



The Civil Society Facility, Media Freedom and Accountability Programme,  
EuropeAid/134613/C/ACT/MULTI

**Employment conditions of journalists  
in Albania, Bosnia-Herzegovina,  
Former Yugoslav Republic of  
Macedonia, Montenegro and Serbia  
- Regional Report -  
March 2015**

**South-East European Partnership for  
Media Development**



This project is funded by  
**The European Union**



A project implemented by  
**Center for Independent Journalism**

## South-East European Partnership for Media Development

SEE Partnership for Media Development is implemented by a consortium of media organizations from **Albania, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bulgaria, Romania**. Media professionals from Kosovo and Turkey will also be involved.

The Project is co-financed by the European Commission, the Civil Society Facility, Media Freedom and Accountability Programme, Europe Aid/134613/C/ACT/MULTI

The SEENPM members that are part of the project: Albanian Media Institute, Mediacenter for Media and Civil Society Development (BiH), Media Initiatives – Association for Media Development and Promotion of Professional Journalism (BiH), Macedonian Institute for Media (Macedonia), Montenegro Media Institute (Montenegro), Media Center (Serbia), Media and Reform Centre Nis (Serbia), Media Development Center (Bulgaria).



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By the Center for Independent  
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This project is funded  
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## R E P O R T

### INTRODUCTION

The research aims to identify and put in a common context the answers to the following general questions:

1. What is the general legal framework for exercising the journalistic profession in the five countries included in the survey;
2. What are the framework conditions for practicing the media business in general;
3. What are the material/financial conditions under which the journalists in the surveyed countries do their jobs;
4. What are the other factors, which could have a collateral impact on the labor conditions for the journalistic work

According to the accepted research methodology, the project participants decided to put the question on employment conditions of the journalists in the broader context of the media markets in the respective countries. The idea and the logic behind this method of observation and analysis is that the employment (labor law) conditions in particular do not say much about the real situation of the journalistic work, unless the environment of the media business is not taken into consideration. That means, that factors such as the number of the media outlets in the main sectors (press, TV, on-line), the ownership transparency, the anti-monopolistic provisions of the legislation etc., do have an indirect but crucial impact on the journalistic labor market. General economic factors like revenues of the media from their business operations (sales, advertising income etc.) are much more important for the particular question of the contractual stability in the job than the wording of the labor contracts and their provisions.

For example: if in one country the number of the media outlets is proportionally too high, if the revenues of a single media are obviously not sufficient for maintaining the business, if the media owner can be an unknown person and if on the labor market every year brings hundreds of graduates from the journalistic faculties, there should be obvious, that the working conditions for journalists cannot be defined as good, because there is no logical reason for them to be good and there is no institutional guarantee, which can prevent the situation from getting worse the very next moment.

The method this project is based on sets the particular question on employment conditions in the frame of the general question: is there any institutional guarantee for free and independent media in the observed countries? Or, how the

institutional frame of the media business affects the working conditions and the employment situation in particular.

The project team believes that setting the question that way and analyzing the situation of the employment conditions of the journalists, with due regard to the whole market picture, is more appropriate to find answers to the particular question: why do the colleagues have the feeling, that the situation does not seem to be good. That method can help us to discover that point of the media landscape, which turns the problems that a journalist is facing in their daily jobs into systemic problems. From this perspective it becomes clearer that the frequent cases of abusing journalists, firing them with no reasons or for not justified reasons, discrimination cases etc. are not “mistakes of the growth”, which can be prevented with soft measures, such as more education or something like that, but that the problem goes much deeper and lies perhaps on the basics of how media democracy has been understood and practiced in South-East Europe in the last decades.

## GENERAL OBSERVATION

From the very beginning we should make a general observation, which is of highest importance not only for this research, but also for any other surveys to be made in the field of media, journalism and related themes in the five countries: there is a deficit in the reliable statistics and proofed data from the media sector regarding:

- the number of print media (figures vary due to the different methodologies and types of data collecting of different bodies)
- circulation data (copies produced and sold)
- the number of on-line media (due to the lack of a definition for this type of media)
- the number of working journalists (due to the lack of distinction between this and related professions in the national statistics)
- the number of graduates from the journalism faculties (with the exception of Albania)
- data for average age and gender of the media workers
- average remuneration
- advertising investments / turnovers

The data presented by the researchers and used for this summary are approximate; the reality can vary, which is not a proper basis for definite propositions, especially when investments, or financial support, or other measures of economic nature have to be mentioned.

It is surprising that despite all importance the media do have and despite all surveys and researches in this field made frequently, there seems to have been not possible to implement and to enforce a practice or methodology for collecting reliable data about the very sensitive aspects of the media business.

If there is a proposal to be made it should be – first of all – the elaboration of a unified methodology for collecting data regarding the media sector in all his segments. This is of crucial importance for any future analysis but even more – for actions in this field.

## LABOR SITUATION FOR JOURNALISTS IN PARTICULAR

### I. LEGAL FRAMEWORK OF THE JOURNALISTIC PROFESSION

#### *1. Legal status of the journalistic profession*

There is no surprise that in four (Albania, Bosnia-Herzegovina, Montenegro and Serbia) of the five countries there is no regulation by law of the profession “journalist”. The Constitutions of those countries proclaim the “freedom of speech/opinions” and the “freedom of the press” as basic values, hence the journalistic job, as a way of expressing the opinion, is open to everybody without prejudices and preconditions. In the above mentioned countries legislation there is no legal definition of “journalism” or “journalist”. Registration requirements for exercising the journalistic profession are not provided either.

The exception to the rule, not only for the countries part of this project, but in a broader European context, is Macedonia. In

the Law on Media, adopted in 2013, Art. 2, Par. 5 offers the following legal definition: “*Journalist shall mean a person who collects, analyses, processes, edits and/or classifies information published in a media and is employed by the media publisher or has an employment contract with the latter, or is a person who provides journalist activities as independent profession (freelance journalist)*”.

Albania has also reported initiatives, through the years, for considering the possibility of “licensing” journalists through an Order of Journalists (the so-called “Italian model”). In 2001, a new draft press law was discussed, which proposed very detailed regulations, setting rules for professional exams and licensing for journalists in order to practice their profession. However, the media community at the time rejected this law, preferring to keep it a free or self-regulated profession, rather than one regulated by strict laws. This spirit has prevailed also in later discussions on self-regulation and regulation of the profession of journalists.

Despite the definition, given in the FYROM/Law on Media the “journalistic profession”, the access to the journalistic profession seems to be completely free in all the observed countries. This is compatible with the political standards, but seems to be a reason for high pressure on the media professionals on the market in spite of the fact that everyone can become a journalist. Also, it seems that the law does not provide for any ‘occupational standards’ that should describe the skills the journalists should possess.

Whether there is a definition or not, the profession in its substantial aspects is not actually regulated. The journalists are not required to register. Special requirements for practicing journalism, such as education, educational level, contests, are also not in force.

## **2. Framework conditions of the labor legislation**

None of the countries in the research has special legal provisions regarding the level of the common labor legislation for the journalistic profession. Journalists or media workers are not generally recognized at the level of the common labor legislation, and in most cases a standard form of employment is applied without considering the specifics of the profession/job in the contracts of employment.

In Montenegro this situation offers the employers a wide range of possibilities to choose employees and to implement hiring standards and procedures in a subjective manner.

The general labor legislation obviously has no intention to mention specifically some particular professions, so the respect for the journalistic one has to be looked at on the level of the individual labor contracts.

Macedonia represents again an exception. Although not at the level of the common labor legislation, but at the level of the Law on Media there is a regulation of the working relations of the journalists within the media outlet: Article 11 refers to the right of a journalist to express his position and refuse an order and provides: *The employment contract of the journalist may not be terminated, his/her salary may not be decreased or his/her position in the Editorial Board or Desk may not be changed, that is, the payment of the agreed compensation, in full or partially, as well as to reduce or terminate some of other rights determined in the Labor law, due to the expression of his/her position in case it is in accordance with the professional rules of journalism referred to in Article 10, paragraph (3) of this Law. (2) The journalist shall have the right to refuse to prepare, write or participate in compiling an article, the content of which is contrary to the professional rules of journalism, and he/she shall submit a written statement to the responsible Editor-in-Chief thereof. (3) The provisions of this Article shall not preclude the responsibility of journalists in the cases stipulated in the LLR.*

The intention is good; yet the reality shows that in the Macedonian media sector a large percentage of the journalists have only copyright contracts or contracts for intellectual services.

## **3. Specifics of the individual labor contracts with journalists**

In general the country reports reveal no special types of labor contracts for journalists. The individual labor contract seems to repeat the norms and provisions of the common labor legislation with - in principle - no special focus on the profession. In Montenegro, the contracts, signed by employees of the Public Broadcasting Service represent an exception: the rights and obligations of the employees are described in detail, and the Code of Ethics norms are seen as part of the employees’ duties.

None of the countries surveyed has reported the existence of any norms in the individual labor contracts aimed to protect journalists' autonomy. Even the Macedonian colleagues pledge that the existence of the above cited legislative provisions has a more declarative and formal character and does not guarantee that it can actually be applied, having in mind the local context of the media work and the high level of political influence over the media owners.

Nevertheless there is an interesting provision in the Macedonian Law on Media stating that the publisher is obliged to issue an act, defining the aim of the media, the rights and duties of the editors and reporters and regulating the main aspects of the daily business of the media outlet. The act shall be made public. Declarative or not, such a provision is a big step forward and should be appreciated.

As a rule, the journalists' employment contracts (with the exception of Macedonia) do not contain a conscience clause allowing them to refuse an assignment that collides with their professional principles without consequences to their employment status.

In Serbia there are usually no specific provisions in the labor contracts with journalists (i.e. special rights of conscience; legal protection offered by employers, requirements for respecting the ethical standards) because those specific provisions seem to be regulated by the special Information Law.

A long-term practice has been pressuring journalists to work as volunteers, freelancers or - for many months- on probation, although they actually perform full-time jobs. This is a strategy often used by employers in order to avoid paying contributions and social insurance. In this respect, young journalists are often treated as qualified, but cheap labor force. Respondents agree it is necessary to clarify the journalists' status in line with the existing laws.

Albania seems to be an interesting case, where the main problem regarding labor relations for journalists is the poor implementation of the Code of Labor, reflecting problems not limited to the media section, but rather the overall informality problem that exists in the country. According to the reports of the Albanian trade union of journalists, most of the journalists work without contracts or have contracts but these can be terminated in an arbitrary way. According to a 2012 survey carried out by the trade union in Albania, 42% of the surveyed journalists had a regular contract during the whole period of employment, 26 % had a contract for part of this employment period, while 32% had never had a work contract. Even if the contracts exist, they are often purely formal documents, for the companies to comply with the state requirements, rather than a result of negotiation and agreement between journalists and media companies. The contracts are drafted unilaterally by the media management; journalists confirm that there are problems in the drafting and implementation of the contracts.

## II. FRAMEWORK OF THE MEDIA BUSINESS

### 1. *Pre-conditions for entering the media market*

The access to the press and the on-line market in the surveyed countries is in general free. There are no preconditions for launching a press title or starting on-line activities, defined as media activities.

According to the Media Law of Montenegro, a print media outlet shall be founded by a Deed of Foundation, freely and without obtaining any approval, but shall be entered in the media record kept by the competent Republican authority. In addition to the application, the Deed of Foundation of the media shall be submitted along with name of the media and residence or seat of the founder. As easily as they are founded print media can easily be closed, and because of that the Ministry claims that they do not obtain exact data about the number of the active print media.

For the electronic media there are exemptions in spite of the regulative preconditions for market entry, which should be considered a traditional one, similar to the procedures known in all Europe.

Bosnia and Herzegovina seems to be happy with its broadcasting licensing system: no substantial objections related to bias of the licensing procedure in broadcasting sector have been expressed so far, but some media consider the license fees an excessive financial burden. Several laws regulate the operation of broadcasters. The Communications Regulatory Agency (CRA), an independent body, licenses broadcasters and implements laws and regulations in the broadcasting sector.



According to the Law on Electronic Media of Montenegro, electronic media can be founded by a natural or a legal person. Media shall be deemed to be established in Montenegro if the service provider has its head office or residence in Montenegro and the editorial decisions are taken in Montenegro, but decisions can be taken in another state provided that a significant part of the workforce involved in the pursuit of the audiovisual media service (AVM) activity operates in Montenegro. At the moment there is no authority in Montenegro in charge of the establishment and activities of online media and that segment is completely neglected because it is not covered by any legal framework. The Agency for Electronic Media recently stated that they are preparing the book of regulations for registering online media.

The only media-specific legislation regulating the market entry of the media companies in Albania is the Law on Audiovisual Media, covering only audiovisual media. Print media is completely unregulated and there are no specific legal requirements to start a newspaper or a magazine. The same situation applies to online media, where no registration of any kind is required. In Macedonia the traditional audiovisual media are subject to the traditional regulation regarding their entry into the market. In case of print titles the publisher has to fill in the ordinary Trade register.

## 2. Ownership transparency

The ownership transparency seems to be a significant problem of the media field in this part of Europe, which affects seriously the basics of the democratic society, as it has been assumed in the beginning of the transition period. Though the problem is considered important, some countries do not encourage the transparency of media ownership.

In Bosnia and Herzegovina the media ownership is largely unregulated and its transparency is ensured to a certain degree only through a general requirement for the registration of business entities. The ownership structure of broadcasters is reported to the Communications Regulatory Agency due to the licensing procedure for television and radio stations, in addition to which any change in ownership structure involving more than five percent share is reported. The situation is not the same as far as print and online media are concerned; here the problem of having offshore companies in the ownership structure seems to be crucial. According to the country researchers such companies are usually used as a shell and have no classical infrastructure in the country of origin.

The formal ownership of all media in Montenegro is transparent to the extent that every business enterprise, as print media, has to be registered in the Central Registry of Business Subjects.

Out of 30 major media analyzed in Serbia (12 dailies and seven weekly newspapers, 6 TV and 5 radio stations), 18 have non-transparent ownership. This is mostly due to offshoring with a clear intention to conceal the true owners. The Council's attempts to identify the ownership structure resemble true detective stories: the national broadcasters such as TV Prva, B92, Radio Index and Radio Roadstar, and print media such as Vecernje Novosti and Presthere are owned by companies registered in Cyprus, while TV Avala and the weekly Standard have unknown owners in Austria.

The newly adopted media legislation in Serbia seems to consider this crucial problem for the media market, while ensuring transparency of the media publishers/service providers, which is to be achieved by establishing the new Media Registry and maintained by the Business Registers Agency (within six months from the date of the law's enforcement). This Registry will contain, inter alia, precise information about the ownership structure for the media publishers/service providers, as well as relevant data on potential amounts of state aid received by the relevant media publisher/service provider.

In Albania the print and online media are not regulated at all in terms of ownership. Neither do the media laws contain any provisions regarding cross-ownership. The only regulated sector in this aspect remains the audiovisual media. The Law on Audiovisual Media in Albania has detailed rules on the ownership of terrestrial audio and audiovisual broadcasting, distinguishing between national and local and regional licenses. National licenses are issued only to joint stock companies, whose exclusive scope of activity is the audiovisual activity. No natural or legal, local or foreign person can possess more than 40% of the general capital of a joint stock company that holds a national license. In addition, a natural or legal person who has shares in a company that holds a national license cannot own more than 20% of the shares in a second company that holds a national license, be it an audio or audiovisual one. Regarding analogue broadcasting, participation shall be allowed with up to 10% of shares in a third national company. In addition, this natural or legal person cannot have a local or regional license.

Regarding the local licenses, a natural or legal person who has 100% of the shares in a company that has a local or regional

license, may be issued only one second local or regional audio broadcasting license. A natural or legal person who has 100% of the shares in a company, which owns a local or regional audio broadcasting license, may be issued only one second local or regional audiovisual broadcasting license, owning no more than 40% of the general capital in this company.

Finally, the law poses another limit : broadcasters with a national license cannot broadcast more than 30% of commercials in the audiovisual broadcasting market. According to the law, AMA is in charge of monitoring the volume of advertisement. However, to this date, the size of advertising market remains an estimate, and AMA has not published any information on this topic.

In Macedonia every publisher of print media or broadcaster is obliged under the law to publish information about the ownership structure of his firm once a year, showing clearly the shares hold by beneficiary owners / physical persons. Here is again a positive example of media legislation regulating this sensitive aspect of the media business.

### **3. Rules against monopolies/dominant positions/concentrations**

The media concentration is considered as highly important in all countries, yet the existing legal provisions are not enforced. In Bosnia and Herzegovina there has been no regulation of ownership concentration at all since 2006, the year when the Rule on Media Concentration and Cross-Ownership of Electronic and Print Media expired (adopted 2004, sic!). Relevant institutions have not shown much interest in developing relevant policies in this regard. Practically today, one person or company has the possibility of fully accumulating the ownership of different media. So for now, the situation has not been substantially abused. The possibility of concentration has been used to some extent by Fahrudin Radoncic, former owner of the highest circulation daily, a number of other print editions and a TV station, and by Zeljko Kopanja who owns two dailies and a radio station.

The Montenegrin legislation pays much more attention to this topic. According to the Law the concentration of media ownership is considered illegal if a broadcaster holding a licence for national coverage broadcasting holds a stake in the founding capital of another broadcaster with such licence with more than 25% share of capital or voting rights, more than a 10% stake in the founding capital of a legal entity publishing daily print media with the circulation exceeding 3,000 copies, or vice versa, holds more than a 10% stake in the founding capital of a legal entity performing the activity of a news agency and vice versa, concurrently publishes the daily print media with the circulation exceeding 3,000 copies. The same applies in cases when one broadcaster, except for the national public broadcaster, broadcasts over the same area more than one television and one radio programme with the same or similar programme base and for radio or television programme licensed for broadcasting with local or regional coverage holds more than 30% stake in the founding capital of another broadcaster with regional or local coverage over the same area. In 2013 the Authority for Protection of the Competition initiated three proceedings because there were cases of cross-ownership in a number of mediums, when some individuals possessed a share larger than allowed by the Law. The owners were given the opportunity to explain the circumstances that led the Authority to initiate proceedings and also the time frame to remove irregularities. Those were the cases of the owners of the company Jumedija Mont who were at the same time owners of the Radio D and Daily Dan, and had shares in Radio D Plus owned by MD Company. Legal proceedings were also initiated against the owners of the MD Company, which made them reduce the percentage of their total ownership. That was also the case of the owners of TV Vijesti and Daily Vijesti who had excessive concentration of media ownership registered in their names.

Serbia seems also to consider the importance of the issue. Article 6 of the new Media Law says that *“in order to enable citizens to form their own opinions of occurrences, events and persons, the versatility of sources of information and media content shall be provided. In order to protect competition and diversity of ideas and opinions, any form of monopoly in the field of public information is forbidden. No one shall have the monopoly over the publication of information, ideas and opinions in a public medium. No one shall have the monopoly over the establishment or distribution of the media.”*

The situation is different in Albania, where the Authority on Competition has not started any investigation and has not received any specific complaints on competition practices of media companies. The Authority, however, has had a small role in media regulation when particular competition amendments or draft laws have been discussed. Such a case was presented in 2004, when there was a proposal to establish a floor price for daily newspapers, after allegations of dumping. Also, based on doubts that certain publishers were spinning their media coverage and obtained public tenders in return, there was also a

proposal to forbid publishers who sell their papers below the floor price to participate in public tenders. The Authority on Competition criticized the articles, stating: “The owners have the right to set prices as they like. In many countries in the world it is common practice to offer free newspapers, irrespective of the high cost of their production.” In the end, the amendment did not pass.

The second case of involvement of the Authority on Competition in the media was the opinion it provided in the discussion of the Law on Digital Broadcasting in May 2007 upon the request of the Parliamentary Commission on Media. The AC’s stance on the bill focused on two concrete aspects: the need to stress that abuse with dominant position is prohibited rather than the dominant position per se, and the suggestion to leave out the proposal to define a ceiling share of the advertising cake. This law, however, was not implemented, as the preparations for a totally new law started.

The Law on Media in Macedonia says briefly that the legislative provisions regarding the fair competition in the country have to be implemented with no limitations (but also with no specifics) to the media businesses. It can be just marked that in its entry into the Macedonian print market in 2003-2004 the German WAZ-Group concentrated three of the all five existing relevant print titles; this happened with the approval of the Macedonian authority for the protection of competition.

#### **4. Number of the media (print, electronic, online)**

As a common observation in all the surveyed countries the number of the media operating on the market is extensively large.

Although Bosnia and Herzegovina has a population of 3.8 million, a vast number of media exist there today. According to Communications Regulatory Agency (CRA) data, in 2014 there were 195 electronic media broadcasting in BiH, comprising 148 radio stations and 47 TV stations. Five dailies are published (three have been shut down since 2009), along with three dailies from Serbia and Croatia which have editions for BiH. There are no print media registers with updated and complete data, but according to the Press Council data from 2011, there are another 184 various editions of magazines in total. Six news agencies have general and other specialized services. In the last five years a large number of online news portals have been launched and are increasingly becoming sources of exclusive information, platforms for public debate.

The researcher from Montenegro marks that the large number of media outlets, especially electronic and print media, is disproportionate to the population size, which is around 630.000. According to the data of the Ministry of Culture and The Agency for Electronic Media of Montenegro there are more than 700 print media, but only 50 of them are active, and 83 active electronic media (38 radio and 22 TV broadcasters) out of which five have national coverage (Vijesti, MBC, Prva and Pink M).

According to the Serbian Business Registers Agency’s data of May 2010, there are 1329 media outlets operating in Serbia (209 online media, 720 printed edition media, 237 radio stations and programs, 20 news agencies, 130 TV stations and programs, 13 other public editions).

Albania’s media landscape is also rich in numbers, compared to the small population of about 3 million. The exact number of media outlets is not known, since print and online media do not need to register. At the moment there are 25 daily newspapers in the country and many more publications of other frequencies.

The situation is clearer in terms of number of audiovisual media operating in the country, given their obligation to obtain license and register with the regulator. Currently there are two national commercial televisions, 71 local televisions, 83 local cable televisions, and two commercial multiplexes. There are 63 local radio stations and two national radio stations.

In Macedonia five national wide terrestrial broadcasters and over 200 print titles are competing on a market of about 2 million people.

## 5. Revenues data / copies sold, advertising revenues

It seems that one of the biggest problems in terms of collecting data about the media sector in the region is the lack of basic information on their economic situation.

In Bosnia and Herzegovina there is no data on press sales, because media are hiding or exaggerating them for marketing reasons. Data from Media Plan Institute's survey from 2006 cited a daily circulation of 100,000, Freedom House reported 90,000 in 2010, while today's estimates show that daily newspapers, including editions from Serbia and Croatia, do not exceed 70,000 copies. There is no single register or source of data on advertising investments in media. The sources are the advertising agencies and pools and media themselves. Transparency in the revenues can be found only in the public-service RTVBiH

The representatives of the print media in Montenegro did not provide data about circulation, except for the weekly Monitor which claims it sells about 3000 copies. Daily Pobjeda said that when it comes to sales their market share is 11%. Unofficially the daily circulation of Pobjeda is less than 4000 copies, Dnevne Novine and Vijesti around 6000, and Dan around 8000. The situation is the same in Serbia where no relevant source about the sold copies of the print media exists. The new Media Law prescribes something that is called Media Register, obliging all print media editions to provide sales information. According to the Partner Research Solution agency, the average number of sold copies per day ranges from 50.000 to 100.000 copies. They estimate that the total number of all sold print media amounts to approximately 500.000 copies. ABCcompany (Audit Bureau of Circulations) started working in Serbia in 2006, but to this day it has faced the problem of publishers exaggerating the total number of sold copies. Publishers do not seem to disclose the real numbers of sold copies in an attempt to get advertising attention. The precondition for auditing the problematic data, according to our respondents, is that the publisher is an ABC member, and some of them refuse to become one. Last year's research by the Partner Agency shows that among the Serbia's printed media, Blic has the most copies sold (147.000), Kurir comes second (122.000) and Vecernje Novosti third (119.000).

The advertising market in Serbia is defined by the researcher himself as one of the most underdeveloped in Europe, ranging from €130 to €170 million over the last few years. For years the state has been the strongest stakeholder, with 25% of the market share. There is only around €140.000 allocated for each media, which is only 0,5% of the national GDP while the desired percentage for the EU countries is 1% of the GDP. According to AGB Nielsen Agency since 2009 advertising revenues have declined by 22%. At the same time in the rest of Europe the decline was 7,2%. Television occupies the largest portion of the overall amount with 56%; 21% goes to the printed media while billboards and other kind of advertising take 10,6% of the share. Radio stations come last with only as much as 5% of the share.

The print media in Albania do not have the obligation to publish their circulation and sales, while statistics from public or commercial bodies on this figure are totally absent. A 2013 study carried out in the capital only at news kiosks, found that the biggest newspaper sold up to 4,200 copies, estimating that nearly half of them were sold in Tirana. However, in the absence of certified data, such figures must be taken with reserve. In terms of the way the market functions, the transparency on the media market in Albania seems to be very low. Readership, circulation, and sales of print media are not known. There are no publicly accessible and verified data on the radio and television audience. In the last two years there have been a few initiatives to measure the audience, but these data are not public. Even these initiatives to measure audience do not have a profound effect, since not all media owners or managers are interested in determining their actual market share, nor do they know how to use the information provided by the market research. Parallel to the lack of transparency of the media shares and ranking, there is also a lack of transparency regarding the advertising market. While some market research companies monitor and estimate the size of the market, their data are not public and, in the best case, they remain just estimates. "In some cases the data coming from different sources are conflicting, which adds to the overall confusion".

Macedonia presents no data on this topic.

## 6. Number of journalists

According to data from the Sarajevo-based "Mediacentar" Foundation, estimates on the total number of journalists and the number of journalists who are fully employed in Bosnia and Herzegovina are very imprecise. According to estimates by

representatives of journalist associations from the RS and FBiH, the total number of journalists ranges between 2,000 and 3,500, while between 1,574 and 2,755 journalists are employed with labor contracts.

There are also no official data on the number of journalists in Montenegro because the official statistical office does not make that kind of classification and, as it has stated, has not categorised media workers in that way. It is impossible to get any information about the number of employees, the work places they cover, gender, amount of their earnings etc. from the state statistical office.

The only available information was obtained by the Trade Union of Media of Montenegro from the Monstat at the end of 2013 when the organization needed to determine its representativeness at the occupation level. According to the information released the Montenegrin media employed 1,972 people, 700 of which were working for the Public Broadcasting Service

Again, there are no relevant figures about the number of employed journalists in Serbia. The last census, dating from 2011, shows that there are 53.281 people working in the field of information and communication. That represents 2,31 % of the economically active population out of which 32.647 are men and 20.634 women. The figures include not only the people working in the media sphere, but also those in publishing activities, cinematography, television production, sound recording and publishing, broadcasting, telecommunications, computer programming, consulting, and the activities related to IT services.

Similarly, there are no official figures on the number of journalists in Albania. According to the trade union of journalists, there are approximately 2,500 journalists in the country, and 60% of them work in television. The number of journalists in online media remains totally unknown, even for the union of journalists. According to an independent academic survey, Albanian journalists are relatively young, with an average age of 31, and 52% of them are female. The same survey indicates that 64% of journalists held a bachelor's degree and 32% a master's degree, while 27% of them had not previously studied journalism or communication. However, interviews with working journalists did not show a direct relation between education and job position: The persons with higher education within newsrooms are not necessarily in the highest positions. This means that career progress in journalism, unlike in other areas such as academia, medicine, etc, is determined very much by other factors rather than by the level of education.

In 2013 all 5 national TV stations with terrestrial license in Macedonia had in total 698 employees out of whom 527 were in regular employment (permanent) relation and 171 employees had a status of freelance (part time) employees. The situation in the regional and local media is more emphasized in this context, which leads to the conclusion that a large percentage of the media workers and journalists do not have regular, permanent working agreements. If the media worker/journalist does not have a regular working agreement there is no legal guarantee for meeting their basic working rights stipulated within the Law on Labor Relations, such as social and pension insurance, the right of vacation, sick leave, etc. Another aspect is the length of such agreements that vary in the case of Macedonia from one to several months, which offers no social and economic security to the journalists and, according to the Macedonian colleagues, stays in direct relation to self-censorship.

## **7. Unemployment among journalists**

Due to the general lack of information, the number of unemployed journalists in Albania could not be identified.

Data from the end of 2012 show that 539 journalists and 86 communicologists were registered with the Employment Bureau of Bosnia and Herzegovina.

The total number of unemployed journalists in Montenegro is set for the purposes of this survey as of 112. According to an estimate recently released by the Trade Union of Media, around 500 media employees have lost their jobs in the past three years and two TV stations have gone bankrupt (TVIN, TVPanorama), as well as one daily newspaper (Pobjeda).

According to the National Employment Service of Serbia, 1.149 people are registered as unemployed in the media; 624 of them have higher journalistic education, which includes not only journalists but everyone working in the field of media.

In the database of the Independent Journalist Association of Serbia there are 3286 members and almost 70% of them are not regularly employed. This does not mean that they are all freelancers, but irregular employment is definitely the primary characteristic of freelancers.

## 8. Number of journalism faculties / number of the graduates yearly

The researchers agree that part of the problem with the working/employment conditions is the hyper-production of journalists.

In Bosnia and Herzegovina there are as many as six departments at public faculties of journalism (in some places in combination with public relations and various types of communicology) and two private faculties. BiH gets around 400 new journalists or communicologists every year. Sarajevo-based Media Plan Institute estimates that the actual needs for this kind of staff are not even half that number.

The Journalism Department of the Faculty of Political Sciences in Montenegro was established in 2005, and since then 30 journalists on average have graduated annually. According to the official data, a total of 314 students graduated from bachelor studies, 189 from specialist studies and 25 from master studies. Until recently, the Department of Journalism provided no practical training for students.

Serbia produces approximately 200 journalists per year in eight journalism faculties.

The journalistic education seems to be *numerus clausus* in Albania where at the moment, only the public university offers journalism studies, more specifically its branches in Tirana, Elbasan, and Shkodra. The quota for the number of students are fixed, according to the capacities of the university. The main branch located in Tirana cannot enroll more than 80 students each year, while for the master's degrees the number can go up to 100. Out of this university branch an average of 60 students graduate with a bachelor's degree in journalism. Meanwhile, in the last years a total of 202 students have received a master's degree out of the 400 students registered in total. For the branches of public university in the district this figure is smaller.

There are no data for Macedonia on this topic.

## 9. Discrimination at work

Gender or ethnic discrimination at work on the part of the employers does not seem to be an acute problem in none of the countries in the survey.

In Montenegro for example there is no information either about discrimination based on race, gender or sexual orientation, or on the possible gap between the salaries of men and women working in media. There are few women in positions of managers or editors in chief. When it comes to mid-level editor positions the situation is better, but the ratio is still not fully balanced. Gender equality is guaranteed by the Constitution of Montenegro, the Law on Gender Equality and Anti-Discrimination Law, but given the fact that there are more women than men unemployed, it is evident the legislation is not adhered to when it comes to employment.

The Media Law forbids discrimination in Serbia. There is information for discrimination in terms of payment, which is not easily to prove. Sometimes there are tensions in the newsroom because of different political views or ideas.

Every country reports rather intensive self-censorship, due to economic or political reasons. In how far this practice can lead to quasi- or semi-discrimination is a theoretical question that will become important in future.

## III. FINANCIAL / MATERIAL CONDITIONS

### 1. Level of salaries

It is true that nobody is happy with his salary and the complaints received during the research on this matter are quite normal and were no surprise. However the reality shows that the level of journalists salaries in the countries under survey is scandalous.

In Bosnia and Herzegovina, with 680 KM (340 €), graduated journalists, along with teachers and architects have the lowest paying jobs (the average salary in BiH is 829 KM (424 €)). Employees at the public broadcasting services in Sarajevo – BHRT and RTV FBiH – have average salaries of around 1,000 KM (511 €). At RTV FBiH, journalists' salaries range from



600 KM (307 €) for beginner journalists to 3,000 (1,530 €) for the editor-in-chief. However, salaries vary greatly from one media outlet to the other, and even within a media outlet. Salaries in big private media outlets vary from several thousand marks for people of trust (or quality) to not being paid at all, usually in case of young journalists. It should be stressed, that the highest salaries for journalists in BiH are to be found in the local office of Al Jazeera in Sarajevo.

In Montenegro the total average salary of media employees or just journalists is unknown, as the national statistics do not keep that kind of records for print or electronic media at a national or regional level.

The average net salary at the state level ( for all the employees irrespective of their profession) was 476 euros for September. The answers show obvious drastic contrast among the salaries of journalists working for the same media.

The employees of the Public Broadcasting Service have an average salary of 445 euros, while the Radio has 62 journalists with indefinite term contracts with an average salary of 535 euro. The lowest salary is 485 euro, and the highest is 585 euro, but those salaries are not fixed and they can be raised in accordance with the stimulus norms. That media does not have any “honorarium employees”.

The salaries in the daily newspapers can vary between 250-400 and 900-1050 euros.

There is no official data about salaries in the Serbian media, too. According to the research “Profession at the crossroads – Journalism at the threshold of Information Society, “half of the surveyed have less than the average salary(€150 to €400). The average salary in Serbia is around €400, but the problem is not only the low level. Very often these salaries are not being paid up at all. One third of the surveyed said that their salary is delayed, for some of them even more than a year.

Official statistics in Albania do not say anything about the level of salaries. It is estimated that there are three levels of salaries for journalists, depending on their position, media, and location. The best paid journalists have an average salary of 550-600 USD, the second level reaches 450-500 USD, while the lowest level media pay their journalists an average of 300 USD per month. Another survey confirms this situation: 65% of journalists have a monthly salary of 400-700 USD. At the same time, there is a huge gap between Tirana-based media and the ones in the districts. The average salary of local journalists is 150-220 USD; they usually work for more than one media, in total informality. The union estimates that journalists in the districts make up 45% of the total number of journalists, indicating the urgent need to intervene in this area

In Macedonia the minimal salary paid in the state-owned sector is 150 euro. There is no legally fixed minimum salary level for the private sector, which directly affects the journalists.

## 2. Taxation / social insurance costs

Taxation and social insurance/healthcare costs depend on the local legislation and the way the labor legislation is implemented in the occasional media.

In BiH permanent employment contracts are burdened with around 70 percent of contributions and in that case employees have full health protection and service accrual. In FBiH for a temporary service contract the contribution rate reaches 18.6% and for a contract of authorship 17.6%; in the RS it was 10% for years and then increased in early 2014 to 28.5%. The employer assumes the obligation of paying contributions for all types of contracts and it is clear that it is more cost-effective for employers to keep staff on these two types of contracts. Some journalists also prefer to receive bigger pay and if they wish they can regulate their own health and pension insurance (as freelancers can do) rather than receive low salaries with a permanent employment contract. However, in our survey all respondents rejected that idea.

The interviews with journalists and the practice in Albania point to another disturbing trend: the missing years of social contribution payments. A 2012 survey showed that 65% of the journalists reported that the years they worked with a contract did not match the years they actually worked in the media. Recent events also indicated cases of fraud, where the contributions either have not been paid at all or have been paid for only part of the years. In addition, both the union and the journalists interviewed indicated a widespread trend: even if the social insurance is paid, it is based on the minimum wage, and not on the real wage, pointing again to the informality problem

Albania sees as an increasingly frequent problem in labor relations in the media the delay in salaries payment for media employees, mainly due to the difficult economic conditions of media outlets. According to the statistics that the trade union presented in October 2014, this was a widespread phenomenon for that year: 18 of 21 daily newspapers delayed payment of salaries for journalists; the same problem was true for 94 television stations and 97% of the radio stations. As a result of the

repeated delays in salary payment, often lasting more than four months, the union estimated that 176 journalists had been laid off or had changed jobs, unable to continue working without receiving a salary. The trends have significantly deteriorated compared to a year ago. In September 2013, the union stated that “in the last six months the salaries of journalists were delayed in 75% of the media outlets in the country for a period of two to six months.”

A big problem for the Macedonian journalists arises currently, according to the change in the Law on Personal Tax by which all individuals who have monthly income based on copyright agreements or agreements for intellectual service in amount more than the minimal state salary (9,590 Macedonian denars or around 150 euros per month) will have to pay an additional tax for social and pension insurance. So far the taxation, in general, has been 10% of the intellectual services despite the gross amount, but with the new amendments this is about to be increased up to 35% since the share for health and pension insurance is added.

### **3. Working conditions / overtime work**

The journalists' opinion regarding the overall working conditions and their relation with the feeling of comfort, and especially regarding the overtime work, differs from country to country.

The analysis in BiH has shown that the flexible working time, which requires a journalist to work as much as necessary to carry out an assignment, which is sometimes less and sometimes more than the prescribed time, does not seem to be problematic. Most respondents believe that working hours and over-time work are not a priority problem for journalists. Some said they have a fair relationship with the employer in this regard. In addition, most respondents believe that good working relations in the newsroom, which entail flexible working hours, mutual respect with the employer and with superiors and subordinates, pleasant working premises and good equipment can promote the working atmosphere and efficient work performance. Montenegro reports that it is not unusual for a journalist to work overtime without being additionally paid, not to be paid for the work during holidays etc. Salaries could often be cut without any explanation, warning or a disciplinary procedure. The unequal payment for equal work seems to disturb the guild there.

The Albanian journalists seem to have a problem with the work overload and working long hours without overtime payment. “This certainly affects the quality of our work, as working so many long hours leads to poorer reporting”, they said.

The Macedonian journalists complain of the uncertainty of their work in general. As there is no minimal monthly salary for journalists there are big discrepancies among the journalists' income depending on the type of the media they work for. The journalists' labor and professional rights are not adequately protected (e.g. labor contracts). The security of the work place is low, the journalists work in unsafe conditions without regulated agreements, labor rights and salaries, thus affecting the relations of dependency and concessions to employers and their political or business sponsors. As a direct consequence the journalists experience a high level of insecurity, with the last surveys showing that 77% have said that their employment is uncertain, and 33.7% of them have said that their employment is absolutely uncertain, while 43.3% think that their job is generally uncertain, which is a slightly high degree of uncertainty.

### **4. Possibilities for avoiding the official salary payment (through author contracts etc.)**

The “honorary” or “volunteer” work seems to be such an integral part of the journalistic profession and practice in the observed countries that cannot be avoided any more.

There is a joke, told by the researcher in Bosnia-Herzegovina saying that “if you want to be an eternal volunteer, go into media”. It probably comes from the fact that many young journalists in BiH media have been working for years as volunteers waiting to get an employment contract. They do receive a meal allowance and some other financial benefits that are not subject to full taxation, but it is obviously disgraceful that the media keep journalists for so long with promises of employment contracts.

Laws on volunteering have recently come into force in the BiH Federation and Republika Srpska. However, only the Law on Labor of the RS prescribes volunteer work. It is defined as a “relationship with the employer without concluding a work contract” because this time period is designed for gaining experience. Volunteer work may last for as long as the law prescribes the length of traineeship for a specific profession. The employer pays 35% of the minimal wage for every volunteer to the Employment Bureau, which covers the volunteer's insurance in case of injury at work or professional illness. Volunteers have full medical coverage, like all other unemployed people registered with the Employment Bureau.

According to the law, during this time the trainee receives 80% of the minimum wage, before taking the certification exam.



Media generally do not use this legal possibility, or they use it only for the staff in technical departments, but not for journalists. Probationary work is used more frequently. It may last up to three months. However, according to the Law on Labor of the RS, if the parties agree, it may be extended for another three months.

Montenegro has no data for the so-called “honorarium employees” who are employed under temporary service contracts in accordance with the Law on Obligations. Thus they work in the media as if they were regular employees, but they do not exercise any rights provided by Labor Law relations. The employer does not provide health insurance or pension benefits for those employees because they are not employed in accordance with the Labor Law, the Government does not get the relevant taxes paid and the employees live in constant fear that they will lose even that job. The number of those employees is unknown because they work in a gray area, but it is certain that almost all media, particularly private ones, employ people this way.

Their honorariums are not sufficient to satisfy fundamental human needs, let alone to pay taxes and their contributions. As they say, they are in a hopeless situation because employers can easily get rid of those who demand respect of their rights or insist on having their honorariums raised. Most of the correspondents from the northern and southern parts of Montenegro are employed in that way.

Avoiding taxes and contributions is frequent in Montenegro as well as engaging workers under fixed term or temporary service contracts for a long time in order to avoid indefinite term contracts. Flexible working time, because of which an employee always has to be available to his/her employer, is often abused thus exceeding the limit of 40 working hours a week. A joint opinion is that those problems are more serious in private media, but the media owned by local communities also have problems because their salaries are lower and there are significant delays in payment.

A part of the private media characteristically pay taxes and contributions only on the minimum allowable amount of earnings - € 192, while the remaining sum for salaries is paid to employees in cash to avoid paying taxes. All of the interviewed either faced some of these problems or were aware of someone else being faced with. None of the more than 20 people interviewed could come up with a positive example of a specific problem solved.

The most common type of contract used in Serbia is the regular work contract if one is employed full time. If not, there is the authors’ rights contract or service contract. It is not a type of contract that normally causes issues, or at least not to the parts stated in the contract, but everything that is practiced outside of it. Research from 2009 on labor rights among media professionals shows that 31% of employees received money for their work without paying taxes. Journalists are willing to sign for the minimum salary contract and receive the rest “under the table”.

With regard to labor practices, the Albanian journalists see as a major problem the fact that experienced journalists are replaced by students of journalism, who receive a lower salary.

In Macedonia, as it has been said, a huge number of journalists are working on a copyright-contract-basis.

## **5. Possibilities for self-sustainability for free lancers/social medias**

It seems that no one in the surveyed countries believes that the free-lancers activities or the work in social media, blogging and such kind of semi-journalistic engagements can replace the standard work for classical media outlets in terms of an income that would secure one’s sustainability.

Freelance journalists are mainly journalists who have lost their jobs in the media, but still try to stay in journalism. In Montenegro, for example, there are not fixed prices for articles/TV reports, so journalists cannot make a living from reporting as a sole source of income and it is uncertain if and when they would be engaged. The number of those journalists is also unknown.

Despite of two examples, reported by Serbia, which reveal bloggers that make obviously good profits from their independent work, the situation is the same in all countries.

The definite conclusion is that social media or on-line-journalism are no alternatives to the traditional media work. To live on such kind of job in this region is quite impossible.

## 6. Dismissals

The Work Regulations of the public-service RTV FBiH cite as many as 29 reasons for which an employee may be fired (or removed or transferred to another position). They regard various types of breaches and criminal actions, inflicting financial damage to the media outlet, damaging the reputation, disrespecting procedures, etc. However, there are two reasons here as well which solely concern media (the journalistic profession):

- ⇒ Conduct contrary to the rules of the programming and business policy and editorial guidelines of RTV FBiH, failure to abide by the codes, recommendations and decisions of the Communications Regulatory Agency and other international organizations;
- ⇒ Disseminating unverified information in programs, which results in distressing the public and impairing the reputation of and inflicting damage to the Public System of BiH;

Montenegro reports that the fluctuations in the occupation are frequent.

Albania does not seem to have a problem with that due to the informality in the labor relations in principle. However, it reveals an interesting legal case: if the employer chooses to terminate the work contract unexpectedly and for no justifiable reason, he/she has to pay one year's salary to the employee. If the employee has worked for more than three years, the employee should also receive an experience bonus.

Despite the legally enforced guarantees for the protection of the journalist's conscience, the high level of uncertainty of the Macedonian journalists in their work shows that the protection by the "words of law" is not sufficient if not supported and combined with other measures.

## 7. The role of the trade unions

In terms of employment conditions the Trade unions are the organizations that should take the primary burden and responsibility for protecting the employees and the working conditions in general. That applies to the media sphere as well.

The lack of organized professional defense of interests seems to be one of the key problems of the journalistic work in the five countries.

So, for a number of years after the war ('92-95) Bosnia-Herzegovina had as many as six journalist associations. The reason was the deep ethnic and political division reflecting in the sphere of journalism. Today there are four associations in BiH – Associations of Croat Journalists of BiH, the Union of Journalists of BiH, the Union of Journalists of RS and the Association BH Journalists. The last two of them are a little more active, especially the Association of BH Journalists, which has been receiving international support, which makes their operations possible. There might be seen as a problem that there is not a single trade union at the state level. At the entity level, there are the Trade Union of Media and Graphic Workers of the Republika Srpska and, in the BiH Federation, the Union of Publishing, Graphic and Media Workers of BiH. Media outlets with the most employees have their own trade unions. Public services have two – the Independent Trade Union of RTRS and the Independent Trade Union of Public Service Employees. Members of the latter are workers of RTVFBiH and RTVBiH, the two Sarajevo-based public services, but as these two media are highly independent, both in financial and program terms, sometimes even politically as well, it is becoming increasingly difficult to profile common interests in the trade union. Besides that, the efficiency of trade unions is questioned, and so is their credibility, and doubts are expressed regarding their independence from management structures in media

In Montenegro there are two branch trade unions. The Union of Informative, Graphics and Publishing Activity brings together mainly employees of the Public Broadcasting Service. It has more members, but it is more passive and does not appear in public. There is also the Trade Union of Media of Montenegro which was established a year and a half ago. It has fewer members and they are from various, mostly private media where they were not organized in trade unions before, as well as from local radio and TV broadcasters. This union is more active and has been given full membership in the International Federation of Journalists and the European Federation of Journalists. Both unions are qualified to hold social dialogue with employers at the level of companies that have trade unions established, as well as at the branch level, but that has not

happened yet. In Montenegro, there are no private media that have a collective agreement signed or that have negotiated one. Before going bankrupt, the daily Pobjeda had a collective agreement, as well as several local radio and TV broadcasters but they are not in force due to the process of transformation of those media

In Albania, both the state institutions and the media themselves have done little to improve the situation. While the Trade union tries to organize protests or arrange negotiations, its role is still weak. The union currently has 1013 members, but it mentions that the lack of organization and solidarity among journalists is a major obstacle, indicating the need of “a genuine rebellion of this community.” The lack of protests and the weak movement to enforce labor rights is also confirmed by journalists: “This is one of the communities that has the lowest degree of solidarity, among other things because of pressure from owners, political divisions, the lack of reaction and impunity [of those who exert pressure].”<sup>1</sup> Other journalists said that owners can threaten them with replacement if they demand better salaries or working conditions, which makes it difficult to fight for their rights and those of other colleagues.

Although the Macedonian labor legislation prescribes the collective contracts as a must, in the media sector they do not exist. There are two journalistic trade unions there, which are seen from the researchers in this country as bearers of hope if they become more aggressive in their action.

## IV. COLLATERAL IMPACT FACTORS

### ***1. Legal guarantees for protection of the intellectual property rights / judiciary practice***

It is obvious that the internet piracy becomes more and more a threat for the traditional media and hence a threat for the journalists and their employment conditions due to the fact that it affects directly the circulation figures of the printing press, and consequently the advertising revenues and so on.

Montenegro reports that the Law on Copyright and Related Rights does not mention the journalistic text as protected work of authorship, but it cites photos and audiovisual works and intellectual property, which pretty much complies with EU standards as noted in the Progress Report.

Media representatives claim that they do not protect intellectual property of the media in some special way, and litigation was necessary in only a few cases in which the prosecutors accepted the apology (Daily Vijesti) or lost cases because of procedural errors (TVVijesti). They argue that complaints can be brought due to plagiarism (portal Analitika). Daily Vijesti initiated proceedings over the unauthorized publication of their photographs, and they believe that the problem comes from the fact that the laws do not recognize the journalistic text as work of authorship.

Serbia seems to deal with this matter properly. Especially in the case of photographs misuse the judiciary has to be quite successful in solving these issues. The biggest problem seems to be the courts where cases stay from 12 up to 14 months.

### ***2. Impact of the new media***

The countries complain of the circulation drop of the print media due to the tremendous rise in media consumption over the Internet, via computers and mobile applications on telephones

Serbia mentions that the new media had a weak impact on labor markets, while the expectation to create new jobs did not become real. Their influence on the revenue level is also minor whereas it increased certain obligations for the journalists working in traditional media (such as multi-tasking). One good side of the new media is that it could be a good tool against censorship. A potentially troublesome aspect of the new media is that it implies mass production where quantity so often gives way to quality. Journalists have less and less time for researching more deeply into a story. The fact that six of the eight surveyed journalists asked for anonymity is relevant as far as media freedom is concerned; they do not feel free to express their views.

In Macedonia the starting of online-projects is seen as a way for journalists, who have left the regulated media market, to remain in the job; however, the income seems to be insufficient to make a living.

<sup>1</sup> Interview with an anonymous print journalist, Tirana.

### **3. State aid / direct or indirect subsidies for media**

One logical question is arising with due regard to the above mentioned facts: many media, on small markets, with dropping circulation – and that is: how can the media survive? In other words: how can the employment conditions of the journalists become better under such circumstances?

One of the possible answers is the massive state aid or the media subsidies from various public sources.

In Bosnia-Herzegovina along with international donors, some media receive donations from the local governments. The most generous donor is the Government of the Republika Srpska. According to documents obtained by the researchers, in the period between 2009 and 2012 the RS Government gave 14.5 million KM to media in the RS. As much as 3.9 million went to the private media, with most of the money going to media owned by Zeljko Kopanja – Nezavisne novine and Glas Srpske – more than two million KM. Analysts believe that it was aimed at buying media support and that the process of allocating these donations was not transparent. However, due to a budget deficit in the RS, such donations were reduced considerably in 2014. The FBiH Government passed a decision in 2013 on funding equipment for a digital studio for RTVFBiH, but the donation has not yet been implemented, which is also considered pressure on media.

In Montenegro Progress Report (published in October 2014) it is stated that „there are still concerns regarding possible state aid and funding allocated for advertising in print media in 2012, which was not in accordance to the rules about public procurement and could have jeopardized the competitiveness of the media“. Certain individual media owners also point to the problem. The data from the Ministry of Finances shows that the state authorities help media through state aid, by assuming debt and by paying compensations for broadcasting. So, in the years 2009 and 2010 the debt assumed for every electronic media toward Agency for Electronic Media, as well as the debt toward Radio-Diffuse Center amounted to 3.43 milion euros. The biggest financial state support was received by Pobjeda, which was supposed to be privatised ten years ago but because of the enourmous debts none was interested in buying it. So this year after it declared bankruptcy, the burden of five millions of bank guarantees and loans fell on the state, or in other words on the citizens of Montenegro, and only in 2010. 5,47 milion euros were paid from the state budget.

In Serbia state-owned media still exist, but the state must withdraw from nearly all media funding by July 2015. The state directly financed public services and the rest of state-owned media including the state news agency Tanjug, which receives some €2 million annually from the state. This undermines competition and jeopardizes the position of privately-owned news agencies Fonet and BETA. Also large amounts of money are being spent through various forms of subsidies and even through contracts with state institutions and companies for their advertising. This is how the state can control the media indirectly.

Public broadcasters will be financed from the budget until 2016 and after that they will receive money from a tax paid by the citizens. According to current data, 81 media outlets should be privatized and that will have to be done by July 1, 2015. Project financing will be introduced for those projects that promote the public interest.

### **4. Actions by the state/municipalities as advertisers; arbitrary allocation of state advertising**

Most of our respondents in Bosnia-Herzegovina believe that a combination of political and economic pressure is the biggest problem for journalists' freedom and even for their working conditions. Media are financially dependent on political centers of power and the advertisers connected with them. As a result, journalists are under a lot of pressure to be loyal to these actors and to practice self-censorship.

In Montenegro significantly greater disproportion is evident when it comes to state institutions and enterprises, which allocate the greatest part of their budget for the Public Broadcasting Service. Regional televisions also have their own “group of friends”, enterprises and companies which are advertising only on those televisions, no matter to the ratings in Montenegro”, it is stated from Television Vijesti.

In Albania apart from commercial advertising, the public funds have also been used to advertise in the media or to organize campaigns that have benefited media owners. Albanian legislation does not specify any provisions whatsoever on the state

support and funding of the media, not even in terms of protecting media pluralism or supporting minorities or specific communities. Nonetheless, speculations on unfair and non-transparent distribution of state advertising have been continuous. A recent independent investigation proved that most of the claims about unfair distribution of state advertising were true. The investigation showed that the state spent at least 780,000 Euro between June 2012 and the end of 2013 on TV advertising, with the bulk of this sum going to TV stations and agencies owned by or tied to one person, whose media provided favourable coverage to the government at the time. The publication of such data clearly reveals both the unfair awarding of advertisements for state institutions to the media close to the government and the lack of transparency in distributing these funds.

One particular problem has been identified in Albania and Montenegro – the Labor Inspectorates as factors that do not solve, but hinder the solving of the problems with employment conditions in the media.

In 2014 in Albania the inspectorate visited a few media, but did not check documents regarding labor contracts. The journalists share the same concern: “We are invisible for the institutions that deal with labor rights. Neither the Labor Inspectorate, nor the Social Insurance institution care, as they are afraid of the backlash they might face in media coverage, presenting it as pressure on freedom of expression.

The same phenomenon appears in Montenegro. Most of the interviewed believe the problems they face at work are systemic and that the Labor Inspection is in charge of their solving. They believe that there is no response from the Inspection due to its fear of the media and their possible revenge – if irregularities were found and penalties imposed, the Inspection could be placed in a negative context in future articles and TV reports.

In Macedonia the state is the number one advertiser for all the media. There is an interesting observation made there: it is not only a problem that the Government helps some of the media and not the others, according to the respondents in our survey. This is also a case with the companies which feel confident to advertise where the Government advertises; thus automatically creates problems for other media that are not close to the state.

## V. CONCLUSIONS

It is not surprising and it was the expectation of the researchers in this project, that the employment and working conditions in the five countries in the survey, would not be as good as somebody may wish. At the end of this survey it is surprising to conclude that that the situation is worse than expected.

The most problematic aspect detected in all the countries, regarding the main question on the working conditions for journalists, is the lack of money for the media. To be specific – insufficient money on the market for such a huge number of media outlets. According to the researcher team, there is a direct connection between the number of the media, operating on small media markets and the level of their economic sustainability, which leads to changing of the working conditions in every single mediaoutlet for the worse.

Taking the risk of too much generalization, the following common problems on the labor markets for journalists in the countries in the survey can be detected:

- Income/salaries of the journalists working with labor contracts are below the level of the average salary;
- fixed official salaries are on the base of the legally guaranteed minimum; additional payments “under the table” in an unregulated, not transparent and subjective way are common practice;
- broad use of “authorship”-contracts and honorary payments;
- avoidance in the last case from the social insurance payments and other taxes;
- employees are easily dismissed or at least there is the possibility for that.

As a consequence we are facing a huge level of insecurity among the journalists. It should be allowed to generalize that most of the journalists in the surveyed countries live in the atmosphere of permanent fear of losing their jobs and income. This fear obviously weakens the moral and leads to:

- self-censorship;
- readiness for making of compromises;

- readiness for subjugation on political pressure
- escapes from this pressure and running for audience by preferring amusement and tabloid contents;
- loss of the confidence from the audience;
- loss in the circulation and deeper financial crisis.

One collateral problem, which cannot be detected directly in this survey, because it is out of its scope, but can be logically extracted out of it, is that the fear the journalists feel spreads through their work in the audience and – to a certain extent – is one of the reasons for the frustration of the societies and the loss of confidence in the democratic foundations and politics.

Perhaps one of the reasons of that dark picture lies in the way of thinking about the media as “business as usual”. Regardless of all the legislative acts having their scope in the regulation of the media, stressing on their significant importance for the democratic society, the fact is that the states in this region (and this can be said not only for the five but for all other countries) in the beginning of the process of liberalization of the media markets failed to implement some useful tools. The media and the media workers were evaluated from the perspective of the individual rights and individual freedoms, but the media system has not been seen as a whole, with all its aspects and internally existing potential conflicts. None of the states seems to have understood and implemented the idea of an institutional guarantee for the free media. Maybe that is why at the beginning of the liberalization process the states failed to answer the following questions:

- how many print/broadcasting media can function on the respective market, so that each of them could be economically sustainable?
- how to guarantee the transparency of the media ownership?
- how to limit the concentrations in the media and the cross-ownership and to what extent? A sub-question arises from the practice: in which cases the allowance or prohibition of concentration is better for the market. And what should be the preconditions for allowing such concentration so that the audience has a benefit from it?
- How to enforce and guarantee the protection of the copyright with the aim to avoid the stealing of contents, which destroys again the financial basis for the serious media and opens the door for para-mediatic structures, mostly online?
- If the state has to play the role of advertiser, under which conditions can it do that? Can the state be an ordinary advertisement-market-player, who decides to put his advertisement or not on the basis of market shares, or circulation figures of the targeted media, or much worse – on subjective decisions?

In the attempt to protect the media from the state we are facing now a situation where the primary advertiser and supporter with other forms of aid in the media is the state. When it is not the state, then there are other subjects, some time with no clear origin and intentions. From this point of view it is, maybe not expected some ten years ago, but extremely logical nowadays, that the best working place one journalist in the region can dream of, is a place in one public-service-media. Despite the fact that this type of media suffers under the suspicion to be too close to the governments and therefore there shall be no freedom in it. It might be no paradox that the professionals have the feeling that public-service media in that region become more and more oases of freedom, including free speech, just like some private media.

In fact some countries in their new media legislations are obviously making some attempts to repair things; hopefully it is not too late.

It is right that more can be expected from the trade unions and the system of self-organization and self-protection of the media workers. But in a professional environment where everybody can become a journalist without having to meet any professional requirements, the pressure trade unions can use is of no considerable weight and strength. Paradoxically, the mass production of graduates from the journalistic faculties does not improve the situation.

The access to the European Union is seen by the project-researchers and the persons they interviewed as neutral to this topic. In other words, there are no expectations that the EU accession can improve the situation. The Macedonian report marks in its end the case of the WAZ-investment in the country, made in 2003 and terminated in 2012, citing a local journalist, saying: „*They adjust to the already established practice in the media... They accept the conditions here and do not respect the same principles (as in their country)*“.

On a positive note, no reports on discrimination based on religion or nationality were identified in the analyzed countries. Overtime



work seems to be no problem for most of the journalists surveyed; the colleagues seem to have fun in their job and are ready to be flexible beyond the formalistic rules.

## VI. RECOMMENDATIONS

There are a lot of recommendations to be made for advancing working conditions for journalists, which are in fact extracted out of the country reports. They actually express the wishes of the people surveyed. First of all there shall be noticed that every country in the report can show some good examples in terms of legislative or practical decisions, which can be useful for the others:

- the definition of “journalist” in the Law on Media of Macedonia and the protection of the journalistic conscience in the same law;
- the rules against media concentrations in the legislation of Montenegro
- the Serbian rules for ownership transparency
- even the Albanian solution of paying to the unreasonably dismissed employee serious compensation deserves attention.

While the states seem to play and will play more and more significant roles on the media markets, recommendations regarding their activity should be made, as they directly or indirectly influence the labor market and the journalists. First of all it is of crucial importance how the states act as advertisers in the media. What are the principles that guide the way states give advertising orders and spend money for advertisements in the media? It must be definitely clear, that in spite of the huge budgets in the European pre-accession funds for information campaigns, if there is no regulation and implementation of justified criteria, the EU-money can be easily used for “buying” obedience from the governments.

With due regard to the fact that some of the countries have started and others would start negotiation processes for joining the European Union, there is the right moment now to address some recommendations to the EU institutions – questions which could be considered as important, such as:

- elaboration and implementation of methodology for collecting reliable data about media and media business as part of the national statistics;
- implementation of institutional guarantees at the level of legislation for free distribution of media through all distribution channels under justified financial conditions;
- elaboration and implementation of criteria for granting state aid to private media, also criteria and principles for allocation of advertisements and other publications, paid by the governments, on fair and equal basis.

At the same time it should be stressed the danger of introducing governmental or European funds for stimulating the “quality journalism”. This will allow the governments or their agents to affect the media contents directly by deciding what is “quality” reporting and writing.

Other recommendations of no lower relevance could be:

- Additionally educate judges in matters related to media issues and work on strengthening legal security, reduce the influence of politics on judges in order to avoid unharmonized judgments in different parts of the country.
- Employ stronger inspection controls to eliminate journalists’ work off the books and place probationary work and volunteer work in legal frames. Insist that every employed journalist who works full time must have a full employment contract instead of a temporary service contract. Enable frequent checks to remove irregularities in the field of labor rights established by labor inspection.
- Work on strengthening the factors that will contribute to a better position of journalists on the labor market, as well as a better position of the media on the market. High school institutions should harmonize their student admission policies with the needs of the market in order to avoid further hyper-production of journalists.
- Restore the authority of journalist associations in terms of their focus on media and journalists in relation to media freedom, legal protection and strengthening solidarity. It is necessary in this regard to develop common activities of numerous associations in advocating for solutions to priority problems in the area of journalists’ labor rights.
- Ensure the independence of trade union from politics and management structures of media. Restore trust in trade unions by stepping up trade union activities in the field of labor protection of journalists.

In two words: there is just a lot of work to do.

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# ACKNOWLEDGEMENTS

**The regional report is based on the country reports produced from June 2014 to March 2015.**

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**On behalf of the Center for Independent Journalism in Bucharest, we would like to thank the following partners for their support and cooperation:**

Albanian Media Institute, Mediacenter for Media and Civil Society Development - BiH, Media Initiatives – Association for Media Development and Promotion of Professional Journalism (BiH), Macedonian Institute for Media (Macedonia), Montenegro Media Institute (Montenegro), Media Center (Serbia), Media and Reform Centre Nis (Serbia), Media Development Center (Bulgaria).

# South-East European Partnership for Media Development

