PROFESSIONAL JOURNALISM AND SELF-REGULATION

New Media, Old Dilemmas in South East Europe and Turkey

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This publication was produced in the context of the project '*Alignment to International Standards in the Media Sector of South East European Countries*' which aimed to consolidate European standards on media ethics, promote the establishment and effective functioning of self-regulatory mechanisms, and create a network of key stakeholders and experts.

The project was initiated by UNESCO in August 2008 through funding from the European Commission, and was carried out in collaboration with the South East European Network for the Professionalization of Media (SEENPM), the Organization for Security and Co-operation in Europe (OSCE), and the Alliance of Independent Press Councils of Europe (AIPCE). The project was implemented in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey as well as in Kosovo – in the context of Security Council Resolution 1244 (1999).

Over the course of two-and-a-half years, press council members, news ombudsmen, editors and journalists, academics, representatives from media institutes, civil society and international organizations were brought together through two annual series of local roundtables, and region-wide meetings held in Tirana (March 2009) and Istanbul (February 2010), with the closing conference taking place in Paris (January 2011). A web portal focusing on media accountability in Europe was developed for the sharing of information (available at: http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/europe/)

Renowned for their expertise in the field of media self-regulation, the contributing authors of this publication were active participants in the abovementioned project, and present a thorough analysis of the main issues addressed during the regional and local consultations (further information about the project can be found in the final chapter of this publication).

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A journalist with 32 years of experience, Yavuz Baydar is professionally active in both print and audiovisual media. He writes opinion columns for the daily newspaper *Today's Zaman*, where he comments on domestic and foreign policy issues related to Turkey, and press matters. Baydar also works as the reader's representative (news ombudsman) for the daily newspaper *Sabah*, and presents the weekly current affairs programme *Acik Gorus* (Open View) on TV24. Yavuz Baydar worked as a producer and news presenter for the Swedish Radio & TV Corp. (SR), Stockholm, Sweden, and as correspondent for Scandinavia and the Baltic for the Turkish daily *Cumhuriyet* between 1980 and 1992. After three years as producer and editor, consecutively with Show TV in Paris and with the BBC World Service, London, he returned to Turkey in 1994. Back in his home country, he worked as the foreign desk editor with the daily newspaper *Yeni Yüzyıl*, and as Op-Ed editor and ombudsman for the daily *Milliyet*. Yavuz Baydar served as president of the International Organization of News Ombudsmen (ONO) between 2003 and 2004. He is also a member of the World Editors Forum (WEF) and the Committee of Concerned Journalists (CCJ).

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Jacob Mollerup, 57, has been working as a journalist and editor since 1980. Among his different appointments, he has served as managing editor and news editor for the newspaper *Politiken* (1988–95), chief editor for the newspaper *Information* (1996–2001), and senior reporter and editor for *Berlingske Nyhedsmagasin* (2001–04). In 2004, he became the first listeners' and viewers' editor at the Danish Broadcasting Corporation (DR). As the national public service broadcasting station, DR includes a number of national television and radio channels, as well as web services. Jacob Mollerup also became president of the Danish Association for Investigative Journalism in 2005. Since May 2010 he has been president of the Organization of News Ombudsmen (ONO).

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The establishment and effective functioning of independent systems of media self-regulation lie at the heart of UNESCO's ongoing promotion of journalistic professional and ethical standards. Their importance was recognized in the construction of the UNESCO Media Development Indicators, which aim to assess the extent to which a media framework contributes to freedom of expression, good governance and human development. This publication addresses some of the key issues discussed during a UNESCO-facilitated exchange on professional journalism and self-regulation in South East Europe and Turkey, and serves to reinforce the notion that media accountability systems built on self-regulatory mechanisms are critical in enhancing media professionals' unbiased coverage, honesty, accuracy and reliability.

It is often stressed that media are crucial vehicles for citizens' demand for accountability from public and private actors. However, the media must be held accountable if they are to play their role as a watchdog of authorities and other powerful stakeholders, and self-regulation is a function that lies at the very the centre of this, fostering the media's responsibility towards the public and enhancing the quality of the media through voluntary mechanisms that media professionals (journalists, editors and publishers) follow.

As the authors contributing to this publication illustrate, self-regulation is closely linked to the credibility of the media, to their audience's trust in them. Self-regulatory systems facilitate a connection between journalists and those who read, listen to or watch their coverage, which benefits both sides: it enables media users to voice their criticism and concerns, and those creating media products to respond to these and take them into account. As a direct contribution to the resolution of conflicts, media self-regulation also serves as a means to protect both the media (by reducing the number of legal claims against journalists and news outlets, diminishing government interference and thus allowing media to work more freely) and the public (by providing safeguards against abuse or other forms of unethical conduct by media professionals). Media self-

regulatory instruments and institutions - including codes of ethics, press councils, and the positions of news ombudsman and readers' editor - serve as an essential source of guidance to journalists.

The chapters that follow provide an important insight into the evolution, current status and challenges to the effective implementation of media self-regulation systems in South East Europe and Turkey. Obstacles identified, which are likely to resonate in transitional democracies and other settings around the world, include insufficient tradition in the implementation of media self-regulation, low public trust in the media sector, political and economic pressures faced by media outlets and the important ties existing between politics, businesses and the media. The experiences recounted also underscore the essential need to bring all stakeholders on board in the effort to promote self-regulatory mechanisms, and to create awareness about the relevance of self-regulatory mechanisms among the general public - a task which is made difficult in the light of a prevailing lack of trust and consensus within the media sector itself.

The publication sheds light on critical emerging issues for media accountability today. Confronting old dilemmas, journalists must abide by high ethical and professional standards in an environment that is revolutionized by the impact of new technologies. Contributing authors consider how media self-regulation fits into this new and ever-evolving picture, describing the impact of technological developments on media business models and traditional journalistic practices in South East Europe and Turkey, and the consequences that this bears for ethical and professional standards. Guaranteeing the application of such standards in online content is highlighted as a central challenge, with privacy protection, hate speech, gossip, unfounded accusations and criticism being issues flagged in some of the countries analysed. On a similar note, the multiplicity of actors producing and disseminating information, new methods of production and dissemination, and the increased speed of delivery has meant that editorial supervision is increasingly challenging.

Strengthening journalistic ethical and professional standards remains a pressing issue for regions all over the world, and self-regulatory mechanisms can be considered as appropriate and effective means of achieving this goal. Media self-regulation is indeed crucial for all media,

whether it be print media, online, or broadcast media, reinforcing journalists' freedom to report. By its very nature, therefore, self-regulation has a direct impact on freedom of information, benefitting every individual. This publication points to the need for a critical examination and renewed debate on journalistic ethics and professional standards today, and the views presented in the chapters to follow serve as positive input in furthering productive discussion on these issues in a wider context.

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- ✓ Nora Behluli, Nehad Islami and Willem Houwen of the Kosovo Press Council;
- ✓ Biljana Petkovska of the Macedonian Institute for Media;
- ✓ Ljiljana Zugic of the Montenegro Media Institute;
- ✓ Thom Meens, the Netherlands ombudsman;
- ✓ Kjell Nyhuus from the Norwegian Press Complaints Commission;
- ✓ Nadezda Gace, chair of the Independent Journalists Association of Serbia;
- ✓ John Thloloe, South Africa's press ombudsman;
- ✓ Yavuz Baydar, readers' editor of the Sabah daily newspaper, Turkey;
- ✓ Stephen Pritchard, readers' editor of the Observer, UK;
- ✓ Ms Elizabeth Ribbans, managing editor of The Guardian, UK;
- ✓ Ian Mayes, former readers' editor of The Guardian, UK;
- ✓ Professor Robert Pinker of the Press Complaints Commission, UK;
- ✓ Peter Preston and Ian Wright of the Guardian Foundation, UK;
- ✓ Dragana Solomon and Miroslav Jankovic of the OSCE Office in Belgrade;
- ✓ Denitsa Sacheva of Intelday Solutions, Bulgaria.

UNESCO would also like to thank all the speakers and moderators who took part in the project's closing conference in Paris, which was being organized as this publication went into press.

Media accountability systems (MAS) and their applications in South East Europe and Turkey

Ognian Zlatev

Self-regulation principles

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

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

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

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

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

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

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

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

There have been a number of attempts to define the purpose of media accountability systems (MAS). In this paper the author takes the view that they are the means by which the public can induce the media generally to behave responsibly and fairly, and individual journalists to respect the rules of their profession. There are a number

of diverse systems which attempt to do this, including codes of ethics or conduct, media ombudsmen, councils and tribunals, for example in association with professional journalists' associations. There are instances where MAS exist within the media (for example, as a regular column or correction box in a newspaper or magazine), and others when they act as a joint structure of the media and the public (for example, a press council).

Press councils

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

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

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

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

✓ accept complaints

✓ verify the eligibility of the complaint for the process

✓ review the complaint thoroughly from all angles

✓ serve as a mediator between the plaintiff and the media

✓ take decisions on complaints based on rules and regulations

✓ identify breaches by the media of the code of ethics

✓ secure the transparency of and publicity for all decisions taken

✓ analyse and comment on trends in the media, and provide guidance regarding norms

✓ set professional standards for journalists

✓ suggest amendments to the code of ethics (if mandated to do so)

✓ defend press freedom.

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

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

Roughly half of existing press councils cover both print and electronic media, as is the case for instance in Finland, the Netherlands and Denmark. However, some well-known press councils cover only print media, as happens in the United Kingdom and Sweden.

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

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

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

An important aspect of the normal functioning of an independent press council is its financing mechanism. In an ideal scenario there should be a diversity of sources of funding. Media organizations might be

predominant in the mix, as in the Netherlands or Sweden, or the funding could be provided 50/50 by media owners and journalists, as in Norway. In some countries, for instance Switzerland, the council is funded entirely by journalists, and in some other countries (such as Luxembourg and Cyprus) it is thought acceptable for the state to provide some of the funding, since public/state media are also subject to the codes of ethics.

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

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

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

There are still numerous examples in the region of persisting political pressure, especially on the public service media. Journalists loyal to the government tend to be treated better than those critical of it, and it can even appear that private media monopolies are acting primarily as servants of the government. Such examples of close cooperation and mutual dependence between the political elites and business groups with a vested interest in the media sector expose journalists to both

political and economic dependence. This can result in the devaluation of the concept of media self-regulation, but major media organizations are even less likely to accept any form of statutory regulation.

Applications of the MAS in SEE and Turkey

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

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

of the most challenging tasks for all these countries has been and is to secure the independence of public broadcasting services and media regulatory authorities.

Albania

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

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

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

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

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

Albania has not historically had an efficient trade union or organization of media workers, and this lack affects the ability of the profession to unite and work together in an organized manner. Fierce competition

between media organizations remains more important than agreement on professional standards. The lack of awareness about the concept of self-regulation still persists.

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

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

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

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

Bosnia and Herzegovina

Political developments in the Western Balkans were complex following the disintegration of the former Yugoslavia in the mid-1990s. When Bosnia and Herzegovina was established as a specific entity, it was effectively administered as an international protectorate. As a part of this administration, a number of international practices and institutions were imported into – it would even be true to say, imposed on – the

local environment, which did not necessarily take into consideration features of the domestic culture and society. The Press Council of Bosnia and Herzegovina is one example. It was established in 2000 under the auspices and guidance of the international community, in an effort to contribute to the peaceful reconciliation of the country. Nominally this was the first press council in SEE, but again it should be underlined that the initiative and the drive towards its creation came from outside the local community. For the first three years of its operation the Press Council was chaired by Professor Robert Pinker, seconded from the UK Press Complaints Commission. In 2006 the Press Council went through a process of comprehensive restructuring, although the international community continued to provide support – both financial and with technical assistance, training and so on – as it has done throughout the council's lifespan. In parallel with the Press Council in Bosnia and Herzegovina, a media ombudsman was established. This office deals primarily with breaches of the regulations on access to information.

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

In its daily work the Press Council of Bosnia and Herzegovina adjudicates on all complaints about the media, and not only complaints about those print media that have subscribed to the national code of ethics. Admirably, the notion of media self-regulation and knowledge of the work of the Press Council are spreading throughout the media community in the country. The Press Council's involvement in a discussion on decriminalizing defamation was instrumental in this. Media ethics now features on the curriculum of the journalism school in Sarajevo, and for the first time journalists are selecting ethical issues as topics for their dissertations. But the old conflicts cannot entirely be escaped in a country that is still in the process of overcoming the aftermath of recent conflicts Most complaints are about inaccurate reporting, hate speech, and notably come from politicians during election campaigns.

As in all other countries in the region, there tends to be a low standard of professional journalism, with much poor-quality reporting. Most of the print media run stories about celebrities and scandals rather than engage in serious investigations. Professional debates do not feature at all. There is an emphasis on *salonsko novinarstvo* (celebrity journalism), and there have been numerous examples of media manipulation.

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

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

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

Croatia

Although Croatia has been involved for some years in an application to join the European Union, media regulation, and the situation of the media more generally in Croatia, do not comply with European standards. Journalists suffer from intimidation, and some have been killed, a situation that continues with a negligible (if any) reaction from the authorities. There is a prevalence of censorship and self-censorship, with regular pre-selection of published information in response to political and economic pressure. International media conglomerates such as WAZ and RTL have invested in Croatia, but unfortunately this has not done much to contribute to improved standards of journalism. According to Professor Stjepan Malovic, head of the Department of Journalism at Dubrovnik University, journalists in Croatia are 'collateral

victims' of battles between media owners. In 2010 Reporters Without Borders (RSF) ranked Croatia in 78th place on its World Press Freedom Index, a huge drop of 33 places from its 2009 position.

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

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

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

Kosovo - in the context of Security Council Resolution 1244 (1999)

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

The vast majority of the public use television as their prime source of information (86 per cent compared with 7 per cent for print media, according to a recent survey by Index Kosova),[2] and this means that the Press Council has the difficult task of setting standards which relatively few members of the public are likely to appreciate even when they are firmly established.

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

makes special reference to the function of the Press Council as preferred route for adjudication.

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

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

Former Yugoslav Republic of Macedonia

Political developments over the 15 years from 1995 in the former Yugoslav Republic of Macedonia have led, among other consequences, to a disproportionately large number of newspaper and magazines for a country of this size, population and economic potential. At the same time professional standards are generally low, and the media are not free of political and other types of influence. They are still seen as an instrument for achieving political, economic and other goals. Although legislation imposes some restrictions, it is a common practice for political figures to own media enterprises and use them to pursue their political and other aspirations. There are frequent 'media wars' between owners. Not surprisingly, the market environment is unfavourable for those publications that strive to be independent of any power centres and to meet their costs through advertisements and their cover price. There is a serious ethical crisis in the media, which has been little helped even by international investors who have gained substantial shares of the print media market, although their appearance was initially welcomed as a guarantor of professional quality and financial stability. Unethical reporting is encouraged rather than met with sanctions, and there is widespread self-censorship. There is a general lack of professional debate within the media community, and it can appear

that media owners are only interested in increasing their profits, and have little concern about the ethics of their actions. In spite of this discouraging context, there was a wide-ranging professional debate led by the Association of Macedonian Journalists (AMJ), which resulted in the adoption of a code of conduct on 14 November 2001, regulating the conduct of journalists in all sectors. However, although the code is in line with international standards, there are numerous examples of bad practice in its implementation. Another drawback is that the code is quite short and declarative, and does not provide detailed guidelines on how journalists should behave in practical situations. There is a general lack of in-house self-regulatory documents by individual media enterprises: codes of conduct, proceedings, statutes, statements, declarations and so on, that might fill this gap. Only a few enterprises (those publishing the daily newspapers *Dnevnik* and *Utrinski vestnik*) have their own self-regulatory system.

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

At present, the AMJ is being restructured, and this will also impact on the work of the Council of Honour. It is yet to be seen whether this will enhance its credibility and make it more operational and proactive rather than reactive, and whether it will lead to the media community making better use of this mechanism.

In late 2009 the local operation of Westdeutsche Allgemeine Zeitung, one of the biggest international media investors not only in the former Yugoslav Republic of Macedonia but throughout the whole of SEE, announced the adoption of a new ethical code for its employees.

It has appointed a German expert as an ombudsman dealing with complaints about editions of its publications in the former Yugoslav Republic of Macedonia, and has also formed an izdavacki soviet (publishing council) which will consist of three distinguished experts. It is too soon for the results of these efforts to be apparent, but they are awaited with much interest.

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

Montenegro

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

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

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

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

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

Serbia

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

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

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

The Press Council is structured to give appropriate representation to the media industry, media associations and the public at large. Besides

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

Turkey

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

As in other countries in the region, there is lack of broad professional debate in Turkey on issues such as ethics and media accountability. A Press Council was formed in 1986, but it accounts to very few newspapers and does not enjoy significant respect among the media

community. At the moment there are at least three other initiatives related to media accountability. However some public figures in the media sector question whether there is any demand for media self-regulation in Turkey, and if so, where it comes from. One positive development was the establishment in early 2000 of a readers' editor/ombudsman for several of the important daily newspapers in Turkey, such as Sabah, Milliyet and Star. This reinforces the argument that a news-ombudsman model of media self-regulation is more appropriate for Turkey than a council model, given the size, diversity and complexity of the local media scene.

Conclusion

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

Although the countries are at several different stages in developing media accountability mechanisms, all of them need to continue the debate on media self-regulation. More effort should be put into encouraging media enterprises to take the lead in the process. This is

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

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

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

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

Forms of self-regulation and professional standards do not only need to be established; they also need to be promoted. A variety of means for achieving this should be considered, such as the initiation of professional fora to discuss controversial and more publicly sensitive issues regarding media practice, and the development of databases with case studies. Collaboration with universities should be enhanced in order to embed

ethics and professional standards in the curriculum for journalism students. As part of the promotion of media quality, professional contests could be organized drawing on international patterns and expertise.

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

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

Notes

1   http://www.rjionline.org/mas/about/index.php

2   http://www.indexkosova.com/fly/docs/doc2_63.pdf

Balkan media: lost in transition?

Remzi Lani

Introduction

This chapter does not claim to be an academic paper. Rather it is a collection of notes, or more precisely reflections, on the main trends of media development in the Balkan countries during the post-communist transition period.

Free media constitute one of the most visible achievements of young Balkan democracies, but their path towards independence has gone through numerous zigzags and has faced considerable obstacles. The armed conflicts of the 1990s and the well-known challenges of the post-communist transition have determined to a large extent the pace and trends of media development in the region.

The close, and often deformed, relations between the media, politics and the business sector have damaged both media independence and media professionalism. Media repoliticization and media clientelism are currently among the most serious problems that the media face.

However, the media landscape in the Balkans today is vivid, chaotic, non-transparent, overcrowded, defragmented and partly free. Reflections on this scene certainly carry the danger of a never-ending story, but the author of these reflections aims only to focus on several general trends, which he has experienced and observed during many years of work in different countries in the region.

AFTER THE WALL

Although there is as yet no comprehensive theory on post-communist transition, it has already become clear that the original vision of this transition was too optimistic. It would appear that the 'exit from communism' was more difficult and protracted than was initially expected.

'We have overestimated the rate of the post-communist transition,' Zbigniew Brzezinski said (1995, p. 9). Apparently, contrary to the early suppositions, democratic institutions and a free market economy were not easily exportable and transplantable as a model in the new democracies.

In the case of the Balkans the situation became even more complicated, especially as a result of the explosion of various sorts of nationalism and wars, first in Bosnia and Herzegovina, and later in Kosovo and the Former Yugoslav Republic (FYR) of Macedonia. Thus, the transition to democracy in the Balkans was a transition threatened by the clouds of war.

In most countries in the region, the transition from dictatorship to democracy has gone through the intermediate phase of what could be termed new authoritarianism. In other words, it would be more correct to say that in the early phases of the transition, the vast majority of Balkan peoples did not pass over from dictatorship to democracy, but from communist totalitarian regimes to post-communist authoritarian regimes.

The causes of the installation of the Balkan *democraturas* should be sought in the poor democratic traditions and the intolerance that has traditionally characterized the Balkans; in the wars that took place in the region, which doubtless gave rise to factors that have proven detrimental to normal democratic development; and last but not least, in the errors of Western policy, which seems to have been caught unprepared to cope with the complex problems that stood in the way of democratic development in the Balkan peninsula.

Nevertheless, today, 20 years after the fall of communism and 10 years after the end of the wars that accompanied the disintegration of the

former Yugoslavia, the situation in the Balkans has changed significantly. If up to the end of the 1990s power in most of the countries that are today referred to as the Western Balkans was in the hands of autocratic nationalists, today the Balkans has become a region made up of democracies where power is held by democratically elected pro-European leaders. If up to the end of the 1990s the region was merely a *security consumer* with a significant international military presence located in countries that had recently emerged from a series of bloody wars, today this military presence has been significantly reduced, and the Balkans are turning into a net *security provider*, contributing to United Nations (UN) and North Atlantic Treaty Organization (NATO) missions in Afghanistan, Bosnia, Chad and elsewhere.

Unfortunately, for all the dramatic change that has taken place, the discourse on the Balkans in the West still remains unclear and outdated. One gets the impression that when people talk about this region, they are not talking about today's Balkans, but merely discussing yesterday's Balkans. The image is frozen.

During the two decades of their transition, the newly emerged Balkan democracies, especially those that are now referred to as the Western Balkans, have been coping with four closely intertwined agendas which exert influence on one another.

First there is the *post-communist agenda*, which despite the long time that has elapsed since the fall of communism, still exerts a significant influence in the Balkans' path towards democracy-building, as well as on the behaviour of different actors.

Second there is the *post-conflict agenda*, which still weighs heavily on the region as a whole, and especially on the countries that emerged from the former Yugoslavia and that were involved in the dramatic and bloody conflicts that took place during the last decade of the twentieth century. It also calls on these same countries and peoples to summon the courage to come to terms with this bitter legacy.

These were in fact the main dominating agendas during the first decade of the Balkans transition. In the second decade, after the end of the wars and the fall of the authoritarian regimes, two new agendas came to the fore and started to gain ground.

The first of these two new agendas, or the third agenda overall, is the *globalization agenda* which has been making progress in our small Balkan village, just as in most of the rest of the world.

The last, and certainly the most important, is the so-called *Europeanization agenda*, which constitutes without a doubt a veritable driving force behind developments in all the newly fledged democracies in the Balkans.

All the countries of the region are on their way towards joining the European Union, although the distances that remain to be covered vary greatly. Thus Croatia, FYR Macedonia and Turkey are EU candidate countries. Albania, Montenegro and Serbia have also submitted their membership applications. Bosnia and Herzegovina is an accession country too.

But in order to offer a realistic analysis of the situation in the region, one must also bear in mind the obstacles and zigzags that developments in each individual country, as well as in the region as a whole, are causing. There remain 17 bilateral disputes (some large and some small) to be solved between the various countries of the region. From Albania to Montenegro, from FYR Macedonia to Bosnia and Herzegovina, the democratic model that the new Balkan democracies are implementing seems to be that of 'illiberal democracies', which feature a 'strong man, but weak institutions'. The public sphere is dominated by the political parties that have almost established a partyocracy regime, in which the space for civil society and independent voices is becoming more and more constricted day by day.

Populism is being transformed from a method aimed at gaining votes during electoral campaigns into a method of governance, and while the ethnic nationalism of the end of the last century seems to have lost ground, a new strain of twenty-first century nationalism (xenophobic, anti-Roma, anti-immigration) is gaining hold.

In a way, one could say that the Balkan countries find themselves caught between 'frozen conflicts' on the one hand, and 'frozen democracies' on the other.

Naturally, the difficult and complex nature of transition in the Balkans has also had a significant influence on the development of media throughout the two decades to 2010. Now it is time for the media to take a long, hard look at themselves. It is the time for self-examination.

Don't forget media wars

A realistic judgment should admit that, on the one hand, the free press constitutes perhaps the clearest achievement of the new Balkan democracies, and on the other, that the role of this same media during the two decades to 2010 has often been riddled with contradictions. The media have certainly been a driving force behind the democratization of Balkan societies, but at the same time they have also served as an instrument in the hands of the nationalist forces, which brought about the bloody dramas of the end of the twentieth century.

In his report on the role of the media in the origins of the wars in the former Yugoslavia (1995), UN emissary Tadeusz Mazowiecki came to the conclusion that the media are to blame for stirring up racist and ethnic hatred, thereby directly contributing to the outbreak of these wars. It is no coincidence that in his book *Forging War* (1999), the Balkan expert Mark Thomson paraphrased von Clausewitz's well-known expression as 'War is the continuation of television news by other means.'

The slaughter that took place in Bosnia and Herzegovina did not happen simply because the Butcher of the Balkans (Slobodan Milosevic) willed it, but also because he and others like him found a pool of mercenaries ready to serve their ambitions. The 'campaigns' of the media were the forerunners of military campaigns; the mercenaries of the microphone and pen led the mercenaries of the Kalashnikovs and mines. As Adam Michnik puts it, 'The Balkan war first started in the newspapers, radio and television stations' (1995, p. 74).

Journalists found themselves faced with a difficult dilemma: to be 'patriots' or to be professionals. A sizeable proportion of them chose the first alternative. Others rejected it. The 'patriots' turned into mere instruments of the official nationalist propaganda of Milosevic and others. To refuse to do this was very difficult.

Oslobodjenie in Sarajevo, Radio B92 in Belgrade, the *Federal Tribune* in Zagreb, *Koha Ditore* in Pristina and so on can rightly be seen as the resistance front of the free media in the Balkans, taking a stand against nationalism and authoritarianism. However a large number of media outlets can undoubtedly be seen as constituting the collaborationist front, along with nationalism and the aggressors. Timothy Garton Ash labelled the Milosevic regime a 'TV dictatorship' (cited in Brunner et al., 2000, p. 93).

The fact that some segments of the media put themselves at the service of the policies of genocide and stirred up national hatred raises a difficult dilemma: how can these voices that incite hatred be silenced without impeding the voice of freedom? In other words, should press freedom be limited in order to defend democracy? Or to put it differently, what should be done when the journalists and the media cross the 'red line', for instance when they stir up hatred and violence?

Nearly a decade after the end of these bloody conflicts, today we have achieved the necessary distance for a serious and composed examination of the role played by the media in them. Self-examination is in fact the process of facing up to the truth. This does not imply purely moralistic criticism of the journalistic profession. What is needed is a serious analysis of the semantics of the wars: the establishment of nationalistic myths, the projection of the image of the other, the use of hate speech and hate silence, and so forth.

Partly free?

In general in all of the countries of the region there is today a whole pluralistic spectrum of all orientations and hues of the print and electronic media. This constitutes an important achievement, especially if one considers the low base from which they sprang. The vertical propaganda (party-nation) imposed by the 'ultimate voice', the Communist Party, exists no more. Opinions, whatever they happen to be, are being expressed. South East Europe is no longer a region of shut mouths.

In addition, in all the countries of the region the constitutions that were adopted in the post-communist period guarantee freedom of

expression. A new corpus of legislation on the media has also been adopted in all these countries. The laws of defamation have been reformed or are in the process of being reformed. The laws of access to information are among the most developed on the European continent. The broadcasting laws of the first stage of the transition are gradually being replaced by new laws, which take into account the fast progress of the digitization process.

But it is not a rare occurrence in the Balkans for laws to be written according to European standards and then to be applied according to Balkan standards. Working out a modern legislative framework for the media is one thing, but its implementation and enforcement is quite another. There are many laws, but no law to obey laws. A number of factors, relating to the economy, infrastructure, politics, tradition and so on, influence the way in which the legislation is applied.

Although we have moved beyond the phase of *repression* it can be said without too much hesitation that we are going through the phase of *pressure*. In other words, imprisonment and physical attacks on journalists seem to be a thing of the past, but the pressure they are faced with remains, and is in fact becoming ever more sophisticated.

Obviously, the state's direct control over the press has been dramatically reduced, especially in more recent years. Censorship has disappeared, but its memory and influence have remained. In most of the Western Balkan countries and in Turkey the media have been exposed to political or financial pressure.

Although they cannot be compared to the authoritarian leaders of the first phase of transition, today's Balkan leaders are still not prepared to accept a high degree of criticism. More often than not they react violently to criticism, and even more frequently they are keener on controlling than on being controlled.

It seems that the times when police officers were used to attack journalists are past. Instead, they have been replaced by tax officials and judges who serve the government. It also seems that while the time of open threats has passed, such threats have merely been replaced by anonymous threats through the internet or SMS messages.

Thus, in Turkey the media group Dogan Holdings was fined the ludicrous amount of US$2.5 billion because of its criticism of Prime Minister Erdogan. In Albania, the Court of Tirana fined the private television station Top Channel 400,000 euros for 'violation of privacy' because it broadcast a recording which clearly showed the former minister of culture asking for sexual favours in return for a job.

In Kosovo – as understood in the context of Security Council Resolution 1244 (1999) – journalist Jeta Xharra found herself under a wave of attacks by local officials after she ran a programme which raised concerns about the freedom of media in the areas under their control. In Croatia, the well-known journalist Drago Hedl received death threats after publishing a series of articles about war crimes. In Serbia, B92 journalist Bankica Stankovic received death threats over the internet after denouncing cases of organized crime and corruption on her show *Insider.*

The latest reports by international organizations have noted a tendency towards a deterioration in freedom of expression in Balkan countries. According to Reporters sans Frontières (RSF), in 2010 the countries of the Western Balkans ranked between numbers 47 (Bosnia and Herzegovina) and 104 (Montenegro) in the Press Freedom World Ranking (see Table 0.1). Turkey ranked 138th. While there was a tendency towards improvement in Albania and Croatia, in all other countries in the region RSF noted a deterioration in freedom of expression. According to the 2009 Freedom House Press Freedom World Ranking (see Table 0.2), all the countries of the Balkans are classified as countries with a 'partly free press'.

Table 0.1

Press Freedom Index 2010

Rank	Country	Mark
47	Bosnia and Herzegovina	13.50
62	Croatia	17.50
68	FYR Macedonia	18.40
80	Albania	21.50
85	Serbia	23.00
92	Kosovo*	24.83
104	Montenegro	28.50
138	Turkey	49.25

Source: Reporters sans Frontières (2010).

* Understood in the context of Security Council Resolution 1244 (1999)

Table 0.2

2009 Freedom House Press Freedom World Ranking

Rank	Country	Rating	Status
78	Montenegro	37	Partly free
81	Croatia	38	Partly free
83	Serbia	39	Partly free
98	Bosnia and Herzegovina	47	Partly free
98	FYR Macedonia	47	Partly free
101	Albania	50	Partly free
101	Turkey	50	Partly free

Source: Freedom House (2009). Note: data are not available for Kosovo - understood in the context of Security Council Resolution 1244 (1999)

It is important to note that while during the first decade of transition, governments were identified as the main culprits behind the repression of media freedom, at the moment the situation appears less problematic, but much more complex. Pressure against media now increasingly originates from business groups, without excluding the different clans of organized crime. As the well-known Serb journalist Veran Matic rightly observes:

> under Milosevic, we knew that the secret police was behind virtually every act of violence targeting the media or journalists; today, the situation is more complex. There are parallel centers of power, operating behind the scenes and using marginal groups such as football fans and hooligans to warn and force defiant media or non-governmental organizations to toe the line. (Matic, nd)

An extension of politics

The relationship between the media and politics in the period of post-communist transition has been very complex and characterized by many contradictions. More than anything else, politics has had an influence on the development of the media.

Today's Balkan press is more an extension of politics than a representative of public opinion. A sizeable part of the media continues to be controlled by powerful political groups. In a certain sense the kinds of comment that a number of authors (such as Karol Jakubovicz, Mihai Coman, Colin Sparks and Tomasz Goban-Klas) have used to characterize the media situation in post-communist societies apply to the Balkan region too: 'The press became pluralistic, but not independent,' and 'The press became free, but not independent.'

The shift from the 'Soviet media model' to the 'social responsibility model' (e.g. McQuail, 2000) seems to have been more difficult than predicted. Habits inherited from the time of communism mean that politicians and political parties constantly try to influence – indeed, control – the media, because the conviction remains strong that whoever controls information holds power. The political classes, which as a rule are obsessed with holding power, 'consider the media to be not a major, but the main, instrument for politics' (Goban-Klas, 1997, p. 37). Goban-Klas

comments, 'This vision of the media is one-dimensional, over-politicized and simplified, believing in a missionary role for the journalists and an ideologized press' (1997, p. 37).

If I were asked to provide two key words to describe the fundamental problem faced by the media in today's Balkans, these words would undoubtedly be *repoliticization* and *clientelism.* In fact these could be seen as two sides of the same coin.

To follow through the dialectics of the relationship between the media and politics, it can be affirmed without hesitation that throughout the decades of the post-communist transition, the media have been influenced and shaped by politics much more than politics have been influenced and shaped by the media.

It is an inescapable fact that a conflict-ridden and highly politicized society (which is still the case with societies in the Balkans) infects its media and involves them in its conflicts and wars, and uses them as an important means for waging those conflicts, destroying their independence, impartiality and professionalism in the process. Part of the media has shown itself unable to resist the pressure and allure of politics (and not only politics); part of it finds it simply impossible to imagine its role outside this partisanship.

This partisanship is above all a reflection of the nature of politics, which is conceived as conflict rather than dialogue. It is also a reflection of the fact that Balkan societies are more political societies than information societies, more political societies than civil societies.

The most common forms of political clientelism are found in the public broadcasters, which in Albania, FYR Macedonia, Kosovo (under Security Council Resolution 1244) and Montenegro continue to be under the control of the central governments, which use and abuse them during and beyond electoral campaigns. Although it would be far-fetched to compare today's public broadcasters to the propaganda bastions they were during the period of new authoritarianism, still in most cases the so-called public television channels remain 'red carpet' television channels: that is, they are full of coverage of government protocol and information. These public channels do not resemble normal media, as much as a type of Ministry of Propaganda.

Clientelism in the media constitutes a complex phenomenon that must be seen as closely connected to the context of social and political development in the countries of the region. Politics in the Balkans is transformed into tele-politics. Generally speaking, the political and public debate has moved from the squares of rallies to the screens of television debates, which is certainly a positive development. While politics first took place in the streets, now it has been displaced to the television studio debates. But it seems that the media have had to pay a price for this change.

This 'tele-politics' can be seen as one aspect of the mediatization of politics, and this is an entirely normal development. But it seems that instead of mediatization of politics, in fact tele-politics consists more of the political clientelization of the media. Since it shifts the focus of the media from the public to politics, it serves politics instead of serving the public. What one notices in Albania, Kosovo (under UNSCR 1244) and FYR Macedonia is the use, misuse and abuse of the media by politicians.

The Albanian analyst Fatos Lubonja uses the term 'media regime' to describe this situation. According to Lubonja, 'if in the so-called police or military regimes, the police, the army or the secret services are used to ensure the regime holds on to power, in our case the media are used' (2009, p. 10). Perhaps the most accurate term to use in this case is media-cracy. Although in theory issues pertaining to the media are presented as issues of democracy, in reality they become a matter of power. As Sandra B. Hrvatin and Brankica Petkovic write, 'today it seems impossible to remain in power without the support of the media' (2004, p. 10).

Samuel Huntington has spoken about the dangers threatening democracy from itself. In fact, media instrumentalization renders media part of this game. If they are misused, media are turned from a mechanism of democracy into a mechanism working 'to reduce or destroy democracy' (quoted in Sartori, 1999, p. 173).

There is also another tendency, which at a first glance may seem the opposite of control and pressure, but which in fact boils down to the same thing. In some cases journalists can write what they like, can criticize as much as they like, but then nobody reacts and nothing

happens. This state of things has been observed in Albania, where the erstwhile nervous reaction to criticism is now being replaced by a total indifference to such criticism. People can write anything they want to, but nobody cares. Important investigative stories have been published in Tirana's newspapers in the last couple of years, but both the authorities and the judicial system have failed to react or initiate the enquiries these stories demand. In other words, journalists have the right to speak, but not the right to be listened to. Indifference to criticism leads to the devaluation of the free word.

An unholy alliance: media, business, politics

When analysing the situation of the media in the Balkans we must be aware that clientelism and political instrumentalization in the media constitute only one aspect. The picture would not be complete if the analysis were confined to these two elements. In reality, in the countries of the Western Balkans the media are sandwiched between politics and business, sometimes because of the pressures they are faced with, but at other times because they voluntarily place themselves in this position. Thus, the media appear to be an extension of politics on the one hand, and an annex of various businesses on the other.

The overcrowded and fragmented media scene in Albania, FYR Macedonia, Serbia, Montenegro and Kosovo (under UNSCR 1244) cannot be explained in terms of market logic. Albania for instance, holds the first place in Europe in terms of number of daily papers per head (26 of them, in a country with a population of roughly 3.5 million), but it ranks last in Europe when it comes to the circulation of daily newspapers per head, because altogether these 26 dailies produce less than 100,000 copies.

Most of these dailies can be considered 'newsletters of construction companies'. Companies pump funds into these newspapers not so that they can serve the interests of the public, but so that they can serve the interests of related businesses. If you ask these companies why they spend money every month on an activity that does not make them any profit, the answer you are typically given is that through these

newspapers 'they protect their businesses'. This is perhaps partially true, but only partially. Through these newspapers businesses can exert pressure and gain favours. And at times what is *not* published (for instance, details of a bribe that has been paid to gain a contract) is more important than what is published.

The media are not profitable, but they are seen as indirectly profitable. The media only become profitable as a tool to get construction permits and other favours from the government. In other words, in their calculations, the balance is positive overall,' says a media activist in Tirana, cited in the latest report of the Spanish organization FRIDE on Albania (FRIDE, 2010).

A report by the Open Society Institute (OSI) underlines the fact that 'Serbia's oversaturated media sector exceeds the commercial potential of the economy and many outlets survive thanks to biased reporting. The unfair competition makes it hard for budding independent journalism to thrive' (2010).

What we are witnessing is an unholy alliance between politics, business and the media, which in the most extreme cases can result in a dangerous form of state capture. As Croatian journalist Drago Hedl rightly pointed out, commenting on the murder of Ivo Pukanic, journalist and publisher of the *National* magazine, in October 2008, this murder offers proof 'about the fine line that separates politics, business and the media from the mafia, crime and corruption' (Hedl, nd).

In a certain sense it can be said that not infrequently political pressures have been transformed into economic ones. As Bulgarian media expert Ivan Nikolchev says, journalists 'are facing a difficult choice between working under political or economic pressure. Sometimes they do not even have this choice, but face both' (2000, p. 23). Can it be said that new economic conductors have replaced former political gatekeepers? To some extent they have.

The media in the region are not faced any longer with government pressure to the extent that they were up until a few years ago. Now the media face capitalistic trends and financial pressures such as foreign capital, distribution, transparency, ownership, labour policy and corruption. Hence, a *media proletariat* is now a new emerging

phenomenon in the Balkans. Nowadays bosses and editors pose more of a direct or immediate threat to journalists than governments do. Therefore, the hot issues in the region are now focused on the relations between media organizations and their employees, the labour market, professional unions and media ownership. This is an agenda that needs to be faced.

This situation has resulted in what could be described as self-censorship. Journalists, some of whom work without contracts, have to adapt to the interests and tastes of their owners and comply with their agendas. Further, in a situation when government advertising continues to be one of the main sources of revenue for the majority of media organizations (in FYR Macedonia for instance, the government is the second biggest advertiser), media owners try to rein in their journalists' criticism of the government in exchange for more state advertising.

A study carried out by the South East Network for Professionalization of the Media (SEENPM) in 17 former Communist countries, including all the countries of the Balkans, reached some interesting conclusions concerning the ownership of the media and its influence on the independence and pluralism of the media (Hrvatin and Petkovic, 2004). Media markets in the Balkans are not driven primarily by economic factors. A relatively large number of daily newspapers were launched with the intention of backing certain political interests. Some owners buy media outlets in order to secure support for other lines of business (Hrvatin and Petkovic, 2004, pp. 22–3). In fact, the media in the Balkans seem to be operating in a pre-market phase, given the fact that the term 'market' implies the existence of a system, which is in fact lacking.

The study reaches the conclusion that media ownership in former communist countries, including the Balkans, is unclear and non-transparent. Although in most such countries legislation has been approved which, generally speaking, is quite advanced, and which forbids the concentration of media ownership in few hands, powerful individuals, often with suspicious connections, increasingly dominate the media market, bypassing the existing legislation. According to opinion polls, after the political parties, the media is the most non-transparent institution in Albania (see www.institutemedia.org).

It is not a rare occurrence for the same businessperson (typically with their main interest in the oil or construction industry) to own a newspaper, to own shares in a television company, to have their own internet company, and of course their own football club. While this may be an exception in some countries, in Albania this phenomenon is the rule.

On the other hand, a strong presence of foreign media owners can be noticed in almost all countries. The German Westdeutsche Allgemeine Zeitung (WAZ) group controls the main newspapers in all Balkan countries. If ten years ago people in the region began to speak of media privatization, now they may as well be talking of media *priWAZization*.

The presence of foreign media owners has been accompanied by problems and debates in the region. Local newspaper publishers have complained about the monopolistic position of WAZ and the dumping prices applied by the German media giant, which have made their very survival difficult. Others think that WAZ is prepared to flirt with the governments of the region, or at least let them be, so that the company's profits are not harmed.

Others think that the presence of foreign media owners has had a positive impact. WAZ and others have attempted to push for the establishment of rules in markets where in fact these rules were either lacking or were simply violated. Foreign owners are generally more distanced than local owners from the political interests of the day. As the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Miklós Haraszti, said in an interview, 'better the foreign owner than the local oligarch; better investment from professional media company than say, from local banks, local oil companies, local energy companies, each with their own media for their own ends in which they can intimidate and censor their journalists' (Haraszti, nd).

If we stopped at the issue of transparency in media ownership (who owns what) we would be merely scratching the surface. Media ownership maybe opaque, but it is no mystery. It is not hard to sift through the registers of media ownership only to discover in them the names of the wives and relatives of politicians. Digging a bit deeper, we

come against the more problematic issue of the transparency of media financing (who pays whom). The issue of transparency has shifted from concerns about the transparency of ownership to concerns about the transparency of media financing. This is where the mystery lies. Years ago, Albanian Prime Minister Fatos Nano declared in Parliament that 'almost 50 per cent of media finances come from unknown sources' (reported in *Sot*, 6 July 2004). The same figure was quoted by the Media Sustainability Index 2010, according to which of all the financial balances submitted to the National Council for Radio Television (NCRT), 'up to 50 percent of expenditures were not covered and unaccounted for' (IREX, 2010, p. 13). Given the continuous lack of transparency of the advertising market and the absence of research in this area, as well as the unwillingness of the media themselves to provide such data, to date the sources of media funding remain unclear.

Watching the watchdog

What about investigative journalism? Is it possible under such circumstances for the media to fulfil its role as a public watchdog checking on governments? Although there are several undeniable achievements, investigative journalism in the Balkans remains at unsatisfactory levels for a number of reasons.

First, the Balkans lack a tradition of investigative journalism. The propaganda journalism of the communist period was to some extent replaced by the partisan journalism of the post-communist era. The highly politicized Balkan environment has exerted its influence even on the development of the media.

Second, the difficulties of the Balkan transition, the heavy presence of organized crime, and a weak judicial system do not constitute a favourable environment for the development of investigative journalism, although precisely because of these reasons, investigative journalism is more necessary than ever. Journalists who wish to investigate in the Balkans must bear in mind that they tread on unpredictable ground, full of dangers. These dangers can originate from governmental sectors, criminal groups or the mafia, for instance.

Third, a strong mentality according to which information is a monopoly of the state rather than a public property is still thriving in the region. Although Balkan countries have adopted some of the most advanced laws on access to information (in for example Albania, Bosnia and Herzegovina, and Montenegro), state structures, and not only state structures, are still too hermetic and closed. The Balkan environment can hardly be considered a transparent one. Obtaining information is considered a privilege rather than an obligation laid down in law, and a culture of openness is lacking. These circumstances simply add an additional obstacle to investigative journalism.

Fourth, there exists in the region a phenomenon that we could call the banalization of the struggle against crime and corruption. In other words a situation exists in which as a result of everybody accusing everybody else of involvement in crime and corruption, even the true stories discovered by journalists are met with disbelief and scepticism. Similarly, the fact that nobody reacts after charges are published in the press establishes a discouraging atmosphere for the journalists.

Fifth, investigative journalism by its very nature demands time and money. Not all the media outlets possess the necessary resources to invest people, time and money in investigative articles. Paradoxically, those media organizations that are not interested in investigative journalism, because of their tabloid character or their suspicious links with business and politics, are the ones that do possess sufficient time and money.

Sixth, the close links between media, business and politics, the so-called Berlusconi syndrome, which have considerably affected the Balkan media landscape, do not favour independent investigative journalism. This syndrome requires that journalists cater to the interests of media owners, not to those of the public. This phenomenon can be seen quite clearly in Montenegro, where professional journalistic debate has been replaced by debate among media owners about the interests of their businesses. It seems that a certain degree of corruption has affected the media as well. It is clear that we cannot expect proper investigative journalism from a corrupt media organization.

Seventh, investigative journalism requires training, which is also expensive. A series of training courses on investigative journalism have taken place

especially during the 2000s, but in most of the cases they have not been linked to each other, and there has been no follow-up.

However, in spite of all the hardship and problems, some notable achievements of investigative journalism in the Balkans should be mentioned.

One of the most popular television programmes in Albania, *FIKS FARE,* which is produced by Top Channel TV, is in fact an original format of investigative journalism. The producers of this daily show use humour as an instrument for condemning negative phenomena in the society, but they always do this by investigating documents, uncovering facts and so on. (According to an opinion poll by the Institute for Development Research and Alternatives (IDRA, 2009), the Albanian public consider the media to be the institution that contributes most to the fight against corruption.)

Croatian journalist Drago Hedl has become well known due to his investigative pieces about war crimes in the former Yugoslavia, but these have also led to his receiving death threats.

The investigative journalism network BIRN is also making an important contribution to the development of investigative journalism in the region. BIRN journalists have not merely successfully investigated several important issues, they have also offered some new journalistic standards for the Balkans.

Ethical dilemmas, old and new

An examination of the role of the media in Balkan societies in transition would not be complete without an analysis of the perceptions of the public shown by the media, and the image of the media as perceived by their audiences. Of course, these perceptions and images are not static. They change, and change quickly.

Ironically we are living in a time when, while demand for media products is steeply rising, the image of the media among the public is declining. According to a survey carried out by the Albanian Media Institute about the impact of the media on current Albanian society, 60 per cent of those questioned answered that the media cause trouble and only 23 per cent

said that the media contribute positively to the social environment. Only 12.5 per cent of those questioned were happy with the newspapers, while the rest expressed unhappiness or indifference regarding the role of the media in Albanian society.

It seems paradoxical: while the free press is one of the most important achievements of the emerging democracies, its image among the public is generally negative. In our opinion, this does not mean that the public is tired of free speech; it should rather be seen as a clear signal that the people demand a more responsible press.

This will take time. The unbalanced relationship between freedom and responsibility in the media is a direct reflection of the balance (or perhaps imbalance) of this dichotomy in Balkan societies, in which democracy is understood more in terms of freedom and rights than in terms of duties and responsibilities.

Two trends can be observed in the region. One is to consider journalists as 'necessary devils' and demonize them, while the other is to see them as representatives of the fourth estate, which at times has the media assume the role of the headmaster who knows everything and has the last word on everything.

It is not without good reason that there exists such widespread scepticism about media ethics and the growing power of the media. What we are seeing in the Balkan region today is a crisis of the journalistic profession, which is accompanied by a rapid decline in journalistic standards. As is rightly underlined in SEENPM's new strategy, 'the tabloidization of news media seems to be a dominant trend and sensationalist presentation often prevails over in-depth, unbiased, accurate reporting' (Orban, 2010).

Unfortunately, freedom of expression has sometimes been interpreted as a 'licence for hunting'. The targets of this hunt are not only politicians and businesspeople, but ultimately the citizens themselves. As well-known Serbian journalist Veran Matic rightly writes, 'many companies pay for advertising space and support tabloids financially in order to be able to launch orchestrated campaigns against particular targets. A career can be destroyed for a little as 500 euros; a counter-attack is equally possible but will cost a deal more' (Matic, nd).

Media arrogance is almost becoming the norm. This banality in the media is as much a reflex of banality in politics as the result of the lack of professionalism (or perhaps rather the mediocrity) of the staff that can be found in today's newsrooms. (Have we perhaps substituted for communist dictatorship the dictatorship of banality? This was the question that was raised in the last Conference on Journalistic Ethics in Istanbul, in February 2010, which referred to the low professional standards of present-day journalism in the Balkans.)

'Are the Balkan media losing the battle with tabloidization?' This was the title of an article published in *Balkan Insight* in May 2010. This is a question that reflects a growing concern about some negative trends in media development in the Balkans, and also in other areas. Besim Spahic, professor at Sarajevo's Political Science Faculty in Sarajevo, talks of a 'trash revolution' in the media which 'suits political interests all too well, anaesthetizing the masses against harsh economic realities'. 'Tabloidization is about more than sales; it has an agenda. It is about escapism, passivization, drawing attention to unimportant topics and issues', concludes Spahic (2010).

The financial crisis severely hit the media in the region, especially the already struggling print publications. As a result of bankruptcies, massive lay-offs and salary cuts, the position of journalists in the job market has worsened considerably. This directly affects the performance of reporters, and instead of leading to quality, leads to 'quantity journalism'. According to the Belgrade daily *Vreme*, 'the whole media industry is turning towards easily digestible content, attractive to advertisers, while neglecting in-depth and essential information' (Cremer, 2010).

The emergence of new technologies has revolutionized the development of the media and is radically changing the profession of journalists. The email culture and social networking are rapidly spreading around the region. For instance FYR Macedonia, a country of 2 million inhabitants, has 400,000 profiles on Facebook.

In addition to the traditional ethical dilemmas, the quick spread of the internet has added a series of new ethical dilemmas and raised several questions about the profession of journalism. Blogs, discussion forums

and other tools have significantly democratized journalism while at the same time rendering it more complex.

While the internet, new media and new technologies have certainly provided more opportunities for freedom of expression, for civic journalism and for enhancement of democracy in general, this freedom has also given rise to new concerns, such as the spreading of gossip, baseless accusations, undue criticism, and in more extreme cases, hate speech.

What can be noticed throughout the region, but especially in Croatia, FYR Macedonia, Albania and Kosovo (under UNSCR 1244), is the transformation of the blogosphere into a 'hate speech sphere', where in effect war has been declared anew between the nationalists and extremists who come mainly from the diasporas. Professional journalistic standards and codes of conduct hardly apply in the Balkan blogosphere.

In all countries of the region codes of ethics have been drafted and approved, but in general they remain only on paper. While such codes exist, the mechanisms or the bodies that implement them, such as press councils, press complaints commissions, press ombudsmen and so forth, are either in their infancy or completely missing.

According to the Bulgarian media expert Ognian Zlatev, the adoption of self-regulatory mechanisms has been a slow and to date unfinished process. The adoption of efficient self-regulatory mechanisms has been hindered by a number of factors. The road to consensus on journalistic standards that serve the interests of the entire democratic community is hard and often painful. Such consensus is difficult and problematic especially in the context of the repoliticization of the media. According to Zlatev other factors that stand in the way of the establishment of such mechanisms are the lack of a tradition and experience with self-regulation across the region; the small size of media markets, which means that media outlets can not survive economically without financial intervention from other groups; persisting political pressure on especially the public service media, and support for loyal journalism (as opposed to critical journalism); and close cooperation and mutual dependency between the political elites and business groups with a vested interest in the

press and media industries, exposing journalists to both political and economic dependency (Zlatev, 2009, p. 1).

Nevertheless, experiences in Turkey, Bosnia and Herzegovina, and Kosovo (under UNSCR 1244), where press councils are functional, suggest that self-regulation in the Balkans is not a mission impossible. On the other hand, attempts at establishing such self-regulatory bodies in Montenegro, Serbia and FYR Macedonia show that there exists no ready-made formula or recipe that can be implemented in all countries. The difficulties that are accompanying this process in Albania and Croatia demonstrate that self-regulation is a process than can neither be imported nor imposed.

An analysis of the situation of the media in the Balkans (as with all analyses on the Balkans for that matter) always risks turning into an inventory of problems, so that when one reaches the end, one inevitably gets the impression that the approach has been too negativistic. Perhaps these pages have not been immune to this syndrome. Nevertheless, this author must emphasize the fact that if we want to use a comparative framework or system, it should consist of the standards that are applied in democratic countries and not those of the totalitarian and authoritarian regimes we have left behind.

'No comparison, whatsoever, is possible between the poor landscape of communist media, which was politically biased and used a wooden language, and the present media, characterized by diversity, dynamism and rapid change,' wrote Rumanian journalists Marian Chiriac and Daniel Cain (2000). In our region the media have left behind the old days of communism, but the contours of their future remain unclear.

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The 'Lone Ranger' as the missionary of conscience: the role of the news ombudsman

Yavuz Baydar

Introduction

For decades, there has been a growing concern about how journalists can nurture, or in many cases restore, trust between themselves and their audience. There are a number of reasons why public trust in the quality of news and in the ethical behaviour of those producing it has waned, impacting on the media worldwide. Various solutions and institutional models have been developed to address the problem, and they have met with varying degrees of success. It is essential to journalism as a profession that the question of public trust in the news and those producing it is addressed.

In transitional/emerging democracies, trustworthy and independent media have been seen as crucial for political and social stability. In these environments, the media are often one of the main actors sustaining democratic processes, enhancing the domain of rights and freedom, and helping eliminate a mentality that accepts oppression.

A bold media sector must also investigate and fight corruption. The abuse of power is a stumbling block for those societies trying to make the transition to democracy. In order to make a difference and to have a lasting positive impact, it is imperative that the media itself be clean, transparent and accountable.

One of the most efficient models developed in the past decades to safeguard the integrity of the media is the institution of the news ombudsman, a modern 'in-house' concept of self-critique and self-regulation. It is distinct from other forms of supervision which rely on outside agencies or a collective voice. Since the news ombudsman is a role assigned to an individual, it is relatively

simple to implement, and flexible and adaptable to individual news institutions and specific audiences.

The large number of news ombudsmen, located in over 20 countries, is evidence that the ombudsman model works. Ombudsmen deliver a service whose success is quantifiable and whose quality is tangible.

This study is an attempt to shed light on various aspects of the news ombudsmanship model. It is also an attempt to explain why the roles played by ombudsmen can be an asset for a media sector that strives for quality and credibility.

Background: the origins of the ombudsman office

Ombudsmen date back to the early nineteenth century, when the king of Sweden and the Swedish parliament agreed on a method to deal with complaints from citizens who saw themselves as the victims of flawed governance. An office of independent inspection was founded in 1809, headed by an official who was granted the status of a minister. The *Justitieombudsman* (ombudsman of justice) was entitled to judge an individual appeal against a government organ and thus provide protection from the state's arbitrary authority.

Art Nauman, a former ombudsman for the *Sacramento Bee* (California, USA) and president of the Organization of News Ombudsmen (ONO), refers to an American researcher who traced the origins of the concept to a much older Scandinavian term for a factotum: 'the man who sees to it that snow and rubbish are removed from the streets and that the chimneys are swept'. However, the concept of news ombudsmanship has developed a new historical context, and has come to mean 'the person representing the public', 'person with a delegation' and the 'citizens' representative' (Nauman, 1994). Ombudsman has become a widely established international term used to define an office possessing genuine independence to scrutinize authority. In Sweden, the concept was broadened to include ombudsmen in various arenas: racial and gender equality, the rights of children, and the press.

We also find proto-forms of ombudsmanship elsewhere in history.

Brazilian researcher Jairo Faria Mendes writes that 'Before the Swedish experience there had been "listeners".' In colonial Brazil, the bishops had the function of 'listeners of the crown', which gave birth to the popular expression, 'Complain to the bishop.' In ancient Rome the tribune of the people listened to the complaints of citizens (Mendes, 1999).

'Tell your troubles to Marko Pasha!' is still a popular saying in Turkish, which refers to a centuries-old Ottoman tradition of 'Ahi' or 'men of wisdom'. This was a model which functioned in the Ottoman Empire, and provided a direct form of communication between the sultan and his subjects on issues related to work ethics. It was an outlet for subjects of the sultan for when they felt they were being ill-treated, subjected to discrimination, and/or otherwise neglected.

Recent research suggests that King Charles XII of Sweden, during his lengthy stint as a 'guest' of the sultan in the early eighteenth century (after the Swedish defeat against the Russian army in the battle of Poltava) was inspired by the Ottoman Ahi tradition and imported it to Sweden. The concept later spread from Sweden to Finland (1919), to Denmark (1955), then to Norway and New Zealand (1962).

Ombudsmen and the press

In the early twentieth century, the press felt the need to respond to a growing sense of unrest among readers. Readers were questioning what they were reading and were expected to believe. Inaccuracies increased at the pace of newspaper circulation. The ever far-sighted Swedes decided in 1916 to establish a Swedish Press Council – also known as the 'Court of Honour' – to deal with the broad spectrum of complaints.

The Council operated until 1969, when it was redefined as Allmaenhetens Pressombudsman (the press ombudsman of the public). This occurred as a response to increasing public dismay over unethical behaviour, particularly regarding violations of privacy, sensationalist reporting of crime, and widespread character assassination of public figures. 'For its part, the Swedish press feared legislation would be enacted to curtail the media if the existing system or self-discipline wasn't made more responsive' (Mendes, 1999).

The US press in the early twentieth century was equally concerned about growing public scepticism. In 1913 Ralph Pulitzer, son of the legendary publisher Joseph Pulitzer, decided to establish a Bureau of Accuracy and Fair Play at the *New York World* newspaper. The stated goal was 'to correct carelessness and to stamp out fakes and fakers'. The staff members – a director and two associates – investigated complaints, wrote corrections, kept a record of journalists who were responsible for errors, and replied to correspondence from disaffected readers. The Bureau remained in operation until the paper was sold in 1931.

The Bureau inspired similar, if short-lived, matching institutions in papers such as the *Sacramento Bee, Minneapolis Tribune* and *Philadelphia Ledger.* Indeed, nine years after Pulitzer's decision to create the Bureau, *Asahi Shimbun* in Tokyo created a committee to receive and deal with complaints. Research by Takeshi Miezawa, of Tokyo Keizai University, suggests that it was modelled after the *New York World*'s Bureau (1999).

Another Japanese newspaper, *Yomiuri Shimbun*, which currently has one of the largest circulations in the world (approximately 14 million copies are distributed daily), set up a staff committee in 1938 to scrutinize its content. The project, which was initiated because the newspaper's reporting had led to a number of lawsuits, was developed into a '28-member ombudsmen committee' in 1951. The committee was called the Committee of Newspaper Contents Inspectors, and was a unique and efficient model of news ombudsmanship that is still operational on the paper (Miezawa, 1999).

In the United States, the need to develop mechanisms for self-regulation re-entered the agenda after the Second World War. Henry Luce, founder of *Time* and *Life* magazines, gathered a group of respected scholars and non-journalists together in 1947 to study the flaws of the press. After a lengthy study the group, which came to be known as the Hutchins Commission on the Freedom of the Press, issued a warning: the press must monitor itself, or risk being monitored by the government:

> One of the most effective ways in improving the press is blocked by the press itself. By a kind of an unwritten law, the press ignores the errors and misrepresentations, the lies and the scandals, of which its members are guilty. (JaCoby, nd)

The findings and conclusions of the Hutchins Commission were not what the press wanted to hear. They were ignored by the US media elite, who took refuge in an extended period of denial. However, the anti-establishment mood in the 1960s in the USA pushed media owners and editors to reconsider. A youthful public, which had become radicalized and distrustful of authority during the Vietnam War, made no secret of their suspicion of the media.

In March 1967, Ben H. Bagdikian, then an editor at the *Washington Post*, became the first journalist in the USA to suggest ombudsmanship as a way to regain trust. In an article in *Esquire* magazine, he wrote that the press in the USA was suffering from a lack of confidence from the public, and often the reasons were valid. In order to win back the public, Bagdikian hoped that 'some brave owner [would] someday provide for a community ombudsman on his paper's board … to present, to speak, to provide a symbol and, with luck, exert public interest in the ultimate fate of the American newspaper' (cited in JaCoby, nd).

Bagdikian was followed by A. H. Raskin, an experienced labour reporter with the *New York Times*. In the paper's Sunday magazine, Raskin suggested that each newspaper establish a Department of Internal Criticism: 'The department head ought to be given enough independence in the paper to serve as ombudsman for the readers, armed with authority for more effective performance of all the paper's services to the community, particularly the patrol it keeps on the frontiers of thought and action' (cited in JaCoby, nd).

The first news ombudsman – in Kentucky

A week after the publication of Raskin's article, the first news ombudsmanship post in the USA was created. This would eventually become a universal model. It was neither the *Washington Post*, nor the *New York Times*, but a small, well-respected daily in the state of Kentucky, the *Louisville Courier-Journal*, that created the first media ombudsman post. Its editor, Barry Bingham Sr., had followed the debate on media responsibility among his colleagues on the East Coast, liked the idea of ombudsmanship, and insisted that an elderly colleague, John Herchenroeder, assume the role of media ombudsman.

Soon after, the *Washington Post* followed suit. It could be argued that the *Post* actually set the real tone of the ombudsman role, because Ben Bradlee, the legendary editor of the paper, had defended the idea strongly before his board of editors (who were concerned that the position would undermine, rather than increase, the paper's credibility). He argued that the average reader of the *Post* was as intelligent as any of its editors or reporters, if not more. Bradlee went further than the Kentucky paper. He instructed the *Post*'s independent ombudsman not only to listen to complaints but also to comment publicly and critically on the paper's performance in regular columns. This was the main difference from the *Courier-Journal,* whose ombudsman only reported internally. Therefore, the establishment of ombudsmanship at the *Washington Post* arguably marks the real beginning of the era of news ombudsmen.

In the 1970s and 1980s many newspapers in the USA and Europe (though not including the *New York Times*) followed suit. They were joined by *Le Monde* in France, *El Pais* and *La Vanguardia* in Spain, *Volkskrant* in the Netherlands, *Folha de Sao Paulo* in Brazil, the *Guardian* and *Observer* in the United Kingdom, *O Publico* in Portugal, *Maariv* in Israel, *Politiken* in Denmark, the *Toronto Sun* in Canada, *Milliyet* and *Sabah* in Turkey, and *The Hindu* in India, as well as others.

Although print media led the way creating ombudsman posts, broadcast news outlets followed. Public broadcasters in France, Canada and Australia established ombudsman offices, granting wide independence to their 'viewer representatives', and displaying unrelenting determination to institutionalize self-regulation.

Currently, there are 47 full-time ombudsmen registered as members of the ONO. There are 25 associate members, people who are either full or part-time ombudsmen, or journalists and scholars interested in the field. However, since not all ombudsmen worldwide are affiliated to the ONO, the real number of news ombudsmen is higher, probably between 100 and 200.

The rationale:
why ombudsmen are needed

The characteristics that distinguish journalism from other professions also define journalists in a particular way. Good journalists are independent and keen informers, unwavering observers, persistent investigators into real facts, aggressive examiners of power circles and institutions, free commentators and trustworthy advisers, practising always under the guiding light of critical and sceptical minds. Without a solid grounding in ethics, journalists, like doctors and lawyers, would lose their sense of purpose.

Who journalists serve and what they produce must always be judged on the basis of their moral commitment and their conscience. Although media organizations must operate successfully as businesses in free markets, and must meet the financial expectations of their proprietors, the media also have a profound social engagement: their primary task is to serve the interests of the public. They are entrusted with the common good of the public: journalists' activity is centred on gathering as much information as they can and accurately and fairly disseminating it. In order to serve the public interest, the media must aggressively pursue the news and obstinately question powerful institutions and individuals, holding them accountable and pushing for transparency. Often, the truth has a thousand faces, and the practice of journalism may involve asking very tough questions.

This peculiar job, if well conducted, can serve as an engine for democracy: the journalists present the news as accurately and fairly as they can, in order to help citizens to make the best-informed decisions. Democracies succeed or fail to the degree they are able to agree on the transparency and accountability of their institutions. Secrecy is not only venomous for central or local governments and their agencies, secrecy is also a threat to the private sector and public figures.

Fighting corruption and other crimes necessitates an independent and free media. In order for the media to have an impact and enjoy public trust they must remain uncorrupt and ethical.

Journalists act on behalf of the public by asking questions and observing public institutions; they hold these institutions accountable. But, does

this mean that the media are exempt from criticism if journalists fail to do their job properly? Should the media be exempt from standards of transparency and accountability? Can journalists have any right to demand that news subjects be transparent and accountable if the media itself are not transparent or held accountable?

'It's all about transparency. From transparency flows trust. Show your readers that you care about accuracy, about fairness, about getting the story right and you gain their trust. If they trust you they will buy you,' says Stephen Pritchard, president of ONO and ombudsman for the *Observer*, London, adding that:

> I can think of no reason why the press – with all its influence and power over the lives and minds of the people – should not be subject to the same kind of scrutiny as is focused on other powerful segments of the community: the government, military, business, arts, religion, finance and all the rest. Surely it is in the press' own self-interest that such scrutiny – honestly and fearlessly done – come from within the press itself. If we don't do it, somebody else – with perhaps nefarious motives – might do it for us. (Pritchard, 2009a)

The culture of journalism

It is well known that members of the media are generally perceived as arrogant towards the public; that journalists have a 'thick skin' when it comes to criticism from their readers, listeners and viewers. The insensitivity of journalists has helped feed suspicions that journalists are often motivated by interests other than those of the public, and that they chase their own agendas.

The public can sometimes point to news that has been overblown or covered up as evidence of these 'hidden intentions' of journalists. The lack of transparency regarding journalism leads people to believe that 'something suspicious is going on out there'.

Like individuals in other professionals, journalists make mistakes. As with every public institution, newspapers and broadcasters alike make mistakes, including inaccuracies, factual errors, unfair treatment of sources or news subjects, lack of balance and honesty in news stories,

bias, mixing facts with opinion, and misleading headlines. These can occur in even the most distinguished news outlets. Some cases of poor media practice are errors in judgement that could be harmful to individuals. Others may involve lies, fabrications or elements of plagiarism. It would be fair to say that it is as impossible to print a perfect, mistake-free daily newspaper, as it is impossible to conduct a perfect 24-hour radio or television broadcast. Journalists have to live with this fact.

Journalists know that their existence depends on their having an audience. Stephen Pritchard explains:

> Any editor will tell you that those most important to them are the people who read their paper, their website, listen to their radio station or watch their TV channel. And yet it is astonishing how poorly the media treats those who consume them. Yes, they have letters pages and blogs, they have customer service departments and marketing focus groups, but how many have a staffer who stands back from the fray and really listens to them and, furthermore acts on their comments from a truly independent position within the organisation? (Pritchard, 2009b)

According to Pritchard, it is clear that the existence of an independent ombudsman helps build trust. To prove this point, he cited a survey undertaken by the *Observer* in 2007, which found that 77 per cent of its readers responded that their trust was reinforced by the existence of a readers' editor (2009*b*).

The 'conscience' of news reporting

Ombudsmen play a key role for those news institutions that understand the value of transparency, accountability and ethical behaviour. Ombudsmen build a bridge between the public and the newspaper or broadcaster. They help make news institutions more transparent to the audience so that they can see how the news institution operates internally. The ombudsmen become the critical voice of the public internally. By giving the audience a sense of belonging they promote a more trusting relationship between the audience and the news organization.

Analogies have been used widely about ombudsmen. Some say they are the public cleaners of dirty linen. Others describe ombudsmen as 'doctoring the house'. But perhaps the most fitting is the description of the ombudsman role as the 'conscience of news reporting'. There are a number of reasons why ombudsmen make a difference in newspapers and media broadcasts. The ONO summarizes the roles of a media ombudsman – and thus the reasons that a newspaper or broadcaster should have one – as:

✓   To improve the quality of news reporting by monitoring accuracy, fairness and balance.

✓   To help his or her news provider to become more accessible and accountable to readers or audience members and, thus, to become more credible.

✓   To increase the awareness of its news professionals about the public's concerns.

✓   To save time for publishers and senior editors, or broadcasters and news directors, by channeling complaints and other inquiries to one responsible individual.

✓   To resolve some complaints that might otherwise be sent to attorneys and become costly lawsuits. (cited in Pritchard, 2009*b*)

In addition, ombudsmen help explain and clarify the rationale for the daily practices of news outlets and the mindset of journalists to the audience.

THE LAYERS OF FUNCTION: TASKS OF OMBUDSMEN

News ombudsmen are, in essence, referees. They act as outside observers of the process of journalism at their news outlet, and 'blow the whistle' whenever something is irregular or unfair. A news ombudsman receives and investigates complaints from newspaper readers, radio listeners and television viewers. In the domain of the internet, there are an emerging number of ombudsmen who have similar responsibilities to those working for more traditional media outlets: they scrutinize the content of news on the basis of complaints from the audience.

News ombudsmen work in two channels, inwards and outwards. They operate as spokespersons for readers, listeners, viewers and users, when they introduce their voices to the news outlet, and investigate internal wrongdoings. They also play a role in explaining to the audience how daily journalism works, how no human beings (including journalists) are perfect, and addressing the suspicion and negative stereotypes the public may hold about the practices of journalism.

The first and primary function of a news ombudsman is to help encourage transparency and accountability in news outlets. In addition, a news ombudsman helps encourage the audience to feel that they are a part of the process, and that their voice is listened to and taken seriously. By encouraging transparency in the news organization and creating a sense of inclusion for the audience, the ombudsman helps to build trust between the news outlet and its public.

By helping include the audience in the news organization, ombudsmen bring the world of journalists closer to the general public whom they are committed to serving. The clearer the role of journalists is to their audience, the stronger the audience's engagement in the two-way communication conducted by the ombudsman.

Key tasks

As summarized perfectly by Michelle McLellan, a former public editor with the *Oregonian*, a daily US newspaper, there are six key tasks of ombudsmen:

- ✓ reader complaints and comments
- ✓ communications with staff
- ✓ reader communications
- ✓ columns
- ✓ corrections
- ✓ reader outreach (McLellan, 1999).

Complaints and comments are the main source of work for ombudsmen. The number of complaints and comments received by any media outlet will vary because of factors including its size and audience or circulation. Most newspaper news outlets receive thousands of complaints on a monthly basis. McLellan explains:

> People will call or write about factual errors in the paper, or if they think a story shows bias or if they don't like a headline. Or if they think a photo is offensive. Or they don't like the cartoons. It is important to answer as many as possible. This is important. People who feel their comments are ignored will see their complaints validated. (McLellan, 1999)

As the complaints flood in, and those that require a response are identified, it is important that the staff of the news organization are informed about the nature of the complaints. The staff must be kept updated on the patterns of the complaints in order to understand where the critical sensitivities of the readers lie. Understanding the concerns of their audience can be helpful for editors as they make decisions on how best to reform the mechanisms of news production.

In order to keep staff updated on the nature of the audience's comments and complaints, a considerable number of ombudsmen write daily or weekly memos, while others make the reader email complaints accessible to the entire staff. In a few cases, ombudsmen have organized internal discussions and ethics sessions for the staff.

An ombudsman and their office must be as freely available as possible to readers. Readers often feel frustrated when they fail to reach editors or reporters, and they feel acknowledged whenever there is somebody who has the time and politeness to listen to them or to respond to their mails and faxes. This does not mean that an ombudsman must 'monopolize' communications between readers and the news outlet; on the contrary, they must encourage the staff to be open to the audience.

The telephone number and mailing address of the ombudsman should be clearly displayed in the newspaper on a daily basis. Ombudsmen must be as transparent as possible in their work. If they have a contract and a code of conduct it should be made visible to the public (for example on the organization's website).

Columns and 'reader councils'

Most ombudsmen write regular columns. It is the most important element in giving them visibility. They 'air reader complaints and assess whether the newspaper is living up to accepted standards. Columns may also explain policies of the newspaper or examine broad journalistic issues' (McLellan, 1999). Correction and clarification columns are part of some ombudsmen's regular practice. It is crucial to acknowledge errors in print and provide the accurate information. Some newspapers have a policy of daily, fixed columns; others print them occasionally, as required.

'At some newspapers, the ombudsman has final say on running a correction and should lean towards publication. Many of us have a natural reluctance to acknowledge mistakes publicly. The ombudsman's role is to bring detachment to the decision on behalf of readers,' explains McLellan (1999).

Ombudsmen can be fundamental in reaching out to the public. In some cases, newspapers have experimented with 'reader councils' to enhance their efforts to build trust. This applies particularly well with papers whose audience is a local community. In cases where reader councils exist, ombudsmen can play a key part in organizing and shaping contact and discussion groups, and can be instrumental in facilitating dialogue with the editorial management to help refine the content of the newspaper.

Qualifications: what makes a fine ombudsman

Historic experience has shown that ombudsmen recruited to news outlets have a background in one of two fields, journalism or academia. Opinion varies on whether a background in journalism or academia better prepares one for the role of ombudsman. While it has been argued that ombudsmen with an academic background strongly emphasize independence, they have been criticized for often failing to be realistic. Ombudsmen with an academic background often tend to focus on theory rather than practice, and have encountered problems of credibility amongst the staff.

The overwhelming preference among publishers and editors is for ombudsmen who have had a strong career, emphasize professional integrity and are committed to the values of journalism. These ombudsmen should have skills in psychology and a sense of how to balance the daily aspects of the job with the rules and ideals of the profession.

Experience has shown us that the more knowledgeable an ombudsman is of their news outlet, the easier they are accepted as an internal critic. The more accepted the ombudsman is by the staff of the news organization, the deeper impact their views will have and the more respect they are likely to be shown.

As Art Nauman elaborates, the characteristics of a fine ombudsman are:

> First, a deep understanding of the journalistic process. He or she should be a veteran reporter or editor. He or she should have 'been there,' as we say, and should understand exactly how journalists go about their business. Second, a deep understanding of the community the paper serves; its demographics, its history, its geography. Third, a genuine interest in people – the ability to listen to them without instantly raising defensive walls. Tact and friendliness obviously count for a great deal. Finally, the successful ombudsman needs a tough outer skin, and strength of character and resolve to withstand the psychological rigors of that 'aloneness' that comes to every ombudsman. (Nauman, 1994)

MANNERS AND MEANS: HOW OMBUDSMEN WORK

Ombudsmen monitor news and feature columns, visual and graphic materials (on the basis of a code of ethics) and print quality. They bring shortcomings and flaws to the attention of the staff and the editorial management. In addition, they investigate and respond to questions, comments and complaints from readers, including explanations and arguments from editors and other staff members when appropriate.

Some ombudsmen are also involved in describing the daily routine and 'reasoning' in news meetings, and publicizing changes in the news outlet.

However, even though they have some common responsibilities, no two ombudsmen work in an identical manner. The profile and character of the news outlet, the national or regional environment in which the outlet operates, the personality of the ombudsman, the job definition as described in the ombudsman's contract, and the culture of the newsroom play important, defining roles in shaping the nature of the ombudsman's work.

Some ombudsmen call themselves a 'readers' editor' or 'reader representative'. Others are known as a 'public editor', 'viewers' representative', 'readers' advocate' or 'readers' spokesperson'. In France, they are described as a *médiateur* or *médiatrice*. Most of them are visible to the public; a minority of them are not. The former openly share their output with the audience; the latter report only internally.

Years ago, Art Nauman (1994) said that 'some ombudsmen have more independence than the others', and that is still very true today.

Independence is the key

This statement also points to the fact that independence, perceived and real, is the essential element of an ombudsman's work and must be fully guaranteed. According to Michelle McLellan:

> Independence is the key to ombudsmanship. Publishers and editors who want an ombudsman must be ready to take criticism, to see complaints aired publicly and to let the ombudsman offer his or her assessments freely even if they don't agree. In short, it is no good to be the ombudsman for a news organization whose executives really just want window-dressing. (McLellan, 1999)

A contract as a guarantee

Years of international experience have proved that more independence is given to those ombudsmen who have a contract with their news outlet, a written commitment. The ombudsmen for the *New York Times* (USA), the *Washington Post* (USA), the *Guardian* (UK) and *Sabah* (Turkey), for example, all have contracts. A written contract not only guarantees the

status of the ombudsman, but also acts as a public statement of the employer's commitment and respect for the ombudsmen. A written contract makes it clear that ombudsmen cannot be fired for either internal or external oral or written statements.

Whether they have a contract or not, ombudsmen must operate in complete freedom; they must be given the power to choose whether and how to investigate complaints, reach their own conclusions and engage with the public in the way they prefer. The majority of ombudsmen publish their findings weekly; others publish their findings on a fortnightly or monthly basis, or whenever the circumstances necessitate.

Only ombudsmen should edit ombudsmen's columns

It can be argued that the columns written by ombudsmen truly belong to the readers of the newspaper (or periodical) they work with. What they write cannot be subjected to external intervention, negotiation or censorship. It is expected to reflect reader complaints and maintain an independent viewpoint. In other words, the ombudsmen columns are 'holy territories' granted to the readers, a constant proof of the news outlet's engagement in transparency and accountability. Although most ombudsmen act upon specific reader complaints, some have been given the jurisdiction to react to mistakes and shortcomings that they perceive in the content in general.

How ombudsmen in broadcast journalism work also varies. Some of them share their findings and views publicly on television or radio programmes; others operate as internal critics, reporting complaints vertically and/or horizontally within their organizations.

Despite the differences in manners and methods between ombudsmen, there is a key element which unites all ombudsmen: they are engaged in self-critical activity and remain committed at all times to maintaining accuracy, balance, fairness and honesty in the news.

The role of ethical codes

When monitoring and judging the validity of complaints, ombudsmen should always have a 'base', which is either a national code of ethics, or preferably a specific code that binds the news outlet to honest, principled work. Such an approach is helpful in keeping the public aware of the ethics of the news organization, and also serves as a constant reminder to reporters and editors of the ethics that should be observed.

Ombudsmen are not – and should not be – given powers to sanction. They do not have the authority to hire or fire reporters or editors. What the ombudsmen report should only be taken as suggestions; the ombudsmen may only present the problems and offer possible solutions to them. The final decisions on how to resolve complaints should remain with the management of the news outlet.

Ombudsmen are involved in reactions to and evaluation of the final news product, but they cannot engage in pre-emptive scrutiny. Therefore, many ombudsmen prefer not to participate in newsroom meetings. But yet again, the approach of ombudsmen varies: some take part in news-planning meetings and others in the daily debates on, for example, front page content, because they wish to be able to explain to the public the reasoning of journalists in choosing and shaping their stories.

Almost no ombudsman is expected to deal with opinion columns or editorials. As Art Nauman explains it, 'every editorial opinion is unfair, unbalanced and inaccurate – by somebody's point of view …. It is in the news columns where accuracy and balance are expected – and absolutely essential' (1994). In addition to not dealing with opinion columns or editorials, ombudsmen are also not generally expected to deal with personal opinion columns, as they are usually subjective, one-sided and reflect a personal, biased viewpoint. Ombudsmen are not expected to handle complaints about opinion pieces because such complaints usually just reflect the fact that the complainant has a different viewpoint.

The public should not be encouraged to believe that ombudsmen may act as a censor of opinion. Similarly the public should not be encouraged to expect ombudsmen to curb 'bold reporting of news, in issues of absolute public interest', as Nauman pointed out (1994). However, there

are areas in the domain of opinion pieces that a few ombudsmen feel entitled to enter: factual or linguistic errors in opinion pieces have been corrected by ombudsmen. Ombudsmen have also become involved in opinion pieces in cases of plagiarism or a deliberate manipulation of the facts – for example, if statistics used in a piece are arguably misleading to the public.

How ombudsmen communicate

Ombudsmen communicate with readers, listeners and viewers by various means. In the age of the internet, emails have been the dominant channel of communication. However, telephone calls and faxes are still very popular, while snail-mail has lost much of its attraction.

Depending on the circulation size of the newspaper or periodical, or the number of listeners or viewers, ombudsmen may be very busy, even overloaded with work. The daily routine of a news ombudsman includes responding to individual complaints or questions, depending on the legitimacy of what people say or ask. The swiftly growing readership of news online adds considerably to the pressures of an ombudsman as well. To manage the workflow in major news outlets, a majority of ombudsmen work with at least one assistant.

East and West

There are a number of differences between the daily routine of news ombudsmen in the West and East. All of the ombudsmen in the West, whether they work with a staff or not, work as a singular mind and voice. A legendary ombudsman for the *Washington Post* in the 1980s, Joann Byrd, once explained that her daily routine started with the reviewing the paper, which took her five hours per day, and nine hours in the case of the Sunday edition. She later spoke personally with editors or reporters, or prepared notes or tear-out sections of the paper to be sent individually to the personnel concerned. She also collected examples of errors or problematic issues, gathering them in a memo sent to all newspaper staff and executives on a periodic basis. In the case of topics she deemed of general interest or regarding which she got a significant number of reactions, she would write a column in the Sunday paper.

Importantly, she highlighted independence as being critical for ensuring credibility from readers, and pointed out that 'the ombudsman can bring to the news operation what an editor can bring to a story: a fresh set of eyes that can spot things the person doing the work can´t see' (Byrd, 1994). She explained that she was not permanently employed by the *Washington Post*, but had a contract as an independent agent for two years, which could only be renewed once for the same period of time, excluding the possibility of her working for that news outlet ever again. This clause aimed at ensuring that the ombudsman would not have a positive bias motivated by the desire to gain a permanent staff contract. She also pointed out that those occupying the highest positions in the *Washington Post* organization never provided her with comments, recommendations or opinions regarding her work, and that she only received positive or negative feedback from middle-level staff.

Her internal critiques were not seen by anyone before reaching the whole staff, and the copy editor, who was only allowed to correct the grammar and spelling, was the only person to see her Sunday column prior to publication. Also, she could not be fired as a result of the content of her writing. Byrd clarified that she only had a moral authority, and that she did not see any content before the paper came out. Even though she witnessed most meetings where editors took decisions on the front page, she did not say anything until she saw the published paper, which she received at the same time as subscribers did (Byrd, 1994).

The 'ombudsmen collective' model at *Yomiuri Shimbun*

The experiences of news ombudsmen in Japan differ from the 'individual ombudsman' style of the West. The Japanese style of news ombudsmanship is exemplified by *Yomiuri Shimbun*, where ombudsmen have established a work scheme as a group rather than as individuals.

Yomiuri has a committee of ombudsmen, numbering between 23 and 28. Each member of the committee is responsible for scrutinizing and listening to reader complaints regarding certain sections and prints of the newspaper (the paper is updated and new editions are printed during the day).

Every day, at a fixed time, the members of the committee meet with the editors responsible for different sections and/or pages. Each and every 'sub-ombudsman' reads out the complaints and findings while the editor takes notes of corrections and modifications that need to be made. Although this is a clear example of a specific culture of journalism in Japan, this model of ombudsman function is also dependent on the financial well-being of the newspaper, which makes it possible to afford a group approach.

'CYBEROMBUDSMEN': HOW TO MAKE ONLINE JOURNALISM ACCOUNTABLE?

Undoubtedly, the internet has had a significant impact on journalism worldwide. The internet has not only helped trigger an explosion in the number of news outlets, independent websites and blogs, it has also opened up suppressed corners of the world to the free flow of information. In addition it has allowed the public to be more involved in the news process, and has changed the practices and content of journalism.

The internet and the explosion of online news outlets have posed enormous new challenges to the conventional wisdom and ethics of journalism. As the internet weakens editorial control of content, the need for self-regulation in the virtual domain has become more apparent and urgent than ever. News outlets must cope with checking and posting a huge volume of information made available via the internet at an increased speed.

The challenges to major news outlets that operate in the most widely spoken languages (English, Spanish, Arabic, French and so on) are obvious: their audience is not bound by geographic borders. As the internet changes the news industry, important questions about the traditional values and ethics of journalism (such as accountability, honesty and balance) have been raised. For instance, can news organizations that are financially challenged still maintain democratic values and institutions? What is the value of the mainstream media when the internet seems to be attracting more attention and revenue? And how can media

organizations sustain the trust of their readers, listeners and viewers? There are no easy answers to these questions.

Jeffrey Dvorkin, secretary general of the ONO and a former ombudsman for National Public Radio (NPR) in the USA, sees the need for ombudsmen increasing a great deal in the age of the internet. He finds that as users look for information in new forms and places like the internet, the traditional media seem to be more and more defensive about the importance of their role. This context has led critics – particularly bloggers – to argue that this type of journalism is increasingly irrelevant.

Dvorkin states that this accusation might hold in the sense that, as a result of diminishing ratings and circulation levels, media outlets are increasingly covering celebrity and crime-related news. Further, they are focusing on populating their websites to attract the younger population, leaving investigative reporting and other costly aspects relatively unattended, and firing experienced staff (including reporters, editors and ombudsmen) (Dvorkin, 2010).

With regard to this existential crisis that journalism is apparently going through, Dvorkin poses the questions whether journalism can survive without journalists, and whether news outlets can rely on online criticism rather than on ombudsmen. His answer is that the ombudsman's role is more critical than ever, since although the internet is an important channel for expressing public concerns, ombudsmen are better prepared than online critics to hold media accountable and promote transparency. Knowledge sharing in this context will only be positive for media users, by enhancing reliability and transparency of information, wherever it is sought (Dvorkin, 2010).

Ombudsmen are in a privileged position to connect the audience's need for accountability with media outlets' recognition that they need to improve their work in our current times, explains Dvorkin. In order to be at the forefront of this connection, ombudsmen should open up further to online criticism, and also advocate an ethics guide for bloggers. He suggests that the code of ethics found at www.cyberjournalist.net is applicable to a large extent. Like the ethics guides for other legacy media, this website promotes bloggers' honesty, fairness, accountability

and minimization of harm to others, among many critical aspects.

Dvorkin uses the term 'cyberombudsmen' to refer to the new type of professional this new era calls for, who need to be equipped with a novel skill set. Different from the 'the solitary, experienced and somewhat isolated figure in the newsroom', cyberombudsmen would have to be more proactive, knowledgeable about cyber-discussions relevant to journalism, and have capacities related to internet searches, algorithms and establishing linkages with bloggers, for instance. Cyberombudsmen would bridge the space between traditional media, traditional users and cyber-critics. All this would imply the revision, by media organizations and ombudsmen, of their respective functions, connections with each other and with their audiences. It would also call for the increased involvement of a greater number of journalists, particularly younger ones, who have novel capacities and perspectives.

Dvorkin compares the new role of ombudsmen in the digital age to 'three-dimensional chess':

> When done correctly, it is a demanding task, often one that requires seven day a week attention. But there is an inherent passivity to the task. Ombudsmen usually wait for the public to identify an area of concern and then respond. But that more leisurely approach is ending along with the public's impatience for change. Content is moving to the web and so must ombudsmen.
>
> Imagine being an ombudsman in cyberspace with its lack of boundaries, deadlines and limitations. A useful analogy would be playing three-dimensional chess where the players may not always anticipate where the next attack might come from. (Dvorkin, 2010)

THE PRACTICE AT THE *GUARDIAN*: A GLOBAL MODEL?

The best examples of print news ombudsmanship are arguably practised at three of the world's leading newspapers: the *Washington Post*, the *New York Times* and the *Guardian*. The *Washington Post* and *New York Times h*ave traditionally recruited ombudsmen from outside the

organization as a means of guaranteeing complete independence. The *Guardian*, on the other hand, has granted the same rights, but has so far hired ombudsmen from within the organization.

It is hard to say which whether external or internal hires are more effective; there are pros and cons to both models. Those who favour outsiders say it makes a powerful impact if the newspaper is scrutinized by someone who is impartial and lacks internal knowledge of the organization. Defenders of the insider model argue that a knowledge of and familiarity with the work and staff of an organization are useful in making independent judgements.

However, in terms of commitment, structuring and output of the ombudsman role the practices of the *Guardian* stand out for a number of reasons. The first is because of the nature of the ownership of the London paper (it is a property of the Scott Trust, so it is not solely profit-oriented). Second, the commitment of the editor of the *Guardian* to the function of the ombudsman has thus far been impeccable. Third, the ombudsman role has been thoroughly defined, allowing the ombudsman to act independently with transparency and multi-layered accountability.

Ian Mayes, the first readers' editor (the title the paper gives to its ombudsman) with the *Guardian*, served between November 1997 and April 2007. When explaining his role at the newspaper, he pointed out that the majority of complaints (including those not featured included in his column about corrections) and his replies to the readers (except in cases where privacy was kept for special reasons), were accessible to all journalists working for the *Guardian*. They could be seen through the 'reader' queue to which the emails he received were directed (this being the most usual way in which he was contacted). He highlighted that this mechanism was developed in order to ensure openness. It permitted access by other media professionals and academics, even from outside the UK, allowing them to inspect the variety of the complaints filed, and those that were rejected or unresolved. Virtually all the complaints he received were sent to the journalists concerned (Mayes, 2000).

Mayes stressed that he enjoyed full independence as readers' editor. The newspaper's editor could not fire him, or get involved over to the

content of the two columns he wrote (a corrections column and an 'Open Door' column). No one else on the staff could interfere with his material either. As readers' editor, he had no role when it came to content production or work assignments. This type of arrangement, according to Mayes, 'had made bearable a position that would otherwise quickly have become untenable – between the Guardian's journalists and its more than 1m readers' (and its approximately 40 million daily unique users online, one could add nowadays) (Mayes, 2000).

Never asked to defend the newspaper, in the cases in which he could not find a solution he deemed just to the different actors involved (including the complainant and the concerned journalist), Mayes would suggest the different possible subsequent courses of actions. These included taking the complaint to the *Guardian*'s external ombudsman (in particular if there was dissatisfaction with the manner in which the readers' editor had dealt with the issues), who was also guaranteed independence. Another option was filing the complaint before the Press Complaints Commission (PCC), and a third one was litigation. The readers' editor would have no role once claims had been presented to the PCC or legal action was started (Mayes, 2000).

Noting that the G*uardian* not only adhered to the PCC's code of ethics but had its own expectations of its journalists which surpassed those outlined by the PCC, Mayes stated that:

> Under the code the *Guardian* is required to see that the rules are observed rigorously, not only by its own staff, but by anyone contributing to its publications. We take that to mean to the paper or to the website or any other form of publication for which the *Guardian* is responsible. Beyond the provisions of the code, the *Guardian* tries to be scrupulous about declarations of interest on the part of its contributors, and in its condemnation of plagiarism. It is urgently in need of guidelines, or just a friendly letter, to help freelances, in particular, and I am trying to encourage the formulation of something that might be helpful. (Mayes, 2000)

THE PLATFORM: THE ORGANIZATION OF NEWS OMBUDSMEN (ONO)

Formed in 1980, the ONO is a nonprofit corporation with an international membership of active and associate members. It maintains contact with news ombudsmen worldwide, and organizes annual conferences, held in a member's city, for discussion of news practices and a wide range of issues connected with ombudsman work.

Its declared purposes include helping journalism professionals reach and sustain high ethical standards in their work, thus strengthening their credibility among their public, as well as setting up and perfecting guidelines related to news ombudsmen or reader representatives. It also aims at expanding the creation of news ombudsmen posts within media outlets, and at facilitating a space for the exchange of experience, information and ideas. Finally, ONO seeks to connect with publishers, editors, press councils and other professional organizations, make available spokespersons for special stakeholder groups and answer questions from the media (ONO, 2010a).

ONO's mission statement was approved in 2005 by a unanimous vote. It states:

> The news ombudsman is dedicated to protecting and enhancing the quality of journalism by encouraging respectful and truthful discourse about journalism's practices and purposes.
>
> **1.** The news ombudsman's primary objective is to promote transparency within his/her news organization.
>
> **2.** The ombudsman works to protect press freedom and promote responsible, high-quality journalism.
>
> **3.** Part of the ombudsman's role is to receive and investigate complaints about news reporting on behalf of members of the public.
>
> **4.** The ombudsman recommends the most suitable course of action to resolve issues raised in complaints.

5. The ombudsman is an independent officer acting in the best interests of news consumers.

6. The ombudsman strives to remain completely neutral and fair.

7. The ombudsman refrains from engaging in any activity that could create a conflict of interest.

8. The ombudsman explains the roles and obligations of journalism to the public.

9. The ombudsman acts as a mediator between the expectations of the public and the responsibilities of journalists. (ONO, 2010b)

The internet address of ONO is www.newsombudsmen.org

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4

The Turkish experience: ombudsmanship in a hostile environment

Yavuz Baydar

Introduction

The concept of print news ombudsmanship was introduced to the Turkish press in the spring of 1999. It was I, the author of this paper, who was approached by the editor of the daily *Milliyet* in late 1998 about ombudsmanship. The editor, Umur Talu, had just been reappointed to his post after some years of absence. He had penned a national code of ethics for the Turkish Journalists' Association (TGC), and shared it with me, as well as a number of other colleagues. He was deeply concerned, and argued that steps needed to be taken in order to restore the public's confidence in the press. Confidence in the press had fallen to an all-time low, in large part because of widespread corruption in the Turkish media and bad practice in using the media to further political, military and bureaucratic purposes.

The first ombudsman column appeared as a full page on 22 March 1999. It was preceded by lengthy work to develop operational methods. I studied at length various forms of international practice, and spent some time introducing the idea to the editors and reporters, in an attempt to warm them to the idea of news ombudsmanship.

It took some time for the staff of *Milliyet* to accept the notions of being 'exposed' to their readership, and being required to show accountability and transparency. Explanations of the importance of the ombudsman role had to be given. These attempts would not have been successful if the editor had not openly and rigorously displayed his support for the ombudsman's role. Hence, this is one of the fundamental lessons of the ombudsman function anywhere in the world: for efficiency and consistency, firm support from management is key.

In the first year, the ombudsman's column continued as a full page, often including interviews or articles by ombudsmen active in different parts of

the world. These interviews and articles explained to *Milliyet*'s readers the role of the ombudsman.

The weekly Monday columns continued for slightly over five years, and the reader's representative of *Milliyet* covered a wide range of issues. The column was based on the issues raised in the 500 complaints he received on average each week from readers. Complaints were made on a variety of issues, from simple factual errors, to cases of bias, to ads on the front page and so on.

A car crash

However, the ombudsman's role, considered a success by the observers of Turkey's media landscape, ended in conflict during the summer of 2004. In June, a news story pulled out of a column by *Milliyet*'s Ankara bureau chief caused a wave of complaints and denials. It was about a secret meeting of 'experts' in the US State Department.

The story, a mixture of claims based on one anonymous source, and comments by the columnist, also claimed to quote various people who were allegedly participants in the meeting. The story was about the Kurds of northern Iraq, and dealt with the politically explosive issue of a possible takeover of the city of Kirkuk by the Kurdish militia. Almost all of the people named in the story denied that they had ever participated in any such meeting, and some provided concrete proof of this. The 'facts' in the story had never been double-checked, not even by the Washington correspondent of the newspaper (she too denied that such a meeting had taken place). Furthermore, in an unusual move, the American Embassy in Ankara issued two consecutive denials of the story, but *Milliyet* refused to print them.

The writer of the story, the Ankara bureau chief, refused to cooperate with the ombudsman in looking to produce a correction and a proper apology. He left questions unanswered, but revealed the name of his anonymous source in confidence. The source, furious and frightened that his identity would be revealed to the public, answered some of the ombudsman's questions, and swore he was telling the truth. He claimed he had been given information about the meeting by some generals from the top military command

headquarters; he had no proof, however, that such a meeting had ever taken place.

In the ombudsman's view, there was clear evidence that the 'facts' had been fabricated. He felt it was obvious that *Milliyet* had been used as a tool for disinformation and for misleading the public. The ombudsman believed that the generals involved had wanted to prevent the civilian government from improving its relations with the Iraqi Kurdish leaders at that time.

Three days before the deadline for the ombudsman's piece to be printed, the Ankara bureau chief threatened to resign if the ombudsman's column dealt with the issue at all. Some experienced editors and columnists, on the other hand, openly declared their belief that the only way to clear up the mess at the newspaper was through the ombudsman's investigation and a thorough self-critique.

With the threat of the bureau chief's resignation, a crisis erupted. Two days before the ombudsman's column went to print, the ombudsman was hastily summoned to the proprietor's office. In a tense private meeting, he was ordered by the proprietor not to write anything about the issue. The ombudsman refused, saying that this constituted undue interference with his job, and he was doing exactly what he was paid for. He insisted his critical article be published.

In the end the management decided that the column should be published. But after three weeks of tense relations, the ombudsman was told his time at the news organization was over. He was forced to drop all his duties and left the company. The proprietor refused even to publish a gentle farewell column by him to *Milliyet* readers.

A PAINFUL LESSON

During the ombudsman's employment at *Milliyet*, the management had been unwilling to draw up a specific contract that guaranteed him full independence. The issue was never concluded. As a result, at the time of the crisis there was, sadly, no clear reference point securing the position of the ombudsman.

The ombudsman was recruited a short time after the incident by the

rival Turkish daily newspaper, *Sabah*. Having learned some valuable lessons from the incident at *Milliyet*, he specified two conditions for his employment. First, a specific contract guaranteeing the independence of the ombudsman and clarifying the code of conduct for both sides would be signed by both parties. Second, an announcement of the ombudsman post and the name of the postholder would be provided in a fixed position in the newspaper's masthead. The first would give the ombudsman full job security in what he did, and the second would announce to the readers, every day, the newspaper's commitment to making itself constantly transparent and accountable. The *Sabah* management agreed to meet both conditions.

The code of conduct is displayed on the newspaper's website. Since November 2004, *Sabah*'s reader representative's column has been published each Monday, with no interference or attempt to censor the content. The reader representative does not participate in newsroom meetings, in order to avoid being asked to comment on issues before stories go to print. Occasionally, however, he attends meetings to discuss the front page, when a large and complicated news story is about to be broken. The ombudsman participates in these meetings in order to be able to convey to the readers the staff's reasoning on various aspects of the story.

Currently three news outlets have active ombudsmen in Turkey: *Sabah, Star* and *Milliyet*. *Hürriyet* dropped the post last year, following a disagreement between its editor and its ombudsman. The ten-year ombudsmen experience in Turkey has helped strengthen the argument for individual ombudsmen, rather than press councils, as a more efficient form of self-regulation.

In emerging or transitional democracies, the media tend in general to be more divided, polarized and ideological than in full-fledged democracies, making it more difficult to build unity around issues concerning journalism. In such emerging democracies attempts to build consensus around critical issues related to democracy can face great challenges.

In many cases, it has become apparent that it is difficult to sustain a commitment to an external form of self-regulation. In a turbulent media environment, it is easier for each and every news outlet to engage in an internal model of self-regulation.

5

ON PUBLIC SERVICE BROADCASTING AND OMBUDSMANSHIP

Jacob Mollerup

THE BASICS ARE THE SAME

During the 1990s and 2000s more than twenty public service broadcasters around the globe have chosen to have an internal ombudsman. The models are different. The ombudsmen have different working conditions. The problems and major issues facing them also differ a lot. But a number of basic ideas are nevertheless the same, and they are exactly the same as for all the newspapers that have decided to establish an internal ombudsman, a public editor, a reader's editor or some similar position. Regardless of media type, the concept of the independent, resident ombudsman has a similar purpose.

Basically it is about self-regulation and accountability. Especially for public service broadcasters, it is of the utmost importance to find methods that can help to solve a fundamental problem: how to hold independent media accountable.

The central issue is how public service broadcasters can defend their editorial integrity. One important part of the answer is to create mechanisms of openness and transparency. It is also about finding ways to become a more responsive organization – for example by establishing a complaints system that gives the right to appeal – as a real alternative to a self-sufficient and defensive response from the broadcaster. No solution is perfect. But the basic challenge is to acknowledge media's great responsibilities and at the same time defend the independence of responsible media and freedom of expression.

It is about simple and yet effective ways of self-regulation that can help promote free and accountable media and improve quality. And it

is about developing practical methods of creating media that have an open relationship with their audiences.

Ombudsmanship is spreading to more and more television and radio stations, and to big web-based news media that seek the greater trustworthiness that comes from having an ombudsman. But it is important to realize that the well-known newspaper model for news ombudsmen cannot just be copied in the broadcasting context. The set-up is different. The audience is more diversified. Many different media platforms are involved. To put it another way, it is a more complex operation and many practical problems have to be solved. But the potential is equally great.

In this chapter we explore the similarities and differences between print and broadcast media in the field of self-regulation. We describe the special challenges that confront public service media, and we explore a number of different models that have been launched around the world.

PUBLIC BROADCASTERS AND SELF-REGULATION

The tradition of news ombudsmen is still strongest for newspapers. As highlighted in Chapter 3 by Yazuv Baydar on news ombudsmen, the model of an independent, resident ombudsman has been taken up by some of the best newspapers in the world. In the case of public broadcasters, the tradition is not as well established. But the situation is changing: more than 20 public service broadcasters worldwide have established news ombudsmen. Among them are broadcasters from North America, Latin America and Europe.

The framework differs from the well-known newspaper model in three important aspects, discussed below.

Public broadcasters and the state: a difficult relationship

While a newspaper is normally privately owned – and fully controlled by the owner – the governance of public service broadcasting is typically closely regulated by law. Most broadcasters are under some kind of public ownership, and historically, broadcasters in most parts of the world have been regulated more closely than newspapers.

To have an independent ombudsman is a way of showing a willingness to be open and accountable. At the same time it is a way of reducing the need for external control – because the broadcaster commits itself to being held accountable by its own independent controller.

This is of special importance to public service broadcasters. Often they face politicians and governments with strong opinions about the coverage of sensitive issues. In a democratic country public service broadcasters ought to be responsible and independent media, which are seeking the highest journalistic standards. At its best a public service broadcaster should produce independent journalism, holding those in power accountable. Therefore good public service media call for others to be accountable. The important point is that the media organizations also face a demand to be held accountable themselves. But if this is done by close state regulation or direct intervention from the government, it will inevitably compromise journalistic independence and integrity.

This is why it is so important to introduce the concept of self-regulation to public service broadcasters. The concept of an independent, resident ombudsman – together with other forms of self-regulation and transparency – can be an important contribution to answering the big question: how to regulate free media? How to ensure responsible and responsive public service media without ending up with close and intimidating state control?

Almost by definition, public service media organizations are at the centre of discussions about political influence and editorial independence. This often creates turmoil much stronger than most newspapers face. Licence payers also have strong feelings about the public broadcaster they pay for – and many politicians and governments try hard to influence the editorial line of public service media. In this tough environment it is

crucial to defend editorial independence, but at the same time be open, transparent and responsive.

It is important to emphasize that traditions vary a lot around the world. In a number of countries there have been long periods with total state control over television and radio. Other countries have established systems of relative independence for their public broadcasters, including different self-regulatory bodies.

It is not easy to categorize public service media organizations according to these different types of governance and regulation. It is an ongoing discussion – and a broadcaster that has gained relative editorial independence can still experience setbacks down the road.

Broadcasters:
many channels and many audiences

Nowadays public broadcasters often run rather complex operations. They are often multi-media organizations: it is normal for public service broadcasters in many parts of the world to have several television channels and/or radio stations. Often a website with many special features is an integrated part of the palette. It is also becoming more and more common to produce content for mobile phones and/or smart-phones, to provide podcasting, and so on.

The wide variety in programming and the many different audiences provide a big challenge for regulators, and likewise for attempts to give self-regulation a large and central role.

Recall for example how Joann Byrd of the *Washington Post* described her daily routine (see Chapter 3 by Yazuv Baydar on news ombudsmen). She took advantage of the fact that a daily newspaper can normally be read in full in a few hours. At the printed newspaper one person is able to overview the total output. At the same time the printed paper provides one single platform from which the audience can be reached every day. A specific place in the newspaper can be used every day for corrections and clarifications, and a column once a week or biweekly can raise important questions and discussions – and show the role of the ombudsman or the reader's editor in practice.

Today publication on multiple platforms are rapidly becoming the new standard for media companies – including the traditional print-based publishers. And at many modern public service broadcasters the same output is often used on many platforms. The audience use a number of different channels, and follow different programmes. There are also big differences in the audiences from channel to channel, from programme to programme, and at different times during the day. There are so many channels and so many different programmes that it is impossible for one person to follow them all. Also news editors often seem to have lost control.

Having an ombudsman is a more complex operation when you have to cope with much more that just the traditional, well-defined product in print every day. It is a challenge to develop ways to make the ombudsman visible and effective in the new multi-platform environment. And this challenge is particularly big when it comes to the public service broadcasters. It requires a number of practical solutions, as described below.

Radio and television: a weak tradition for corrections!

There are many different established models for admitting mistakes and running corrections. But most public service broadcasters actually have a weak record of correcting and clarifying. At newspapers – at least for the best – it is the standard to try to get things corrected as soon as possible. At quality papers it is normally not a big deal to put a few lines of correction in a short one-column item in the next day's newspaper. And it is not the end of the world to offer a complainant the opportunity to give their own version of a disputed story on an opinion page.

However, on television and radio the attitude is often very different. For many television editors it is a big deal to bring up a correction on the *Nine O'Clock News* – or whatever it is called today.

Editors often come up with all sorts of arguments against broadcasting corrections or clarifications. They fear correction on air can be a show-stopper. They fear it can confuse viewers, who might not have seen the

mistake in the first place, and they argue that it can be difficult to put the correction in context if it is a complicated story. Often these and similar arguments end up providing an excuse to avoid admitting that a mistake has been made.

For an ombudsman at a public service broadcaster it is not a simple task to make sure that all important mistakes are corrected, but many ombudsmen fight to achieve this anyway. They argue that public service broadcasters have a special obligation to live up to the best professional standards.

The different challenges: conclusion

The ombudsman model from the quality newspapers offers lots of inspiration to public service broadcasters, but it cannot just be copied. The model needs to be developed further to fit the special demands of broadcasting and public service.

Six different roles for the ombudsman

Public service broadcasters around the world have historically been subject to different forms of ownership, governance, financing, legislation and regulation. Europe alone shows a variety of models. The very different points of departure and the different national discussions have resulted in a variety of models for ombudsmen.

In these models the ombudsmen – in varying forms – combine some of the six roles explained below. These six roles can be combined in many ways, and the work of one ombudsman often includes a number of these roles.

The barking watchdog

In this role, the ombudsman acts as an independent but internal critic of the programmes and especially the news produced by the broadcaster. The ombudsman is hired by the board or top management. The office holder has the right (and obligation) to take an independent position

and to publish criticism whenever appropriate. The audience can approach the ombudsman and ask for their intervention. No formal power is attached to the position.

The formal head of appeals

An independent internal ombudsman can work as a head of appeals in connection with a formal complaints system. Complaints are initially handled by the responsible editors or managers. If a complaint over an ethical issue or a breach of editorial standards is rejected, the complainant is informed about the right to appeal to the ombudsman. After investigating and considering the case, the ombudsman has the opportunity to give a recommendation to the editor-in-chief. This kind of procedure is well known in the general ombudsman tradition. The system is normally based on the assumption that the ombudsman's recommendations will be respected, although it is normally not compulsory to implement them.

The anchor – taking it all on air

The ombudsman's platform is defined as a television or radio programme, often with a dedicated website. The programme is presented by the ombudsman, who also chairs discussions on current issues of concern to the audience. The ombudsman often presents the public's complaints to the responsible editors on air, and makes sure that relevant criticism is addressed properly.

The mediator

Here the central issue for the ombudsman is to explain the media to the audience, and to explain the audience to the media. The focus is on dialogue and compromise. The ombudsman does not have the position of a referee who decides what is right and what is wrong. On the contrary, their key task is to secure a serious and open debate on the disputed issue in order to achieve mutual understanding.

The communicating and responsive representative of listeners and/or viewers

The focus is on having a visible and responsive person who constantly surveys complaints and comments from the audience. The focus of attention is on what is of concern to the audience. This is not necessarily programme ethics: it can be practical problems with sound, technical problems with the website, criticism over the closing-down of a popular series, dissatisfaction with retransmissions in prime time and so on. The ombudsman focuses on explaining and communicating all kinds of topic that are important to the audience.

The internal codes ombudsman

The ombudsman assesses complaints formally against a code of practice and (eventually) represents the organization before the media regulator if the case ends up with the regulator. This is normally not a role involving a high public profile. The idea is to have a person with a special status working on serious complaints, and thus improve the quality and sincerity with which the broadcaster deals with complaints.

A number of big television stations also have editorial standards executives, but such positions are not normally regarded as ombudsman positions. Editorial standards executives have a special responsibility for the processes of setting editorial standards, and they are often involved in the handling of serious and ethical complaints. They normally lack the special independence that is key to the ombudsman role.

The six different roles of the ombudsman further illustrate the challenges facing ombudsmen at public broadcasting corporations. At newspapers there have traditionally been fewer roles. There the system is normally simpler: the typical newspaper ombudsman writes a column weekly or biweekly – barking or not barking. Some ombudsmen edit the daily corrections item, and almost all of them deal with readers' complaints and try to solve disputes.

Compared with newspapers, public broadcasting organizations are often bigger operations with more bureaucracy and with more special demands on them as a result of legislation and government regulation.

This has led to a bigger variety in models and traditions for the ombudsman type of role, and often a more formal set-up.

Ombudsmen at public service broadcasters normally combine several of the six roles mentioned above. Their strength depends mainly on:

- ✓ their independence
- ✓ the clarity of their job description
- ✓ their visibility
- ✓ the respect they earn through their findings and their 'barking out loud'.

Nine case studies: public broadcasters with ombudsmen

Ombudsmen from public broadcasters are a group full of diversity. No two models are completely alike. Below are nine examples of ombudsmen.

ERR (Estonia)

At the Estonian Public Broadcasting Company (ERR), the first ombudsman, Tarmu Tammerk, was appointed by the board in 2007. The position was instituted by the public broadcasting law. The ombudsman handles complaints by viewers and listeners, and oversees the balance and impartiality of coverage. The ombudsman can also investigate issues on their own initiative. They also conduct ethics training for journalists. Most complaints to the ombudsman are about political bias in news and current affairs, and about styles of interviewing and violent images. To secure independence, the ERR ombudsman is accountable to the board of governors, not to the acting management.

Tarmu Tammerk has his own radio show dealing with audience feedback and journalism matters. He also appears regularly on public television items on media ethics, and is quoted in national newspapers, in addition to running his columns on the Err-website.

Web: http://www.err.ee

Email: Tarmu.Tammerk@err.ee

France 3

France Television has established a special French version of the media ombudsman, called *le médiateur/la médiatrice*. These mediators play a key role in dialogue and debate with the public. They are appointed for three years and have a direct channel of contact with the president of France Television. France Television has five mediators, one for all public broadcasting and one for each of the four television channels. They each anchor programmes which feature discussions between editors and different complainants and stakeholders. They also communicate via their websites and through other media. Marie-Laure Augry is *Médiatrice des rédactions* at the France 3 channel.

> http://info.france3.fr/mediateur/

> Email: marie-laure.augry@france3.fr

All the French mediators are presented here:

> http://www.francetelevisions.fr/contact/mediateurs.php

CBC (Canada)

The Canadian Broadcasting Corporation (CBC) was a pioneer, appointing its first ombudsman in 1992. Today it has two ombudsmen, one for its English-language services and one for its French-language services. They operate under parallel models.

The ombudsman at CBC is completely independent of programme staff and management, reporting directly to the president of CBC. The ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC programme staff or management. The ombudsman determines whether the journalistic process or the broadcast that is the subject of the complaint violated the corporation's journalistic policies and standards. The ombudsman informs the complainant and the concerned staff and management of their finding and makes it public on the website. The ombudsman regularly alerts journalists and managers to issues that are causing public concern.

This Canadian model gives the ombudsman a strong mandate, but their work and the process are not very visible to the audience.

Web: http://www.radio-canada.ca/apropos/ombudsman

Email: ombudsman@radio-canada.ca

Web: http://www.cbc.ca/ombudsman/

Email: ombudsman@cbc.ca

NPR (USA)

In 2000, National Public Radio (NPR) was the first US broadcast news organization to create an ombudsman position. The ombudsman is the public's representative to NPR, and is empowered to respond to significant queries, comments and criticisms regarding NPR programming. The ombudsman receives complaints from the public regarding NPR programming, and refers the complaints to relevant management for response. Should a complainant deem a response from NPR management unsatisfactory, the ombudsman is empowered to investigate NPR's standards and practices with regard to the matter raised, respond to the complainant, inform the management of their findings and conclusion, and make public any conclusion(s) if the issue is relevant to people other than the complainant. The Office of the Ombudsman is completely independent of NPR staff and management, reporting directly to the president, and through the president to NPR's board of directors. The ombudsman uses on-air broadcasts and online and public discussion groups to present issues and suggest ways for NPR's practices to uphold the highest professional standards. An annual report is also made public.

Web: http://www.npr.org

Email: ombudsman@npr.org

PBS (USA)

The Public Broadcasting Service (PBS) established an ombudsman position in 2005 and hired Michael Getler for the job. The ombudsman has been given complete editorial independence. He first of all reflects and comments on complaints from the public in his column, 'The Ombudsman's Mailbag'. He has no formal authority. At PBS the ombudsman's role is being a channel for accountability in which viewers can get an independent published assessment by the ombudsman and also see their views recorded, debated, rebutted or seconded. Editors and producers also have a right to a detailed reply.

Web: www.pbs.org/ombudsman

Email: ombudsman@pbs.org

RCN (Colombia)

The media scene in Latin America saw dozens of new ombudsmen appointed during the 2000s. The RCN channel in Bogota, Colombia was one of the first television stations to appoint an ombudsman. RCN is a private station but it also provides public service broadcasting. Consuelo Cepeda Cediel, ombudsman (*defensor*) since 2002, is the anchor of a programme that deals with current issues of concern to viewers.

In this model the ombudsman is very visible and addresses the public's concerns directly, but does not formally handle complaints.

Web: http://www.canalrcnmsn.com/

Email: defensor@canalrcn.com

DR (Denmark)

The Danish Broadcasting Corporation (DR) introduced the position of 'listeners' and viewers' editor' in 2005 following a decision by the board. The editor was made head of appeals and given free access to monitor and to criticize the broadcaster's programmes.

From 2007 Parliament made it mandatory for DR to have a readers' and viewers' editor – and the law at the same time required the board of governors to hire this editor.

The ombudsman appears regularly on radio programmes and receives newspaper coverage. An extensive biannual report describes their findings and highlights recommendations.

Since 2005 Jacob Mollerup (the author of this chapter) has held this office. In 2010 he became president of the Organization of News Ombudsmen (ONO).

> Web: www.dr.dk/etik

> Email: jmol@dr.dk

SBS (Australia)

The Special Broadcasting Service (SBS) in Australia has an internal codes ombudsman – a person who assesses complaints formally against a code of practice, represents the organization in front of the media regulator, and is involved in broader discussions about editorial standards.

The SBS Ombudsman investigates all formal complaints, reports directly to the managing director and the SBS board, and is independent of all programming departments. The SBS Ombudsman is responsible for ensuring a proper and fair investigation and determining whether a complaint is upheld or not. The Office of the SBS Ombudsman replies to complaints and manages enquiries and issues about the complaint-handling procedures. In some cases, for example where a complaint raises complex issues about a code, the complaint will be referred internally to SBS's Complaints Committee (on which the ombudsman sits) for further consideration.

The present SBS ombudsman, Sally Begbie, is the vice-president of ONO.

> Web:www.sbs.com.au

> Email: Sally.Begbie@sbs.com.au

RTV Slovenia

In 2008 RTV (the public broadcaster of Slovenia) appointed television presenter Misa Molk as its first ombudsman. Misa Molk appears regularly on television shows where she answers questions from the public and comments on current broadcasting issues. She also runs a blog: http://www.rtvslo.si/blog/misamolk

Email: Misa.Molk@rtvslo.si

The British Broadcasting Corporation (BBC) is not given as an example here, but because of its high profile it should be emphasized that BBC has a system of self-regulation which is given high priority. It does not use the concept of an ombudsman, but the basic idea behind complaints handling at BBC and the possibilities for appeals are similar to the ombudsman model. The BBC system is explained here:

http://www.bbc.co.uk/complaints/homepage/

OMBUDSMEN – PART OF A PROCESS

The media landscapes in the different parts of the world all have their own historic background, and their own set of problems. There is no single formula for fostering and encouraging open and accountable media that achieve high quality, trustworthiness, sound ethical standards, diversity, high integrity and so on.

One contribution out of many

The crucial issue is to improve the quality of the media in general – with all that this entails in terms of education, political awareness, debates, media criticism, respect for press freedom and accountability and so on. Ombudsmen certainly do not solve all these problems, but having an ombudsman can be a simple and practical commitment to accountability, openness and high standards. Maybe it will only be a small part of the whole picture, but it is a mechanism that is relatively easy to implement if the decision-makers are dedicated to doing so, and it can help advance other relevant processes.

Starting from a difficult position?

But what if the media situation looks really gloomy? What if the starting point is a media scene with strong elements of populism and tabloidization, and with lots of old-style propaganda on public service stations, with many obstacles to editorial integrity and with huge quality problems? In such a case it might seem to be an inefficient and inadequate medicine to appoint an ombudsman.

The concept of a resident, independent ombudsman is best known in the context of media of relatively high quality, where the hiring of an ombudsman is an attempt to underline the organization's commitment to fairness and to the best ethical standards. But even for a public service broadcaster in disrepute, with a historic record of low standards, the hiring of an ombudsman could be a realistic move. If the management tries to make a turnaround, the establishing of an ombudsman can be a clear sign of real commitment to change, quality and accountability. By hiring an experienced and well-respected journalist to do the job and receive public attention, the station could take an important step forward.

Seen in this perspective an ombudsman can be a battering ram for higher standards, and done in the right way the role can also provide an education for the audience.

Windows of opportunity

History provides a number of stories about ombudsman positions that have been established in the wake of major media scandals. The best-known example is the Jayson Blair scandal, which led to the hiring of a public editor at the *New York Times*. Similar stories can be told about public service broadcasters. After major mistakes are uncovered, media organizations need to send a clear signal to the public about their commitment to self-regulation and higher quality. Hiring an ombudsman sends exactly that kind of signal.

It is the old story about a crisis that presents new opportunities. A big debate about a media scandal could very well be a good opportunity to present proposals, to address decision-makers, to advocate relevant models and so on.

FROM THE TOOLBOX

Below are some examples of issues and questions that often occur in connection with ombudsmen and self-regulation. The comments represent advice and tools that have worked for others.

The need for a strong mandate

The ombudsman's findings in disputed cases can potentially be under attack from many sides. Therefore it is paramount that the ombudsman should have a clear and strong mandate. One part of this must be a clear contract that secures the integrity of the ombudsman and makes it impossible to fire the ombudsman during the agreed term.

Making it mandatory

Some countries have made it mandatory for public service broadcasters to hire an ombudsman and – most importantly – to give the ombudsman an independent position. If the board of the public broadcaster has a mandate to hire an ombudsman, this has the potential of being a good method of self-regulation.

Taking advantage of international networks

Ombudsmen and promoters of ombudsmanship have easy access to help and inspiration from colleagues around the world. ONO has many members from public service broadcasters, and international organizations such as UNESCO and the Organization for Security and Co-operation in Europe (OSCE) offer their assistance. The organisation for public broadcasters in Europe (EBU) can also be of assistance.

Being visible

It is an advantage for an ombudsman to be visible. The audience must know about the function. They must be informed how to contact broadcasters, and how to get in touch with the ombudsman if necessary. Some ombudsmen at broadcasters have their own broadcast programme, or appear regularly on air. Others are communicate with

the audience primarily via email and their website. For those it can be an advantage to be visible in newspapers and other forums of debate. If possible an ombudsman should also take part in public debates, give lectures on occasion and so on.

Showing independence

In many cases the ombudsman cannot rely on media coverage to give a thorough introduction to the position. Therefore it is important that ombudsmen always show their independent role in the way they comment and handle cases. It is essential that almost every comment in itself demonstrates their independence.

When to speak up

If a case attracts great public attention, it also gives the ombudsman a window of opportunity to raise their voice and to explain the principles at stake, but on some occasions the ombudsman should consider refraining from comment. First of all it is important to concentrate on the most significant cases. Second, it is relevant to give management the possibility of speaking for the station. When it is felt necessary, the ombudsman must be prepared to denounce the managers' or editors' conclusions, but the timing is important. This should not be done too hastily, nor should the intervention come so late that the discussion has ended or moved on. In all cases it is important for the ombudsman to inform management early on about the reasons for the criticism.

Social media and their great potential

The rapid growth in the use of social media leads to another challenge. Many ombudsmen have seen how easily open web debates on public service media can end up as rude discussions that attract very negative and very loud voices. Many debates have been closed because of this problem. But there are also lots of examples showing the great potential of using social media to communicate, share, crowd-source, develop relations and so on.

The risk of overload

The job of an ombudsman is interesting and often very demanding. Many in the trade have experienced their mailboxes filling overnight with hundreds of messages. A public broadcast can sometimes be debated intensely around the clock on dozens of debate sites and thousands of blogs. It can often seem overwhelming and difficult to cope with. It is! But there is no place to hide – and no way to avoid a frank and open discussion about all issues of real concern to the public. One ombudsman cannot of course be the only point of contact for several million listeners, viewers and web users. But an ombudsman can be an active and visible ambassador – and one the audience can appeal to, if they believe the editors and managers have got it wrong in important cases.

An appeal system

On many newspapers an ombudsman can handle the majority of serious complaints. But especially for television channels and radio stations with very large audiences and many thousands of comments and complaints from the audience every month, it can be a relevant alternative to let the ombudsman run an appeals system. All complaints could then initially be answered by the relevant editors and departments, who are expected to inform complainants about the possibility of appealing to the ombudsman if they are not happy with the response. After investigating these cases, the ombudsman should present their findings to the top manager or head editor, who formally will have the final say.

The transparent ombudsman

The ombudsman should try to be as open and transparent as possible. One way of practising this is to publish all findings. A website should normally be part of the system for doing so. All findings should be made public on the site, and frequent reports could show how the system works, and provide an assessment of the topics that have attracted the highest numbers of recent complaints.

Getting the processes right

At a public service broadcaster that runs many programmes, perhaps on several television channels and/or radio stations, the process of dialogue and complaint will often involve many people. Therefore it is important to have clear rules, and to give precise instructions to managers, editors and journalists about how to handle cases and how to answer complainants. It is important to supervise the system constantly in order to detect possible faults in the handling of complaints from listeners and viewers. If these processes do not work it can undermine the position of the ombudsman.

Not avoiding the technical stuff

If an issue is important to listeners and viewers, it should be important to the ombudsman, who serves as their ambassador. Some of the issues have to do with technical problems – many of which concern web services – and complaints about problems with hearing the spoken word. To ensure attention is given to these problems should also be seen as an important part of the job.

Using the code

For many ombudsmen the broadcaster's ethical code is of great importance. They often see it as their job to ensure that their broadcaster lives up to its code of ethics. If the code of ethics is unclear or inadequate, the ombudsman should see it as part of their job to propose new standards.

Promoting the principles

It is important that the ombudsman promotes good conduct and advocates openness. One way to do this is to persistently promote concrete proposals for greater openness, stronger ethical guidelines, better ways to ensure dialogue and so on.

Corrections, corrections, corrections!

As explained above, public service broadcasters often have a weak past record for publicizing corrections and clarifications. It is an important part of the ombudsman's tasks to reverse this situation. In addition to the need for quicker, clearer and more frequent corrections on air, it should also be possible to find all corrections on the broadcaster's website.

Discussing good journalism and ethical dilemmas

The core business of an ombudsman is to analyse heated issues. Is reportage fair? Should accusations have been presented to the people involved before publication? Does a speech qualify as hate speech, and should its broadcasting be allowed? Is it acceptable to use a hidden camera in a documentary? Is a correction sufficient? Is a newscast biased? Is the format chosen for an election debate fair to all parties? These are just examples. Every theme could be the subject of much reflection and discussion about how to balance different concerns. It is relevant for ombudsmen to discuss these issues in depth with journalists and with colleagues around the world.

With hindsight, take care

It is always a risk for an ombudsman – and any media critic – when conclusions are reached in hindsight. While learning from mistakes – and correcting them – it is important to take account of the time pressure and the stress that are often part of news reporting. The main problem is not necessarily that someone made a mistake. Everyone does that from time to time, especially when they are under pressure. The most serious problems arise when people defend their mistakes and reject attempts to correct them.

PERSPECTIVES

The concept of the independent ombudsman has a lot to offer to public service broadcasters. It is a practical step towards transparency and accountability.

Many models of ombudsmanship are being tested around the world. There is an active and ongoing exchange of experiences. The likely outcome is the development of better methods and better models for making ombudsmanship work efficiently for modern public broadcasters.

The business model for many quality media is in great turmoil at the moment. This threatens to lower the quality of both news reporting and the democratic debate, and puts even greater responsibility and pressure on public service broadcasters. For them the principles of transparency and accountability are surely not the answer to all problems, but durable solutions seem hard to achieve without using them.

Internet-era experience in South East Europe's media

6

Gordana Vilović

> We need laws and rules that help us to control our behavior on the internet, just as we need traffic rules in order to regulate our driving behavior and to protect ourselves and others from accidents. Sometimes it requires government regulation to protect us from our worst instincts and most self-destructive procedures. (Andrew Keen, 2010, p. 209)

Introduction

The World Wide Web celebrates its twentieth birthday in November 2010. 'Twenty years ago British scientist Tim Berners-Lee together with his colleague from Belgium, Robert Cailliau, proposed to create a world computer network based on hypertextual connections, dedicated primarily to academic society, researchers and scientists to exchange knowledge and data' (Karakaš, 2010, pp. 3–4). Five years later, in 1995, my first encounter with the internet took place. At the time I had just started work as a news librarian at the Freedom Forum[1] News Library located at the Faculty of Political Science, Zagreb University. I had a very slow computer, an email address and no idea of the power of the internet. Journalism students and journalists who regularly visited the Freedom Forum News Library usually asked for books on the media, Croatian daily newspapers and magazines, and CD-ROMs with older editions of newspapers. Most days only a few users wanted to search the internet. In 1996 Croatia was suffering from post-war depression and the free media were limited to a few private weekly magazines and several local independent radio stations. Most other newspapers and broadcasters, including the state public service broadcaster (Croatian Radio and Television, HRT), were entirely pro-government. Under these

circumstances, the media resources for those looking for a variety of opinions and information were satellite television and the internet. The number of internet users in Croatia at that time was very low. Basically it was a privilege available to those who worked in universities, in the information technology industry or in the public sector.

When Berners-Lee suggested the concept of a world computer network dedicated to the academic community back in November 1990, he probably did not imagine how the new media would shape and change our lives. Twenty years later, we know that they have done just that. By 2010 it was very apparent that the World Wide Web had caused a large-scale media revolution all around the world. Saša Matanovic, a Croatian computer and web expert, recently said:

> The internet, from its initial idea, has an entirely different purpose today: illegal downloading of music and movies, virtual auctions, love affairs, e-shopping, online presentations, e-catalogs, a stronger erotic and pornography industry ….The biggest change influenced by the internet has been to traditional media: thanks to www., news and various events that are happening anywhere are up to date – and immediately shared with audiences worldwide. (quoted in Karakaš, 2010, pp. 3–4)

Indeed, a lot changed in the decade that ended in 2010. The internet is used on a wide range of occasions, and the biggest issue that has arisen is that of the regulation and self-regulation of the internet as a medium. Do we trust the information published on websites? Has hate talk moved from the traditional media to news portals through users' comments? How can we prevent plagiarism and the irresponsible downloading of texts? How does the blogosphere work, and can someone who publishes unacceptable material be sued? What about privacy issues, such as keeping the information people put on Facebook in the virtual sphere? Are internet users aware of the potential misuse of their personal data? To what extent can lies and unacceptable material be spread through groups, and how can this be prevented? And finally, what is the responsibility of users of internet-based material?

What is the position on all these issues of the South East European countries that are trying to establish a more systematic way of regulating

material published on web portals? One thing is certain: web portals and social networks are pushing the limits of media freedom outwards on a daily basis. Often this involves tasteless material and irresponsible behaviour. These developments have also had a significant effect on the commercialization of traditional media. This is particularly apparent in South East European countries, where semi-tabloid journalism has almost completely taken the market from serious newspapers.

Use of the internet in South East Europe: fast development

The internet has not grown as a new medium in South East European countries to the same extent as it has in Western democracies. One of the first thorough pieces of research on the range and usage of the internet in this part of the world was by scientists and editors Orlin Spasov and Christo Todorov, published in early 2003 in their book *New Media in Southeast Europe*. Their research, based on contributions from eminent scientists and authors from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic (FYR) of Macedonia, Greece, Romania, Slovenia, Turkey, Serbia and Montenegro, showed that in 2003 there were significant differences in development of the internet usage depending on the availability of the network, the general condition of the telecommunications system and the tradition of consuming old media. In their summary of the first chapter, which analysed the availability and influence of the internet on the regional development and interconnection of South East Europe, Spasov and Todorov said:

> This part of the continent is as complex as any other part of Europe. Precisely its diversity does not allow us to define South East Europe simply as a periphery. Viewed as a single space, the region is many things at the same time, and precisely this wealth is its contribution to European identity … this region also offers something that it could hardly be proud of but that is nonetheless a precedent: internet use in the context of real war. All this makes South East Europe a suitable laboratory for researching all aspects of the new medium. (Spasov and Todorov, 2003, p. 11)

It is difficult to chart precisely the growth of internet usage in South East European countries because reliable data are not available, but it can be said with certainty that the internet has become an unavoidable medium, and that people in this region now use different internet tools and social networks, but probably not at the same level as in the rest of Europe. Some data from Croatia help to show this. According Stjepan Malović, in 2002 'Croatia had 610,000 internet users or 15.4% of the Croatian population' (Spasov and Todorov, 2003, p. 140). The current figures of internet usage in Croatia are quite different. Research by the international agency GfK in 2010 reported that:

> the percentage of Croatian citizens who are using the internet is 53%. Almost 1.85 million Croats use the internet regularly. Croatia is on the same percentage level as Italy and Poland, but the Czech Republic and Hungary are doing better than Croatia, with 59% of internet users. In Slovakia and Slovenia 65% of citizens use the internet. (S. Pavić, 2010)

A very interesting piece of research conducted by Nokia in November 2010, among Croatian users of mobile phones, showed that '28% of citizens access the internet via their mobile phones. The most popular applications are multimedia, fun, news, weather forecasts, social networks and navigation' (Arslani, 2010). The usage percentages grow on a daily basis. When my colleagues and I tried to find data on internet and social network usage in the countries covered in this book, we came across a range of incompatible data, based on different time periods and drawn up on different bases. One common characteristic is that the available data are all based on estimates or agency research.

Among the institutions and organizations that regularly monitor telecommunications and usage of the internet in the European Union and beyond (across a total of 30 European countries) is Cullen International. Its *Report 3 – Country Comparative Report – March 2007* states in its chapter on internet and broadband usage in Central and Eastern European (CEE) countries:

> The statistics provided for internet user penetration are based on estimates or on sample surveys. As there are differences in the age ranges, the duration since a user last accessed the Internet and different sampling techniques, i.e. some figures represent 'users' whereas others represent 'subscribers', direct comparisons of the figures are not possible. Therefore, the penetration rates should be considered as indicative only. (Cullen International, 2010, pp. 25–26)

Since it is clear that the available data on internet users and internet penetration are not exact, and also that few figures for 2009 or 2010 are available, I will not speculate for the purpose of this article.

The first big change: blogs, MySpace, Facebook, Twitter

Big changes happened in the usage of the internet worldwide in 2004, with the development of social networks. Facebook was founded in that year. A year later, in 2005, YouTube was a sign of a revolution. The first bloggers appeared in South East Europe. In the United States there was a genuine revolution in the availability of news of national interest on the internet when soldier bloggers began to send their comments from Iraq, but the blogosphere in South East Europe developed a few years later, around 2006. One of the most quoted analysts of blogs and the blogosphere, Mark Tremayne, stated in 2007 that:

> The blogosphere is a forum for political discussions and a forum for the alternative, like a collection of electronic recordings …. It is a virtual sphere too, as well as a place for spreading rumours …. The blogosphere is considered to be 'a space for the young, educated and technology aware young people to get together, but also a place for the old fashioned and equal.' (Tremayne, 2007, x–xii.)

Tremayne noted the value of the blogosphere, but that it did not develop as rapidly in South East Europe as it had done in the United States of America, which was caught up in blog-fever. According to research on the characteristics of an average Croatian blogger from

2008, in that year 'there were between 500,000 and 600,000 blog portals in Croatia' (Vilović and Širinić, 2009, p. 65). Igor Vobic, a scientist and communications science expert from Slovenia, says that 'a blog can be a democratic forum of public discussion in achieving political, economic and other goals' (quoted in Vilović and Širinić, 2009, p. 71) but that there are blogs that 'meet only very narrow and specific goals, for example blogs which intentionally publish inaccurate information and create chaos in the blogosphere (fake blogs) and do not provide any information but are rather focused on the profit through advertising on the internet' (quoted in Vilović and Širinić, 2009, p. 71). One especially bad practice is found in universities, where students download the entire contents of blogs and reproduce them without acknowledgement in their essays, perhaps under the misapprehension that material published on the internet is not subject to copyright but is in the public domain. Blog contents, responsibility and self-regulation have been burning issues in Croatia for several years.

By 2009 the number of bloggers had started to drop but there was a strong growth in social networks such as Facebook, YouTube and Twitter.

Ethics and freedom of expression on the internet

What are the ethical standards for web portals? Why is there no minimum compliance level? Despite all the European Commission recommendations and suggestions on how to handle ethical issues on the internet, questions arise on an almost daily basis about who should be held responsible for the regulation (or self-regulation) of web portals.

In most East European countries – even in those that have regulatory bodies – there is no common practice for making interventions, issuing warnings or giving recommendations when unacceptable material is published on the internet. One major problem is that often there is no information available on the owner or operator of a site and their whereabouts, not least because the internet is first and foremost a global network.

A big scandal occurred in Croatia at the beginning of 2010 when a top-secret document – a list of veterans of the Homeland War, including

their personal data – was published on the internet. The Croatian government had earlier refused to publish this information because they considered it a state secret, and so there was an investigation into who might be responsible for the publication. It could be argued that the public had the right to know who were the veterans of the war, particularly because it was not clear why the number who claimed to be Croatian veterans had grown from approximately 300,000 to more than 500,000 in just a few years. More ethically questionable was the publication of personal data on the people on the list. None of this information would realistically have been published in an established medium because this would have led to legal sanctions against the publisher; it could only have been made public via a newly set-up website. In spite of the issues of privacy that arise, there is a positive argument that this publication contributed to the development of an open and democratic society.

Many experts have contributed to the debate on the ethical regulation of websites. There are many controversies. For example, should they be regulated like traditional media, or are different rules needed for this very different medium?

Roger Darlington[2] is one commentator who has written about ethical regulation and the meaning of the word 'ethics' in the context of the internet. He made:

> four suggestions, which are: 1) acceptance that the internet is not a value free zone (WWW is not the Wild Wild Web); 2) application of off-line laws to the on-line world (apply the law which we have evolved for the physical space to the world of cyberspace); 3) sensitivity to national and local cultures (as a pervasively global phenomenon, it cannot be subject to one set of values like a local newspaper or national television station); and 4) responsiveness to customer or user opinion (recognizing that users of the internet – ad even non-users – are entitled to have a view of how it works. (Darlington, 2010)

The Organization for Security and Co-operation in Europe (OSCE) took a similar approach when it made recommendations on how to treat internet ethics or/and regulate material on the internet,

especially today when there are so many converged newsrooms all around Europe:

> Internet regulation can be particularly difficult because the online world is truly global. Because websites can be hosted in countries far away from their target audience, problems arise over the reach of whichever regulatory organization has been given the task of administering supervisory codes. (Hulin and Smith, 2008, p. 41)

For the countries of South East Europe, the suggestions made by OSCE offer a good template for handling controversial and unethical internet content. But very often, owners and publishers and editors of websites and news portals refuse to accept even a minimum of regulation, giving the argument that freedom of expression is a basic right. Additionally, OSCE suggested that:

> self-regulatory bodies that in the past have supervised the print media may now also regulate websites operated by newspapers and magazines – even if the online versions differ from the 'hard' edition. Such sites may contain audio-visual material that the self-regulatory body might not traditionally have dealt with, and it must decide whether to take complaints about such material just as it would about an article or still picture published in a newspaper or magazine. (Hulin and Smith, 2008, p. 41)

In the countries of South East Europe in which media self-regulatory bodies are not established, as is the case in Croatia, it could be argued that the obligation to deal with unethical or controversial material on the internet rests with journalistic ethics bodies: for example journalists' trade associations. To end with another OSCE suggestion, it can be argued that the drawbacks of introducing ethical regulation for the internet can be minimized if there is a guarantee 'that cases are treated on their merits and that special attention is paid to the degree of editorial oversight of the material' (Hulin and Smith, 2008, p. 41).

In Montenegro there is a self-regulatory body, the Media Council. There is a current discussion about whether the journalists' code of ethics should be amended to cover regulation of journalistic behaviour on the internet. One suggestion is that the code should refer specifically

to both bloggers and owners of websites. All those who publish on the internet (both bloggers and journalists in more formal contexts) should be expected to comply with professional journalistic standards. The proposed changes also imply that a journalist who publishes online and allows readers to make comments on the site should be responsible for ensuring these comments too are ethically acceptable. It is interesting to note that it is proposed to lay this responsibility on journalists rather than on media owners or web portal editors.

The internet as a source for sex and scandal stories

One very useful piece on media ethics is an 'Editorial ethics guideline' which the Sarajevo Media Center published in 2008. It draws on material from two courses with participants from twelve South East European countries, in which they discuss violations of ethical principles on the internet, with specific reference to well-known incidents from their home countries.

A participant from Serbia provided this story about café Osama:

> On July 11, 2006 a website that pretended to be [the Serbian channel] B92 published a story about a café in Belgrade which was named 'Osama' having to change its name because it offended US Embassy personnel in the city. The story was written in a way that seemed credible, and the website URL had been changed to look as if the story was running on the reliable and respected B92 site. The Kurir daily was the first to act on the story, and their reporter's investigations discovered that the Osama café had never existed. (Sarajevo Media Center, 2008)

In the last ten years Croatia has seen several stories first published on websites which offend against established journalistic ethical standards. They were mostly sex stories about local celebrities and sports stars. One particular incident became well known all around the world in 2004: an item that claimed to be a private sex video featuring a Croatian singer appeared on Index.hr, a Croatian independent news portal. Another sex video was published on the same news portal in March 2010 under the title 'Blanka Vlašić porno'. The video did not actually

show Blanka Vlašić, one of the most successful athletes in the world in 2010, let alone show her having sex, but it was certainly pornographic. It was not clear whether the actual participants had given permission for the material to be shown or whether it was an abuse of their privacy, and regardless of their stance, the website made entirely inaccurate claims about Blanka Vlašić! Matija Babić, owner of the news portal Index. hr, immediately sent his apologies to Blanka Vlašić, but the suggestion that she would pose for this kind of video had done its damage by then.

Based on these two Croatian examples of invasion of privacy on the internet, it seems that the typical result of this kind of material appearing is that other media (both print and electronic) follow up by making the appearance of the material a story in its own right, and using it as an excuse to reproduce photos and other ethically unacceptable content from the offending website, further invading the victims' privacy.

Criminal proceedings connected with these kinds of case have not been common in Croatia, but people who feel threatened or whose privacy has been invaded on websites do initiate civil law suits in order to protect themselves. In extreme cases there is a reaction from the Council for Electronic Media of the Republic of Croatia, a regulatory state body whose task is to react to this type of attack on the dignity and integrity of both private individuals and those in public life.

In July 2010 the Croatian newspapers reported on a lawsuit by a former starlet against the owners of a website which had published compromising old photographs of her. She claimed that this had caused her emotional distress, and she won the case on this basis: as well as having to withdraw the material, the website owners were ordered by the court to pay her damages.

It has become a common practice for questionable information to be published first by websites and then in the traditional media. It is very hypocritical, however, for newspaper editors and the like to further spread the material while claiming to be outraged at its appearance on the internet. In another example, in 2008 several news portals published videos which included scenes of explicit sexual intercourse between high-school pupils from the island of Hvar. Stills from these appeared in newspapers, together with claims of outrage at the behaviour of

both the adolescents featured and the website owners. In my opinion, it would have been far better for the editors to not carry the story, or if they felt there was public interest in discussing it, it should have been handled very differently. The coverage could only additional problems for these young people, particularly when as in this case they came from small, close communities.

A case with some similarities occurred in FYR Macedonia:

A website published provocative photos of a 15-year-old model with an unbuttoned shirt. The website avoided taking responsibility for presenting the erotic photographs because, it said, the photo session was carried out by an agency and the pictures were published with the permission of the girl's mother and model agency. (SEENPM, 2010)

Just as with the Croatian incidents, other media outlets were very critical of the website's stance, but nevertheless they reproduced the offending pictures.

One of the biggest problems with violations of ethics on the internet is that it provides an 'archive' (SEENPM, 2010). Unlike a television programme or a daily newspaper, material on the web does not automatically have a limited life. Unless action is taken, compromising or embarrassing photos or video clips, false claims, revelations about people's private lives and downright fabrications could continue to be accessible via certain portals and sites indefinitely.

Hate speech in internet comments and posts

In most South East European countries, the online media make provision for comments to be posted after the publication of a particular text or a commentary. It is standard practice to let individuals post comments on all news portals and online newspapers in Croatia, Bosnia and Herzegovina, and Serbia. In Montenegro, however, according to Nataša Ružić,[3] this is not the case. There are hardly any comments on the online editions of daily newspapers. The exceptions are a couple of specialized portals, such as the information- political portal www.portalanalitika. me, whose founder and editor is Draško Đuranović. Users can leave

comments, but it is the site administrator's duty to delete immediately any comment that promotes intolerance or anger. According to Đuranović, taking trouble to ensure that there is politically correct language in the comments is an imperative for this website, which is often cited in the neighbouring countries.

In the Croatian system the authors of individual items have the option of refusing to allow comments to be posted with their texts. Experience shows that only few individual authors, some of them prominent, take advantage of this. However, in Croatia it is a daily occurrence for politically incorrect language to be used in comments. Sometimes they contain real hate speech. This is typically the case when the article and the ensuing comments refer to intercultural or multicultural relations between various nations or national minorities, the lives and problems of refugees and asylum-seekers, or displaced persons who would like to return home, and people with different sexual orientations. There are a variety of opinions on the censorship of online commentaries. Some media analysts believe it is important not to censor the voice of the people (*vox populi*), and all comments should be published in their original form, in keeping with the idea of the internet as an absolutely free medium. Others violently disagree, and feel it is unacceptable to promote intolerance and discrimination through anonymous comments on websites. It is important to note that the most popular web portals recognize this problem, and choose, for example, to warn consumers about the nature of some of the comments posted. For example, the website www.index.hr posts this disclaimer:

> Comments on the forum are published in real time, and index.hr can not be responsible for all posted remarks. It is forbidden to insult, to abuse and to offend. Postings of this nature will be deleted, and the authors will be reported to the competent authorities.[4]

There is a typical Croatian example from August 2010. Some brief background information is necessary to set the incident in context. After 'Operation Storm' in 1995, many local people who belonged to the minority Serbian population left their houses in the town of Zemunik Donji (in the Zadar region of Croatia). After these Serbs had left, Roma people settled in their houses. They remained there for 15 years, and

in some cases at least they did not take good care of the houses. In summer 2010 the local officials in Zemunik Donji (who were ethnic Croats) asked the Roma to leave these houses immediately so that the displaced Serbs could return. All the Croatian daily newspapers gave heavy day-by-day coverage to this 'political scandal', and their online editions provided the opportunity for readers to comment on the 'Zemunik case' and its coverage. This generated a mountain of politically incorrect comments, full of intolerance and hate speech, targeted at both the Roma and the Serbs.[5]

It becomes apparent that many of the online participants in these discussions are part of an established community. They post regularly, have got to know each other from their past postings, and are effectively involved in a competition over who can post the strongest hate word. They pay little attention to correct grammar and spelling: this simple communication method tends to be full of grammatical mistakes, but the commentators understand each other readily.

Blic, a popular Serbian daily newspaper, displays a warning on its website broadly similar to the Croatian index.hr example:

> Comments that contain profanity, offensive, vulgar, threatening, racist or chauvinistic messages will not be published. We kindly ask Blic's online readers to follow these instructions and to obey grammatical rules when writing comments. It is strictly forbidden to include false or misleading facts when submitting remarks. Comments that are written in capital letters will not be permitted. The Blic newsroom has the right not to approve comments that are disgusting, calling for racial and ethnic hatred, and do not contribute to regular communications on this site.[6]

To illustrate the functioning of this warning, let us look at some posts in response to a news item about the son of the rich Croatian businessman Todorić, who had fallen in love with one of the leading Serbian models. This trivial but entertaining story generated 61 commentaries. Banality was their most common feature; this apart, humorous posts dominated. There were also several spiky comments about relations between Croats and Serbs. This news item did not provoke users to make comments or use language that could be seen as seriously unacceptable.

Finally, let us consider the biggest-circulation daily newspaper in Bosnia and Herzegovina, *Dnevni Avaz*. In its online edition, all articles are normally open for comment. As an example, we can take a report on the Croatian Democratic Union 1990, which contained a statement that 'No civil court ever brought the judgment' that the Croatian army had destroyed 'Stari most' (a famous old bridge in the city of Mostar) in 1994.[7] This rated as a controversial allegation, but the posted comments were as a rule not full of intolerance and hate language. However, it was very easy in reading the comments to tell the ethnic or national affiliation of each contributor. The ways in which people stressed certain historical facts or opinions made it clear whether they were Bosnian, Muslim, Serbian or Croat.

Virtual social group and internet ethics

'Anyone who wants to be up to date must have their own profile on the Facebook. There I have all I need.' That is the concise way in which one student in the first-year undergraduate journalism class I take at Zagreb University explained the main role of the social virtual network Facebook. As her teacher, I was a little surprised by her categorical statement. She was not the only one. Most students and young people share her opinion. For example, out of 54 students in the classroom, only two said that they did not intend to use any of the social networks.

The available data on Facebook usage in Croatia show that 'around 1.1 million use it' (Krešić, 2010) and that:

> almost every fourth Croat is on Facebook. Today in Croatia there are around 276,000 people aged between 13 and 17 on Facebook. This number of 276,000 hides a problem about Facebook users! Actually, according to official numbers there are only 250,000 young people aged between 13 and 17 living in Croatia, which means that over 20,000 users must be giving false information. These could be children under the age of 13, who could find themselves in danger as a result of their internet usage. (Krešić, 2010)

What does Facebook mean today to its millions of users? Is it a route to a new kind of alienation and addiction, or is it the best way to exercise

true democracy? Who will regret their postings on the site in the future, judging them in retrospect be an invasion of their privacy? How will Facebook develop in the near future?

'Although you will read a lot of warnings about privacy on Facebook, it is the least private site on the internet', says Jason Kaufman, a sociology professor who has spent nine years lecturing on popular culture and politics, and now researches the behaviour of people on social networks. 'Everything you write and post on a social network is aimed outwards, at others ….When you put up a photo of your new car or new husband, you are not doing it to make a private photo album, but to show what you have to everyone else' (quoted in M. Pavić, 2010).

Describing controversies that might be generated via Facebook, Croatian journalist Miran Pavić comments on Jason Kaufman's analyses, and also on the phenomenon of hate speech which is spreading through social networks.

> Facebook is a platform for exchange of the worst forms of left and right populism, including hate speech …. For example, if you search for the word 'Croatia' it brings up a Facebook group, 'Croats, let's ban entry for Slovenes into Croatia' with around 4,000 members …. All over Facebook there are comments like 'Stamp on Serbians'... (M. Pavić, 2010)

Clearly it is straightforward for Facebook users to form groups that are promoting hate and discrimination, and users can participate in various forms of verbal violence. From a more positive angle, Facebook can also be used to organize interest groups that promote humanism, oppose violence or are involved in humanitarian work. Facebook, like any other social network, deserves to be judged fairly, considering both its advantages and its weaknesses.

Almost all countries in South East Europe have seen strong growth in social networking. The degree of usage and proportion of the population who are users vary depending on the technological and telecommunication status of each state. But one thing is sure: bloggers are out, Facebook is in.

Conclusion

South East European countries are faced with a growth in telecommunications technologies, the digitization of electronic media and informatization, in ways that vary depending on their cultural legacy and tradition. Technically the situation is not identical to that in the developed countries of Western Europe, but the issues of ethics, responsibility and basic courtesy in publishing different types of content are just as relevant here and in the 'Old' Europe. The internet should not be fenced in by additional regulations, but all users need a minimum level of media literacy in order to access and use the different forms and content. If adults cannot be influenced, then one of the most important tasks is to introduce media literacy for new generations of online media users. Nursery school staff, teachers and parents would also do well to learn about the new media. It is the only way to avoid complete detachment and the state of being torn between living in the real world and escaping into the virtual world.

NOTES

1. The Freedom Forum is a nongovernmental organization based in the USA, dedicated to freedom of speech, freedom of media and freedom of spirit.

2. Roger Darlington is a British researcher who was the first chair of the Internet Watch Foundation (IWF), a UK body dedicated to combating illegal content, especially child abuse, on the internet.

3. Nataša Ružić Ph.D. is a scientific assistant at the Faculty of Political Science – Journalism Department, Podgorica University, Montenegro.

4. From www.index.hr/vijesti/clanak/potvrdjeno-bivsi-sef-diokija-zdenko-belosevic-pocinio-samoubojstvo, 14 November 2010.

5. For example, material on www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/114659/Default.aspx (Accessed on 14 September 2010.)

6. www.blic.rs/Zabava/Vesti/217186/Milica-ocarala-sina--Ivice-Todorica/komentari (Accessed on 26 November 2010.)

7. http://www.dnevniavaz.ba/dogadjaji/izbor-2010/19765-HDZ-1990-Nijedan-sud-nije (no longer accessible).

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Promoting media accountability in South East Europe: future challenges in mind

Tarja Turtia and Adeline Hulin

This publication was initiated during the implementation of the project 'Alignment to International Standards in the Media Sector of South East European Countries', organized by UNESCO with financial support from the European Commission (EC) and the Organization for Security and Co-operation in Europe (OSCE). The project started in 2008, and aimed to assist and accelerate media reforms in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the Former Yugoslav Republic of Macedonia, Turkey and Kosovo – in the context of Security Council Resolution 1244 (1999). It has contributed to consolidating internationally recognized standards, and to enhancing the protection of journalists, professionalism, and the accountability and independence of the media, on the basis of voluntary self-regulation processes initiated through networking among the local media professionals and press councils.

Promoting freedom of expression and information is one of the main objectives of UNESCO's programme for Communication and Information. It is intended to achieve this through fostering advocacy, awareness-raising and monitoring of this fundamental human right. An important part of the programme is to enable the training of media professionals to the highest ethical and professional standards, and to enable people to access reliable information, assess it critically and use it. To encourage the development of media accountability systems based upon voluntary media self-regulation has been the main aim of this initiative.

The project has encouraged the participants to hold in-depth discussions on what quality journalism is all about. It has established a forum for participants to meet and exchange ideas and opinions about ethics

and professionalism in journalism. The right to freedom of expression includes the possibility to openly debate and criticize authorities provided this does not create hatred against individuals or impede individuals' rights. It has been commonly agreed that quality journalism is guaranteed through a set of ethical and professional standards, codes of ethics, editorial guidelines and media accountability mechanisms which are based on voluntary self-regulation practices and implemented by the media themselves. The main purpose of quality journalism guided by voluntary self-regulation mechanisms is to provide citizens with accurate and reliable information, and that can only be done by ensuring that the content is truthful, essential and unbiased: in short, the product of professional journalism.

The project had two main aims: first, developing self-regulation tools and mechanisms, and increasing the awareness and application of self-regulation among media professionals and organizations; and second, speeding up adherence to EU and international standards or their equivalent, and best practices in the field of media accountability.

Several activities were implemented in the thirty months during which the project operated. Two annual series of local round-tables were organized in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the Former Yugoslav Republic of Macedonia, Turkey and Kosovo (under UNSCR 1244) in 2009 and 2010. In the round-tables very concrete location-specific questions on press councils and ombudsman systems were discussed, with the intervention of international experts. In the second year of the project (in 2010), a core topic was professional journalistic ethics on the internet. It became evident that self-regulation on the internet is an increasingly important issue. Other relevant issues discussed were the relationship between the media and political power, the ownership of media organizations, and the role of the media during election periods.

In total sixteen round-tables were held in close cooperation with the Office of the OSCE Representative on Freedom of the Media (in Vienna), which provided international experts for the events. Along with the local events, two regional meetings were held. The first, in Tirana in March 2009, concentrated mainly on in-house ombudsman systems,

and the second, in Istanbul in February 2010, focused more strategically on self-regulation issues in the region.

Furthermore, UNESCO sponsored nearly twenty representatives from South East European countries to participate in the annual meetings of the Alliance of Independent Press Councils of Europe (AIPCE), a European network of independent content regulators for press and broadcast media. The Alliance held its eleventh annual meeting in Oslo in 2009, and its twelfth meeting in Amsterdam in 2010.

While implementing the various activities of the project, UNESCO has forged strong partnerships with the Office of the OSCE Representative on Freedom of the Media (Vienna) and AIPCE, and naturally with the main sponsor the European Commission. During the project UNESCO has also partnered with local professionals and local media organizations. A large part of the activities was carried out in cooperation with the South East European Network for Professionalization of the Media (SEENPM), which is the only regional media development non-governmental organization (NGO) in South East Europe that has a record in the field of media self-regulation. The Network is also uniquely well connected to major media outlets and organizations in the target locations. International organizations can facilitate, promote and motivate activities which can improve local conditions for freedom of expression, but it all depends eventually on the local and political will in each of the settings where the project was implemented.

The project concluded with a final conference 'Journalism Ethics and Self-regulation in Europe: New Media, Old Dilemmas', in Paris at UNESCO's Headquarters in January 2011. It brought together internationally recognized experts working in the field of media self-regulation in Europe to facilitate the exchange of ideas and experiences on the current regional context and trends with regard to journalistic professional standards and media self-regulation, the challenges for media accountability in emerging democracies, and the opportunities and obstacles posed by the digital revolution. Press council members, news ombudsmen, editors and journalists, academics, representatives from media institutes, civil society and international organizations took part.

Also within this framework, UNESCO continued to support the development of web portals facilitating information sharing on the topics of media accountability, professional standards and self-regulation in the European context, furthering the exchange of lessons learned and best practices based on the experience of different countries. Similar websites focusing on Africa, South East Asia and Asia were created in 2010, and repositories on issues pertaining to ethical and professional standard and self-regulatory media accountability systems are foreseen in more regions in 2011. The websites list partners and professional networks working in the field of media accountability and self-regulation on regional, national and international levels. They provide relevant media standards for different countries, based around the issues of freedom of expression, access to information and the ethical obligations of journalists. They focus on three main thematic areas:

✓ Media legislation and regulations provides examples of general media laws and regulatory frameworks at both national and international levels.

✓ Regulatory bodies features existing press councils and relevant professional networks, and presents a brief overview of different types of media ombudsmen. This section also includes examples of some of the countries with media councils and/or ombudsmen that have arbitrated and adjudicated on complaints against the press.

✓ Codes of ethics provides links to the voluntary codes of ethics that have been adopted, or where these do not exist, to the code of practice ruled by the law.

✓ The resources section of the website includes materials related to media accountability and self-regulation, such as publications, websites and useful contacts where one can find more relevant information on the subject.

The project was expected to create greater competence and awareness among targeted beneficiaries on how to implement media accountability best practices, models and self-adopted standards that affect the media, and to create greater collaboration among the local press councils and well-established European self-regulatory bodies. By contributing to the setting of professional and ethical standards and fostering their

application, media self-regulation mechanisms – including codes of ethics, press councils, ombudsmen and readers' editors – can guide journalists in their daily work, and assist them particularly when they are faced with complex dilemmas. Furthermore, by being instrumental to the reinforcement of quality journalism and serving as a bridge between the media and their audience, such codes and accountability mechanisms benefit media users, and therefore strengthen public trust in journalism. As is often emphasized by experts, self-regulation mechanisms may help media outlets protect themselves against legal actions and respond to criticism, as well as reduce the number of media professionals who are brought to court.

UNESCO's conference focused on journalism ethics and self-regulation in Europe was indeed very timely, within a context in which old ethical dilemmas still need to be faced by professional journalists, yet where the internet and fast-paced technological development have also opened up a whole new spectrum of issues for discussion. At the edge of this thirty-month project, it is interesting to note that media accountability systems are beginning to face new challenges related to the use of new technologies. Such a trend is hardly surprising considering that the internet has greatly widened the flow of information and changed the daily work of journalists worldwide. Media ethical guidelines and particularly codes of ethics must therefore adapt to those changes. So must press councils around the globe. In several European countries press councils have already received complaints concerning material on the internet, which shows the future trend. This brings us closer to the discussion on freedom of expression and privacy: how can we fully exploit the potential of new media while not compromising civil rights and liberties, especially freedom of expression and respect for privacy?

In that respect, the most recent meeting of the AIPCE, which took place in Amsterdam on 4 and 5 November 2010, illustrated how the internet is transforming the work of self-regulatory bodies. During 2010 many press councils received for the first time complaints from media users regarding alleged breaches of journalistic ethics referring to online material, or following the use by journalists of information obtained from social networks.

The social networks are in fact currently redefining the notion of privacy, a notion at the heart of the work of media accountability systems. Press councils are requested to define the new boundaries of individual privacy in the context of the internet. Nowadays, more and more citizens have a digital daily life lived through social networks, which are also a new potential source of information for journalists. Some citizens have however complained of a breach of their privacy following the use of data and material taken from their social network accounts. In Norway, the press council adjudicating on such a case recommended 'that the editorial staff obtain consent when one intends to publish private images from Facebook', More generally, some press councils reached the decision that journalists should draw a line between material that is published to a closed circle of friends and material that is freely accessible to the public. The UK Press Complaints Commission went further in setting criteria for determining whether there was a breach of privacy. It raised questions such as, what is the quality of the information given by the journalist? Who uploaded the material on the internet? What settings did the user select with the aim of protecting their privacy? What is the public interest in the case? In parallel with the adjudication of cases, some press councils have amended their codes of ethics to adapt to the new online environment. In Switzerland for instance, clauses related to privacy issues have been revised to be more practical for the daily work of journalists.

Another example of issues recently faced by press councils relates to the new types of content available on newspapers' websites. Questions have emerged regarding the scope of responsibility of a newspaper editor regarding online videos, tweets or readers' comments posted on the web edition of their papers. Self-regulatory bodies have had to decide whether adjudicating on materials not directly produced by journalists is part of their work. More and more press councils took the decision to only accept complaints about pre-moderated content. As was explained by the German Press Council, when content is pre-moderated, the implication is that an editorial decision has been taken by the media organization, and this therefore justifies the application of ethical guidelines to these types of material. Conversely, if the material was not pre-moderated, some press councils chose to redirect the

complaints to the newspaper. No doubt other questions will emerge in the near future.

More generally, the internet is allowing a quicker flow of information, providing greater volumes of information and multiplying the number of new media, and all of these trends have increased the workload of media accountability systems. Still larger volumes of information at still faster speed casts doubt on the credibility of online information and illustrates the need to strengthen media quality and accountability on the internet. However, should media accountability systems cover all kinds of portal disseminating news?

In that respect, an initiative of the press council of Bosnia and Herzegovina deserves to be mentioned. Due to the number of complaints regarding online content, the board of directors decided to include internet portals in the self-regulatory system. The idea is to start with internet portals that are ready to adhere to the professional standards foreseen by the press code. Such a choice seems to be an appropriate way to foster media quality for online information and particularly counter the proliferation of hate speech on the internet. The battle against intolerance can however never be won through government regulation or pure legislative action. Professional journalism leading to quality information is at the heart of the battle to keep the internet free. Traditional and widely accepted values of professional and journalistic standards should therefore be fostered so as to guarantee free and independent quality media in the digital era.

"Confronting old dilemmas, journalists must abide by high ethical and professional standards in an environment that is revolutionized by the impact of new technologies"
Jānis Kārkliņš, Assistant Director-General for Communication and Information at UNESCO

Often plagued by problems of external pressures and self-censorship, many South East European media are coming to grips with a transition to self-regulation. This publication examines the implementation of media accountability systems, created and followed by media professionals on a voluntary basis. The articles cover Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey, as well as Kosovo (as defined by Security Council Resolution 1244 (1999)).

The book will be a valuable resource for journalists, editors and media outlet owners, press council members, news ombudsmen, civil society practitioners, researchers and other actors, both in the region concerned and further afield. It seeks to raise awareness on a key topic for UNESCO's promotion of the free flow of ideas.

Produced as part of the project 'Alignment to International Standards in the Media Sector of South East European Countries', implemented by UNESCO with funding from the European Commission, the publication brings together articles by experts on media self-regulation who participated in the initiative. UNESCO carried out the 30-month project in collaboration with the South East European Network for the Professionalization of Media (SEENPM), the Organization for Security and Co-operation in Europe (OSCE), and the Alliance of Independent Press Councils of Europe (AIPCE).

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