

June 2020

Media Programme South East Europe



Online Round Table: Media Law Developments during the Corona Crisis

A long-standing cooperation brings together the KAS Media Programme South East Europe and the EMRK working group named after Article 10 of the European Convention on Human Rights. Regional exchange (this time in digital form) with experts from Albania, Bosnia-Herzegovina, Bulgaria, Germany, Hungary, Kosovo, Montenegro, the Republic of Moldova, North Macedonia and Serbia took place on the 11th of June. Current developments of the media law were discussed during the session.

Dobrina Trifonova

Hendrik Sittig, Head of the KAS Media Programme South East Europe, welcomed the participants and emphasised the exceptional circumstances that seem to intensify the democratic deficits in the region: “The situation is

worsened by the lack of awareness for quality journalism, by media often driven by interests and sensationalism as well as by the relatively low trust in journalistic reporting and insufficient level of media literacy.”

The infodemic of fake news and self-censorship

During the Corona crisis there were several tendencies to be observed. One of them was the increasing self-censorship which emerged due to the restrictive legislation. The disproportionately high fines and imprisonments led to intimidation of both journalists and the public. A balanced reporting was thus hindered and the distrust in media grew even more. Another tendency was the massive confrontation with fake news. During the crisis online media served as a main information source in the majority of the countries in the region. The increased consumption of online news rose the risk for the users to consider unchecked information (including different conspiracy theories) as true. "People are suffering from lack of reliable information and that is what we need more than anything at this time", said **Dr. Brikena Kasmi**, attorney at law and academic on media law at the University of Tirana. However, draft laws were submitted to fight disinformation and fake news "on paper", but in reality envisaged restrictions for independent media struggling all the more to survive the crisis time. Civil society, media and NGOs didn't stay indifferent and reacted fast. In Bulgaria for example a legislative proposal for the amendment of the media law, that foresaw closing of websites and imprisonment up to three years for spreading fake news, as well as an amendment of the law on protection of personal data, were rejected.

Support for the media and engagement of the society

The important role of the civil society, NGOs and journalistic associations was underlined by **Nadine Gogu**, Director of the Independent Journalism Center (IJC) in the Republic of Moldova. During the Corona crisis the journalists were confronted with the decision to quote official statements (e.g. from the government) only, that could lead to extremely one-sided reporting. This decision was withdrawn due to the high public pressure though. There are still ongoing efforts to repeal the extended term for access of information from state institutions (from 15 to 45 days). "We have learned to be more solidary and react faster whenever

needed in order to protect journalists' rights", commented Gogu.

Prof. Johannes Weberling, Head of the Department of Media Law at the Viadrina European University in Frankfurt (Oder), spoke about the current situation in Germany. Even in times of crisis experts are working on the amendment of the State Broadcasting Treaty. Media were considered as "critical infrastructure", i.e. their failure would result in dramatic consequences for the society. For employees with systemically relevant occupations the state provided inter alia child care during the lockdown. Further regulations were adopted, for instance transition to flexible working hours for employees in the media sector. In almost all federal states media was categorised as systematically relevant.



Prof. Weberling presented the legal challenges for the media coverage in Germany during the Corona crisis. Source: KAS MP SEE

Also in the Balkans there were several measures taken in order to provide financial support to journalists and media houses. In Montenegro the print media are provided with additional funds. In North Macedonia the social security expenses of journalists and employees in the media sector will be 100 percent covered by the state. **Dragan Sekulovski**, Executive Director of the Association of Journalists of Macedonia, informed the group about this current legal order.

Political instability and law breaches

The media situation in certain countries in the region is even more complex for political reasons. Kosovo has a new prime minister since few days only, in North Macedonia and Serbia elections are approaching in the summer. Considering this, some decisions could be scrutinised, e.g. giving the ruling party more media

exposure or ensuring generous financial relief shortly before the election period. Last but not least, particular cases in the region should be mentioned that either violated basic rights of the citizens or endangered journalists. One of those is the detention of a Serbian journalist with the accusation of panic spreading and the physical attack of journalists from Kosovo (North Mitrovica) during their coverage of the COVID-19-situation.



Hyrije Mehmeti (Kosovo Law Institute) gave an overview about the media law situation in her country.

Source: KAS MP SEE

Breaches of data protection rights were identified on an online portal in Kosovo, where personal data of people under quarantine were published, and in Montenegro, where same act was committed by the government and shortly after was remedied due to massive criticism.

To stay vigilant, engaged and search for good models in order to overcome the Corona situation. These were the messages of the media law experts. They wished for more transparency and well-considered legislation in the region. The KAS Media Programme will offer further possibilities for exchange with the EMRK working group and will tackle media law topics in the future.

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