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FOREWORD

This publication summarizes the two-year activity of the Eastern Partnership Media Freedom Watch Project implemented from March 2013 to March 2015.

The Project sought to support the freedom of media in the Eastern Partnership countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. To this end, we highlighted and regularly analyzed all events and processes taking place in the field of media freedom, made the target audience in the Eastern Partnership members and other countries aware of these developments. Journalists' working environment and violence against them, censorship, transparency of ownership in the field of media, relationships between journalists and politicians, quality of media legislation – all these and many other things were the issues the Project team focused on.

The Eastern Partnership Media Freedom Watch Project was inspired by the activities of the Media sub-group of the Eastern Partnership Civil Society Forum, initiated in 2009 by the European Commission. The web-site of ENP East Media Freedom Watch

(mediafreedomwatch.org) and the Media Freedom Index of the Eastern Partnership countries are the main informational and analytical products of the Project and its efficient instruments.

The web resource is a concentrated source of information on the events and processes taking place in the field of media freedom in the above-mentioned countries. It quickly reacts to sometimes difficult processes such as the persecution of journalists during the Revolution of Dignity in Ukraine or the current hard times for the freedom of media in Azerbaijan. Highlighting and analyzing events is one of the priority tasks of the web-site.

The site serves as a connecting bridge between the journalistic communities and non-governmental media organizations of the Eastern Partnership countries, on one side and official EU institutions, European human rights and civil society organizations directly engaged with freedom of expression issues, on the other. The web resource also acts as a platform for sharing best practices of journalists' rights protection in Eastern

Partnership countries, which have a lot in common in their history and development paths, as well as in issues related to mass media. The topicality of and the need in the project is conditioned by the existing common problems of the Eastern Partnership countries in the field of media freedom and their causes: unsatisfactory legislation, intolerance of political elite and officials to critics, excessively large role of the state in regulating the information space and so on.

The Media Freedom Index was another fundamental element of the Project calculated once in three months and clearly demonstrating both the current situation in a certain country and the media freedom situation dynamics. The research methodology was based on the expert poll comprising the best approaches of the already existing international freedom of speech indices. The Media Freedom Index being focused on the specific region made it possible to study the subject matter in greater detail and provide more accurate estimates.

The Index was calculated by 60 media-field specialists (10 experts from each country) among local journalists, human rights advocates, lawyers, sociologists and public figures. They have been working in their field for at least five years as well as maintaining close relationships with the media outlets. For the sake of obtaining more impartial media landscape of the region, the Project did not involve the representatives of political organizations and government authorities in calculating the Index.

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The present review, as well as all the materials, are forming its backbone, are available in electronic format at the ENP East Media Freedom Watch Project site at www.mediafreedomwatch.org.

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Armenia

Policy

Armenian media organizations are regulated by the laws *On Television and Radio Broadcasting*, *On Mass Media*, *On Freedom of Information*, *On Copyright and Adjacent Rights*, *On Advertising*, corresponding clauses of the Electoral Code related to the work of media during elections and referenda, as well as by a number of other legislative and normative acts.

On May 2014, the National Assembly of Armenia adopted amendments to the Civic Code that introduced the concept of material compensation for moral damages. Before this amendment, the absence of a mechanism for legal protection against moral damage in the national legislation allowed for a situation contradictory to the RA Constitution: citizens were deprived of the opportunity to demand material compensation when their fundamental rights were violated. This was in violation of a number of documents ratified by Armenia and obstructed the proper execution of rulings of the European Court for Human Rights. According to experts, the adoption of the norm of material compensation for moral damages into the RA Civic Code, along with

the development of an effective mechanism for assigning the appropriate amount of compensation, will contribute to securing citizens' right to privacy and increasing media responsibility.

At the same time, Armenian legislation still does not protect citizens from non-public abusive or libelous statements. Despite the November 15, 2011 ruling of the Constitutional Court of Armenia proposing that the Parliament address this issue, it remains an open question.

On December 17, 2014, the Armenian Parliament approved amendments to the laws *On TV and Radio* and *On Advertising* prohibiting commercial advertisements on Armenian public television. The legislative initiative, which was originally proposed and approved by the government at the end of December 2013, was based on the premise that the abolition of commercials will allow for more time to programmes with greater informational value. The restrictions do not apply to social advertising or mentioning the sponsors of cultural, educational, science, and sports programs; however, the legislation

allows just one mention of sponsors for each program and the total duration of a statement on sponsors cannot exceed 90 seconds for each hour of broadcasting.

Other amendments to the broadcasting and advertising legislation, adopted on June 21, 2014, lifted the ban on advertising strong alcoholic beverages on television and radio. Thus, the broadcast media were again allowed to advertise alcoholic drinks (with alcohol content of 20% or more) between the hours of 10 p.m. and 6 a.m. The ban on advertising alcoholic beverages (except for locally-produced brandy) and tobacco products in broadcast media, as well as the restrictions on such advertising in print media (not permitted in the first and last pages or on the covers of newspapers or magazines), was introduced through a law adopted on June 26, 2002 and entered into force on January 1, 2003. At the time these rules were implemented, the media community opposed the restrictions, noting that the ban would hit the pockets of broadcasters who already suffer from financial difficulties. Furthermore, the imposed restrictions were not based on studies linking such advertising to alcohol consumption in Armenia or to specific social threats. The legislation served narrow interests, if any. It took legislators 12 years to realize their mistake, and now the authors of the new bill justify their initiative with the desire to help TV channels improve their financial conditions. According to the authors of the amendments, their initiative will allow broadcasters to earn 1 billion AMD annually on advertising strong liquor (about €1.74 million *according to the exchange rate at the time of the adoption of the document*). Opposition parliamentary factions did not take part in the vote. Their representatives expressed the view that oligarchs would benefit from lifting the ban on alcohol advertising, given that they have a near monopoly over liquor production

and importing. Advertising liberalization will be beneficial primarily for two national TV channels, Armenia TV and Shant, which are affiliated with pro-government circles. According to experts, their combined share comprises more than two-thirds of the total advertising market in the country.

At the same time, some fundamental problems with the media legislation remain unsolved. Above all, the media community and international organizations continuously criticize Armenia's law *On Television and Radio*. The need to modernize the broadcasting legislation to bring it in line with the recommendations of the OSCE, the Council of Europe, and Armenian media expert, is the most critical task in the effort to increase pluralism in the information sphere.

The Yerevan Press Club, the Media Initiatives Center (formerly Internews - Armenia), and the Committee to Protect Freedom of Expression, developed, and in October 2014 submitted to the Parliament, a new package of amendments to the law *On Television and Radio* which, in addition to conceptual reforms, suggests a better-organized transition to digital broadcasting. The ultimate purpose of the proposed amendments is to modernize relations in the media industry, to promote free and fair competition, to create a legal framework for the independence of broadcast media regulatory bodies, and to ensure quality and diversity in the Armenian broadcast media. However, as of the end of 2014, terms have not been established for discussing the reforms. A complete cessation of analog broadcasting in Armenia is scheduled for July 1, 2015, and if corresponding amendments are not enacted by that time, the transition to digital broadcasting will largely take place in an environment of legal uncertainty (see section on TV and Radio Broadcasting).

Armenia adopted the relatively progressive Law On Freedom of Information 11 years ago, but the legislation still does not contain regulations for electronic requests, and does not specify what information the government is required to publish, or the grounds and procedure for the granting or refusal of information requests. On February 7, 2014, a package of amendments designed to eliminate the above-mentioned shortcomings was proposed in the Parliament; however, on March 24 it was deferred for a year. Additionally, in late 2014, the Ministry of Justice, in cooperation with non-governmental organizations, began to develop a decree establishing norms for the application of the Law by the executive branch of government. The absence of such norms has been a subject of concern on the part of Armenian civil society and international organizations for the last 11 years.

Practice

Judicial precedents and practice. In 2014, the courts of Armenia made three rulings that will likely serve as precedents for future cases. Two of these rulings are concerning in terms of compliance with the principles of democracy and respect for human rights.

In June, the court of general jurisdiction for the Kentron and Nork-Marash administrative districts of Yerevan accepted several defamation lawsuits from individuals and representatives of non-governmental organizations against the founder of the *Iravunk* newspaper (LLC Iravunk Media) and the editor-in-chief of the *Hovhannes Galajian* newspaper. The reason for the class action was a piece written by the editor-in-chief titled, “They Serve the Interests of the International

Homosexual Lobby: Black List of Enemies of the Nation and the State,” which was published in *Iravunk* on May 17, 2014. The piece contained a list of “traitors to the nation,” who were, “aggressively trying to impose their rules in our country,” as well as links to their Facebook pages. The author of the publication urged “zero tolerance” for these people, suggested citizens not communicate with them or hire them, and called for them to be dismissed from public service.

On October 30, one of these lawsuits – filed by 16 NGO representatives – was dismissed. The court not only dismissed the plaintiffs’ claim asking for a retraction of the defamatory information and compensation in the amount of 5 million AMD (about €9,000 according to the exchange rate at the time of issuing the court decision), but also actually ordered the plaintiffs to compensate 300,000 drams (about €580) for their opponent’s legal fees.

The court ruling caused a public outcry from a large portion of society. It was argued that the court might have been influenced by the fact that a few days before its decision, Armenian President Serzh Sargsyan awarded Hayk Babukhanyan, chairman of the *Iravunk* editorial board, MP from the ruling Republican Party of Armenia, and contributor to the controversial *Hovhannes Galajian*, with medals on the occasion of the newspaper’s 25th anniversary.

In a statement issued on November 5, 2014, 30 Armenian NGOs said that they found the incitement of hatred and discrimination, along with the Armenian judicial system’s inadequate response, unacceptable. “No mechanism for protection of freedom of speech applies to hate speech,” reads a statement released by the Information Disputes Council (an independent expert group) on December 9, 2014. The Council

emphasized that the court did not take into account that the disputed publications contained “formulations and appeals that are expressions of extremism and hate speech.”

Another precedent threatening freedom of expression in Armenia, was set on June 26: the court of general jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan ruled to require the *Hraparak* newspaper and iLur.am news website to disclose their information sources.

On May 9, 2014, *Hraparak* and iLur.am published anonymous information about a dispute that took place in the evening of May 7 on a street in Gyumri (Armenia’s second largest city), between the regional police chief, colonel Vardan Nadarian, and two brothers, Artur and Rafael Aleksanians, the first being a world-renowned athlete, a multiple European champion, and Olympic bronze medalist in wrestling. According to the published information, the police chief did not like that the car in which the brothers were driving had headlights that were too bright. Nadarian got out of his car and started hitting the brothers with grip of his pistol, injuring both of them. Shortly after the incident, the Armenian Special Investigation Service (SIS), ignoring the provisions of the *Law On Mass Media*, which states that only the court has the authority to demand disclosure of the information sources, tried to get that information from the editors of *Hraparak*. When they refused, the SIS turned to the court and got what it wanted.

This ruling, as well as other attempts to force the media to disclose sources of information, can be viewed in the context of a statement by the Prosecutor General, published on May 22, 2014, wherein the media is reminded of Article 342 of the RA Criminal Code, establishing liability for the publication of information

related to a preliminary investigation without the permission of the prosecutor, investigator, or person conducting the investigation. The statement says that, according to the order of the Attorney General, in cases of a media publication containing data on an investigation, the supervising prosecutor will take legal action to find out the source of the information. Journalistic organizations and lawyers regarded the Prosecutor General’s statement as “extremely problematic.” They view this provision not as a measure to strengthen the rule of law, but rather as a direct threat to journalists in conducting their professional duties. Media experts pointed out the contradiction between Article 342 of the RA Criminal Code and Article 5 of the *Law On Mass Media*, which states that the media or journalists may be required to disclose their source of information only through a court decision in course of a criminal proceeding with the aim of revealing heavy or most heavy crimes, “if public interest in law enforcement overweighs the public interest in protecting the sources of information, and all other means to protect public interest have been exhausted.” Moreover, Article 9 of the *Law On Mass Media* stipulates that a person carrying out media activities is not liable for dissemination of information that is classified as “secret” if that information has not been received through means prohibited by law or it was not apparent that the information was secret. Media representatives and journalists are also exempt from liability if the dissemination of such information was done for the sake of protecting the public interest.

A few other unjustified attempts to force the media to reveal sources of information were witnessed in 2014. According to some representatives of media organizations, scandalous cases of corruption, abuse of power, etc. are often revealed and made public thanks to the efforts of investigative

journalists, rather than law enforcement bodies. Investigators or courts, on one hand, are trying to make their jobs easier by requiring the media to show all their cards, and in doing so violate the law, jeopardizing not only journalists, but also the sources of information. On the other hand, some view such actions as a conscious policy on the part of the authorities aimed at restricting freedom of speech in the country.

On December 17, 2014, the court of general jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan made another landmark ruling on the case of the NGO, *Investigative Journalists*, versus the founder of 1in.am (LLC Skizb Media Center). The NGO challenged eight pieces published on Hetq.am, (the online edition of *Investigative Journalists*) that 1in.am had reprinted without proper citation. The plaintiff demanded that 1in.am add proper links to all the disputed pieces and pay compensation in the amount of 200,000 AMD (about €350 according to the exchange rate at the time of issuing the court decision). Given that during the many months of the trial, 1in.am added the appropriate citations to the disputed pieces, the court partly granted the claim and ordered the website to pay the plaintiff compensation in the amount of 100,000 AMD as well as cover the plaintiff's legal costs of 158,000 AMD.

The court's decision in this case set a precedent since it was the first litigation between two media organizations in Armenia after the introduction of amendments to the RA Law *On Copyright and Adjacent Rights*, which was adopted in September 2013. These amendments established rules for the complete or partial reproduction of materials in print and online publications, as well as the conditions for compensation for damages in cases of violations of those rules.

Assaults, threats, detentions. In 2014, there has been a trend of more frequent cases of obstruction of journalists' professional activities by law enforcement officials. At the same time, police misconduct against representatives of the media in most cases remained unpunished.

On February 12, Ani Gevorgian, a correspondent with *Chorrord Ishkhanutyun* newspaper, and Sargis Gevorgian, a cameraman with iLur.am, were detained in downtown Yerevan while covering a public campaign of the Armenian National Congress. They were taken to the police station where they were held for about four hours. Police officers seized the journalists' cameras and the head of the Yerevan Kentron Police Department slapped Ani Gevorgian across the face. The journalist turned to the Special Investigation Service (SIS) to report the crime. The official statement reported three main incidents: the attempt by policeman, Vardan Gevorgian, to forcibly take away Ani Gevorgian's camera during the public action, the seizure of the memory card from her video camera at the police department, and the actions of Artak Poghosian, the head of the Kentron Police Department, who slapped the journalist and seized her phone. On February 25, the SIS initiated criminal proceedings under Clause 2 of Article 164 ("Impeding the legitimate professional activities of a journalist by an abuse of power on the part of a state official") and Clause 2 of Article 309 ("Abuse of power, accompanied by violence, use of weapons or special means") of the RA Criminal Code. However, on June 24, the SIS terminated the investigation due to lack of evidence. Ani Gevorgian challenged this decision in the RA Prosecutor's Office but her claim was rejected. She turned to the court of general jurisdiction of Kentron and Nork Marash administrative districts of Yerevan. In court, the journalist challenged both the

SIS decision to dismiss criminal proceedings against the police officers, and the refusal of Gevorg Kostanian, the RA Prosecutor General, to investigate the grounds on which the case against the policemen had been closed. On September 30 the court of general jurisdiction rejected Ani Gevorgian's complaint. She then challenged this decision in the RA Criminal Court of Appeal, which upheld the decision of the court of general jurisdiction.



The police attacks Ani Gevorgian, the reporter of Chorrord Ishkhanutyun newspaper. February 12, 2014.

The termination of the investigation and the rulings of the two different courts are an indication that the authorities are not interested in identifying and punishing those responsible for the obstruction of journalists' work. The course of the investigation raises a number of questions that remain unanswered: why has the journalist not been recognized as a victim in the case? Why was at least one strong piece of evidence of violence, video footage of the street incident showing

a policeman forcibly seizing the journalist's camera, ignored? According to Ani Gevorgian, the record of the criminal case reports that she was detained not as a journalist but as a perpetrator who tried to block traffic, and that the policemen grabbed her by the arms and shook her allegedly to ensure her safety.

The incident with Ani Gevorgian and other issues concerning interactions between journalists and the police were brought up at several joint meetings. During these meetings, law enforcement officials complained that it is difficult to "identify" journalists at public events: press passes may be counterfeit or expired. For this reason, police continue to insist that journalists should wear distinctive markers, such as press vests. The media community almost unanimously disagrees with this suggestion, pointing to incidents when vests or video/audio recording equipment, which the police are trying to seize in the first place, makes journalists targets for attack. Often the internal investigations conducted by the police in similar cases conclude with standard formulations such as, "abuse of power has not been identified in the actions of the police." Instances where law enforcement officials are, at least to some extent, held responsible for obstructing the activities of journalists are extremely rare.

Nevertheless, there is a precedent that might be an exception to this rule. On September 9, at the main entrance of the National Assembly, where the "Counterblow" Art Group was holding a demonstration, the chief of the RA National Assembly security service, Karen Hayrapetian, obstructed the professional activity of Marineh Khachatryan, a correspondent with A1+ TV company. Seeing that the journalist was filming the scene, Hayrapetian hit her on the arm, knocking her tablet to the ground. Journalists who were

present at the scene caught the incident on film. On September 12, the RA Prosecutor's Office announced that all media coverage of the incident had been forwarded to the Special Investigation Service. On September 22, the SIS refused to initiate a criminal case due to lack of evidence.



Attack of the Chief Security Officer of the Armenian parliament against Marineh Khachatryan, the correspondent with A1+ TV company. September 8, 2014.

On September 29, seven Armenian media NGOs condemned the SIS decisions on cases related to impeding the professional activities of journalists. "In fact, a vicious tradition is being set: after receiving reports on obstruction of journalists' activities or usage of violence against them, the RA Prosecutor's Office requests the SIS to investigate the incidents, but the latter glosses over the cases with a standard explanation of 'absence of corpus delicti.' And this happens even in the cases where the facts of violence and impeding had been filmed and published on the Internet and in numerous media outlets," the statement reads. Journalistic organizations demanded the SIS administration take measures to review the decisions and hold the investigators who failed to employ impartiality and professionalism accountable for their actions. The media NGOs also called on the RA Prosecutor's Office to supervise the

activities of the SIS and to ensure a thorough investigation of each case of violence and obstruction of journalists' professional activities. On September 30, OSCE Representative on Freedom of the Media, Dunja Mijatović, called on the Armenian authorities to put an end this climate of impunity and bring those responsible for attacks on journalists to justice.

On October 7, prosecutor general Gevorg Kostanian invalidated the SIS decision and ordered it to initiate a criminal case against Karen Hayrapetian under Clause 1 of Article 164 of RA Criminal Code ("Obstruction of legitimate professional activities of a journalist"). However, the SIS once again refused to initiate a criminal case as investigators did not find corpus delicti (the fact of a crime being committed) in the actions of the head of the National Assembly's security service. On November 28, the RA Prosecutor's Office announced that it had canceled the SIS decision as the Service had, "conducted a preliminary investigation with serious procedural violations." The Prosecutor's Office statement stressed specifically that the A1+ correspondent was not recognized as a victim in spite of sufficient evidence to suggest she was. The Prosecutor's Office resubmitted the case to the SIS with special instructions to recognize the journalist as a victim, and to explain her rights and obligations under the RA Criminal Procedure Code, including "the right to make a motion for re-examination, in case of disagreement with the existing expert conclusion."

Although this case was not concluded by the end of 2014, it already stands out from similar cases given that, for the first time, the supervising body disagreed - twice - with the investigative body's decision not to initiate criminal proceedings in a case involving an attack on, and the obstruction of the professional activities of, a journalist.

2014 was also marked by rising tensions between journalists and certain representatives of the legislative branch. The parliamentary session that ran from May 19 to 22 was exceptional in the number of cases of openly aggressive and indecent behavior on the part of deputies. Four “people’s elected representatives” - Shushan Petrosian and Mher Sedrakian from the ruling Republican Party of Armenia, Melik Manukian from the “Prosperous Armenia” party, and nonpartisan Arayik Grigorian - in separate incidents each verbally abused journalists accredited to work in the National Assembly.

On May 26, eight media NGOs urged the journalists who had been insulted to file complaints to the Committee on Ethics of the National Assembly. They also called upon the Armenian journalistic community to show professional solidarity, provide moral support to their colleagues, and to express their disapproval of the MPs indecent behavior. At the same time it should be noted that, historically, the work of the Parliamentary Committee on Ethics, at least in matters between parliamentarians and journalists, gives every reason to doubt the expediency of this body.

On June 2, 2014, the Committee on Ethics made a decision on a complaint filed by parliamentary journalists’ on the behavior of Arakel Movsisian, an MP from the ruling Republican Party of Armenia. The joint complaint dealt with an incident that took place on December 23, 2013 during the ratification of the Armenia-Russia gas agreement. Parliamentary journalists held a protest in the session hall with posters calling for MPs to vote against the treaty. Arakel Movsisian spoke ill about the journalists’ actions, saying “to get them f... out of here.”

The content of the Committee’s decision was made available to the general public only

a week later. The decision acknowledged that the swearing in the session hall was a violation of parliamentary ethics. At the same time, the decision stressed that the Committee is not authorized to penalize MPs, and also noted that according to the rules of accreditation, the journalists were not allowed to hold any protests during the session.

On June 26, 2014, the Committee on Ethics discussed the complaint of journalist Arevik Isajanian against Hermineh Naghdalian, vice-speaker of the National Assembly. The journalist reported that on June 10 she approached Naghdalian to ask her a few questions about her entrepreneurial activities. According to Isajanian’s statement, in response, the vice-speaker insulted the journalist, calling her “ignorant.” The journalist offered to submit an audio recording of her conversation with Naghdalian to the Committee. According to media reports quoting the Committee’s chairman, Hovhannes Sahakian, the Committee decided that the appeal could not be processed because what happened was a private conversation between two people.

Prosecution of journalists. Despite the implementation of the practice of material compensation for moral damages, the number of cases against journalists or media under articles of the RA Civic Code on defamation and libel has decreased. In 2014, 17 such claims (less than in the previous year) were filed and experts say that none of the rulings made on those claims can be characterized as violating freedom of expression. In other words, this suggests that the judiciary does not exert pressure on journalists and media, with the exception of the above-mentioned court ruling requiring a media outlet to disclose information sources.

Access to information. The existing *Law On Freedom of Information* generally

provides the necessary conditions for the fulfillment of journalists' rights to obtain information. Nevertheless, in practice, journalists experience various kinds of difficulties accessing information: provision of incomplete information, delays beyond the deadlines stipulated by the law, etc. At the same time, state agencies often demonstrate a selective approach to providing information to media representatives.

In this regard, Hetq.am filed a complaint to RA human rights defender, Karen Andreasian against judicial and law enforcement agencies that refused to provide information under the pretext of the unavailability of statistics on the requested data. The online publication was trying to find out how many times Article 42 of the Criminal Code (on self-defense) served as grounds for the termination of criminal prosecution in Armenia. Almost all the state agencies provided the same response to Hetq.am's requests: "such statistics are not available." However, after the intervention of the human rights defender, it turned out that these excuses were not true. When the human rights defender made a similar request, the police reported three such cases in the period of 2009-2013. With Andreasian's support, Hetk.am was able to access previously restricted statistics on parole and life sentences in Armenia.

Another striking illustration of this selective approach to information provision is the case of *Investigative Journalists* against the Armenian Ministry of Nature Protection. In October 2013, *Investigative Journalists* requested the Ministry of Nature Protection provide information for the NGO's journalistic investigation into cases of the trafficking into Armenia of animals listed in the International Red Book. The request pertained specifically to copies of the permits issued by the Ministry in 2010-2013 for the import

and export of animals in accordance with the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). The Ministry of Nature Protection responded merely with the list of the animals imported and exported from Armenia and refused to release the copies of permits, saying they were commercial secrets, as the documents contained the names of importers and exporters. In the following request, *Investigative Journalists* suggested the agency provide the requested information but redact the details containing commercial secrets; however, the Ministry refused once again.

Investigative Journalists appealed to the court, demanding it order the Ministry of Nature Protection to provide the requested information in full and compensate the NGO for its legal costs. On May 7, the Administrative Court of Armenia started hearings related to the lawsuit. During the hearings, the Ministry representative admitted that the Ministry had provided copies of several CITES permits to foreign journalists visiting Armenia to film a documentary on animal trafficking. On December 8, the Administrative Court of Armenia granted the claim filed by *Investigative Journalists*, obliging the Ministry to provide the requested information in full and to compensate the plaintiff's court costs in the amount of 49,000 AMD (about €90).

Censorship and self-censorship. Armenian law prohibits censorship; nevertheless, hidden censorship still takes place in the media community. Examples of hidden censorship, in the form of abuse of regulatory and supervisory power on part of government agencies, include the unsuccessful attempts of A1+ TV company to obtain a license for television or radio broadcasting. A1+, which is openly critical of the authorities, failed to acquire a license through competitions held by the National

Commission on Television and Radio in the years 2002-2010. The company's fate could not be changed even after the European Court of Human Rights recognized that its rights had been violated. The Armenian authorities paid the compensation the ECHR ordered, but have failed to truly restore its rights, i.e. provide the possibility of participating in an impartial competition for broadcasting licenses.

Self-censorship and internal censorship are also common in the newsrooms of Armenia. Many incidents, including the dismissal of journalists, suggest the existence of defined boundaries between “can” and “cannot.” These boundaries are especially rigid in television broadcasting, and have resulted in a trend, which continued in 2014, of a drastic reduction of live broadcasting on Armenian television.

Monopoly. Economic conditions. The state, in the face of corresponding agencies, abandoned its monopolistic position in the Armenian media market more than 10 years ago. Since then, there has been no talk of any kind of state monopoly. At the same time, under the existing legal framework, the transition to digital broadcasting scheduled for mid-2015 assumes there will be only one digital broadcasting network, which is operated by a state-owned enterprise.

Private broadcasters do exhibit some monopolistic tendencies. Legal mechanisms designed to ensure fair competition in the media market prove ineffective due to the dependence of regulatory agencies on the government and their policy of “non-intervention” into the activities of companies affiliated with the authorities. In particular, the existence of the PanArmenien Media Group holding, which encompasses at least three TV channels, contradicts the legal norm

prohibiting ownership of more than one channel in the same area of broadcasting. In recent years, monopolization has also affected the measuring of media audience data as a result of the establishment of a so-called “sales-house” that creates the conditions for the concentration of advertising revenue. On the other hand, these structures have contributed to fostering civilized relations in the Armenian advertising market.

The development of the advertising market, along with the media industry in general, significantly slowed down in 2014 due to the economic crisis. The global economic crisis of the 2000s reached Armenia with some delay, but eventually the country became one of the worst affected in the world. Processes related to Armenia's Eurasian integration, and a sanction war resulting from escalating tensions between Russia and the West also negatively impacted the Armenian economy. The dramatic depreciation of the Russian ruble and other effects stemming from the crises in Russia pose a serious threat to the socio-economic situation in Armenia and consequently, to the media situation. Being politically and economically dependent on Russia, Armenia is not immune to the impacts of turmoil in that country.

Prior to the completion of the round of national and Yerevan municipal elections in 2012-2013, the flow of “political money” to the media compensated, to some extent, for the economic downturn and the reduction in commercial advertising revenues. Since mid-2013, however, the majority of ambitious media projects have begun to wind down. This process continued in 2014, with media receiving less revenue from political sources than in the past.

Since early 2014, a number of print media outlets were forced to increase their

prices in order to compensate for rising production costs. The reason for this, along with a reduction in the already meager flow of advertising revenue, was the rise in the price of printing services, which was, in turn, caused by increases in gas (17%) and electricity (27%) tariffs as of January 2014. Thus, the issues of *Aravot* and *Chorrord Ishkhanutyun* newspapers now cost 200 AMD (about €0.35 according to the exchange rate in late 2014) instead of the previous 150 AMD, and *Hayots Ashkhar* daily now costs 150 AMD instead of the previous 100 AMD. *Azg* daily, one of the most well-established periodicals since 1991, temporarily ceased its publication activities in early 2014 due to accumulated debts to the printing house. *Azg* resumed business on February 28, but with weekly rather than daily issues. As a result, one issue of the newspaper now costs 200 AMD instead of the previous 100.

Broadcasting

The increasing role and availability of the Internet in the recent years seems to have reduced the political relevance of television in Armenia. However, practice shows that in the current situation of geopolitical tension, which has led to a strengthening of the weapons of information warfare, television has reaffirmed its role as a powerful tool of propaganda. In this context, national broadcasters do not hold the dominant position of influence over the formation of public opinion in Armenia and the orientation of citizens in matters of international affairs. The Armenian broadcast media's shallow and, at times, aloof coverage of the events in Ukraine and other salient issues in world politics failed to satisfy the public, which turned to the most affordable alternative: Russian federal television

channels. As a consequence, propaganda disseminated by another state became one of the most important political influences in Armenia in 2014.

On April 7, 2014, the Armenian National Platform (ANP) of the EaP Civil Society Forum issued a statement on the broadcasting of Russian TV channels, *Russia 1* and *First Channel*, in Armenia. The statement expressed concern over the programmes and reports broadcast by these channels, which are “overtly propagating xenophobia and spawning hatred between nations.” ANP, which brings together about 200 Armenian non-governmental organizations, stressed that the dissemination of Russian propaganda of this kind violates both national legislation and international conventions ratified by Armenia. “As a matter of fact, *Russia 1* and the *First Channel* in occupying radio frequencies, which constitute a limited public resource, act against the national interests of Armenia,” the statement reads. Similar propaganda is also common on Russian TV channels like *Russia 24*, *NTV*, *TVC*, etc., which are relayed in Armenia through cable networks and by other means, further exacerbating the information and moral damage to the citizens of Armenia. The authors of the ANP statement demanded the Armenian authorities consider the legality of rebroadcasting *Russia 1* and the *First Channel* in Armenia, suspend the channels' broadcasting activities unless they stop the promotion of xenophobia and hatred between nations, and announce licensing competitions for the frequencies made available by the suspensions. The authorities did not react to this statement but its content was widely discussed in society, including on social networks.

In this light, there is urgent need for reforms to broadcasting legislation.

Optimization of broadcasting remains a priority for the Armenian media community in the context of the upcoming transition to digital broadcasting in 2015. Media experts have repeatedly stressed that the effective development of television broadcasting during the transition to digital broadcasting requires civilized procedures and effective strategies. Discussions about the need for a serious plan for digitization in the country have been ongoing since 2006, but problems persist.

At the end of February 2014, the government released a timetable for the transition from analog to digital broadcasting. On July 1, 2015, analog broadcasting in Armenia will be terminated; at that time, 14 regional TV stations licensed for only analog broadcasting face the risk of being closed down. The sharp reduction in the number of TV channels, and especially regional ones, will further exacerbate the lack of diversity and pluralism in the Armenian television sphere, and will increase the threat of monopolization of the broadcast media market. One possible solution, which is proposed in the above-mentioned package of amendments to the broadcasting legislation developed by three journalistic organizations, maybe the creation of private multiplexes. This would allow regional companies that are not licensed for the public digital network to continue their activities after the termination of analog broadcasting.

Additionally, the authors of the draft law propose a model for a social package that would make digital TV accessible to financially vulnerable groups. To ensure the right of access to information, the draft emphasizes the need to provide low-income families with decoders that would allow them to receive a digital signal on old television sets.

In 2014, an old reliable source of information suddenly became unavailable: as of June 1, the cable radio network, which aired the programmes of the Public Radio of Armenia, ceased broadcasting. The Television and Radio Broadcasting Network of Armenia said it decided to disable the cable radio network because it was unprofitable. The termination of cable radio broadcasting mostly affected elderly listeners, who were left without the radio in the kitchen (where the receivers were usually installed); the majority of these listeners do not have access to other reliable sources of information.

Public television. Public Television of Armenia (PTA), failed to establish itself as a viable institution able to offer the audience diverse and high-quality news coverage of topical issues, and, as a result, is now leaving the media scene. State television, which was later changed into public television, has always served as one of the main instruments for the government in power to ensure its reelection. Today, however, the political leadership accomplishes this task by controlling private television channels.

PTA increasingly focuses on cultural and educational programs. This is a positive trend in itself; however, this shift is taking place at the expense of current affairs content, which is contrary to the information needs of the public.

Until recently, PTA has been a leading player in the advertising market, implementing commercial projects no less effectively than the leading private broadcasters. Today, however, especially with the introduction of the ban on commercial advertising, it has been left out of the circle of business competitors. With this new legislation, all the above-stated tendencies, which began

to manifest a few years ago, arrived at their logical conclusion.

Access to airtime. In general, both the government in power and the political opposition have access to television broadcasting airtime. For example, during the election period of 2012-2013, TV channels ensured equal coverage for the authorities and the opposition, and international observers noted this as a positive element. Nevertheless, outside of election campaigns (there were no national elections in 2014), when the law does not provide for a specific technology to ensure political pluralism, different views and positions on socially significant issues are not proportionally covered by broadcast media. Huge advantage is granted to those who control different channels. Pro-government channels are dominated by the views of the ruling circle while TV companies controlled by the opposition mainly present views critical of the current situation in the country. Accordingly, priority access to television airtime is given to opinion leaders (politicians, experts, journalists), whose position is consistent with the agenda of the respective broadcaster. In other words, Armenian broadcast media is characterized by a lack of a versatile, objective, and pluralistic coverage of events and realities on each individual channel.

Another serious issue is the lack of willingness on the part of leading Armenian politicians to take part in debates and open discussion on TV and radio. Political figures engaging in this kind of dialogue could contribute to enhanced discussion of approaches to controversial and socially significant problems.

Internet and New Media

According to the Freedom House report, “Freedom of Internet” released on December 2, 2014, in 2013-2014, like in 2012-2013, Armenia retained its position among the countries with free Internet. According to the report, during the studied period, there were no cases of blocking social media or websites with political and social content, and there were no arrests of bloggers. Internet access in Armenia has increased over the past few years. According to the International Telecommunication Union (ITU), the Internet penetration rate in Armenia was at 46% in 2013, compared with 39% in 2012 and just 6.2% in 2008. While there is not yet definitive data available for 2014, it can nevertheless be assumed that this figure is now over 50%. Armenian Internet users have free access to Internet resources, including services like Skype and Google Talk, as well as popular networks like Facebook, YouTube, Odnoklassniki (Classmates), and others.

The development of the Internet and the ever-increasing access to it has led to the rapid growth of online information resources. Although, according to www.circle.am, there are 232 online “News and Information” resources in the country, experts claim that the number is actually at least 300. The lack of accurate data is a result of the fact that no organization currently endeavors to collect and classify data on online media. Some websites also deliberately avoid reporting data on themselves and do not publish their founders’ addresses or phone numbers. Authors of online publications and information sources frequently remain anonymous.

In general, online media outlets are gaining momentum from year to year and becoming

more serious competitors for traditional media (currently the online audience is the second largest after television). Already, online media is well ahead of traditional media in terms of efficiency and versatility of news reporting and diversity of opinions.

In 2014, there were no reported cases of harassment for activism on social networks or blogs and online activists describe the situation with respect to their rights in Armenia as satisfactory. Most experts believe that the Internet, and particularly social networks, is a platform providing for the opportunity for the free exchange of views. Accordingly, they consider any legislative attempt to restrict this freedom unnecessary, emphasizing that emerging problems are solvable within the framework of self-regulatory mechanisms. Some thinkers have gone so far as to propose that the right to access the Internet ought to be equated with fundamental human rights and protected from any kind of encroachment.

On March 4, 2014, the Armenian Parliament circulated amendments to the Civil Code introducing liability for the dissemination online of defamatory publications and comments submitted from fake accounts. This initiative, which a group of MPs proposed, resulted in protests from journalists' organizations, the media, and active Internet users. On March 14, nine media NGOs released a statement urging the MPs to withdraw the draft as it, "does not solve the existing problems but rather creates new ones" and "contains serious threats to freedom of expression, the right of citizens to receive and share information, and to the protection of personal data." Journalistic organizations believe that most of the conflicts that the draft is meant to settle can be resolved through existing legislation, case law, relevant comments of the RA Court of Cassation, and

through the reporting mechanisms that exist in social networks. European experts and international organizations also criticized the draft law. In parliamentary hearings on March 31, representatives of media NGOs once again stated that the draft should either be significantly revised or withdrawn. At the end of 2014, discussions on the proposed amendments were still in progress.

Conclusions

Overall, in 2014, the level of media freedom remained at about the same level as in 2013. A decrease in the number of cases of defamation filed against journalists and the media, as well as reasonable settlements in the cases that did occur, can be considered a positive trend. The RA Constitutional Court's ruling of November 5, 2013, where it decided in favor of the legal regulation of non-pecuniary damages, unfolded in 2014 as a corresponding provision added to the RA Civic Code. According to experts, the establishment of compensation for moral damage, in conjunction with the development of a clear mechanism for determination of the amount financial compensation, will contribute to the protection of the right to privacy and the accountability of the media.

Amendments to the RA Law *On Copyright and Adjacent Rights*, which were adopted in September 2013 and supported by many media organizations, were implemented in 2014, and the first judicial precedent can be deemed a success.

The absence of mechanisms for the protection of citizens, including journalists, from non-public abusive or defamatory statements remains a problem despite the RA Constitutional Court's November 15, 2011

ruling recommending that the Parliament address this issue.

On a more positive note, after an 11-year impasse, there has been some progress on the issue of norms for the application of the *Law On Freedom of Information*. It is still difficult, however, to predict whether the proposed mechanisms will meet modern international standards.

The year 2014 was marked by two precedents that spurred a harsh critical reaction from the media and civil society. Local and international experts view the court ruling obliging a media outlet to disclose their information sources as a significant threat to freedom of expression in the media, which depends on the protection of sources.

Another alarming precedent was set when a court dismissed a claim against a homophobic article, disregarding overt elements of discrimination and hate speech in the disputed piece.

In 2014, some cases of obstruction of journalists' professional activities (including by law enforcement bodies) occurred during public protests. The perpetrators were left unpunished despite the existence of ample evidence of the abuses. This past year also stood out with episodes of strikingly abusive behavior by government representatives, and especially parliamentarians, towards journalists. While there have always been some cases of illegal actions, impunity of perpetrators, and disrespect toward journalists, these occurrences were especially notable in 2014. Some observers relate this to the shift in Armenia's foreign policy vector (namely its accession to the Eurasian Economic Union): part of the Armenian elite, including some government officials, apparently felt that in the new environment, adhering to the norms and standards of

Western democracies has become optional.

There were no changes in 2014 in terms of the executive and legislative authorities' approach towards reforming the broadcasting legislation and streamlining the process of transition to digital broadcasting. As in previous years, it was mainly media NGOs that advocated for these processes.

Finally, the escalating geopolitical tensions in the world in 2014, and the resulting unprecedented propaganda war, pose a serious threat to the quality of journalism and civilized relations in the field of information. Specifically, the influence of leading Russian TV channels on the Armenian audience and the political environment may be detrimental to the media situation in the country. The prevalence of propaganda over the principles of freedom of speech is the primary challenge with which the Armenian media community entered the year 2015.

Azerbaijan

Policy

The Constitution of Azerbaijan contains articles that outline the basic principles guiding media activities in the country: guaranteed freedom of speech and thought, and the right to free exchange of information. The legal framework for the work of media, in addition to the Constitution, includes laws On Television and Radio Broadcasting, On Public Television, On Mass Media, On Access to Information, and a number of other normative acts. Most of these laws have been examined in due course by the European institutions. By the time these acts were adopted by the Parliament of Azerbaijan, they were assessed as compliant with international standards. However, changes and amendments introduced to the laws in recent years have led to serious criticism from local experts and international organizations.

The law On Television and Radio Broadcasting establishes that creative and professional independence is the guiding principle for the activities of broadcasters. The necessary precondition for broadcasting is a special permission (license), which is

issued by the National Council on Television and Radio (NCTR) for a period of six years. In cases where broadcasters violate the license terms or other requirements of the law, their broadcasting rights may be suspended, through a court decision, for up to seven days. The court is also entitled to revoke a license if establishes that a broadcasting company submitted false information to obtain the license, has not started broadcasting activities within six months after receiving the license, or promotes open calls for violent overthrow of the state system, for encroachment on the integrity and security of the country, or for incitement of ethnic, racial and religious strife, riots or terrorism.

According to the law On Public Television and Radio Broadcasting, the Public Television and Radio Broadcasting Company (ITV) has the status of an independent legal entity. The state provides it with free and unlimited license, and a frequency on which to broadcast. ITV is funded from the state budget, although it may have additional sources of funding such as subscription fees, sponsorship, donations, and income from advertising and product sales. Subscription fees were expected to

become ITV's main source of funding by 2011, but, at the end of 2009, this provision of the law was amended, preserving the financial dependence of the public broadcaster on state budget allocations.

In early 2011, the Cabinet of Ministers of Azerbaijan approved the State Program On Establishment and Development on the Territory of the Republic of Azerbaijan of Digital Television Broadcasting DVB-T. The goal of the Program is to create the conditions for a smooth and complete transition from analogue to digital broadcasting. In September 2014, the Ministry of Communications and High Technologies of Azerbaijan reported that the Program was nearing its final stage and that by January 1, 2015, the country would have completed the full transition to digital broadcasting.

The law On Mass Media, adopted in 1992 and updated in 1999, guarantees freedom of the media and prohibits state censorship. Media freedom may be limited only in an emergency situation. In all the other cases, impeding the dissemination of media products is prohibited unless there is a special court decision. The abuse of freedom of information is also unacceptable under the law. The notion of 'abuse' implies, "the use of mass media with the aim of divulging state secrets, violent overthrow of the constitutional order and encroachment on the integrity of the state, propaganda of war, violence and cruelty, ethnic, racial, social hatred or intolerance, dissemination, under the guise of a 'reliable source,' of rumors, lies, and materials mortifying honour and dignity of citizens, pornography, slander, or commission of other offences." Media activities may be temporarily suspended or terminated by the court in the case of a major infraction. The law establishes the responsibility of journalists for abuse of

freedom of mass information. In particular, it stipulates the civil, administrative, criminal and other responsibility of an editorial office and of media workers for having disseminated information the disclosure of which is prohibited by law, published information without identifying its source (save in a few instances stipulated as acceptable under the law), infringed on the privacy of a citizen, or continued to produce and distribute media products after a court decision suspending or terminating the media outlet's activities. The restrictive provision, introduced to the law in 2010, reads: "except for investigative activities, the surveillance over a person, his or her video and photo filming, or recording of voice without consent or contrary to this person's protest held by media representatives and other persons... is the cause to bring them to responsibility as required by the law." The Parliament of Azerbaijan adopted the most recent changes and amendments to the law On Mass Media on December 16, 2014. Under the amendments, the executive bodies have the power to bring before the court the issue of closing down a media outlet, if it has been established that it is illegally funded by official bodies or natural or legal persons of a foreign state. State bodies possess the same powers with respect to any media outlet that has been found responsible for distributing 'biased information' twice in a year. Previously, punishment could only have been applied if a media outlet was found liable three times in a year.

There is no special law in Azerbaijan that regulates the activities of online media. However, the article, General Definitions of the law On Mass Media, specifies that the Internet is a form of mass media. Therefore, all the legislative regulations on the rights and responsibilities of media are applicable to the Internet.

The law On Access to Information ensures the right of every citizen to obtain information that is at the disposal of any public authority, municipality, legal entity or individual that performs public functions, or is owned by the state or established with its participation, or of a legal entity that holds a dominant position on the market of goods and services or is a natural monopoly. Under the law, responses to requests for information shall be provided within seven days, and, if necessary, no later than in 24 hours. A public authority may refuse to provide a response only in situations when: the authority is not the owner of this information, the disclosure of the requested information is restricted by law, the requestor fails to define the specific subject of the request, the requestor is not authorized to request such information, or the requestor has not identified himself or herself. The law categorizes information as either 'public information' or 'information with limited access.' There are two types of information with access limited by law: secret information (state secrets), and confidential information (proprietary, professional, commercial, investigative or judicial secrets, and personal information). Since June 2012, commercial confidentiality also includes "information about founders (participants) of legal entities and their share in equity capital, and this significantly hampers journalistic anti-corruption investigations." Provisions were made to set up the Office of the Commissioner for Information Issues, which is charged with supervising the implementation of the law. However, over the six years that followed its establishment, the Office failed to fulfill its legal requirement. Only in June 2011 did the Parliament amend the relevant legislation, abandoning the idea of the Commissioner position. At the same time, the Parliament entrusted the Ombudsman for Human Rights with the former responsibilities of the Commissioner

for Information Issues. The Ombudsman has still not taken on these duties.

According to the Criminal Code (CC) of Azerbaijan, defamation in media is considered a criminal act punishable by law. On May 14, 2013, the Parliament amended the Criminal Code, introducing a provision for criminal prosecution for defamation through online media. This act led to strong criticism from Azerbaijani civil society and international organizations, which called for the decriminalization of defamation. A week later, a representative of the Presidential Administration said that the government had drafted a separate law On Protection from Defamation and sent it to the Venice Commission of the Council of Europe for review. Later, the Secretariat of the Parliament announced that this law was to be adopted by the end of 2013. However, in October of the same year, the authorities reported that the current session of the Milli Majlis would not consider the bill because of "discrepancies between the positions of experts of the Venice Commission and the Azerbaijani side, which delayed the adoption of the document." At the heart of the dispute was the Venice Commission's view that the bill presented by the authorities of Azerbaijan, "did not comply with the principles of the European Court of Human Rights, the case law and the commitments of the state in this field" as it "did not stipulate decriminalization of defamation." Ali Hasanov, the head of the Department of Social and Political Issues of the Presidential Administration of Azerbaijan, commenting on the Commission's conclusion, stressed that the state authorities felt the abolition of criminal liability for defamation was premature: "We follow a slightly different philosophy of the Law On Defamation. Its implementation is a lengthy process. Improving the competence of journalists takes time. At the same time, society should prepare itself for adoption of the Law."

International organizations continue to insist on the speedy adoption of the Law On Defamation in Azerbaijan and see the criminal prosecution of journalists for libel and insult as incompatible with the country's commitments to the European community. In early March 2014, the Committee of Ministers of the Council of Europe reviewed Azerbaijan's progress on executing the judgment of the European Court of Human Rights, which had ruled that the restriction of the right to freedom of expression was unlawful. The Court noted that, despite repeated promises, the government of Azerbaijan was not reforming the Law On Defamation. On March 28, the EU published a report on the progress of Azerbaijan within the framework of the European Neighbourhood Policy. The document strongly recommended that the country adopt the law decriminalizing defamation and intensify efforts to investigate all cases of inappropriate pressure on journalists.

Azerbaijani authorities perceive the statements and appeals of the European institutions in a negative way, and with growing irritation. On December 11, 2013, Ziyafet Askerov, the Deputy Parliamentary Speaker, said that Azerbaijan not only refused to decriminalize defamation, but also it "would prepare a special law On Protection of the Honor and Dignity of the President." Askerov stressed that he was personally charged with the duty to draft the bill and added: "The Criminal Code already contains a provision protecting the honor and dignity of the President, but the new law will be of a particular importance, as it will be protecting the head of state from any insults in the media." Throughout 2014, the Ministry of Foreign Affairs and the Presidential Administration have repeatedly issued statements calling international organizations' criticism of the Azerbaijani

government for restricting freedom of speech and expression as, "an integral part of an anti-Azerbaijani campaign," "interference with domestic affairs of a sovereign country" and "warped judgment."

Practice

The previous chapter highlights the main shortfalls of the legislation of Azerbaijan in the field of freedom of expression and media. As studies undertaken in 2013-2014 prove, the most serious problems in this sphere are in the application of this legislation in practice. The detention of a large number of journalists and social activists in the country's prisons is also of special concern. The charges leveled at journalists by the investigative authorities almost never relate to the professional activities of the accused, and society mostly believes that the harassment of media workers is politically motivated and instigated by the authorities. Civic activists of Azerbaijan have brought numerous complaints to the Parliamentary Assembly of the Council of Europe, to the Committee of Ministers of the Council of Europe and to other organizations, accusing the government of using criminal charges to intimidate outspoken journalists, hoping they will restrain their criticism. International organizations have expressed serious concern at the violations of the rights of journalists and mass media in Azerbaijan. In February 2014, Reporters Without Borders (RSF) released its annual world Press Freedom Index, where Azerbaijan held the 160th position out of 180 countries. The Committee to Protect Journalists (CPJ) issued a statement in this regard, claiming that, "the government of Azerbaijan continues to stifle critical voices" and persecutes 'uncontrolled' journalists and bloggers.

Cases of physical violence, threats, blackmailing and arrests of journalists. The number of physical attacks on journalists has decreased over the past five years. However, society is concerned about the government's reluctance to take necessary measures to identify and punish the perpetrators of such offences.

On June 24, 2013, the family of Elmar Huseynov, the editor-in-chief of Monitor magazine who was murdered eight years ago, once again accused the investigative authorities of inaction. In March 2014, Azerbaijani journalists commemorated the ninth anniversary of Huseynov's murder. A number of journalists' organizations issued a joint statement in this regard that reads: "cases of attempting upon the life and health of journalists are not properly investigated in the country; the guilty ones remain unpunished."

On November 20, 2013, the Media Rights Institute (MRI) issued a statement coinciding with the two-year anniversary of the murder of the political writer, Rafiq Tagi. The statement stressed that though an investigation was officially conducted, it was cursory in practice. The Institute criticized Azerbaijani authorities, noting that the large number of unsolved crimes against journalists poses a threat to freedom of expression and is intended to intimidate the critically-minded segment of society. On January 9, 2014, the Prosecutor's Office suspended its investigation into the murder of Rafiq Tagi, explaining this decision only with a statement that, "the investigation and the proceedings failed to establish the identity of the murderer."

In mid-2014, Dunja Mijatovic, the OSCE Representative on Freedom of the Media, stated that "the number of press officers convicted or awaiting trial, has reached the

highest rate in the entire OSCE space" since her office was established. A striking example of persecution of government critics is the campaign of psychological pressure launched against Khadija Ismayilova, employee of Azadliq Radiosu and author of several articles on government corruption, which culminated in her arrest. The campaign started in government-owned and pro-government media in July 2013. A video exposing Ismayilova's intimate life of was published on the Internet. The persons who installed a hidden camera in the journalist's apartment were never identified, but the journalist undertook her own investigation and accused government authorities of being behind this 'operation.' On February 19, 2014, Ismayilova was summoned to the General Prosecutor's Office as a witness in a criminal case of disclosing state secrets. The investigators examined her computer and e-mail, and required her to disclose the name of the source of information. In April, the journalist complained that her professional activities were affected by the frequent interrogations and summons by the police. On September 5, upon arriving in Baku after being in Tbilisi, customs officers detained Ismayilova at the airport. They searched the journalist and released her two hours later. On September 30, Ismayilova said that, while attending an OSCE meeting in Warsaw, she received a phone call from a law enforcement official warning her she would be arrested. On October 6, when the journalist returned to Baku from Strasbourg, she was again detained at the airport for a customs inspection for five hours. On October 13, Ismayilova was prohibited from travelling from Baku to Prague to attend an international conference. The Prosecutor's Office explained the ban on leaving the country only by saying that "there was a need for her participation in the investigatory actions on a case." Finally, on December 5, Ismayilova was arrested.

This time she was accused of the incitement to suicide of Tural Mustafayev, a former employee of Azadliq Radiosu who took poison on October 20, 2014, but survived.

The year 2014 set a record in the number of arrested journalists and social activists for the entire post-Soviet history of journalism in Azerbaijan:

- On January 18, Elvin Kerimov, the administrator of the Azad Soz ('Free Speech') Facebook page was arrested on charges of drug possession.
- On January 24, Omar Mammadov, a blogger, was arrested on charges of illegal possession and sale of drugs. Mammadov's lawyer reports that even before the blogger's arrest the police summoned him and demanded that he put an end to publishing critical materials in social networks. The authorities deny this accusation.
- On April 19, Rauf Mirkadyrov, a staff reporter of Zerkalo ('The Mirror') newspaper in Turkey, was arrested on charges of treason and espionage. The Prosecutor General's Office issued a statement claiming that in 2008-2009 Mirkadyrov published information on Azerbaijan's military capabilities and the deployment of the armed forces to the intelligence services of Armenia. Mirkadyrov denied these accusations. Subsequently, law enforcement officials arrested Leyla Yunus, director of the Institute for Peace and Democracy, and Arif Yunus, a political scientist, who had previously been witnesses to the case against Mirkadyrov.
- On July 23, Faraj Kerimli, chairman of the youth movement of the Musavat Party and the administrator of its website (musavat.org.az), was arrested. A few days prior to his arrest, the police also arrested his older brother



In a month after the arrest of Rauf Mirkadyrov, the journalist of Zerkalo newspaper, his father died. The authorities allowed Mirkadyrov to be present at his father's funeral. Elchin Shykhly, the editor of the newspaper, commented on this as follows: "By his death the father presented the son with several days of freedom".

Siraj Kerimli. They are both accused of possession of illegal drugs. A representative of the press service of the Ministry of Interior added that, "the detainee F. Kerimli was engaged in propaganda of psychotropic substances through social networks."

- On August 2, Rasul Jafarov, a journalist and the founder of the Human Rights Club, was arrested. The Prosecutor's Office brought charges of tax evasion, illegal entrepreneurship and abuse of office against him.
- On August 2, Ruslan Naserli, the creator of the Facebook page, 'Supreme Commander, Answer to the People,' was arrested and sentenced to 30 days of administrative arrest on charges of disorderly conduct and disobeying the police. According to Naserli's lawyer, the youth activist was punished for using the Facebook page to call on his peers to hold a protest against the deaths of soldiers.
- On August 29, police detained Seymour Hazy, a journalist with the Azadliq newspaper and the host of the Azerbaijan Saaty television programme. He was prosecuted for disorderly conduct - getting into a fight at a bus

stop. The court opted for a preventive measure for the journalist in the form of two months of imprisonment. At the trial, the journalist said he was forced to defend himself from an attacker. The editorial staff of Azadliq newspaper issued a statement claiming that the authorities had deliberately set up this provocation to punish Hazy for his critical articles.

- On October 29, Khalid Garayev, another journalist with the Azadliq newspaper and an employee of Azerbaijan Saaty, was arrested. He was sentenced to 25 days in prison for petty hooliganism and disobeying the police. According to the indictment, Garayev, “was swearing at no one in particular and using foul language in the center of Binaqadi settlement, and when police officers reprimanded him, he disobeyed them.” The journalist’s lawyer labeled the trial as ‘politically motivated’ and the case as ‘framed up.’

The years 2013-2014 have also seen cases of violence or detention of journalists in the performance of their duties. In April 2013, ANS TV journalists filming a public protest in a district of Baku was attacked by a representative of the executive power of the district. Inspectors of the Ministry of Transport beat two correspondents with the Azadliq newspaper who were trying to learn the reasons behind the maltreatment of taxi drivers by employees of the state body. In June, police applied force against representatives of the Institute of Reporters’ Freedom and Safety (IRFS) and ANS TV channel who were covering a rally in support of mass protests in Turkey. On October 5, more than 10 journalists were beaten by unidentified perpetrators at a meeting of the presidential candidate from the opposition National Council of Democratic Forces (NSDS) party with voters

in Sabirabad district. On October 12, police attacked journalists after an opposition rally in Baku. One of the journalists, an employee of website Haftaichi.az, was hospitalized with serious injuries. On April 25, 2014, Farakhim Ilharoglu, a correspondent with the Yeni Musavat newspaper, was beaten at the entrance of his house. The newspaper undertook its own investigation and argued that the beating of its journalist involved the nephew of Ziya Mammadov, the minister of transport. “Law enforcement officials lack the courage to prosecute the contractor and the one who committed this assault,” Ilharoglu’s lawyer said.



The camcorder of the car situated nearby recorded the moment of beating of Farahim Ilharoglu, the reporter of Yeni Musavat newspaper, near the entrance hall of his house.

On May 7, unknowns attacked a correspondent with Internet television broadcaster, Obyektiv TV, near the courthouse during the trial of youth activists with the NIDAmovement. On May 16 and 26, in different regions of Azerbaijan, Islam Shikhaliyev and Elchin Ismail, both journalists with Azadliq Radiosu, were attacked. On August 21 in Nakhichevan, a group of unidentified persons severely beat Ilgar Nasibov, a human rights activist and journalist, landing him in the intensive care unit of a local hospital.

Of all these cases, only one was properly investigated and the culprit was punished: the police officer who had attacked an ANS TV journalist in front of the Turkish Embassy was brought to administrative responsibility. The case of Ilgar Nasibov, was settled in court through an amicable agreement.

Meanwhile in 2013-2014, many journalists were detained or summoned by law enforcement bodies for questioning: Aynur Imranova, an independent journalist, Mekhman Huseynov and Abulfat Namazov, IRFS employees, Natig Adilov, a correspondent with Azadliq newspaper and the host of Azerbaijan Saaty, Turkhan Kerimov, a photographer, Shakhveled Chobanoglu, a journalist, Emil Salamoglu and Sevinj Telmanhyzy, correspondents with Yeni Musavat newspaper, and practically the entire staff of Azadliq Radiosu.

In the years 2013-2014, the police and prosecutor's offices used various criminal charges to raid the editorial offices of Moderator.az, Bizim Yol and Zerkalo newspapers, and the office of the IRFS. At the end of the year – on December 26, officers of the General Prosecutor's Office searched the offices of the Baku Bureau of Radio Liberty (Azadliq Radiosu), seized their equipment and documentation, and sealed the editorial office. Nenad Pejic, the head of the Radio Liberty/Radio Free Europe Corporation condemned this move on the part of Azerbaijani authorities, calling it a "flagrant violation of every international commitment" and "an integral part of a thuggish effort to silence Radio Liberty."

Prosecution of journalists in courts.

The authorities of Azerbaijan often use courts to put pressure on journalists and the media. Such trials are mostly initiated by representatives of the government or big

businesses. However, it is worth noting that there have not been recorded violations of the principle of confidentiality of information sources by the courts.

On December 18, 2014, the CPJ released a list of countries with media workers sentenced to prison terms. Once again, just as in 2013, Azerbaijan was in the top ten. Over the past two years, courts have sentenced 10 journalists and bloggers to long terms of imprisonment:

In 2013:

- Avaz Zeynalli, the editor-in-chief of Khural newspaper (12 years of imprisonment on charges of extortion);
- Rashad Ramazanov, a blogger (9 years of imprisonment on charges of illegal possession and sale of drugs);
- Hilal Mammadov, the editor-in-chief of Tolyshi Sado newspaper (5 years of imprisonment on charges of treason, illegal drug trade, the incitement of national hatred);
- Sardar Alibeyli, the editor-in-chief of Nota Bene newspaper (4 years of imprisonment on charges of hooliganism).

In 2014:

- Parviz Hashimli, an employee of Bizim Yol newspaper and the editor of moderator.az (8 years of imprisonment on charges of smuggling, illegal sales of weapons);
- Ilkin Rustamzadeh, a blogger (8 years of imprisonment on charges of organizing mass riots, unlawful possession of explosives and drugs);
- Abdul Abilov, a blogger (5.5 years of imprisonment on charges of illegal possession and sale of drugs);
- Tofiq Yagublu, an employee of newspaper Yeni Musavat (5 years of imprisonment on charges of participation in organizing mass riots);

- Elsever Mursalli, a blogger (5 years of imprisonment on charges of illegal sale of drugs);
- Omar Mammadov, a blogger (5 years of imprisonment for possession of drugs and drug dealing).



The last words of the 19-year-old Omar Mammadov, the University student, blogger and activist of the youth movement, to the 58-year-old judge, who deprived him of freedom, were as follows: "My Facebook page was visited by half a million people every month. Evidently, the authorities considered it to be dangerous. Though the court of conscience is more important for a person as there are no pseudo-witnesses, frame-up criminal cases and false judges as you are. I am honest with my conscience".

The presidential decree of December 29, 2014 granted pardon to two journalists from this list – Avaz Zeynalli and Sardar Alibeyli. But the same month marked the beginning of the trial of Seymour Hazy, a journalist with Azadliq newspaper. Two more well-known journalists (R. Mirkadyrov and K. Ismayilova) and two bloggers (F. Karimli and R. Jafarov) are currently being held at detention facilities waiting for trial.



Relatives and colleagues are meeting the journalist Avaz Zeynalli, pardoned on the New Year eve, at the gate of the penal prison.

The country's courts rarely acquit media outlets and journalists, and practically never respond to their complaints about the authorities. In 2014, courts rejected two of Yeni Musava newspaper's claims against the municipal executive body. They have also repeatedly refused to hear claims against the investigative authorities by, among others, Khadija Ismayilova, a journalist with Azadliq Radiosu, Tapdiq Ferhatoglu, a correspondent with the Voice of America, Rauf Mirkadyrov, an employee of Zerkalo newspaper (who has now been arrested), Nijat Aliyev, the editor of Azadxeber.org, Avaz Zeynalli, the editor of Khural newspaper, and Hilal Mammadov, the editor of Tolyshi Sado newspaper. The three former are being sentenced.

Defamation lawsuits, filed mainly by officials and representatives of big businesses, often burden media outlets with large fines as compensation for moral damage. As a rule, opposition media tend to end up before courts most often. In 2013, the court imposed monetary sanctions in the amount of €62,000 on Azadliq newspaper as a result of claims by the head of the Baku metro and the Director of the country's largest trading center that the newspaper had insulted their honor and dignity. In March 2014, the MRI reported that, "over 25 cases of defamation in the media are currently under investigation. All of them relate to stories, covering high-profile cases, where social activists, politicians, officials and executives of private companies, who are connected with the authorities, are plaintiffs. The amount of compensation ordered by the courts in these cases exceeds €2.5 million. Sustaining these cases will mean the financial destruction of media critical to the government."

One of the most high-profile defamation cases in the recent years was the lawsuit brought by Ramil Usubov, the interior minister, against Eldaniz Guliyev, a movie

director and a member of the National Council of Democratic Forces. The Ministry of Internal Affairs' press statement on this issue, dated August 27, 2014 and circulated on Facebook and published by Azerbaijani media, says that Guliyev, in a statement to the Ministry's leadership, had admitted to "insulting the entire Azerbaijani police, their honor and dignity and reputation." Guliyev, however, said that the claims were completely unfounded: "I just pointed out that policemen who are well-equipped with technical facilities and modern uniform should have the appropriate level of culture and ethical behavior. I just described the situation I had seen. The traffic police stopped drivers for no reason and the protocols were inappropriate. I called on the Interior Ministry to take steps to eliminate such phenomena." After linguistic experts established the presence 'of elements of libel and insult' in Guliyev's words regarding the police, the court sentenced him to 480 hours of community service and ordered him to pay a fine of 1,000 manat (about €1,000).

Access to information. In their day-to-day work, the media and journalists face difficulty accessing official information. The problem, however, is not common across all official bodies: some state agencies often provide complete and timely responses to requests for information, while others usually ignore journalists' requests and, in some cases, a particular ministry will decide to restrict access to information for journalists. In January 2014, the minister of education signed a decree forbidding heads of educational institutions, including universities, to make information public without approval from the ministry's press service. In February 2014, acting under this decree, the security service of the Baku State University barred journalists from covering a student protest. As a result, journalists who were trying to interview students were injured and had their cameras broken.

The problems with access to official information are not limited to the illegal refusal of authorities to respond to requests for information. The right of journalists to access information is violated both by courts and the Parliament. For instance, in 2013, six cases were recorded of journalists being barred from covering trials even though all the hearings were open. In late 2013, the Parliament forbade journalists to bring not only recording equipment, but also smartphones, to the meeting room. The reason behind this decision was video footage recorded by a journalist on a smartphone and published on the Internet several days earlier. This video clearly showed MPs voting with the e-cards of their colleagues. On May 2, 2014, Leman Alashrafyzy, a parliamentary correspondent with ANS TV, was denied entry to the Parliament meeting room and told that his accreditation had been revoked. The ANS TV claims that this move was retaliation for the journalist publishing a story revealing that a Milli Mejlis employee was walking the rows of the session hall voting for absent MPs.

The years 2013-2014 were marked by a number of cases of barring or expelling foreign journalists from the country. In April 2013, the Russian Embassy in Azerbaijan addressed a protest note to the Azerbaijan MFA in connection with an incident involving the editor-in-chief of the weekly *Nastoiishcheie Vremia* based in Dagestan. The journalist was detained in the Baku airport and deported from the country. In October, several German periodicals reported that their correspondents were refused visas to visit Baku to cover the presidential elections. In May 2014, French journalists Laurent Richard and Emmanuel Bach were detained at the Baku airport before their departure and authorities seized their recorded footage and photography equipment.

It is noteworthy that during the 2013 presidential elections, some government agencies, including the Central Election Commission (CEC), and political parties, were more open to the media than during previous elections. Representatives of the ruling party, participating in a televised debate, spoke about the need to expand access to information and promised to establish strict penalties for those who violate the relevant laws. At that time, Elmira Suleymanova, the ombudsman of the Republic of Azerbaijan for human rights, for the first time, openly demanded that the Cabinet of Ministers expedite the establishment of a mechanism to manage complaints of illegal refusal to provide information to journalists. Suleymanova said that after three years of attempts, she had been unable to convince the government to allocate the necessary staff and funds to take on this task.

On the positive side, in 2013-2014, various Azerbaijani state agencies organized events to strengthen the relationships between their press services and the media. With this goal in mind, they held Walk-in Days in line with the Open Government Initiative National Action Plan. However, a number of opposition and independent media critical toward the government claimed that they were not allowed to attend these events.

Censorship and self-censorship. Official censorship was abolished in Azerbaijan in 1998, and the country currently has no bodies exercising pre-emptive censorship. In the years 2013-2014, there were no recorded instances of prohibitions against an issue of a newspaper, cancellation of printing or distribution of a periodical for ideological reasons, or confiscation of a circulation (or a part of it) anywhere in the country except in Nakhchivan and Ganja. On November 22, 2013, Yeni Musavat newspaper reported that

its issue was not delivered to subscribers in Nakhchivan and not sold in news stalls by an order of the authorities of the Autonomous Republic. On May 23, 2014, the newspaper complained that the executive bodies of Ganja had imposed a ban on the sale of Yeni Musavat in the city.

While explicit censorship is rare, some topics are taboo for state-funded and pro-government media and TV channels, including criticism of the President and the army. During the 2013 election campaign, the CEC attempted to impose taboos on the representative offices of foreign radio stations. For instance, the Commission warned the Azerbaijan bureau of Radio Liberty that it was not allowed to broadcast a series of interviews with presidential candidates because it had not completed the required CEC registration. The management of the radio station rejected the Commission's claim, pointing to the Electoral Code of Azerbaijan and international rules.

One of the worst trends limiting freedom of the media is the excessively high level of self-censorship at almost every Azerbaijani media outlet. A striking example was the refusal of all the TV channels in the country, both public and private, to participate in the fall 2013 election campaign. Experts see this event not only as the refusal of the TV channels to fulfill their professional duty, but also as the abandonment of about €4 million in advertising revenue; it hardly seems a voluntary move. There are many factors contributing to self-censorship among journalists: political (severe punishments, including for defamation, stipulated in laws), economic (risk of losing advertisers, or state financial support), judicial (unreasonably high fines). Administrative resources are used for this purpose as well. Frequent threats, summons to the police, and phone tapping are

all designed to create a climate of fear among journalists. For example, on December 4, 2013, one of Azadliq newspaper's correspondents was summoned to a police station where he received a Prosecutor's warning about liability for critical publications.

Reports from numerous human rights organizations present evidence that social network activists are also often subject to such intimidation: "The Government tightens control over Internet users, as it is not able to restrict their access to social networks," reads a December 5, 2013 MRI statement. Searches and seizures of computers from the offices and apartments of journalists and bloggers reinforces this climate of fear, though the crimes with which these journalists are charged are usually unrelated to their professional activities.

Monopoly and economic conditions. There are various forms of government control over most of the media and the major publishing facilities. Mass media are not transparent in terms of property (owners, sources of income), and this complicates the application of the antimonopoly legislation, hampering the law from preventing media concentration in the hands of one political force.

Under the current conditions in Azerbaijan, the media cannot function without political support or financial assistance from one side or another. The advertising market is poorly developed. State agencies place their messages only in media outlets loyal to them and have forced big businesses to do the same. The government uses a selective approach in financing media outlets. The government uses state support programs for protectionism and to subdue independent media. Fines resulting from court decisions pose a serious economic threat to newspapers and websites.

At the beginning of 2013, there was no state monopoly in the sphere of distribution of printed products, although the market was dominated by the so-called 'self-supporting' company, Gasid, whose controlling interest is owned by the state. The main battle between the authorities and independent press in 2013-2014 involved this printed products distribution network.

Since the beginning of 2013, Gasid has nearly completely ceased paying newspapers their revenues from sales of their print products. Under the current conditions, where profit from sales is the only source of income for independent periodicals, many of them have found themselves in difficult economic positions. In the autumn of 2013, the authorities used the pretext of 'restoring order' to ban the sales of newspapers at metro stations, resulting in a 20% decline in their circulation. The two largest social and political periodicals of the country, Yeni Musavat and Azadliq, were forced to suspend their publishing activities and seek support from the public. The money collected during a one-day fundraising marathon and donations from readers allowed them to resume work. In January 2014, the government revoked all permits to conduct street sales of newspapers under the pretext of 'improvement of the capital city,' costing the periodicals and additional 20% of lost circulation. The municipality forbade journalists' protests while the courts rejected the lawsuits filed by editorial offices. As a result, many independent media were on the verge of bankruptcy: they could not exist without financial support from the Fund of State Support for Media Development (under the President of Azerbaijan), oligarchs or political parties.

In May 2014, one of the most popular newspapers in the country, Aina-Zerkalo, was forced to close down. On August 1, the



The Mayor's office prohibits installing newspaper stands in the streets and squares – “they spoil the city outlook”...



And these boxes – do not spoil the outlook of the city

Azerbaijan state publishing house suspended the printing of the opposition newspaper, *Azadliq*. Rahim Hajiyev, the first deputy editor of the newspaper, said, “The reason is that the publishing house requires the newspaper to pay off debt amounting to more than 20,000 manat (€20,000). At the same time, the state-owned, *Gasid*, owes the newspaper 3.5 times that amount, but refuses to pay. The authorities deprived the newspaper of its natural sources of income. We couldn't pay salaries to our staff for months.” The newspaper managed to resume its work within a week, after it paid off a portion of its debt to the publisher with donations of readers.

On November 1, *Gasid* declared bankruptcy, never paying off the huge debt it owed to the impoverished periodicals.

Broadcasting

Underlying the rapid technical development of telecommunication systems, the main problem plaguing television and radio journalism in Azerbaijan remains the State control over all the broadcasters in the country. Both terrestrial and cable broadcasters are subject to licensing requirements.

On paper, the public broadcaster (ITV) exists as a form of public service television. In reality, its line-up differs little from that of commercial channels. In April 2013, ITV elected a new chairman. Journalistic organizations issued statements noting violations during the elections. Although, according to the law, the election of the ITV chairman is the responsibility of an independent Council for Public Broadcasting, the process was administered from the beginning by the National Council on Television and Radio (NCTR). This is an example of how regulatory bodies are used as a tool of political control over broadcasting.

The journalistic activities of Azerbaijani TV channels are marked by low levels of pluralism, absence of sharp debate, and bias in coverage of social and political events. These features manifest particularly strongly during major political campaigns. During the presidential elections in Azerbaijan, all nine national and 14 regional TV channels in the country failed to show a single programme that included the opposition candidate, except for on ITV within the framework of free political advertising, as required by law.

There are no private radio stations in the regions of Azerbaijan. While the law requires the NCTR to publish the list of frequencies available for broadcasting on an annual basis,

this data has not been made public since 2002. On February 17, 2014, the NCTR denied license renewal to the regional channel Aygun TV (the city of Zaqatala). The official statement provided by the Council claimed that the company had not submitted the necessary documents for license renewal. However, the director of Aygun TV claims that the previous day he refused an offer to buy the channel and was therefore punished.

The NCTR has committed itself not to allocating available frequencies for broadcasting, but to regulating of the number of broadcasters in the country. On April 22, 2014, Nushiravan Maharramli, the chairman of the Council, said that Internet TV channels in Azerbaijan would not be issued licenses for cable broadcasting: “they have to make a choice. If they want to broadcast on cable, then they are to establish a cable TV, and then they are to contact us and we will consider the issue and make a decision. Otherwise, the number of television channels will increase dramatically. And today Azerbaijan has a sufficient number of TV channels for a country with such territory.”

Internet and New Media

Internet resources and online journalism are rapidly developing in the country. The number of readers of online versions of popular newspapers and magazines is at least 7-10 times their print circulation. In 2013-2014 dozens of new information websites, Internet TV and Internet radio emerged in Azerbaijan. According to the official data, in mid-2014, more than 70% of the population used the Internet, 50% of them were connected

to broadband Internet, and the number of Facebook users exceeded 1.25 million people. The National Strategy for Information Society Development of the country predicts that by the year 2020, online media and social networks and other modern media will come to the forefront in the everyday lives of Azerbaijanis and such universal values as Internet freedom and access to information will be fully ensured.

The current laws and regulations do not pose a serious threat to Internet freedom. However, the frequent calls, especially on the part of MPs, to toughen these laws and to establish a national regulatory authority for the Internet are of great concern. Moreover, there have been numerous cases of persecution, and administrative or judicial punishment of bloggers and active Internet users with critical positions. As mentioned earlier in this report, in the past two years, six famous bloggers have been arrested on charges of illegal possession of drugs or disorderly conduct, and five of them were sentenced to long prison terms.

In August 2013, the country saw its first victim of the legislative changes on criminal responsibility for defamation on Internet resources, introduced to the Criminal Code by the Parliament three months earlier. The Court of Astara sentenced city resident Mikayil Talibov to correctional labour for one year and deducting 20% of his salary for alleged libel against AccessBank committed on Facebook. The court of appeal overturned the verdict and sent the case for retrial, but the district court, after revising the case in June 2014, only reduced the sentence to nine months.

There is no monopoly in the provision of Internet services, but government organizations dominate the market. There have

been cases of blocked access to certain websites and online media, although there is no evidence government authorities were behind these restrictions. In 2013, the website of Azadliq newspaper and opposition website Minval.az faced continuous cyber-attacks resulting in intermittent outages. Minval.az was forced to suspend its activities for a few days. The signals of satellite broadcasts of Azadliq Radiosu and Azerbaijan Saaty were being jammed. The country's popular media outlets Mediaforum.az, Moderator.az, Gunxabar.az, Azadliq Radiosu, and Internet TV Channel-13 all reported serious problems linked to cyber-attacks on their websites in 2014.

High prices for Internet services are a serious obstacle to access to the Internet for certain segments of the population; however, in recent years the costs have decreased.

Comparative analysis of press freedom in 2013 and in 2014

The freedom of speech and media situation in the country has not changed much in general in recent years. The Media Freedom Index for Azerbaijan, presented by experts on a quarterly basis from the beginning of 2013, remained at the same level (3) at the end of 2014. However, a comparison of the research results for different quarters suggests the situation is gradually deteriorating. The total score, which is the basis for calculation of the Index, dropped from 571 to 532 points in 2014.

Legislation has become increasingly restrictive. Azerbaijan, contrary to expectations, has not only refused to abolish the provision of the Criminal Code on criminal punishment for defamation in the

media, but, on the contrary, it extended this norm to the Internet in 2013. The changes and amendments to the law On Mass Media, adopted by the Parliament in December 2014, gave the executive authorities the right to launch lawsuits to close down a media outlet that had been accused of disseminating 'biased information' twice in a year. The 2014 amendments to the laws on non-governmental organizations, on grants, and to the Code of Administrative Offences have complicated the situation for media and journalistic associations supported by foreign donors. Some periodicals and websites have closed down, and a number of professional organizations have practically suspended their activities.

Against this background, official calls to toughen mass media legislation, which have become more frequent in 2014, cause serious concerns. In January 2014, the chairman of the Parliamentary Committee on Human Rights announced that a new law On Psychological Security of Information was being drafted. According to the official, this law will "establish the conditions for effective fighting against immorality, radicalism, and other negative phenomena in the media." On September 4, the Prosecutor General's Office of Azerbaijan stated that it had drafted a bill on amendments to the existing regulations that would ensure information security and protection of state secrets. According to the head of the press service of the General Prosecutor's Office, "It is expedient to revise the list of information related to military secrets and to expand it given the current developments." On September 11, the deputy executive secretary of the ruling party said that the Parliament may soon adopt amendments to the laws regulating media activities: "Any user should register using his ID number to be able to comment on a website or in a social media... Any information received by media

has to be double-checked by the press office of a correspondent institution. Media outlets publishing unverified information will be issued a considerable fine.”

Four journalists and bloggers in 2013, and six in 2014 were sentenced to long terms of imprisonment in Azerbaijan (subsequently, two of them were pardoned by a presidential decree). Additionally, five well-known journalists and bloggers arrested between April and December 2014 are being held in the country’s prisons awaiting trial.

The study suggests a growing rate of self-censorship among journalists. The worst score the country received was in the second half of 2014: 48 points. For comparison, for the same period in 2013 Azerbaijan scored 57 points.

Another worrying trend is the further deterioration of the financial condition of media outlets, which is also highlighted in the Media Freedom Index report. This score has been steadily declining since September 2013 (64 points), and by the end of 2014 it reached its lowest level ever (58 points).

The Media Freedom Index experts have noted no significant change in the freedom of broadcasting in Azerbaijan (40-44 points) and the role of courts in prosecution of journalists (43-46 points) for the past two years.

At the same time, the experts note that access to information in the country by the end of 2014 (50 points) seems to have improved compared to the beginning of 2013 (42 points). This is as a result of the development of the Internet, the creation of regional information and resource centers, and the implementation of some measures in line with the State Program for Promotion of Open Government.

Conclusions

This study has revealed a gradual deterioration of media legislation in Azerbaijan in the years 2010-2014. Another threat to freedom of expression and media in the country is imprecise interpretation and application of the laws by the executive and judiciary branches of government. Thus, currently, the media sphere of Azerbaijan suffers from two especially pressing issues:

- The growing number of legislative provisions unduly restricting freedom of expression and journalistic activities;
- The arrest and prosecution of journalists criticizing the government.

The main issues raised by international organizations before the government of Azerbaijan in the sphere of freedom of expression and media are a result of these circumstances. Yet the authorities of Azerbaijan do not respond to international pressure, requirements and requests, and argue that the country’s laws comply fully with international standards and that the journalists and bloggers in question have been arrested for crimes that are not related to their professional activities.

Still, many experts believe that by mid-2015, the stance of the Azerbaijani authorities on these issues will be softened. On the eve of the first European Summer Games and parliamentary elections, the country, which wants to improve its international image, should introduce some changes to the media laws in line with the requirements of the Council of Europe and the EU, and pardon several convicted journalists. Such concessions would not likely have a significant impact on the status quo in the media sphere. The most restrictive aspects of the laws on mass media are used as deterrents and are rarely applied in practice to punish the media and journalists.

For example, for the whole period covered by this study (2013-2014), there have been no instances of imprisonment of a journalist for defamation in Azerbaijan, or of closing down a media outlet through a court decision, although such penalties are stipulated in the law. Journalists are being arrested on charges of disorderly conduct, drug possession, treason, smuggling, tax evasion, and so on instead, while independent media shut down mainly due to financial problems. On the other hand, based on experience, even the most persistent critics of the authorities, who have been placed to prison and subsequently pardoned by the President, rarely create further problems for the authorities.

The impact of such moves to soften the legislative stance on media may be minor and impermanent. In order to improve the situation in the sphere of freedom of speech and mass media, Azerbaijan requires a deeper transformation, including legal, judicial and economic reforms. Only reforms can free the media from the political control of the authorities and give them the opportunity to function independently. Yet the country lacks the economic environment for the existence of independent media; television is controlled by the authorities, there is no transparency in the activities and sources of income of online and print press, editorial offices are characterized by a high level of self-censorship, and state services hold a dominant position in the provision of Internet services.

Today Azerbaijani media are generally unable to perform such important functions as protection of public interests, coverage of the activities of state institutions, coverage of major political campaigns, and adherence to professional norms and international standards. These weaknesses were apparent in the way media behaved

during the presidential elections of October 2013. Azerbaijani media failed to ensure comprehensive public awareness about the elections or to provide balanced and impartial coverage of the election campaign. This happened partly because of restrictions set out in the Electoral Code; however, the principal reason was that all the attention of state media and television was focused on the candidate from the ruling party, while the few opposition periodicals and websites promoted only 'their candidate,' and quasi-independent media opted to keep a distance from politics and refused to participate in the coverage of the election campaign. All these facts and experiences illustrate the political bias of the vast majority of Azerbaijani media, and their division into warring ideological camps as a direct consequence of the above-mentioned problems in the sphere of media freedom.

Belarus

Belarus has always consistently ranked last among Eastern Partnership countries during the period of the Media Freedom Index evaluation. The results of the expert inquiries (both in 2013 and 2014) show that repressive legislation in the field of freedom of expression and total state control over television and radio broadcasting have the most negative impact on the media freedom index.

Evaluating Belarusian defamation laws, all experts gave them the lowest possible score (zero) on all assessed aspects. This is attributable to the fact that the Criminal Code of the Republic of Belarus contains, and applies from time to time, six articles providing for criminal liability for defamation and insults with a stricter liability for defamation in relation to the President and high-ranking officials. The Criminal Code also contains an article criminalizing the discrediting of the Republic of Belarus.

Legislation in the field of freedom of expression has become even more repressive in view of amendments introduced to the (already rather undemocratic) Mass Media

Act at the end of 2014. These amendments made matters worse for traditional media by enhancing state control over the mass media and enabling the Ministry of Information to block Internet sources in pairs (without a court decision) even for a single violation (at the ministry's discretion) of the laws on the media.

The tendencies revealed at the end of 2012 have long underlain regulatory enforcement in the field of mass media in Belarus. Though conditions remained very unfavourable for journalistic activity throughout 2013-2014, no overtly repressive actions in relation to the media and journalists (newspaper shutdowns, initiation of criminal cases, etc.) were observed. The major problems at the beginning of 2013 were as follows:

- media registration permission procedure (according to 2010-2011 official data, the Ministry of Information issued 105 refusals to register mass media companies);
- detention of journalists by law-enforcement representatives (2014 saw a reduction in the number of journalists detained. While, in 2013, the Belarusian Association

of Journalists reported 50 cases of detention with four of them resulting in 3-12 day administrative arrests, in 2014, 29 cases of detention were reported. None of these journalists were arrested for their professional activities);

- interference with the activity of journalists cooperating with foreign media;
- restriction of journalists' access to information;
- economic discrimination against the independent media.

In the latter half of 2014, however, things for the media got significantly worse, owing primarily to increased pressure on journalists cooperating with foreign media. If earlier the Prosecutor General's Office and the Committee for State Security may have only issued a warning, in 2014 they started bringing administrative actions against journalists for "the unlawful manufacturing of mass media products" (paragraph 2, Article 22.9 of the Administrative Offences Code). Law-enforcement bodies and courts viewed the preparation of materials for the foreign media by Belarusian journalists not accredited by the Ministry of Foreign Affairs as the unlawful manufacturing of mass media products. 2014 witnessed the initiation of 14 administrative cases against such journalists with 10 of these resulting in fines amounting to 4.5-6 million roubles (€350-450). Another case is still pending consideration in 2015, and three cases were withdrawn due to the expiry of the period of limitation for the institution of administrative proceedings.

The total amount of fines exacted from journalists cooperating with the foreign media in 2014 was 52.5 million roubles, which is equivalent to almost €4,000. Another 21.45 million

roubles (more than €1,500 euros) was exacted from journalists accused of participating in unauthorized events. Additionally, printed press distributors were fined 25.5 million roubles for the unlawful distribution of mass media products (same paragraph 2, Article 22.9 of the Administrative Offences Code).

2014 saw the initiation of several criminal cases related to freedom of expression.

In February, the Prosecutor's Office of Bobruysk initiated a criminal case related to insults to a law-enforcement representative published in Aleh Zhalnou's personal blog (Article 369 of the Criminal Code of the Republic of Belarus). The Department of Internal Affairs of the Mogilev Regional Executive Committee claimed that the personal website "Aleh Zhalnou's Blog" published a range of materials in 2012-2013 that insulted a police officer. Later, criminal proceedings were also launched against the blogger's son and wife. The blogger's son was sentenced under Article 364 of the Criminal Code (Violence or threat of violence in relation to an internal affairs agency officer) to three years in a detention centre and fined 50 million roubles (about €3,500). Reporters Without Borders condemned Bobruysk court's three-year confinement sentence (<http://en.rsf.org/belarus-blogger-s-son-sentenced-to-three-24-07-2014,46696.html>). "Unable to silence Aleh Zhalnou (a blogger who is very critical of the local police), the authorities are now targeting his son," said Johann Bühr, the head of the Reporters Without Borders Eastern Europe and Central Asia desk. "We deplore this verdict, which preserves the impunity of the local police, and we call on the courts to overturn it on appeal." Reporters Without Borders highlighted that Belarus was ranked 157th out of 180 countries in the 2014 Reporters Without Borders press freedom index.



Blogger Aleh Zhainou

June 19 saw the initiation of criminal proceedings against 68-year-old Ekaterina Sadovskaya for insulting the President of the Republic of Belarus (paragraph 2, Article 368 of the Criminal Code). The criminal charges were a result of an entry in the comment book of the Minsk Savyetski District Court in which Sadovskaya expressed indignation at the groundless arrests of activists on the eve of the Ice Hockey World Championship, allegedly, “using insulting words, word combinations and phrases containing a humiliating and indecent appraisal of the President of the Republic of Belarus.”

The greatest public outcry, however, came following November’s initiation of criminal proceedings against Aleksandr Alesin, a journalist with the *Belorusians and Market* newspaper (Белорусы и рынок). The journalist was arrested for ten days on charges of treason (Article 356 of the Criminal Code) and cooperating with the special security service bodies or an intelligence body of a foreign country (Article 356-1). One of the charges (treason) was dismissed ten days later and Alesin was released on his own recognisance not to leave town.

Though it remains to the freest segment of information space in Belarus, internet freedom

in the country has also worsened recently. According to December’s amendments to the *Mass Media Act*, the Ministry of Information has the power *in pais* to block websites for hosting information whose dissemination is prohibited. This being the case, the list of “information whose dissemination is prohibited” is not well-defined and includes, *inter alia*, information whose dissemination **can** do harm to the interests of the Republic of Belarus.



Military columnist Aleksandr Alesin

More than ten online media sites had already been blocked before the amendments to the *Mass Media Act* took effect. Only in one case did the state assume responsibility for blocking a website, accusing *onliner.by* of violating Internet trading rules. Nevertheless, the data shows that the state-owned *Beltelekom* (Белтелеком) was behind the blocked the websites; the move was most likely related to a dramatic upsurge in public interest in accessing unbiased information amid a foreign-exchange crisis in the country. Experts also note that this blocking may be “a common practice before the upcoming 2015 presidential campaign.”

As for the television and radio broadcasting situation, it remained relatively constant

during 2014. Belarusian experts still ranked it the worst of all the Media Freedom Index sections (Index 1 out of 7 with Belarus' overall index being 3 according to the last inquiry). All experts gave minimum scores (zero) when responding to the question about the public television – there is simply no such thing in the country. Most experts agree that it would be impossible to create independent public television in Belarus without carrying out significant political reforms.

Thus, the mass media situation in Belarus had changed for the worse by the end of 2014. This decline is associated not only with the stricter regulatory enforcement (which has a cyclical nature associated with election campaigns and other publicly-relevant events, including economic crises), but also with systemic legislative changes toughening up state control over both the traditional media and the Internet, the book publishing industry, and the distribution of printed products.

Policy

The Constitution of the Republic of Belarus guarantees the freedom of expression, storage and dissemination of information, and forbids censorship. However, legislative acts (primarily the *Mass Media Act*), regulations thereunder, and their application in practice, rigidly restrict these freedoms. Despite the fact that Belarus ratified the International Covenant on Civil and Political Rights, the state does not observe its provisions on the permissibility of restrictions to freedom of expression. As the Republic of Belarus is not a member of the Council of Europe, it does not recognize the jurisdiction of the European Court of Human Rights and is not

guided by its practice in the field of freedom of expression.

The *Mass Media Act*, which came into effect six years ago, provides for:

- non-transparent media registration permission procedure;
- using an institute of accreditation to restrict journalists' access to information;
- discrimination against freelance journalists;
- the possibility of shutting down a mass media company through a lawsuit of the Ministry of Information regardless of the severity of violations.

All media outlets are registered by the Ministry of Information. After registration, the television and radio broadcasting media are also granted a special license. Licenses are also issued by the Ministry of Information, but the procedure is not transparent and licenses can be easily revoked.

Belarus does not have public political broadcasters independent of executive authorities. Their function is partially performed by foreign broadcasters, namely *European Radio for Belarus* (Европейское радио для Беларуси), *Radio Broadcasting* (РадыёРацыя), *Radio Freedom* (РадыёСвабода) and *Belsat TV* channel (Белсат), whose programmes are prepared mainly by Belarusian journalists for a Belarusian audience. Only *European Radio for Belarus* and *Radio Freedom* have legal status in the country. The Supreme Court of the Republic of Belarus made the decision in September 2014 to prohibit *Belsat TV* channel from using its logo in the territory of Belarus, in effect, forbidding it from broadcasting.

Radio Broadcasting and *Belsat* journalists work in Belarus without the authorization

required under Belarusian laws for foreign media journalists (as well as journalists who are Belarusian citizens). As a result, they frequently receive warnings from the prosecutor's office and the Committee for State Security. Since spring 2014, such journalists have often been accused in accordance with *Article 22.9 of the Administrative Offences Code* for the unlawful manufacturing of mass media products. Experts note that law-enforcement bodies and courts interpret the norm of this Article more broadly than it is intended, equating all journalistic activity with the manufacturing of mass media products. (Pursuant to the *Mass Media Act*, mass media products are manufactured by the media's editorial staff, rather than by journalists).

At the end of 2014, the *Mass Media Act* was amended without any public discussion, which significantly damaged the freedom of expression situation in Belarus. It is telling that as early as October 23, 2014, responding to a request of the Belarusian Association of Journalists sent to the House of Representatives of the National Assembly, the head of the field-specific commission said that the authorities believed that the laws on freedom of expression did not need any adjustment. On December 17, the draft law amending the *Mass Media Act* was approved in two readings at once, despite not initially being included on the agenda of the Belarusian Parliament session.

Amendments to the Act, *inter alia*, provide for the creation of the State Registers of Printed Matter Distributors and Television and Radio Broadcasters and the application of sanctions to certain distributors referred to in the *Mass Media Act* (up to depriving them of the right to distribute mass media products), and an increase in the window of time available for the Ministry of Information

to make claims against the media. The amendments expanding the scope of the Act to Internet sources are the most disturbing. These amendments provide for the possibility of the blocking *in pais* of websites even for a single violation of the laws on the media (in particular, for information whose dissemination **can** do harm to the interests of the Republic of Belarus). This ability will be introduced pursuant to the decision of the Ministry of Information. The procedure for such a move will be established by the Operative and Analytical Centre under the President of the Republic of Belarus together with the Ministry of Communications and Informatization of the Republic of Belarus. In accordance with the amendments introduced to the *Mass Media Act*, an Internet source owner is liable for the comments of website visitors; it is not clear, however, the time limits on such liability and what steps an Internet source owner must take to avoid responsibility for a posted comment.

These amendments to the *Mass Media Act* tighten state control over the information space in Belarus (primarily on the Internet) and restrict the citizens' constitutional rights to freedom of expression.

The *State Secrets* and *State Service* Acts, criminal laws, and legislation on administrative offences create additional barriers to freedom of information.

Legislation on state secrets does not contain an exhaustive list of data to which access can be legally limited. This being the case, more than 60 state bodies and organizations can claim their information contains state secrets, including the Ministry of Information, Ministry of Culture, Ministry of Education, as well as (in addition to executive authorities) seven executive bodies of territorial units, five concerns, Belarusian Republican Union

of Consumer Societies, Plenipotentiary Representative for Religious and Nationality Affairs, National State-owned Television and Radio Company.

The Criminal Code and the Administrative Offences Code include ten articles providing for punishment for defamation, six of which are contained in the former. Articles 367 and 368 of the Criminal Code provide for enhanced culpability for slander or insults in relation to the President of the Republic of Belarus. These articles are applied often. The Belarusian Criminal Code also provides for liability for “the discrediting of the Republic of Belarus”.

The Republican Commission for Evaluation of Information Products for the Presence (Absence) of Signs of Extremism was established under the Ministry of Information in September 2014. Similar commissions were established under oblast territorial authorities. These commissions’ decisions may serve as a pretext for pointing the finger at journalists and media outlets, destroying information materials, and consequently imposing censorship.

There is no *Access to Information Act* in Belarusian legislation. Instead of approving the progressive *Access to Information on State Bodies’ Activity Act*, a draft of which was published on the Belarusian Parliament’s website, the legislator, at the end of 2013, instead amended the *Information, Informatisation and Information Protection Act*, which has no direct relation to the media. Public comments on the draft law were not taken into account.

The Internet remains the freest segment of information space. However, there is an order through which, and according to non-transparent procedure, practically any Internet source can be placed on a “black list” of websites. Access to these sites is limited for state organizations (in a country where

government ownership is widespread), education and cultural institutions (libraries, schools, universities etc.). As of January 1, 2015, access to websites included on the “black list” may be blocked for all citizens. Moreover, at present, persons using the Internet to post information about protests or criticising state bodies or officials are quite frequently held accountable.

International organizations have repeatedly called on Belarus to bring its legislation on the media in line with democratic standards. Nevertheless, legislative acts approved in Belarus in 2014 suggest that the democratization of the media field in Belarus is unlikely in the near future. Recent events, in fact, show the government’s desire to intensify its control over freedom of expression and expand it beyond the media and into the Internet and book publishing sectors.

Practice

In 2014, Belarusian authorities continued to severely restrict freedom of speech, applying both new legislative limitations and other methods of putting pressure on the media and journalists. As a result, authorities were not ready to face the new challenges associated with the aggressive propaganda machine wielded by the neighbouring Russian Federation.

The key problems of the media sphere in Belarus in 2014 were as follows:

- toughening of the Mass Media Act to equate independent websites with the media, which allows authorities to shut down and block Internet publications they deem offensive;

- arbitrary blocking of several key independent websites altogether;
- persecution of freelance journalists for working without accreditation;
- fines, detention of journalists, and initiation of proceedings against independent journalists on exaggerated charges;
- confiscation of printed products by the customs officials on charges of “extremism” and creation of special state commissions;
- preservation of seven articles of the Criminal Code providing for punishment for disseminating information about the national leader and other high-ranking authorities (for example, articles on discrediting of the Republic of Belarus, slander and insulting of the President, activity on behalf of an unregistered legal person);
- refusals to register and accredit independent media companies;
- economic discrimination of the non-state media;
- restriction of access to information on the activity of government entities;
- inability of the state media to resist the Russian propaganda machine.

Having succeeded in establishing control over traditional media, in 2014, the Belarusian government focused on censorship on the Internet: the last remaining haven for independent news and opinions in Belarus.

On December 17, 2014, the House of Representatives of the National Assembly approved the amendments to the *Mass Media Act*, which were further adopted by the Council of the Republic on December 18, and signed by Alexander Lukashenko on December 20. The amendments entered into force on January 1, 2015 and presidential elections are expected to take place in autumn 2015.

The amendments to the *Mass Media Act* make the owners of online media websites responsible for the content posted on their sites, including information that authorities could consider as extremist or damaging to national security.

Furthermore, the amendments allow the Ministry of Information to block access to news websites without a court decision.

Several key independent websites in Belarus were blocked at practically the same time the parliament approved the amendments. Charter97.org, Belaruspartisan.org and Gazetaby.com were blocked on December 19 through the *Baltelekom* (Балтелеком) network (the state telecommunication company regulating broadband Internet access). *Baltelekom* denies responsibility, referring to DDoS attacks.

One day after they published articles criticising the government’s economic policy, the websites UDF.by, Zautra.by, 21.by and three BelaPAN information agency (БелаПАН) sites (belapan.by, belapan.com and naviny.by) were blocked from public access. Their private hosting company, Hoster.by, changed the websites’ IP-addresses on December 21, but by mid-day the new addresses were also blocked.

BelaPAN editor, Ales Lipay, condemned this blocking as an act of censorship and argued that the websites could only be blocked on government orders. Belarusian journalists, who regarded the Internet as their last island of freedom, have received a clear message about the authorities’ plans for the future of online freedom of expression.

In 2014, authorities started extensively using the institute of accreditation to restrict journalists’ activity through legal means – a practice that was not common in 2013.

The situation began worsening in April 2014. For the first time, authorities started targeting reporters whose names and materials appeared in the foreign media with Article 22.9 of the Administrative Offences Code providing for responsibility for, “the unlawful manufacturing of mass media products.” Andrey Meleshko was fined three times and Ales Zalevsky twice. When Belarusian journalist Aleksandr Burakov published material on the German Wave (Немецкая волна) website, it resulted in court hearings, warrants to appear in the local tax office, and a search of his and his parents’ flats, culminating in the seizure of computers, flash drives, and base units. The search was performed on the day of OSCE Representative on Freedom of the Media, Dunja Mijatović’s visit to Belarus. The journalist was accused of working without accreditation and was later fined €450.



Journalist Aleksandr Burakov

In total, 14 administrative cases charging journalists with working without accreditation have been initiated in Belarus since April. Most of these are related to Belsat independent channel broadcasting in Belarus from Poland .

2014 saw near 30 detentions of journalists, which is less than in previous years (about 50 journalists were detained in association with their professional activities in 2013, and a record number of detentions occurred during



Vitebsk journalists and activists made a photo in support of the campaign of the European Federation of Journalists “Stand Up for Journalism!”. 7 participants of the photo session were fined for this photo, placed in the Internet.



“Stand Up for Journalism!” campaign in Minsk: attraction of the attention to the problems of journalists, who cooperate with foreign mass media

the post-election and crisis year of 2013, when 160 journalists were detained).

On November 5, on the world “Stand Up For Journalism” day celebrated at the initiative of the European Federation of Journalists,

a group of journalists and activists with the Belarusian Association of Journalists had their picture taken in front of an old building decorated with urban graffiti: prison cells with birds made of newspaper flying out of them. The photographs were posted online, resulting in seven of the participants being forced to appear in court and ordered to pay a fine for participating in the unauthorized event. (The European Federation of Journalists protested and held a similar photo session in Brussels in solidarity with their Belarusian colleges).

Grodno journalist Mikhail Karnevich, accredited in Belarus as a *Radio Freedom* correspondent, was fined on a similar charge after reporting on-site from an event dedicated to the memory of Konstanty Kalinowski, the national hero of Belarus. The police report reads: “He was near the monument and was moving as a part of an organized group.”

The total amount of fines exacted from journalists and printed matter distributors in 2014 amounts to 105 million roubles (about \$10,000). Journalists cooperating with the foreign media were fined 52.05 million roubles, journalists “participating in unauthorized events” 21.45 million roubles, and printed matter distributors 25.5 million roubles.

Authorities extended their application of the Extremism Prevention Act in 2014. In the past two years, there have been at least seven cases of the Belarusian customs office confiscating printed literature at border crossings. On the Lithuanian-Belarusian border, customs officers confiscated Valeriy Karbalevich’s book, “Aleksandr Lukashenko: Political Portrait” for examination. In August, customs officers in the Minsk airport confiscated an edition of a joint report published by British

and Belarusian human rights advocates entitled, “Half an Hour Before Spring: Report on Discrimination and Inequality in Belarus,” which had been printed in Great Britain and sent to Belarus by regular mail. The period of examination was extended several times.

Human rights advocates attribute the intensification of customs activity to the establishment of special commissions formed to screen information products for signs of extremism. These commissions are primarily comprised of state officers who are not true experts on extremism. The composition of these new commissions is approved through government resolutions and they adopt decisions through voting.

The most memorable case of 2013 was certainly the identification of a photo album containing the photographs of the winners of the “Press-Photo of Belarus 2011” contest as extremist materials. The jury consisted of professional and famous photographers from all over the world.

Belarusian independent media continues to work under conditions of economic discrimination.

In 2014, more than ten non-state social and political print media outlets (about one-third of all the independent print media in these subject areas in Belarus according to data of the Belarusian Association of Journalists) had the same distribution problems working with *Belprochta* (Белпочта) and *Belsoyuzpechat* (Белсоюзпечать), two state-owned enterprises that dominate the retail and subscription mass media distribution market.

Additionally, there are different printing service prices for state and non-state publications. Non-state publications sometimes face unjustified refusals from printing houses to publish their newspapers.

In December 2014, the weekly *Free News Plus* (Свободные новости плюс) unexpectedly received a refusal from *Plutos-market* private printing house (Плутос-маркет) (this happened just after a meeting of the Minister of Information with the editors and directors of national publications and printing houses; more than ten websites were blocked in Belarus in the days around the meeting).

Authorities also continued limiting the advertising efforts of non-state media. There is an unspoken ban on state-owned enterprises placing ads in independent publications, while other (primarily national) advertisers are discouraged from doing business with the non-state media. This is happening against the backdrop of generous subsidies to state media. Government support to state media amounted €52 million in 2014, and about €60 million in 2015.

In view of the conflicts in Ukraine in 2014, the Belarusian information sphere was heavily influenced by an aggressive Russian propaganda machine reminiscent of that operating during the cold war. Belarusian authorities have been building a system of information security designed to deal with internal dissenters and Western influence for many years; however, this has completely failed to resist Russian propaganda.

Belarusian state-owned media organizations have demonstrated their lack of preparation and their inability to resist information aggression from the outside in formulating and promoting the Belarusian position with regard to the Russian and Ukrainian crisis. According to the opinion poll results of the Independent Institute of Socio-Economic and Political Studies, between one-half and two-thirds of Belarusians believe in the version of Ukrainian events presented by the Russian media: 62.2% regarded the annexation of Crimea as a historical

justice, and 65.5% view the events in eastern Ukraine as “the national protest against the illegitimate power.”

Manipulation of public opinion has become a global problem that goes beyond national borders. It is especially easy to govern a country with the help of lies if that country has no freedom of expression.

Broadcasting

The field of television and radio broadcasting in 2014 was marked by further progress toward the switch to digital television broadcasting and the intensification of state control over broadcasting activity. The state programme for the Introduction of Digital Television and Radio Broadcasting in the Republic of Belarus by 2015 was approved through a Resolution of the Council of Ministers of the Republic of Belarus on December 08, 2005. No. 1406 stipulates that the last nine analogue television transmitters in Belarus will be shut down on May 15, 2015.

There are already three digital multiplexes operating in the country (the first one is free of charge, consists of eight channels, and broadcasts using the DVB-T system; the other two are paid and broadcast in DVB-T2, which is technologically incompatible with the first system and requires different equipment). The second and third multiplexes each have 18 channels. As of the middle of November 2014, the second one is accessible to 77% of the population, and the third one to 64%. The first multiplex potentially covers 97.8% of the Belarusian population.

At the time this material was prepared, the largest state-owned Belarusian newspaper published the television programming

schedules of 56 channels (+2 with regard to the situation developing a year ago) that are legally broadcasted on Belarusian territory by means of terrestrial retransmitters or cable networks. The difference of 14 popular channels between those broadcasted by digital multiplexes and those accessible in other ways shows that a digital switchover will somewhat impoverish the country's television market. Channels not included in multiplexes will be available only through cable networks or the digital networks of Internet providers as IP-TV with a limited coverage. However, in accordance with the effective legislative norms, analogue broadcasting in cable networks will continue operating after the country's digital switchover.

The completely non-transparent process, in both commercial and legislative terms, of the formation of national multiplexes, is the first major challenge facing Belarusian broadcasting digitalization. The public did not have access to information about the process and was simply informed of the development of multiplexes, waking up suddenly in a new television reality. This public confusion was reflected as low uptake on the new option. As of November 2014, the number of paid subscribers to the second and the third multiplexes, despite their low price (less than five dollars) did not exceed 45,000 in a country of 9.5 million (about three million households).

The presence of hybrid Russian-Belarusian channels in the programming mix of the free multiplex is the second serious challenge facing the digitization process, and this became even more pressing in 2014. The unpaid multiplex includes the following channels: ONT (National Television), Belarus-1, Belarus-2, Belarus-3, RTR-Belarus, NTV-Belarus, STV, MIR (plus the First National

Channel of Belarusian Radio). Four out of eight of these channels include Russian news and journalistic programmes in their line-ups.

Before the start of the Russian-Ukrainian war, a rather limited group of Belarusian experts was concerned about this. However, once the Russian federal channels had transformed into the Kremlin's propaganda mouthpiece, their broadcasting on Belarusian territory became a direct threat to national security. The autumn public-opinion polls show that the number of Belarusians supporting the annexation of Crimea by Russia exceeds 60%, despite the fact that the Belarusian state-owned channels take a more balanced and neutral position on this issue. It is clear that the Belarusian authorities were not ready to meet the challenges associated with information flow in this new geopolitical situation and are losing the battle over their own citizens' opinions.

That being said, Belarusian authorities preserve strict control over both access to broadcasting time (at the level of state licensing) and over the content of programmes. At present, it is impossible for independent or foreign broadcasting companies with content not subject to state censorship to broadcast in Belarus. Under such restrictive conditions, the market is essentially closed to new television initiatives that have not received prior approval from the state ideological structures. Simple declarations of loyalty on the part of new broadcasters are not enough to secure such approval. This restrictive attitude shows that state control over mass media activity in Belarus is deeply entrenched.

It is also worth noting that Belarus is the only European Broadcasting Union (EBU) member without a national television broadcaster, which is in direct violation of the

charter of this international organization. In Belarus, television is state-owned and is treated by authorities as a state body – with all the consequences for information policy that come with it.

The size of the television advertising market in Belarus, according to the autumn estimates of Gemius Belarus by the results of 2014, amounts to \$100 million. In the European countries of the former socialist block (Czech Republic and Hungary) the advertising market is several times larger despite similar population sizes. The Internet advertising market, according to the same source, amounted to approximately \$15 million last year. However, the Belarusian advertising market is allocated rather strictly among a handful of advertisers and is practically inaccessible to potential new players.

There are also more direct restrictive measures. Pursuant to the Resolution of the President No. 456 (as of October 07, 2013), which amended previous decrees regulating the media, officials in Minsk have further tightened their control over access to the television market. Now, the only television broadcasting that does not require a license is the retransmission of foreign TV programmes without changes to their content. However, even in this case, broadcasters must acquire an official permit from Belarusian authorities in order to distribute foreign mass media products. Employees of TV and radio stations who are involved in broadcasting activities must pass qualification tests according to a procedure defined by the Ministry of Information, and those responsible for broadcasting must have field-specific education and/or at least five years relevant experience in the field.

The vague language of the decree on the prohibition of broadcasting “for purposes

inconsistent with the interests of the Republic of Belarus” as well as the broadcasting of content “containing information whose dissemination is either forbidden or limited by law” also hints at authorities’ restrictive intentions in the field of television and radio broadcasting.

A potentially-prohibitive measure on access to satellite TV is still in force in the form of Resolution No. 384 of the Council of Ministers (adopted May 16, 2013), which approved the Regulation on Conditions and Procedure for Installing Individual Antennas and Other Constructions on Roofs and Facades of Apartment Houses.

Under this regulation, satellite-receiving equipment can only be installed on the roofs and facades of apartment houses with a permit from a local executive and regulatory body. To receive such a permit, it is necessary to submit to the executive committee the following documents:

- application form,
- passport or other form of identification,
- technical passport and a document confirming the property rights to an apartment (in the case of an apartment owner),
- layout of the roof or façade of the apartment house (prepared in any form) with the proposed location of the installation indicated.

Having received a permit, it is necessary to sign an engineering agreement with a design documentation developer. The overall cost of legally installing a satellite dish in Belarus, following this procedure, amounts to approximately \$300. So far, there have been only a handful of cases where local authorities demanded the dismantling of a satellite dish that had been installed without observing the proper procedure. However, the government

may decide at any moment to begin enforcing this rule to significantly limit citizens' access to free international broadcasting.

As it was in 2013, the current situation in Belarus is such that, without fundamentally changing the social-political situation, media outlets located or funded from abroad and relying on sponsorship seem to be the only alternatives to Belarusian TV channels.

The lack of free access to terrestrial and cable television inside the country is supplemented only by the satellite and online broadcasting of such channels. At the same time, as mentioned previously, according to the amendments to the *Mass Media Act*, as of January 1, 2015, authorities can legally block online broadcasters by classifying websites as mass media and placing them on a "black list."

Fortunately, satellite television broadcasting is harder to stop. However, the costs of operating a satellite television channel without access to advertising in the local market are very high. This is exemplified by the only Belarusian-speaking satellite TV project that is not controlled by the official Belsat TV. The channel broadcasts from Warsaw with the help of Astra 4A satellite. The channel's annual budget is about \$5.5 million and more than 90% of its costs are covered by the continuous support of the Ministry of Foreign Affairs of Poland and, to a lesser extent, sponsorships from foreign aid organizations from other EU member states.

The Belarusian authorities' attitude toward such projects is revealed by the fact that the Ministry of Foreign Affairs refused three times to grant Belsat TV channel permission to open a news office during its six years of operation. Belsat journalists and operators regularly received warnings from

the prosecutor's office for cooperating with unaccredited foreign media after the 2010 presidential elections, and the Committee for State Security seized and searched the channel's unofficial office in Minsk.

In summary, without large-scale, systemic transformations within the country, it will be impossible to free the Belarusian TV market from economic and political influence.

Internet and New Media

According to gemiusAudience data, the number of Internet users in Belarus has increased by about 79,000 users in 2014 (to nearly 5 million from 4.9 million in 2013).

In the news media sphere, the picture has remained essentially the same as in 2013: about half of Internet users visit online news websites. The remainder of internet-connected citizens spend their time online in social networks and using search engines. In fact, online media ranks second in the country as a source of information about current events, outdone only by television as the popular choice for accessing news.

A number of trends in the online media field also persisted in 2014:

- independent media dominate in online Belarusian news; the number of visitors to independent news websites far exceeds those to state-owned media;
- the advertising market in Belarus in general, including Internet advertising,

- is poorly developed, hindering the profitability of online media outlets;
- many advertisers and advertising agencies avoid doing business with independent media fearing reprisals by authorities;
- the Belarusian Internet audience is not ready to pay for content, as it has access to a lot of free sources;
- as a result of advertising difficulties and the inability to charge for content, the vast majority of independent media editorial offices struggle financially and are often significantly underequipped;
- the problem of access to information is as persistent as ever: *authorities are not receptive to requests from independent media.*

In February, the Prosecutor's Office of Bobruysk initiated a criminal case related to insults to a law-enforcement representative published in Aleh Zhalnou's personal blog (Article 369 of the Criminal Code of the Republic of Belarus). The Department of Internal Affairs of the Mogilev Regional Executive Committee claimed that the personal website "Aleh Zhalnou's Blog" published a range of materials insulting a police officer during 2012-2013.

On March 17, the Bobruysk District Court fined Zhalnou 45 basic amounts (€4,300 at the time) for publishing footage on YouTube of a meeting with Aleksandr Vasiliev, the head of the Department of Internal Affairs of the Mogilev Regional Executive Committee. The court considered the blogger's actions as insubordination to the lawful order of an official (Article 23.4 of the Administrative Offences Code), namely, not complying with the Department of Internal Affairs' requirement to leave all audio and video recording devices, including mobile phones, outside the meeting room. The police and the

court blamed Zhalnou for the fact that the footage appeared on the Internet.

On July 15, Zhalnou learned of criminal proceedings against his wife under Article 364, "Violence or threat of violence in relation to an internal affairs agency officer." The blogger claims that his wife was the victim of aggression by the internal affairs agency officers who searched Zhalnou's home at the end of May 2014. Zhalnou asserts that his wife tried to shut the door on policemen who were bursting into the apartment without showing a warrant and was thrown down on the floor. One of the policemen, however, claims that she "used violence" against him (bit him).

On July 22, the Bobruysk court finished considering a case against Alyaksei Zhalnou, Aleh Zhalnou's son. On September 4, 2013, father and son filmed traffic police cars illegally parked on a pedestrian crossing and spoke to the police officers about this incident. As a result, they both were detained. The blogger's son, was also accused of violating Article 364 of the Criminal Code. The judge, Julia Bereziuk, sentenced the young man to three years in a detention centre to be served over nights while working outside the centre during the day. He also must pay a fine amounting to 50 million roubles (€3.5 million at the time).

In 2014, there were also cases of the distribution of falsified messages and the creation of fake email accounts.

On March 5, the BelaPAN information agency received an e-mail from the opposition party, "Just World" discussing "the unconstitutional coup d'etat in Ukraine." The "Just World" party leader, Sergei Kaliakin, claimed that the Party did not approve or send any such document concerning the

situation in Ukraine. The e-mail address from which the message was sent differs from that of the Party by only one character. Kaliakin hypothesized that government special services were involved in the deception.

Two candidates for Bobruysk City Council associated with the opposition “Tell the Truth” campaign each received a threatening e-mail from M. Molchanova, a journalist with the *Bobruysk Courier* non-state regional newspaper (Бобруйский курьер). The journalist claims that someone else had created the fake account from which the e-mails were sent and also suspects that government special services were involved.



Journalist Marina Molchanova

On March 14, the independent Mogilev website, *Free Format* (Свободный формат), posted two articles allegedly written by Ales Lenevsky – the domain’s owner. The published materials discredited and humiliated opposition activists of the Mogilev oblast. All posts since September 9, 2013 were deleted from the website. The editorial staff of *Free Format* stated that the slanderous materials were posted as a result of the website being hacked.

During these very days, Aleksandr Burakov, the Mogilev independent journalist,

reported the distribution of provocative messages on his behalf from his e-mail account, though he claimed they did not originate with him. Mr. Burakov demanded that police investigate the author of these e-mails and bring them to justice, as well as block this e-mail account.

The editorial staff of *Nashaniva* (Наша Ніва) weekly newspaper issued a statement about the creation of a fake Twitter account. According to the editorial staff, someone, with the help of this fake account and using the name, design elements, and content of the newspaper, disseminated information that had no relation to the newspaper.

2014 also occasionally saw problems with access to independent online media.

On March 13, one of the largest Belarusian opposition information sources, “Charter-97” (Хартія-97), said that its website was under attack from hackers. Unknown attackers attempted for several hours to break into the website’s server before starting a DDoS attack. The website’s editorial staff suggested that the attack was linked to, “the active highlighting by charter97.org of events in Ukraine and the Russian aggression against our southern neighbour.”

The website of *Nashaniva* independent newspaper was unavailable for several hours on March 25 while Minsk witnessed a procession dedicated to Freedom Day, an annual celebration by the democratic forces of Belarus. “We are most likely dealing with the intentional blocking on the part of *Beltelecom*,” *Nashaniva* online journalists suggested. “One couldn’t get on the website even using TOR... Perhaps, somebody is trying out “new tactics” on NN.BY before 2015 [the year of the next presidential elections] arrives?”

The *Radio Freedom* website also reported its live stream of the Freedom Day procession was blocked. The problems accessing the video only occurred in Belarus.

On July 31, the web editorial staff of the international consortium, *EuroBelarus*, reported that the website had been the victim of a hacking attack. Attackers posted provocative materials about the events in Ukraine on www.eurobelarus.info for a few days and actively spread these messages in social networks. The website owners attribute these attacks to the editorial staff's active approach to highlighting the Russian-Ukrainian conflict: the special column, "Events in Ukraine: A Belarusian Perspective," has been posted regularly since the beginning of the conflict.

On August 14, the state monopolistic provider, *Beltelecom*, blocked access to charter97.org for users inside Belarus. Visitors notified the editorial staff that they could not get on the website through regular access, but could using a proxy server. Access problems were reported for the entire day.

Finally, since December 19, Belarus has seen an unprecedented, in terms of scale and duration, blocking of independent online media. Without any explanation, users' access was restricted to belapan.com, belapan.by, naviny.by, belaruspartisan.org, charter97.org, udf.by, 21.by, gazetaby.com, and zautra.by.

As usual, most of these websites were inaccessible only from Belarusian IP addresses; foreign users, and Belarusians using proxy servers, were able to access the sites with no problem. According to available data, it was *Beltelecom* who blocked the websites and some of them remained blocked at the end of 2014 and into 2015.

In all likelihood, such a serious attack was related to the dramatic upsurge in Belarusians' appetite for unbiased information in the context of the foreign-exchange crisis in the country. We may also theorize that this widespread blocking was a kind of practice-run in the lead up to the 2015 presidential election campaign.

In conclusion, these issues, combined with the recent amendments to the *Mass Media Act* with regards to online media outlets, paint a grim picture of the freedom of online media in Belarus in 2014.

Conclusions

Belarus still has one of the most repressive media landscapes of all Eastern Partnership countries (approximately on-par with Azerbaijan). This is confirmed through various ratings by international organizations evaluating press freedom, including through the Media Freedom Index calculated in Eastern Partnership countries within the framework of the *ENPEastMediaFreedomWatch* project.

After the post-election crises of late 2010 and early 2012 associated with the repression of the political opposition and civil society, and after the 2011 devaluation, the media situation has stabilized somewhat during 2013-2014 (though at a very low level and with depressed population). Detentions of journalists peaked in 2011 (with more than 160 detentions), but in 2013, the situation returned to the "annual norm": that is, 50-60 short-term groundless detentions per year. These numbers improved again in 2014, falling to just 29 detentions. This is one of the year's few positive outcomes and is the result of hard work on the part of the

Belarusian Association of Journalists and the office of the OSCE Representative on Freedom of the Media, which organized, with the consent of the Ministry of Foreign Affairs, a seminar on cooperation between law-enforcement bodies and journalists, and which has been quick to respond to violations of journalists' rights in Belarus. Additionally, a decrease in the number of mass demonstrations held in Belarus during 2013-2014 also contributed to a lower number of detentions. The upcoming presidential elections and the ongoing economic crisis in Belarus may lead to an upsurge in these numbers; these factors have already impacted other media freedom indicators evaluated within the framework of this project.

By contrast, the legal environment in which the media, distributors of print periodicals, book publishers, and online journalists operate has worsened. This is the result of amendments to the *Mass Media Act* to equate all Internet sources, including blogs, with mass media in terms of obligations, though these new media have not yet earned the same rights as their traditional counterparts. The Ministry of Information will be able to block in pais access to online sources on the basis of extremely broad and arbitrary interpretations of this Act. Enhanced government control over print media distributors exacerbates economic discrimination against independent media outlets because the state-owned *Belpochta* and *Belsoyuzpechat* refuse to negotiate agreements for subscription or retail distribution with many of independent editorial offices. At the same time, the state media continue receiving (without any competition) budget support amounting to €60 million per year as of 2015.

During conditional dialogue between Minsk and the West in 2009-2010, independent experts noted that there were no systemic improvements in the country and even though there were fewer repressions

with regard to the political opposition, civil society, and the media, the situation could change for the worse any moment. The crisis that followed the 2010 presidential elections confirmed these assumptions. A new round of dialogue between Belarus, Europe and the United States of America prompted by the conflict in Ukraine, combined with a more restrained policy in Minsk, which refused to go along with the aggressive Russian approach to the conflict, created more hope for the possible democratization of Belarus among some politicians and community leaders. However, the changes introduced to the *Mass Media Act* at the end of 2014 have dramatically impaired the situation with regard to freedom of expression and civil and political rights in the country.

Moreover, the blocking of more than ten leading online information sources even before the amendments to the *Mass Media Act* took effect, as well as a print house's refusal to print the *SN Plus. Free News Plus* (СН плюс. Свободные новости плюс) independent newspaper (a popular independent social and political newspaper of Belarus with a circulation of more than 31,000 copies) shows that authorities do not always follow the provisions of even their own repressive legislation and that private printers, distributors, and providers, at the threat of losing their business, may act in an even more discriminatory manner in "protecting national interests," than state-owned organizations.

Thus, the media situation in Belarus is worse at the end of 2014 than it was when the year began. Legislative and regulatory acts adopted in 2014 as well as the actions of authorities show the government's intention to tighten its control over freedom of expression for traditional media and expand its reach to the Internet, and book publishing, and sales sectors.

Georgia

Policy

According to experts, Georgia has all the necessary constitutional and legislative guarantees for freedom of speech and freedom of the media. There are no laws in conflict with the basic principles of media freedom. Georgia adopted the *Law on Freedom of Speech and Expression* in 2004.

Broadcasting is regulated by the Georgian National Communications Commission (GNCC), which acts in accordance with the following legislative documents: the *Law of Georgia on Broadcasting*, the *Law of Georgia on Electronic Communications*, *The Law on Licences and Permits*, the *Law on Independent National Regulatory Authorities*, the *Law on Advertising*, the *Law on Consumer Rights Protection*, the *Law on the Protection of Minors from Harmful Exposure*, the *Law on Control of Business Activity*, the *Law on Copyright and Related Rights*, the *Law on Occupied Territories*, the *Law on Control of Industrial Activity*, the *Labour Code*, the *Code of Conduct for Broadcasters*, and the *General Administrative Code*.

The activities of the press are regulated by the Civil Code of Georgia, the Civil Procedure

Code, and the General Administrative Code together with the Law on Advertising, the Law on Consumer Rights Protection, and the Law on Copyright and Related Rights.

The Internet is not currently subject to government regulation.

There were no significant changes to Georgian media legislation in 2014; however, in the reporting period some important steps were made toward the transition to digital broadcasting.

In 2014, the Georgian Parliament considered two important issues: the status of social advertising and the duration of commercial advertising. Both bills were widely discussed.

A number of mass media organizations and NGOs demanded that the parliament postpone the implementation of the regulations on social advertising until after the transition to digital broadcasting is complete. They also urged the Georgian President to use his veto right on the *Law on Social Advertisements*. Media representatives believe this law will

cause financial damage to media outlets in the country, since it makes it obligatory for broadcasters to air social advertising for free. At present, the Parliament has clarified the status of social advertising and has appointed the GNCC to evaluate it.

The prospect of limiting the length of advertisements also caused protests by national television companies, which are concerned this could mean a decrease in their advertising revenues. Some of the national broadcasters have also suggested that MPs intend to adopt this law without taking advertising standards into account. Regional broadcasters and a number of national broadcasters generally agree with the provisions of the new bill; however, they believe that more time is needed to implement the changes it stipulates. The bill, which the GNCC drafted, includes a measure, stipulated by the principles of the Association Agreement with the EU, for limiting the duration of television advertising spots. If the bill is adopted, television advertising will not exceed 12 minutes per hour, including during prime time. In addition, the proposed limits also apply to children's shows, broadcasting of official national events, speeches of officials, religious ceremonies, election debates, and documentaries shorter than 15 minutes. The bill also restricts surreptitious advertisement and sponsorship. Drafted amendments to the Law on Broadcasting, which regulates advertising in electronic mass media, are also under review.

Practice

The primary Georgian mass media outlets are not all government-controlled; there are powerful independent oppositional media

outlets, including the popular television channel, Rustavi-2.

In 2014, as in the previous year, **no grave crimes were committed against journalists**. No journalists were killed, arrested, detained, or abducted in connection with their professional activities.

According to an expert from the Georgian Young Lawyers Association, the number of cases of violations of journalists' rights decreased in 2014. However, investigations were ongoing into some earlier cases that had stirred public opinion.

While serious crimes and violations were rare, there were some reported cases of **psychological pressure and threats** toward journalists. For instance, in May 2014, Jaba Ananidze, a journalist with the Batumi television company, *Channel 25*, filed a lawsuit with the Prosecutor General's Office of Adjara against Medea Vasadze, an MP of the Adjara Supreme Council. The latter, according to Jaba Ananidze, and supported by recordings he provided, threatened him with "launching a process" and hinted that his sexual orientation "is in question." These threats happened after the airing of Jaba Ananidze's investigative film, "High Class" (made within the IREX project); the film showed how Adjara Supreme Council MPs were spending budget funds. Giorgi Surmanidze, CEO of *Channel 25*, called on civil society and the diplomatic service to condemn the pressure the Council was applying to the channel.

Earlier, *Channel 25* had appealed to the European Court of Human Rights (ECHR), accusing the government of turning a blind eye to the abuse of power on the part of the Prosecutor General's Office, which had launched proceedings against the company's founders. Surmanidze believed that the MP's threat toward Ananidze was just one part of

an overall strategy of exerting pressure upon the broadcaster. The Council of the Charter of Journalistic Ethics of Georgia addressed the Supreme Council of Adjara Republic, asking it to hold the MP accountable for her actions. The MP, in turn, accused the journalist of violating the profession's ethical standards. This case became a precedent when the Council of the Charter of Journalistic Ethics examined the conflict and engaged both parties in a discussion.

In September 2014, Natia Mikiashvili, a journalist with the *Anatomy* television studio, accused Zviad Dzhankarashvili, the former head of the General Inspection of the Georgian Ministry of Internal Affairs and, until recently, the executive secretary of the Georgian Dream party, of pressure and threats.

There have been several cases of journalists being detained or verbally abused during public demonstrations and police operations, of journalists being illegally impeded in their work, and journalists having their filmed materials deleted. Examples include the cases of Tabula-TV reporter Giorgi Sikharulidze on August 24, 2014, Tabula web portal photojournalist Alexander Grigoradze on October 19, 2014, and Media.ge web portal journalist Nata Dzvelishvili on September 7, 2014. No information is available about the investigation of these cases.

Zaza Davitaia, a journalist with the *Asaval-Dasavali*, newspaper was beaten up. The victim reports he was attacked by representatives of the *Free Zone* NGO, whose members are supporters of the former ruling party, National Movement. The assailants were subsequently detained.

Georgian police launched an investigation into a December 7 incident in Tbilisi that

happened just before a concert of Russian singer Grigory Leps. The musician's security team detained a journalist from the *Maestro* television company for an hour. The Interior Ministry initiated a case. However, the case was never heard in court. Some experts believe that the authorities simply put on a show since any real action in relation to the case was delayed.

NGOs and local mass media outlets reported that law enforcement agencies were interfering with the editorial policy of the independent local newspaper, *Samkhretis Karibche* (The Southern Gate) in December 2014. In addition, in February and December 2014, several cases were reported of verbal abuse and attempts by high-ranking officials of Ozurgeti Municipality (Western Georgia) to threaten journalists with the regional newspapers, *Guria News* and *Guriis Moambe*. NGOs and mass media urged authorities to investigate the abovementioned offences and to hold the officials involved accountable for their actions.

According to some experts, authorities making statements critical of mass media activities is a form of pressure on media and journalists. For instance, in June 2014, Prime Minister Irakli Garibashvili criticized journalists for the way they covered current events. He accused journalists of focusing predominantly on negative issues and not taking into account positive developments. During a press conference in December 2014, Garibashvili called some of the journalists' questions "provocative" and "artificial." Moreover, in November, the Majority Leader of the Georgian Parliament, an MP from the ruling Georgian Dream party named David Saganelidze, boycotted the media for one week, as he believed that journalists had distorted the truth in their coverage of events in the country.

In March 2014, a resonant case occurred involving TVMR-Georgia, the licensed representative of Nielsen Television Audience Measurement (the only entity in Georgia measuring television audiences). The audit department of the Revenue Service demanded that the company reveal the addresses of some 330 households where it conducted TV ratings measurements. The company refused to disclose this confidential information and was fined as a result. Following this case, TVMR-Georgia temporarily suspended its activities. Some experts believe that the Revenue Service’s request was politically motivated. Allegedly, the Revenue Service was trying to obtain the addresses so that authorities could manipulate TV ratings and introduce a new player to the market. Subsequently, TVMR-Georgia resumed its activities and the Revenue Service took the company to court, attempting to impose 3,500 GEL (approximately €1,600) in fines for refusing to provide the information requested by the state agency. The court found no grounds for the case to be heard. It is not clear how this story will end.

On May 6, Nika Gvaramia, the CEO of the opposition television company Rustavi-2, claimed that he found surveillance equipment in his office. The Prosecutor’s Office started an investigation into this case. They stated later that the State Security Service had installed the wiretapping equipment in December 2012, when the Service was under the control of the Georgian president. Gvaramia refuted this explanation, accusing two of his former colleagues of installing the special surveillance equipment to spy on the company on government orders. At the same time, Rustavi-2 handed over secret recordings of the conversations of the company’s management and state officials; these recordings, according to Rustavi-2, proved that Georgian authorities secretly wiretapped

others. The results of the investigation into this case were not made public before the end of 2014. The wiretapped conversations were published and NGOs resumed their “This Affects You Too” campaign against illegal wiretapping adding the slogan, “They Still Listen to Us.” The President expressed solidarity with the activists and vetoed a bill that would have increased the government’s capacity for secret wiretapping. However, the Parliament overrode the presidential veto, forcing the President to sign the law. This new piece of legislation establishes a so-called double-key system of secret wiretapping. One of the “keys” will be held by the Ministry of Internal Affairs, which will have direct access to corresponding means of communication. The second key will remain with the Privacy Protection Inspector. Activists and NGOs believe that such provisions are a step in the wrong direction on the part of Georgian authorities.



Campaign of journalists and human rights activists against adoption of the new law on wiretapping

Radical Orthodox groups have put increasing pressure on **freedom of expression** in Georgia. In May 2014, the *Law on the Elimination of all Forms of Discrimination* took effect. The adoption of this law prompted a strong reaction from the Orthodox Church. On June 19, 2014, protesters gathered in front of the Georgian Public Broadcasting company, demanding the company put an end to “Red Zone,” a TV show created by well-known film critic, Gogi Gvakharia. The programme,

which the protesters accuse of disseminating LGBT propaganda, covers democratic and liberal values, and analyses anti-democratic trends as well as the country's totalitarian past. Since the Orthodox Church is respected by a lot of Georgians and since politicians use this sentiment to influence voters, political forces often tolerate spiritual leaders' criticism of mass media. Some media outlets benefit from the support of the Church but incite hatred towards certain minorities. The existing institutions of self-regulation and media ethics in Georgia are not strong enough to ensure that journalists adhere to professional standards and respect the rights of consumers of information.

According to the expert evaluation and an IDFI report (August 2013), access to information has improved significantly in Georgia. However, as of spring 2014, experts say the situation started getting worse. In addition, according to an IDFI report (May 2014), the access to information situation deteriorated significantly with regard to the Interior Ministry and the Ministries of Finance and Economy. At the same time, experts say the government often takes a selective approach to providing public information to journalists.

The situation pertaining to the rights of journalists did not change significantly in 2014. The New Labour Code improved the status of journalists slightly; however, onerous contracts remain an issue in the media sphere. The Independent Association of Georgian Journalists reacted to the mass dismissal of *Maestro* and TVZ journalists in 2014. The Association announced that it was ready to give them legal advice and, if necessary, to become a mediator between the journalists and their employers. Together with a group establishing an independent trade union for media workers, the Association urges employers to engage in negotiations and

find solutions to the problems with regard to employment contracts.

The majority of experts believe that Georgian opposition political parties have appropriate free access to the Georgian Public Broadcaster.

The **economic environment** for the media did not improve in 2014. The Georgian advertising market is not big enough to financially support a vibrant media sector. According to the experts, the advertising market is still not completely free, even though politicians no longer play any significant role in the distribution of money for advertising.

At the same time, according to a report by the NGO, Media Development Foundation (MDF), the Georgian government's administration and some of its ministries are using state budget money to disseminate information and pay for advertisements. The MDF report argues, "the practice of paying news agencies for services such as covering the activities of their client according to the client's requests and disseminating the client's information exists in the majority of ministries and in the government's administration. This undermines the editorial independence of media."

Only a few experts believe that there is some kind of **state monopoly** in the media. However, in Georgia, private companies have a monopoly over the printing and distribution of printed press materials.

Broadcasting

Television and radio broadcasters' adherence to journalistic standards and ethics

remains low. Experts suggest that legislation in this sphere needs to be improved.

Under the influence of NGOs, in 2014 the mass media tended to self-regulate in a more informal way than in previous years. Within the increasingly pluralistic society, television companies in some cases apologized for materials considered to be offensive or entered into debates on controversial topics. This is especially true with issues related to religious or national minorities.

A number of local and international watchdog organizations are active in Georgia. They monitor mass media on a number of issues, including media behaviour during election campaigns, coverage of topics related to children and gender, and instances of hate speech and discrimination.

According to observers, during the local elections of 2014, mass media coverage of the political campaigns and the elections themselves generally complied with journalistic ethical standards. Moreover, during the election campaign and on Election Day (June 15, 2014), observers recorded no major violations of journalists' rights.

Based on these observations, it seems that the Georgian mass media worked harder in 2014 compared to previous years to ensure their work complied with generally-accepted **journalistic standards**. Even though there were still numerous cases of the violation of these standards (some examples are listed below), some experts believe that the mass media has become rather sensitive in this respect and media outlets try to turn to mechanisms of self-regulation more often. In contrast, another group of experts maintains it is Georgian society in general and the Charter of Journalistic Ethics of Georgia, that have become more sensitive,

not the mass media. In particular, MDF experts note that in cases resolved through self-regulatory mechanisms, only one television channel, *Rustavi-2*, complied with the resulting decisions.

In just the last two weeks of December 2014 there were four cases (or claims) of national television channels violating the rights of citizens.

1. Three NGOs turned to the self-regulatory body of the independent television company, *Imedi* in relation to a show that, according to the NGOs, demonstrated discrimination against Muslims on the basis of religion and violations of children's rights.
2. Incidence of violence against women has been rising recently in Georgia (in 2014, 25 women were killed by their husbands or partners). The Public Defender expressed concern with the "so-called jokes of the Comedy Show programme on *Rustavi 2* TV channel ... where a woman — a victim of violence — was mocked and presented as helpless." He has also stressed "the important role of the media in the context of the protection of women against violence and raising awareness among the population."
3. The Council of the Charter of Journalistic Ethics of Georgia ruled that *Maestro* TV journalists twice violated the first principle of the Charter: they disrespected the right of society to know the truth and to receive accurate information.

Recent developments in the editorial offices of several independent broadcasters have further hindered improvements to the media's adherence journalistic standards. On December 28, 2014, the Coalition of Media Advocacy (uniting 11 Georgian media and civil society organizations)



Charter of Journalistic Ethics of Georgia is carrying out a presentation on the results of the monitoring of journalists' work during the election campaign

issued a statement in which it expressed its concern with the fact that five well-known TV personalities and 20 journalists with Maestro, which is ranked third among television channels in Georgia, left their positions in protest against news that the channel might be changing its ideology. The Coalition promised to closely follow developments related to the independent editorial policies of Georgian television companies. Journalists working for Maestro claim that the channel's editorial policy changed significantly after a certain individual, close to political circles, started interfering with the company's affairs.



Nino Zhizhilashvili, a journalist at "Maestro" channel, left television with other journalists

Georgian Public Broadcaster. The Georgian Public Broadcaster (GPB), created on the basis of state-owned broadcasting,

has been functioning in Georgia since 2005. However, according to local and international observers, the GPB has always been under the "direct or mediated influence of the Government." Thus, media experts state that, in general, the Public Broadcaster does not comply with the corresponding international standards and does not serve the public interest; its existence is a formality.

In May 2013, the Parliament adopted the *Law on Broadcasting*. This legislation changed the procedure for appointing the GPB's Board of Trustees, ensured the financial transparency of the GPB, created the Adjara Public Broadcaster, and introduced the principles of Must Carry / Must Offer. Notwithstanding these changes, in December 2013, the members of the Board's selection committee said political forces were artificially delaying the process of appointment of the Board of Trustees in order to control the GPB.

As a result of two rounds of voting (the first round was held at the end of December 2013 and the second on January 23, 2014), the Parliament appointed only four out of nine members of the GPB Board of Trustees. The MPs tasked with the appointments rejected the majority of the 27 candidates pre-selected by the committee (mostly they represented the Parliamentary majority). This prompted protests on the part of mass media and activists. However, there was also a positive side to this process: it was transparent. The selection of candidates and their interviews were broadcasted online.

Dunja Mijatovic, the OSCE Representative on Freedom of the Media, expressed her disappointment with the fact that the Georgian Parliament did not manage to nominate all the members of the new Board of Trustees. In December 2013, after the first round of voting failed to select candidates,

Mijatovic forwarded a letter to Davit Usupashvili, the parliamentary speaker, and expressed her concern about the situation around the GPB.

The GPB reform was slowed down by the Parliament's failure to appoint the Board of Trustees (2013-2014) as well as by the Constitutional Court's April 11 decision that the key provisions of the *Law on Broadcasting*, which served as a basis for reforming the GPB, were unconstitutional. The Court reinstated the old Board of Trustees members, while the Parliament appointed new members (except candidates from the opposition National Movement Party) and elected the Board's chairperson.

On May 2, 2014, the Georgian Parliament adopted an amendment that allowed new members of the Board of Trustees to assume office, while the former Board of Trustees was renamed as the "Monitoring Board" and granted advisory functions. Despite this resolution, by the end of 2014, the Board still did not include any members from the opposition National Movement Party.

According to the experts, the *Law on Public Broadcaster* needs to be improved. Two failed rounds of voting showed that MPs, when electing candidates, pay less attention to their professional competences than to their political views and loyalties.

Some experts suggest that the rules for electing the Board should be completely revised. They believe that it is important to free the GPB from government control. Since the Law allows room for interpretation when it comes to electing members of the Board of Trustees, it should be amended to be better defined. Other experts believe that implementing existing laws should suffice provided these processes are effectively

monitored (some suggest international organizations fulfil this role).

In November 2014, the NGO, Transparency International Georgia, published a post on its blog about the Ministry of Internal Affairs' practice of appointing security officers (so-called ODRs or "ОДР" in Russian – офицер действующего резерва; literally translated as Active Reserve Officers) in state institutions and other organizations, including the GPB and the Georgian National Communications Commission (GNCC). Transparency International Georgia called on the Georgian Parliament to create a special commission to investigate the legitimacy of such security officers. Previously, in 2013, the organization turned to the Interior Ministry, requesting it investigate the possibility that ODRs were putting pressure on the GPB Board of Trustees. Nino Giorgobiani, head of the Ministry's PR service, argued these claims were baseless. If it were found to be true that ODRs were present in the GPB and GNCC, this would constitute a serious breach of law.

According to experts participating in the survey, the GPB should be totally depoliticized. While political forces need to resist the temptation to control the public broadcaster, both former and present authorities are guilty of attempting to do just that.

Transition to digital broadcasting. A governmental decree on February 7, 2014 formalized a strategy for the transition to digital broadcasting that had been under development for several years. The document reveals the government's perspective on the transition process. The document was elaborated with the assistance of the European Bank for Reconstruction and Development in accordance with the recommendations of non-governmental

organizations and the GNCC. On February 14, the Ministry of Economic Development established the Digital Broadcasting Agency. The Agency's main task is to conduct a large-scale information campaign on the transition to digital broadcasting; however, the Agency was not active during the 2014 reporting period. As of the end of 2014, the government has taken no serious steps toward ensuring the population is aware of the upcoming changes.

According to media managers, the interests of all existing television companies were taken into account in the process of multiplex distribution. The government is currently in the process of developing amendments to the relevant legislation, which should have been adopted in December 2014. It is of vital importance for the new digital system of broadcasting to be properly regulated by laws. It is still uncertain specifically what these amendments will entail. Owners of media outlets hope that the government will engage with all stakeholders in the process of drafting and adopting the amendments. Their priority is to ensure the results of the legislation do not harm the media market. By July 2015 it will be clear whether broadcasting companies have managed to transition to digital broadcasting without any serious technical difficulties. The process of digitalization should favor pluralism in the mass media; however, this process is threatened by the short timeframe for the transition and the unstable economic situation in Georgia.

Stereo+, the company that won a competition for proposals for building and operating so-called multiplexes (digital networks that each carry between seven and 15 TV channels) for the transition to digital broadcasting has not yet presented its digitalization plan. However, on December 24, 2014, it started testing the network in Tbilisi and its vicinities using the DVB-T2 standard.

Georgian National Communications Commission. The Georgian National Communications Commission (GNCC) became a chair of the EaPeReg Network beginning on December 15, 2014.

Some media experts are critical of the GNCC's activities, suggesting it does not act in a transparent manner, is often guided by the authorities, and in some cases acts unfairly or unethically when distributing licenses. The GNCC has also been accused of not being proactive, failing to take the Public Defender's remarks seriously, and disregarding reports of the Temporary Investigative Commission of the Parliament. It has also been blamed for protracting legal cases related to licensing, which damages the financial interests of broadcasters that wish to expand their business. For example, Ereti radio station has been trying for seven years to acquire a license to broadcast in Tbilisi.

Experts say that the GNCC has to be held accountable for its activities and that it needs to provide justification for its decisions, such as rejecting an appeal for license. They urge a complete overhaul of the GNCC and advocate for the active participation of the non-governmental sector in the reforms process.

Experts have also noted that the GNCC has never conducted any systematic and continuous monitoring of digital media aimed at uncovering violations of the Code of Conduct for Broadcasters, even though this is one of its responsibilities.

At the end of 2013, the Temporary Investigative Commission of the Parliament, which investigated the GNCC's activities, finished its work. Georgian society followed the investigation closely and the process was transparent. Materials produced by

the Commission were available via social networks (Facebook) and various other Internet resources. After the investigation concluded, the Commission forwarded the results to the Prosecutor's Office, where they remain unavailable for the moment.

Internet and New Media

In recent years the number of Internet users in Georgia has increased significantly. The development of information technologies has fostered the establishment and development of various news and entertainment websites. The vast majority of traditional media outlets now have their own webpages. Some media outlets, particularly local ones, have transformed completely into digital versions of themselves. Georgian bloggers are plentiful; they publish their texts either on their own blogs, within the framework of a digital media outlet, or in social networks. The most popular social network in Georgia is Facebook. According to diverse data, 600,000 Georgians, including journalists, experts, politicians, public servants, leaders of non-governmental organizations, and representatives of big business, have Facebook accounts.

Digital media and activities in cyberspace have become more and more dynamic. These processes influence developments both in politics and in society in general. Through Facebook, Georgians can plan spontaneous protest actions (in order to protect architectural and cultural heritage, the environment, human rights, and so on) and online media outlets often publish the notes of politicians, public servants, and activists.



Protest action against adoption of the anti-discriminatory law

The expression of personal opinion via the Internet is not suppressed in Georgia. The country has no legal restrictions on the freedom of the Internet. There were no cases of arrests, punishment, harassment or beatings of bloggers or active Internet users in 2014.

Nevertheless, there were cases when public servants could not restrain themselves and condemned or insulted journalists or bloggers. Several regional journalists from Western Georgia announced on the pages of their newspapers (Guria News and Guriis Moambe) that local authorities were expressing dissatisfaction with certain materials published by mass media outlets and some of their representatives even insulted journalists. An example of this is the case of an editor of a regional news portal called the Information Centre of Kakheti. According to the New Media Association, in June 2014, the head of public relations for the state-owned Georgian Oil & Gas Corporation LLC (which falls under the Ministry of Energy and Natural Resources), Nino Jgarkava, together with the head of the Kakheti Regional Prosecutor's Office, Tato Margebadze, disseminated a statement on Facebook defaming Gela Mtivlishvili, the head of the Information Centre of Kakheti.

In some cases, public servants and representatives of political parties (including the ruling one) actively publish critical materials and oppose journalists in social networks.

Freedom of expression in Georgia is protected by law, but this does not always mean that bloggers feel completely safe. If a blogger or a journalist publishes materials on violations of the rights of sexual, religious, or other minorities, they may become targets of persecution and verbal assaults over the Internet committed by members of the majority religious group.

In 2014, Freedom House included Georgia in the list of 19 countries (out of 65 examined) with Internet freedom (Freedom on the Net – 2014).

In Georgia there is no state monopoly on Internet services and no artificial obstacles to Internet access. However, prices for Internet services are quite high and did not fall in 2014. Combined with the high cost, the relatively slow speed of Internet in the country creates serious obstacles to network access, especially in rural areas.

Comparative analysis of press freedom in 2013 and in 2014

In 2014 there was little to note in terms of either dramatic progress or decrease of freedom of speech in Georgia. There were spheres in which there was some progress, while in other spheres the situation remained the same. In yet other areas, setbacks were obvious.

There were no fundamental changes to the legislation regulating media in 2014. This was in contrast to 2013, when the parliament adopted important amendments to the Law on *Broadcasting*. In 2014, the Georgian Parliament considered two important issues: the status of social advertising and the duration of commercial advertising. Both bills were widely discussed. A number of mass media organizations and NGOs wanted to postpone the implementation of regulations on social advertising until after the transfer to digital broadcasting was completed. The draft legislation stipulating further limits on the duration of advertisement spots caused protests by national television companies and, at the moment, it is still under consideration by the Parliament.

The Georgian media is not subjected to **copyright**. There is no censorship agency in the country. In 2014, as in the previous year, executive bodies did not issue any decrees restricting the freedom of the media or access to information. As to **self-censorship**, expert opinions differ: some believe that self-censorship is present in many government and private mass media outlets, while the others believe it to be non-existent.

In 2014, similarly as in 2013, no **grave crimes** were committed against journalists. Journalists were not killed, arrested, detained or abducted in connection with their professional activities. However, there was a case of a journalist being detained while performing his professional duties.

Authorities are often accused of applying **psychological pressure, threats**, verbal abuse and criticism toward mass media. Additionally, there have been the odd reported instances of tailing and wiretapping of journalists or media managers' phones.

The rare **physical assaults** against journalists are blamed on ideological opponents. Radical Orthodox religious groups continue to put pressure on freedom of expression. In the cases of conflicts and confrontations, law enforcement agencies protect the rights of minorities and journalists.

The situation pertaining to **the rights of journalists** in 2014 did not change significantly. The New Labour Code improved the status of journalists slightly. However, the issue of onerous contracts persists in the media sphere; journalists' labour rights are not sufficiently protected.

In 2013, Georgian journalists did not experience any difficulties **accessing official information**. However, in spring 2014, the situation deteriorated. Data gathered by the 2014 survey gives access to information the lowest grades (1.50). In addition, according to the IDFI report (May 2014), the situation with access to information deteriorated significantly in the Interior Ministry and the Ministries of Finance and Economy. At the same time, experts say the government tends to employ a selective approach to providing public information to journalists.

In terms of the **economic environment** in which the Georgian mass media functions, 2014 brought no real changes for the better. Politicians no longer play any significant role in the distribution of money for advertising, but, according to the experts, the advertising market is not yet completely free.

The issue of the management and administration of **the Georgian Public Broadcaster** remains problematic. In early 2014, Dunja Mijatovic, the OSCE Representative on Freedom of the Media, expressed her disappointment with the fact that the Georgian Parliament failed to nominate members of the GBP's new

Board of Trustees. According to the experts participating in this survey, the Georgian Parliament disregarded the Law on Public Broadcasting last year. It violated procedure many times, only managed to nominate some members of the Board of Trustees, and did not appoint any candidates from the opposition. While experts call on political forces to step away from GPB, the current government, like previous administrations, continues to attempt to control the broadcaster.

Some experts believe that **the Georgian National Communications Commission** is not acting in a transparent manner, is guided by the authorities, and must be held accountable for its activities. The GNCC should provide justification for its decisions, such as rejecting an appeal for license, for instance. These experts urge a complete reorganization of this sphere and reform of the GNCC with the active participation of the non-governmental sector. At the end of 2013, the Temporary Investigative Commission of the Parliament concluded an investigation into the GNCC's activities and the results of this inquiry were sent to the Prosecutor's Office.

Expert evaluations differ in terms of the Georgian mass media's compliance with generally-accepted **journalistic standards**. Some believe that the mass media has become increasingly sensitive to violations of these standards and that media outlets try to turn to self-regulatory mechanisms more often, including offering more frequent apologies. In contrast, another group of experts maintains that it is Georgian society at large and the Charter of Journalistic Ethics of Georgia that have become more sensitive, not mass media. Under the influence of non-governmental organizations, self-regulation of mass media is less formal and more applied compared to previous years. Experts believe that legislation

on self-regulatory mechanisms in the media sphere should be improved.

Considerably more progress was made in the **transition to digital broadcasting** in 2014 than in 2013. In 2013, the legislation for the adoption of the digitalization concept was delayed. At the beginning of 2014 the Government made the concept of digital broadcasting public, established corresponding structures, and adopted a budget to facilitate this process. Experts and media managers praised the move toward digital broadcasting. The downside of these processes is that up until now there has been no action on carrying out an information campaign to educate the public about the digital switchover. According to media managers, the interests of all existing television companies were taken into account in the process of multiplex distribution. At the moment, amendments to laws regulating the process of multiplex distribution are being drafted; this may present a new challenge to the transition. The process of digitalization should favour pluralism in the mass media; however, this process is threatened by its short timeframe (the transition should be accomplished by July 2015). Stereo+, the company that won a competition for its plan for building and operating so-called multiplexes, has not yet presented its plan for digitalization; however, as of December 24, 2014 it has already started using the network in a test regime.

Every year, digital media and social networks become more active and strengthen their influence over social and political processes. The expression of personal opinions via the Internet is not persecuted in Georgia and there are no laws limiting the freedom of the Internet. There were no cases of arrest, punishment, harassment or beatings of bloggers or active Internet users in 2014. However, there were some instances

of public servants condemning or insulting journalists and bloggers. In Georgia there is no state monopoly on Internet services and there are no artificial obstacles to Internet access. However, in 2014, prices for Internet services remained quite high while Internet speed is rather low. These are serious obstacles to network access, especially in rural areas.

Moldova

Policy

The political and social situation in Moldova in 2014, which is implicitly the subject of the work of the mass media, was marked by several international and national events. These events determined the course of the country's development for the following years and emphasized the challenges that must be overcome in Moldova on the country's way to fulfilling its European aspirations. These challenges include, first of all, the liberalization of the visa regime with EU member states and the signing of the Association Agreement and the Deep and Comprehensive Free Trade Agreement with the EU. The signing of these documents, combined with multifaceted support offered by the EU, positively impacted Moldova's development, promoting reforms in various areas. At the same time, Moldova's strengthening ties with the EU raised the discontent of the Russian Federation, which imposed embargoes on some Moldovan agricultural products on the Russian market and offered direct and indirect support to political parties and groups inside the country that oppose the process of European integration. These include, for example,

groups in the Gagauz region, who even conducted a referendum on the issue of the country's external development vector, which was found illegal by courts. As a consequence, the political struggle between the parties that declare themselves pro-EU and those that promote a closer relationship with Russia and association with the Customs Union intensified. The tensions reached a climax during the Moldovan parliamentary election campaign, when the pro-European parties won by a small margin. The antagonism associated with the political struggle was also evident in the messages of media outlets, especially given that, at the beginning of the year, some repositioning occurred in the media sphere in connection with the nearing elections.

Tensions were fueled by the information warfare started by Russia against Ukraine, Georgia and Moldova around the time of the signing of the Association Agreement with the EU. Given that the country's information space is dominated by television rebroadcasts from Russia, the effects of this information warfare were strongly felt in Moldova. Thus, some politicians and civil society leaders called for the adoption of information

security measures, including the interdiction of rebroadcasting on the country's territory Russian news and analysis programs that are used as instruments of propaganda and manipulation of public opinion. On July 4, 2014, after a week of monitoring several local television channels that rebroadcast information and analysis programs from the Russian Federation, the Broadcasting Coordinating Council (BCC) announced it had found frequent violations of the principles of balance, neutrality and objectivity, elements of aggressive propaganda, and manipulation through text and images. The BCC suspended the rebroadcasting of the Rossia24 television channel for six months and imposed fines and issued public warnings to the Moldovan outlets that rebroadcast the Russian channels RTR, Ren TV, PervyKanal and NTV.

Generally, there are sufficient constitutional and legal guarantees of freedom of expression and press freedom in Moldova. There is no official censorship, and in 2013, the Criminal Code was supplemented with articles penalizing censorship and intimidation of journalists performing their professional duties. Print media outlets do not need a license to work, they only need to be registered as legal entities, and the process of issuing licenses and granting frequencies for broadcasters was not used as an instrument for repression of press freedom in 2014. Defamation was decriminalized in 2004, and the plenum of the Supreme Court of Justice ruled that courts must apply reasonable compensations in cases of defamation. Nevertheless, the guarantees provided by the national legislation fail to ensure real freedom, and their implementation often leaves much to be desired.

Although civil society insisted on the adoption of some laws and regulatory acts that are important for the development of

mass media, in 2014, the national public policies in the field of mass media failed to undergo some essential changes. In January, a group of MPs representing the Liberal Party submitted a draft of a new Broadcasting Code, which was developed by the Electronic Press Association (APEL) and presented to the Parliament in May 2011 but blocked by the governing coalition that, until 2013, also included Liberals. Unfortunately, the draft of the new Broadcasting Code did not get to be examined by the Parliament before the end of its mandate.

Throughout 2014, civil society continued to promote the modification of the legislation in order to ensure media ownership transparency. In 2013, the Independent Journalism Center (IJC) developed the draft law on modifying and supplementing the Broadcasting Code, which would require broadcasters to publish information about their owners and beneficiaries. The draft was registered as a legislative initiative by a group of MPs representing the Liberal Democratic Party and voted in during the first reading on July 21, 2014. Politicians promised to adopt it in final reading after the parliamentary vacation; however, this never happened. As a consequence, media owners remain in the shadows, and media consumers have no access to that information. In this context, in September, Lise Christoffersen and Piotr Wach, co-reporters of the monitoring commission of the Parliamentary Assembly of the Council of Europe, at the end of a documentation visit to Moldova, expressed their concern with the concentration of mass media in the hands of several politicians.

On July 17, 2014, the Parliament adopted in first reading the draft law on fighting extremism; however, some of its provisions were harshly criticized by the Moldovan online community, mass media, civil society

representatives, and the OSCE representative on freedom of the media for the fact that it might jeopardize freedom of expression on the Internet. Previously, a group of MPs from the governing coalition and the opposition, and members of the parliamentary commission for culture, research, youth, sport and mass media, had registered a legislative initiative that proposed the adoption of a Declaration on the neutrality and freedom of the Internet and the development of information society, which contained several general commitments aimed at “maintaining the openness and neutrality of the Internet.” The declaration, however, was not adopted by the end of the Parliament’s mandate.

The majority of experts see the Moldovan authorities’ process of transitioning to digital television, which must end in June 2015, as insufficient and non-transparent. The government only approved the *Program of transition from analog television to digital television* in May 2014 and the approved version of the plan was not published. This fact leaves room for interpretation, and, according to some experts and analysts, media-owning politicians are interested in delaying this process so as to obtain the most benefits for their outlets by the end of the transition.

In 2014, a year-and-a-half-long conflict ended between the BCC and broadcasters directly supported by politicians, including the chairman of the parliamentary commission for mass media. These broadcasters challenged the legality of the BCC’s September 2012 decision, which obliged broadcasters to fill at least 30% of their weekly airtime with their own programs, including half in the hours of maximum audience in the Romanian language. On September 17, 2014, the Supreme Court of Justice adopted an irrevocable decision declaring the

broadcasters’ appeal inadmissible, cementing the BCC’s ability to exercise its role of guarantor of the public interest and intervene in order to ensure broadcasters’ compliance with the legislation.

Contrary to legislation, both the BCC and the Supervisory Board (SB) of the national public broadcasting company Teleradio Moldova are formed using political criteria. Because of this, in 2014, the question of the functionality of the Teleradio-Moldova SB remained unsolved. Although 12 candidates for filling SB vacancies were selected by the BCC in December 2013, the parliamentary commission could not agree on selecting six of them. This once again proves politics’ interference with the work of the public broadcaster. Later, Valeriu Saharneanu, the deputy chairman of the parliamentary commission, found further evidence of this problem. He recognized that the Parliament had sabotaged the work of the SB, and that the impasse had occurred because political parties wanted to have more Board members affiliated to them. Moreover, the legal mechanism of periodic renewal of the SB one-third at a time was also disrupted. To comply with the regulatory framework, the Parliament would have to appoint the six SB members for different terms.

Political interference with and influence on the work of public broadcasters also manifested themselves in the case of the public broadcasting company of the Gagauz region, GRT. During 2014, the work of the GRT was disrupted by scandals provoked by the dismissal of the company’s management by the Supervisory Board (SB), which was elected by the People’s Assembly of Gagauzia based on political criteria. The GRT’s year was marked by the election of a new president and director and lawsuits challenging the SB decisions.

Moldova saw no improvement in access to information, either. During 2014, the Independent Journalism Center (IJC) discussed, formulated and presented to the Parliament amendments to the law on access to information that was adopted in 2000 and that needs improvements in order to provide additional guarantees for journalists, definition of areas with limited access to information, exclusion of abusive interpretation and, unjustified limitation of access to information by public officials. The draft law was registered as a legislative initiative by Liberal-Reformers parliamentary party, but has not yet been adopted. The problem of the limited media access to the Parliament's plenary meeting room also remains to be solved. Journalists have been affected by this issue since the end of 2013, when MPs returned to the repaired Parliament building. Despite the repeated appeals of journalists and civil society, the prohibition of journalists' access to the meeting room has been maintained. This is indicative of the government's intention to control the video footage transmitted from the Parliament and, indirectly, to limit access to information of public interest.

Another problem that hinders the development of mass media concerns the tariff policy of the state-owned Posta Moldovei (Post of Moldova), which is



Flash mob organized during Press Freedom Days in 2014 with the aim to draw attention to the limited access of journalists to the Parliament hall for plenary sessions, May 8, 2014

practically the only distributor of print press in the rural areas of Moldova. The company's relationship with media publishers worsened significantly in 2014; many publishers complained that its tariff policy hinders the work of newspapers and magazines. In September 2014, Posta Moldovei announced that it would no longer accept non-packed newspapers for distribution, and that publishers would have to pack their print products separately for every post center in the country. Further angering publishers, Posta Moldovei simultaneously proposed that it would pack their newspapers for an additional fee. In response, the Association of Independent Press (AIP) asked for the urgent involvement of the government and of the parliamentary commission for mass media in order to prevent abuses associated with the tariff policy of Posta Moldovei. Meanwhile, publishers refused to sign distribution contracts for 2015. Only after these actions on the part of the media organizations did Posta Moldovei reverse its policy on separate packing of newspapers for every post center and meetings took place to negotiate a new contract for the distribution of periodicals.

Practice

The security of journalists in Moldova is guaranteed by law and no killings of journalists in connection with their work have occurred since the declaration of independence. In 2014, there were no cases of kidnappings or arrests of journalists while performing their duties. At the same time, legal provisions on security in performance of a job do not always work in practice, and authorities are not sufficiently firm in punishing attacks on journalists.

In 2014, there was an incident where an intern journalist was detained and several cases of psychological pressure and threats against journalists, illustrating that these methods of intimidation are still used in attempts to influence editorial policies. In June 2014, representatives of the ministry of internal affairs detained Vadim Ungureanu for 72 hours. Ungureanu was an intern at the information portal Deschide.md, and was suspected of “blackmailing persons in positions of responsibility in order to obtain compromising information about famous Moldovan artists.” The website, which had published several investigations about the ministry’s employees, characterized the incident as revenge and an attempt to intimidate. Although the case had important implications for issues of media freedom, the public was not informed about the investigation.

Activist and journalist Oleg Brega, a videographer for the Curaj.tv portal, reported two cases of intimidation in connection with his work, including a serious case of physical violence, in which a group of people in masks sprayed him in the eyes and kicked him repeatedly. The police started investigations, into these incidents, but they were never solved.

Investigative journalists with RISE Moldova, a local branch of the international RISE project, which unveils schemes of corruption, money laundering, and organized crime at an international level, reported being threatened by individuals they had identified in an investigation about money laundering schemes in Eastern Europe. The editorial board of the investigative weekly newspaper *Ziarul de Garda* also reported threats after publishing an article about the property and travels of the Metropolitan of Moldova. Contrary to expectations, authorities did not

take these reports seriously, or at least never publicized any investigations.

These cases, and the anemic, or lack of, reaction on the part of authorities to violence and threats against journalists are indicative of the tenuousness of the security guarantees provided by law.

It is worth mentioning that the year began with a large scandal, after some cable television operators excluded from their basic packages (or transferred into more expensive packages) several broadcasters, including *Accent TV*, which is affiliated to the opposition Party of Communists, and *Jurnal TV*, which criticizes governing parties (especially the deputy chairman of the Democratic Party, Vlad Plahotniuc, who is the undeclared owner of at least four television channels and other media outlets). After protests from some politicians and journalists, statements by media NGOs, and criticism from some ambassadors including Dunja Mijatović, the OSCE representative on freedom of the media, operators reintroduced these channels into their basic cable packages.



Protest of the Jurnal TV employees against exclusion of the channel from the basic packages of some cable television operators. Source – www.ziarulnational.md

Over the past two or three years, the judicial system of Moldova stopped the practice,

common in past years, of taking a biased approach in cases involving mass media. As a result, court decisions ruling against media outlets are increasingly rare. The fines applied to media outlets and journalists in cases of alleged defamation have steadily decreased, and lawsuits initiated by politicians, officials, and businesspeople against mass media were often dropped in the early stages. There were, however, some exceptions: on July 4, 2014, a primary court in Chisinau admitted a complaint against the *Accent TV* channel, which is affiliated with the Party of Communists of the Republic of Moldova (PCRM), filed by Ruslan Popa, chairman of the Reformatory Communist Party (some communists consider this party a clone created to destroy the PCRM). After Popa was accused, in a television broadcast, of selling himself to discredit the PCRM, he requested compensation for moral damages for the publication of defamatory information. The court partially upheld his claim and ruled that *Accent TV* must pay MDL 130,000 (about €7,000) to Popa. The channel declared the decision to be revolting and asserted that it would appeal it, but there is no information on whether it ever did. Media experts also noted the inconsistent application of the law on freedom of expression, which has been in force since 2010 and establishes the requirement of filing preliminary applications for the correction or invalidation of allegedly defamatory information.

Access to information continues to be an obstacle for journalists in their work. Information is still sometimes artificially restricted or limited because of bureaucratic barriers and insufficient transparency among public institutions. Additionally, journalists do not always have the necessary knowledge or abilities to access some of the data that is available online. Media outlets and journalists often say that officials and public institutions

provide incomplete information or refuse to provide the requested information at all, citing trade or fiscal secrets. In some cases, public institutions refuse access to information to media outlets because they wrongly interpret the law to mean that only *individuals* have the right to request information. Access to information of public interest is even more difficult in the regions, especially in Gagauzia. There is still no solution to the problem of journalists' lack of access to the databases of Cadastre (a public company) or the State Registration Chamber. These restrictions severely complicate the work of investigative journalists. These problems could be solved through amending the law on access to information, removing some ambiguities and supplementing it with provisions that might facilitate journalists' access to information. In addition, it is necessary to ensure swift and consistent application of penalties on officials who unjustifiably hinder access to information.

There is no official censorship in Moldova, and censorship in public media outlets is punishable under criminal law. Although there was no public information available about cases of censorship in public or private media outlets, experts still suggest the phenomenon exists, disguised in the form of "editorial policy." The existence of self-censorship is more certain, especially in some private media outlets controlled by politicians and businesspeople. Media monitoring in 2014, which was an election year for Moldova, showed that some television channels filtered the topics they covered and that their coverage of some issues was manipulative.

Although there is no state monopoly of media outlets or printing companies in Moldova, the situation with monopolies is still worrisome because there is no assurance of media ownership transparency and the



Moldovan media experts are presenting the final report on monitoring of the Parliamentary elections, carried out on November 30, 2014. Source - www.api.md

law does not provide for limits to media ownership concentration or for transparency in the funding of media outlets. Also, the state has not managed to limit the concentration of ownership in the advertising market or to de-monopolize the print press distribution market, because it has failed to create the proper conditions for the development of alternative entrepreneurship. This hinders the development of media outlets and makes them dependent on the often-abusive tariff policies of the companies that have a dominant position in the advertising or distribution markets. Thus, although the advertising market is not controlled by the state, it is dominated by private companies managed from the shadows by public employees or politicians. At the national and local levels, the so-called state advertising is placed, as

a result of non-transparent conditions and criteria, in the media outlets favored by authorities. The development of a new law on advertising, with clear provisions and efficient actions against market monopolies, would be a solution to this problem. In 2014, the ministry of justice began work on a draft of such a law. Under the new legislation, the tariff policies of the national distributor of print press, Posta Moldovei, would be subjected to firm control by the government, and indirect subsidies would be provided to print press distribution, based on the example of some Western European countries.

Unfortunately, in 2014 Moldovan authorities failed to ensure favorable economic conditions for the development of media outlets, and there is no strategy that would

aim at increasing the economic capacity of the press, which might, accordingly, increase its independence. Furthermore, a legislative initiative proposed to the Parliament in support of print press was not adopted. At the same time, the state did not intentionally create obstacles to the economic activities of mass media, and has stopped directly interfering with their work. As of 2014, checks from fiscal or other authorities are no longer perceived by media outlets as a mechanism of intimidation or criticism: they are becoming less frequent and any resulting fines cannot lead to suspension of the editorial process.

Media monitoring during the electoral campaign of 2014 showed that the parties of the parliamentary and extra parliamentary opposition had access to airtime provided by the national public broadcaster and by the majority of commercial broadcasters.

Broadcasting

For about 100 broadcasters, the main events of 2014 were the signing of the Association Agreement with the EU and the parliamentary elections of November 30. The division of political forces in the country into two sides – pro-EU and pro-Customs Union – also divided society, and mass media, including local broadcasters, served as a resonance box to this process.

At the beginning of the year, several large television broadcasters, including the national public television, had been broadcasting a large amount of political advertising by the Party of Socialists (PSRM), which advocates for the country's integration into the Customs Union and for the denunciation of the Association Agreement. According to the national legal



Iurie Leancă, the Prime Minister of Moldova, is signing the EU-Moldova Association Agreement on June 27, 2014.

framework, political advertising is regulated by electoral laws, which exclusively refer to electoral advertising, allowed only during electoral campaigns. Law experts found that the legislation does not expressly prohibit political advertising outside of election campaigns and the pro-European parliamentary majority failed to propose clear modifications to the legal rules. As a result, electoral advertising was broadcast throughout nearly the entire year. Television broadcasters, on their own initiative, added a note at the end of these ads saying they were “commercial political advertising.” Since no one intervened in the process, broadcasters later started broadcasting the ads of other political parties, including those with pro-European values. The situation spun out of control, and by the time the electoral period began, the majority of large broadcasters were divided according to party affiliation.

The country has a national public broadcaster and a regional public broadcaster. The national broadcasting company, Teleradio-Moldova (TRM), continues to implement reforms according to a development strategy created with European support. In the opinion of experts, however, the implementation process is too slow. In 2014, TRM worked with an austere budget (about one million dollars less than in 2013)

and in the absence of a Supervisory Board (SB), which, according to the legislation, is the institution's supreme administrative body. In July, seven local media NGOs publicly asked the Parliament to speed up the process of the appointment of SB members, but lawmakers ignored their request. One way or another, the SB must be restored, given that in early 2015 the mandates of TRM's president and director expire and it is the responsibility of the SB to appoint, via a public contest, the company's top managers. At the beginning of December, after the parliamentary elections, the TRM president resigned with the justification of having obtained a post-doctoral scholarship abroad.

In the autumn of 2014, after a delay of several months, a new modern studio was up and running at the public television broadcaster, which visibly improved the quality of broadcasting. Experts find that TRM's media products of generally meet the information needs of the public and that over the past four years it has managed to maintain an acceptable level of journalistic quality.



Renovated studio of the public broadcaster "TV Moldova 1". Source - www.trm.md

While 2014 saw some progress with the national public broadcaster, the work of the Gagauz regional public broadcasting

company was instable, marked by political struggle in the region. After repeated attempts, members of the Supervisory Board (SB), appointed based on political criteria, finally managed to choose a director for the company in September. However, the newly-appointed director was suspended from that position through a court decision several days later. Throughout the year, the institution was repeatedly criticized by the People's Assembly (the regional parliament) and by the bashkan (the region's governor). At a press conference in early October, the public company's president asked for police protection, claiming that she had been intimidated by the speaker of the People's Assembly; she resigned from her position soon after. The SB appointed a new president, but dismissed him in early December for negligence at work, replacing him with an interim president. Experts believe that the tumultuous situation at the regional public broadcaster has been strongly influenced by the political struggle preceding the elections of the bashkan and the local general elections of spring 2015.

The current legislation obliges national broadcasters to cover parliamentary elections, including through hosting electoral debates. Additionally, at the beginning of the electoral period, every broadcaster that intends to cover elections must submit a declaration of their editorial policy during the electoral campaign to the Broadcasting Coordinating Council (BCC), including the names of their owners and the format and schedule of electoral debates. It should be mentioned, that in this case, the BCC, which, according to some experts, is influenced by the Democratic Party (PDM), again took an inconsistent attitude to these declarations. Thus, some broadcasters, including Prime TV, Publika TV, Canal 2 and Canal 3, did not reveal the names of their

owners, but their declarations were still accepted by the BCC. Moreover, Canal 2 and Canal 3, despite having the legal obligation to organize electoral debates, failed to do so. The BCC did apply sanctions, including the maximum fine provided by the legislation (MDL 5,400, or about USD 350), but these sanctions are not an efficient mechanism for combating violations, since television broadcasters' income for one minute of electoral advertising could cover monthly fines for an entire year.

The monitoring of broadcasters during parliamentary elections conducted by the BCC and by three media NGOs (Association of Independent Press, Independent Journalism Center and Electronic Press Association), showed that none of the electoral candidates had their access to broadcasting (including access to electoral debates and paid electoral advertising) limited. In newscasts, however, some broadcasters provided better visibility to some candidates at the expense of others. Thus, four out of five broadcasters with national coverage (Prime TV, Publika TV, Canal 2 and Canal 3) massively favored the Democratic Party (PDM), including in newscasts. According to experts, all four broadcasters are owned by Vlad Plahotniuc and the second person in the political party; two other television broadcasters, N4 and TV 7, favored the Liberal Democratic Party (PLDM). Accent TV significantly favored two electoral contestants, the Patria (Homeland) Party (PPP) and the Party of Socialists (PSRM), while neglecting the other two contestants; Jurnal TV significantly neglected the PDM. The regional public broadcaster of Gagauzia covered the electoral campaign very sketchily, providing little in terms of newscast coverage.

Internet and New Media

In 2014, online journalism continued its rapid development, which is explained, on the one hand, by the lack of rigid regulations in cyberspace and, on the other hand, by the speed of the Internet. Moldova, according to netindex.com, ranks sixth in the world among the countries with the fastest Internet (almost 50 MB/s) speeds. A study published in October 2014 by the European Neighborhood and Partnership Instrument (ENPI), shows that Moldovan citizens are the largest consumers of mass media in the Eastern Partnership countries: they are leaders in the use of social networks (53%), Internet (55%), radio (62%) and online television (35%).

According to official data, at the beginning of 2014, about 24,000 websites were registered in Moldova on the .md domain. Approximately 200 of these contain media content. Since then, these numbers have been growing. For example, in March, the Realitatea online media group was launched as a platform for public benefit that produces six types of specialized media products. The Realitatea team, which is made up of young journalists, assumed the principles of professional ethics and the values of modern journalism from the inception of the organization. The main platform for the group is the news website realitatea.md, which works around the clock. In July, the group also launched "Realitatea" television.

The mold-street.com portal, which contains news, analyses and journalistic investigations on economy-related topics, started its work in the spring of 2014. A new electronic journal, Justice Journal, specializing in the field of justice and managed by a group of law professionals, has been working since

June. Also, a men-oriented online journal, UniCOOL.md, was launched in July.

Newsmaker.md, a news and investigative journalism website, was launched in August, and published the first issue of the electronic bulletin of the ministry of education, which contains information and analyses about the most important initiatives of the ministry, including the creation of the National Agency for Ensuring Quality in Professional Education, reforms in technical professional education, modifications to the primary school evaluation system, etc.

The Audit Bureau of Circulations and Internet and the Gemius company, which is the largest agency specialized in the study of the Internet market in Central and Eastern Europe, began regularly compiling and publishing a rating of the most-viewed information portals.

Existing online media platforms are looking for new forms of operations and business management. For example, in October, the Privesc.eu portal, which is well-known in Moldova, launched two types of subscriptions for those who want to have access to exclusive events and live broadcasts. The price of “Pro” subscriptions is €29.99 per month, and “Corporate” subscriptions are €119.99 per month. Subscribers have full access to all events and can download free video materials from the portal.

Since January 1, 2014, Moldova has been a member of the Freedom Online Coalition, created in 2011 as an initiative of the Netherlands with the goal of facilitating global dialogue on government responsibility in the active promotion of Internet freedom.

At a meeting in June, the parliamentary commission for mass media called for a truce

in the long-standing conflict between the BCC and the Internet service provider, StarNet. MPs found that the uncertain and ambiguous national legislation on broadcasting led the BCC to erroneously interpret some legal provisions. The phrase “rebroadcast by any means,” which is used in the legislation, in reality refers to analog and digital cable systems, and not to client-server technologies or the distribution of media content over the Internet, where users do not receive signals, but access media content by themselves. The Internet, as a global network of free access to information, cannot be regulated by means of licensing, as the BCC had claimed. Based on these findings, members of the specialized commission unanimously approved the decision to create a working group that would include representatives of civil society, academics, business people, and international experts, who would develop proposals for the elimination of these imperfections from the national legislation. At the same time, commission members decided to develop and propose an official parliamentary declaration stipulating that the Internet in Moldova cannot be regulated or subjected to censorship. Such a declaration on the neutrality and freedom of the Internet was developed and then voted on, in mid-July, by the majority of the parliamentary commission on mass media. The declaration recognizes the essential role of the Internet in the promotion of democratic values, in ensuring transparent and efficient government, and in guaranteeing the fundamental human right of access to information. The document reconfirms that the Internet is an important tool for education and for real exercise of freedom of expression. The declaration was to be examined at the plenary Parliament meeting on July 18 (before the parliamentary vacation), but its examination was deferred to the following session of Parliament at the request of democratic MPs, who justified

the move saying they needed more time to consider the document.

These actions on the part of authorities might seem to reveal a firm political will to safeguard the openness of the Internet. However, also in July, just before the parliamentary vacation, MPs voted in the first reading of a draft law on fighting extremism. In essence, the Parliament returned to the draft law proposed in 2013 by the General Prosecutor's Office and the Information and Security Service (ISS) but withdrawn from the government's agenda as a result of pressure from national providers, information portals, mobile telephone operators, Internet service providers, and mass media. This time, the ISS argued the initiative was needed in order to realize its objectives in the areas of combating and preventing extremism.

In addition to provisions that intended for combating extremism and separatism in Moldova, the draft law also contains a problematic article (no. 8) that has the potential to stifle Internet freedom. The provisions of this article allow the ISS to block any news website, social network or other similar resource if it contains comments of an extremist nature. Article 8 states: "If an information system (a web page, portal, forum, social network, blog, etc.) contains material of an extremist nature, the ISS shall rule, by an order to providers of networks and/or services of electronic communication, on the temporary blocking of access to this material on the territory of Moldova." It should be noted that two important web portals, Unimedia.info and Privesc.eu, published a declaration asking the Parliament to exclude Article 8 from the draft law on fighting extremism, arguing that it censors Internet freedom. Media NGOs publicly supported this declaration, reminding the public that the draft law was being proposed nearly a

year after a law with the same provisions was withdrawn from the government agenda. The NGOs asked the Parliament not to allow this limitation of Internet freedom.

In September 2014, the OSCE representative on freedom of the media, Dunja Mijatović, said, "it is worrying that an administrative institution might have the discretionary power to block access to online content without a reason," She appealed to Moldovan authorities to eliminate the problematic provisions of the draft law.

It should be noted that the Parliament failed to vote in the draft law on fighting extremism before the end of its mandate, though it also failed to return to examining the declaration on the neutrality and freedom of the Internet.

Online journalism and blogging have no legal support in Moldova. The social status of bloggers is not defined and so we cannot comment on their protection like is possible with the protection of journalists. In 2014, no bloggers publicly reported cases of intimidation, threats or interference with their work.

The exact number of blogs and bloggers existing in the country is unknown. Moldovan bloggers have self-organized and created an active community using a common online platform - blogosfera.md. At the time of this commentary, the platform contained 2,039 blogs, categorized into 24 fields of interest, from local administration and business to mass media, religion and tourism. The bloggers' community organizes the Festival of Moldovan Blogs ("Blogovat"), conducts opinion polls, establishes bloggers' ratings, and develops other projects aimed at the promotion and consolidation of blogging and the creation of an alternative space for expression.

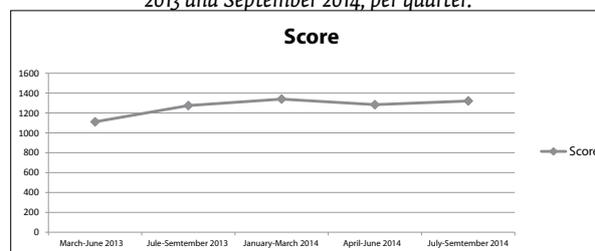
Websites with media content more and more often have become the subjects of media monitoring, although they are not defined by law and their work is not regulated. In 2014, the monitoring of online journalism focused on many different areas: from informational manipulation to gender equality. The study titled, “Mass Media Pluralism in Moldova: opportunity and reality,” which was based on an analysis of the external and internal pluralism of the eight most representative information portals, was presented in September. During the parliamentary elections of November 20, 2014, 10 news portals were monitored. The results of this monitoring show that online media actively covered the electoral campaign, but, unfortunately, some of them clearly demonstrated political partisanship in favor of certain candidates. In this sense, online journalism during the electoral period behaved much like traditional journalism.

Comparative analysis of press freedom in 2013 and in 2014

2014 was a special year for Moldova; its social, political and geopolitical situation was marked by major events, which influenced, on the one hand, the political agenda of the country's authorities, and, on the other hand, the public agenda of media outlets. Differing views on the meaning of events divided society mainly into Euro-optimists and Euro-skeptics: supporters of the EU and supporters of the Customs Union. This phenomenon added an antagonistic tone to the political struggle, which was strongly felt in the media. As a result, the people's trust in mass media, which had been consistently quite high over the past years, dropped to 48% in October 2014 from 54% in October 2013.

Overall, the situation of mass media in Moldova did not change significantly, having had small successes and downfalls in different areas. Throughout the year, Moldova's score in the assessment of the four chapters of this commentary – Politics, Practice, Broadcasting, Internet and New Media – fluctuated. These fluctuations, however, did not influence the country's overall index. In contrast with 2013, in the three assessed quarters of 2014 (January–March, April–June and July–September), Moldova maintained the second position among the six countries of the Eastern Partnership, surpassed only by Georgia. Moldova earned 1,340, 1,284 and 1,321 points in each quarter respectively, and maintained an Index of 6 out of 7. Variations in Moldova's score over the course of the year were not significant enough so as to conclude a general increase or decrease in the index. Nevertheless, a constant index does not necessarily mean stability in the media situation or in freedom of expression; rather, in major segments, it means stagnation prevented the country from earning higher scores. It is worth mentioning that in 2013 there was a clear jump from Index 5 and second place in the first reporting period (March–June) to Index 6 and first place in the second reporting period (July–September). Since then, Moldova has consistently obtained Index 6 and the second place among EaP member states.

Diagram 1. The general score obtained by Moldova between March 2013 and September 2014, per quarter.



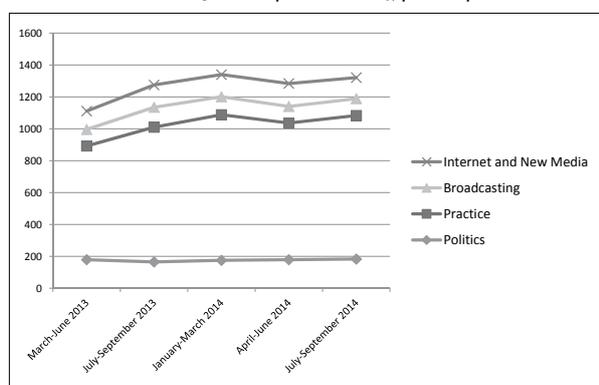
The general score (1,321) in the last reporting quarter (July–September 2014) is

15% higher than the one obtained in the first reporting quarter, March–June 2013 (1,111). This growth, however, is not a result of major improvements in press freedom or in the practices of journalists or media outlets in Moldova. According to experts, in 2014, journalistic activities did not take place in a climate of full freedom; internal and external pressures remained important influences on journalists. At the same time, in 2014, authorities declared their intention of working toward solving some of the problems in the media field; however, only some of these intentions materialized into concrete actions, and their sustainability is unclear.

A valid explanation of the score's increase, however, is the high score obtained in the area of Internet and New Media, Moldova being among the countries with the highest speed of Internet and fewest regulations of cyberspace. Additionally, online media continued to develop rapidly in 2014 and there were no major cases of abuses against online media, online journalists, or bloggers.

Over the course of the year, the media landscape did not undergo any dramatic changes. The market maintained its 2013 levels, with some improvements, especially in online media, which developed and diversified.

Diagram 2. Comparative score obtained by Moldova between March 2013 and September 2014, per chapter



The **Policy** chapter maintained a relatively stable score in 2014, which allowed it to obtain Index 6 in all three evaluated quarters. Things were better than in 2013, when, in the second quarter of assessment, the Politics chapter obtained 165 points and Index 5. The low 2013 score was caused by the government decision to suspend online broadcasting of its meetings and by the president of the Supreme Court of Justice's declaration that he would be promoting the reintroduction of criminal penalties for defamation. The fees that journalists must pay for information of public interest also influenced the low score in that period. In other periods of assessment, the **Policy** chapter obtained the necessary score to attain Index 6 (179 points in March–June 2013, 175 points in January–March 2014, 179 points in April–June 2014, and 183 points in July–September 2014).

The high 2014 score was also influenced by the fact that the Broadcasting Coordinating Council (BCC) became more active, taking notice of events or responding to civil society appeals and making timid attempts to fulfill its role of guarantor of the public interest. The BCC monitored and applied penalties in connection with the quality of programs rebroadcast from Russia, and conducted monitoring and reacted during the electoral campaign, though not always effectively or in a timely manner. After the law on protection of children from the possible dangers of mass media entered into force in 2013, the BCC, together with civil society, monitored the content of some programs and intervened when necessary. At the same time, after a decision in its favor by the Supreme Court of Justice, the BCC announced that it would monitor broadcasters to see if they complied with the legal obligation to have 30% of local programs in their weekly airtime in Romanian and in prime time; concrete actions, however, did not follow this declaration.

The country advanced, although with small steps, on the path toward digitalization, which must be accomplished by the end of 2015. In 2014, the government adopted the program of transition from analog to digital television, but the decision was not immediately published in the Official Monitor, leaving room for speculation and interpretation about the unspoken intentions of the authorities.

In 2014, the score for the chapter on **Practice** was also relatively constant, which allowed it to obtain and maintain Index 6 throughout the entire year. However, while since the beginning of the project in March 2013, the score for this chapter has grown overall, there was a decrease in the second quarter of 2014, from 913 points in January–March to 857 points in April–June 2014, after which the situation somewhat improved, reaching 900 points in July–September 2014. The dip in the score was caused by the perception of the experts of weaknesses in some segments of the field of justice. Nevertheless, the situation was better than in 2013, when Moldova obtained Index 5 for the **Practice** chapter in the first quarter, with only 713 points, growing in the following period to 845 points and Index 6. This leap was primarily due to the decrease in the number of lawsuits initiated against journalists for defamation and the establishment by judges of reasonable penalties.

The chapter on **Broadcasting** obtained the lowest score in 2014. Only in the first quarter, January–March 2014, did it obtain 113 points and Index 6. The score then dropped to 104 in April–June and 106 in July–September, leading to Index 5 for both reporting quarters. It should be noted that the score obtained at the end of the monitoring period in 2014 was the same level as in the first quarter of 2013, when the project started. Although experts saw some improvement in July–September

2013, when the chapter obtained 125 points thanks to progress in digitalization and the BCC's openness to civil society appeals, a year later the situation worsened because there were no major reforms to Teleradio-Moldova (TRM) and because of the perception that TRM is controlled by the government. This perception is supported by the fact that TRM is operating without its Supervisory Board (SB) because the parliamentary majority failed to appoint the necessary members. Another reason the score for this chapter did not increase is the difficult situation of the regional public broadcaster, of Gagauzia, which has recently had very unstable leadership.

The chapter on the **Internet and New Media** had the best indicators in 2014, receiving Index 7 throughout the year. It should be noted that in 2013 it had a lower index, (6 out of the 7 possible), with 115 points, after which it grew and stayed constant between 132 and 140 points. This high score is thanks to the lack of Internet restrictions or harassment of bloggers and online journalists and to the accessibility of Internet services. The decrease from 144 points in April–June 2014 to 132 points in July–September 2014 was caused by the voting on the first reading of the law on combating extremism, which contains provisions that experts believe could contribute to Internet censorship and endanger freedom of expression.

Conclusions

Generally, the constitutional and legal guarantees of freedom of expression and press freedom in Moldova are sufficient, but some laws need improvement and changes in order to secure the development of an independent mass media. After a period of openness

toward civil society initiatives concerning the development of mass media, in 2014, the Parliament's collaboration with media NGOs was stagnant, and important initiatives in this field were blocked or delayed for political reasons.

Changes for the better that were expected in the mass media sphere in the electoral year of 2014 did not occur. Expectations centered primarily on reducing monopolies on the broadcasting and commercial advertising markets. Because of group interests in the media market, politicians did not demonstrate the necessary political will to adopt legal guarantees for establishing media ownership transparency and avoiding concentration in the media market. Consequently, the continued existence of some forms of monopoly on the media market, such as concentration of ownership, lack of transparency in funding sources, and control over the advertising market, created the conditions for unfair competition and the financial and editorial dependence of media outlets.

Throughout the year, there were no improvements in Moldova in terms of law-making or in the daily work of the mass media. On the contrary, during the electoral period, as in past years, the majority of mass media did not have sufficient capacity to resist political influence and admitted deviations from professional standards.

Overall, journalistic practices in Moldova took place in a climate of relative freedom in 2014. Although there was no direct pressure from the state, the day-to-day activities of journalists and media outlets were influenced to some extent by artificial limitations on the access to information of public interest. Meanwhile, the rare cases of attacks on or intimidation of journalists in connection with their work were not efficiently investigated by

authorities. The law on access to information of public interest is not perfect and penalties for obstructing access to information were not effectively applied in order to ensure the integrity of the process. In summary, the imperfect and ambiguous nature of public policies on media allows for political interference in the work of the national and regional public broadcasters, creates institutional block a gesto the detriment of the public interest, and stimulates unfair competition.

UKRAINE

Policy

The right to freedom of speech is enshrined in the Ukrainian Constitution, which guarantees each person the right to the free expression of his or her views and beliefs, as well as the right to freely collect, store, use, and disseminate information by oral, written or other means, prohibits censorship, guarantees free access to information about the environmental situation, the quality of food and consumer goods, and stipulates the right to disseminate such information (see Articles 34, 15, 50 of the Constitution). Moreover, Ukraine ratified the Convention for the Protection of Human Rights and Fundamental Freedoms on September 11, 1997, and the Verkhovna Rada (parliament) of Ukraine approved the Implementation of Decisions and Application of Practice of the European Court of Human Rights Act on February 23, 2006, requiring Ukrainian courts and state authorities to directly apply, in court and in administrative practice, the norms of the Convention and the principles formulated in the ECHR's decisions. Thus, Ukrainian laws establish high standards for freedom of speech.

The main laws regulating freedom of speech and the media in Ukraine are, among

others, the Acts on: Information, Access to Public Information, Television and Radio Broadcasting, National Council of Ukraine for Television and Radio Broadcasting, Telecommunications, Printed Media (Press) in Ukraine, Information Agencies, State Support of Mass Media and Journalists' Social Protection, Procedure for Ukrainian Mass Media Highlighting the Activity of State Authorities and Self-Government Bodies in Ukraine, Publishing Industry, and Advertising.

The Ukrainian print media is not subject to licensing, but media outlets must be registered before they are permitted to publish and distribute newspapers and magazines. This does not adhere fully to European standards; however, in practice this is not a serious obstacle to freedom of speech in Ukraine.

Under the laws of Ukraine, satellite, on-air, cable and wire broadcasting and multiplexing is subject to licensing. On-air broadcasting licenses and licenses for multiplexing with the use of radio-frequencies are only issued by tender. At the same time, satellite, cable and wire broadcasting licenses, as well as licenses for on-air broadcasting on multichannel

networks (in cases provided for by law as in paragraphs 7 and 8 of the Television and Radio Broadcasting Act of Ukraine) are issued without the use of competitive tenders. Internet broadcasting is not subject to licensing.

Offences like insult and slander have been decriminalized in Ukraine since 2001, and defamation disputes are settled within the framework of civil proceedings. Although the court has wide discretion in defining the amount of compensation to be awarded for the dissemination of unreliable information, in recent years, large fines have been rare.

The start of 2014 in Ukraine was significantly impacted by the debates around the approval, in the last days of 2013, of laws that were labelled by the public as “dictatorial” or “the December 16 laws.” These include the Amending Judiciary and Judges’ Statuses Act of Ukraine and the Laws of Procedure with Regard to Additional Citizens Safety Protection Measures Act of Ukraine. This latter Act, *inter alia*, introduced criminal liability for “extremist activity,” which was interpreted very broadly and applied to slander, insults toward law-enforcement officers, state officials, and the judicial system, as well as for unlawfully collecting, storing, using, and disseminating confidential information about those affiliated with the law or the state and their family members. Furthermore, it introduced a mechanism for control over the work of online media and information disseminated on the Internet by providing for the possibility of restricting users’ access to such information. These amendments limiting freedom of speech in Ukraine were repealed as a result of public pressure on January 28, 2014.

Further positive developments in Ukraine in 2014 include the approval of laws promoting freedom of speech. In particular, the amendments to the Legislative Acts of Ukraine in Relation to Approval of the

Information Act of Ukraine and Access to Public Information Act of Ukraine, which were passed on March 27, 2014, harmonized Ukraine’s legislation and improved access to public information. Ukraine also introduced amendments to the Personal Data Protection Act, removing the confidentiality from data concerning the powers of public officials and data from declarations submitted pursuant to the procedure provided for by the Principles of Corruption Prevention and Counteracting Act. Moreover, Ukrainian laws stipulate that journalist status may be confirmed either with an editorial certificate or a document issued by the professional association of journalists. This enables freelancers and Internet media employees to obtain the status of journalist.

The Public Television and Radio Broadcasting Act was adopted on April 17, 2014 and entered into effect on May 15, 2014. It provides for the creation of the National Public Television and Radio Broadcasting Company of Ukraine on the basis of a range of national, oblast and other state television and radio broadcasting companies. As of the end of 2014, the public company has not started broadcasting; the reorganization process is ongoing.

These facts show that Ukraine’s legislation complies, in general, with European standards in the field of freedom of speech. At the same time, Ukraine’s media sphere does have areas in need of improvement, including the protection of the physical integrity of journalists and other media representatives.

Practice

Almost one thousand violations of the freedom of speech was reported in 2014 with March and May being the worst months.

The data of the annual study of the Institute of Mass Information Barometer of Freedom of Speech shows that the overall number of violations of the freedom of speech in 2014 is 977, which is twice as high as in 2013 (496 cases), and three times higher than in 2012 (324 cases). Attacks became the category with the greatest number of violations (285 cases, and 97 cases in 2013). In particular, pursuant to the data of the Institute of Mass Information, the record number of attacks on journalists was registered in January and February 2014 when 82 and 70 journalists were beaten, respectively.

Particularly, after the annexation of Crimea by the Russian Federation in March 2014, ATR channel representing the ethnic Crimean-Tatar minority and broadcasting in Russian, Ukrainian and Tatar languages was repeatedly the object of “increased attention” on the part of pro-Russian authorities with its journalists being attacked. In September, the Russian law-enforcement bodies accused ATR channel of promoting extremism and required that the channel’s administration should provide a whole range of documents, including registration documentation, licenses and information on employees.

Ukraine has never before witnessed the kidnapping of journalists by unlawful armed units, as well as had no internally displaced journalists who had to leave their homes because of their professional activity. The record number of kidnappings was observed in April with 20 journalists captured, all in Donetsk oblast. Seventy six journalists were held captive on average last year.

In 2014, such international organizations as Reporters Without Borders and Committee to Protect Journalists recognized Ukraine to be the third (after Syria and Palestine) most dangerous country for journalists to work in.

Many journalists were seriously injured by traumatic weapon used by the law enforcement bodies’ representatives supporting Yanukovich’s regime. As journalists say themselves, the special forces aimed at a head with intention causing the loss of sight. In particular, Spilnobachennia’s reporter Yanyk Falkevych who caught a plastic bullet on January 19 and Pavlo Ivanov working for the Ukrainian Youth Information Agency who was shot four times in the face lost sight.



Pavlo Ivanov, Journalist of Ukrainian Youth Information Agency

January 26 saw the clashes at the building of oblast state administration in Dnipropetrovsk. Two cameramen of the local 34th channel turned for help. They both wore reflective jackets with a print “Press” on them. They say that young fellows hired by authorities shot them with traumatic weapon in the back (on the photo). The camera crew of ICTV channel was stoned in Dnipropetrovsk as well.

Seven journalists died last year in Ukraine, one of them during Maidan events and six of them in the area of antiterrorist operations. That fact that journalists were killed and physical aggression towards them increased is caused by two key factors — Maidan events and, consequently, Russian aggression and warfare in the territory of Ukraine.



Sergiy Kochet, Journalist of local 34th channel in Dnipropetrovsk

The number of censorship cases in 2014 is twice as high as in 2013 (134 in 2014 as compared with 62 in 2013). The record number of censorship was reported in May (38) and June (28), it was due to the shutting down of Ukrainian channels on the east of the country.

2014 also saw 63 attacks on editorial offices, which is almost eight (!) times as many as in 2013. The record number of attacks was observed in May and related to the programs of the editorial offices of local publications in Donetsk and Luhansk oblasts. Attackers raided the offices of the local media with bats for refusing to cooperate with the separatists.

Several dozens of journalists and cameramen had their expensive professional equipment damaged during Maidan events with some of them losing the recorded material.

In particular, during the live stream from the Hryshchivskyi Street in Kyiv on January 22 the representative of Berkut police unit smashed the camera of Inter channel's news cameraman Dmytro Kazantsev. In Zaporizhia, in the course of skirmishes on January 26, UKRINFORM's photographer Dmytro Smolienko, despite the fact that he presented the press identification card, a Berkut representative stamped on his equipment costing \$8000.

Broadcasting

When speaking to Ukraine's adherence to journalistic standards, the year of 2014, which was rich in political upheavals, is best divided into several periods.

January-February. Most of the country's media was focused on mass protests in early 2014. Before the Verkhovna Rada approved the "dictatorial" December 16 laws, which, inter alia, threatened freedom of speech, even the media dependent on the authorities and their oligarchs was neutral in highlighting the Maidan events. Once the clashes on Hrushevsky Street had started, however the media split: the state television and media close to authorities on one side, and those supporting the protesters on the other. The government camp included the Inter Media Group (Інтер) of Serhyi Liovochkin and Dmytro Firtash (who regained control over the channel's editorial policy at the start of the year), Ukraine Media Group (Україна) of Rinat Akhmetov, pro-Russian Vesti Group (Вести) of Igor Guzhva (Multimedia Invest Group holding), Ukrainian Media Holding (Українських медіахолдинг) of Serhyi Kurchenko (Institute of Mass Information monitoring data), Era (Ера) of Andriy Derkach, and a range of other media outlets blatantly trying to discredit Maidan. On the other end of the spectrum, Igor Kolomoisky's 1+1 Group openly supported the protestors, sometimes violating journalistic standards of balance of opinions and the separation of facts from commentary. Victor Pinchuk's group (TV channels, STB (СТБ), ICTV, and Novyi (Новий)) took a middle-ground position.

According to the monitoring activities of the Telekritika (Телекритика) community organization, during the week of January (20-25), the most standards violations were observed in the news broadcasts of Inter



Maidan, January, 2014

(53) and First National (66). Half as many violations occurred on 1+1 (31), Ukraine (29) and ICTV (27), and nearly no violations occurred on Novyi channel (13), which belongs to the opposition leader Petro Poroshenko, Channel (12), TVi (TBi) (7) and STB (6). The most frequent manipulations perpetrated by media outlets loyal to Yanukovich's regime included omitting Maidan events inconvenient for authorities (including the use of weapons, deliberate firing at journalists, kidnapping, etc.), justifying the December 16 laws, and portraying protestors as radicals or mercenaries. These manipulations continued up until February 20, when Inter attempted to justify the decision of internal affairs minister, Vitaliy Zakharchenko, to give police forces assault weapons and permission to shoot to kill. On February 22, after Yanukovich was reported to have fled the country, the media that had supported him instantly changed the rhetoric, calling the Maidan participants heroes ("extremists" suddenly became "activists") and criticizing the runaway president and his followers.

Yanukovich failed to create a system of total censorship and information suppression. This is why his attempts to canalize information flows and control public opinion were successful only in isolated eastern and southern oblasts that were under the total control of the Party of

Regions. At the same time, it is worth noting that most journalists supported the Maidan protests, and it was not only the opposition and independent media that suffered from the clubs, grenades and bullets of the police; many journalists devoted to the government were victims as well. For example, Viacheslav Veremiy, an employee of Vesti newspaper, was killed by titushky (mercenary agents posing as street hooligans) on January 18.

March-April. During this period, the media focused on Russia's occupation and later annexation of Crimea, pro-Russian meetings in the country's eastern and southern oblasts, the siege of Sloviansk town, and the proclamations of the Luhansk and Donetsk People's Republics. All the largest media holdings, except Ukraine and Vesti, highlighted these events from a patriotic, pro-Ukrainian perspective (which also frequently led to violations of journalistic standards). By contrast, in April, media outlets owned by Rinat Akhmetov supported and justified the pro-Russian meetings, portraying the events as a symmetric response to Maidan and saying that Kyiv should "hear Donbas out."

Despite some violations, in general, the observance of journalistic standards significantly improved during this period. During the Telekritika check week in March, most violations were observed in the news broadcasts of Inter and First National channels, but the numbers were significantly lower than in January. Most of First National's explicit standards violations were in skewing the facts toward government interests, while Inter started protecting Russia's interests. For instance, Inter suppressed the fact that it was the Russian military that captured Crimea. The most widespread violations included failing to present a balance of opinions, using unreliable sources, and violating the principle of the separation of facts from commentary. During this period, many media outlets, in particular

the groups of Pinchuk and Kolomoisky, frequently used patriotic propaganda in their news. A lot of the media also had difficulty highlighting the situation in occupied Crimea and the section of Donbas to which Ukrainian journalists had no access.

While the regions of Ukraine controlled by Russia and pro-Russian terrorists were essentially outside the reach of the Ukrainian information sphere, in the rest of the country, cable network providers stopped retransmitting Russian channels following a court decision that closed six Russian channels because the National Council for Television and Radio Broadcasting deemed they did not adhere to Ukrainian legislation. The shut-down channels included: First Channel, Worldwide Network (Первый канал, Всемирная сеть), RTR-Planet (РТР-Планета), NTV-World (НТВ-Мир), Russia-24 (Россия-24), TVCI and RBK-TV (РБК-ТВ). Providers were forbidden from transmitting another nine channels: Russia-1 (Россия-1), NTV (НТВ), TNT (ТНТ), Petersburg-5 (Петербург-5), Start (Звезда), REN-TV (РЕН-ТВ), Life News, Russia Today and History (История). In fact, while there is no ban on broadcasting them, providers may have their license revoked for transmitting Life News or Russia Today.

May. The situation in Donbas escalated into a real war with the use of heavy armament, requiring special attention from the media, including adapting journalistic standards to the conflict situation and ensuring staff reporting from hot spots had the appropriate training. The violation of standards or flaws in journalistic materials on the confrontation in the east were often simply a result of the media's inability to deal with such topics under such conditions. Since radio and television media could not work in the field, this promoted a rapid growth in photo- and text-based reporting. Practically all significant media holdings, with the exception of Igor Guzhva's Vesti, continued highlighting

events in Donbas, Odesa (the May 2 tragedy), and Crimea from the patriotic or neutral perspectives. Though they both belong to the Multimedia Invest Group, the Vesti newspaper highlighted the pro-Russian position to a greater extent, and Reporter.News magazine (Репортер.Вести) frequently published more balanced, objective reports from Eastern Ukraine.

May also saw the pre-term presidential election campaign, which, for the first time since the 2000s, was not accompanied by the violation of journalistic standards and covert political manipulation of the media. According to Telekritika's monitoring, the level of observance of standards in television news in May remained the same as in March, with First Channel and 1+1 news significantly improving their performance in this respect. Even Channel 5, belonging to the clear leader in the election race, Petro Poroshenko, did not broadcast any materials blatantly in favour of its owner. The May news broadcasts presented no reasons to suppose that authorities were somehow influencing the media's agenda; however the government's openness and the quality of its communications left much to be desired.

At the same time, May witnessed the beginning of a confrontation that continues to this day — primarily in television news — between two media outlets belonging to oligarchs, namely Igor Kolomoisky (1+1) and the group of Serhyi Liovochkin and Dmytro Firtash (Inter). The clash soon resulted in each taking weekly stabs at discrediting the other. Thus, May was marked by the increasing tendency of media owners to wield the media for their own interests.

Summer. Three months of a worsening armed conflict in Donbas completely reoriented most national media toward primarily highlighting the “anti-terrorist

operation.” Standards were frequently violated during this period due to lack of understanding of the principles of reporting on a war, the absence of reliable information sources, and the attempts of some media to compensate for the deficit of pro-Ukrainian propaganda (for example, 1+1 group launched its own channel of overseas broadcasting, Ukraine Today, on August 24). At the same time, the confrontation between oligarchs escalated and transformed into an asymmetric (the Liovochkin-Firtash group was much more aggressive) exchange of discrediting materials through the media. Pinchuk’s and Akhmetov’s groups also joined the attacks on Kolomoisky from time to time. Meanwhile, Akhmetov turned the media outlets he owns into a platform for daily distribution of eulogistic public relations materials about his charity work. As of June, almost no Ukraine channel news broadcast neglected to mention it at least once, or, more often, two or three times.

Inter’s news quality worsened significantly in the summer, violating journalistic standards three times more often than Ukraine and ICTV, while the number of violations of other Pinchuk group channels, 1+1 and Channel 5 remained relatively low. The state-owned First National channel did not purposefully violate standards, but often produced low-quality products mainly retelling news from the Internet. In the radio broadcasting sphere, government-loyal Era radio station competed with Vesti, which sometimes gave over the floor to terrorists and pro-Russian politicians. Ukrainian Media Holding publications also drifted toward the opposition.

September-October. Against the backdrop of the unceasing war in Donbas, the extraordinary parliamentary elections forced the Ukrainian media back to its old habits of accepting money to publish content favourable to certain candidates or interest groups and

covert political manipulation of public opinion through the news. While in September the number of standards violations was relatively small, in October, the number of violations in television news returned to a level comparable with Yanukovich’s time: during the September check week, the information programmes of Inter had 65, Ukraine had 48, and ICTV had 39 materials that included grave violations of standards or appeared to be ordered and paid for by a certain group. The number of violations on 1+1, STB, and Novyi channels, though lower, increased as well. First National and Channel 5 remained free from pre-election covert manipulation of public opinion. The regional media displayed similar tendencies. The Radical Party of Oleh Lyashko, and the political parties, Opposition Block, Strong Ukraine, Zastup, and Motherland, were the worst offenders in terms of the number of promotional materials they covertly inserted into television, press and Internet media, although all political forces used this unlawful method of campaigning to a certain extent. According to the monitoring activities of the Academy of Ukrainian Press, the equilibrium level of television news in October was 10%, while it was 21% in April. The monitoring of the Institute of Mass Information also showed a reduction in the level of journalistic standards in printed and online publications. It should be noted that the 2014 elections were marked by the mass participation of journalists in politics — Viktoria Siumar, Egor Sobolev, Serhiy Leshchenko, Olha Chervakova, Mustafa Naem, Serhiy Vysotskyi, Konstantyn Usov, and many other representatives of mainly the liberal and democratic media community, became people’s deputies.

November-December. Despite the end of the elections, the on-air television wars between oligarchs did not cease. The battle continued in two main directions: Kolomoisky versus Firtash-Liovochkin, and Kolomoisky versus everybody else. During this time, Inter

and Ukraine ultimately transformed into PR platforms for the Opposition Bloc and their owners, neglecting the principle of balance and imposing the point of view of this very political force. Opposition Bloc representatives became the heroes of the story and were studio guests at at least one of these channels practically every day. The number of politically-motivated segments in the television news decreased considerably as compared to October, but remained high for “peaceful” times. This unfortunate tendency was also observed in the printed media. It is fair to say that at the end of the year, the Maidan momentum, which had spurred many publications to improve their quality and editorial standards and intimidated media owners, was completely exhausted. The deterioration of the business environment and the advertising market crisis increased the media’s dependence on their owners and sponsoring politicians.

Public television. Achievements on the road to media denationalization and the creation of Ukrainian public television and radio have so far been rather illusory. In March, the media community (specifically the “Stop Censorship!” movement) succeeded in lobbying for the appointment of Zurab Alasania as the CEO of the National Television Company of Ukraine. Alasania promised progress toward transforming the state television broadcaster into a public one. The Verkhovna Rada adopted the relevant law on April 17, and in October, the Cabinet of Ministers adopted a decision to reorganize the National Television Company and the National Radio Company into public joint-stock companies. The government also decided to liquidate oblast state television and radio companies and replace them with small production companies. However, resistance from the employees of the state television and radio companies, combined with interference from a range of politicians, thwarted these reforms. According to Alasania’s

revised timeline, the transformations of the broadcasting companies may begin in spring 2015. The Cabinet of Ministers and the President verbally support the creation of public broadcasting, but it is doubtful that they have the genuine political willingness to part with the state media resources.

Meanwhile, all experts point out that there has been significant improvement in the quality of the information products coming out of the state television and radio companies. Transformations began in the days directly following the conclusion of the Maidan protests, when the companies’ administration provided airtime to the public media initiatives, Hromadske TV (Громадське телебачення) and Hromadske Radio (Громадське радіо). The appointment of Alasania as CEO of the First National television channel led to staff changes; however, he did not stop the broadcasting of the political talk-show “Shuster live” (Шустер live), whose creators are often accused of manipulations. The administration of the National Television Company, with the support of Western donors, managed to hold high-quality televised debates with transparent rules in the lead-up to the presidential and parliamentary elections. The quality of the news and political programming of most oblast state TV and radio companies also improved to a great extent during 2014. Nevertheless, without completely transforming into public media entities, there is a high risk that the state media resources could fall back into serving the interests of the authorities.

Summing up, we can say that the political changes in Ukraine — including the Revolution of Dignity, the three-stage change of power, the Russian occupation of Crimea, and the war in Donbas — have not led to any significant changes in the country’s media market and media space. Ukraine has witnessed neither a reallocation of media property (members of



Hromadske TV Studio, February, 2014

the so-called Yanukovich Family retained their assets following his removal), nor punishment of media managers and journalists guilty of violating standards or manipulating facts. Thus, after a period of improvements during the Maidan, the media outlets returned to political propagandizing, catering to the public relations needs of their owners, and becoming pawns in battles between oligarchs. The state media is the only segment demonstrating obvious changes for the better; however, the process of transforming these companies into public broadcasters has been postponed indefinitely. At the same time, aside from some public concern about the establishment of the Ministry of Information, which is headed by the former general producer of Channel 5, Yuriy Stets, the new Ukrainian authorities show no proclivity for censorship or systemic interference with the editorial policy of media outlets, state-funded or otherwise.

Internet and New Media

In 2013-2014, the Internet became a vital tool of a vibrant civil society in Ukraine, transforming

the nature of communication and creating opportunities for self-organization among Ukrainian citizens during the Euromaidan protests, which are also called the Revolution of Dignity (Nov 2013-Feb 2014).

Rooted in online communication and the active use of social media, popular protests sparked offline in November 2013, eventually leading to the toppling of the Yanukovich regime.

The Internet continues to play a significant communication and mobilization role in the ongoing war between Ukraine and Russia in Donbas. Technologies and online platforms are helping to mobilize Ukrainians in confronting Russian aggression in Donbas and Crimea.

The Internet is also rapidly changing the landscape for Ukrainian media, pushing them into the digital age and encouraging them to adapt to the new digital culture. From the perspective of democratic governance, the Internet empowers citizens to hold government accountable and allows investigative journalists to oversee government activities, particularly tender procedures and budget expenditures. In the coming years, the Internet will remain a driving force behind the transformation of government, business, and civil society in Ukraine.

The Internet is an essential part of everyday life for millions of Ukrainian citizens, letting them consume news, shop online, and play games. According to Gemius research¹, as of June 2014, 18.8 million Ukrainians out of a population of 45 million had Internet access: a 12% increase over 2013. In 2014, almost 90% of Internet users went online on a daily basis. In the past five years, Internet access has expanded to both urban and rural areas in every region. Since 2012, the number of Internet users in rural areas has been increasing. As of June 2014,

20% of all Internet users lived in rural areas. Internet access remains inexpensive in Ukraine — the average monthly fee for home Internet is about US \$10.

After the change of political regime in February 2014, the new pro-European Ukrainian government set no barriers to Internet freedom in Ukraine — citizens have free access to the Internet, and there have been no recent signs of centralized censorship. At the same time, in November 2014, the government declared the creation of the Ministry of Information: a move that has been widely criticized by the Ukrainian media community. For the government, the new Ministry is a response to the propaganda war led by the Russian media against Ukraine in the context of the ongoing conflict. For Russia, the Internet is a key platform (Vkontakte, Odnoklasniki, sites, blogs) for disseminating propaganda targeting both the Ukrainian population and international audiences. Russia has used various methods of propaganda, including misinformation, the use of bots and trolls (paying Internet users to misinform and distract the attention of Internet users), and DDoS attacks against Ukrainian websites.

Further development of the Internet in Ukraine is stalled awaiting the launch of 3G mobile Internet. Until the government adopts the required legislation to pass the state-owned 3G frequency onto mobile operators, the growth of mobile internet in Ukraine is postponed.

The Ukrainian media continues to expand its Internet presence. Key media outlets such as Ukrainska Pravda, Liga.net, LB.net, Podrobnosti.ua, Dzerkalo Tyzhnia, and Obozrevatel have modern websites that attract hundreds of thousands of visitors every day. The market of online media has structured to key media holdings.

Media outlets in the digital era. During 2013-2014, Ukrainian media rapidly expanded their online presence and audience reach as a result of the increase in Internet usage and the ongoing conflicts in Ukraine. Since the beginning of the conflict, the audience of Ukraine's biggest online media outlet, Ukrainska Pravda, has grown from about 1 million to 3 million views per day, and from 300,000 to 1 million unique users per day.

In 2013-2014, a number of new Internet media outlets were launched in response to the growth of the online media market:

The Insider — <http://www.theinsider.ua/>;

Hubs — <http://hubs.com.ua/>

Apostrophe — <http://apostrophe.com.ua/>

Hromadske TV — <http://www.hromadske.tv/>

Espresso.TV — <http://espresso.tv/>

While key Ukrainian online media outlets have been growing, revenues remain a significant challenge for management. Nevertheless, the leaders of the media market can anticipate revenues from online advertising:

Ukrainska Pravda — <http://www.pravda.com.ua/>

TSN — <http://tsn.ua/>

Obozrevatel — <http://obozrevatel.com/>;

Segodnia — <http://www.segodnya.ua/>;

Focus — <http://focus.ua/>;

Comments — <http://comments.ua/>;

Levyi Bereg — <http://lb.ua/>

Day — <http://www.day.kiev.ua/>

Radio Svoboda — <http://www.radiosvoboda.org/>

The main Ukrainian online media outlets are structured within holdings. Many successful online media are part of larger media holdings that involve many different types of media.

Media holding / Online resources

¹ watcher.com.ua/2014/08/19/audytoriya-ukrayinskoho-internetu-spovilnyla-sviy-rist-za-rik-zroslo-lyshe-na-12/

1. Ukrainian Media Holding: korrespondent.net, focus.ua, kp.ua, vgorode.ua, focus.ua, dengi.ua, bigmir.net
2. Ukrainska Pravda: pravda.com.ua, epravda.com.ua, champion.com.ua, istpravda.com.ua
3. 1plus1: tsn.ua, unian.net, glavred.info, 1plus1.ua, glavport.net
4. Inter Media Group: podrobnosti.ua, inter.ua, ukranews.com
5. RIA: 20minut.ua, ria.ua, vsim.ua
6. CitySites: o48.ua, o57.ua, o61.ua, o322.ua, o632.ua
7. Lux: zaxid.net, 24tv.ua, lux.fm
8. Evolution Media: comments.ua, phl.ua, weekly.ua
9. Sanoma Media Ukraine: cosmo.com.ua, story.com.ua, menshealth.com.ua

Trends for online. Going digital is a key trend in the media market both in Ukraine and worldwide. It means that the media can no longer be seen in terms of a strict division between print, online and television. Rather, all types of media are expanding their online presence. Television broadcasters create platforms for an online audience and adapt their content to the rules of digital communication. Newspapers transform from print to online to reduce their costs of production. One of the most successful examples of traditional media going digital is 1+1 channel and its TSN.ua website, which works effectively online and in social media.

Social media has recently become a key platform for Ukrainian civil society. Twitter, Facebook, and YouTube appeared on the scene as tools to mobilize Ukrainian citizens to action during the protests and in ongoing conflict in Donbas. Social media has helped to coordinate the efforts of hundreds of volunteer groups, to investigate Russian media manipulation techniques, and to track Russian military deployment in Ukraine.

Facing an onslaught of propaganda from Russia, Ukraine is in need of effective tools to inform international audiences about the events in Ukraine. The launch of UkraineToday, the first English language 24-hour TV station, and its website (<http://uatoday.tv/>) helps transmit Ukraine's message to the world. The launch of StopFake.org helps to investigate methods of Russian manipulation and refute false messages spread by the Russian media.

Internet tools help to expand the capacity for and the influence of investigative reporting. For example, Slidstvo.info follows the corruption schemes of state officials and exposes government corruption by producing TV programs on 1st National Channel of Ukraine. NashiGroshi.org continues to work as a professionally-led resource to expose corruption on a government level based on open source government information. The results of these reports are widely disseminated among other media outlets and have received international recognition. Ukrainska Pravda continues to investigate political corruption in the Ukrainian government.

In conclusion, due to the pressure of evolving technologies and the rapid development of online tools, the Ukrainian media landscape is changing dramatically. On the one hand, media businesses have increased their online presence, expecting growth in revenues from the new online initiatives. On the other hand, news consumption has shifted from websites to social media, and from desktops to mobile devices.

The ongoing conflict between Russia and Ukraine has clearly demonstrated that online media organizations are vulnerable to manipulation and hate speech. The Russian propaganda disseminated over the Internet and through social media poses a threat to democracy in Ukraine. As a response to this

threat, the Ukrainian government plans to launch a Ministry of Information, which could, in turn, threaten freedom of speech in Ukraine.

From the perspective of democratic governance, the Internet continues to empower citizens to hold the government accountable and lets investigative journalists provide an oversight function to government activities. In the coming years, the Internet will remain the driving force for the transformation of government, business, and civil society in Ukraine.

Recommendations:

1. The government of Ukraine should rethink its strategy of launching the Ministry of Information. Instead, information policy functions can be fulfilled by existing government authorities, specifically the Ukrainian Council of Security and Defense.
2. Free and sustainable media are central prerequisites for democracy in Ukraine; their development should be encouraged by the privatization of state-owned media.
3. Internet freedom and Internet rights should be guaranteed for all citizens of Ukraine at the legislative level.

Comparative analysis of media freedom in 2013-2014

In 2013-2014, Ukraine experienced the Revolution of Dignity, a change of power, the Russian annexation of Crimea and a war in Eastern Ukraine (that is still ongoing). In one way or another, all of these events influenced the media freedom situation and, as such, it is difficult to perform a simple comparative analysis.

For instance, in 2013, Ukraine was ruled by authoritarian president, Viktor Yanukovich, and this regime culminated in the events of the Revolution of Dignity, which happened in 2014. On the other hand, free of Yanukovich, in 2014 Ukraine was faced with the Russia-supported eastern separatist movement, resulting in a war and influencing the overall media freedom picture.

In other words, both authorities and geography influenced media freedom in 2014.

If we consider the statistics alone, 2014 looks much worse than the previous year. According to the Institute of Mass Information's monitoring activities, Ukraine witnessed 977 cases of encroachment on freedom of speech in 2014 — twice as many as in 2013 (496 cases). Most of these violations were aimed at journalists (285 cases compared to 97 in 2013). 2014 saw twice as many cases of censorship as in 2013 (134 compared to 62), and 63 attacks on editorial offices were reported in 2014, compared to just eight in 2013.

At the same time, it is important to understand that the negative statistics of 2014 accumulated primarily as a result of the confrontation between Yanukovich's regime and the Maidan, and the conflict started by Russia-supported separatists in Eastern Ukraine. For example, the most cases of journalists being beaten and attacked occurred during January-February 2014: the period of the most severe confrontations on the Maidan. The record number of attacks on media offices registered in May 2014 was largely a result of the demolition of the editorial offices of local publications in Donetsk and Luhansk oblasts for refusing to cooperate with separatists. The greatest number of cases of censorship was observed in May and June, and these were related to the cutting-off of Ukrainian television channels by separatists in Eastern

Ukraine. Additionally, seven journalists died while reporting on Maidan events and the hostilities in the east.

It should be noted that by autumn 2014 the media situation in Eastern Ukraine had stabilized, but in a less-than-ideal state. By that time, the territories controlled by separatists supported by Russia were relatively clearly defined. Journalists with Ukrainian publications (who had experienced attacks and had even been kidnapped by gunmen) effectively stopped visiting these territories because of the very high risks associated with such trips. Meanwhile, separatists ousted all the media they did not like from the territories.

Roughly since that time, the statistics on the violation of media freedom in 2014 suggest a “peaceful” state as they do not account for the turmoil in the isolated occupied territories.

In this context, we may draw conclusions about the second factor influencing the freedom of the media in 2013-2014: government actions (or lack thereof). It is useful to consider the data from the month of October in both 2013 and 2014 to better understand the difference between these years. In October 2013, the Maidan protests had not yet started and Viktor Yanukovich’s regime was not restricting media activity.

The comparison shows interesting results: statistically, the freedom of the media situation under the new leadership installed following the pro-democratic revolution is practically the same as under the government the revolution was against. In fact, October 2013 indices were somewhat better than those of October 2014.

In October 2014, the Institute of Mass Information registered 17 cases of the prevention of journalistic activity, compared to 15 in 2013. In 2014, eight of these cases related to censorship, compared to three in 2013. In 2013

and 2014, respectively, there were 11 and six cases of journalists being attacked and beaten, eight and five cases of media employees being threatened, one and three cases of political pressure, and nine and 14 cases of cyber attacks.

This data suggests that the current authorities’ attitude toward media freedom is nearly the same as that of the previous government, and if there were some improvements in 2014, they were a result of public pressure and the post-revolutionary circumstances, rather than the political will of the new Ukrainian government.

In general, the media space in Ukraine in 2014 looked more pluralistic than in the previous year. The media (especially the television media) now has more opportunities to express diverse views (including dissenting opinions) on developments in the country and critically assess the government’s activities.

At the same time, the traditional “illnesses” inherent to the Ukrainian media sphere in 2013 persisted in 2014. These include, for instance, the great influence of media owners over media outlets’ editorial policies, and impunity for deliberately preventing journalistic activity. Therefore, despite the many changes the country experienced, it is fair to say there has been no revolution in the area of media freedom in Ukraine in 2014.

Conclusions

Ukraine has not witnessed any substantial progress in the field of media freedom in 2014. Despite the fact that the media environment has become more open and pluralistic thanks to the fall of Yanukovich’s authoritarian regime in February, the old persistent problems plaguing Ukrainian media still need to be solved.

Oligarchs, who are actively involved in the political and economic processes of the country, still have too much control over the media. This is particularly so with regards to television channels. The influence of owners' interests over their media outlets' editorial policies was clearly revealed in the campaign leading up to the parliamentary election in autumn 2014.

Political will was lacking for the creation of public broadcasting, which could significantly improve the television media landscape. April 2014 saw the approval of the Public Television and Radio Broadcasting Act and it was decided that the new public broadcaster would start functioning on January 1, 2015, but this never happened. At the beginning of December, the Parliamentary Committee for Freedom of Speech and Information prepared an amendment intended to improve the public broadcasting act and, by doing so, allow the broadcaster to begin its work. However, an alternative draft law submitted by Petro Poroshenko's bloc soon torpedoed the Parliamentary Committee's amendment. The media community viewed the new draft as an attempt to hinder the creation of public broadcasting. In the end, the Parliament adopted a compromise, dividing the broadcaster into television and radio companies, which allowed the process to move forward.

The issue of the denationalization of community media has not been solved. The Parliament failed to approve the relevant act in April 2014. On December 1, the Verkhovna Rada registered the Reformation State and Community Printed Media draft act, which is slightly different from the act it failed to approve in April. At the same time, the editors of a range of community media organizations accused local governments of interfering with their editorial policy and imposing censorship.

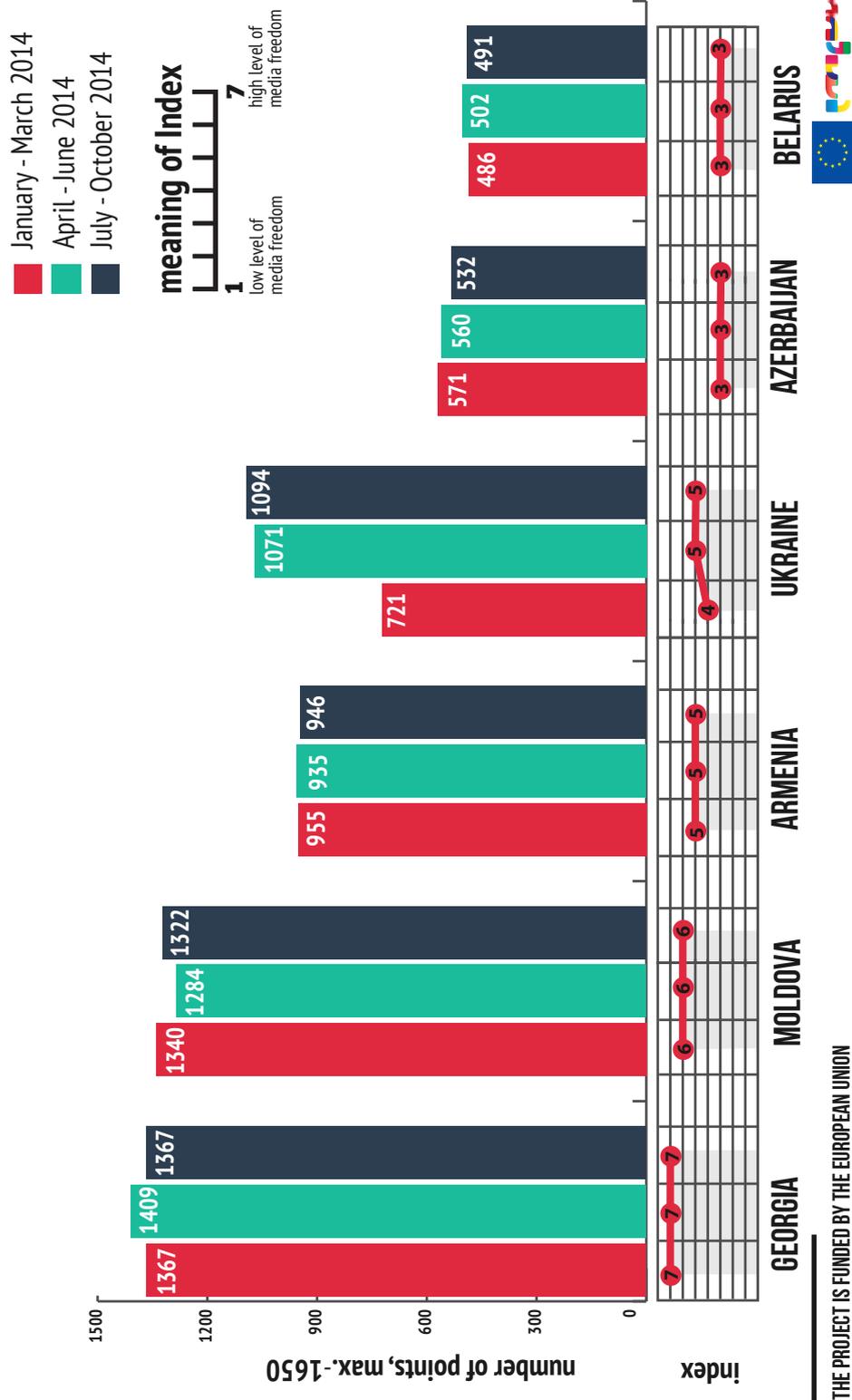
Nothing has changed with regard to the impunity of those guilty of preventing journalistic activity. Attacks on journalists, prevention of filming, and threats are still common, and authorities show no desire to deal with this situation and protect media representatives from this lawlessness. Although Article 171 of the Criminal Code provides for severe punishment for interfering with journalistic activity, just as when Yanukovich was in office, this law is still not applied in practice.

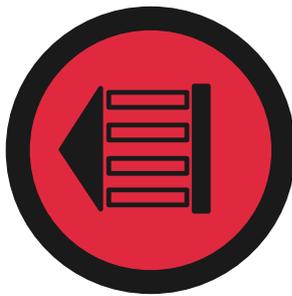
The development of online journalism, and especially Internet television, is one area of progress in 2014. The latter, in many cases, provides an informational alternative to traditional television channels and is popular in urban areas.

The media situation in annexed Crimea, however, and in the territories controlled by Donbas separatists supported by Russia, is a different story. The situation in these turbulent areas is much more complex than in Ukraine in general. Russian authorities and their supporters use authoritarian methods to suppress any dissidence, which destroys the freedom of the media.



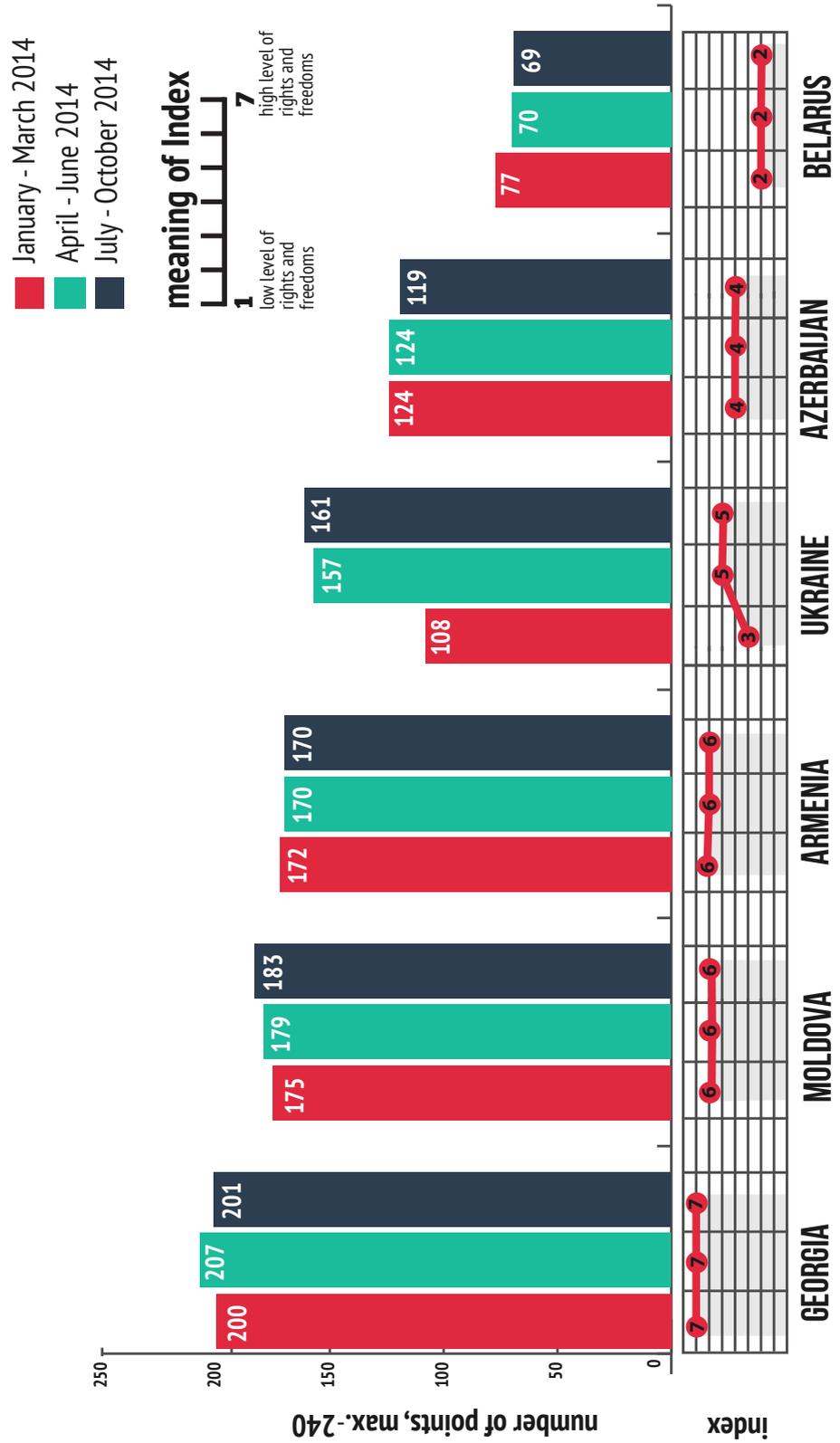
EASTERN PARTNERSHIP MEDIA FREEDOM INDEX





POLICY

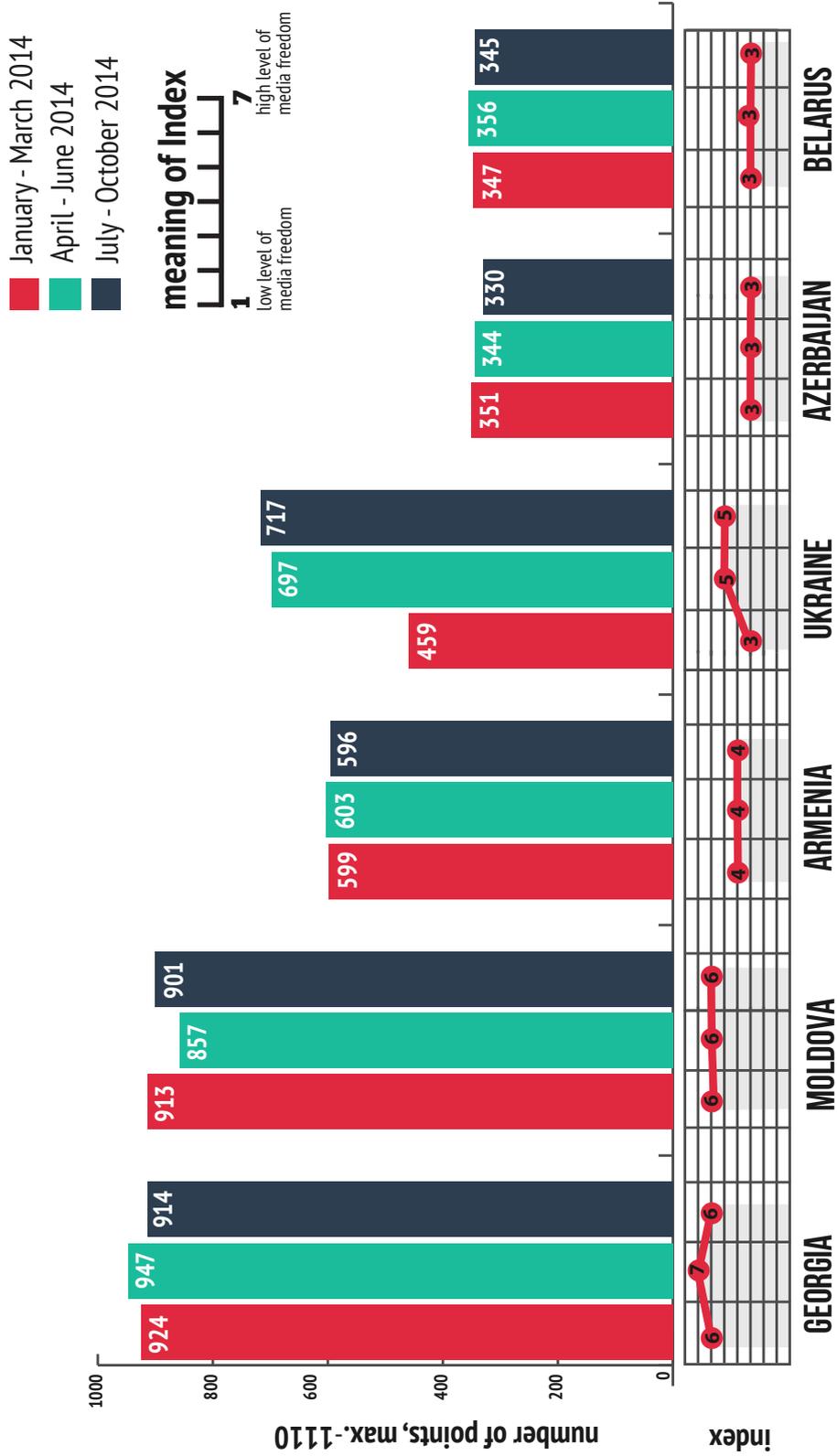
(Defines the level of rights and freedoms for the Media/Journalists granted by the constitution and laws of the country, their conformity to international norms and standards, presence of official censorship, etc.)





PRACTICE

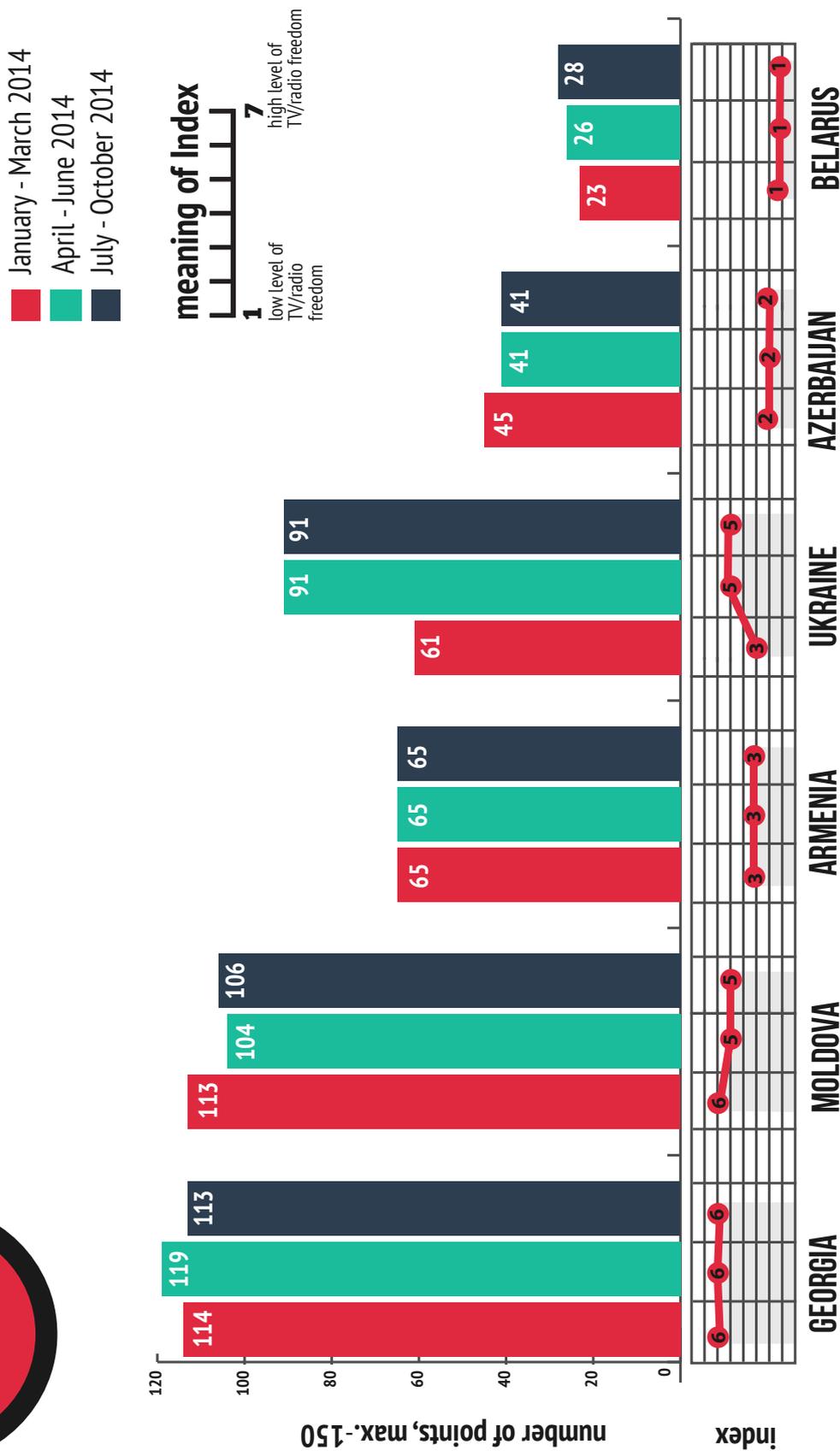
(Defines the actual state of rights and freedoms enjoyed by the Media/journalists, as well as authorities' reaction in cases of illicit restrictions thereof. The section consists of 6 parts: assaults, threats, arrests; prosecution; access to information; censorship and self-censorship; monopoly; economic conditions)





BROADCASTING

(Defines the level of freedom in broadcasting, access to airtime, etc.)

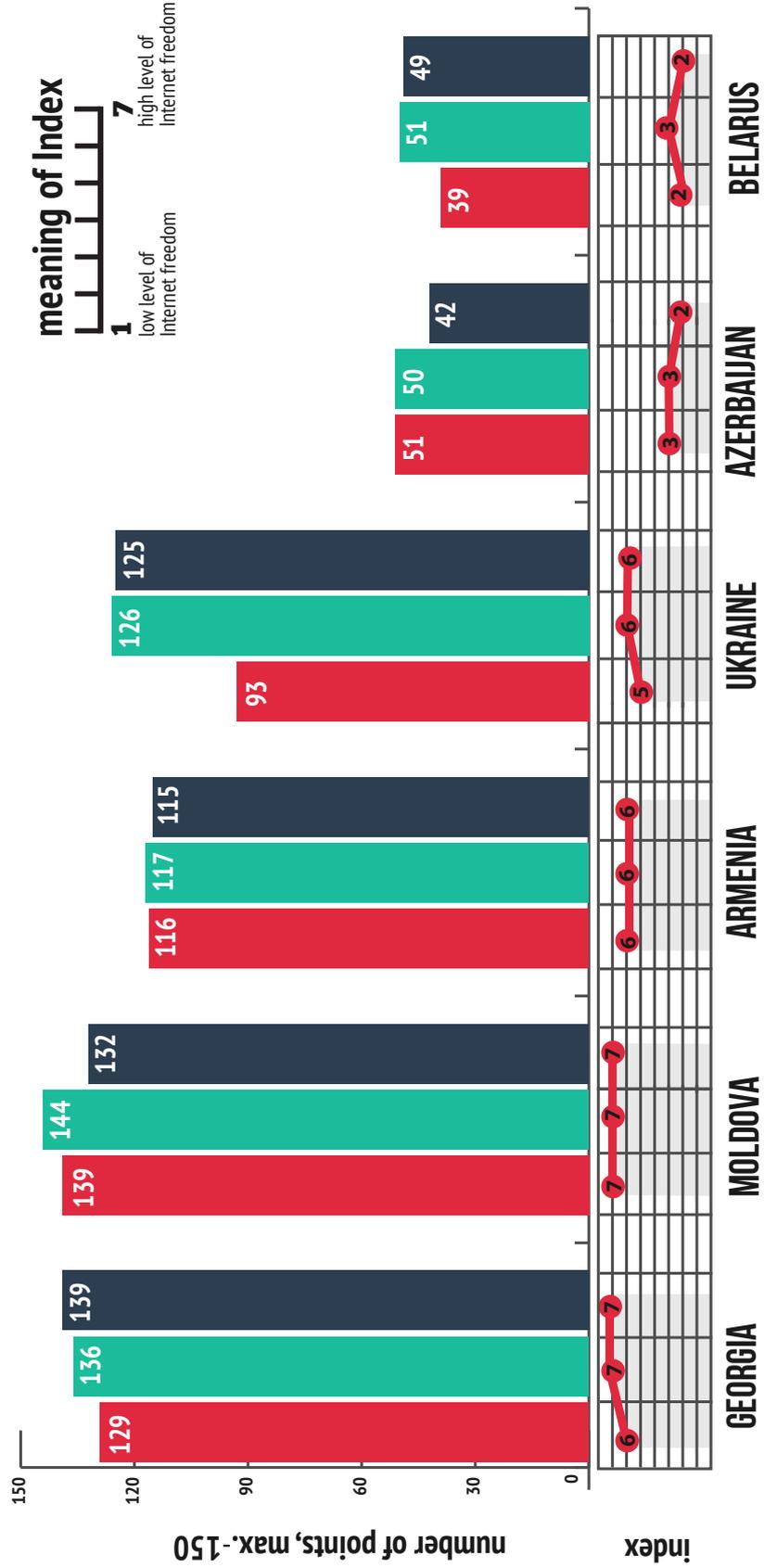




INTERNET AND NEW MEDIA

(Defines the level of Internet freedom, access to Internet, etc.)

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