovo/46679>.
- [68] This situation is explained by the PCK as follows: "It is important to note that any individual whose reputation has been harmed through false news reporting needs the verdict from PCK justifying the complaint prior to suing the media outlet or journalist in court." Cited in "Self-Sustainability Plan", Press Council of Kosovo. (Unpublished, 2012), p. 6.
- [69] See <http://presscouncil-ks.org/eu-award-for-investigative-journalism/?lang=en> for further information about this.
- [70] Available at [http://eeas.europa.eu/delegations/kosovo/documents/eu\\_kosovo/20141008\\_kosovo\\_progress\\_report\\_2014\\_en.pdf](http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20141008_kosovo_progress_report_2014_en.pdf) p. 17.
- [71] Këshilli i Mediave të Shkuara të Kosovës, *Strategjia punuese per periudhen 2015-2019*. (Unpublished. Albanian language only).
- [72] Self-Sustainability Plan, Press Council of Kosovo. (Unpublished, 2012).
- [73] Available to download at [http://www.thomsonfoundation.org/assets/News\\_Features/2015/Kosovo%20report/Kosovo\\_Report\\_new1602\\_setting\\_media\\_standards.pdf](http://www.thomsonfoundation.org/assets/News_Features/2015/Kosovo%20report/Kosovo_Report_new1602_setting_media_standards.pdf)
- [74] Adeline Hulin, "Statutory media self-regulation: beneficial or detrimental for media freedom?" Working Paper RSCAS 2014/127. Robert Schuman Centre for Advanced Studies, European University Institute, 2014, p. 7.
- [75] UNESCO, *World Trends in Freedom of Expression and Media Development: Regional Overview of Central and Eastern Europe*, p. 21.
- [76] European Commission, *DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020*. Available at [http://ec.europa.eu/enlargement/pdf/press\\_corner/elarg-guidelines-for-media-freedom-and-integrity\\_210214.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf), pp. 3-4.
- [77] Robert Pinker, "The Development of Press Self-Regulation in Europe", p. 77.