

Second Media Consultation Dialogue

Conclusions and Recommendations

The Second Media Consultation Dialogue, “Media regulatory bodies – between theory and practice”, was held on 24 February 2021 and brought together 20 practitioners from Serbia and Kosovo, including journalists, editors, media lawyers, civil society activists, as well as representatives of regulatory and self-regulatory bodies. Discussions addressed the following questions:

- The *Public interest* in the media sphere should be seen as a set of preconditions which would place the media firmly in the service of citizens. Currently this is challenged by the fact that political structures in Kosovo and Serbia have a dominant role in selecting members of the respective electronic media regulatory bodies: the Komisioni i Pavarur i Mediave (KPM) in Kosovo and the Regulatorno Telo za Elektronske medije (REM) in Serbia. The process for selecting members is not well-adapted for media professionals and the regulatory bodies’ members often have no connection with the media. Discussions stressed that in order to ensure a layer of control that upholds the public interest, parliamentary decisions should be made on the basis of overall concern for the media environment and not on the basis of the political interests of dominant parliamentary parties. This requires a selection process with an increased focus on transparency and greater involvement of professional media bodies and associations. Strengthening the role of the public in the selection of members of the regulatory bodies, in the work of the regulators as whole, and in preventing political and any other kinds of pressure on the regulatory bodies is crucial for their independence. A greater engagement of professional journalists’ and media associations would also contribute towards a greater respect for the public interest.
- In Kosovo, members of the KPM are allocated a two- three- or four-year mandate by lots. This is seen as a weakness that allows space for political pressure and does not necessarily allow the most qualified and independent members to remain in place. A five-year term for all members for would allow the Commission to be more resilient. In Serbia, discussions touched on the weakness inherent in a legal framework for the functioning of the REM not having been completed and made compatible with its work. Notably the Statute of REM has still not been brought in line with the Law on Electronic Media, which was adopted as far back as 2014. This should be addressed as a matter of urgency.
- The work of the regulatory bodies is barely visible to the citizens of Kosovo and Serbia and most of their decisions appear to have been reached behind closed doors. Greater transparency and visibility in the work of regulatory bodies would boost public interest and also the confidence of the public in these bodies. The bodies in both countries should look at ways to pro-actively communicate with the general public in order to give a greater understanding of their work and build confidence towards their working practices.
- There is a lack of consistency in decisions and sanctions that the regulatory bodies issue further to complaints about electronic media. The sanctioning of media as a measure taken by the regulatory bodies needs to be standardised so that it is not seen as ad hoc or random.

- The financing of the two regulatory bodies is open to being hostage to either the goodwill of the government or dependent on the goodwill of its members. In Kosovo the body is funded by a government grant, while in Serbia its work is supported by a subscription/membership fee by electronic media outlets. The financing of the regulatory bodies should be stable and independent of political or economic influence.
- In Serbia, REM did not monitor electronic media in the 2020 pre-election period in line with the guidelines of the Venice Commission and OSCE's Office for Democratic Institutions and Human Rights. This is evidenced by its silence on uneven treatment of political parties. Monitoring by an independent watchdog found that the parties in power were treated much more favourably than the opposition and that the opposition was barely visible and largely framed in a negative context by all electronic media that have a nationwide broadcasting licence. Media coverage of electoral campaigns must be closely monitored by the regulatory bodies, which should adhere to well-recognised standards.
- There is no clear and efficient control over the regulatory bodies which would ensure their legally binding independence. The introduction of an effective method for providing oversight to the work of regulators, whilst not compromising their independence, could guarantee the necessary control. In addition, room could be made for administrative courts to play a role in the appeals processes against the decisions of regulatory bodies.
- Regulatory bodies do not sufficiently monitor and evaluate if broadcasters are functioning in line with the conditions and programming defined in the broadcasting licence they applied for. An egregious example is of a television broadcaster on a children's licence carrying content that is plainly not targeted at or appropriate for children. Regulatory bodies should, as a matter of course, monitor the implementation of programming plans and be prepared to withdraw licences if these are not adhered to.
- The work of self-regulatory bodies for print and (partly) online media was evaluated as significantly better than the work of the electronic regulatory bodies. The Press Councils both in Kosovo and Serbia meet on a regular basis and make all their decisions public. Both organisations lack more stable financing, which would enable them to be more effective in their work. The media who fall under the jurisdiction of the Press Councils should ensure that the decisions of the councils are fully implemented and appropriate lessons from the councils' rulings are learnt and implemented.

MEDIA CONSULTATION DIALOGUE 2 - PARTICIPANTS

#	NAME AND SURNAME	POSITION
1	Andjelka Ćup	Editor-in-Chief at the Gračanica Online portal: gracanicaonline.com
2	Ardita Zejnullahu	Executive Director at the Association of Independent Media of Kosovo – AMPEK
3	Besnik Boletini	Investigative Journalist
4	Flutura Kusari	Lawyer specialised in the media work
5	Gazmend Syla	Director of Information at the Private national TV "Klan Kosova"
6	Gordana Novaković	Secretary General of the Press Council in Serbia
7	Luan Latifi	Director at Kosovo's Independent Media Commission
8	Miloš Stojković	Lawyer specialised in the media work
9	Nenad Milenkovic	Director at local Radio and Television "Puls"
10	Nenad Radosavljevic	Director at local Radio and Television "Mir"
11	Serbeze Haxhijaj	News Editor at the Public Broadcaster - RTK (Radio Television of Kosovo)
12	Slobodan Cvejić	Former member of the Council of the Regulatory Body for Electronic Media (REM) in Serbia
13	Tamara Skrozza	Journalist and Member of the Press Council's Press Complaints' Commission (Self-regulatory body for print in Serbia)
14	Violeta Hyseni	Independent Media Commission Member in Kosovo
15	Khavit Husaj	Director at local Radio Station "Peja"
16	Željko Bodrožić	Chairman at the Independent Association of Journalists of Serbia (NUNS)
17	Zoran Gavrilović	Executive Director of BIRODI (Bureau for Social Research)