

Media in South East Europe and their dealing with the past

AT THE INVITATION OF KAS AND "ARTICLE 10 ECHR TASK FORCE", EXPERTS HIGHLIGHT THE ROLE OF THE MEDIA IN PROCESSING OF THE POLITICAL PAST

For the seventh time the KAS Media Program South East Europe invited professionals to exchange knowledge on current tendencies in media law and self-regulation. This years' meeting took place in Tirana from 19th to 21th of October. 15 experts from Albania, Bosnia and Herzegovina, Bulgaria, Germany, Macedonia, Moldova and Serbia reported about whether or not media come critically to terms with the recent past. Moreover, the participants debated with Albanian media representatives and young journalists in a public panel discussion.

Media are guardians of democracy. To ensure that they don't risk losing society's trust, media need to act responsibly and deal with the past transparently. With this statement **Prof. Dr. Johannes Weberling**, Head of the Department of Media Law, Viadrina European University, opened the seminar. In many parts within South East Europe there is still no broad consensus on the assessment of the communist regime, said **Christian Spahr**, director of the KAS Media Program South East Europe. Information is missing in textbooks and in addition to that there are hardly any public initiatives for reconditioning to be found. Spahr emphasised that dealing with the past is an essential part of the democratisation process.

The participants of the working group set their focus on the following topics: How are the media dealing with their own past?

Which agreements concerning self-regulation are applied on reporting about the past? Which legal basis is implemented in the region?

The burden of communist times is still present and it's necessary to discuss this openly, explained **Dr. Jonila Godole**, director of the Institute for Democracy, Media & Culture (IDMC) in Tirana. How come the system remained unchanged for 45 years and how critically could journalists report at that time? Such questions generate vivid interest, also among the younger generation, mentioned Godole.

Experts report on the media situation in their countries

Experts assume that many secret service files were destroyed in order to veil certain actors' past. This is not just the case in Bulgaria, but happened in the whole region, said **Alexander Kashumov**, head of the legal department of the NGO "Access to Information Programme", based in Sofia. The complete disclosure of the files is of great importance for the objective reporting of journalists. However, the tendency of using the lustration for damaging the reputation of political opponents can be observed. As a consequence the publication of files lacks credibility, added **Dragan Sekulovski**, managing director of the Association of Journalists in Macedonia.

The panel discussion in Tirana was opened on 20 October 2015 by the director of the Media Program South East Europe, Christian

Konrad-Adenauer-Stiftung

MEDIA PROGRAM
SOUTH EAST EUROPE
DOBRINA TRIFONOVA

October 2015

www.kas.de/medien-europa/en

Spahr. "Only if the media is willing to embrace their task of making the past more transparent, we'll be able to build a real democracy", explained Spahr. In his keynote Prof. Dr. Weberling brought up the process of coming to terms with Germany's past after its reunification. He described the legal situation in Germany, inter alia the handling with Stasi files and pointed out the responsibility "to mediate the fundamental difference between dictatorship and democracy to future generations."

On the Balkans, pessimism can still be sensed regarding this topic. "Yet, politicians with dark past are in power and even after the end of the communist era practising journalism is a dangerous occupation", clarified **Ljiljana Zurovac**, director of the Press Council in Bosnia-Herzegovina. For journalists it is a great challenge to proceed writing ethically and conscientiously under pressure, commented a young reporter from the audience. In this context, the work of press councils and NGOs, which stand up for the rights and high quality training of journalists, plays a crucial role.

Recommendations for journalists, press councils and NGOs

Based on their debate, the experts drafted practical recommendations, which can be helpful for self-regulation and for questions concerning coming to terms with the past in South East Europe from a legal point of view. One part of the group dealt with the legal challenges in the region and the compliance with the European Convention on Human Rights (ECHR). These are their conclusions:

- A **legal basis** for the disclosure of files from communist secret services must exist on a national level so that everyone is granted free access to this information.
- Journalists must review the **authenticity of secret services files** before making them accessible to the public.
- An **external monitoring** on part of the European Convention on Human Rights (ECHR) can positively influence protection of human rights in the

region. In many cases the ECHR already ruled on the disclosure of state archives for the benefit of journalists and academics.

- To counteract **interdependence** between politics and media, media ownership by high-ranking politicians should be prohibited.

The focus of a second working group was set on recommendations for journalists and institutions on the issue of self-regulation. The experts made the following recommendations:

- Avoiding and working against **discriminatory language**. Furthermore, it was recommended to define "hate speech" precisely within the national legislation in order to establish a clear legal fundament.
- Organising **public campaigns against hate speech** and discrimination as well as following professional and ethical standards.
- Acting professionally in context of the past and **tackle sensational journalism**: review facts and sources carefully, respect confidentiality of witnesses during ongoing trials.
- **Offering professional training**: press councils and NGOs can advert to the rights and obligations of journalists.

„We should talk about the past with a vision. Eventually, dealing with the past helps us to better shape the future“, noted Jonila Godole. Only on the basis of a transparent depiction of the past and an open discussion about it, the democratic thinking in the region can be strengthened, summarised Christian Spahr.

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