



INTERNATIONAL FEDERATION OF JOURNALISTS

## Media under attack

*Balkans and Former Soviet Union Press Freedom Review  
– January 2011-December 2013*



INTERNATIONAL FEDERATION OF JOURNALISTS

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# TABLE of CONTENTS

<i>FSU Press Freedom Report – an overview .....</i>	<i>2</i>
<i>Combatting Impunity in Digital Age .....</i>	<i>4</i>
<b>FORMER SOVIET UNION</b>	
Ukraine .....	6
Russia .....	13
<i>Impunity and violence against journalists in Russia .....</i>	<i>20</i>
Moldova .....	22
Georgia .....	26
Belarus .....	33
Azerbaijan .....	42
Armenia .....	48
<b>BALKANS</b>	
<i>Journalism in ex-Yugoslavia Countries .....</i>	<i>53</i>
Croatia.....	55
Macedonia .....	57
Montenegro .....	59
Serbia .....	60
Turkey.....	61
<i>Training Can Save your Life and Make Reporting Safer .....</i>	<i>64</i>
<i>Building a culture of safety, rights and independent standards for journalists in the Former Soviet Union .....</i>	<i>66</i>
<i>Final Concludions and Recommendations Regional conference Kiev, 21-23 November 2013 .....</i>	<i>68</i>

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Cover: Levin Maksym: Two photo journalists attempting to cover demonstrations outside Ukraine Parliament in Kiev (November 2011).



# Introduction: FSU Press Freedom Report – an overview

*The IFJ has spent the last three years working with journalists unions across Belarus, Ukraine, Moldova, Russia, Armenia, Azerbaijan and Georgia, to campaign for the rights, freedoms and safety of working journalists. This publication brings together national reports that set out the current media situation in each country, the main priorities, threats and challenges for the work of the journalist union activists.*

Each report is backed by documented cases of violations of journalists' rights that the journalists unions have recorded in the monitoring set up under this programme. The monitoring training was conducted during 2011 and the reports date from 2011 to September 2013. The report opens with an overview by Nadezda Azghikhina, Secretary of the Russian Union of Journalists, Vice-President of the European Federation of Journalists, and leading activist for journalists' rights since the early 1990s. Nadezda reflects on how Russian journalism has evolved over 25 years, the optimism of her generation of journalists that emerged from the end of communism and the eventual price that has been paid in the defence of our freedoms.

The following chapters focus in turn on each of the partner countries in the Former Soviet Union. They read as a series of separate articles enabling the authors to project their key issues, explain their situation and tell their stories in their own words and style.

While each country has strong and distinctive characteristics, the levels of violence, for example, vary greatly, it is the common themes flowing through the reports that is most striking. In particular, the precarious employment, low salaries and unstable conditions for journalists; the lack of professional independence as editorial policies and instructions are issued from above; the oligarch control of media assets and their association with the political powers; the manipulation of the advertising market to starve independent media of funds and ensure the obedient are richly rewarded; the murky ownership structures and off shore accounts, designed to conceal the identity of media owners; the arbitrary application of the law used to punish outspoken media through compli-

ant courts; the soar in prosecutions for defamation that chill the media; the new internet regulations that threaten to block and censor the web; the climate of impunity encouraged by disinterested police unprepared and unwilling to investigate powerful and violent groups; the growing cyber insecurity that threatens the protection of information essential to the profession.

The next section is dedicated to the Balkan countries of Croatia, Macedonia, Montenegro, Serbia and Turkey all of which have participated in the regional conferences in Moscow (2012) and Kiev (2013) and from which many similar trends have been identified. It is introduced by Jasmina Popovic, former President of the Trade Union of Croatian Journalists and current Vice-President of the IFJ. She splits the region into two categories, those who have never experienced the benefits of a settled labour market, decent labour conditions backed up by respected collective agreements and an effective trade union, and those who have enjoyed such conditions but who now fear its decimation as a result of the economic crisis, corruption and a growing hostility to journalists and employee rights.

The Turkey article deals with the Gezi Park events of June 2013 and the impact on journalists trying to cover the events as official media chose to ignore the demonstrations and independent journalists became a part of the many victims of the violence that ensued.

Finally, the safety section details the IFJ efforts to train safety trainers in the Caucasus and gives an overview of the safety handbooks, films and other resources produced under the programme.



During the programme two regional conferences were held in Moscow and Kiev to raise awareness of the safety and press freedom challenges of journalists across this region. In particular they looked at the challenges facing journalists unions and how they organise, recruit and campaign for their members in conditions which can be extremely hostile for activists.

They were also jointly organised by the European Federation of Journalists that ran sessions on labour rights, freelance and authors' rights enabling many of the FSU unions, predominantly professional associations in character, to expose themselves to the advantages of developing a trade union programme. During this period, six of the eight IFJ affiliated unions have joined the EFJ and, at the EFJ's 2013 Congress, delegates elected a Russian Vice President, underlining how the EFJ has developed into a truly pan European organization.

The results of the regional programme were also intensely debated and so, at the end, we have published the conclusions of the Kiev conference with the recommendations for union action in the fields of labour rights, law reform, professional independence and safety.

*Oliver Money-Kyrle, IFJ Assistant General Secretary*

*Pavlo Dogans: 23rd November 2011: Ukrainian journalists mark first International Day to End Impunity with a demonstration outside the President's building followed by a silent march to the offices of the National Union of Journalists of Ukraine.*



# Combating Impunity in Digital Age



*Nadezda Azghikhina is Secretary of the Russian Union of Journalists and was elected Vice President of the European Federation of Journalists in May 2013. She has been a leading activist for journalist rights nationally and internationally over the past decade making her name leading campaigns on gender rights, press freedom and impunity. In the article below Nadezda reflects on 20 years of struggle.*

My colleague Marc Steinbok, photographer for *Ogon-yok* magazine, was wounded reporting from the shoot out around Ostankino national TV station that had become a focus of the coup and sporadic fighting in the first week of October 1993. A stray bullet broke his leg and smashed off a chunk of bone. We had been on many joint missions and prepared many publications from all over the former USSR before I came to visit him in the Moscow central emergency hospital where he was lying on one of a dozen beds, each occupied by young wounded men, similarly struck down by gunfire during those bloody events.

Marc was lucky to survive and even receive some compensation from his magazine for the injuries and trauma. Seven other reporters were less lucky. Their bodies found in the centre of Moscow after the shooting around the Russian Parliament and TV station had finally subsided. At the time, as we sat that evening surveying the smoking Russian White House from the hospital window, we had little idea that the 1993 coup would mark the starting point for a long and bloody list of killings of media workers across Russia. I just felt that something wrong and awful had happened, and it was our duty to ensure it didn't again.

Peering out from behind the bars of the closed and censored USSR, during the Perestroika period, we young journalists felt an incredible urge for freedom. While we were ready to make sacrifices for that prize, none of us could imagine in our worst nightmares that in a free Russia journalists could be killed for their work. Media professionals could be censored in USSR, fired, jailed or even exiled – but not killed. We also believed – and

our Western counterparts with whom we worked shared this belief – that the collapse of the Iron Curtain and the end of the Cold War would herald in a new era of free expression and that independent talented journalism would inevitably flourish across Europe and Central Asia. East and West, we would create a bright liberated information space stretching undimmed from the Atlantic to the Pacific. We failed utterly to anticipate and foresee how corrupt authorities and criminal gangs would develop new forms of censorship and pressure to bring our dream so violently to heel.

The Russian Union of Journalists' list of deceased colleagues started in 1993 and today contains 312 names of men and women, young and not so young, from mainstream broadcasters to small independent publications, of whom 92 died in work-related incidents. They have been shot covering conflicts, like Nadezhda Chaikova or Tamerlan Kazikhanov, or gunned down in the entrance to their apartment buildings like Vlad Listiev or Anna Politkovskaya, they've been killed by bombs like Dmitry Kholodov, they've suffered mysterious deaths like Valentin Karkavtsev or Yuri Shchekochikhin. The work related killings have not been investigated properly and the perpetrators and instigators remain unpunished. While some cases, like Kholodov and Politkovskaya, are well known, many are not, but each and every case of unsolved killings helps promote the culture of impunity that has emerged across Russia during last 20 years. And Russia is not alone.

Journalists face new forms of pressure and censorship in all of Europe's post-communist countries, in many diverse often blunt and brutal, sometimes highly sophis-

ticated and insidious forms. Extreme acts of violence leading to vicious assaults or killings are the most visible 'tip of the iceberg'. Thousands of media professionals face different forms of legal pressure, court cases, threats, jailing, unfair dismissals and other forms of censorship in transition countries for their work.

The 21<sup>st</sup> Century has revealed how fragile freedom of expression and basic democratic values are all over the world, including in the older and traditionally stable democracies. The War on Terror has given birth to a raft of anti-terror / anti-extremism laws that limit press freedom, media independence and privacy and basic human rights, while equipping the authorities with virtually unlimited powers of surveillance and access to our most confidential and private dealings. Ensuring public security has become the official justification for such unprecedented snooping into the work of our colleagues.

Those who would censor journalists are everywhere, and everywhere we journalists must be vigilant. Regardless of the traditional notions of rights and democracy, the digital era has created a whole new box of tools and the rule book has gone missing.

Last summer in Istanbul, at the conference devoted to the 105<sup>th</sup> anniversary of the official ending of censorship in Turkey, we demanded the release of 64 imprisoned journalists. The discussion and the atmosphere reminded me in so many details of Russia, or Azerbaijan, Belarus or Ukraine, while colleagues from the Balkans said the same about Serbia, Bulgaria, Macedonia.... We carry the burden of so many similar problems, that we must do more to learn from each other, and provide support.

New technologies and the digital revolution have given us new tools and multiple options for journalist investigation and reporting, but at the same time the digital age has created new challenges for quality and responsible journalism and a search for its basic values. The financial crisis and globalisation have also challenged the very future of journalism, the value of journalists' work and their status in societies everywhere.

The European journalist landscape is very diverse. Traditionally colleagues discuss North and South, but Europe includes Turkey, the Balkans, Central and East Europe, and the former USSR counties that all have so many things in common. They bring together the whole picture of their problems and their experience in combating censorship and overcoming old and new challenges.

This commonality provides European journalist with a unique opportunity to elaborate a new strategy for the

promotion and development of traditional democratic principles and values in journalism.

The EFJ started a vibrant co-operation with newcomers several years ago in Turkey and Russia. The EFJ launched its Free Turkish Journalists campaign and adoption programme for jailed journalists, involving a broad solidarity campaign across many Western countries, dozens of missions to attend trials that have brought comfort, solidarity and results to the victims. I met several Turkish journalists released through the impact of exerted international pressure.

The Russian IFJ-EFJ impunity campaign started shortly after the assassination of Anna Politkovskaya in October 2006, is one of the more visible examples of the importance of combining global solidarity with local and national initiatives. The campaign, officially launched at the IFJ's Moscow Congress, saw the launch of the Partial Justice investigation and report devoted to the killings of journalists. The project then developed a broader strategy building two data-bases on deaths and other violations of journalists' rights, an extensive safety training programme for the Caucasus and an end-impunity campaign in support of the victims' families.

The RUJ has done a great deal for the children and families of killed journalists, and co-operated in combating impunity. International solidarity actions, joint work on monitoring, analysis and campaigning is vital to create a strong platform for combating impunity. Unions participating in the EFJ-IFJ End-Impunity project have elaborated a strong new network that is developing new initiatives, and is helping the integration of newcomers into the EFJ. The project has developed a comprehensive picture of the situation of journalists' rights and union activism in the region. We have all understood the value and need for us to work ever closer and to integrate our work for a truly effective impact.

Solidarity is our main weapon, for the only way to combat violence against journalists and censorship, is with the truth. Solidarity will help us overcome new and old challenges, and to protect basic values of our profession. EFJ campaigns such as Stand Up for Journalism, the Ethical Journalism Initiative and Journalism as a Public Good give practical programmes for our work and combating of all forms of violence and censorship, the struggle for dignity and the freedom of journalism.



# FORMER SOVIET UNION

## Ukraine

### Report by the Independent Media Trade Union of Ukraine (IMTUU) and the National Union of Journalists of Ukraine (NUJU)

*Oksana Vynnychuk and Olga Padiryakova from IMTUU and Aleksey Boyko from the National Union of Journalists of Ukraine are activist leading the union programme on trade union development, safety and press freedom. As part of the work, IMTUU/ NUJU have been monitoring the violations against journalists' rights and analysing the trends for media professionals in Ukraine*

Ukraine, covering 600,000 sq km, with over 45 million inhabitants has three cities of over 1 million people, Kyiv, Odessa and Kharkiv. Its official language is Ukrainian, but Ukraine is de facto bilingual with Ukrainian and Russian languages used across media.

Journalism and media in Ukraine have developed since independence in 1991 and today has all types of media, traditional print, broadcast and the full range of digital, online and social media.

#### Media Regulation

The regulation of the media sphere consists of general principles governing the right to free speech and to privacy outlined in the Constitution, various laws affecting information and its use including, reporting on state authorities, on state support for media, on social protection of journalists, on print and broadcast media and information agencies. The criminal code, administrative code and labour code all regulate the rights and work of journalists and, as such, can be used to either support or undermine free speech and independent journalism.

Between January 2011 and June 2013 there were several legal developments affecting media. In January 2011 the Parliament adopted the Law on "Access to public Information". It regulates the requests for and provision of public information, the form in which the information is provided, and the main principle, that persons can apply for information but not for the official document on which it is based. This enables some data contained in secret documents to be provided.

Reforming the state media, privatising the print media and creating public broadcasting has been a drawn out process. Resolution 1466 in 2005 of the Parliamentary Assembly of the Council of Europe (PACE) called on Ukraine to transform state TV and Radio into public broadcast channels. The Presidential Administration took up the policy in 2010, and has now registered a public broadcast law project (# 1076) with the Parliament.

There have been several attempts to start privatisation of print media, often owned by regional and local state bodies with project # 2600 eventually passed in September 2013.

In June 2011, the State Registration Service was formed to register all media, charities and NGOs, taking over the role from the Ministry of Justice.

In July 2013, the law on transparency of ownership (# 409 –VII) come into force making it obligatory to register a media's owner, and related parties and restricting ownership of broadcast media to Ukraine residents. The law was an important step towards preparation of the EU Association Agreement.

While that was welcome, in September 2012 there was an attempt to follow Russia's lead and to recriminalize defamation. The bill passed its first reading in Parliament but, thanks to vigorous protests and opposition from journalists and democracy activists the bill was eventually withdrawn.

The new Criminal Procedure Code (CPC), (November 2012) contains several innovations affecting media. Journalists now have priority to attend court sessions equivalent to family members of victims and the accused (Art 328). Journalists cannot be called as witnesses on evidence that involves the disclosure of confidential sources (Art 65). Article 171 introduced some greater protection



of journalists. Pre-trial investigation has to be completed by the police – not the prosecutor's department; investigations of violations of journalists' rights have to start within 24-hours of the complaint; it is not necessary to wait for the result of pre-trial investigation to begin the investigation case; and now witnesses may also initiate complaints with the police. However, certain restrictions remain in place including the need to get permission to film parts of court proceedings.

Despite enjoying some of the most progressive media legislation in the post-soviet countries journalists freedom and independent media are far from guaranteed. The legislation is often poorly applied and fails to protect free speech and public access to information.

#### Broadcast media

TV is the most popular media with the biggest audience and largest part of the advertising market. Broadcasting is overseen by the National Television and Radio Broadcasting Council, a statutory, permanent, collective, regulatory body. It issues TV and radio licenses, monitors compliance with license conditions, sanctions violations and manages the Electronic Media Development Plan.

In 2012 there were 1693 TV and radio companies and program providers in Ukraine. 2% were owned by the state, 22% by local communities and 76% in other forms of ownership. There are 30 national and 76 re-

*IMTUU: Yuriy Lukanov, chairman of the Independent Media Trade Union of Ukraine (IMTUU) addresses a crowd of journalists and media following the assault of two journalists on May 18, 2013 as competing opposition and pro-government rallies were taking place in Kyiv.*

gional TV channels, and 15 national and 57 regional radio channels.

The most popular TV is the "First National Channel" owned by the "National TV Company of Ukraine", which also owns Ukrainian "Euronews", the satellite "The First Ukraine", "<http://www.1tv.com.ua>" [www.1tv.com.ua](http://www.1tv.com.ua) and "<http://www.firstua.com>" [www.firstua.com](http://www.firstua.com). The 24 oblasts, Crimea, Kyiv and Sebastopol all have state owned TV and radio stations.

Private broadcasters are divided between the biggest business-groups also competing for economic and political influence. Ownership details are not transparent.

The top three private channels are Inter, bought in 2013 by GDF Media, connected to oligarch Dmytro Firtash and Sergiy Liovochkin, Ukraine, owned by oligarch Rinat Akhmetov, and 1+1 owned by Igor Kolomoisky. Novy kanal, STB and ICTV are owned by StarLightMedia connected to businessman Viktor Pinchuk, son-in-law of former president Kuchma and Channel 5 belongs to Perto Poroshenko.

The period of free development of news journalism ushered in by the defeat of Kuchma ceased following the 2010 election of Viktor Yushchenko as President. While they no longer receive the direct political instructions of Tymoshenko, the news-rooms remain under heavy influence of their owners. Other main developments include:

- political talk-shows remain popular, but the level of trust has decreased; the most popular are “Shuster Live” (First National TV), “The Great Policy” (Inter), “Freedom of speech” (ICTV) and “Republic” (Channel 5).
- social talk-shows have become popular for investigative journalism and reporting social issues.
- there has been a rise of specialist interest channels serving niche interests

### Print media

The Ministry of Justice oversees registration of print media. In January 2013 34,000 media were registered of which 19,575 registered either national, regional or foreign and 14,427 local. In 2012 alone 795 new media registered.

Nearly 4,000 are published regularly 60% of which are newspapers, and the rest magazines.

106 media are state owned, and 818 have communal ownership. Their support by the state budget and other indirect benefits creates unfair competition. Nearly 22% of media are political.

“Segodnya-multimedia” (Rinat Akhmetov), “Gravred-media” (Igor Kolomoiskyi), “Kartel” (Oleksiy Fedun), and “Evolution media” (Vitaliy Gaiduk), are four of the biggest owners of print media nationally. The papers are closely controlled to further the political and economic interests of their owners.

The Main developments in print media include:

- declining readership as public move online.
- news websites are often more popular than print versions.
- the market is increasingly consolidated.
- inflated circulation figures to boost revenue manipulates the advertising market.

### Electronic Media

There has been a rapid development of the Internet with almost 700.000 .ua domain names at the beginning of 2013, up 13% on 2012. Nearly 20 million citizens (40%) have access to Internet and has become the main source of news for them. 43% of users are aged 15 to 29. According to the government, Ukraine is ranked 33rd in numbers of internet users world-wide.

There is currently no regulation of online media and the IT industry enjoys a special tax benefit to encourage investment.

The most popular media sites include: “http://www.pravda.com.ua/”http://www.pravda.com.ua/,”http://zn.ua/”http://zn.ua/,”http://obozrevatel.com/”http://obozrevatel.com/,”http://www.segodnya.ua/”http://www.segodnya.ua/,”http://focus.ua/”http://focus.ua/,”http://comments.ua/”http://comments.ua/,”http://lb.ua/”http://lb.ua/, and “http://www.day.kiev.ua/”http://www.day.kiev.ua/.

There are a variety of funding structures for internet media. Commercial sites earn their revenue from advertising and other business operations (“http://www.pravda.com.ua”www.pravda.com.ua,”http://www.korrespondent.net”www.korrespondent.net,”http://www.forbes.ua”www.forbes.ua); there are political and business sponsored sites (“http://www.bagnet.net”www.bagnet.net); and some are supported by donors and grant programmes (“http://www.svidomo.org”www.svidomo.org, “http://www.ostro.org”www.ostro.org). They are either managed as part of a print paper (“http://www.day.kiev.ua”www.day.kiev.ua,”http://www.express.ua”www.express.ua), or as separate companies.

Social media has grown rapidly with Facebook membership up to 2.8 million, up 22% from January to June 2013. Meanwhile VKontakte has reported up to 20 million Ukraine accounts and near 6 million in “Odnoklassniki”. There are a further 300,000 Twitter members. There are specialist sites for investigative journalism including “http://www.nashigroshi.org”www.nashigroshi.org,”http://www.svidomo.org”www.svidomo.org, “http://www.forbes.ua”www.forbes.ua and “http://www.pravda.com.ua”www.pravda.com.ua.

There have also been two efforts to organize independent public internet TV in 2013 at “http://www.spilno.tv”www.spilno.tv and “http://www.hromadske.tv”www.hromadske.tv

### Press Freedom in Ukraine

Sociological research in May 2013 by the Democracy Initiatives Foundation revealed that Ukrainians trust mainly three social institutions: the church (balance of trust / non-trust is +50%), media (+24,5%) and the military (+11%). All other institutions record a negative trust balance: Parliament (-60,5%), Courts (-56%), Political Parties (-52%), Government (-49%), Police (-47%), President (-43%) etc. 56% of respondents believe that Ukraine enjoys free speech (10% fully, 46% mostly), while 36% believe there is not freedom of speech.

According to various international indexes freedom of speech has deteriorated in the last 2-3 years. The ‘Reporters without Borders’ annual World Press Freedom Index saw Ukraine slide from 116 to 126th position in

2013. The report identified the rise in assaults and growing political interference as the main causes stating that 2013 was the worst year since the Orange Revolution.

The Freedom House ratings tell a similar story of decline from 109 to 132 in four years.

YEAR	2010	2011	2012	2013
RATE	53	56	59	60
PLACE	109	123	131	132
	Partly free	Partly free	Partly free	Partly free

Freedom House criteria include the freedom of press, the governmental control over media, labour conditions of journalists in the country, the violations against journalists, economic and the social situation in the country.

IMTUU has been monitoring journalists’ rights violations through its Legal Bureau since 2009. Since 2011 it has adopted the methodology developed with the IFJ. We estimate that the real number of violations is several times higher than those formally recorded as these are the ones that journalists have dared report and additionally many journalists do not know their rights nor publicise their rights violations.

	2009	2010	2011	2012
USE OF PHYSICAL FORCE	31	96	38	180
UNLAWFUL REDUCTION AND EXEMPTION	27	28	25	21
PRESSURE ON JOURNALISTS	26	20	47	13
WAGE ARREARS	24	24	12	22
OBSTRUCTION OF JOURNALISTS	23	180	66	53
CENSORSHIP	17	17	22	14
INTIMIDATION	14	9	15	3
REDUCTION OF WAGES	9	-	-	-
VIOLATION OF RIGHT FOR ACCESS TO INFORMATION	-	-	25	192
TOTAL	171	392	250	498

During the period from January till June 2013 the figures of IMTUU’s monitoring demonstrate the following:

DEATH OF JOURNALISTS			
ATTACKS ON JOURNALISTS	36	PUNISHMENT	15
		OBSTRUCTION FOR JOURNALISTS WITH PHYSICAL ASSAULTS	18
		ATTACKS ON EDITORIAL OFFICES	3
INSTANCES OF CENSORSHIP	25		
CRIMINAL CHARGES AGAINST JOURNALISTS AND MEDIA	24	LAWSUITS	20
		INSTITUTED PROCEEDINGS	2
		SEARCH	2
UNLAWFUL SACKING OF EDITOR/ JOURNALISTS	3		
DETENTION	2		
REFUSAL TO PROVIDE INFORMATION	48		
CONFISCATION	1		
DISCLAIMER PRINTER	1		
OTHER FORMS: CYBER CRIMES AGAINST JOURNALISTS	20	DDOS ATTACKS	10
POLITICAL PRESSURE		BROKEN OF E-MAIL OR WEBSITE	4
		POLITICAL PRESSURE	6
TOTAL	160		

The 2012 doubling of violations is partly down to the election year, but the 2013 data confirms the underlying trend of year on year rising violations.

In 2012, journalists brought 29 cases to the police under Article 171 of the Criminal code that protects journalists. Only four cases were actually opened, and only after sustained public pressure.

In 2013 the impact of the new Criminal Procedure Code from November 2012 enabled 117 cases to be opened. However, only 3 % of these cases were passed to the courts.

Despite the high numbers of censorship cases reported by the IMTUU monitoring (22 in 2011, 14 in 2012 and 25 in six months of 2013), not a single case got to court. In October 2012 UNIAN web-site editors reported and



Statistics for six months

2012



### Ukraine in international rankings



Year	Attendance
2008	110
2009	115
2011	121
2012	130
2013	131

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2013

Chemisches Zentralinstitut  
Institut für Röntgen-  
physikalische Chemie

"H. J. HARRINGTON, Editor of  
the *Washington Post*, writes:  
"The *Washington Post* is  
the only newspaper in the  
United States which has  
a circulation of more than  
one million."



Obstruction

**Trends:**

In 2013 the number of physical assaults decreased compared to 2012, the number of obstructions remained at the same level. Physical aggression is high — 10 cases of attacks were reported in July and 5 — in August.

## Punishment

117 cases under article 171



Two-thirds of those  
who were closed in 1960  
were closed in 1961.

40 years  
1950-1990



and which is now  
represented by  
the court.

**ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED**

1. The first step is to identify the problem.
 2. The second step is to analyze the problem.
 3. The third step is to develop a solution.
 4. The fourth step is to implement the solution.
 5. The fifth step is to evaluate the solution.

2013

Charles R. Bunker  
Institute of SA  
Vancouver, B.C.

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proved how they were instructed to avoid any negative information on the President. The staff were threatened with fines and dismissals for ignoring the instructions.

IMTUU's application to the General Prosecutor under the new Criminal Procedure Code saw the case referred to the district police department. Police interviews were held with the UNIAN General Director and one with the web-site editors. No interview was conducted with the main accused, the Head of UNIAN's Department of Internet projects, Konstantyn Kondratenko, and the case was closed. A second application by UNIAN's web-site editors to the prosecutor also saw the case closed.

The development of **Self-regulation**, one of the basic conditions for professional journalism, is led by the Commission for Journalists' Ethics. First established in 2001, the CJE regulates and resolves the ethical and professional conflicts in the journalists' community. At the last CJE Congress in October 2013, 10 board members were elected of which five members are representatives of journalists and media organisations and associations.

**Labour rights** are regulated by the Labour Code and appear, at first glance, to offer good protection to media workers. The Law on "State support of mass media and journalists' social protection" includes regulation of insurance, 36-days annual holiday, salaries, state pensions, and linking communal media conditions to the civil servants' tariffs. Additional laws provide for the journalists' right to elect their editors, and establish the editorial councils. The labour legislation provides for a lot of rights and benefits, but, in practice, it is poorly implemented.

Main problems include the "black" or "grey" salaries, the weak execution of the employment contracts, non-transparent media ownership, and low awareness of labour rights among journalists.

Negotiating labour conditions and collective agreements is rare. Legislation does not insist on collective agreements, so employers reject efforts to negotiate. The Independent Media Trade Union of Ukraine has consistently worked to establish strong agreements for its members, but it needs strong support from employees to make progress.

*Previous Photo: REUTERS/Gleb Garanich: A woman takes part a commemoration ceremony to mark the 13th anniversary of the kidnapping of opposition journalist Georgiy Gongadze in Kiev, September 16, 2013. Gongadze, a well-known reporter who criticized top-level authorities for corruption and fraud, was kidnapped in central Kiev in 2000 and found dead in a forest outside the capital more than a month later.*

## Conclusions

1. Ukraine media has followed international developments of the internet, social media, digital technologies for the broadcast media, etc., but many problems have remained unsolved including the privatisation of the print media and establishing public service broadcasting.
2. Legislation for the media is generally well developed, but its application is poor. Journalists' rights violations are not investigated in accordance Article 171 of the Criminal Code and labour relations in editorial offices rarely meet the necessary standards.
3. The level of journalists' rights violations is very high, particularly during elections. Various media NGO's, professional associations and trade unions monitor journalists' rights, but the monitoring methodologies often differ leading to variations in the data. The violations that are recorded represent only the tip of the iceberg. Journalists rarely protest or make public the violations of their rights.

## Recommendations

Ukrainian authorities must respect the existing legislation in their relations with media and media employees and bring all media related legislation into line with European standards. Additionally they must introduce the privatisation of the print media and establish genuine public broadcasting.

International organisations should continue to monitor freedom of speech, access to information and protection of journalists' rights in Ukraine; encourage the government to fulfil commitments on regulation of journalists; support the activities of journalists professional associations and trade unions in their fight to protect journalists' rights and the introduction of the best international practices into Ukrainian media.

Ukraine journalists must raise their awareness about professional and labour rights, follow professional standards and exercise solidarity through the development of strong professional associations and trade unions.

# Russia

## Report by the Russian Union of Journalists (RUJ)

*Boris Timoshenko is Head of Information Services for the Glasnost Defence Foundation (GDF) and works closely with the Russian Union of Journalists and IFJ as head of monitoring violations of journalists' rights across Russia. In his article below Boris resumes some of the key cases and emerging trends that they have dealt with since 2011.*

## Media Rights Violations in 2011-2013

In recent years the working conditions of Russia's journalists have become more complex. 2013 has been no exception. Journalists and the media have faced the same problems as previously, they have been subject to violence and criminal prosecution, they have been censored, and they have been threatened and detained while working. Print rounds of newspapers have been confiscated while online media have been subjected to DDoS-attacks.

## Killings

A first review of the monitoring data for 2011-2013 shows that while there has not been an increase in the number of murdered journalists, the threat remains constant encouraged by the impunity enjoyed by the perpetrators. A striking example is the story of journalist Akhmednabi Ahmednabiev from Dagestan. He received a number of threats and then, after one failed attempt was made on his life, he was finally shot dead in July 2013.

Akhmednabi Akhmednabiev was a Dagestani newspaper columnist for Novoe delo (New Business) newspaper and the Caucasian Knot website. In September 2009 he was among 16 journalists on a death list of those who supposedly, supported Islamic militants in the North Caucasian Republic. On May 25, 2012 after the murder someone else on the same death list he received an SMS: "You are next. You cannot hide". Eight months later, on January 11, 2013, Ahmednabiev's car was fired upon injuring, but not killing, the journalist. Finally on July 9, Akhmednabiev was shot as he was leaving his house in the Semander village, eventually dying of multiple gunshot wounds to his head.

The Russian Union of Journalists, the Glasnost Defence Foundation, and the Center for Mass Media Rights lobbied hard the law enforcement authorities, both in



*RUJ/Svetlana Svistunova: Akhmednabi Akhmednabiev, deputy editor of the Novoe Delo, at a RUJ press conference after receiving threats. The editor was later killed by several gun shots in Makhachkala in July 2013.*

Moscow and in Makhachkala, but have only received empty promises. The police did not investigate the earlier threats against Akhmednabiev, or the first shooting. Will they now investigate his death? Or will they blame it on militants who have already been killed in previous operations, as they have done in the past?

Since 2011 the vast majority of murders have occurred in Dagestan, (see "http://journalists-in-russia.org" http://journalists-in-russia.org database) which is currently home to an invisible civil war.

Two murders of journalists recorded in 2013 were of Akhmednabiev and Nikolay Potapov, Editor-in-chief of SelSovet newspaper in Stavropol territory.

## Mikhail Beketov a murder postponed

Mikhail Beketov, former editor-in-chief of the Khimkinskaja Pravda newspaper, died on April 8, 2013, four years after a brutal assault in November 2008 left him brain damaged and unable to walk. He was found in the yard behind his house with head injuries, concussion, multiple broken ribs, a broken leg and numerous bruises to the body. By some miracle, Mikhail survived.



The attack on Beketov remains unsolved, but another “crime” was solved. Two years after the murderous assault Beketov was fined 5,000 rubles by the Magistrate’s Court for libeling the local mayor. Following sustained protests from his supporters the Khimki City Court quashed the verdict.

The attack on Beketov had been preceded by a series of episodes: his dog was poisoned, his car was burned and he was threatened with a criminal case for alleged defamation.

Mikhail subsequently received numerous awards, from the Russian Union of Journalists “For courage and professionalism”, the Reporters Without Borders’ “Press Freedom Award”, and another from German’s Die Zeit. In 2012 Prime Minister Putin presented him with a Russian government award and promised to “provide the motivation” to investigate his case. A few days later the case was transferred to the top level department within the country’s Investigative Committee. According to Beketov’s lawyer, however, Stalina Gurevich, the newly appointed investigator made no effort to contact them. He called only after Mikhail Beketov had died.

“Misha’s death is the fault of those who attacked him,” said Gurevich. “He hoped and believed until his last moment that his attackers would be found and punished. The fact that this did not happen oppressed him until his last day”.

### Assaults and bungled investigations

Meanwhile, assaults on journalists continue. They are usually preceded by threats, which are never taken seriously by the police. When assaults do occur as a rule, they will rush to link the attack with anything except the professional activities of journalists. When it comes to the investigation and court hearings of crimes against reporters that are clearly connected to their work, law enforcement agencies show a remarkable inability to prosecute and convict those responsible. The evidence they present is successfully challenged and, in a country where acquittals are rare, an unusually high percentage of those accused of crimes against journalists are declared not guilty. Most investigators would rather find a scapegoat than identify the true perpetrator.

The police investigation into the attack on Elena Milashina illustrates the problem well. Milashina, an experienced editor and journalist at the Novaya Gazeta newspaper, was beaten and then robbed by “unknown persons” in Balashikha (Moscow Region) on April 5, 2012. She alerted the police who took over two hours to arrive on the scene. They were in no hurry to interview the victim

but eventually opened an investigation under Article 161 (robbery) of the Russian Criminal Code. Two unemployed men with previous convictions were detained and produced quick confessions. However, Elena Milashina claims that the people charged were innocent. She believes the investigation was full of inconsistencies, that one of the accused had an alibi and that the evidence against the drug-addicted detainees was most likely fabricated. The investigator refused her access to meet and question the defendants who were tried and found guilty. The result of this kind of attitude is well known - the innocent are jailed, the victims denied justice and the guilty escape with impunity to commit more crimes.

### Election Coverage

Violations of the rights of journalists who cover elections have become standard practice. The most common kind of violation of electoral law is **the refusal to provide information to journalists** during the election. On September 8, 2013 numerous journalists were prevented from filming polling stations, threatened with violence or simply driven away.

On March 4, 2012 in Vologda a team of journalists from *Vologda-Portal* TV was attacked by unknown assailants. According to journalist Natalia Shekhireva, they were visiting different polling booths when they discovered police officers arresting a man. “The police put the man into a police van when we started filming. So then we tried to get into the polling booth. As a result we were attacked, our cameraman was beaten and his cameras and that of our operator were nearly broken”.

When elections do result in a change of administration, the **Dismissal and replacement of media workers** usually follows quickly starting with the search for new and faithful chief editors. The authorities don’t always wait for the election results to dismiss journalists as Svetlana Lolaeva, Chief Editor of the online *Gazeta.ru* (Moscow) found out when she was fired on September 8. Radio Liberty put her dismissal down to “the Kremlin’s discontent with how “the website was covering the election”. Street protests are another major challenge for journalists to cover without being attacked or violently arrested.

On March 5, 2012 several journalists were detained covering an unsanctioned rally on Lubyanskaja Square, Moscow. Pavel Nikulin, correspondent for Moscow News had his head beaten against the steps of a police van. Maria Klimova (Ridus), Andrei Stenin (RIA Novosti), Arkady Babhenko (Novaya Gazeta) and Gleb Shchelkunov (Kommersant daily) were all arrested during the same rally. In the same period, Ilya Vasyunin of *TV Dozhd* was attacked after a rally on Moscow’s



REUTERS/Alexander Demianchuk: Photographers take pictures of riot police detaining a man during a protest in St. Petersburg, against a court verdict in Kirov sentencing Russian opposition leader Alexei Navalny to five years in jail, July 18, 2013.

Manezhnaya Square when he tried to record the organizers of a pro Putin rally paying those who had taken part. In September 2012, Andrey Novichkov of *Grani.ru* was beaten in a Moscow police station after being detained at a demonstration against the detention of political prisoners. He said that he was assaulted by the deputy chief of police before being released four hours later.

### The May 2012 Moscow Demonstrations

Opposition protests in Moscow from 6 to 9 May 2012 were accompanied by widespread arrests of journalists and use of violence against the media in various locations throughout the capital.

At times the police behaved professionally releasing journalists quickly as Georgy Ramashvili reported to the GDF. The riot police by contrast, (OMON) were responsible for beating up several journalists when making arrests. The deputy editor of *Sovershenno sekretno*, Gregory Nekhoroshev, was clubbed over the head; Lenta.ru correspondent, Ivan Kolpakov, was punched in the face; Vadim Kantor of *Moscow News* had his head beaten by a baton; Eugenia Mikheyeva of *Graney.ru* was hit on the head and her camera broken; Dmitry Zykov of *Grani – TV* was hit in the stomach and eye; and Yevgeny Shipilov of *Gazeta.ru* was beaten unconscious by police officers. Meanwhile, over 50 journalists were arrested.

The detention and beating of journalists covering demonstrations has become common practice and a useful method of deterring journalists from reporting public protests.

### Recriminalising Defamation

The recriminalizing of defamation and the new laws against NGOs has tightened the climate of oppression against journalists and reporters in the attempt to stamp out dissent.

Yet not all court cases have gone against the journalists. The failed prosecution of Mikhail Afanasyev in 2013 for calling a Colonel a liar demonstrates how sustained monitoring and support for a case can still bring results. Afanasyev, founder and editor of Novy Focus news website (Abakan) was sued for defamation by Colonel Zlotnikov who had perjured himself in court. Despite the previous court decision that the colonel had indeed lied, the police opened an investigation, confiscated Afanasyev’s computer for six months and proceeded to prosecute him for libel. The case was taken up by the RUJ, GDF and lawyers from the Mass Media Defence Centre which enabled Afanasyev to mount an effective defence. The court eventually found in favour of the journalist in September 2013, in a case that should never have gone to trial.





*RUJ/Svetlana Svistunova: Memorial Plaque devoted to Anna Politkovskaya was unveiled on October 7 2013 at the "Novaya Gazeta" headquarters in Moscow.*

### Trends revealed by incident monitoring

The Glasnost Defence Foundation with the support of the RUJ, monitoring of media violations reveals the following trends in the past three years.

1. The number of work-related killings has not increased but they continue to occur.
2. Law enforcement agencies show an inability or unwillingness to prosecute and bring to trial those who have attacked journalists.
3. There has been an increase in the number of threats prior to assaults on journalists and media but the police and other law enforcement agencies have not reacted.
4. The result has been impunity for those committing crimes against the media which helps provoke new conflicts.
5. During election campaigns there is a surge in violations of the rights of journalists and media.
6. Attempts to introduce censorship, especially in the regional media, continue.
7. Journalists covering protests and illegal actions by the authorities are regularly arrested.
8. Editors (rarely journalists) of regional, municipal and district media are frequently and unlawfully dismissed.
9. DDoS-attacks are periodically conducted against independent online media.
10. Article 282 of the Criminal Code (Incitement to hatred) is often used to hinder free speech.

### Statistics

These totals, taken from the "Russia – Conflicts in the Media" online database, refer to Incidents, not to Individuals. The numbers of journalists involved may be greater, especially when camera crews come under attack or are arrested, for example, when covering mass protests.

- Work-related killings: 2011 - 1, 2012 – 2, 2013 – 3.
- Acts of violence against journalists: 2011 – 82, 2012 – 83, 2013 – 74.
- Short-term detention: 2011 – 98 (132), 2012 – 72 (153), 2013 – 45 (74).

Figures in brackets refer to individuals, total refers to number of incidents.

- Criminal charges against journalists: 2011 – 34, 2012 - 36, 2013 – 32.
- Unlawful dismissal: 2011 - 27, 2012 - 18, 2013 - 16.
- Threats: 2011 - 36, 2012 - 43, 2013 - 27.
- Instances of censorship: 2011 - 75, 2012 - 76, 2013 - 83.

### Recommendations

**For the government:** 1. To investigate crimes against journalists. 2. To fight against injustice, and thereby prevent new crimes.

**For international organizations:** solidarity with persecuted journalists.

**For journalists:** 1. To strictly abide by the law on mass media and other legislation. 2. To be attentive to threats. 3. Do not enter into informal financial relationships directly with government officials. This often results in further charges of extortion (under the Article 163 of the Criminal Code).

### Name/Media

### Facts

Yelena Kostyuchenko, journalist, Novaya Gazeta  
Bozhena Rynska, columnist, Gazeta  
Aleksandr Chernyh, journalist, Kommersant  
Ilya Vasyunin, journalist, Dozhd  
Alekssei Kamensky, editor, Forbes

**05.12.2011-06.12.2011:** Several journalists were detained during December 5 and 6 protests that followed parliamentary elections. Aleksander Chernyh also suffered an assault while being taken into custody.

Khadzhimurad Kamalov †, owner, Chernovik

**15.12.2011:** Khadzhimurad Kamalov was a Russian investigative journalist and owner of Svoboda Slova which is the media company that published the newspaper Chernovik. Kamalov was shot dead in an apparent assassination as his name had been put on a hit list because of his reporting on rebel activity in the Republic of Dagestan and had been well known for his reporting on corruption. Kamalov was shot eight times as he was exiting Chernovik's headquarters in Makhachkala, Dagestan around 11:45 p.m. The gunman was masked, shot 14 rounds in total, and sped away from the scene of the crime. Kamalov had previously received death threats in September 2009.

Ekho Moskv

**14.02.2012:** The board of directors of the Ekho Moskv was changed. With 66 percent of shares, Gazprom-Media is the majority owner of Ekho Moskv and is widely believed to be the initiator of Ekho's board shuffle. Gazprom-Media said the shuffle stemmed from "internal corporate procedure" and the need to adjust the makeup of Ekho Moskv's board to "corporate standards." The staff of Ekho Moskv said the board shuffle was conducted inexplicably prematurely -- before the scheduled June annual board meeting, at which such procedural issues were to be discussed.

Ulyana Malashenko, reporter, Kommersant FM<sup>1</sup>  
Pavel Nikulin, reporter, Moskovskiy Novosti<sup>2</sup>  
Maria Klimova, reporter, Ridus<sup>3</sup>  
Andrei Stenin, photojournalist, RIA Novosti<sup>3</sup>  
Aleksandr Borzenko, reporter, Ekho Moskv<sup>4</sup>  
Gleb Shielkunov, photographer, Kommersant<sup>5</sup>  
Lev Lurié, journalist, Fontanka.ru and Boris Vishnevsky, journalist, Novaya Gazeta<sup>6</sup>

**05.03.2012:** Several journalists were assaulted and detained during the March 5 post- election protest held by the opposition. The reporter<sup>1</sup> was assaulted by police and suffered concussion. The reporter<sup>2</sup> was hospitalized after being struck twice in the head with a baton by police dispersing a crowd at Lubyanka Square.

Police roughed up and detained several journalists<sup>3</sup> near the Lubyanka metro station as they were covering an opposition protest. Pavel Nikulin said a commanding officer identified as Captain Ilya Teleshov seized the journalist's press card and placed him in a police van. He was detained for a couple hours before being freed. The other journalists suffered the same situation.

Aleksandr Borzenko<sup>4</sup> was attacked by several unidentified assailants while covering a march organised by nationalist groups. He was attacked near the Pushkin metro station, as he was going on air to report on the rally.

The photographer<sup>5</sup> was arrested at around 9 p.m. in Moscow's Pushkin Square on the charge of contravening regulations governing street demonstrations. The journalist was released the next morning.

The two journalists<sup>6</sup> were briefly arrested while covering opposition demonstrations in Saint Petersburg.

Elena Milashina, journalist, Novaya Gazeta

**05.04.2012:** Elena Milashina was attacked early morning along with friend Ella Asoyan, by two unknown assailants in the Balashika neighborhood of Moscow. The attackers primarily targeted the journalist, repeatedly hitting her on the head. The journalist was later diagnosed with concussion, extensive bruising, and a broken tooth. Milashina works as an investigative journalist and frequently covers human rights violations, particularly in North Caucasus.



Sergey Aslanyan, journalist, Radio Mayak	<b>29.05.2012:</b> An unidentified man attacked the radio Mayak journalist outside his apartment in Moscow, hitting him on the head with a heavy object and stabbing him multiple times in the chest, neck, and hands. Aslanyan survived the attack and was able to call the police. Aslanyan, who hosts a news and entertainment show on the automobile industry on Radio Mayak, said that the attack could be connected to a comment he had made on his show, which Russia's Muslim community had found insulting. Aslanyan did not report receiving any prior threats before the attack.
Sergey Sokolov, deputy editor, Novaya Gazeta	<b>13.06.2012:</b> The deputy editor of Novaya Gazeta received threats by Russia's top investigating official, Aleksandr Bastrykin. Bastrykin invited Sokolov on June 4 to join him on a flight to Nalchik. Once there, Bastrykin took Sokolov to a meeting, where he reportedly demanded an apology from Sokolov for an article he had written that was harshly critical of Bastrykin's and other law enforcement agents. Sokolov apologized for the emotional tone of the article but not for its content. When the group returned to Moscow, Bastrykin's guards put Sokolov in a car and drove him to a forest outside of the city. Bastrykin asked his guards to leave them alone, and then threatened the journalist's life.
Radio Svoboda	<b>10.11.2012:</b> Radio Svoboda ceased to broadcast its programme on medium wave to be in compliance with the new Russian media law. The radio continues to broadcast on short wave and via satellite. The changes enacted in Radio Svoboda in November were preceded by the sacking of the entire internet division of the radio station. It included a total of 40 out of 55 staff members.
Kazbek Gekkiyev †, journalist, VGTRK	<b>05.12.2012:</b> Kazbek Gekkiyev was a Russian television journalist who was killed in the North Caucasus Republic of Kabardino-Balkaria. Gekkiyev was murdered in Nalchik and was shot in the head by two men while going to his home with a friend.
Victor Nedosvetey, editor, Nepravilnaya Gazeta	<b>11.02.2013:</b> Three unidentified assailants attacked and beat the editor in the city of Naryan-Mar. According to reports, three men accosted and assaulted Nedosvetey outside his home. One of the assailants knocked the editor to the ground and then they kicked and beat him. The assailants did not take any of the editor's belongings. Nedosvetey, a critic of city officials for abuse of power, suffered a broken nose and bruises.
Mikhail Afanasyev, editor, Novy Fokus	<b>14.03.2013:</b> Prosecutors filed insult and libel charges against Afanasyev, editor of the online magazine Novy Fokus, in connection with December 9, 2012, opinion article, headlined "You are a liar, Colonel Zlotnikov!". Alexander Zlotnikov, the police official, filed a defamation complaint against the journalist with the regional investigative committee in Khakassia. Afanasyev was immediately summoned for questioning, and his home, office, and car were searched by police. Authorities opened a criminal investigation against the journalist in late December. On March 14, the prosecutor's office issued a statement saying Afanasyev had "deliberately spread false information and discredited the honor, dignity and business reputation of the republic's leadership."
Georgy Yans, reporter, Moskovsky Komsomolets Aider Muzhdabayev, editor, Moskovsky Komsomolets	<b>18.03.2013:</b> Andrei Isayev, a parliament member with the governing United Russia party, threatened two journalists with the independent daily Moskovsky Komsomolets. Isayev's threats were directed at Georgy Yans, reporter, and editor Aider Muzhdabayev in connection with an article criticizing three of United Russia's female parliament members.

Mikhail Beketov †, journalist, Khimkinskaya Pravda	<b>08.04.2013:</b> Mikhail Beketov was a Russian journalist who came to widespread attention when he was savagely attacked in 2008, an assault thought to be connected with his coverage of the planned destruction of the Khimki Forest. Beketov choked on a piece of food at lunch, which is linked to deep tracheal scarring that he sustained after the attack in 2008.
Andrei Chelnokov, editor, Sibir and Head of the Union of Novosibirsk Journalists	<b>01.04.2013:</b> The editor was the victim of a violent attack that took place in Novosibirsk, capital of the Siberian Federal District. He was returning home from a conference on journalism when an unidentified assailant struck him on the head with a blunt object, causing him to lose consciousness. The journalist suffered memory loss and his nose and several ribs were also broken. Chelnokov said he had received threats in connection with his reporting in the past.
Akhmednabi Akhmednabiyev †, editor, Novoye Delo	<b>09.07.2013:</b> Akhmednabi Akhmednabiyev was the deputy editor of the independent news outlet Novoye Delo. On 9 July 2013 at 7 a.m., Akhmednabiyev was shot outside his house in the Semender suburb of Makhachkala, Dagestan, Russia.



REUTERS/Anton Golubev: Policemen attempt to detain Andrei Kozenko, a journalist from the Kommersant local newspaper, during a rally to protest against the results of the parliamentary elections and the policies conducted by Russian authorities in Moscow December 6, 2011.



# Impunity and violence against journalists in Russia

**Findings from the Media Conflicts database, 2011-2013**

*On 28 March 2013 Abdullah Ekaev, chief editor of the “Tversky reporter” newspaper, was attacked outside his apartment block in the city of Tver by an unknown assailant wielding a club. After suffering several heavy blows to head and body, Ekaev managed to escape his attacker, and call the local emergency services from his apartment.*

A month earlier, on 25 February, in the town of Mineralnye vody (Stavropol Region), three unidentified men armed with baseball bats burst into the premises of the “Vremya. Stavropolsky krai” newspaper, demanding to see its owner and chief editor. The only person present was a secretary. “You’ll get the beating then!” they cried, and struck her around the head several times, kicking her repeatedly when she fell to the ground.

On 2 December 2013 the editor of “Lom”, the only local opposition newspaper, was attacked in the Siberian town of Kamen-na-Obi. At around 4 pm a masked man with a steel bar gave Alexander Dmitriev such a vicious beating that one of his legs was broken.

Three typical attacks in widely scattered parts of Russia, intended not to kill but to intimidate and issue a severe warning to their victims.

This was Dmitriev’s second and more serious experience of the kind. Ekaev, a well-known local rights activist and defence lawyer, was previously imprisoned for speaking disrespectfully about a local judge. By contrast, the unfortunate secretary at “Vremya. Stavropolsky krai” was in no way prepared for what happened. She had only been in the job for two weeks. Her injuries proved slight but she was left in a state of considerable shock.

\*

Such targeted assaults occur with depressing frequency all over Russia. For a number of reasons, they should arouse quite as much alarm and concern as the targeted killings of journalists:

- There are many more such attacks than killings;
- The level of impunity for such violence is far higher than for cases of murder and manslaughter;
- On past experience it is safe to predict that none of the three aforementioned cases will be seriously investigated.

None of these attacks was reported outside the country. They fall below the radar of international organisations monitoring media freedom in Russia, which in turn adds another layer of impunity for those who use these methods to “keep the media in line”.

The reporting of such crimes in Russia itself is hardly satisfactory. Assaults of this type are so familiar, and the police response, as a rule, so ineffective that monitors typically find no more than one media report of the event. Very rarely do investigations identify the culprits. A single report, naturally, is hardly sufficient to determine why a journalist was attacked or who ordered this act of intimidation. In the two cases mentioned above it helps that the Media Conflicts database records earlier incidents involving Ekaev (criminal prosecution, 2006) and Dmitriev (an attack in December 2010).

A dozen targeted assaults are recorded each year. Among the seventy acts of violence against journalists in Russia during 2013 they constitute a minority. Many of the other violent incidents occur in public and are familiar all over the world: the use of excessive force by the police, security guards or other officials; assaults by the unwilling subjects of a reporter’s enquiry; violence against journalists reporting on protests and demonstrations. The attackers in a targeted assault, however, are hired hands who cannot easily be linked to the crime or to those who issued such a warning. It seems safe to predict that, like so many other similar crimes, the investigations into the attacks on Ekaev in Tver and Dmitriev in Siberia will be closed after two years, either because the statute of limitation for the crime has expired or the assailant has not been identified.

These crimes cannot be treated in isolation. In 2011, commenting on this Climate of Impunity in Russia we wrote: “Targeted killings are only occasionally needed

when targeted assaults are a constant reality. And targeted assaults need not be universally applied when everyone can see that the threat of violence is real, rarely subject to effective investigation, and almost never leads to punishment. A hint of this kind, direct or vague, is often enough.”

There were two targeted killings of journalists in 2013.

Akhmednabi Akhmednabiev, a frequent contributor to the “Caucasian Knot” news website, was shot dead outside his home in Makhachkala on 9 July 2013. He was one of 16 journalists named on a “death list”, circulated in September 2009 in the capital of Dagestan. He was subject to threats ever since and in January 2013 an unsuccessful attempt was made to kill him in exactly the same circumstances.

On 7 August 2013 66-year-old Nikolai Potapov, a local activist, died after being shot five times in the small town of Vygorka (Stavropol Region). He was the elected district chairman and editor of “Selsovet”, the local newspaper. He had been repeatedly threatened, it was reported, before this fatal attack.

These deaths confirm trends observed since 2007. Most work-related murders in Russia are now committed in the North Caucasus, above all in Dagestan; if a targeted killing occurs anywhere else in Russia it takes place far from Moscow. After the failure in 2009 to convict those responsible for two high-profile killings of media workers in the North Caucasus (Gadjiev in Dagestan; Yevloyev in Ingushetia), total impunity has been the rule. Until now neither perpetrators nor instigators of these crimes have been identified, charged and brought to trial. In the rest of Russia various forms of partial justice prevail. Little action is taken over certain suspicious deaths, which at best are qualified as “incitement to suicide” (e.g. Safronov in 2007 and Kotovskaya in 2009). Under pressure from the media and other forces, the perpetrators and organisers of certain killings are pursued (e.g. the third Politkovskaya trial, which resumed in Moscow in January 2014). Only in the case of Igor Domnikov, victim of a fatal beating in May 2000, was the supposed instigator of the attack finally brought to trial in 2013 and convicted.

2013 also saw the death of newspaper editor Mikhail Beketov, a long-term consequence of an attempted murder in November 2008 which remains unsolved. Sochi editor Arkady Lander died in December 2013, having never recovered from a vicious beating in the stairwell of his apartment building three years before. Five months earlier the police informed Lander that the investigation into the attack had been closed.

The attitudes that underlie official indifference to this climate of impunity are illustrated by the experiences of journalist Nadezhda Popova. In April 2011, she attempted to report telephone threats linked to her newspaper’s investigation of the Russian Atomic authority to the police in Moscow, only to have her request dismissed by the station chief: “No one’s killed you! What are you complaining about?”

*John Crowfoot, IFJ analyst (Russia)*



# Moldova

## A Report by the Journalists Union of Moldova

*Antonina Sarbu is a professor of journalism at Chisinau University and leading activist in the Journalists' Union of Moldova where she has been responsible for supervising the violation of journalists' rights monitoring programme.*

### Access to Information

On October 11<sup>th</sup> 2013 Parliament amended the Criminal Code, to make the publication of personal data punishable by law. Journalists raised concerns on how the bill would restrict their access to public information and information in the public interest.

The law has made it more difficult for investigative journalists to gather evidence, particularly in investigating corruption, because there are now a range of prohibitions protecting personal data. Journalists are not allowed the personal address of politicians, to know the number of cars they have or what companies their family run.

This goes against standards set by the European Court of Human Rights (ECHR) which has established a very low level of privacy protection for political leaders paid from the public money.

Citizens should have the right to know the extent of the wealth, property and business interests of politicians to ensure there is no conflict of interest in their private and public functions. In Moldova the private interests of politicians are increasingly concealed.

There is currently no justification for imposing further restrictions on access to information. From journalists' experiences, the current restrictions already hinder their efforts to expose corruption. Additional obstacles would only inhibit further the work of journalists.

There is a further concern that the laws will be used to restrict access to information and debate on the history of the Moldovan people. Depriving and controlling information on events that affected the lives of families and their relatives restricts historical debate. Is the government's attempt to hinder access to 'personal' information a desire to conceal aspects of the history of the people?

### Public Radio and TV

Staff at the public *TeleRadio-Moldova* (TRM) have protested against efforts to change their contracts from indefinite to fixed term contracts. They appealed to the trade union council for assistance to maintain article 54 of the Labour Code, that contracts are signed for an indefinite period, including creative workers, pensioners and bosses.

### Threats

In July 2013, journalist and Editor Vasile Nastase received a text message death threat warning him to stop publishing articles about corrupt politicians and judicial officials:

The message came from an identifiable phone number and we wait to see if the authorities are prepared to take the necessary measures to detect and punish the individual or the persons responsible. 15.07.2013

In September, the President of the Supreme Court, Mihai Poalelungi, called for the recriminalisation of defamation. Journalists and media organisations saw this as an attempt to pressure journalists and restrict freedom of speech.

The above recent cases demonstrate how pressure on journalists remains constant and how the unstable political situation impacts on media and journalists rights.

### Media Transparency

There is an urgent need to increase **transparency over the ownership of the media**. Currently, according to most media analysts, the press is largely controlled by two competing oligarchs, Vlad Plahotniuc, former speaker of the Parliament, and Vlad Filat, former prime-minister. These two started their political careers as close allies but have since become fierce rivals.

In theory, article 66 of the Broadcasting law restricts the numbers of broadcasters that any one individual or company can hold to no more than two. One of the oligarchs has control of at least six national private broadcasters (from a total of ten) and between the two of them they control 12 radio and TV stations.



*JUM: Journalists' students take part in the Day to End Impunity in Chisinau, Moldova on 23 November 2013*

When two oligarchs control the majority of the mass media they also control the crucial advertising market. The consequence is that no other media can be financially independent and it also creates an environment in which media are dependent on political sponsors in return for an output of propaganda.

Moldova should urgently amend legislation to prohibit ownership of media by off-shore companies, which are able to conceal the true ownership structures and enforce full ownership transparency.

### Reforming the Moldovan Press Law

The current Press law was adopted in 1994 and much of the journalists' guild believes it is time to modernise it. Specifically journalists want article one to be amended to make it clear that any information regarding the work of public officials can be published so long as it is accurate and in the public interest, regardless of the harm it may cause to individual reputations. They further call for a clearer definition of information that should be publicly accessible as any information regarding the work of public officials, politicians or institutions.

### Ownership change and its impact on Editorial Policy

There is a growing political crisis as political groups fail to place public interest over personal as they seek to interfere in editorial policies at the expense of independent journalism. A lack of editorial independence and respect

for the role of journalists by the employers turns media into propaganda tools with professional ethics reduced to a secondary consideration. Some media experts are concerned that we are returning to the 2009 period of highly politicised media.

Evidence of this can be seen in the way editorial policies change as new owners take over and journalists need to adapt to the new political instructions. This change in editorial policy often leads to the departure of senior journalists. Recent examples of this growing trend include the departure of Petru Bogatu, JUM President and one of Moldova's most influential columnists from *Jurnal Trust* Media, Rita Ursalovschi departure from *Jurnal TV*, and Elena Robu's quitting Moldova One

### Unfair Dismissals

In September, journalist Dumitru Crudu was fired after the Romanian Ambassador complained about an article he posted on his personal blog, criticizing the way staff at the Romanian Consulate treated Moldovan citizens. Crudu was owed six month's salary at the time of the dismissal. Journalists need greater protection against arbitrary employer decisions. Strong trade unions and enforceable collective agreements are needed to protect staff when their journalism embarrasses the powerful.

### Local Media

In some regions newspapers cannot be published without prior approval from the government censor. Meanwhile the financial situation is so dire, journalists consid-



er themselves lucky to have more than two computers in the newsroom and salaries do not rise above 100 . Local media institutions need to be refreshed, re-examined and transformed into free institutions, without censorship.

Undeclared Salaries

It is very difficult to get concrete information on real salaries because they are often negotiated individually, are often freelance based and rarely include the full amount with the rest being paid unofficially. This weakens the working rights of journalists and ability to regulate their employment conditions. In public institutions, salaries are between 150 and 200 €.

Transnistria

The Transnistrian authorities exercise total control over media and social networks with tough laws strangling freedom of speech and access to information. Private media are often denied accreditation to public events. The state Transnistrian Broadcasting company is directly subordinated to the Transistrian leader.

Some statistics:

Broadcast media have been expanding annually with growing numbers of consumers particularly to multi-channel TV services. The main source of public information continues to be television (88%), which is also the most trusted source of information (67%). The popularity of the main TV stations, according to the Barometer of Public Opinion, is as follows: Prime TV (49%), Moldova 1 (45%), Pro TV (26%), Jurnal TV (15%), TV7 (14%), Publika TV (12%).

The most listened to radio station is *Radio Noroc*, followed by *Russkoe Radio* and *Radio Moldova*. 2012 saw new outlets, including several new private radio and television stations. The Broadcasting Coordinating Council (BCC) granted licenses to a further five radio stations and eight television stations.

Canal 3 is the most significant newcomer, initially broadcast in Russian only, but has since started broadcasting in Romanian. In an offline session with Moldovan bloggers organised in May, the Vice President of Parliament, Vladimir Plahotniuc, said that Canal 3 is part of the Prime Group holding that he administers. Just a few months after its launch, Canal 3 and another station of the same holding won rights to rebroadcast Champions League matches.

10 new periodicals were registered in 2012 (*Basarabia Literara*, *Gazeta Basarabiei*, *Ora Moldovei*, etc.) and the new Agency IDC PRESS, established to produce impartial, unbiased and ethical news.

protv.md and unimedia.md are the most visited news portals in Moldova.

2012 / 13 also saw the disappearance of some media. The BCC caused controversy when it withdrew the license of TV NIT that was affiliated with the Communists. The station challenged the BCC decision in court, and is currently active only online at www.nit.md. Public TV Moldova International was also closed by TRM president, Constantin Marin, to save money.

Name/Media	Facts
Ziarul de Garda	<b>01.08.2011:</b> The Central Court of Chişinău fined the investigative newspaper Ziarul de Gardă 500,000 lei (30,000 €) for defamation over an article published in February 2011 on the alleged corruption of two prosecutors. The two prosecutors sued the paper and demanded compensation for moral damage. On July 14 2012, Moldova’s Supreme Court dismissed previous court decisions.
Unimedia news portal and Timpul	<b>14.04.2011</b> The minister of transportation accused the Unimedia news portal and the newspaper Timpul of defamation. He claimed that both news organisations had published a Moldavian Airlines press release that accused him of taking part in fraudulent collusion with the industry.

Oleg Brega, journalist, Curaj TV	<b>29.07.2011:</b> The journalist was assaulted and briefly detained by managers from the private Slavonic University of Moldova while trying to film a story about a student whose personal documents were inappropriately confiscated. <b>08.09.2011:</b> Two policemen and a traffic police inspector hit the journalist, damaging his camera equipment. <b>22.02.2012:</b> The journalist was attacked in front of a police station. His equipment and identity papers were stolen.
Ion Diviza, cameraman, Jurnal TV	<b>03.12.2011:</b> A TV cameraman was assaulted in Chişinău downtown while shooting a report with other journalists. The perpetrator claimed his privacy had been violated. Alexandru Gurdila, one of the producers of „De teptarea” show from <i>Jurnal</i> TV, said that he was filming, together with the cameraman Ion Diviza, several persons who were browsing the Internet on their laptops in the public Garden „ tefan cel Mare” from Chisinau.
Team Publika TV	<b>07.12.2011:</b> A lawyer representing a priest assaulted a Publika TV team crew as they filmed a dispute between citizens and church officials in the town of Călăraşi. A group of police officers observing the altercation failed to protect the journalist.
Valentine Ursu, journalist, RFE/RL	<b>11.12.2011:</b> The journalist was detained by police during the first round of voting in Tiraspol. The journalist was covering the voting process.
Elita TV	<b>08.04.2012:</b> The headquarters office of Elita TV was vandalised and most of the broadcasting equipment of the TV station was destroyed/stolen by unknown perpetrators. This attack happened after the station’s owners refused to sell it to a group of local politicians and continued reporting on a politically sensitive lawsuit.
Prime TV team	<b>19.07.2012:</b> A Moldovan Prime TV crew was filming a report in the village of Olishcani, Soldanesti district forest, which is registered as public property by Moldsilva, the country’s agency in charge of administering forests. While filming, the journalists were physically and verbally attacked by two men who claimed to be property owners. The reporters filmed the attack.
Victoria Ocara, journalist, Jurnal TV	<b>05.08.2012:</b> The journalist from Chisinau-based Jurnal TV channel was attacked while reporting on clashes between two opposing groups of demonstrators in Balti, the second largest city in Moldova. An individual threw a stone that hit her in the head. She was treated on the spot for head injuries and taken to the hospital. The perpetrator of the attack was recorded on a video, identified and detained.
Publika TV Team	<b>03.03.2013:</b> A TV crew who was covering a police check operation was attacked when some of the drivers that were stopped didn’t want to be filmed. One person threatened to kill the media crew.
Jurnal TV Team	<b>26.08.2013:</b> Gennady Rabei, the mayor of Cimiseni, and his supporters beat up a team from Jurnal TV and prevented them from filming a meeting inside the local Culture House.



# Georgia

## Report by the Independent Association of Georgian Journalists (IAGJ)

*Zviad Pochkhua is the President of the Independent Association of Georgian Journalists (IAGJ) and Editor in chief of The Financial. He is responsible for the IAGJ's monitoring programme for journalists. The present report is prepared by IAGJ. The report is based on incidents recorded by the IAGJ, Public Defender and NGOs, as well as on media reports.*

### Introduction

This report covers media freedom and also reviews the media ownership, pluralism, editorial freedom and the social status of journalists. The report will be used for legislative lobbying and efforts to correct snags with a view to ensure freedom, security and social status of journalists. It includes the highlights of a more extensive national report that will be sent to inter-governmental institutions for consideration in Brussels (European Union), Strasburg (European Parliament and Council of Europe), Geneva (United Nations) or Vienna (OSCE).

### Overview

The 30 months covered in this report proved to be an extraordinary time for media as the dramatic political changes had a profound impact on the Georgian media revealing the true extent to which political interests govern and run the media.

Several TV channels have been closed or had a complete change of ownership. The most significant being the decision by Prime-Minister Bidzina Ivanishvili to shut his Channel 9 which he had opened to help him win the 2012 parliamentary elections.

- Jailed photo reporters charged with espionage were freed.
- Mass firing of journalists since change in political leadership in October 2012.
- Media and Advertising business witnessed a major shift in its ownership.

The pre-election period saw many attempts to obstruct the activities of independent media. May 2011 saw heavy handed police beat journalists and destroy equipment at protest rallies followed by the arrest of photo reporters charged with espionage in July. The spring of 2012 saw many arrests and the dismantling of satellite antennas of Global TV and TV Maestro.

The confrontation between owners and temporary administration of Maestro TV Company and the ensuing paralysis of the company's work were one of the most alarming incidents in the Georgian media space.

The opening of Channel 9 TV by billionaire Bidzina Ivanishvili in 2012 upset the balance of media power and exacerbated the confrontation. The unexpected closure of the same channel in August 2013 which left over 200 journalists unemployed demonstrated the unstable nature of the media.

### Media Landscape

**Print publications:** 70 newspapers, 95 magazines

**Print business publications:** 2

**News agencies:** 16

**Broadcasting:** 79 broadcasting licenses (51 for television, 12 for satellite, 12 for cable, 36 for radio broadcasting [2011 data by National Communications Commission])

**Main opposition televisions:** 2 (cover Tbilisi and adjacent areas)

**Public channels:** 2 (cover most of the country)

**Average circulation of daily newspapers:** 4,000

**Average circulation of weekly newspapers:** 15-40,000

**Income from television advertisements:** 28 million USD

**Internet users:** 26% of the population (2012 data by WB)

**Blogging:** 2% of Internet users do it (CRRC research 2009-2011)

**Facebook users:** 804 320

Online media and news agencies are so far failing to attract major sponsors. 80% of advertising market goes to TV companies (mainly pro-Government channels), with 7% for radio and 4% only for print, approximately four times below the East European average.

Opposition media claim that large companies avoid placing ads with them for fear of Governmental reprisals.

In 2010, the net advertising market was between 43 and 46.5 million USD. Leading TV companies, by charging low rates for ad space undermine the print advertising market.



### Advertising market (2011, 2012, 2013)

Control of the advertising market and distribution network by people close to the Authorities hindered the independent media. The defeat of the ruling National Movement in 2012, saw ex-Defense Minister Davit Kezerashvili, replaced as controller of the advertising company General Media, by Davit Iakobashvili, a millionaire from Russia.

General Media controlled the advertising and ensured it was distributed among the favoured National channels. Since the elections, channels such as Maestro and Kavkasia TV report a significant improvement in advertising revenue.

Print advertising suffered from an anti-print campaign (2003-2012) as leading companies cut their print budgets to avoid a confrontation with the government. Some newspapers, including Banks&Finance, were forced to close.

About 98% of the total budget is spent on media outlets situated in Tbilisi and only 2% by regional media outlets.

Development of print media is directly dependent on government policy. Subsidising TV channels hampers a fair distribution of advertising and the development of independent media.

Limited advertising and sales revenue also undermine wages and conditions at newspapers which are significantly lower than in TV companies subsidised by the political groups.

*REUTERS/David Mdzinarishvili: Journalists of PIK TV channel protest outside the parliament building in Kutaisi October 25, 2012. The TV station stopped broadcasting after Georgian Public Broadcaster (GPB) revoked a contract with PIK TV, according to local media. The placard (2nd R) reads, "Freedom of speech to PIK".*

In 2010-2012 the government granted two tax amnesties to pro-governmental TV, waving over 55 million GEL. In exchange for supportive reporting, the government allowed loyal media off several years of unpaid tax creating a model of hidden public subsidies.

The change of government has raised hope that these practices of concealed support and interference in the media market will end and give a chance for the development of independent media.

### Political interests in media

Risky and low paid Journalism has lost its popularity in recent years. The Politicization of the profession has further damaged its image and level of public trust. Before 2000, it was one of the prestigious professions but today is seen as inferior to finance, economy, medicine or construction. Moreover, the low salaries create a fertile ground for corrupt and biased information, paid for articles and black PR.

While television remains the main source of news for Georgians, the internet has become an increasingly important source of news for the younger generation.

Before October 2012, the National channels Rustavi 2, Imedi, 1st Channel, were pro-governmental due to close financial ties with the authorities. Direct censorship was





unnecessary as owners derived benefits from enforcing a supportive editorial line.

In 2012, Ivanishvili, formed an opposition movement backed up by launching Channel 9. He also established another entertainment channel for his son. The new company attracted a surge of new journalists polarizing the media further.

The victory of the Ivanishvili coalition in the October elections altered everything and saw an immediate reshuffling of ownership

- Imedi TV returned to its previous owner, the Patarakatsishvili's family;
- Real TV, led by the former MIA officer Guram Donadze and unofficially funded by the same Ministry went bankrupt;
- Real TV wavelength was purchased by a former minister Kakha Baindurashvili to establish a new company, TV3;
- State funded PIK TV ceased broadcasting firing staff without compensation;
- TV Mze's broadcasting license was handed to GDS, the entertainment channel of the Prime-Minister's family;
- TV Sakartvelo, previously belonging to the Ministry of Defense is now owned by the wife of the Secretary of the Security Council;
- In 2013, Imedi TV returned its license to Zaza Okruashvili, the original owner who had had it removed in 2004.

*REUTERS/David Mdzinarishvili: Journalists protest against the arrest of three Georgian photographers at the Parliament building in Tbilisi, July 12, 2011.*

In August 2013, PM Bidzina Ivanishvili announced the closure of Channel 9. The IAGJ had long been calling for the PM to divest himself of the station as a conflict of interest. Unfortunately, its closure also saw the loss of hundreds of journalists and media workers jobs. Since the October Elections, there has been a transfer of staff from the old pro-governmental media to new jobs at channels affiliated with new opposition.

There has been good news for the print media which is largely independent as circulation has jumped with the liberation of the distribution system previously constrained.

In 2013, the Supervisory Board of the Public Broadcaster deposed the General Director Giorgi Baratashvili twice, first in March 2013 and then in August of the same year.

Baratashvili stated that the Council was formed by the former ruling party and that his dismissal was politically motivated. In contrast, the acting Director claimed that he was being pressed to cooperate by special services of the new Government.

It has been recently revealed that the owner of the new TV3 is also the President of the Georgian Chamber of Commerce. This is a breach of the law on Public Service which restricts the holding of management positions in private companies. TV3 won a TV license at the expense

of Independent Radio Station Hereti and the close relationship between the owner and the government represents a conflict of interest that punishes independent media.

### **The GPB Board after January 2014**

In January 2014, the GPB's current Board will be fully replaced in line with amendments to the Law on Broadcasting from May 2013:

Three members will be elected by the parliamentary majority (MPs of the Georgian Dream coalition).

Three members by the remaining Parliament deputies,

Two members by the Ombudsman, and the remaining seat will be filled with the Chairman of the newly created Adjarian Public Broadcaster.

The IFJ had appealed for inclusion of a journalism association to represent the interests of journalists.

Despite boasting relatively progressive legislation on media protection, violations of journalists' rights are not rare, and, only in a few cases, have the Authorities punished the perpetrators. Mostly the attacks go uninvestigated.

Georgian media legislation has no effect in the territories occupied by Russia – Abkhazeti and Tskhinvali region. Their media continues to be controlled by the local ruling power.

Respect for the professional ethics code is low among journalists. Both pro-governmental and pro-opposition editors express personal views, describe events with a bias and fail to report arguments equally.

Most media projects implemented by international organizations have little influence on the mainstream media.

Likewise, investigative journalism receives inadequate support and is absent from the main channels.

The popularity of web media and social networks can have a positive impact on independent media development.

### **Working Conditions**

Georgian media is still young and the majority of companies are financially unstable and unable to pay decent salaries. The average salary of a print journalist is 500 Georgian Lari (300 US Dollars), half that of construction workers. Salaries are higher in the leading broadcasters.

Most employers do not offer insurance, or other benefits, with proper contracts only available at the larger companies. Overtime is not normally paid while most journalists are paid per article or report.

In April 2013, the Georgian Parliament amended the labour code to rebalance the "overly unfair" labour legislation. Employers are now obliged to provide written justification of dismissals on request and the burden of proof on factual circumstances of a dismissal rests with the employer. Furthermore it now requires up to two months compensation for abrupt contract terminations unless the business was closed. For full details of the new labour code: "<http://bit.ly/19J7vMW>"<http://bit.ly/19J7vMW>

In another exception to common practice, when channel 9 was closed, the prime minister announced that, even though it is not required under Georgian legislation, all employees would receive two months salaries in compensation.

Kanal PIK employees were less lucky. They lost their jobs within two weeks of the elections and five days after staff organized an on-air silent protest where they asked why they had not been paid and where did all the money go? Five days later 400 media workers lost their jobs with no compensation.

Several other journalists have been removed or fired from their positions for their association with the previous government. In September 2013 Journalist Eka Kvesitadze and David Paitchadze were fired from the Georgian Public Broadcaster (GPB).

### **Self-Regulation**

The first Code of Ethics signed by journalists of different media was introduced by the Independent Association of Georgian Journalists in 2001. The IAGJ cannot enforce the code, but it continues to issue statements and recommendations on disputes involving ethics.

There have been a few attempts to create institutions for self-regulation supported by organisations like the Council of Europe and Soros Foundation. A press council was established in 2005 which was joined by a few media outlets, mainly national TV and regional TV companies. But the majority of the print media resisted the initiative fearing it would be a tool for government interference.

In 2009 the Georgian Charter of Journalistic Ethics was launched from a project financed by the Council of Europe and European Union. A nine member Charter Council was formed – three representing the media in the capital and six the regions. 11 rules of ethical journalism



were signed by 135 journalists, but a few from national TV channels and media owners also refrained from supporting the Charter. While a well-meaning project, it is unlikely to survive independent of donor support.

Situation around Foreign Media

Foreign media enjoy a largely privileged position in Georgia. Their representatives, including those from Russia, receive much easier access to Governmental structures and officials than local journalists. It is also much easier for foreign journalists to access territories occupied by Russia than for their Georgian colleagues.

Access to Information

As a rule, public information was extremely problematic to retrieve from the state structures, especially for opposition media outlets, in 2011-2012. With the new Government, extracting information from the previously impermeable state structures such as Ministries of Defense and Internal Affairs has become easier. Journalists nevertheless complain that the information that they request often comes late or in violation of the established procedures.

IAGJ activities

The IAGJ permanently monitors press freedom situation, attacks on journalists, access to public information, safety of journalists in conflict zones, media landscape, including advertising market and media ownership issues.

The IAGJ permanently recruits members of the organization, by offering legal assistance, national and international press card.

The IAGJ and IFJ organised a safety workshop for 24 journalists in Batumi, Georgia in October 2011. Journalists from Georgian regions, bordering with conflict zones of Abkhazia and South Ossetia, as well from the capital Tbilisi attended the risk awareness training in conflict zones.

With support of the IFJ, the IAGJ held a two day dialogue with the Russian Union of Journalists at Vere Palace on October 27 and 28, 2012. A declaration to further the Georgian Russian media dialogue was agreed.

In March 2012 the IFJ Press Freedom Workshop trained IAGJ monitors on the principles of press freedom monitoring. Reports prepared by trained journalists are collected by the IAGJ and included in the database on attacks on journalists and violations of rights. The IAGJ has collected and analysed over 100 attacks on journalists, in order to produce the Safety Handbook.

The IAGJ also launched a new website (“http://www.iagj.org.ge”www.iagj.org.ge) that allows journalists to track latest media news, as well as access professional materials, including safety guides.

Recommendations

Recommendations to Government of Georgia, Ministries:

- Governmental structures should not interfere in the work of media and advertising market and impose constraints upon ongoing competition on the market, e.g. through subsidizing ads in particular media outlets or other means.
- Parliament should consider new regulations to limit media ownership by Government members or affiliated groups.
- Parliament should consider new regulations to restrict media ownerships by offshore companies.
- Introduce robust regulations on transparency of media ownership that also guarantees pluralism by limiting amount of media any one individual or company can own.
- Parliament should support independent media by temporarily easing tax burden for print media which suffered from governmental discrimination during the last 10 years. Such measures can be temporary abolishment of tax from newspapers and magazines sales.
- Parliament should consider regulations to limit exclusive rights on Ad sales.
- Reform the national broadcaster to ensure that it is fully independent of government and set up to serve the public interest
- Reform the National Communications Commission to ensure that the allocation of broadcast licenses is conducted free of political interference and based on transparent and accountable procedures. It should also ensure state structures respect journalistic work, enable its unhindered flow and provision of public information;
- Ensure investigative bodies react timely on violence perpetuated against journalists or obstruction of their professional activities, and duly investigate every case;
- Ensure state structures provide public information to journalists without restriction and on time;

Recommendations to international organizations

- Intensify involvement in media development by, among others, funding programmes that augment professional development and sort out legal relations between media companies and journalists, facilitate structural and technical development of media companies, perhaps including allocation of grants for the purchase of printing houses and organization of distribution networks;
- Intensify print media development programmes because it is this sphere that represents independent media and that has suffered most of all in recent years;
- Enable professional media unions for professional development and ensure protection of media workers;
- Pressure the Authorities to respect journalistic activities and ensure free and secure work of and unhindered retrieval of information by media workers;
- Pressure de facto Authorities in separatist regions to do away with censorship and allow independent development of media.

Recommendations to journalists

- Respect the code of professional ethics and particularly – “Respect the right of the public to know the truth”. To this end, conduct professional activities without bias and political interests;
- Develop solidarity with each other and, where needed, stand together for the protection of particular journalist groups;
- Cooperate actively with professional media unions, especially with Independent Association of Georgian Journalists;
- Demand conclusion of work contracts that include a provision on non-interference in professional activities.

Name/Media

Facts

Darejan Papiashvili, reporter, Interpressnews  
Avtandili Surmava, reporter, Palitra TV  
Malkhaz Chkadua, reporter, InterpressNews  
Anna Gabunia, reporter, InterpressNews  
Tengo Okudjava, reporter, ExpressNes  
Telara Gelantia, reporter, Agency Pirwely  
Khatuna Gelantia, reporter, Agency Pirwely  
Zaira Mikatadze, reporter, Resonans  
Beka Tsitsivadze, reporter, Asaval Dasavali  
Giorgi Mamatsashvili, reporter, Asaval Dasavali  
Tamaz Koupreishvili, reporter, Netgazeti  
Nino Kachniachvili, reporter, Netgazeti  
Nestan Tsetskhladze, reporter, Netgazeti  
Nato Goguelia, reporter, Guria News  
Diana Khoperia, reporter, Obieqtivi

Irakli Gedenidze, photojournalist  
Natia Gedenidze, photojournalist, Prime-Time  
Zurab Kurtsikidze, photojournalist, EPA  
Giorgi Abdaladze, photojournalist

Alia Newspaper

26.05.2011: A dozen journalists were beaten by representatives of Georgia special forces during an opposition rally in Tbilisi. Several journalists were also detained for a couple of hours on the day

07.07.2011: Ministry of Internal Affairs of Georgia detained four Georgian journalists charging them with espionage. On July 22, 2011, Tbilisi City Court sustained the prosecution’s motion to approve the plea bargain deal with the photo-reporters. They were released from the courtroom.

30.10.2011: Prominent Actor Otar Koberidze sued Alia newspaper for humiliating his honor and dignity. On August 1, 2012, the city court’s decision imposed a fine of GEL 50,000 for libel to Alia Holding



Irakli Vachiberadze, reporter, P.S. Newspaper	<b>02.05.2012:</b> The journalist was pressured by President Saakashvili's bodyguards and clashed with the security guards of the Interior Minister Vano Merabishvili and Parliamentary Vice-Speaker Mikheil Machavariani. Vachiberadze was beaten by four persons wearing civilian clothing who also seized his equipment.
Shorena Gongladze, reporter, Info 9 Tornike Tibilashvili, cameraman, Info 9	<b>13.06.2012:</b> A journalist and a cameraman were verbally and physically abused in the village of Ditsi, Gori district. The camera crew was visiting the village to investigate water supplies.
Nodar Skhirtladze, reporter, TV 9	<b>26.06.2012:</b> Journalists were injured during clashes in Mereti. TV9 Channel journalist, Nodar Skhirtladze and his cameraman were beaten by strangers.
Marie Otarashvili, journalist, Resonance	<b>27.06.2012:</b> Akhlagori Culture House Director George Ekaladze threatened the journalist in Tserovani settlement of refugees.
Studio Monitor	<b>21.07.2012:</b> There was a robbery in the Investigative films studio "Monitor" office by unidentified persons.
Eliso Janashia, reporter, Zugdidi	<b>13.09.2012:</b> Eliso Janashia, Reporter from Poti was assault by Archbishop Gregory and another clerical person. During the incident the journalist's video camera was broken.
Beka Sivsivadze, reporter, GNS studio <sup>1</sup> Guram Rogava, reporter, TV 9 <sup>2</sup> Beso Kurtanidze, reporter, TV 9 <sup>3</sup> Nana Naskidashvili, reporter, Studio Monitor <sup>4</sup> Misha Dzidziguri, reporter, Info 9 <sup>5</sup>	<b>01.10.2012:</b> Several journalists were assaulted, threatened on parliamentary election day. GNS-studio crew <sup>1</sup> was denied access to take photos at a polling station in Vachian. Their camera was also damaged. The journalist <sup>2</sup> was threatened by the "United National Movement" candidate, Roland Akhalia's staff members and activists. The head of the talk-show <sup>3</sup> "detector" was assaulted in Javakheti (south Georgia). Studio Monitor journalist <sup>4</sup> , Nana Naskidashvili was assaulted in the polling station in the village of Tkviavi. The reporter <sup>5</sup> of "Info 9" was beaten by unknown individuals
Tina Kipshidze, reporter, Liberal Ani Chankotadze, reporter, Liberal Zviad Khujadze, reporter, TV 9	<b>01.05.2013:</b> Three journalists were detained during a demonstration. During the event, the "Liberal" reporter Tina Kipshidze was physically assaulted by one of the policeman.
Khatia Kalandadze, reporter, Radio Station Fortuna	<b>17.05.2013:</b> A reporter of Radio "Fortuna" who covered an event on LGBT was hit in the head with a stone. The journalist suffered a head injury.

# Belarus

## Report by the Belarus Association of Journalists (BAJ)

*Andrei Bastunets is head of the legal Department of the Belarus Association of Journalists and is the recognised leading advocate for media law reform. He has been a key activist for BAJ for almost two decades and has overseen the last two years of the monitoring programme of violations of journalists' rights.*

### A Brief Summary

The political and economic crisis has had a profound impact on the Belarus media over the past three years, starting with the violent clampdown of protests over the December 2010 Presidential elections and the subsequent wave of repression launched against opposition and independent voices in civil society. The election scare and deep economic malaise has seen a vulnerable and jittery government determined to re-stamp its authority in ruthless style. The post-election period has proved the most challenging for journalists in Belarus's recent history.

### Criminal Prosecutions

Six journalists and BAJ members were sentenced to imprisonment for participation in protests against the rigged Presidential election of December 2010. A columnist, a politician, and a BAJ Council member Pavel Seviarynets remain in custody on criminal charges. *Charter 97* Editor, Natallia Radzina, was charged with 'organising mass riots', but managed to flee Belarus in March 2011 to Lithuania where she has since been granted asylum.

The head of 'Viasna' human rights centre and a BAJ member, Ales Bialatski, was arrested in August 2011 and was later sentenced to 4.5 years in the reinforced regime colony for failing to declare his income. The judge considered donations to victims of political repression received on his Lithuanian bank account to be his private income.

In April 2011, Andrzej Pacsobut was held for three months pre-trial detention for casting aspersions on the President in articles published in *Poland's Gazeta*, on *Belarusian Partisan* web-site and his personal blog. During a closed court session Pacsobut was handed a three year suspended sentence.

In June 2012 he was recharged with repeated defamation, re-arrested and had his computer seized in a search of his apartment. Although released at the end of the

month, he had to wait nine months for the courts to drop the charges against him due to lack of evidence. Pacsobut was finally released from his deferred sentence in September 2013.

Sustained publicity around the case kept an innocent journalist from a period of imprisonment.

Anton Surapin, 20, a journalism student found himself charged with helping people illegally enter Belarus after he was the first to upload photos of the notorious 'teddy bear invasion'. A Swedish PR company had dropped tens of teddy bears across the Belarus countryside bearing freedom and democracy slogans from a small airplane that transgressed the Belarusian-Lithuanian state border in July 2012. The photo-reporter spent over a month in the KGB pre-trial jail before he was released following a wave of public appeals. However, it was another 12 months before the charges were finally officially dropped.

### Detentions and other forms of pressure

The law enforcement agencies spent much of 2011 detaining journalists reporting on the range of public actions that broke out across the country that year. Of over 160 arrests, the 'silent protest' actions arranged via social networks, in which people gathered in public places to stand and applaud, provoked the most numerous detentions with at least 103 cases recorded. 22 journalists stood trial, 13 were sentenced to different terms of administrative arrest while others were fined.

At least seven journalists were physically abused.

In 2012 the number of detentions more than halved to 60 cases as the appetite for protests diminished among a dispirited public and by September 2013 over 25 cases had been recorded. Most detained journalists would be held for 2-3 hours. Occasionally they would receive fines or up to 15 days administrative detention.

Journalists working for foreign media are left in a legal limbo, mostly freelance and unable to register as journalists. Up to 13 journalists received official warnings for their co-operation with foreign media in 2012 and another eight in 2013.



In March 2012 the authorities placed travel bans on journalists, politicians, and civil activists including BAJ Chairperson Zhanna Litvina, *BelSat* TV representative Mikhail Yanchuk, and *Nasha Niva* newspaper's Chief Editor, Andrei Dynko. The bans were lifted by September as soon as the journalists challenged them in court where the Migration Department officers mysteriously explained the bans as an error caused by a soft-ware bug.

### Foreign Correspondents

The governments closely monitors the work of foreign journalists and is not afraid to ban or detain them. In March 2012 accredited TV crews from Estonia (TV) and Sweden (SVT) were all detained.

For the 2012 parliamentary elections in September over 350 journalists were accredited, but four from Germany and Sweden were refused entrance.

On September 21, 2012, Australian journalist *Amos Roberts* (SBS Broadcasting Corporation) had his equipment seized by customs officers on leaving the country. No explanation was provided and the equipment has still not been returned over a year later.

### Threats to shut the *Nasha Niva* and *Narodnaya Vola* Newspapers

In April 2011, the Ministry of Information appealed to the Supreme Court to close the country's leading independent papers. A huge international outcry saw the ministry withdraw its claims in July. Instead it satisfied itself with administrative charges and a 14,000,000 Ruble fine (approx. 2,000 €) each.

### Anti-Extremism Legislation

In January 2011, the Ministry of Information issued an official warning to *Autoradio* for disseminating information that contained "public appeals to extremist activities". While never proved the warning was sufficient excuse for the Committee on TV and Radio Broadcasting to remove its license. The radio was punished for broadcasting Presidential candidate Andrei Sannikau's "the fate of your country is not decided in the kitchen, it is sealed in the Square."

*ARCHE-Pachatak* was forced to suspend operations when their accounts were frozen by the Department of Financial Investigations in October 2012. State TV broadcast two reports accusing Editor-in-chief, V. Bulhakau, of distributing extremist literature. Bulhakau fled Belarus. A year later and no charges have been filed against *ARCHE-Pachatak*.

In November 2012 40 copies of "Belarus Press-Photo 2011" photo album were seized from journalists Yuliya Darashkevich and Aliaksandr Vasiukovich crossing the Lithuanian border by customs officers to examine them for "information dangerous to the Belarusian state". In April 2013, Ashmiany District Court declared the photo album an extremist publication citing specific photos including one of two men in a market trying on hats as 'demeaning to Belarus'. The Lohvinau publishing house that printed the album subsequently lost its license.

### Activity Of Belarusian Association Of Journalists

BAJ is the leading campaigner for solidarity actions on behalf of Belarus journalists. BAJ activists target international institutions through advocacy and systematic monitoring of rights violations.

BAJ has been providing support to media and journalists and improving the conditions for professionalism since 1995. In particular, BAJ:

- monitors violations of media and journalists;
- defends journalists' rights;
- organises solidarity campaigns;
- trains journalists on their legal rights and professional skills;
- develops international co-operation with media organisations and human rights institutes;

BAJ led international solidarity campaigns helping stave off prosecutions of Andrzej Paczobut, and Anton Surapin, and attempts to close the *Narodnaya Vola* and *Nasha Niva*.

BAJ participates in the European Federation of Journalists' Stand Up for Journalism Day each 5th November. In 2012 BAJ organised round-tables, press clubs, and solidarity actions in Minsk, Brest, Luninets, Vitsiebsk, Mahilou, Salihorsk, Babruysk, and Hlybokaye. Actions focused on the prosecution of *ARCHE*, *Pachatak* magazine and of Andrzej Paczobut. It also marks International Solidarity Day of Journalists (September 8th) and World Press Freedom Day (May 3<sup>rd</sup>) with a meeting on "The Perspectives of Reforming the Media Field. The Tasks for Journalist Community" in 2013.

Since 1997, BAJ has been an associate member of the International Federation of Journalists (IFJ) and in 2013 joined the European Federation of Journalists.



Left: REUTERS/Vasily Fedosenko: Photographer Sergei Grits speaks on the phone, with injuries received during detention seen on his face, after he was released in Minsk, September 18, 2012. Members of law enforcement state agencies on Tuesday detained journalists who covered an opposition picket demanding to boycott the upcoming parliamentary election.

Next page: REUTERS/Vasily Fedosenko: Belarussian journalist Yulia Darashkevich (C) gestures while being escorted by policemen before a court session in Minsk August 9, 2012. Darashkevich was sentenced to a 3 million Belarussian roubles fine (about 359 USD) for taking part in a picket while holding a teddy bear in support of Anton Suryapin in Belarussian capital, according to local media.



Right: BAJ: BAJ member holding a copy of the Belarus Press Photo 2011 albums which were confiscated by authorities in November, 2012 because some photos showed Belarus in a negative light and spoilt the reputation of the country.

BAJ has received numerous international awards for its campaigning work including, the World Association of Newspaper's Golden Pen in 2003, European Parliament's Sakharov Prize for Freedom of Thought in 2004 and Atlantic Council's Freedom Award in 2011.

The success and reputation of BAJ has provoked a backlash by the authorities into campaigns to pressure and undermine the organization and its members. Several propaganda films defaming BAJ and its leadership have

been broadcast by State TV and distributed through the Internet in 2012 – 2013. They contained direct threats of criminal charges against BAJ leaders and sought to intimidate activists. The films were followed by KGB interrogations of the BAJ Chairperson, Zhanna Litvina and her deputies and the confiscation of equipment. BAJ's survival is due largely to its reputation and the support it has engendered both internationally and crucially among it over 1000 members across the country who rely on it to provide a morale boost each day.







Name/Media	Facts
Belarusian Association of Journalists	<p><b>12.01.2011:</b> Andrei Bastunets, Deputy Chairman of the BAJ was questioned at the KGB for about three hours as a witness in the case of the protest events in Minsk that followed the presidential election.</p> <p><b>13.01.2011:</b> Zhanna Litvina, Chairman of the BAJ was questioned at the KGB as a witness in the case of the protest events in Minsk in 2010. Zhanna Litvina was also issued an illegal foreign travel ban in March 2012.</p> <p><b>17.01.2011:</b> Andrei Aleksandrov, deputy chairman of the BAJ was questioned at the KGB as a witness in the case of the protest events in Minsk that followed the presidential election.</p> <p><b>18.01.2011:</b> Alina Suravets, deputy chairman of the BAJ was questioned at the KGB as a witness in the case of the protest events in Minsk that followed the presidential election.</p>
Boris Goretsky, journalist, Radio Racyja	<b>17.01.2011:</b> Boris Goretsky was arrested by KGB officers in front of the agency's detention facility in Minsk. He was interviewing relatives of people held by the KGB. The journalist was sentenced to 14 days jail for alleged participation in December 2010 protest rallies.
Yevgeny Vaskovich, journalist, Bobruisky Kuryer	Police in Mogilev arrested another reporter Yevgeny Vaskovich at his apartment. The journalist was sentenced to 10 days jail for "hooliganism".
Aleksandr Otroshchenkov, press secretary of presidential candidate Andrej Sannikau	<b>02.03.2011:</b> Aleksandr Otroshchenkov was sentenced by the court to four years of imprisonment for alleged "participation in mass riots" following the presidential election in December 2010. He was arrested on December 20 in his residence
Alexandr Loshmankin, editor-in-chief, Freedom (Russia)	<p><b>24.03.2011:</b> Alexandr Loshmankin was arrested in Orsha. He was taken from the train "Chelyabinsk – Brest" when he was travelling to Minsk in order to cover the trials of participants in "mass rioting" and possible street rallies on March 25.</p> <p>The journalist was sentenced to three days in jail for "using obscene language".</p>
Vladimir Laptsevich, correspondent, BelaPAN	<b>25.03.2011:</b> Vladimir Laptsevich was arrested in Mahiliou. He was going to cover the action organized by local democratic activists and dedicated to the Freedom Day. The journalist was sentenced to seven days jail for alleged resistance to police officers and hooliganism
Oleg Borshchevsky, the editor-in-chief, Vitebsky Kuryer	<b>20.04.2011:</b> Oleg Borshchevsky was sentenced to 10 days jail for "using obscene language". A day before he was arrested, policemen broke into the apartment activists of the public campaign "Nash Dom" related to the publication of the non-governmental newspapers. Police explained their visit by investigation of the 2011 Minsk Metro bombing.

Iryna Khalip, journalist/editor, Novaya Gazeta	<p><b>16.05.2011:</b> Iryna Khalip was given a two-year suspended prison sentence for her role in protests following the 2010 Belarus election. Although Khalip was not imprisoned, the court ordered Khalip to tell the police all of her future travel plans. She is also banned from changing residence and leaving Minsk for more than a month.</p> <p>On the protest day itself, Khalip was intercepted while giving a telephone interview to the Moscow radio station Ekho Moskvyy. Khalip was removed forcibly from the car, arrested, and beaten. On January 30 2011, Khalip was released but placed under strict house arrest with two KGB guards permanently stationed in her apartment. On April 18, 2011, the Minsk City Court officially charged her for "taking part or organizing the actions that violate public order". On 16 May, 2011, Khalip was convicted of "organizing and preparing activities severely disruptive of public order" and given a suspended sentence of two years' imprisonment.</p>
Igor Bantser, journalist, freelance Anna Illina, journalist, freelance Oleg Boldyrev, journalist, BBC Maksim Lomakin, journalist, BBC Pavel Ptashnikov, journalist, Interfax-Zapad Yekaterina Borisevich, journalist, Komsomolskaya Pravda v Belorussii Yelena Tolkocheva, journalist, Komsomolskaya Pravda v Belorussii Sergey Gapon, journalist, Komsomolskaya Pravda v Belorussii Vadim Zamirovsky, journalist, Belgazeta Ales Osiptsov, journalist, BelaPan Kseniya Avimova, journalist, BelaPan Vitaly Semashko, journalist, BelaPan Vadim Shmygov, journalist, BelaPan Ales Piletsky, journalist, Nasha Niva Vladimir Gridin, photojournalist, freelance Ales Levchuk, journalist, BelaPan Milana Kharitonova, journalist, BelaPan Alina Skrabunova, photojournalist, freelance Ales Denisov, journalist, freelance Jury Gumeniuk, journalist, freelance Andrej Frolov, cameraman, freelance Nikolay Diatchenia, journalist, freelance Aleksandr Zenkov, journalist, ex-press.by Aleksandra Klimovich, journalist, Belsat and others	<p><b>15.06 – 22.06 - 29.06 – 03.07 – 06.07 – 13.07 – 20.07.2011:</b> Police roughed up and detained 99 journalists to prevent them from covering "silent" protest actions organised through social networks. As some journalists were detained several times there were 116 incidents of detention.</p> <p>9 journalists were detained on June 15, 9 journalists on June 22, 15 on June 29, 20 on July 3, 33 journalists on July 6, 11 on July 13 and 6 were detained on July 20.</p> <p>The attacks against the media took place in several cities including Brest, Hrodna, Minsk, Mahiliou, Homiel, Babrujsk, Navapolatsk among others.</p> <p>Some journalists was sentenced to different jail terms.</p> <p>Igor Bantser was sentenced twice to five and ten days, Ales Osiptsov to ten days, Anna Illina to six days, Alina Skrabunova to 15 days, Ales Denisov to ten days, Jury Gumeniuk to 12 days, Andrej Frolov and Nikolay Diatchenia to three days, Aleksandr Zenkov to five days and Aleksandra Klimovich was sentenced to 11 days in jail.</p>
Tatiana Shaputsko, journalist, Novy Chas	<b>03.08.2011:</b> Tatiana Shaputsko was sentenced to ten days in jail. The journalist was arrested when she was attending the rally in support of political prisoner Zmicier Dashkievich near the prison in Horki (Mahiliou region).
Nikita Brovko, reporter, Novy Chas	<b>19.12.2011:</b> Nikita Brovko was arrested by policemen at the Independence Square in Minsk. He was covering a mass prayer. The journalist was charged with participation in an unauthorized mass rally and sentenced to ten days in jail.



Tatsiana Gavrilchik, journalist, Nasha Niva Julia Doroshkevich, photographer, freelance Ales Borozenko, cameraman, freelance Kitty Green, camerawoman, “Femen”	<b>19.12.2011:</b> The journalists were detained during a rally organized by the Ukrainian organization “Femen” that took place near the KGB building. They were held in the KGB building and the Centralny district department for internal affairs for different terms where their equipment was seized. The photo equipment of Julia Doroshkevich and Tatsiana Havrilchik was not returned to them on their release.
Viktor Drachov, photo journalist, France Presse and Komsomolskaja Pravda v Belorussii	Kitty Green was immediately deported from Belarus to Vilnius, accompanied by KGB officers.
Aleksandr Borozenko, cameraman, freelance	<b>08.01.2012:</b> The freelance cameraman, working for the Poland-based satellite broadcaster Belsat, was arrested by KGB agents minutes after he started filming a one-man protest against the imprisonment of opposition activists in Belarus. Following the arrest, the man was taken to a police detention facility. The journalist was sentenced to 11 days jail terms on charges of “violating the order of holding mass rallies.”
Andrzej Poczobut, journalist, Gazeta Wyborcza	<b>21.06.2012:</b> The journalist was arrested in Grodno on charge of libel against the president for a story criticizing the government’s handling of the 2011 Minsk Metro bombing for the independent news site Charter 97. Police raided the Grodno apartment of Poczobut and confiscated at least one computer, and detained him for questioning. The charge carried a maximum sentence of five years’ imprisonment. Poczobut was released on bail after a week in detention.  The Belarusian authorities have long targeted Poczobut for his critical publications: On 12 January 2011, the State Security Committee of the Republic of Belarus (KGB) arrested Poczobut for “participation in the unsanctioned protest rally”. He was fined 1.75 million Belarusian rubles (US\$580) the following day. The KGB also raided his house and confiscated his computer and documents. On 11 February 2011, he was tried a second time for the same charge, and given a sentence of fifteen days in prison. In March 2011, the Belarusian government told him that if he did not stop reporting on the administration of Alexander Lukashenko, he would be prosecuted and his accreditation from the Belarus Ministry of Foreign Affairs was revoked. Poczobut was arrested again on 6 April 2011, this time on libel charges. The charges stemmed from ten reports about the president published on his blog, in Gazeta Wyborcza, and on the website Belaruspartisan.org. On 5 July 2011, he was found guilty and given a suspended three-year prison sentence. Poczobut appealed the verdict, but lost the appeal on 20 September.
Pavel Sverdlov, journalist, European Radio for Belarus	<b>22.06.2012:</b> A district court in Minsk tried Pavel Sverdlov on hooliganism charges and sentenced him to 15 days in jail. The journalist was arrested for allegedly using obscene language and was detained by 5 men in plainclothes minutes after leaving his apartment for work. Colleagues believe the journalist was imprisoned in retaliation for coverage detailing a lack of security checks in the Minsk subway system, which was bombed in April 2011.

Anton Suriapin, student of Journalism and editor of Belarusian News Photos (bnp.by)	<b>14.07.2012:</b> Anton Suriapin was detained and spent more than a month in the KGB pre-trial jail in Minsk. A day before KGB officers searched at his residence. His photo camera and PC were seized. They were interested in the origin of the pictures of teddy bear. Anton Surapin was the first to publish on-line the teddy bear pictures dropped from a light aircraft chartered by a Swedish PR firm and carrying pro-democracy messages over Belarus. On August 7 the KGB informed the public about criminal charges to A. Surapin for assisting a group of people to cross illegally the Belarusian state border. Only on June 28, 2013 the teddy bear drop case was closed.
Irina Kozlik, journalist, Komsomolskaya Pravda Yulia Doroshkevich, photographer, freelance	<b>09.08.2012:</b> Authorities arrested and fined two journalists for posing for photographs holding teddy bears after hundreds were dropped by air. The two journalists were accused of “carrying out an unsanctioned protest” and were each fined 3 million Belarusian roubles (about \$400). The journalists covered the teddy bear story in which a light aircraft chartered by a Swedish PR firm dropped 800 toy bears carrying pro-democracy messages over Belarus.
Sergei Grits, photographer, Associated press Vasiliy Fedosenko, photojournalist, Reuters Dmitry Rudakov, cameraman, ZDF Aleksei Akulov, cameraman, ZDF Tatyana Zenkovich, photographer, EPA Pavel Podobed, journalist, BelaPan Aleksandr Borozenko, cameraman, freelance	<b>18.09.2012:</b> Agents in plainclothes repeatedly hit several journalists covering an opposition protest organized by youth activists calling for a boycott of the parliamentary vote. At least seven journalists were detained and obstructed from reporting. They were shoved into a minivan with no license plates and driven to the Frunzienski District Department for Internal Affairs where their equipment and documents were confiscated. Police held the journalists without charge for two hours and then released them. The officials also deleted the images and video recordings from the journalists’ cameras before returning the equipment.
Yulia Doroshkevich, photographer, freelance Vadim Zamirovsky, photographer, freelance Aleksandr Vasiukovich, photographer, freelance	<b>18.04.2013:</b> The Ashmiany district court found that Belarus Press Photo 2011 albums contained extremism and were to be destroyed. The court ruled that the journalists had to pay legal expenses 217.5 thousand rubles each (around 20 euros).  41 Belarus Press Photo 2011 albums were confiscated from the photographers on the border in November, 2012 after having been exhibited abroad. An expert commission created by the KGB department in Hrodna region decided that the albums contained photos which showed Belarus in a negative light and spoilt the reputation of the country.
Gennady Barbarich, journalist, Radio Racyja Aleksandr Yaroshevich, journalist, Radio Racyja Oksana Rudovich, journalist, Nasha Niva Irina Arekhovskaya, journalist, Nasha Niva	<b>26.04.2013:</b> Police in Minsk detained for three days two reporters for the Poland-based Radio Racyja. The journalists were taken into police custody on disobedience charges after reporting on a commemoration of the April 1986 nuclear plant explosion in Chernobyl. A district court sentenced the journalists to three days in jail, and they were released because they had already served the term. The journalists were detained while heading back to the newsroom after the rally. The journalists were then transferred to a detention facility. Police also briefly detained two other journalists from Nasha Niva who were taken to a local police department after reporting on the Chernobyl rally, and held for about an hour.
Dmitry Galko, blogger Aleksandr Yaroshevich, journalist, Radio Racyja	<b>07.05.2013:</b> Dmitry Halko and Aleksandr Yaroshevich were arrested near the detention facility in Akrestsina str. where civil activists, politicians and other journalists gathered to meet arrestees of April 26th. After the event they were brought to the Maskouski district police department.  The journalists were sentenced to 10 and 12 days’ arrest respectively for “hooliganism” and “disobedience to police.”



# Azerbaijan

## Report by the Journalists Trade Union of Azerbaijan (JuHi)

*Mushfig Alaskarli is the President of JuHi and has been leading the union's programmes on trade union development, ethical standards, safety and press freedom. As part of the work JuHi has been monitoring the violations against journalists' rights and analyzing the trends for media professionals in Azerbaijan.*

This report, covering 2011 and 2013 is based on media incidents monitoring by JuHi and publicized information in media. The report includes incidents investigated and verified by the JuHi monitoring team. It also covers issues such as media environment, newsroom independence and the status of journalists.

### Overview

The main problems of Azerbaijani media can be grouped as below:

- Journalists, social media and internet user arrests;
- Journalists assaults;
- Journalists threats, blackmail and persecution;
- Legal action against media;
- Hacking of media news sites.

### Arrests

Since September 2011, JuHi recorded 16 journalists, social network and internet activists arrested for long or short period of imprisonment. In the last two years along with journalists working for the traditional media outlets, social network and internet activists have been targeted and punished for their reporting.

In May 2013, Parliament amended the Criminal Code (articles 147-148) to introduce new crimes for the internet making it possible to prosecute all internet users for making threats, causing offence or undermining personal privacy. The following journalists and internet activists were arrested, and the last, Mikayil Talibov, was prosecuted under the new legislation.

- *Araz Guliyev*: editor of religious “xeber44.com” web-site;
- *Zaur Gurbanly*: blogger, a member of NIDA Civil Movement;
- *Shirin Ceferi*: chief editor of “Gundem kheber” newspaper;

- *Serdar Alibeyli*: chief editor of “Nota Bene” newspaper and “Psnota.com” web-site,
- *Mikayil Talibov*: blogger, social network activist.

### Assaults

One Journalist, Rafiq Tagi, Editor of Sanat was killed on 23rd November 2011 four days after he was assaulted with multiple stab wounds near his home.

20 assaults on working journalists have been recorded over the past two years. Disturbingly, the numbers for the last 12 months, 15, are three times that of the previous 12 months. Whereas before the authorities failed to respond to assault cases, on 12 June 2013, the Ministry of Internal Affairs announced that two policemen in the Post-Patrol Service Sabail Department had been dismissed for mistreating journalists during some protest demonstrations. Despite this positive development there remain many officials who have gone unpunished for their mistreatment of journalists. The most well reported case was that of Idrak Abbasov, brutally assaulted by SOCAR security guards, while reporting on the eviction of families in April 2012. Other recent cases include:

*Elgiz Nabili* and *Tabdiz Hajiye* (ANS TV) *Farahim Ilgaroglu* (*Yeni Musavat*) and *Etimad Budagov* (*Turan News Agency*) *Mehman Huseynov* and *Rasim Aliyev*, (IRFS) and *Araz Bayramov* (*Musavat.com*) were all assaulted by police while either covering protests, demonstrations or filming.

*Xalig Garayev* and *Seymur Hazi*, (*Azadlig*), *Rauf Ahmadov* (Interaz TV) and *Baba Khalaf*ov, (*SalamNews*) were all assaulted by staff of the Ministry of Transport in separate incidents.

*Whle Aynur Elgunesh*, (freelance) *Arshad Ibrahimli*, (*Azadlig*); *Nemat Jafarov*, (ATV), and *Vusal Yusubov*, (*Bizim Yol*) were all attacked by unknown assailants or private security;

### Threats and Blackmails

There were 12 incidents of threats and blackmailing over the past two years, the most notorious of which was the campaign against Khadija Ismayilova, RFL em-



ployee and renowned investigative reporter specializing in exposing corruption. Unknown groups warned her to ‘behave’ or ‘be disgraced’ in an anonymous letter to her containing intimate photos. When she went public on the threat a campaign led by government media making use of illegally uploaded videos was launched to discredit her. The Azerbaijan Press Council condemned the campaign and actions of a number of media, but the authorities never identified those responsible for the illegal surveillance and abuse of privacy she was subjected to. The offending materials had been uploaded on a foreign domain name whose ownership the investigators could not identify, and the first threatening letter was sent from Moscow. A further airing of videos in July 2013 demonstrated that those responsible clearly are not worried about prosecution.

Other cases of pressure include the police interrogation of *Ilgar Nasibov* and *Elman Abbasov*; A summons to the General Prosecutor’s for *Rahim Hajiye*v, deputy chief editor of ‘*Azadlig*’ newspaper; illegal surveillance and publication of confidential phone calls of RFL correspondent, *Yafez Akramoglu*; anonymous threatening phone calls to the deputy-chief editor of *Yeni Musavat*, *Azer Aykhan*; and an attack on the family of *Aznews.az* correspondent *Bahar Rustemli*.

### Prosecutions and administrative Restrictions

It has become common practice for businessmen, politicians and officials to sue the media, particularly the opposition or independent media for articles that cause them discomfort or embarrassment. These trials are of

*REUTERS/Abbas Atilay: A journalist receives medical attention after being injured during a demonstration in the central square of Quba, 170 km (100 miles) north of the Azeri capital Baku, March 1, 2012.*

ten unfair and loaded against the defendant from the start, and result in hugely excessive fines well beyond the reach of the different prosecuted media. While Azerbaijan’s highest court recommends that judges should consider the relative financial health of the media when assessing the level of fines, local courts fail to do this. Instead fines can often easily surpass the total value of assets of the companies forcing media companies into ruin.

The *Azadlig* newspaper appealed to the public for assistance with a 32.000 Manat fine (approx. 30.000 ) that is threatening the closure of its operations. The fine was confirmed by the Baku Appeal court in September 2012.

The *Yeni Musavat* received a 50.000 Manat fine following the High Court decision to uphold the fine issued in response to a complaint from the Gilan canned food company. In May Shirin Jafari, editor and founder of Gundam Khabar received a 71.400 Manat fin for alleged tax evasion.

Opposition newspapers often also face unlawful confiscation or suffer from restrictions imposed on independent distribution networks. In 2012 papers reported a 30% drop in circulation when the independent kiosks were forced out of the capital city.





JuHi: JuHi presentation of the newly released Azeri safety handbook in Ganja, 2013

Right JuHi: JuHi Board members visit the grave of Elmar Huseynov, editor-in-chief of Monitor who was fatally gunned down in his apartment building in 2005.



### Internet Insecurity

In the past year the *Azadlig*, *Yeni Musavat*, *Yeni Azərbaycan*, and *Faktxeber.com* news-sites have all been subject to hacker attacks. While many opposition websites have been targeted they are not alone as several pro-governmental news outlets web sites have also been reportedly attacked. The source of the attacks and who is behind them is very difficult to determine especially when they emanate from outside the country. State agencies have not been able to create a secure environment for web media outlets.

### Media Landscape

Democratic, free and independent media is new for Azerbaijan's years of independence. Media management experts and advertising traditions are not mature, making most media companies financially weak and unstable and unable to afford decent salaries for their employees. Since 2010 JuHI has been working to introduce some stability to working conditions and salaries to improve the environment in which professional journalists operate. Surveys of JuHI members revealed that the average

salary of a newspaper journalist is 350-400 Manat . This is very low considering the very high cost of living, particularly in Baku. Salaries in the broadcast media are better, but still modest at 500-600 Manat Another serious problem is the lack of proper contracts for journalists, where journalists are often not officially employed but forced to work as freelancers and partially undeclared. To reduce their tax burden further media companies will pay an official salary backed up by illegal cash payments. All of this undermines the ability of journalists to organise for improved conditions and fair contracts with job security that is necessary for quality journalism to flourish.

### Broadcasting:

broadcasters need to obtain a licence and a frequency before starting up, which is distributed by the National Broadcasting Council. There are currently 5000 licenses in circulation

Internet television and radio have grown rapidly in recent years with some 30 popular internet television and radio channels in the country.

### Media bodies:

#### Print media:

Regional weekly newspapers – 87;  
National weekly newspapers – 100;  
National daily newspapers – 45;

*News agencies* – 56

#### TV channels:

Regional TV broadcasting companies – 14;  
National non-state TV broadcasting companies – 5;  
Public TV broadcasting companies – 1 (Ictimai TV);  
State TV broadcasting companies – 1 (AzTV);  
Non-state satellite broadcasting companies – 1 (ATV INT);  
Specialized TV channels – 2 (Idman-Azerbaijan (Sport) and Medeniyet-Azerbaijan (Culture) channel)  
Internet television –30 (approximately)

The average circulation figure of newspapers printed on daily basis: 6000 -9000

The average circulation figure of newspapers printed on weekly basis: 2000-4000

*Internet users:* over 70% of population;

*Bloggers:* over 2000;

*Facebook users:* approximately 1,000,000.

Total advertising market is approximately 50 million USDs, of which 80% is spent on TV and Radio while the rest is shared between the print media and Internet. The print media particularly suffer from a lack of advertisement revenues covering only 20% of their overall budgets.

### Self-Regulation:

The “Ethical Code of Azerbaijani Journalists” was first adopted during the First Congress of Azerbaijani journalists on 15 March 2003 involving all the country's leading media. In 2011, the Ethical Code was reviewed and revised by a joint working group supported by OSCE Baku office and the Press Council. The Azerbaijan Press Council was established to promote and enforce the code. The Board consisted of 17 people elected during the last Journalist Congress in July 2013 and have authorization for the next 4 years.

The Press Council supervises the code and the complaints procedure, receiving complaints against media and passing judgement on whether they were in breach of the code. In 2012 the council received 590 complaints alone.

### The Situation Regarding Foreign Media

Voice of America, the BBC and Radio Free Europe Radio Liberty, were controversially banned from broadcasting into Azerbaijan in December 2008. They are able to operate reporters in the country but are restricted to broadcasting through the internet only. The decision, highly criticised at the time, was based on the Broadcasting law regulating the activities of foreign media in Azerbaijan.

For major events, Article 11.4.6h permits foreign companies to broadcast into Azerbaijan. Otherwise foreign companies need a special license to broadcast in the country.

Article 14 of the Mass Media law, allows the establishment of media by foreign individuals, through bilateral agreements between states. Article 53 enables foreign media to open offices on the approval of the executive. Accreditation of foreign correspondents is implemented by the Foreign Ministry. Foreign individual contributions to Azerbaijan media are restricted.

### Recommendations

#### Decriminalise Defamation.

The draft defamation law needs to be adopted so that defamation cases are no longer part of the criminal code and journalists cannot be jailed for defamation.

The Press Council of Azerbaijan together with the OSCE Baku office prepared the Defamation Law presenting it to the public and the Parliament. In December 2011, the President of Azerbaijan signed the “National Action Plan to Provide Human Rights” which called for the defamation law to be adopted in the near future. This was sent to the EC Venice Commission for review and recommendations.

#### The perpetrators of journalists' murder, assaults, threats and blackmail must be brought to account.

Two journalists, Elmar Huseynov and Rafiq Tagi have been killed in the past decade and their killers remain free. Until these cases and the many other incidents of violence, threats and intimidation of journalists are solved the climate of impunity will continue to instil fear in the lives of journalists and inhibit their freedom to work, report and expose abuse of power. The law-enforcement agencies must investigate seriously all cases of violations of journalists' rights.



Name/Media	Facts
Avaz Zeynalli, Editor-in-chief, Xural	<b>28.10.2011:</b> Avaz Zeynalli was arrested on October 28, 2011 accused of trying to extort money from an Azerbaijani Member for Parliament with the ruling YAP party, Gular Mikayil Ahmadova. Zeynalli was charged with failure to implement a court decision and extortion. On May 4, 2012 another charge was brought against Zeynalli for evasion of taxes which was later dropped. Zeynalli was convicted on 12 March 2013 by the Baku Grave Crimes Court and was sentenced to nine years imprisonment. He was also fined 4,076AZN for tax evasion.
Khadija Ismaylova, journalist, RFE/RL	<b>12.03.2012:</b> Cameras were illegally planted in Ismayilova's bedroom and footage taken of her with her boyfriend. Ismayilova was sent stills of the footage with a note instructing her to 'behave or be defamed'. One week later, a one minute clip of the film was placed online and at the same time several defamatory articles appeared in newspapers. Ismayilova is one of Azerbaijan's most known investigative journalist who has published investigations into high-level corruption in Azerbaijan.
Faramaz Novruzoglu, journalist, freelance	<b>18.04.2012:</b> Faramaz Novruzoglu was arrested during a special operation carried out by the Investigation Department on Grave Crimes, under the Azerbaijani Prosecutor General's Office. He was charged with appealing for mass disorder and violence against citizens as well as for crossing protected frontiers of Azerbaijan without established documents. On 22 August, 2012 Nizami District Court convicted the journalists to 4.5 years in prison.
Idrak Abbasov, journalist, Zerkalo	<b>18.04.2012:</b> Idrak Abbasov was attacked by SOCAR company security officials and police, while filming a protest. His attackers beat and kicked him until he fell unconscious. Abbasov was hospitalized with two broken ribs, concussion, severe damage to one eye, and damage to his internal organs. He alleged that the guards had intended to kill him, and had only ceased the assault when Abbasov's brothers came to defend him.
Hilal Mammadov, Editor-in-chief, Tolishi Sedo	<b>21.06.2012:</b> Mammadov was arrested by officers of the Nasimi District Police Department who allegedly found heroin during a search of Mammadov's apartment. He was subsequently charged with drug possession. Mammadov was reportedly beaten in custody. On 27 September 2013, he was sentenced to 5 years of imprisonment. The court charged him with drug possession and espionage, inciting hatred based on nationality.
Araz Guliyev, Editor-in-chief, Xeber44.com	<b>08.09.2012:</b> Guliyev was arrested in Masalli while attending a protest by a group of religious Muslims who were protesting against the Masalli folklore festival. He was initially charged with hooliganism. The lawyer also said that Guliyev had been beaten by authorities after his arrest and that he was not immediately granted access to a lawyer. Guliyev was convicted on April 5, 2013 by the Lankaran Grave Crimes Court of illegal possession of firearms, organizing and participating in a public order disturbance, inciting national and religious hatred, resisting the authorities and insulting the republic's flag and insignia. He was sentenced to 8 years in prison.
Azadliq newspaper	<b>13.09.2012:</b> A Baku Appeal Court issued a verdict that upholds decision of Yasamal District Court on fining "Azadlig" newspaper an amount of 30 000 AZN. According to the court decision the newspaper should give compensation for moral damage to Taghi Ahmedov, head of Baku Metro.
Rafiq Tagi <sup>†</sup> , journalist, Sanat	<b>23.11.2012:</b> Rafiq Tagi died from the multiple stab wounds he received at the hands of an unidentified assailant on 19 November in a car park near his home. Tagi's attacker stabbed him three times in the back and three more times in the abdomen, piercing the diaphragm. In an interview held just one day prior to his death, Rafiq Tagi stated the attack could be an act of retaliation for the article "Iran and the Inevitability of Globalisation" he had published on 10 November 2011 in which he criticised Iranian president Mahmoud Ahmadinejad for "discrediting Islam."
Vugar Gonagov, executive director, Xeyal TV Zaur Guliyev, chief editor, Xeyal TV	<b>15.03.2013:</b> The Khachmaz Rayon Court finalized court process regarding 6 people arrested for the Guba events on 1 March 2012. The accused people, executive director of 'Xeyal' TV Vugar Gonagov and chief editor of the same broadcasting company Zaur Guliyev were conditionally sentenced for 3 years and released after the court process. The journalists were pardoned by presidential decree
Khalig Garayev, journalist, Azadlig Seymur Hezi, journalist, Azadlig	<b>27.04.2013:</b> "Azadlig" newspaper employees were assaulted at the "20 Yanvar" metro station while filming mistreatment of taxi drivers by employees of the Ministry of Transportation. The journalists were beaten while carrying out their professional duty. After breaking the camera, which belonged to the journalists, the official representatives seized the equipment.
Parviz Hashimli, journalist, Bizim Yol/Mod-erator.az	<b>17.09.2013:</b> Parviz Hashimli was arrested on 17 September 2013 on charges of smuggling and illegal possession of firearms. He was sentenced to two month pre-trial detention and is awaiting trial.



# Armenia

## Report by the Union of Journalists of Armenia (UJA)

*Astghik Gevorgyan is the chairwoman of the UJA and has been leading the union's programme on trade union development, safety and press freedom. As part of the work, UJA has been monitoring violations against journalists' rights and analysing the trends for media professionals in Armenia.*

### Summary

Freedom of the media is the most valuable principle of democratic countries. At independence, the Republic of Armenia chose to support freedom of the media encouraging a broad range of new media, radio, TV and numerous news agencies.

However, in the decades that followed, while the media market developed, new threats to journalism appeared with physical assaults on journalists, financial pressure on the companies, control of advertising and restrictive access to information making it increasingly difficult to report reality. Many of these issues were due to weak media legislation.

Several media laws regulating the work of journalists adopted by the National Assembly have been intensely lobbied by the Union of Journalists of Armenia and a number of NGO media advocacy groups. The most important is the law of mass media adopted on December 13, 2003.

### Situation of Media Legal Framework

#### *Decriminalising Defamation*

In May 2010, the National Assembly rescinded Articles 135 and 136 of the Criminal Code, and reassigned them to Article 1087.1 of the Civil Code. The new article introduced the concept of compensation for moral damage for the first time providing for up to 1 million AMD (1,800 ) of compensation for insult and up to 2 million AMD for defamation.

Article 1087.1, enables an aggrieved part to demand all or any of the following measures:

1. Public apology.
2. A published apology in the case of insult by a media outlet.
3. Compensation payment up to 2000 times the minimum salary.

While the law was seen as a progressive move at first, with a drop in direct threats to journalists as complaints were taken up by the courts, the medium term impact has shocked much of the journalists' community. Since the law was first adopted hundreds of cases have been brought to court. The courts invariably found in favour of the plaintive and handed down excessive fines to media companies, creating the chilling effect on the media terrified of being prosecuted for defamation, with the print media particularly badly affected.

The vast majority of plaintiffs have been members of the political and business elite, demanding maximum compensation with the family Armenia's second President, Robert Kocharyan, filing four similar lawsuits against various newspapers.

A lack of independence has enabled the courts to be used as a tool to pressure the media by powerful groups. Representatives of the political and business establishments have filed claims demanding the maximum penalties and additionally applying for the seizure of property and cash of the media owners.

#### *The Press Sector*

The Armenian print media are reputed to be free and pluralist but their impact and importance for informing the public at large is limited by their low circulations and limited resources.

There are 63 newspapers, including 12 dailies and 51 other publications, with 22 national and 27 regional publications. The majority of print media cover social and political issues and include sections on the economy, environment, business, culture, and commentary.



The weekly *Delovoy Express* covers economic, banking, business development, government policy and spending and regular interviews of economic commentators. Five newspapers are focused on infotainment, six papers serve minority communities and there is one religious newspaper.

*Hayastani Hanrapetutyun* and *Respublica Armenia* and *Armenpress* news agency are financed by the State budget.

#### *The Broadcast Sector*

Armenia enjoys 10 national TV channels, nine for Yerevan only and another 25 regional. The *First Channel* is the only one to receive state support and acts as a kind of microphone for the president and the government in office.

*Yerkir Media* is owned by the Armenian Revolutionary party of Dashnaksutyun, the country's oldest political party with a regular 8-10% of representatives of the National Assembly. In recent years the channel has led an increasingly oppositional tone.

*Kentron TV* is owned by the leader of Prosperious, the second largest party in the country with 30% of the National Assembly, and by the philanthropist businessman Gagik Tsarukyan. The channel is the propaganda arm of the party cheering the activities of Mr. Tsarukyan.

*Armnews* is the most creative and modern TV with a fresh-thinking team and live broadcasting. Their policy

*UJA: Roundtable discussion on 23 November 2012 to celebrate the Day to End Impunity in Yerevan, Armenia.*

of providing balance and equal opportunities for political figures with different views, has helped increase the channel's ratings.

*Armenia TV* has moved from a traditional news-making channel to include entertainment programmes, soap operas and heavy advertising. Armenia, Armnews and ATV are all part of PanArmenian Media.

*Shogakat* is politically neutral, and broadcasts programs exclusively devoted to religious and cultural issues. It is also dependent on State financing.

*Dar 21* broadcasts music, show business news and other entertainment programs.

Regional TV face a tough financial environment as they struggle to maintain quality against very low advertising income and no prospect of State support.

There are 20 radio channels, of which three are nationals. Two channels are financed from abroad, the francophone *Radio Erephy*, and *Azatutyun* radio providing more independent news and political coverage.

#### *The Electronic Media*

Armenia has around 200 news websites including the online versions of the 63 print media.



Daily visitor figures to online media vary between 1,000 and 5,000, with the most popular news sites, such as Civilnet.am, News.am, Tert.am, 1in.am, Asekose.am, Lragir.am receiving over 10,000 visitors a day.

Most online media survive through different forms of sponsors with only a few able to cover their expenses through advertising revenue. Most Online media employ 5 or 6 journalists with an average monthly salary of 100.000 AMD (180 €).

The expansion of the internet has increased accessibility of the range of news and opinions for the Armenian public, but internet access is significantly distorted in favour of the capital Yerevan, with still limited reach beyond.

To date no website has been closed for its writings, although there remains a need for legislation to bring a level of regulation to the internet media. Anybody can establish a website.

### **Situation of Press freedom**

#### *Assaults on journalists*

The number of incidents involving physical violence against journalists has generally decreased. However assaults and other attacks on journalists work, do increase in the pre-election periods and decrease post-election. In 2012 Armenia held parliamentary elections with three assaults recorded on election day. The 18 February 2013 Presidential election saw several attacks on journalists but none were prosecuted due to a lack of evidence.

#### *Censorship*

It is very hard to record clear examples of censorship, though it is clear that newspapers exercise self-censorship when they fear prosecution or, as is often the case in the regions, newspapers are hosted by the local authorities and are economically dependent on their ongoing support.

#### *Criminal charges against journalists and media*

17 prosecutions of journalists came to court during 2012 and the first half of 2013. Most charges concerned defamation and insult impugning personal honour, dignity or business reputation.

In February 2011 a court ordered the pro-opposition daily *Haykakan Zhamanak* to pay three government-connected businesspeople US\$16,500 in damages and retract allegations that they were implicated in criminal activities. The newspaper sought donations from its readers to pay the fine and keep publishing.

In June 2012 a court ordered the opposition newspaper *Zhamanak* to pay former President Robert Kocharyan

\$8,250 for having published allegations implicating him in corrupt business deals. Another defamation case brought by Kocharyan saw the accounts of the *Hraparak* frozen pending a verdict.

In a separate case in September 2012 a Yerevan court froze \$8,000 of Hraparak's assets and prohibited the newspaper from writing about a libel lawsuit filed against the paper by the head of the state body responsible for judicial supervision.

In February 2013 a court ordered the daily *Yerkir* to pay \$800 to pro-government parliamentarian Tigran Arzantsyan for referring to him as 'a dandy'.

In December 2010 the National Commission on Television and Radio, responsible for broadcasting licenses, denied independent television station A1+ a license for the 13th time, despite a 2008 European Court of Human Rights (ECHR) judgment that Armenia had violated freedom of expression by repeatedly and arbitrarily denying the station a license.

Meanwhile a lack of media pluralism remains a serious problem.

#### *Unlawful sacking of editor/journalist*

It is very difficult to provide information on the numbers of unlawful sackings of journalists because the process is hidden from the public. The journalists have no trade union to protect them and no one is prepared to make a public protest for fear it will damage their ability to find new work.

#### *Detention by authorities*

No journalist was arrested for their work.

### **Access to Information**

The Right to Freedom of Expression (FoE) is guaranteed in the Armenian Constitution; the country is also a signatory to a number of major international and European documents on Human Rights.

The Freedom of Information Center's 10th annual "Golden Key and Rusty Lock" award ceremony took place on September 28, 2012– the International Right to Know Day where an independent jury awarded a Golden Key, as a symbol of openness and transparency to some of the ministries of Armenia.

Journalists are reluctant to appeal to courts when they are refused access to information and instead seek alternative methods or sources. They lack awareness of FOI legislation, and distrust the justice system and its costs. Moreover journalists tend to need the information

*UJA: UJA presentation of the newly released Armenian safety handbook in Goris, 2012*



straight away and a court appeal that may take months to conclude is not a realistic option.

The main problems include:

1. Lack of awareness among journalists about their legal rights
2. A culture of secrecy amongst government officials
3. Weak campaigning solidarity among media and activists including the lack of a strong trade union to handle solutions on high-level

### **Media Self-Regulation**

In 2007, the Yerevan Press Club proposed a programme to promote journalist ethics.

By March, a working group had been formed and developed the **Code of Conduct of Media Representatives and the Declaration on Election and Referendum Coverage Principles** adopted by the heads of media and journalist associations.

Today, the Code of Conduct has 45 signatories, representing 48 Armenian media and is supported by 9 journalistic associations.

The Media Ethics Observatory (MEO), a voluntary self-regulatory body, set up to promote the code, was also established and elected a board of seven members, later expanded to 14.

The media representatives, who signed the Code of Conduct, acknowledge the right of the EO to examine the conformity of their acts and publications to the provisions of the Code and state their willingness to publish decisions of the MEO in their media.

### **Journalists Working conditions**

The terms and salaries do vary enormously across the different media. The larger, wealthier media can pay good salaries, while the poorer, opposition media, do not have the resources to compete with the conditions. Most journalists work without contracts and are paid by article. There is no Trade Union for journalists in Armenia, so the payment of black salaries, unfair dismissals and irregular contracts are not well known and publicised.

### **Foreign Media**

All foreign media organization have to be accredited with the Foreign Ministry and renew it each year. Today 64 full time foreign media organizations, and 38 part time are operating in Armenia. This includes media for Armenian Diaspora as well as foreign media operating in Armenia.

### **Union Work**

The Union of Armenian Journalists is one of the oldest organizations to provide the space for journalists to work and to communicate with each other. It speaks out on behalf of journalists across the country and co-operates closely with other Non-government advocacy groups to lobby for law reforms on behalf of working journalists. Thanks to this project, the union has journalists' rights activists in the regions, monitoring and reporting on rights violations. The Union has published the journalists Safety handbook and held information sessions for over 100 journalists across the country. The Union encourages and signs the letters of support for journalists and tries to influence the authorities on behalf of their members.



Name/Media	Facts
Jamanak daily	<b>16.01.2012:</b> the company “Glendale Hills” filed a lawsuit against the newspaper which published an article called “1000 \$ for silence”. The court of Kentron-Norqmarash in Yerevan condemned the daily to pay 200.000 AMD compensation for defamation.
Sahak Muradyan, reporter, Haykakan Jamanak Lusine Barsegyan, reporter, Haykakan Jamanak	<b>16.03.2012:</b> The two reporters tried to photograph Mher Sedrakyan, a candidate to the parliamentary elections. The Republican Party representative tried to smash the camera but the police stopped him. Sedrakyan then started insulting the reporters.
Naira Nalbandyan, journalist, Gala TV Tigran Gasabyan, cameraman, Gala TV	<b>05.05.2012:</b> One day before the parliamentary elections, the journalist and cameraman went to report on the election commission work in Gyumri. The media team was refused entry to the district office and later two unknown men attacked the journalist and molested the camera operator.
Elina Chilingaryan, journalist, RFE/RL	<b>06.05.2012:</b> At a polling station located at School #178 in Yerevan, a young man struck the journalist on the hand and tried to snatch her camera. As a result, the equipment was damaged.
Karen Aleqyan, journalist, MaxInfo	<b>06.05.2012:</b> At a polling station located at School #1 in Gyumri, two men took the journalist’s camera and tore it open. The damaged camera was returned to the journalist without memory cards
Nazeli Baghdasaryan, Tsayg TV Armenuhi Minasyan, Tsayg TV Andranik Barbaryan, Tsayg TV Ara Kyuregyan, Tsayg TV	<b>09.09.2012:</b> The TV crew composed of 4 persons was investigating vote-buying system in polling station when they were attacked by unknown individuals
Ripsime Dzhebedzhyan, reporter, Aravot	<b>09.04.2013:</b> On the day of the inauguration of President Serzh Sargsyan, the opposition organised a protest in front of the presidential palace. A correspondent of the newspaper “Aravot” was assaulted during the clash between protesters and police forces.
Hakop Karapetyan, reporter, iLur.am	<b>23.04.2013:</b> During the pre-election campaigns of the Republican Party of Armenia, a reporter from iLur.am was attacked by Ashot Papayan, a member of the Council of Elders of the Republican Party. The person ran after the journalist and hit him.

# BALKANS

## Journalism in ex-Yugoslavia Countries

*Jasmina Popovic is former President of the Trade Union of Croatian Journalists, has been member of the IFJ Executive Committee since 2004 and was elected to IFJ Vice President in 2013. She was formerly political correspondent for Vercenji List and now a works as editor and host for Croatian television and radio, 24 hours daily and Express weekly.*

Journalists working in the seven countries on the territory of ex-Yugoslavia can be divided into two groups. The first group, from Slovenia and Croatia, comprises journalists who managed to achieve certain rights for a period, only to see them lost to the global crisis that has afflicted the media. Then, there are the journalists who, in the 23 years since the disintegration of Yugoslavia, have never enjoyed the full rights of journalists and cannot even know what they could have lost.

### Situation

**Slovenia**, the first country in the region to join the European Union, and Croatia, an EU member state since July 2013, with organised journalist trade unions and professional associations, have confronted the problems of the transition and privatisation, and the struggle for decent conditions and collective agreements. Today, their hard won rights are being shamelessly breached, with media owners (regardless of whether they are domestic, foreign or mixed private ownership) refusing to extend existing collective agreements or negotiate new ones. An increasing number of journalists are unemployed due to the closure of media and layoffs, or are leaving their profession and switching to PR. The unions and associations are, in turn, losing members and income, making their work increasingly difficult. The assistance of international organisations is also decreasing, as they probably think the problems are solved with membership of the EU. However, that is not the case.

The protection of journalists today, is considerably lower than in the 1990s; precarious work is becoming the norm, undermining further their status, as Labour Laws fail to protect conditions outside of contracted employ-

ment. When young journalists do not know how long they will stay in the profession it is increasingly difficult to recruit them into unions. It is also increasingly difficult to protect journalists from the arbitrariness of employers as employer associations lobby hard for maximum flexibility in employment legislation, making layoffs easier and employment more casual. The forcing of journalists into “freelance status” threatens trade union actions. A month-long strike in the Croatian daily Vecernji list in 2011, to preserve the collective agreement, eventually failed because the freelance contributors put out the paper under threat of an end to co-operation if they refused. The Draft National Collective Agreement was the subject of years of negotiations without success; the will of the employers to structure employment relations faded completely when the global crisis hit.

Despite the difficulties, TUCJ and CJA continue to work to protect labour and professional rights and assist chapels to maintain their influence in the editorial offices. Collective bargaining and collective agreements remain the goal, as well as the creation of best media legislation. The fact that journalists had success in the 1990s gives them the motivation to keep fighting.

By contrast, journalists in **Serbia, Macedonia, Montenegro, Kosovo and Bosnia and Herzegovina** have not enjoyed the benefits of working in at least partially regulated conditions. It is hard to establish trade unions when journalists are in constant fear for their jobs and employers threaten to fire union members. There are no collective agreements because employers refuse to negotiate. The political elites are manipulative, promising changes while in opposition and immediately forgetting their commitment to regulation the moment they come to power. Attacks on journalists are frequent; threats and blackmail even more so.

The most extreme examples can be found in **Macedonia**, where journalist Tomislav Kezarovski was sentenced to 4.5 years in October for refusing to name his source, and in **Montenegro**, where repeated attacks on journalist Tu-





IFJ: Jasmina Popovic, elected IFJ Vice President in Dublin, June 2013

fik Softi have taken place (including a bomb in his back yard). Numerous other attacks, censorship and threats have not been subjected to sanctions. There is good news as well, however – there is an active journalistic trade union and association in Macedonia, despite the difficulties, and a new trade union has recently been established in Montenegro after years of passivity. This new union is determined to change the situation, and, so far, journalists have responded well and are expecting a lot from the new union.

The trade union in **Serbia** is facing a very difficult situation with no partners, either in the Government, or among employers ready to negotiate. The situation is extraordinarily difficult in both the national and the local media with up to 4,000 journalists jobs threatened from privatisation or closures. Trade union organising is not popular in the private media, and the only active channels can be found in the few remaining media in public ownership.

In **Bosnia and Herzegovina** and **Kosovo**, journalists are politically divided. They are unorganised, they lack solidarity, and – in a nutshell – are left to fend for themselves. There are no minimum wages or freelance fees, and media are strongly susceptible to political influence. Furthermore, the media legislation is unregulated, and the profession has no influence over it.

### Activities

Country reports provide an outline of union activities. The common denominator is that, regardless of the poor situation in the media, these organisations are trying hard to raise awareness among journalists on the need to organise and to act in an organised manner.

### Cooperation With EFJ/IFJ

In recent years, the unions in Southeast Europe have been frustrated by the costs of participating in the EFJ activities, congresses and working groups which are so important for us, squeezing out the voice from the region, and the reduced funding opportunities for union building projects. More recently the situation has improved, also seen in the application for full IFJ membership by Macedonia, and the new Montenegro union also seeking membership. They need more than just moral support, which they value highly, but also in specific activities, such as programs, expertise and co-operation with their colleagues across Europe. Exchange of experience and problem solving models are of high value. It is particularly helpful when EFJ/IFJ Presidents and senior members of the leadership can respond to urgent requests for missions. Such interventions may not immediately change the situation, but it raises the profile of our unions before their membership, Governments and employers.

## Croatia

### Report by the Trade Union of Croatian Journalists

*Marinka Boljkovac is a leading activist of the Trade Union of Croatian Journalists for more than 20 years.*

#### Introduction

Croatia is a small country (about 4,5 million inhabitants), one of seven formed on the territory of former Yugoslavia. Its short history of an independent state was hard and tragic due to the 1991-1995 war.

After the end of the war democratic processes including media diversity with prospects of media freedom began to sprout and even flourish. Croatian journalists organized in the Trade Union of Croatian Journalists after 1990, signed 11 company collective agreements, covering about 70 percent of all journalists and media workers, protecting core labor and some professional rights. These agreements were negotiated and signed thanks also to considerable help from the IFJ/EFJ and especially their member-organizations from Germany, Austria, Scandinavian countries, Italy and Slovenia. This favorable situation lasted for 10-14 years. Then came the crisis.

#### Crisis Arrives

When the global economic crisis twister blew into Croatia, it was amplified by deep rooted domestic corruption, wide spread financial frauds and huge embezzlements bringing the Croatian economy to the edge of collapse. Media companies were hit extremely hard also due to poor investments in their other businesses (real estate, marketing, tourism, chemical industry, construction, trade etc), and lost huge amounts of money. In order to cover financial losses, media owners started to suck out capital from their media companies whose premises soon became burdened with multiple mortgages. Important and rich media that once owned valuable headquarters and other buildings soon became stripped of their property. The estimated value of these bare “brands” hardly exceeds 200.000 HRK (Croatian Kuna). Their former headquarters and other real-estate property - worth millions of euro - just evaporated.

#### Present Situation

The global crisis has served as an excuse and a cover for incompetence and hiding the impact of fraud and embezzlement. This blatant plundering was perpetrated both by domestic and by foreign media owners. Journalists

and other media workers were their direct victims. Consequently, the prosperity and freedom of the media has faded, quality drastically decreased, and insecure, intimidated, frightened and poorly paid journalists pushed into precarious jobs and uncertain existence have ceased to be credible guarantors of media diversity and freedom. Democracy is fatally damaged by the process.

There are about 600 registered print media in Croatia including eight daily papers, several national and dozens of local weeklies as well as a range of periodical publications. There are 3 national and 22 local TV stations, about 150 radio stations and some 400 on-line media. Although many of these local media do not have proper staff journalists, more than 1000 persons work at the local TV stations and over 1500 at local radio. Their salaries have always been considerably lower than in the national media.

The number of staff journalists in Croatia has dropped 30 – 40 percent with salaries taking a similar decline in recent years. A number of media have gone bankrupt in the past two years including once important daily papers and weekly magazines. Journalists end up unemployed with few prospects. A number are forced to accept engagement as “freelances”. The RPO status means they are registered as independent entrepreneurs, but in reality work as insecure staff workers for one publisher only, without proper labor or professional rights. It has all had a negative impact on the TUCJ’s membership and income.

The TUCJ core membership (staff employees) has dropped 30-40 percent and its only income, membership fee, dropped even further due to decrease in salaries. The number of freelance members has risen but the majority have irregular income and struggle to pay their membership fee.

Collective agreements became the main targets in Croatia in general, and in the media sector as well. The Negotiations on Draft National Collective Agreement for Journalists and Media Workers of Croatia (NCA) that dragged on for some ten years have been on hold for more than two years. Company level collective agreements covered over 70 percent of journalists in Croa-



tia. But, employers openly considered these agreements an obstacle to imposing their exclusive rules and force the TUCJ to accept lower level of rights offered in the NCA. Now, out of 11 company agreements, some are implemented only partly, some are to be renegotiated, and others have expired. The only CA still fully in place is at the public Croatian Radio Television. It will expire on December 31, 2013, and the preparations for negotiations are in course. TUCJ managed to get on the list of representative trade unions at the Croatian RTV with the right to participate in the negotiations.

In spite of difficulties TUCJ continues to make efforts and win some results in protection of journalists' rights. We continue to cover lawyers' costs in dozens of court cases over violations of labor rights. To be able to pay the lawyers, we agreed to pay in monthly installments. Unfortunately, lately there has been an increase in the number of lost cases which increases our expenses as we have to pay the costs of the opposing side too.

During the last two years - in spite of the crisis and spreading intimidation - the TUCJ has recruited a number of new members thanks to the EFJ/IFJ LOTCO Project that enabled us to travel and meet potential members and explain how their situation would be even worse without the union.

In order to protect precarious workers and to prevent the process that turns staff journalists into forced and false freelances, the TUCJ has lobbied the state bodies on the damage false independent entrepreneurs and freelances do to the media as well as the state budget. Namely, it is easy for any employer to get rid of a freelance, and they also contribute less in tax to the state budget. Forced freelancers also make any attempt of strike in the Croatian media impossible as they are blackmailed and forced to work as TUCJ has experienced during strikes at the Glas Istre and Vecernji list dailies. We expect that at least the budget argument will have some effect.

There has been one very significant victory in the struggle against precarious work with a recent court verdict stating that RPO work is a hidden staff work and should be treated and regulated as staff work. It opens hope for TUCJ's struggle against false freelancing and for many forced "entrepreneurs".

The TUCJ also participated actively in the recent Croatian VAT affair, supporting the Government's proposal to decrease VAT on daily papers from 10 to 5 percent, expecting positive effect on the media and more jobs for journalists. But then the Government limited the list of benefiting daily papers to those with over 25.000 words

per issue excluding one critical tabloid daily. The VAT decrease proposal failed, and now the Government announces a VAT increase to 13 percent on the media. Result: the media owners promptly started talk about new media redundancies. This will be a new challenge for TUCJ. Croatia became an EU member on July 1, 2013. TUCJ had cooperated well with European colleagues before, and expects to continue so.

# Macedonia

## Report by the Association of Journalists of Macedonia and Independent Union of Journalists and Media Workers in Macedonia (SSNM)

The media sector in Macedonia has been increasingly of concern in the past few years. Recent reports of the EU, the US State Department and leading international non-governmental organisations on democracy and freedom of information (Freedom House, RSF) have reported its deterioration. They identify the restrictive draft media laws advancing through parliament, imprisoned journalists, government dominance of advertising market, concealed ownership structures and polarization of media along political and business lines hurting professionalism and ethical reporting. Media independence and freedom of speech is being marginalised.

There are about 200 media all competing for audiences and revenue in a small, distorted market of just over 2 million citizens. Unsurprisingly, few can survive without a powerful political ally, especially when the government is the largest single advertiser in the country.

The government's enormous advertising budget gives it tremendous sway over private media. The last EC report raised this concern pointing out that at least 1% of the state's annual national budget (20 million Euros) is invested in media outlets under governmental campaigns and adverts. Without any criteria regulating the distribution of funds, it is easy to manipulate the budgets to favour "governmental friendly" media outlets and punish others. Under a veil of "economic reasons" critical media are vanishing rapidly. In less than three years up to 900 jobs have been lost in the media industry (between 30 to 40%), professionals with personal integrity are fired while obedient mouthpieces survive, creating a state of professional insecurity for all.

One of the highlights of the past year was the unexplained expulsion of parliamentary reporters by security forces on 24 December 2012. The AJM have attempted all available legal options for an explanation and someone to be held accountable for this breach of the constitutional right to information, (Article 16<sup>1</sup>) but with no response. The next step would be an appeal to the European Court in Strasbourg.

In April 2013 the Government published the draft media laws which have been the main focus of local and international concern. The Laws are at the final stage within Parliament and the concerns and recommendations raised by the OSCE<sup>2</sup>, Council of Europe and AJM have been ignored. If adopted as they are they will have a very damaging impact on media independence and freedom of expression. Key Concerns raised include: 1. the intention to have one regulator for all types of media: broadcasters, print and internet media; 2. the powerful role of the regulator, its political independence and sustainable financing (the last one also applies to the public broadcasters), 3. The high and disproportionate fines for the media; 4. A messy definition of a journalist etc. The latest amendments that have been adopted only exacerbate its oppressive nature by granting the Ministry the power to determine the legitimacy of the national association of journalists that will have the right to nominate a member to the regulatory council and public broadcaster.

In October 2013 Macedonia became the only country in South-east Europe with imprisoned journalists. Tomislav Kezarovski, journalist from the daily Nova Makedonija, was sentenced to 4.5 years jail. Trade Union – SSNM and Association of journalists AJM organized two protests outside the Skopje court, and appealed to international organizations (IFJ, OSCE, RSF, SEEMPM, BIRN). Despite this, on 21st October, Kezarovski was jailed for 4.5 years on a charge of revealing a protected witness's identity in a murder case in 2008. The charges proceeded five years after the offending article, and despite the fact that the witness in question had recently testified that he had given false evidence against the accused. At the time of his arrest, Kezarovski was investigating the mysterious circumstances of a car crash that had killed prominent journalist Nikola Mladenov, founder of the weekly Fokus and one of the biggest activists for press freedom in the country. Since the verdict the AJM is doing all it can to raise the visibility of the case and the threat to all journalists and the freedom of the press that this conviction has created.

<sup>1</sup> <http://www.sobranie.mk/en/?ItemID=9F7452BF44EE814B8DB897C1858B71FF>  
<sup>2</sup> PRESS RELEASE OSCE media freedom representative presents analysis of latest draft media law to authorities in Skopje, problematic provisions need to be changed <http://www.osce.org/fom/103813>



Meanwhile conditions of work for the remaining journalists deteriorates further as many colleagues work without proper contracts, without paid vacation days, overtime hours, sick leave and insurance. Simply put, they cannot rely on any of the basic rights guaranteed by the Labour Law. There are no collective agreements in private media; minimum wage is not regulated; in certain media there is a direct, and in others an indirect, ban for organizing workers unions; there are no internal rules or statutes, defining the rights and obligations of owners, editors and journalists; employer associations do not exist. Meanwhile, the journalists themselves are barely educated about what a union is and how they can organize through it.

Most disturbingly, in response to the fierce criticism about media situation by the AJM, the government has recently launched another rival “journalistic association” – Macedonian Journalists Association – MAN, designed to diminish the criticism and undermine the AJM while also creating an artificial support for the proposed media laws.

There are similar attempts to also establish a pro-governmental or yellow trade union. The main pressure against the SSNM is to pressure journalists to sign that they are not members of the trade union, or if they are, then they should sign that they are willingly to end their membership. This wholly illegal practice has been reported to the Labor inspectorate but with no results.

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# Montenegro

## Report by the Montenegrin Media Trade Union

Official statistics claim that 1790 people are currently employed in Montenegrin media. The Media trade union has about 350 members, mostly employed in private media, of which 160 are journalists. We estimate this represents up to 50% of the total community of journalists. During 2014 the Montenegrin Journalists’ Union plans further research in co-operation with the OSCE. In the public sector the „Radio Television of Montenegro“ employs about 640 workers. It is unknown how many are members of trade unions.

In Montenegro, there have been several attempts to establish an active association of journalists, but everyone was politicized and quickly lost support and failed. Montenegrin media are highly polarized between private who claim to be independent and working in the public interest and against corruption and, those that are financed by the state budget ( Public service and daily newspapers Pobjeda) and other private media whose owners are part of the ruling structures whose interests they represent.

During 2013 there have been at least 5 cases of assaults on journalists attempting to investigate crime or corruption. No journalist with media that support the ruling structures have been attacked underlining the divisions between media and the working lives of journalists.

Meanwhile, the 2004 killing of Dusko Jovanovic, chief editor of the daily Dan, remains unsolved.

There has been a steady decline in media freedoms in Montenegro. International studies show that journalism remains dangerous for the violence and the climate of impunity that surrounds unsolved cases. The few who are prosecuted usually play only marginal roles in the attacks and escape with minimum sentences. Those who issue the orders are never identified. Public officials responsible for verbal or physical attacks are never prosecuted.

The Montenegrin Media Trade Union organised a public protest on 11th October 2013 following repeated attacks on journalist Tufik Softic. It called on the Ministry of Internal Affairs to solve case. Two months earlier a bomb had been thrown into Softic’s house while in 2007 he had been brutally beaten.



*REUTERS/Stevo Vasiljevic: Editor-in-chief of Montenegro’s leading daily Vijesti, Mihailo Jovovic looks through a window damaged in a bomb blast overnight at the newspaper’s offices in Podgorica December 27, 2013. This is the latest attack on the newspaper known for its criticism of the authorities under the country’s long-term leader Milo Djukanovic. No one was hurt in the blast, which appeared to target a room used by Jovovic, shattering windows and damaging the facade of the building in the capital Podgorica, shortly before midnight.*

The Montenegrin Media Trade Union continually shows that press freedom cannot exist while those who work in the media are economically threatened. The Socio-economic status of media employees is poor. In private media staff work for low wages and no overtime, without days off or paid leave, with frequent cases of illegal employment. Dismissals with minimum redundancy are common. In the media financed from the state budget income and contribution payments have been irregular.



# Serbia

## Report by the Journalists Union of Serbia

The situation in the Serbian media is extremely tough. A disastrous privatization process saw local tycoons and politicians take over the media, dismiss all the professionals, close down the news rooms and take over the buildings for other purposes. Where they have maintained the news operation journalists receive 150 € salary, lack written contracts no union protection and precious little freedom.

Now, they demand that the State withdraw from all media. Should that happen we estimate that up to 4,000 of our colleagues will lose their jobs. There is virtually no labour market in Serbia and so dismissed journalist have no realistic chance of future employment.

The Journalists Union of Serbia (JUS) actively engages in debates around the reform of media laws demanding that they meet democratic standards. This includes the provision of sufficient and fair funding and the protection of editorial independence. We lobby laws regulating media ownership that guarantee transparency of ownership that limit concentration and guarantee pluralism.

Key to the long term protection and development of professional journalism is the collective agreement, which is currently missing. Unfortunately the unions are too weak to achieve this. They are absent from the private media and, if the state relinquishes its involvement altogether in media, will be absent from the few newsrooms it still has representation. Meanwhile, as more and more journalists are forced onto freelance contracts the labour law restricts us to recruiting only those with a contractual relationship.



REUTERS: Results of NATO bombing of Radio Television Serbia (RTS), 23rd April 1999 in which 16 media workers died

# Turkey

## Report by the Turkish Journalists Syndicate (TGS)

*Mustafa Kuleli is a Turkish journalist as well as the new General Secretary of the Journalists' Union of Turkey (TGS). Mehmet Koksal is an independent journalist and the vice-president of the Belgian Association des Journalistes de Belgique (AJP). He is also the EFJ campaigner on Turkey.*

### Press freedom in Turkey after Gezi 2013

28<sup>th</sup> May 2013, environmental protests started against an urban development project in Gezi Park in the centre of Istanbul. Sparked by outrage at the brutal attempt to evict the small group of demonstrators, this local protest movement grew to become the biggest national social uprising against the Turkish government's authoritarian policies in recent times that encompassed many broader demands at the core of which were issues of press freedom, freedom of expression and freedom of assembly.

The violation of those three fundamental rights in Turkey have been regularly underlined by the Strasbourg jurisprudence of the European Court of Human Rights, the European Commission's yearly Progress Report, the European Federation of Journalists (EFJ) trial observers, Bianet's quarterly press freedom reports, the Journalists' Union of Turkey (TGS) and Amnesty International's national chapter reports, Reporters without Borders yearly press freedom index, Committee to Protect Journalists special reports and many other thousands of international and national media coverage.

Before May-June 2013, the Turkish authorities would casually dismiss the violation claims by arguing that no censorship, no pressure and no restriction of any sort was applied against Turkish journalists and the protesters were either a few "çapulcu" (looters) or "terrorists" trying to topple a democratically elected government by the use of force.

Meanwhile a broad range of protesters - "http://en.wikipedia.org/wiki/Right-wing\_politics" right and "http://en.wikipedia.org/wiki/Left-wing\_politics" left-wing individuals, young and old, secular and religious, rival soccer hooligans, anarchists, communists, liberal activists and anti-globalisation Islamists, nationalists and pro-PKK "http://en.wikipedia.org/wiki/Kurds" Kurds, gays, feminists, students, families, etc. - gathered in the streets of Istanbul, Ankara (and a further 78 of Tur-



key's 81 provinces) to support the popular uprising and openly criticise the government. Meanwhile, the mainstream private or public TV channels used their airtime to broadcast dance contests and penguin documentaries, almost anything except the street protests. The censoring impact of the political and economic pressures on media professionals became crystal clear to everyone. For those who, despite the pressures, insisted on being journalists and doing journalism, the response was also quick and clear as they quickly lost their jobs.

Since the start of the Gezi events, at least 22 journalists have been fired and 37 journalists forced to resign, according to the figures published by the Istanbul chapter of the Journalists' Union of Turkey (TGS). "Some lost completely their monthly publication, some lost their weekly TV shows, some journalists faced censorship when their articles or opinion pieces were cut by media owners, some lost their jobs for a tweet and one journalist was fired for saying 'hello' to a protester in front of his work place", said Gökhan Durmu (TGS) during a press conference in Istanbul. The 54<sup>th</sup> edition of the magazine *NTV Tarih* focussing on the Gezi events and its roots was censored and the publication immediately closed by the owners.

According to Bianet's quarterly report on press freedom, "during the protests, police attacked reporters with tear gas, water cannon and plastic bullets. Between May 27 to September 30, 153 journalists were injured covering the protests (10 of them foreign correspondents), 39 journalists were taken into custody, 3 journalists arrested and 2 of them are still in jail". Journalists Ahmet ık (Birgün), Gökhan Biçici (IMC TV) and Albu ra Bahadır Gültekin (Radikal) were severely injured by the police. They all filed a judicial complaint but not a single police officer has been punished. The government's message to local and foreign journalists was clear: "Don't go out, don't cover the news".

Not only journalists have been targeted, authors, celebrities, TV series, even cartoons expressing any kind of support for the protesters have also been censored, fired, closed or criminalized by the regime. At the TRT (public TV and radio channels), the public managers even launched an investigation against 15 workers suspected of publishing pro-Gezi messages on Twitter during the



protests which were considered by the management as “a crime committed by wrongly using their right to freedom of expression”. Social media networks, like Twitter and YouTube or online newspapers, became the main source of information and expression for the local and international audience.

During the Gezi events, the Journalists’ Union of Turkey (TGS, EFJ’s affiliate) quickly built a solidarity network for reporters affected by police violence. Sharing information on the ground, journalists tried to prevent their fellows being assaulted or being taken into custody.

Young TGS members stood ready in front of hospitals, police stations and courts to support affected colleagues. Every journalist case was closely followed and the information shared via Twitter. All acts of censorship and violence against journalists were recorded, publicised and condemned with daily press statements.

Criminal complaints were filed for assaulted journalists. The prefecture and police were notified about complaints. Journalists who were fired or forced to resign were encouraged, through press conferences, to speak out about what had happened. Some statements were published also to prevent the public raging against and blaming journalists for the media censorship or distorted coverage.

The TGS organized a march at Gezi Park under the banner “resistance will also bring freedom for the media”. Union members were invited to the “park forums”, the local public assemblies of the Gezi movement, to discuss the media situation with other citizens. The main TGS line was to unite the struggles of journalists willing to cover the news with those of citizens eager to receive the news.

Another TGS demonstration, “Penguins are nice when at the Pole” was obstructed by the police but this will remain as one of the most crowded journalistic event in the recent years.

Beside the heat and activism during these exceptional Gezi resistance days, we must not forget the usual struggle for freedom that continues for the 62 colleagues who are still in Turkey’s jails.

To raise public attention the TGS uploaded a 44 second video on social media “Freedom to journalists, right now!” with messages from prominent journalists.

The TGS is working hard to publicise the fate of imprisoned journalists, by monitoring the court cases and organising statements around the hearings. The EFJ regu-

larly sends representatives to observe and report on the court cases. The EFJ dedicated a website section on the campaign and trial reports which are used by international media, observers, lawyers and lawmakers to put the jailed journalists on the agenda of their institutions.



REUTERS/Osman Orsal: Journalists and their supporters march during a protest against the arrests of journalists in Istanbul March 13, 2011.

The TGS has renewed calls for postcards and letters to jailed journalists.

The TGS shares a common database with other NGOs to help track information on the cases.

Together with the Freedom to Journalists Platform, the TGS held the “Second Congress for Freedom to Journalists” with the help of the European Federation of Journalists. In the final declaration of the Congress we called upon the government once again to set our colleagues free.

In all these efforts, the TGS has stressed that the jailed journalists are not terrorists.

In Turkey, almost everybody believes that Gezi Park has helped strengthen the protest movements. Trade unions and professional associations are a part of this wave of change helping the TGS recruit a new generation of younger members into its management team and increase the representation of women. The union’s campaigning and use of social media has also improved creating a greater impact to a broader audience. The TGS is currently holding multiple peaceful “Waiting for Justice” events in front of upcoming trial hearings or official buildings in Turkey.

“We demand that the authorities end the pressure and violations against press freedom and freedom of expression in this country. To start, they have to cancel anti-terror laws and remove all the Special Courts. As long as these two elements remain there won’t be press freedom or any democratization process”, said Ercan Ipekçi, President of Journalists’ Union of Turkey (TGS).



Right: REUTERS/Murad Sezer: A Turkish riot policeman pushes a photographer during a protest at Taksim Square in Istanbul June 11, 2013.

Below: REUTERS/Murad Sezer: An injured journalist is filmed and helped by his colleagues during clashes between riot police and May Day protesters in central Istanbul May 1, 2013.





# Training Can Save your Life and Make Reporting Safer

*Last May, I took part in the first ever Train the Trainers safety programme organised by the IFJ in the Former Soviet Union. Together with the IFJ safety consultant and the Russian Union of Journalists, we visited Makhachkala, where the Dagestan Journalists' Union hosted the two week training.*

It was a very important and challenging mission given the long record of killings, detentions, beatings and kidnappings that take place each year in the region. Since the end of the USSR, reporting, without getting killed for it, has been one of the major challenges for journalists in this region. In the past ten years journalists have been murdered in Russia, Azerbaijan and Ukraine while others have been victims of numerous arrests, beatings, armed assaults and kidnappings. The list of victims is very long.

Twelve participants took part in the ToT from across the Russian North Caucasus as well as Armenia and Azerbaijan. The training was intense and stressful and challenged the student trainers to their limits.

During our stay four bombs exploded in the vicinity, the closest no more than two kilometres from the training centre. All four were suicide bombers underlining the relevance and importance of our training.

The first couple of days were focused on equipping participants with training skills to enable them to deliver training on their own. Participants were taught how to prepare a training room, how to engage participants and how to use the entire spectrum of teaching materials that is nowadays available (PowerPoint's, videos, photos, etc).

Once the teaching techniques had been established, we spent a week developing participant's security skills through an intense set of training covering the following subjects: Planning an assignment, Ballistic awareness and Improvised Explosive Device (IED) awareness.

Over the next couple of days, journalists would learn about the essentials of planning, the importance of understanding other cultures, how to research a mission, how to select protective equipment, how to dress and how to behave in a hostile environment.

Journalists were next introduced to ballistic awareness, the specificities of rifles and small arms. It is worth emphasising that the IFJ advocates that NO journalists should ever carry a gun in the field. On the contrary, what we teach in this session is about recognising the threats posed by such weapons, being able to identify them and most importantly take the appropriate measures to avoid being a victim of the threat they pose. Participants learned about safe distances for different types of weapon as well as how to select the most effective cover available when coming under fire.

Practical exercises were organised throughout the training days including learning how to take cover using natural or home-made protections such as walls, trees, ditches and cars. Participants also had to learn how to crawl properly while under fire.

Finally, the students were introduced to the concepts of Improvised Explosives Devices commonly known as IEDs. Participants learnt about the different kinds of IEDs and most importantly on the modus operandi of groups using them. While delivering this module, a news report came in about a bomb that had exploded in town which was followed ten minutes later by a secondary device planted nearby to cause the maximum casualties among those who had gone to rescue the injured from the first explosion.

Far from a traditional course, students were also required to make presentations on each subject every day and were given evening classes to familiarise themselves with PowerPoint and computer skills.

At the end of the ToT, a test was organised and eight journalists were finally selected to carry out trainings in their respective region or country.

In January 2014, a team comprising of the IFJ safety consultant and a filmmaker from the Russian Union of



Left: Svetlana Svistunova: Participants practise first aid during a 2-day safety training in Makhachkala, Dagestan, in January 2014

Below: Svetlana Svistunova: Future trainers practise delivering lessons during the May 2013 security Training of Trainers programme in Makhachkala, Dagestan.



Journalists was dispatched to the North Caucasus to coordinate, support and deliver a series of six 2-day risk awareness workshops in co-operation with the local branches of the RUJ and their new trainers.

The programme of training was challenging and complex to organise. It covered almost the entire North Caucasian Federal District of the Russian federation from Stavropol (Stavropol) to Cherkessk (Karachay-Cherkessia), Vladikavkaz (North Ossetia), Grozny (Chechnya), Makhachkala and Derbent (Dagestan). Supported by the international trainer, the new local trainers provided tailor-made training to local journalists on security issues as well as improvised first aid.

It was the first time that journalists in these remote regions were receiving safety training. The filmmaker documented the entire activity in order to better campaign for the safety of journalists in the republics.

In February, the same team organised another mission with the same purpose. That mission included four 2-day risk awareness workshops. Since the Chechnya wars, Dagestan has been the most dangerous republic in the North Caucasus and so two more trainings were organised in Makhachkala for local journalists in cooperation with the Dagestan branch of the Russian union of Journalists. The IFJ team then moved to the South Caucasus and organised one course in Mingachevir (Azerbaijan) and one in Yerevan (Armenia) where the IFJ can also rely on new local trainers.

Since 1993, the IFJ has been at the forefront of defending the safety of journalists. It did so by developing pioneering safety actions for journalists at risk including the publication of its annual killed list and the launch of Live News, the IFJ's popular survival guide for journalists.

The IFJ was the first non-profit organisation providing free of charge safety training to journalists who could not afford it. The first ever training took place in Macedonia in 2001. Since then, the IFJ has responded to numerous crises helping journalists cope with their security and health risks such as in the Balkans, Algeria, Colombia, Iraq or Palestine. It has done so by subcontracting internationally recognised safety training providers. These initiatives while extremely successful in the field have also proved extremely costly. Moreover, journalists need their 'hostile environment' training to be customised directly to their needs.

Since 2010, the IFJ has thus shifted its approach by developing safety capacity building actions based on Training of Trainers (ToT) programmes. This new approach places our affiliates at the core of the safety work. The ToT investment is counterbalanced by lower training costs enabling more journalists to receive tailor made safety training in their own language and based on their culture and history.

While most of its recent safety programmes have taken place in Africa, Asia and the Middle East, the IFJ has been steadily addressing the issue of the safety of Journalists in the Former Soviet Union.

The TOT in Dagestan is the biggest step taken so far in the region. By investing in the skills of local trainers we will be in a position to roll out a regular programme of quality training to journalists that need it as they need it enabling journalists to be better equipped to deal with the many security challenges they face. While even the best training provides no guarantee of safety, it does help journalists and their crews to minimise risks, to stay calm and alert under stress, to get their story and to get back in one piece.

Adrien Collin, IFJ



# Building a culture of safety, rights and independent standards for journalists in the Former Soviet Union

*The International Federation of Journalists together with its affiliates has implemented a three year safety and journalists' rights project in Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia and Ukraine.*

The IFJ and its affiliates have carried out a great number of activities and initiatives to protect the security of journalists, improve their rights and guarantee their independence.

The project started with a regional press freedom monitoring and campaigning workshop organised in Ukraine in 2011. 15 participants came together to exchange ideas, best practices, their successes and their failures in protecting their members' rights. A follow up workshop was organised in Moldova in October 2013 with an emphasis on legal standards and defence of journalists.

## Press Freedom

After the initial regional workshop, each partner was tasked to open their project offices by September 2011. Unions selected and employed their project teams comprising of a national coordinator, campaign officer and accountant. The first two years of the project saw each partner organise a campaign training workshop, establish their monitoring team, produce a safety handbook, conduct a series of rights and safety awareness meetings across their respective countries and raise their campaigning output.

Seven national press freedom trainings for local activists were organised, 2011-2012, to establish a common methodology for monitoring and investigating attacks on journalists and developing national campaigns to promote their rights. Since then, ten to fifteen activists per country have acted as a network of monitors and local campaigners. The work has been backed by local workshops on journalists' safety and rights. The workshops enable the unions to promote their own work to support and defend journalists raising their profiles, strengthening their organisations and enhancing their campaigning abilities.

Each 23rd November the IFJ and unions marked the "International Day to End Impunity" by holding national press conferences on impunity that highlighted their work and, in 2013, staged a rally in the centre of Kiev calling for states to punish the killers of journalists from throughout the region.

Two regional conferences were organised, in Moscow October 2012 and in Kiev in November 2013, to highlight the work of the journalists' unions, hold a dialogue with the authorities in the respective countries and strengthen the regional solidarity. Unions presented their national press freedom reports covering the key events and violations from 2011 until 2013. The annual reports were published electronically and presented at the conference held in Moscow and Kiev.

## Safety

Six safety handbooks were produced and distributed to the local journalist's community dealing with the daily threats of physical violence against journalists many of whom have suffered severely over the past decade. The handbooks were completed by September 2012 and officially launched during the regional Moscow conference. Each handbook is customised to the national context and has been distributed and promoted during all events around the country.

Safety training workshops were also organised including a 3-day safety training for Georgian journalists in 2011. In May 2013, a 2-week Training of Trainers in safety of journalists was organised in Makhachkala, Dagestan with 10 participants from the Russian Caucasus and two more from Armenia and Azerbaijan. In January and February 2013, ten 2-day risk awareness workshops were organised in the North and South Caucasus. The trainings, delivered by a mix of international and local



IFJ: Safety handbooks

trainers, were timely to prepare local journalists for their upcoming reporting assignments. In total 169 journalists received safety training.

In addition, a safety film has been produced to accompany the handbooks. The first film, set in Ukraine, follows the handbook chapters highlighting the issues with examples from Ukraine journalists. A second film was produced in the Northern Caucasus to document safety training activities to build up a culture of safety in the region.

The films increase the accessibility of safety material and forms an essential part of the safety campaign. This is of huge benefit to journalists and their unions. While, films cannot replace handbooks or training, they are an important complement for getting key messages across during press conferences and workshops.



IFJ: IFJ affiliates at the regional conference in Moscow held in October 2012.



# Final Conclusions and Recommendations

## *Building a culture of safety, rights and independent standards for journalists in the Former Soviet Union and South East Europe: Challenging unfair Contracts for journalists*

Journalists unions from across the former Soviet Union and South East Europe gathered to debate the status of journalism, union organising and violations and safety of journalists rights in their regions.

The meeting was the second joint IFJ / EFJ meeting in the region to build greater collaboration and support for journalists unions across Europe. Discussions focused on the labour rights and how the European Federation of Journalists can develop its services towards new members in Eastern Europe. It focused on the status of journalist freedoms and the efforts of journalists unions to protect their members and it focused on safety of journalists. Finally the conference marked the International Day to End Impunity, 23<sup>rd</sup> November,

### **The meeting issued the following conclusions**

Journalists can best protect themselves when they are organised into strong, independent journalists' trade unions and associations.

The Unions must actively recruit from journalists across the media sector.

The Unions must work on both professional and labour rights of their members. There is no such thing as press freedom while journalists continue to work in corruption, poverty and fear.

### **Journalists unions should:**

#### **Labour Rights**

Recruitment, organisation and demanding regularised collective contracts are key to the strength and sustainability of the unions and the conditions of their members. Unions must:

- Develop a clear Vision, Mission and Strategy for their work
- Prioritise their recruitment campaigns throughout the national media, in public and private, print, broadcast and internet, for full time, freelance and irregularly employed

- Service your members with advice on contracts, labour rights, labour law and employer obligations and employment opportunities
- Provide legal support to members whose rights have been breached such as unfair dismissals or undeclared salaries
- Develop co-operation with trade union centres and other trade unions representing media workers and other media organisations and institutions

EFJ/IFJ to maintain the programme of collaboration in Eastern Europe, to promote co-operation between journalists unions in the region and greater engagement in the working programme of the EFJ/IFJ and to develop its work in the production of a tool-box for union organising in Eastern Europe including on recruitment Labour rights, collective bargaining, authors' rights, freelance and gender equality.

### **Priorities for Media law reform**

Journalists unions must be lobbying on the following issues

- Media market and structural regulation:

*Those who own the media are those who fund the media*

- Media ownership regulation. Legislation must ensure transparency of media ownership so that the real groups and individuals behind media companies can be clearly verified whether they are based in country or abroad
- Must ensure pluralism and clear limits on ownership concentration so that no one company or individual can dominate media ownership and that a plurality of views and opinions are guaranteed on offer to the public
- Must ensure a clear separation between political parties, government and media ownership
- Must ensure that all public service media are independent of government interference with guaranteed editorial independence
- An advertising market that is independent and free of government interference that does not favour media for their editorial lines or links to government



- No restrictions on access to or use of national distribution systems

### **Professional legal rights**

- Ensure defamation remains out of the criminal code
- Ensure an independent judiciary
- Promote self-regulatory systems for resolving disputes over journalist work and avoid complaints against journalists going to court.
- Ensure the journalists duty to protect sources are respected
- Ensure that journalists' communications are not subject to clandestine surveillance activities used to identify sources or interfere in journalism.
- Ensure that any laws regulating the internet do not unduly limit the rights and freedoms of journalists to conduct their job.
- Ensure access to profession is not restricted by regulation of journalism.

### **Press freedom and safety:**

Journalists Unions continue to protect their members by campaigning for a safe and free working environment for journalists. Together with the IFJ/EFJ, they should develop a strategy to increase safety and press freedom that includes:

- Monitor, record, and where possible, intervene on all cases of violations of their members rights
- Train members on their professional and labour rights and form a strategy for their protection and improvements
- Address the responsible authorities on their duties to protect journalists, investigate crimes and hold perpetrators to account

*IFJ: IFJ affiliates gathered in Kiev on November 23 2013 to discuss Unions challenges in the Former Soviet Union and the Balkans and take part in a march to commemorate the Day to End Impunity.*

- Should hold an annual commemoration of journalists victims, marking 3<sup>rd</sup> May, world press freedom day, and 23<sup>rd</sup> November, International Day to End Impunity
- Develop in house safety expertise to advise and train journalists on safety concerns including
  - Preparation for conflict zones
  - The dangers of investigative journalism
  - Information security
  - Develop networks with journalists, lawyers and other media stakeholders

Where journalists unions can they should try to engage governments in reform programmes and dialogue to improve their performance in protecting journalists and independent journalism. This may involve seeking to build alliances with other organisations and advocacy groups either within or beyond journalism with other civil society groups who depend on freedom of expression for the protection of other fundamental rights.

The recommendations were endorsed by representatives of journalists unions from the following countries: Armenia, Azerbaijan, Belarus, Croatia, Denmark, Georgia, Macedonia, Moldova, Poland, Russia, Serbia, Turkey, Ukraine.