

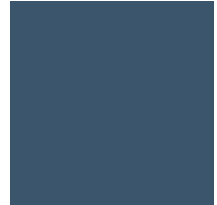
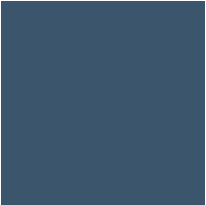


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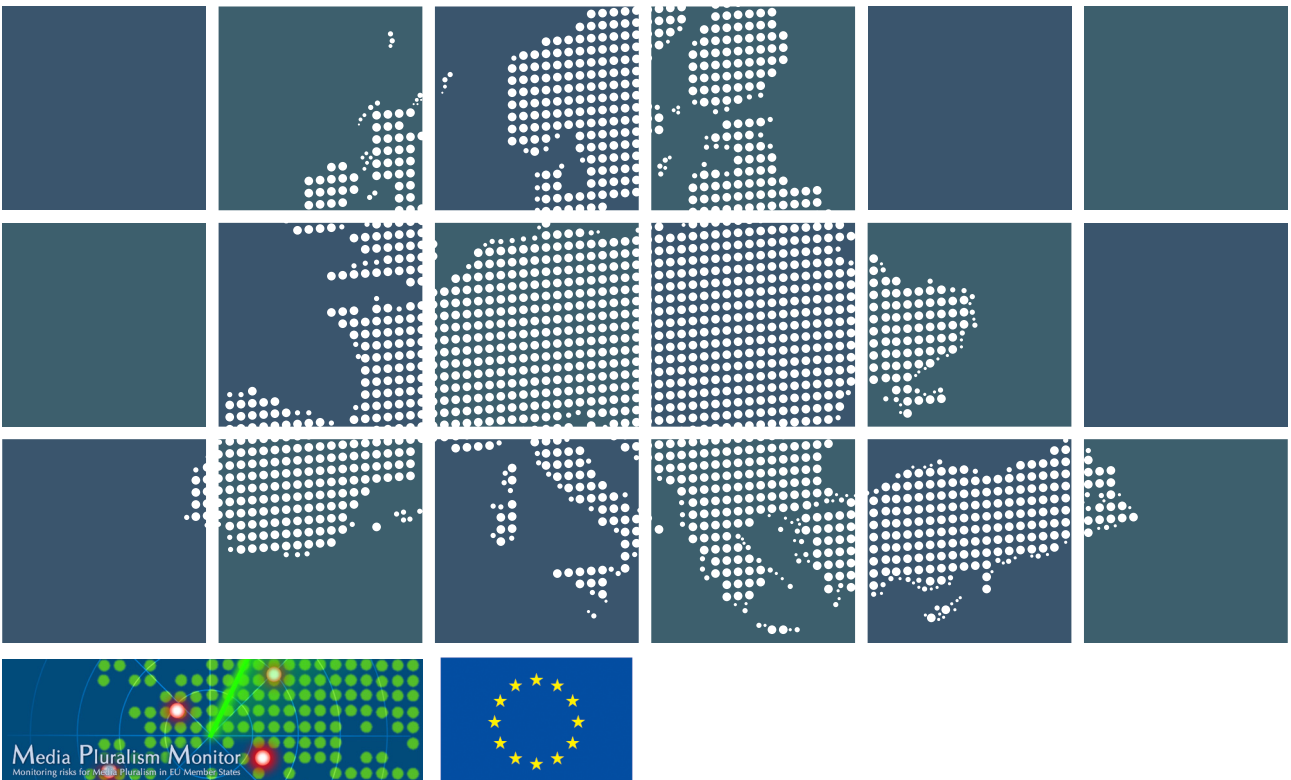
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# Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

## Country Report: Romania

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# 1. ABOUT THE PROJECT

## 1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

## 1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and December 2017.

In Romania, the CMPF partnered with Median Research Centre, who conducted the data collection and annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

To gather the voices of multiple stakeholders, the Romanian team organized a stakeholder meeting on the 25th of April 2017 in Bucharest within the Less Hate More Speech project. Summary of this meeting and more detailed explanations are given in the Annexe III.

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Figure 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk. For more information on MPM methodology, see the CMPF report “Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey”, <http://cadmus.eui.eu/handle/1814/46786>



**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with MPM2016 ones. For more details, see the CMPF report on MPM2017, soon available on <http://cmpf.eui.eu/media-pluralism-monitor/>

## 2. INTRODUCTION

A European Union member since 2007, Romania has one of the fastest growing economies in the Union - 4.9% increase of GDP in 2016, a new peak after the financial crisis (European Commission 2017), but its population of approximately 20 million (INS 2011) sees its wealth stagnating for the past 4 years (Timu 2018). Furthermore, while the country has seen some progress in poverty reduction, its income inequality rates are one of the highest in the EU (European Commission 2017). Low quality of education, high early school drop-out rates and general shrinkage of the labour force including through migration lead to poor human resources, positioning Romania in the 3rd place of a global top of countries faced with talent shortage (Budescu 2017).

The political context of the country - high polarization, low institutional efficiency, low bureaucratic capacity, high political and social intolerance (Bodea & Popescu 2017) coupled with low levels of interpersonal trust, make Romania a fertile playground for important challenges in the media market.

TV remains the main player in the Romanian media market in terms of consumption and reach, share of advertising attracted and trust of the audience as opposed to print media and despite growth in Internet:

- 318.1 minutes of TV consumption on average per individual compared to 284.2 for radio or 321.3 for Internet, in 2017 (Media Consumption Forecast 2016);
- 65% of ad-spend share for TV compared to 18% for Internet, 6% for radio and 3% for print out of an estimated 403 million euro in advertising, for the Romanian media market (Media Fact Book, 2017), in spite of constant rise of total advertising expenditure of 23% between 2012 and 2016 (World Press Trends 2017);
- Romania is among the European countries in which people tend to trust TV and radio as opposed to written press (EBU, 2017).

Even within this context of TV dominance, the Public Service Media (PSM) in Romania has a poor standing. It has the highest risk indicator in what concerns its political independence (92%) out of all indicators in this year's edition on Romania. This was possible due to a feeble media market, which has high risk in terms of viability (83%), leaving media companies (private or public) in general vulnerable to external and internal influences.

This is especially true for print operations, so long as their businesses are not healthy and revenue alternatives, beyond selling eyeballs to advertisers and copy sales, are yet to prove their worth (not for profit income, donations, events, marketing and services etc.). At the beginning of 2017, the only 8 national dailies left were selling together less than 180,000 copies/day on average (SNA 2017), in a downward trend that will likely continue in the next years. Even in 2008, a really good year for print, Romania (91.5 copies per 1000 adults) had a far lower average circulation per adult population than countries like Hungary (165.5), Italy (188.8) or Spain (214.5) (World Press Trends 2013, 2016, 2017).

Internet, despite a growing number of users (+27% between 2012-2016, according to World Press Trends 2017), continuous spread of broadband access (+26% between 2012 and 2016 according to the same source) and rise in advertising attracted - in Romania, in 2015, Google and Facebook took 56% of the digital advertising sales' total net of 57 million euros (Media Fact Book 2016) - still has the lowest levels of daily usage in the whole EU (Eurobarometer 86).

Although no major changes took place in the media market from the previous report (Popescu, Mihai & Marincea 2016), trends do signal a deterioration, polarization and politicization of mainstream media.



### 3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM

In 2017, Romania registers high risks on all 5 indicators of market plurality (in part due to changes in measurement, but also degrading market conditions) and on PSM, with particularly serious concerns regarding political independence, which is similar to the trends observed in the previous edition of the MPM for the country.

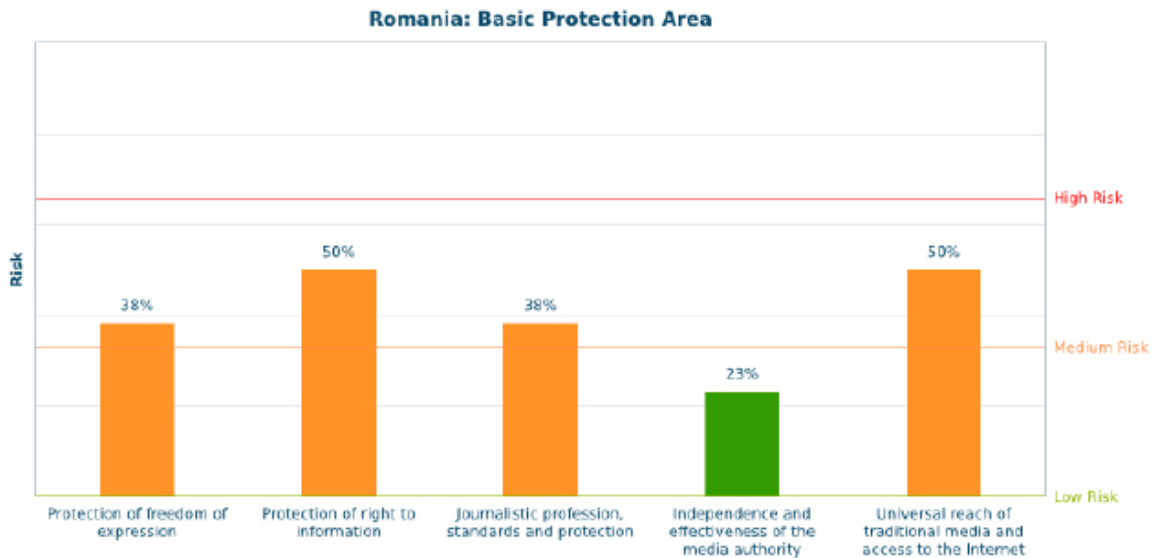
Regarding the market plurality area, the media viability indicator poses the highest risk (83%) underlining the fundamental problems of the media market, which are exacerbated by the global challenges to 'old' media business funding models, leaving it even more vulnerable to inside and outside factors. Pressures from the ownership and the commercial side, i.e. the organisation to be profitable, as well as political ones take a toll on media companies.

Given the country context presented in the introduction, the change of funding for the PSM in Romania at the beginning of 2017 (the public funding is now coming straight from the state budget and the licence fee was repealed) as well as the continuous systemic problems of the PSM dating back more than a decade (specifically the arbitrary nature of dismissals and of parliamentary oversight), its independence was assessed as posing the highest risk from all indicators in this report.



### 3.1 BASIC PROTECTION (31% - LOW RISK)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector; and the reach of traditional media and access to the Internet.



Romanian media face challenges to the foundations of the journalistic profession. The previous MPM report showed that these challenges are common to media systems embodying characteristics of a Polarized Pluralist Model like Greece and Spain (Hallin & Mancini 2004, 2017), Poland, Hungary or Bulgaria (see Hallin & Mancini 2012, Herrero et al. 2017, Popescu et al. 2012). The 2016 report highlighted that the main risks in this area have to do with the Journalistic profession, standards and protection. These were rated as being at 46%, meaning medium risk, and in 2017 they are at 38% (still medium risk). The drop from 46% to 38% is mainly caused by measurement changes rather than by legal or de facto ones, the 2017 monitor adding sub-indicators concerning arrests, imprisonments and killings of journalists. Most of the struggles that the Romanian media are facing come from the socio-economic precariousness associated with the profession and the lack of safeguards for editorial independence and professional norms (see Popescu, Mihai & Marincea 2016), which maintain an under-performing, low-independence journalism.

The area Protection of the right to information has also been updated in 2017 to cover the protection of whistleblowers, which has raised Romania's risk from low (25% in 2016) to medium (50% in 2017). The legal shortcomings and a faulty implementation of the regulatory safeguards discourage potential whistleblowers from revealing wrongdoings or leave them vulnerable to sanctions like losing their jobs, being intimidated or harassed. The law has been active for the past 13 years, but is still not well known, and only applies to employees in the public sector, who are often afraid to expose problems even when they are familiar with the legal protections. A recent case from 2016 involved journalists from the public radio, who exposed a public campaign run by the management against a parliamentary initiative aimed to change the procedure of electing the PSM board, which allegedly was against the interests of the radio management at that time (Hotnews 5 April 2016). While the campaign was sanctioned by the National Audiovisual Council (CNA), the radio management initiated a disciplinary investigation against the three whistleblowers, being criticized for trying to intimidate and censor the journalists (Pagina de Media 11 May 2016), who were later exonerated (Pagina de Media 23 November 2016).

There are still issues regarding access to public information despite this right being legally recognized since 2001 with clearly defined restrictions and appeal mechanisms. Not many of the cases where public administration representatives arbitrarily restrict or deny access or create obstacles in obtaining the information become public, which makes it hard to estimate the real level of access or lack thereof. One could argue that the situation has improved over time, partly due to pressure from journalists and civil society organizations who showed the obstacles they faced in obtaining information from different institutions. Some have resorted to the court system, suing these institutions to get the



desired information, which in some cases proved successful, though it also required a lot of time and resources<sup>1</sup>. The most common practice is to avoid making public important information, while still formally respecting the law, like giving vague, general or standard answers, partial information etc.

Some risks are found in the area of Protection of freedom of expression (38% - medium risk). In 2017 there were some incidents where public officers abused their power, especially at the local level, in an attempt to limit freedom of expression. Some citizens were fined for criticizing local authorities or local police officers on Facebook, while others who participated in the anti-government protests in spring 2017 complained that public authorities tried to intimidate them through financial, administrative or other types of controls (ActiveWatch 2017). Apart from additional cases that fail to become public, the balance between freedom of expression and the protection of dignity remains a concern as it often proves hard to draw a clear line between the two.

Universal reach of traditional media and access to the internet (50% - medium risk) is still lower than in other EU countries: 97% of the population has signal for all public TV channels, 98% for radio stations and 80.9% has broadband coverage.

Despite being assessed as low risk, the independence and effectiveness of media authority (23%) still raises concerns regarding both dimensions (MPM 2016, IREX 2017, ActiveWatch 2017). At the end of 2016, CNA was heavily criticized for its inactivity that was due to internal conflicts which led to a lack of quorum at the Council meetings and institutional blockages.<sup>2</sup> As a result, 1,640 complaints from viewers were prescribed (Pagina de Media 4 November 2016). The lack of quorum continued during the parliamentary elections campaign in November-December 2016, when CNA held only 4 out of the 9 meetings that were programmed, and either failed to address complaints about violations of the audiovisual legislation, or adopted late and rather mild sanctioning measures<sup>3</sup> (ActiveWatch 2017, Adevarul 13 December 2016). The problems continued in the first months of 2017, when CNA was again criticized, including by one of its members (Pagina de Media 23 January 2017) for failing to take effective action against the breaches of ethical and professional norms in mainstream media covering the anti-governmental protests<sup>4</sup>, due to lack of quorum (Pagina de Media, 9 February 2017, 22 February 2017, 20 March 2017, 22 March 2017) or of reaching a consensus (Pagina de Media 28 February 2017, 2 March 2017).

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1 One such example is that of journalist Emilia Șercan, who requested information from different institutions as part of her long-term investigation into academic dishonesty/plagiarizing of doctoral theses by public officials. In many cases, she received no answer and proceeded to sue these institutions in court, winning some of the trials (Hotnews 27 May 2017). Similarly, APADOR-CH, an NGO fighting for the protection of human rights in Romania, sued in 2016 the Romanian Institute for Human Rights (IRDO), a public institution, for refusing to give access to publicly relevant information about its budget, activity and management. IRDO gave access to the solicited information in 2018, after almost two years of trial and two court decisions forcing the institution to respect the law (Apador-CH 22 January 2018, 22 May 2017).

2 Conflicts inside CNA surfaced with the start of the criminal investigation on the CNA President, Laura Georgescu, for abuse of power. In 2017, Laura Georgescu was still President, despite the investigation, which, according to another CNA member – Dorina Rusu, is a reason for the institutional blockages, and for the erosion of the institution's credibility (Pagina de Media, 23 January 2017). The divisions among the CNA members were evident at one of the first Council meetings of 2017, when Laura Georgescu was supposed to lead the meeting and Dorina Rusu asked for her resignation, arguing that her being under investigation is affecting the functioning and image of the institution (Pagina de Media 1 February 2017).

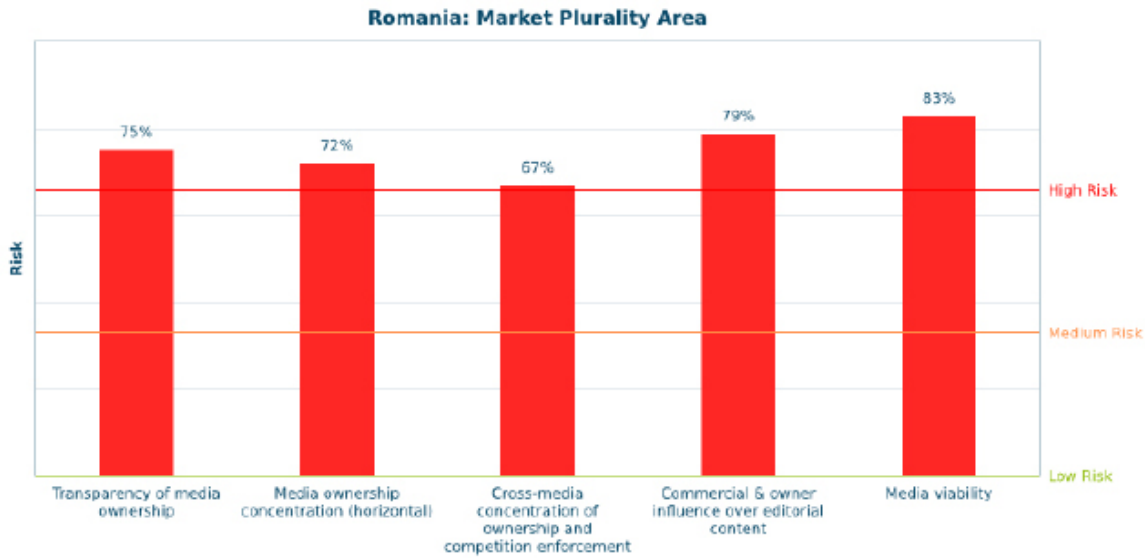
3 2 days before the elections, CNA fined Romania TV with 30.000 de lei (around 6,500 EUR) for broadcasting a video of an alleged member of Anonymous who claimed that the Colectiv fire was caused by arson, promoting a conspiracy theory according to which George Soros was responsible for the tragedy.

4 România TV and Antena 3 TV channels led a disinformation campaign, calling the protests a “coup d’etat” and elaborating conspiracy theories regarding the protests and participants: allegations that the protesters were paid by George Soros or forced to attend by multinational corporations, that they were manipulated by the Secret Services (SRI) or that a fire that took place at the time at the Bamboo night club - as well as the more famous Colectiv fire - had been caused by arson and were associated with the alleged coup d’etat, while also accusing president Iohannis of high treason for going to the protests (Wall-street.ro 16 February 2017, Pagina de Media 22 January 2017).



### 3.2 MARKET PLURALITY (75% HIGH RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media owners and advertisers, influence editorial decision-making.



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In 2017 the Market plurality area turned out to pose the most challenges, all indicators being evaluated at high risk.<sup>5</sup> This highlights a series of reinforcing negative factors which also extend their consequences on other areas like political independence and the protection of basic media principles. Most of these problems come from the low Viability of the media market (83% - high risk), a result of a high dependence on advertising revenues and of a lack of alternative sources of funding or business models, coupled with a public that is not accustomed to paying for media content. Romanian mass media rely almost entirely on advertising revenue, which, despite constantly growing since 2012, is very unequally distributed across media channels. Television gets most of the money (65%), followed by the web (18%), while radio gets only 6% and print even less – 3% (Media Fact Book 2017). On the positive side, 2017 has seen an increase in online advertising, but this is far from enough to cover the financial needs of the market, especially to offset the lost analogue dollars in print media.

There are very few alternative revenue sources, especially for newspapers, who struggle the most (both in print and online - a market where Google and Facebook take 56% of advertising sale, according to Media Fact Book 2016). They are the least preferred channel for news consumption, behind radio<sup>6</sup>, which is why paid subscriptions and paywalls are not a feasible option for most newspapers. Some attempts were made by specialized papers like Gazeta Sporturilor

<sup>5</sup> In MPM 2016, the subindicators Media viability and Transparency of media ownership were assessed as medium and low risk. The change in 2017 is due to some changes in operationalization and measurement consisting in the introduction or removal of questions or changes in the ratings for the same questions.

<sup>6</sup> According to Eurobarometer 86, In 2016, Romania was fourth in EU in terms of TV consumption (after Portugal, Bulgaria and Italy), with 87% of people watching TV every day and another 11% a few times a week. It was also last in the EU on radio consumption – 24% listen to the radio daily, 33% few times a week. Even fewer read print press (9% daily, 29% few times a week – third last in EU) (EB 86).





(sports newspaper - charges for the digital version of the printed newspaper) or Ziarul Financiar (financial newspaper - has some articles behind paywall), and online there are some freelance investigative journalism initiatives that manage to sustain themselves through crowd-funding, donations and grants<sup>7</sup>. However, these efforts remain an exception and are not the answer to the larger financial problems of the media market. In addition, regulatory incentives are entirely missing. The state does not offer subsidies to media organizations (except for PSM), but print media has a reduced VAT of 9%. In 2015, the government issued an emergency ordinance proposing a support scheme of 15 million euro until the end of 2016 for private audiovisual operators (Barbulescu, 10 June 2015), but the support scheme was never implemented because there was no further decision elaborating on the procedure for allocating the funds.

The low viability leaves the media market vulnerable to outside influences and dependent on financial backers who may have a political or commercial agenda. This translates into high risks of Commercial and owner influence over editorial content (79%), a low Transparency of media ownership (75%), and a high Media and cross-media ownership concentration (72% and 67% risk). Some notorious cases of editorial interventions in 2017 include that of journalist Mircea Barbu, who was fired from Adevarul for refusing to take out several questions from a politically sensitive interview (Pagina de Media 7 July 2017). Dragoș Pătraru, an independent producer and presenter of a popular satirical affairs show (“Starea Nației” - “State of the Nation”), was threatened with a lawsuit after criticizing his host channel for not reporting on the charges of bribery and money laundering brought against channel owner RCS & RDS in court (Pagina de Media 23 May 2017). România TV and Antena 3, two of the TV channels politically linked to persons indicted for corruption, received the most fines and warnings from CNA for an intentionally distorted media coverage<sup>8</sup> of the spring anti-governmental protests (Pagina de Media 17 February 2017).

The lack of viability and of protection from outside pressures is doubled by a legal and de-facto context that discourages Transparency of ownership. Companies have no obligation to disclose ownership information to the public - only to public authorities to some extent. In practice, the real owners often remain undisclosed due to various legal loopholes. The lack of transparency is also made evident by the missing data about the revenues of different media organizations, which makes it difficult to assess the true Concentration of the media market (72% and 67% for Cross-media concentration – both at medium risk).

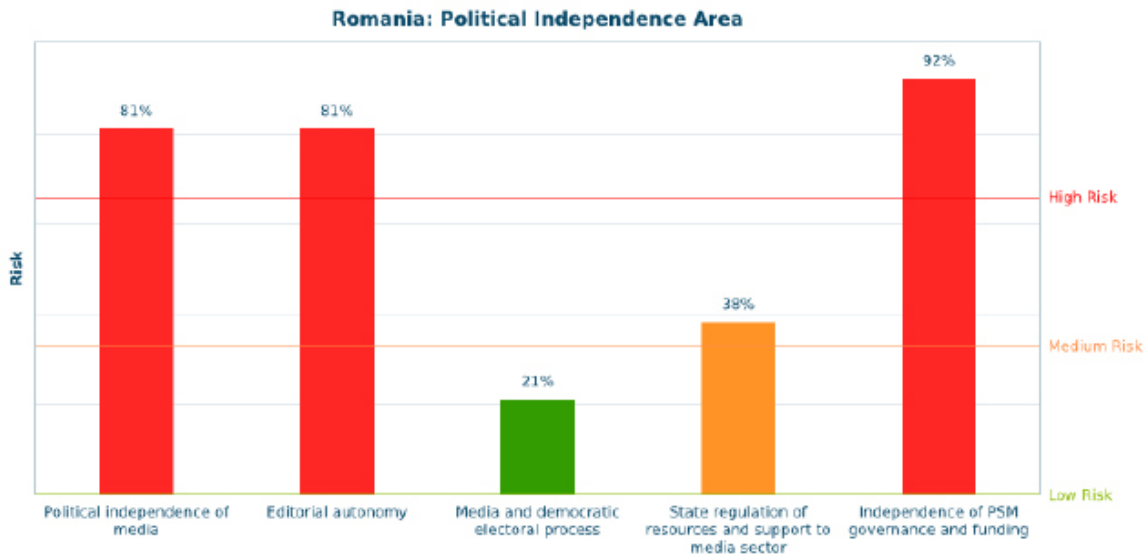
7 Some examples of online only players: Rise Project, Casa Jurnalistului, Recorder. Among the common grants that provide revenue for the journalistic work are the NGO Fund (SEE Partnership/Norway) and Google Digital News Initiative.

8 See footnote 4 for more details.



### 3.3 POLITICAL INDEPENDENCE (63% MEDIUM RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



The risks remain very high in the area of political independence, especially concerning public service media (PSM), media outlets in general and editorial autonomy. The main developments of 2017 are decisions that affect the Independence of PSM governance and funding (92% - high risk), the indicator with the highest risk in the entire MPM assessment. Risks to the Political independence of media (81% - high risk) imply pressures on Editorial autonomy (81% - high risk) and have not registered major changes from last year (see MPM 2016). 2017 simply made more visible the degradation, polarization and politicization of the mainstream media, especially in the context of the spring anti-government protests that triggered serious editorial, professional and ethical journalistic deviations.

2017 was a rather turbulent year for PSM, and 2018 will probably see further changes and/or challenges. Most of the concerns were raised regarding several decisions and legislative initiatives regulating the financing of the PSM, and the appointment and dismissal of their management. As previously shown (OpenPolitics 21 March 2016), the current provisions allow arbitrary dismissals of the Director and Council of Administration of the public TV and public radio, based only on the rejection of the annual report, for which no criteria are set and no justification required. This situation has led to frequent changes of the PSM management, the average mandate of TVR's directors being half of the legal duration, and has hindered a strategic, performance-oriented management, which was reflected both by the financial problems of TVR and by its editorial weakness and limited audience (MPM 2016, Popescu et al. 2012, European Journalism Observatory 21 March 2018). In this context, the proposal adopted by the Senate on 30 October 2017 ([PL-x 438/2017](#)) that stipulated the same dismissal mechanism would be applied to the public press agency Agerpres, was perceived as the government's attempt to take full control over the three PSM (MediaSind 16 October 2017, ActiveWatch 30 October 2017). While the proposal seeks to address the current lack of legislative sanctions or mechanisms to dismiss Agerpres' management, as long as it doesn't set clear criteria for the rejection of the annual report it risks becoming a political instrument that allows arbitrary appointments and dismissals, like in the case of the public TV and radio. Media representatives and organizations reacted by asking the Parliament not to adopt the proposal (Agerpres, 30 October 2017).

Besides the lack of legal safeguards for the protection of political Independence of PSM management, the provisions regulating PSM financing also leave the institutions vulnerable to outside influence. The law does not set clear and transparent procedures for the allocation of the public financing of the three public media, there is no multi-stakeholders consultation or multi-annual planning and no predictability of the level of annual funding. At the beginning of 2017, TVR's historical debts of over 150 million Euro were paid off in full by the government and the license fee was eliminated, leaving the funding of TVR almost entirely up to the state budget. Media representatives



and organizations<sup>9</sup> warned that this measure would lead to the full politicization of the PSM and asked the Parliament, without success, to reject the proposal. Though license fees are generally considered a safeguard for the protection of political independence, it is difficult to evaluate to what extent this was actually the case with the TVR license fee - which was the lowest in the EU (around 1 euro), decided solely by the government based on no clear procedures, and that remained unchanged for 14 years. The larger problem remains the arbitrary decision-making regarding PSM funding, due to a lack of provisions establishing how the budgets are made. In 2017 TVR was granted a budget three times bigger than in 2016 and a subsidy 6.6 times bigger (Pagina de Media 23 January 2017) which could be seen in a positive light if the budget increase were accompanied by measures addressing the regulation gaps and aiming to improve the management, quality of the programs and audience shares - which are among the lowest in Europe (OpenPolitics 21 March 2016).

In what concerns State regulation of resources and support for media sector (38% - medium risk), there are no direct subsidies for media outlets, despite the initiative mentioned in the Market Plurality section, that hasn't come to fruition. Not much state support is available, besides grant competitions opened by the Ministry of Culture for publications or more general grants from EU or other funds to which non-profit organizations or private companies can apply. Most risks in this area come from the lack of correct and complete data about the allocation of state advertising funds, which makes it impossible to assess the fairness of their distribution or how much they represent in the total budget of different organizations (more details in MPM 2016).

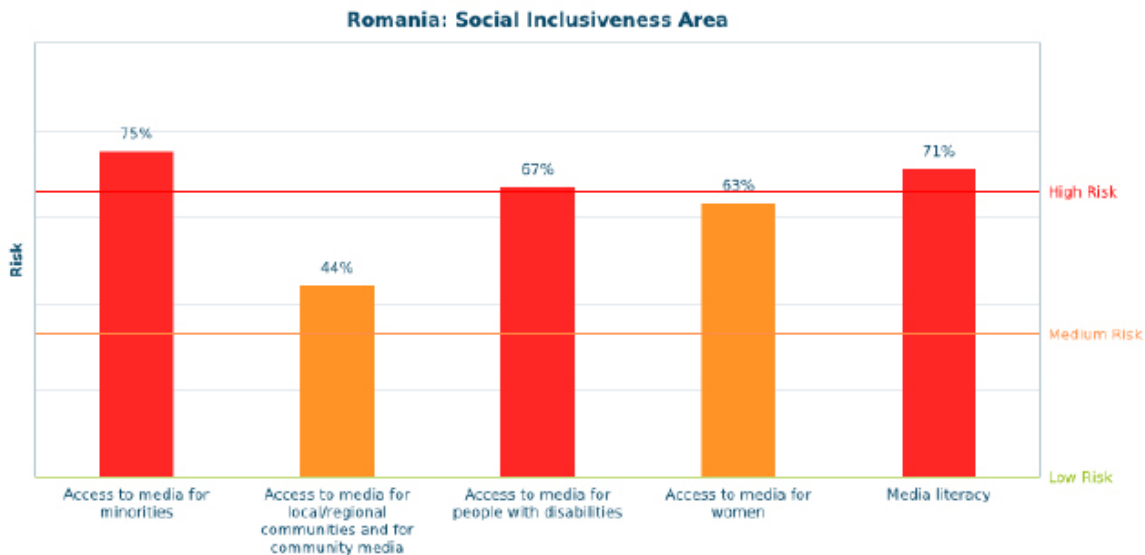
The only indicator evaluated as low risk (21%) concerns Media and the democratic electoral process. The regulatory framework ensuring a fair representation is in place, but there are some areas that raise concern. First, the representation of the different groups of political actors during electoral campaigns is not always fair and balanced, especially on private audiovisual channels but also, to a lesser extent, on PSM. The difference comes from the fact that there are stronger and clearer legal provisions regulating electoral coverage on PSM than on private channels. Second, the web is lacking the necessary regulation to ensure transparency of political advertising during electoral campaigns, which means that legal loopholes can be exploited in favour or against different political groups.

9 .....  
The Council of Administration of TVR (Paginamedia, 20 October 2016), the journalists' union FAIR-MediaSind, together with the European Federation of Journalists (EFJ) and the International Federation of Journalists (IFJ) (MediaSind, 21 October 2016), civil society organizations representative in the field of media like ActiveWatch, the Center for Independent Journalism (CJI) and the Convention of the Media Organisations (COM) (ActiveWatch, 12 October 2016), as well as journalists (Tolo, 10 October 2016).



### 3.4 SOCIAL INCLUSIVENESS (68% - HIGH RISK)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



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The operationalization of the indicators for social inclusiveness was fine-tuned in 2017, with more questions added to capture problems and risks that occur in the enforcement of the law. The highest risks are in the area of access to media for minorities (75%), for people with disabilities (67%) and media literacy (71%). There is legislation recognizing vulnerable groups and granting them rights, but the limited access is a reflection of the broader societal exclusion that is fuelled by large-spread prejudice against minorities (especially against the Roma population, and, to lesser but still important extent, towards the Hungarians). Romania is one of the least tolerant countries in EU, prone to limit the rights of vulnerable groups such as women, people with disabilities, and ethnic or sexual minorities (Special Eurobarometer 437, October 2015; Chilin & Lup, 2016; Council of Europe, 21 February 2018). The main issues are disproportional access to airtime for different minorities,<sup>10</sup> the lack of translation of news in minority languages, an incomplete policy on access measures for people with disabilities and a superficial implementation of these measures (more details in Popescu, Mihai & Marincea, 2016).

Similarly, media literacy issues are also a reflection of larger systemic shortcomings that have to do with a precarious socio-economic context, low usage of the internet, low access to broadband and internet (Eurostat 2016), a media system that produces low quality and often biased content (MPM 2016; EMSS 2017) a rigid education system that fails to develop the critical thinking skills needed to filter the information in the media (see Pisa scores, OECD 2015) and very little policy support (see MPM 2016), among many other factors.

Women have an overall better access to media than minorities (63%, medium risk), but there are still challenges to be tackled. At the level of the PSM, there is no gender equality policy, which in practice translates into a less representation of women at the executive level (33%), but better representation in the management boards (43%, assessed as low risk). Women are found slightly more often than men in the role of news reporters (57%), but they are under-represented in news coverage both online (38%) and overall (35%). While we didn't find data on the representation of wom-

<sup>10</sup> Despite Roma being the second largest minority after Hungarians – according to the 2011 census, it has three times less airtime allocated than the German minority, which are smaller but better represented politically and have a greater mobilization capital. For more details see the MPM 2016 report by Popescu, Mihai & Marincea.



en in the management boards of top private TV channels, at the executive level the representation is balanced (50%). Last but not least, the biggest problem faced by community media (44%, medium risk) is the lack of a clear definition and recognition, which exacerbates the economic precariousness and the vulnerability to political and commercial instrumentalization (see MPM 2016).

## 4. CONCLUSIONS

Both the country's socio-economic context and the evolution of the media market underline fundamental flaws that impede further development or at least make it shaky. The economic boost Romania saw in 2017 is notable at the EU level, but its citizens have yet to feel it, and issues of human resources recruitment, inequality and poor education quality, all highlight systemic problems. In a similar way, the media has seen a reinforcement of its historic problems. The precariousness of the journalistic profession and failed opportunities for improvement in the case of the PSM are two poignant examples.

The risks to media market plurality are among the highest in the 2017 report, emphasizing its general low viability. Even though in previous reports trends towards high risk in the areas of market plurality and political independence were visible, and even though the way to evaluate them was fine tuned in this edition of the Media Pluralism Monitor, Romania still sees troubling signals of a dysfunctional media market and no signs of improvement. Largely because of a lack of financial resources and reasonable alternatives to the classic business model of selling eye balls to advertisers, media are vulnerable to commercial and owner influences, while a lack of professionalization and labour protection makes journalists, with some exceptions, fair game for politicians and owners alike.

The precarious situation for the journalistic profession adds to market dysfunctions, contributing to the overall precarious situation of Romanian media, most visible through the lack of professional independence of journalists in both PSM and privately owned media. Consequently, although there are far-reaching journalistic investigations and quality reportages produced by some outlets, it is the overall information flow in terms of public affairs that is not fulfilling its democratic role. The daily flow of news produced by media outlets underscores the lack of quality and pluralism in the mainstream coverage of public affairs that matters most. Thus, the daily needs for information are poorly met, making it difficult even for politically interested citizens to be informed (Toka & Popescu 2009, Nielsen 2018).

These kinds of structural factors are not easily shifted, as are not the issues related to practice and implementation - also difficult to change in the short term especially if related to the structural factors and derived from long-term behaviour. However, there are legislative and regulatory factors that could significantly limit the risks to pluralism in Romanian media. And although a lot of the legislation is faulty in new democracies, it is often not due primarily to ill intent (Zielonka 2015), therefore legislative changes that can make a difference could be implemented. We identify two legislative and one self-regulatory aspects that can be considered the weakest links and at the same time can plausibly be reformed:

1. PSM regulation – although multiple proposals over time (35 proposed changes to the 1994 law, out of which 7 became law, 2 are under way and 26 were rejected or withdrawn) none really focused on finding a coherent legislative arrangement tapping into the lack of legislative incentives for the PSM to perform according to its stated democratic mission. This aspect is in line with the idea of lack of qualitative legislative process, rather than ill intent mentioned earlier.

Therefore, a change could target three main aspects: dismissals, parliamentary oversight and funding. In short, this means to:

- a) Make appointments and dismissals linked to a journalistic and management plan – do not allow yearly dismissals and make parliamentary appointments and dismissals performance related and not at the whims of parliamentary majorities;
- b) Parliamentary oversight is at the same time toothless and intrusive – it can at any time request explanations on anything, thus allowing potential abuses. But since there are no specifics on which to actually evaluate, parliamentary oversight is hardly useful, therefore all just a game of the parliamentary majority;
- c) Make funding decisions not discretionary for the government, but involve the stakeholders in the decision; replacing a licence fee that was also arbitrarily decided with direct government funding is a marginal change for the worse and is mostly symbolic.



Fundamentally, neither the appointments and dismissals nor the funding are related to performance and do not represent a form of accountability to the public given the lack of a measurable plan / project to be evaluated and held responsible for. The legislative changes need to focus on this objective of ensuring performance evaluations and accountability as a fundamental means to give PSM a chance to become the positive democratic actor it is meant to be.

2. General funding regulations – except reduced VAT for print, there is no direct or indirect support for media and journalism. Although a positive feature that there is no state interference given the general distrust of the state, it actually makes the money of private interests the only game in town. This leaves little space for good journalism as standard in addition to an existing disbelief in the capacity of public funding to be a force for good and generally into institutionalisation of rules and procedures.

But public funding could be a force for good with adequate legislative provisions. It could fund innovations in independent journalism and allow these innovations to reach the mainstream of mass media. This would in turn strengthen journalistic professionalism and could be coupled with tax breaks for public affairs content production.

3. Journalism self-regulation – both of the profession/ professional norms and rules, as well as within the profession (sanctioning of derailments). In order to enable professional journalism and to limit the precarious situation of journalists, mainstream media and influential professional journalists should go outside the confines of their own newsrooms and contribute to the institutionalisation of professional norms and self-regulation. In the current state of affairs, they are non-existent and journalists are left not only at the mercy of moguls, but also in a difficult position in relation with well-intended private and charitable funders. The latter ones may involuntarily support the opposite of independent professional journalism, since at times there is a lack of awareness from their part that involved or activist journalism still requires independence, rather than being in the service of the organization providing the funding.



## ANNEXE 1. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2016 CT Leader (please indicate with X)
Marina	Popescu	Director	MRC	X
Adina	Marincea	Researcher	MRC	
Roxana	Bodea	Researcher	MRC	
Cristina	Mihalachi	Junior researcher	MRC	

## ANNEXE 2. GROUP OF EXPERTS

First name	Last name	Position	Institution
Dorina	Rusu	Representative of media regulator	National Audiovisual Council (CNA)
Ioana	Avădani	Representative of a journalist organisation	Center for Independent Journalism (CJI)
Liana	Ganea	NGO researcher / Representative of a media users/ consumers organisation	ActiveWatch
Răzvan	Martin	NGO researcher // Representative of a media users/ consumers organisation	ActiveWatch
George	Chiriță	Representative of a broadcaster organisation	Romanian Association for Audiovisual Communications (ARCA)

## ANNEXE 3. SUMMARY OF STAKEHOLDERS MEETING

On the occasion of a conference on media and audience engagement organised by MRC on the 25th of April 2017 in Bucharest within the Less Hate More Speech project, we held a discussion with a few interested parties on the topics of our research for the Media Pluralism Monitor. Key issues discussed included the weaknesses of newsrooms, the lack of resources (both human and financial) and resulting vulnerabilities, as well as the need for balance in reporting and building better relationships with the public. Several stakeholders took part in the discussions: scholars (Miruna Troncota, SNSPA), journalists (Cătălin Tolontan, Petrișor Obae, Ioana Mihalcea), media and advertising niche outlets representatives (Pagina de Media), NGO representatives interested in journalism issues (like Active-Watch, FDSC), as well as representatives of national public institutions. The conclusion that could be drawn from the discussions was that the newsrooms are subject to different pressures that make them vulnerable to outside influences and less likely to produce quality content.

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