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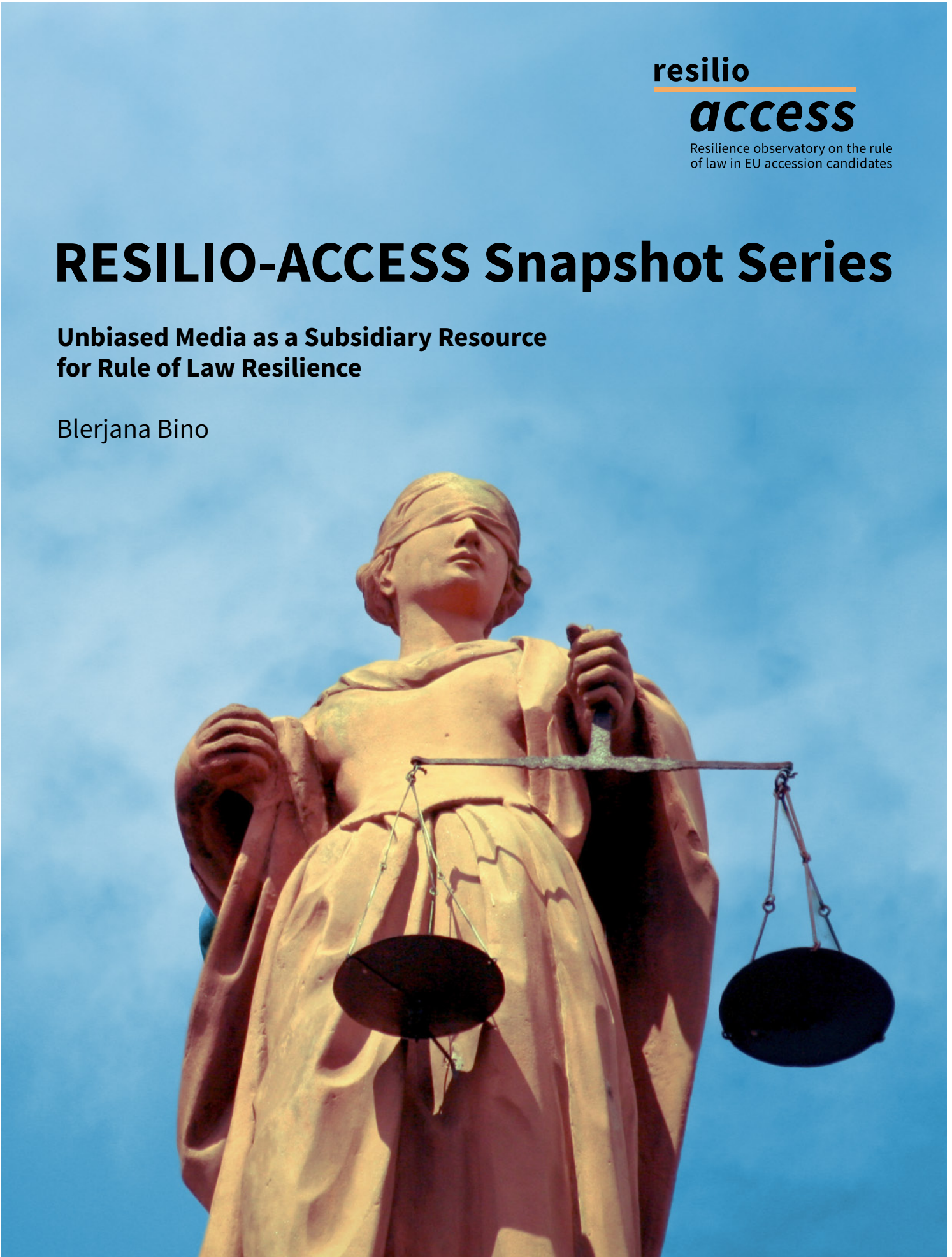
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Resilience observatory on the rule
of law in EU accession candidates

RESILIO-ACCESS Snapshot Series

**Unbiased Media as a Subsidiary Resource
for Rule of Law Resilience**

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1. Introduction

The rule of law forms the foundation of democratic governance. It is based on the principles of legal certainty, equality before the law, accountability, access to justice, checks and balances, and respect for fundamental rights, including freedom of expression and access to information.¹ These principles presuppose a public sphere in which institutions and citizens communicate through reliable and transparent channels. When this space is shaped by information manipulation through disinformation, propaganda, or algorithmic bias, the exercise of power becomes unclear, and the enforcement of legality and equality weakens.² Information integrity therefore constitutes a structural condition of the rule of law.

Against this backdrop, this Snapshot examines how unbiased media contribute to rule of law resilience. Section 2 elaborates on the general importance of media for the rule of law. Specifically, section 2.1 analyses *independence* as the structural basis of media autonomy. Section 2.2 explores *impartiality and diversity* as indicators of information integrity. Section 3 identifies the structural, political, digital, and cultural challenges that constrain this model in the Western Balkans, and then goes on to assess the implications for EU enlargement and democratic resilience.

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2. The role of media for the rule of law

The exercise of power subject to media scrutiny extends beyond politics. Governments, corporations, judicial institutions, and digital intermediaries all influence public life. The European Media Freedom Act (2024)³ and the Digital Services Act (2024)⁴ reflect this broader landscape by addressing both state interference and platform influence in the information environment.

The media fulfil several interrelated functions. First, the watchdog function exposes abuses of power and deters impunity by increasing the likelihood that wrongdoing becomes public. Second, the forum function promotes pluralistic deliberation and ensures that competing perspectives inform collective decisions. Third, the educative function strengthens civic literacy and understanding of rights, creating social legitimacy for institutions. Fourth, the cultural and entertainment function maintains social cohesion and shared identity but, under commercial pressure, can blur the distinction between information and spectacle. In a balanced communication system, these functions support both participation and restraint, the dual pillars of a resilient rule of law.⁵

Upholding the rule of law requires that centres of power remain visible and contestable. This visibility depends on an ecosystem of independent and impartial media capable of mediating between the state, the market, and society.⁶

Within this ecosystem, independence denotes the structural autonomy of journalists and media organisations from political and economic influence.⁷ Impartiality refers to the professional and ethical discipline of fairness, accuracy, and transparency.⁸ Independence provides the condition for autonomous judgement; impartiality transforms that autonomy into credibility. Together they produce the information integrity that allows citizens to monitor, evaluate, and contest the exercise of power in line with rule of law principles. The next sections elaborate on both principles.

2.1 Media independence

Independence is a structural and normative condition for the media's capacity to act as a check on power. It refers to the ability of journalists and media institutions to make editorial decisions free from political, economic, or technological coercion, guided by professional judgement and public accountability.⁹ Independence can never be absolute, given that journalism operates within complex systems of ownership, regulation, and technology that continually test its autonomy and remains contingent on social, cultural, and economic contexts. The realistic goal is functional autonomy, a state in which professional ethics and institutional design limit interference without detaching media from society.¹⁰ Such autonomy enables the media to perform their watchdog function effectively, acting as a societal oversight mechanism.

Independence therefore serves as a regulative ideal of democracy and a benchmark for the quality of governance. When independent media can verify and communicate information about the exercise of power without constraint, citizens are able to assess whether laws are applied impartially and whether public officials respect due process. Such scrutiny allows public reasoning to take place on the basis of evidence rather than assertion, reinforcing both institutional legitimacy and civic trust. When scrutiny is weakened or constrained, the rule of law persists as form but loses substance, and the public sphere weakens as an arena of oversight and accountability. The value of media independence lies in its capacity to resist domination while remaining accountable to the public, providing the conditions under which transparency can foster trust, and discretionary power can be subjected to credible oversight.

Independence rests on three interlinked dimensions: professional, institutional, and economic autonomy. Professional autonomy provides the normative and ethical foundation of the profession. Journalism education, ethical codes, and self-regulatory mechanisms embed a discipline of verification and public service that anchors editorial judgement in standards rather than interests.¹¹ Where these mechanisms are weak, dependence on political patrons or commercial sponsors produces self-censorship and undermines the watchdog function that links media freedom to accountability. As media independence erodes, scrutiny of power becomes selective, and the feedback loop between transparency and accountability that sustains the rule of law weakens.

Institutional safeguards translate the principle of media independence into law and policy. Independent regulators, transparent licensing and anti-concentration rules are key mechanisms to preserve pluralism and limit undue power over media.¹² Their legitimacy rests upon transparent appointment processes, tenure security, independence from politics and other undue influences and sufficient budgets.¹³ When these safeguards are weakened, media regulators risk becoming instruments of political or commercial influence, and both media diversity and public oversight decline.³ The autonomy of media regulators mirrors that of the judiciary: when either becomes politicised, discretionary power shifts towards the executive, and the system of checks and balances that protects accountability and equality is seriously affected, undermining the rule of law. Economic autonomy protects editorial freedom from financial and political leverage. Diversified revenue streams, transparent ownership and finances, and fair competition reduce vulnerability to both state and corporate control. When market concentration increases and public advertising or subsidies are distributed without transparency, indirect forms of media capture emerge: influence is exercised through selective funding and access rather than overt censorship.¹⁴ Informal money flows, links to organised crime, and the use of media for political or economic patronage further distort competition and erode professional integrity.¹⁵ These forms of financial dependence transform the media from an instrument of accountability into one of influence, weakening public oversight and facilitating corruption. Economic integrity in the media sector is inseparable from the rule of law: both require predictable, transparent, and non-arbitrary use of resources to maintain fairness and public trust.

Media independence, even when partial, is indispensable for rule of law resilience. It enables transparency to foster accountability and makes information credible enough to sustain institutional legitimacy. The rule of law depends not only on courts and constitutions but also on the integrity of public communication. The aim is not to isolate journalism from power but to preserve autonomous judgment within power structures, so that the rule of law dimensions remain observable and contestable. When both the judiciary and the media retain such autonomy, they reinforce each other's integrity and curb selective enforcement and discretionary abuse that would otherwise hollow out the rule of law. Yet independence must be complemented by impartiality, the ethical discipline that ensures autonomy is exercised with fairness and responsibility.

2.2 Impartiality and diversity

Impartiality represents the ethical and professional dimension of journalistic integrity. It ensures that information is produced and communicated according to standards of accuracy, fairness, contextual balance, and transparency of sourcing.¹⁶ While independence establishes the structural conditions for autonomous decision-making, impartiality defines the norms that govern editorial judgement. Together they form the foundation of information integrity. In a rule of law system, the legitimacy of institutions depends not only on their formal independence but also on public confidence that information about their actions is reliable, verifiable, and fair.¹⁷

Impartiality is a professional discipline grounded in a deliberate orientation toward truth. All reporting involves selection and framing, but ethical practice constrains this subjectivity through verification and transparency.¹⁸ Impartiality does not mean detachment; it requires engagement with evidence and proportional representation of perspectives. Neutrality, by contrast, seeks to avoid judgement but often produces false equivalence, treating unequal claims as if they were equal. Impartiality recognises that journalists operate amid conflicting narratives and values; its purpose is to manage that conflict through fairness, factual precision, and openness about method. When editorial reasoning is transparent and evidence-based, autonomy becomes accountable, and freedom from interference means responsibility to the public. Impartiality thus links the quality of information to the fairness with which power is exercised.¹⁹

In rule of law systems, this connection is fundamental. Impartiality, therefore, is not a posture of neutrality but a civic practice: it converts editorial independence into public accountability by ensuring that freedom of expression serves evidence, fairness, and the collective right to truth. Three interrelated mechanisms sustain impartiality in democratic communication. The factual mechanism concerns accuracy and verification: rigorous corroboration, correction of errors, and transparency of sources maintain trust between media and citizens.²⁰ The pluralistic mechanism ensures visibility of multiple perspectives within factual boundaries. The ethical mechanism links fairness to responsibility, requiring journalists to pursue truth while respecting the dignity and rights of those affected by reporting.²¹ Together these mechanisms transform professional ethics into operational safeguards for democracy and the rule of law, protecting the integrity of public reasoning against manipulation and polarisation.

Diversity provides the structural environment in which impartiality can flourish. A pluralistic media system disperses ownership, agenda-setting power, and audience reach, preventing any single actor from monopolising interpretation of public life.²² Structural pluralism ensures that competing interests coexist under shared rules of factual accountability.²³ Public-service media play a corrective role within this framework. When independent, they guarantee universal access to verified information and balanced debate; when captured, they amplify partisanship and erode trust.²⁴ Diversity, therefore, complements impartiality – the first guarantees multiplicity of voices, the second secures fairness in how those voices are represented. Both sustain the communicative equality on which the rule of law relies.

Digital transformation has complicated these disciplines. Platform algorithms reward attention rather than verification, privileging emotive or sensational content that fragments the public sphere. The asymmetry of online visibility allows misinformation to outcompete professional journalism, eroding trust and weakening the factual mechanism of impartiality.²⁵ Algorithmic curation without transparency further reduces the coherence of public debate, creating “information disorder”.²⁶ Addressing this challenge requires a renewed emphasis on editorial responsibility, algorithmic accountability, and digital-literacy policies that restore the link between factual integrity and civic trust.

Impartial and diverse media operate as both indicator and instrument of rule of law resilience. They indicate resilience by showing whether institutions tolerate scrutiny, and they function as instruments by enabling such scrutiny to occur within a framework of fairness and factual integrity. A resilient rule of law depends not only on institutions that act independently but also on media that communicate responsibly and inclusively.

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3. Challenges to unbiased media in the Western Balkans

The environment for independent and impartial journalism in the EU candidate countries in the Western Balkans remains structurally fragile. Political and economic capture are the two most pressing challenges.

Political capture is marked by formal compliance with European standards which coexists with informal networks of dependence, weak institutions, and selective enforcement. Regulatory agencies are formally independent but substantively politicised through appointments and budget control; courts rarely provide effective redress against censorship or intimidation.²⁷ Public-service media, dependent on government budgets and partisan appointments, reproduce political narratives instead of scrutinising them, while private outlets rely on subsidies or business conglomerates linked to ruling elites.²⁸

Economic capture is characterised by concentrated ownership and non-transparent state advertising. Economic fragility forces many outlets to depend on government contracts or state-linked advertising, which directly expose them to political pressure.²⁹ At the same time, reliance on foreign donors, while essential for survival, creates a different form of dependency, making outlets vulnerable to accusations of external influence or loss of local legitimacy.³⁰ These material dependencies erode editorial autonomy and generate self-censorship. As a result, the media no longer function as external checks on power and as an arena of accounta-

bility³¹ but rather as malleable actors embedded within the very networks they are expected to monitor. The result is an ecosystem of managed pluralism: media systems that appear free, yet operate within tight boundaries of patronage.

Additionally, media in the Western Balkans are challenged by the dominance of digital platforms over information flows, without ethical or regulatory safeguards. Algorithmic curation amplifies polarisation and foreign disinformation, further eroding trust.³² Foreign information operations and domestic disinformation networks exploit these dynamics to discredit democratic institutions and European integration, further fragmenting the public sphere.³³

Furthermore, the safety of journalists remains precarious: threats, harassment, and SLAPP³⁴ litigation persist with impunity, discouraging investigative reporting and normalising fear.³⁵ Cultural and normative polarisation complete this cycle.³⁶ Decades of partisan competition have fused media allegiance with political identity, while civic education and media and information literacy remain limited. In such contexts, audience demand for unbiased information is weak: partisan narratives are perceived as authentic, and neutrality as disengagement. This civic deficit transforms rule of law principles into a contested narrative rather than a shared principle.

4. Conclusion

The resilience of the rule of law depends as much on the credibility of information as on the integrity of institutions. Media independence, impartiality, and diversity are not peripheral to democratic governance but integral to its functioning. They give tangible meaning to the rule of law by connecting legality with accountability, equality before the law, and respect for rights. Unbiased media translate constitutional principles into public oversight, allowing citizens to observe and contest how power is exercised. When these conditions weaken, through economic dependence, political capture, or information disorder, the rule of law loses its communicative foundation: rights remain formal but unenforced, accountability becomes procedural rather than substantive, and justice becomes less accessible to public scrutiny.

Making the rule of law both visible and credible requires more than legislative alignment with European standards.

It demands enforcement, institutional protection, and a civic culture that values factual, inclusive communication. Informational integrity is a condition of democratic resilience: without trustworthy information, no institution can uphold legitimacy or equality before the law. Media reform and rule of law reform are inseparable processes. Independence secures autonomy, impartiality sustains credibility, and diversity guarantees inclusion. Where these principles are realised together, the rule of law extends beyond legality to embody fairness, accountability, and public trust.

*“Media reform and rule of law reform
are inseparable processes.”*

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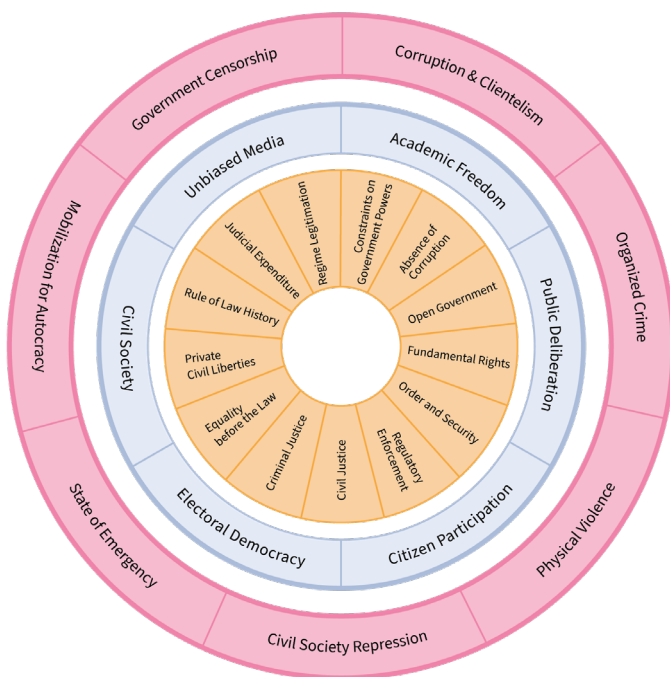
About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate states for EU accession. The project explores how to measure the resilience of the rule of law and assesses the potential of the EU's enlargement policy toolbox to foster resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with or recover from hazardous events or incremental threats without losing its core function, structure and purpose.

About the paper

This paper is part of the **#RESILIO-ACCESS Snapshot Series**, a collection of compact analyses that explain ties between resilience resources of the rule of law identified by the RESILIO-ACCESS model.

RESILIENCE RESOURCES AND STRESSORS



The RESILIO-ACCESS model is based on three dimensions: The system of the rule of law itself provides primary resilience resources such as an effective judicial system, the protection of fundamental rights, and regulatory enforcement.

These resources are embedded into a social environment with subsidiary resilience resources such as civil society, academia, and the media.

However, these resources are constantly being challenged by threats such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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