

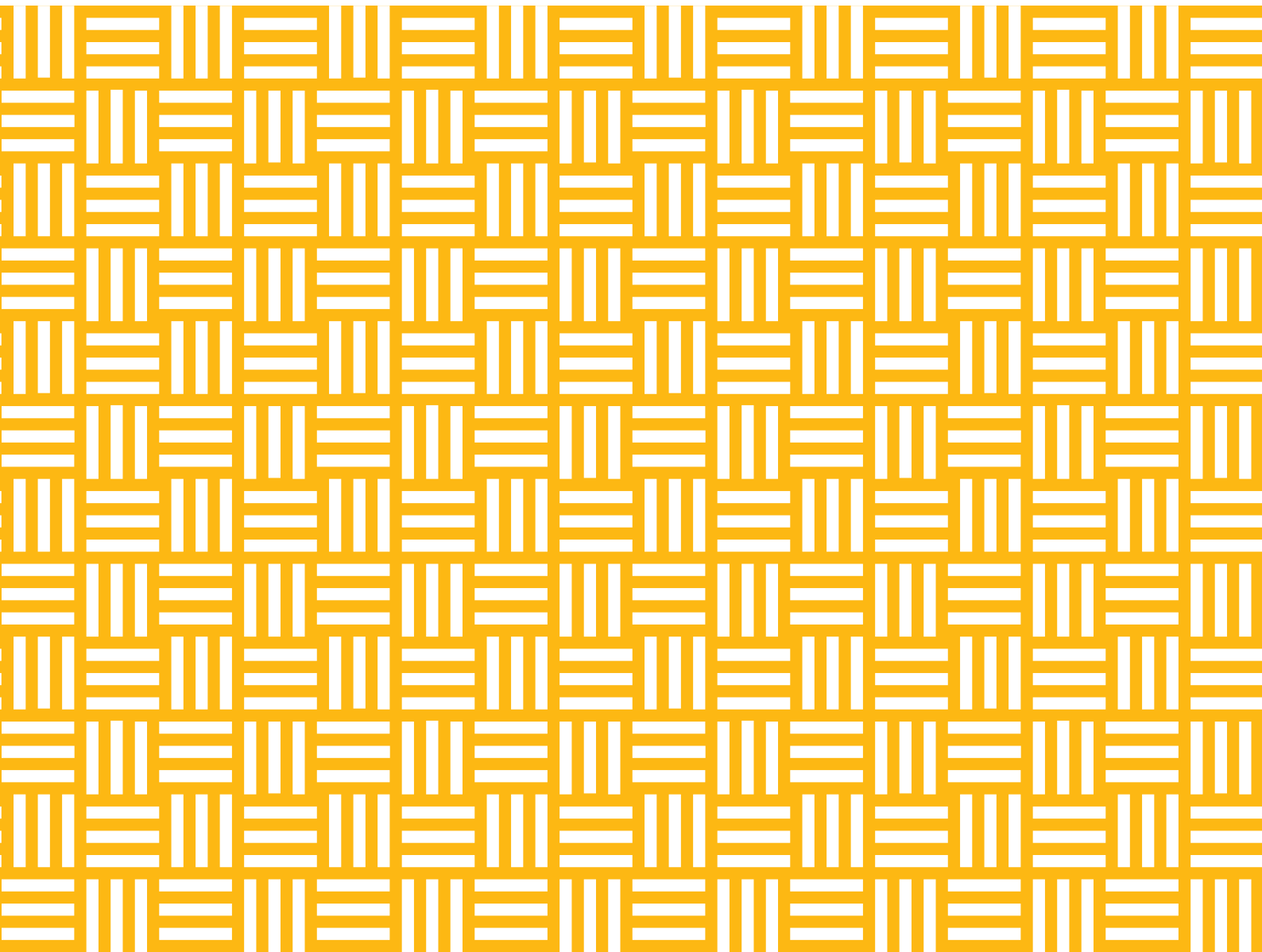


Regionalna platforma Zapadnog Balkana za zastupanje
sloboda medija i bezbednosti novinara
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety



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Indicators on the level of media freedom and journalists' safety [SERBIA]



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Executive Summary

This report presents the findings of the research conducted within the regional project Western Balkan's Regional Platform for advocating media freedom and journalists' safety¹, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia. The main objective of this research study is to provide a baseline assessment and evidence of the level of media freedom and journalists' safety in Serbia, which will be further used in a regional mechanism for monitoring and advocating media freedom and journalists' safety at local, national and regional levels.

The research study was implemented by a regional research team composed of a lead researcher² and five researchers at country level, nominated by the national journalists' associations. The research in Serbia was conducted by Marija Vukasovic on the basis of a common methodology for all five countries. A range of different qualitative and quantitative methods were employed for data collection and analysis. These were:

- Qualitative Documents Analysis (QDA) of research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage.

1 The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015 Support to regional thematic networks of Civil Society Organisations.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

2 The research team was headed by Dr Snezana Trpevska, expert in media law and research methodology.

rage (texts, articles, news reports and other published materials).

- Qualitative interviews with 16 individuals (journalists, lawyers, media experts, representatives of public institutions or NGOs).
- Survey³ with 111 journalists from different media organisations on the basis of a structured questionnaire developed under the Worlds of Journalism Study⁴ project.
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

Indicator A: Legal protection of media and journalists' freedoms

In Serbia, a new set of media laws and the country's constitution introduced basic measures for the protection of freedom of expression and information delivered through the media. Serbia has ratified the major international acts in this area - the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Serbia's constitution guarantees freedom of expression and freedom of the media, prohibits censorship and provides that everyone shall have the freedom to establish media without prior permission.

Journalists and legal experts have agreed that freedom of the media in Serbia is at a very low level, and that it has actually deteriorated since new media laws were introduced in 2014. The current state of media freedom in the country can be attributed to government influence on the media and thus its lack of editorial independence. There is almost no investigative journalism, the level of self-censorship is very high and the media is subjected to commercialisation (Section A1, page 11).

The process of drafting media laws in Serbia was reasonably transparent, as indicated by the fact that the journalists' associations participated in their development. However, the implementation of these laws is a problem, alongside the low level of media self-regulation

and the lack of compliance with the industry's ethical standards (Section A1, page 12).

Over the past few years, there were multiple examples of content being blocked or restricted on the Internet. This include the Feketic case in 2014, and that of the Pescanik online portal being shut down in 2015 (Section A1, pages 12 and 13).

One of the major problems singled out is the work of the Regulatory Authority for Electronic Media (REM). Legal experts and journalists have agreed that this body is not sufficiently independent and does not efficiently fulfil its basic legal duties. They additionally deem its work not to be transparent enough, which has resulted in a lack of public confidence in the body.

As a mechanism for the protection of their independence, the mandate of the regulator's members does not coincide with the electoral cycle, but their appointment is still a result of a process of political selection. On the other hand, there is also an issue regarding action taken by the relevant authorities when the REM submits requests for misdemeanour or criminal proceedings to be initiated. Of every request submitted to the relevant authorities in 2015, REM had only received a decision on one application regarding an economic offence at the time of writing this report (Section A1, pages 13 and 14).

Regarding the influence of the public sector on the media through paid advertising and marketing, a report by the Anti-Corruption Council stated that there are no public and transparent criteria for the allocation of funds. For four years a representative sample of 124 state bodies, funds, local authorities, public companies and those with a majority of state capital spent more than 60.9 million euros on paid advertising and marketing (Section A1, page 14).

Serbia's Law on Public Information and Media excludes any form of media financing from public funds, other than the co-financing of projects in the field of public information for the realisation of public interest. However, the implementation of the public tenders for co-financing projects of public interest encountered many problems in practice. The most common issue was related to the definition of what is in the public interest. The Law on Public Information and Media contains a comprehensive definition of the public interest, but this term is understood differently depending on the municipality. Also, sanctions for those entities which fail to publish a call for co-financing of projects are not stipulated by the law, and some municipalities take advantage of this inconsistency. Many of the interviewed journalists agree that co-financing of projects is a good idea, but is poorly implemented in practice. The ruling parties in the local municipalities adjust the criteria for the compe-

3 The survey was conducted on the intentional sample of 111 journalists from different types of media in Serbia, at the national, provincial and local levels. Of the total number of respondents, 21 journalists are from public broadcasters, 40 from private radio and TV stations, 26 from private print media, six from the partially private and partially public media, seven from private internet portals, six from non-profit media and five from news agencies. It is important to note that even though the quota sample does not allow the conclusions to form a generalisation for the whole spectre of journalism in Serbia, obtained attitudes by surveyed journalists still provide a good basis for understanding the current situation in the field of media and journalistic freedoms.

4 Available at: <http://www.worldsofjournalism.org/>

titions so that funds are allocated to those media which support them. The procedure frequently lacks transparency and the selection committees are often composed of people deemed to be close to the authorities (Section A1, page 15).

The establishment and maintenance of media by national minorities is stipulated by the Law on Protection of Rights and Freedoms of National Minorities. This law also stipulates that the national councils of national minorities can establish institutions in charge of the field of information, with funding provided under the Law on National Councils of National Minorities. The resources for the financing of national councils are to be provided from the state budget of the Republic of Serbia, autonomous province and local governments, as well as from donations and other incomes. Also, the Law on Public Information and Media stipulates that the Republic of Serbia, autonomous province or local governments are to provide this funding through co-financing or other conditions to enable the work of media that publishes information in the languages of national minorities (Section A1, page 16).

Considering that the original plan was to exclude the state from the realm of the media, the approach to financing leads to various problems in the privatisation process. Privatisation in Serbia was poorly implemented, with media sold for little money and a large number of outlets shut down. Vast amounts of money are directed to private media used by local leaders for self-promotion and political propaganda (Section A1, page 16).

The institutional autonomy and editorial independence of public broadcasters in Serbia is guaranteed by the Law on Public Service Broadcasting. This law prescribes that a public service broadcaster is an independent and autonomous legal entity whose main activity enables the realisation of the public interest. Additionally, it stipulates that the Republic of Serbia is obliged to secure stable financing of the public service broadcaster's main activity, and the method of financing should not affect its editorial independence and institutional autonomy. The institutional autonomy and editorial independence of public broadcasters is not necessarily implemented in practice, with low subscription rates resulting in a lack of financial independence. Another problem they face is that the law does not provide clear mechanisms for the control of the public interest (Section A1, page 17).

Serbia has decriminalised defamation while libel remains a criminal act under the Criminal Code. Although decriminalisation of defamation was considered a positive step towards greater media freedom, it did not bring much change. Some of the experts interviewed for this report emphasise that there was a higher number of lawsuits for those seeking damages for this offence when it was listed as a criminal act. However, the on-

ly thing that changed with its decriminalisation is that a journalist can no longer be punished with imprisonment if found guilty of defamation and cannot be given a criminal record.

On the other hand, the number of lawsuits initiated against journalists in relation to the publication of information in the media is quite large. Political officials often use their power to influence the course of trials while Serbia's judiciary is commonly seen as being in a poor state. Although the situation with the judiciary is improving, it has still not reached a satisfactory level. Court practice in Serbia is not in accordance with that of the European Court for Human Rights and in some cases justice is delivered in a manner that implies it was politically biased against certain journalists. The courts often do not take into consideration the decision of the Press Council's when deciding their rulings (Section A2, pages 18 and 19).

In the media, political pluralism is guaranteed under the Law on Public Service Broadcasting. This law stipulates that the obligation of the public service broadcaster is to respect and promote pluralism of political, religious and other ideas, but also cannot serve the interests of individual political parties and must equally represent political parties, coalitions and candidates for the state, provincial, or local elections during campaigning. Media pluralism is guaranteed by the Law on Electronic Media, which prescribes that all media service providers are obliged, during the election campaign, to enable registered political parties, coalitions and candidates representation in the press without discrimination. The Law on the Election of Members of the Parliament stipulates that during election campaigns, the media is obliged to independently and impartially represent all candidates (Section A3, pages 19 and 20).

Legal experts and journalists have agreed that political parties do not have fair and equal access to media, both prior to and during their election campaigning. One of the reasons for this is the fact that media outlets are politically coloured and serve as promotional channels for the particular political parties or tycoons that fund them, especially on the local level. This shows the lack of efficiency of the work of the REM, which is obliged to supervise the work of broadcasters in the Republic of Serbia and ensure that broadcasters equally report on various political actors during elections. The regulatory body has adopted a rulebook regarding specific obligations of media service providers during election campaigns (Section A3, page 20).

In Serbia, there is no licensing of journalists, even though there were some proposals to introduce this in the field of journalism. Experts stressed that any restrictions or conditions regarding entry into journalist profession

would represent an attack on freedom of speech and freedom of media (Section A4, page 22).

Journalists join professional associations, but in a small number. Pressure is often applied to these associations, which insist on consistent nation-wide implementation of media reforms, particularly those related to privatisation and co-financing (Section A4, page 22).

The Press Council is one of the rare organisations in Serbia that has shown progress in their work. From January to December 2015, the Press Council's Complaints Commission received 109 complaints. The Commission ruled on 91 appeals, rejected 14 on the basis that they did not meet the formal requirements for consideration, and deemed the Code of Ethics had been violated in 60 cases. In light of this, the Commission delivered public warnings to the media. However, a noticeable problem with the Press Council's rulings is that the "sanctioned" media do not publish the decision of the Complaints Commission or in cases where they do, the ruling is written in a way that is imperceptible for readers (Section A4, pages 22 and 23).

The bigger problem is trade unions, whose authority and influence is limited, and which only a small number of journalists join. None of the unions in operation offer safeguards that would make journalists feel better protected, especially in terms of providing assistance in the field of labour rights (Section A4, page 23).

Despite the negative situation in some areas of media freedom, the situation is better when it comes to the protection of journalists' sources, which is guaranteed by the Law of Public Information and Media and under the Criminal Code. A journalists' right to protect their sources can be limited only in cases where the information refers to a criminal act, or a perpetrator of a criminal act, for which a sentence of at least five years' imprisonment is prescribed by law. Some legal experts state that journalists are not obliged to disclose their source/s just because there is a legally prescribed basis to do so. In order for state interference to be considered justified, it is necessary to have exhausted all other reasonable measures that represent an alternative to discovering the source. In addition, it is necessary to jeopardise a source if a vital interest that outweighs the public interest is threatened, which the source may not have detected (Section A5, pages 23 and 24).

Problems related to the protection of sources often appear in newsrooms where journalists are required to reveal their sources. While more serious cases are rare, one such example is that of the Teleprompter website (Section A5, page 24).

After this case, authorities tried to define the notion of a 'journalist' with the purpose of narrowing the list of peo-

ple who could potentially enjoy any protection this title provides after revealing information. The broad attitude of journalists' associations is that persons who revealed information of public interest should be protected, regardless of whether they formally work as journalists or are members of the journalists' association (Section A5, pages 24).

The legal rules on access to official documents and information are prescribed under the Law on Free Access to Information of Public Interest. The implementation of this law is on somewhat of a higher level than others that affect the media sphere. The Commissioner for Information of Public Importance and Personal Data Protection is the primary contributor to this law. Journalists often refer to public enterprises and state authorities for information of public importance. Although the situation here is somewhat better, certain authorities - especially public enterprises - often do not want to implement the law and provide information. To circumvent their obligation under the law, they calculatedly pay fines instead of releasing certain information. Also, although the law states that discrimination is prohibited, information is much more accessible to media who are inclined towards the authorities (Section A6, page 24).

The large number of complaints received by the Commissioner for Information of Public Importance and Personal Data Protection supports the view that the state authorities lack transparency. Journalists are in general agreement that state institutions are either somewhat transparent or not at all (Section A6, pages 25 and 26).

Indicator B: Journalists' positions in newsrooms, professional ethics and level of censorship

Journalists in Serbia are working in difficult conditions. Their salaries are low and are often paid late, while their overall economic position has weakened. On the other hand, the average working hours of journalists have increased, but their credibility has generally decreased. According to an external study, in 2014 the average salary of a journalist in Serbia was 400 euros. In the last quarter of 2015, the average net salary per employee in the public service broadcaster, Radio Television of Serbia (RTS), was 47,886 dinars (400 euros). The results of the survey conducted for the purpose of this report showed that the largest number of journalists earn a net salary of between 300 and 400 euros (Section B1).

Most of the media in Serbia has adopted job classification which separates the positions of directors and editors. However, there is almost no media in Serbia where

the relationship between the owner, managers and the newsrooms are clearly separated by a legal act. Most private media in Serbia have not adopted their own ethical codes, but generally comply with that adopted by two national associations - the Independent Journalists' Association of Serbia (NUNS) and the Journalists' Association of Serbia (UNS). Media owners and managers frequently pressure editorial staff and individual journalists with potential layoffs, forcing them to switch to inadequate workplaces, or by proposing such solutions that make them resign on their own. In some cases, mobbing even occurs (Section B2).

The public service broadcasters, Radio Television of Serbia and Radio Television of Vojvodina, don't have their own specific codes of ethical principles of reporting, but only a general code for all employees. Radio Television of Vojvodina has a Code of Ethics, which in essence is a code of conduct for employees. However, the journalistic principles of reporting are not contained in this general code. Statutes of these two public service broadcasters stipulate that the editor-in-chief cannot be a holder of public office or function in a political party. Also, editors are required to be independent in their work, but are not so in practice. They come under much pressure, especially from the board of directors (Section B3).

A number of non-profit media, particularly members of the Online Media Association, have already accepted the Journalists' Code of Serbia. It is not known if non-profit media have their own ethical codes. Non-profit media comes under a lot of pressure. Firstly, editors and journalists from the non-profit sector are publicly attacked in media that is close to the government and are faced with allegations of questionable financing, particularly with regard to foreign and international donors. Secondly, they also experience pressure in the form of hacking and having their websites shut down. As a rule, this happens when they publish critical articles about the most prominent individuals in the government (Section B4).

One of the biggest problems that journalists face is self-censorship, stating primarily fear of losing one's job or that good relations with the newsroom could be compromised - possibility of sanctions being imposed on the media in which the journalist works. In the survey conducted for this research, 41.44% of journalists said that censorship had some influence on their work (extremely, very, or to some extent) while 38.74% of journalists responded that censorship does not affect or barely affects (18.2%) their daily work. The most influence that journalists feel comes from their editors, with 76.58 % of survey respondents saying they feel some level of pressure in this sense. Of the respondents, 11.71% feel their work is extremely influenced by their editors, 27.93% feel it is very influenced, and 36.94% feel it is partially influenced. Media managers, and, to a somewhat smaller

extent, media owners, also appear on the scale also appear high up on the scale of influence (Section B5).

Indicator C: Journalists' safety

The Independent Journalists' Association of Serbia (NUNS) keeps a record of known attacks on journalists from 2008 onwards. According to its data, we can conclude that the number of different types of attacks in past three year is increasing. Journalists have often been exposed to threats made verbally and through letters and social networks, while other forms of pressure are exerted by state and local functionaries, politicians and other potentates that try to influence journalists in various ways. There are also physical assaults and attacks on property. In Serbia, there have been three murders of journalists during the previous 20 years. These cases remain unresolved with the offenders and those who dictated the murders still not identified or held accountable. Online attacks on web portals and media websites are on the increase and constitute a special category (Section C1).

There is no special policy in Serbia that would ensure the safety of journalists. However, attempts to establish such a policy have been made in the Chapter 23 Action Plan which deals with the judiciary and fundamental rights, in the country's EU accession path and drafting of a Memorandum on measures to raise security levels related to journalist safety by the Ministry of Internal Affairs, the Republic Public Prosecution and journalists' associations. However, there are many problems regarding negotiations for the signing of this document, primarily related to the point 7 which suggests an establishment of a separate body to deal with journalists' safety. For journalists' associations there are many issues to be clarified, including the formation of that body, the election of its members and its mandate. Main problem is the fact that cooperation between state institutions and associations of journalists is not at a satisfactory level (Section C2, page 35).

There are no developed mechanisms for monitoring and reporting about threats and violence against journalists although certain efforts have been made. In December 2015 the Republic Public Prosecutor adopted an Instruction for the appellate, higher and basic public prosecutions to maintain separate records in relation to criminal acts committed against persons performing activities of public interest in the field of information. These records need to refer to the tasks the person performed, the attack on the media website, and state which cases need urgent treatment. All prosecutors' offices are required to submit to the Republic Public Prosecutor's Office quarterly reports with the data con-

tained in separate registers. According to the information we received from the Republic Public Prosecutor, public prosecutors are acting according to the instruction (Section C2, page 35 and 36).

The state has recognised the safety of journalists should be treated with a higher consideration as can be seen from the fact that a commission for considering the facts gathered in investigations dealing with the motives for the murder of journalists was formed, as well as the fact that in the Action Plan for Chapter 23, there is an entire section dealing with freedom of expression and the freedom and pluralism of the media (3.5). However, the prescribed deadlines included in this document have not been respected. On the other hand, public officials rarely make clear statements condemning attacks against journalists (Section C2, page 36).

According to applicable laws on measures of electronic control, such as tracking, intercepting, and listening in aimed not only at journalists, but at other citizens as well, such measures should be implemented only with permission from the court and in cases of reasonable suspicion. So far, there has been no evidence of electronic surveillance being implemented illegally, but the problem is lack of control over authorities. We can only speculate that, in some cases measures were undertaken without legal permission. We can single out the case of the Crime and Corruption Investigation Network (KRIK) and its editor-in-chief Stevan Dojcinovic (Section C2, page 36).

It is apparent that the Serbian criminal and civil justice system is not responding adequately to physical and other attacks on journalists, and this conclusion can be supported with several arguments. There are three unsolved murders of journalists, a large number of attacks on journalists that have not been resolved, very slow procedures of the judicial system when dealing with these attacks and extensive inefficiencies in the procedures of the police and the prosecutor's office (Section C3, page 37).

There are no specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity, with the exception of the Commission for the Investigation of Murders of Journalists. According to some opinions, the Commission has entered the field of state responsibility, hence abolishing the state authorities. According to experts, institutions in Serbia that deal with the protection of journalists should be raised to a level of higher importance (Section C3, page 37).

There are no special procedures that deal with the protection of women from attacks in Serbia, including those made on female journalists. The main problem exists for journalists under 24/7 police protection as, according to legal experts, some remain under this measure for years while the question remains as to what is being done to remove the threat they are under (Section C3, pages 37 and 38). According to information from the Independent Journalists' Association of Serbia (NUNS), four journalists are currently under long-term protection. However, official information about the exact number was not provided as this could potentially risk their safety.

Investigations into crimes against journalists are not conducted quickly, efficiently or independently, and this is evident in the failed investigations into the three murders of journalists that were committed in the past 20 years. Another problem is that the proceedings take too long, and many of them are never concluded. The prosecution of criminal acts is not initiated against all participants of attacks and those who are prosecuted are usually only the direct offenders, while the instigators remain unrevealed. The state does not provide enough resources for investigations of threats and violence directed at journalists (Section C3, page 38).

It also seems that there is not enough adequate training for the police, prosecution, lawyers and judges to deal with these crimes. In the last couple of years a number of gatherings for judges, prosecutors, lawyers and media representatives were organised and were effective. Specialised educational events were proposed in the Chapter 23 Action Plan, but these have not yet been implemented (Section C3, page 38).

General recommendations⁵

The main recommendation is that all measures and mechanism that ensure full implementation of media laws that provide a higher level of media freedom should be applied. In addition, amending legal regulations in order to prevent political and party influence in the election of members to the Council of the Regulatory Authority for Electronic Media (REM) should be done to provide a higher level of independence and efficiency of this body, hence ensuring political pluralism.

Amendments to the laws and by-laws regarding co-financing of media projects in the public interest should be made to improve the process itself and to prevent abuses and violations of the competition procedure. Laws should also be amended to ensure the financial independence of public service broadcasters through taxes/subscriptions without budget subsidies. Responsibility, control of the allocation of resources, competitiveness and higher transparency for the public announcement of state authorities and other holders of public authorities should be advanced.

The case law in Serbia is generally inconsistent, and this includes lawsuits initiated against journalists in connection with the publication of information in the media. This is why it is necessary to harmonise the court practices in Serbia with that of the European Court of Human Rights, introducing mandatory training of judges, workshops and counselling.

Improving cooperation between state institutions and associations of journalists is vital, primarily through the renewal of talks with the Ministry of Interior and the Republic Public Prosecutor on the signing of the Memorandum on measures to raise the security levels related to journalists' safety in accordance with the Chapter 23 Action Plan.

It is necessary to improve the work of Special Prosecution Office for High Tech Crime in cases where threats are made against journalists via social networks, and to quickly and efficiently act upon reports, conduct investigations, initiate the necessary legal proceedings and inform the public about it in cases where websites are shut down or blocked.

Also, it is necessary to concretise the work of the Commission for the Investigation of Murders of Journalists.

⁵ *These general recommendations are developed on the basis of discussions with representatives of the Independent Association of Journalists of Serbia. They represent only general points on which basis journalists associations in the future can develop their initiatives and lobbying activities for the advancement of media and journalistic freedoms and these recommendation will be expanded, complemented and concretised.*

Indicators for the level of media freedom and journalists' safety

The set of Indicators for the level of media freedom and journalists' safety in the Western Balkans are developed to meet the specific needs and objectives of the journalists' associations to advocate for greater media freedom in their countries, and for better conditions and freedom in the work of journalists. In recent years, several inter-governmental or international organisations have adopted guidelines or methodologies for comparative assessment of media freedom and journalists' safety in different countries. Among the most renowned assessments or methodologies are those published by the following organisations:

- Council of Europe: Indicators for Media in a Democracy⁶
- European Commission
- UNESCO: Media Development Indicators (MDI)⁷ and Journalists' Safety Indicators: National level⁸
- USAID – IREX: Media Sustainability Index⁹
- Freedom House: Freedom of the Press Survey¹⁰
- BBC World Service Trust: African Media Development Initiative¹¹
- Committee to Protect Journalists: Violence against journalists¹²
- Reporters Without Borders: World Press Freedom Index¹³

6 Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17684&lang=en>

7 Available at: <http://unesdoc.unesco.org/images/0016/001631/163102e.pdf>

8 Available at: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/images/Themes/Freedom_of_expression/safety_of_journalists/JSL_national_eng_20150820.pdf

9 Available at: <https://www.irex.org/resource/media-sustainability-index-msi-methodology>

10 Available at: <https://freedomhouse.org/report/freedom-press-2015/methodology>

11 Available at: http://downloads.bbc.co.uk/worldservice/trust/pdf/AMDI/AMD_summary_Report.pdf

12 See more: <https://www.cpj.org/>

13 Available at: <https://rsf.org/index2014/en-index2014.php>

In addition to the listed methodologies, special consideration has been given to the European Commission's strategic framework aimed at assessing the fulfilment of the political goals in the fields of freedom of expression and integrity of media. This framework is summarised in the DG Enlargement Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020. The guidelines are of key importance for the network of journalists' associations in the region since they take into consideration the common contextual problems with media freedoms in the region, and therefore provide the basis for both a national and regional approach to addressing the common problems. In addition, the relevance of this document for the journalists' associations comes from the fact that they are themselves identified in the guidelines as one of the key drivers of media reforms in the region.

Taken as a whole, the listed methodologies and guidelines offer a good starting point to define indicators in line with the needs and priorities of the national journalists' associations in the Western Balkans. However, most of them are designed to serve the objectives of the international organisations and are more focused on detecting comparable national data and general global trends on media freedoms. Moreover, they do not prescribe a fixed methodological approach, preferring to offer a comprehensive list from which indicators should be tailored to the particularities of the national context. Next, they have been drawn up in the developed Western democracies and therefore lack a certain degree of customisation essential for reflecting the local media context in the Balkan countries. Therefore, while reviewing all these documents, only those indicators are taken into consideration, which may reflect the specific perspective of the NJAs in advocating for better protection of journalists' work and freedom in their countries. The main focus has been put on the implementation of the legal guarantees of the freedom of expression and media independence, on a range of factors that prevent the journalists to freely exercise their daily work in the newsrooms and on the conditions under which the journalists can be safe and protected from intimidation, harassment or violence.

The Indicators for the level of media freedom and journalists' safety in the Western Balkans are structured in three categories, each consisting of a number of indicators:

Legal protection of media and journalists' freedoms

A.1 Does national legislation provide for guarantees for media freedom and is it efficiently implemented in practice?

A.2 Do defamation laws cause a 'chilling' effect among journalists?

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

A.4 Is freedom of journalists' work guaranteed by the law?

A.5 What is the level of legal protection for journalists' sources?

A.6 What is the level of protection for the right to access to information?

Journalists' positions in newsrooms, professional ethics and level of censorship

B.1 Is the economic position of journalists abused to restrict their freedom?

B.2 What is the level of editorial independence from media owners and managing bodies

B.3 What is the level of editorial independence of journalists in the public service broadcasters?

B.4 What is the level of editorial independence of journalists in the non-profit sector?

B.5 How much freedom do journalists have in the news production process?

Journalists' safety

C.1 Safety and Impunity Statistics

C.2 Do the state institutions and political actors undertake responsibility for protection of journalists?

C.3 Do the criminal and civil justice systems deal effectively with threats and acts of violence against journalists?



A

Legal Protection of Media and Journalists' Freedoms

The legal system of Serbia has introduced basic measures for the protection of freedom of expression and information through the media, both in law and in the constitution. In 2014, Serbia adopted a new set of media laws, ratified all the major international instruments in this field and introduced in the constitution the basic standards laid down in Article 10 of the European Convention on Human Rights, guaranteeing freedom of expression and freedom of the media and ensuring judicial protection from any restrictions of these freedoms. However, although the adoption of media laws was somewhat transparent, a big problem in Serbia is the implementation of these laws. The work of the Regulatory Authority for Electronic Media, poorly implemented privatisation, a lot of problems in the implementation of co-financing media, lack of respect for ethical standards, and a large number of lawsuits against journalists in relation to the publication of information in the media were singled out as problems. Although the Commissioner for Information of Public Importance and Personal Data Protection contributed to a higher level of regulations for legal protection in this area, the number of complaints the Commissioner receives is still huge and shows the lack of transparency of the public authorities.

A.1 Does national legislation provide for guarantees for media freedom and is it efficiently implemented in practice?

Serbia has so far introduced a lot of legal and institutional guarantees for freedom of expression and media independence. Serbia has ratified the major international acts in this area, the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Constitution of the Republic of Serbia¹⁴ guarantees freedom of expression and freedom of the media, prohibits censorship and provides that everyone shall have the freedom to establish media without prior permission, while television and radio stations can be established in accordance with the law. The constitution also stipulates that freedom of expression may be restricted only in consideration of the rights of others to dignity, reputation and honour, to uphold the authority and objectivity of the court, to protect public health or when it threatens national security. In Serbia, the legal framework for the media sector includes new laws adopted in 2014: the Law of Public Information and Media¹⁵, the Law on electronic media¹⁶ and the Law on Public Service Broadcasting¹⁷.

In Article 4 of the Law on Public Information and Media, freedom of public information is guaranteed and it is stipulated that public information is free and not subject to censorship. It also forbids any direct or indirect discrimination of programme editors, journalists or other persons involved in the public information sector based, in particular, on their political choices and beliefs or other personal characteristics. Regulations which refer to the print media also apply to online media. The Law of Public Information and Media defines media as public information using words, images and/or sounds to convey editorially shaped information, ideas and opinions and other content intended for public distribution and for an indefinite number of recipients. The law defines media as dailies and periodicals, news agency services, radio and television programmes and electronic editions (editorially shaped websites or Internet portals)¹⁸.

It was expected that new media legislation would contribute to a higher level of media freedoms and journalist's safety in the country, but this has not happened so

far. In general, journalists and legal experts have agreed that freedom of the media is at a very low level and that, compared to the previous period, the situation is even worse. Mostly this can be attributed to government influence on the media and the lack of editorial independence of the media. There is almost no investigative journalism, the level of self-censorship is very high and the media is subject to commercialisation. On the local level, the situation is even worse than on the national one:

“...the reasons lie primarily in the financial insecurity of the media. Local authorities are threatening with withdrawal of media financing. If you have media in the local community and you want to survive, in order to get some money from the local government you need to be obedient. This clearly demonstrates that there is no such thing as free journalism.”¹⁹

In its Progress Report for 2015, the European Commission raised its concerns about “the cases of threats and violence against journalists” and stated that “the declaration of state officials in connection with the research activities of journalists are not conducive to creating an environment in which freedom of expression can be achieved without barriers.”²⁰

The process of drafting media laws was quite transparent, which is indicated by the fact that the journalists' associations participated in their development. However, the composition of the working group that had started working on these laws was changed when the members refused to accept the government's initiative to include provisions that would allow state funding of the public broadcaster. As a result a, smaller working group was created which completed the media laws and included some provisions that are not aligned with the European regulatory framework for the funding, management and supervision of the public broadcasting services and had not been agreed with the journalists associations.²¹ Other experts think that the development of media legislation was quite transparent, but see their implementation, the low level of media self-regulation and the lack of compliance with ethical standards as the most important problems to deal with.²²

14 "Ustav Republike Srbije" [Constitution of Serbia], Article 46.

15 "Zakon o javnom informisanju i medijima" [Law on Public Information and Media].

16 "Zakon o elektronskim medijima" [Law on Electronic Media].

17 "Zakon o javnim medijskim servisima" [Law on Public Service Broadcasting].

18 "Zakon o javnom informisanju i medijima" [Law on Public Information and Media], Article 29.

19 Dragan Lazarevic, lawyer, interview by Marija Vukasovic, May 21 2016

20 European Commission, Commission Staff Working Document: Republic of Serbia 2015, Progress Report, Brussels, 2015, p. 65. Accessed on 13.05.2016. http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/godisnji_izvestaji_15_final.pdf

21 Dr. Rade Veljanovski, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 11 2016

22 Dr. Dejan Milenkovic, , professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 13 2016

The Law of Public Information and Media stipulates that the media have to be recorded at the Media Registry kept by the Serbian Business Registers Agency. The purpose of the Media Register is to make information about media publicly available. The law does not provide for mandatory registration, but if the media is not recorded, certain consequences will follow. For example, unregistered media cannot apply to the Republic, province or local government for co-financing of media content of public interest, and also the state institutions can not advertise or use other services for such media.²³

In the past few years, there were few examples of blocking or restricting content on the Internet.

The Feketic case is an example of when content was blocked on the Internet. During the election campaign in 2014, major floods hit Serbia's northern province of Vojvodina. Prime Minister Aleksandar Vucic stepped in to assist emergency services in rescuing people from the natural disaster, after which a satirical video was published on YouTube. The clip was taken from Serbia's state broadcaster RTS and had subtitles added to it. The video, in which the owner of the original footage was clearly shown, was removed from YouTube at the request of RTS under the Law on Copyright and Related Rights, although there were no grounds to request such action under Article 54a Point 1 of this law, in which free adaptations of disclosed works are allowed if it is a parody or caricature. The video was subsequently uploaded to YouTube on several occasions, but each time it was removed at the request of RTS for the protection of its copyrights. Requests in the name of RTS were sent by the company KVZ Digital, which appears as the official distributor of content that is owned by RTS. These two companies had concluded an agreement regarding distribution of RTS' content on YouTube, although this information was not made public anywhere.²⁴

In June 2014, the Pescanik²⁵ portal suffered a hacker attack and was shut down after it published an article in which it addressed serious allegations that part of Serbian Interior Minister Nebojsa Stefanovic's PhD thesis has been plagiarised. The department within the Ministry of Internal Affairs specialising in high-tech crime said it had initiated an investigation into the hacking, and that it had requested international technical assistance through Interpol from several countries in the region and around the world. However, the high-tech cri-

me departments in Great Britain and Canada confirmed that they never received any request from the Serbian police related to taking down the Pescanik website and that they were not working on the case. Following this, the Criminal Police Directorate of the Ministry of Internal Affairs refused to reply to the request, made under the Law on Free Access to Information of Public Importance, as to which foreign agencies they had sent a request for exchange of operational data, when they sent the request and which countries had responded to the request. They stated that disclosure of such information would jeopardise, hinder or impede the prevention or detection of criminal offences. On the other hand Stefanovic and the Head of the Department for High-Tech Crime, Sasa Zivanov, made a public statement claiming that while it had not been established who ordered the website to be shut down, and that it had not been officially established that the portal was even shut down on the orders of someone in authority, but that analysis of logs showed that the attack was carried out by 533 servers from dozens of countries around the world.

Although the Regulatory Authority for Electronic Media is legally defined as an independent body with a list of responsibilities and powers, several problems were identified in its work. In practice, one of the biggest problems is that this regulatory body is not sufficiently independent and does not efficiently fulfil its basic legal duties. All interviewed journalists and experts have agreed that the regulatory body does not carry out efficiently its obligations²⁶ and there is doubt to the expertise of the people who work there.²⁷ Additionally, the regulator's work is not transparent enough and as such the journalists and the public do not have confidence in it²⁸. Its members are not only under the influence of state authorities, but also of certain media²⁹. As a justification for its lack of efficiency, it is often stated that the regulator has no jurisdiction. However, it does have the jurisdiction to sanction violations when they occur, but does not use this option, and does not impose sufficient measures which are at its disposal³⁰. According to a report on its work in 2015,³¹ the regulator has imposed 16 remonstrations, nine warnings and only one measure of a temporary ban on the publication of programme content.

As a mechanism for the protection of their independence, assigning the mandate for members of the regula-

23 "Zakon o javnom informisanju i medijima" [Law of Public Information and Media], Article 37, 38 and 44.

24 Gligorijevic Jovana, "Internet learned a lot from the case 'Feketic'", *Vreme*, March 6 2014. Accessed on 10.06.2016. <http://www.vreme.com/cms/view.php?id=1179410>

25 Miletic Natalija, "Where have all the hackers gone?", *Pescanik*, December 19 2014. Accessed on 10.06.2016. <http://pescanik.net/where-have-all-the-hackers-gone/>

26 *Journalist who wished to remain anonymous, interview by Marija Vukasovic, May 10 2016.*

27 *Journalist who wished to remain anonymous, interview by Marija Vukasovic, May 17 2016.*

28 *Journalist who wished to remain anonymous, interview by Marija Vukasovic, May 18 2016.*

29 *Dr Rade Veljanovski, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 11 2016*

30 *Ibid.*

31 *Regulatory Authority for Electronic Media, Report on the work for 2015, Belgrade, 2016, p. 11. Accessed on 16.05.2016. http://www.rra.org.rs/uploads/useruploads/PDF/8412-IZVESTAJ_O_RADU_2015.pdf*

tor does not coincide with the electoral cycle, but their appointment is still a result of a process of political selection³². As an example, there is a case where two individuals proposed to be members of the Regulatory Authority of Electronic Media were eventually not elected to the positions based on the decision of the Assembly of Serbia³³. A legal expert who was interviewed for this report stated that Serbia's ruling parties exert their influence over the composition of the REM even though the way the legal procedure is designed³⁴ is to restrict such influence of the executive power³⁵. It seems that the procedure of selecting members of the REM cannot be easily finalised and the government continues to influence its composition. Another example of political influence over this regulator body is the delay in the appointment of new council members once the mandate of the current members expires. The overall impression is that this is the result of dissatisfaction among the parliamentary majority with proposed candidates.³⁶

The REM has the authority, if it determines that the application falls under its jurisdiction, to impose a measure against the media service provider, to submit a request for initiation of the misdemeanour and criminal proceedings, or to initiate other proceedings before the competent state body³⁷. However, problems exist in undertaking these any of these actions. According to the information that we received from REM in 2015, 55 requests were filed for misdemeanour proceedings which covered a total of 8,081 misdemeanours by media service providers and 11 requests were sent for economic offences covering 59 violations by media service providers. Of all offences by media service providers filed in 2015, REM had received a decision on one complaint of an economic offence by the time of writing this report.

The Law on Advertising prescribes that the Republic of Serbia, autonomous province and local governments, and institutions and other legal entities, which are entirely or mostly financed from public funds, can make public announcements of state authorities or other public authorities, such as public announcements, press statements, notifications, public campaigns etc³⁸.

The report of the Anti-Corruption Council³⁹ states that there are no public and transparent criteria for the allocation of funds. Over four years, a representative sample of 124 state bodies, funds, local authorities, public companies and companies with a majority of state capital, spent more than 60.9 million euros on paid advertising and marketing. Most of the funds, over 57 per cent, were spent by companies with a majority of state capital (42.15 per cent) and public companies (15.46 per cent) combined. Approximately less than a third (28.83 per cent) of the paid expenses was for the cost of advertising in the media and 28.24 per cent was for the costs of sponsorships and donations. A complete absence of the principle of competition was found in the contracting of video productions for the public sector that is subject of state budget money. There are cases where public-sector institutions engage legal entities for marketing services whose main registered activity has nothing to do with the job for which they were selected for. Also, promotional campaigns of state institutions and public companies are mostly focused on the promotion of officials and politicians who are at the head of these institutions and who close the contracts on media coverage, which include the obligation to invite representatives of these institutions and enterprises as guests on their news programmes. The Anti-Corruption Council performed an analysis of numerous contracts for marketing services and found that in practice, the system of public procurement, which public institutions have to apply, was not present as a reliable model of contracting advertising services and marketing.

Public procurement should be applied for the production of television transmissions of assembly sessions at the national, provincial and local levels due to the public interest. However, it sometimes happens that despite the fact that the Law on Public Information and Media excludes all forms of media financing from the public funds, other than the co-financing of projects that are of public interest, local authorities carry out public procurement. Such a case was registered in the eastern Serbian city of Pozarevac⁴⁰.

The Law of Public Information and Media introduced the possibility of co-financing projects in the public information sector for the purpose of realising the public

32 *Journalist who wished to remain anonymous. Interview by Marija Vukasovic, May 10 2016.*

33 *Zivanovic Maja, "APV Assembly Committee about the case "REM": RTV, March 4 2016. Accessed on: 10.06.2016. http://www.rtv.rs/sr_lat/vojvodina/novi-sad/odbor-skupstine-apv-o-slucaju-rem_695603.html*

34 *According to the Law on Electronic Media, there are eight authorized proposer for the nomination of candidates for members of the regulatory body for electronic media. Article 8.*

35 *Slobodan Kremenjak, lawyer, interview by Marija Vukasovic, May 16 2016.*

36 *Ibid.*

37 *"Zakon o elektronskim medijima" [Law on electronic media], Article 26.*

38 *"Zakon o oglašavanju" [Law on Advertising], Article 3, paragraph 2, item 2.*

39 *Anti-Corruption Council, Report on the possible impact of public sector institutions on media, through financing of advertising and marketing services, Belgrade, 2015, p. 17-23. Accessed on 16.05.2016. [http://www.antikorupcijasavet.gov.rs/Storage/Global/Documents/mediji/lzvestaj%20Saveta%20eng%20%20final%2003.03.%20\(Repaired\)%20final.pdf](http://www.antikorupcijasavet.gov.rs/Storage/Global/Documents/mediji/lzvestaj%20Saveta%20eng%20%20final%2003.03.%20(Repaired)%20final.pdf)*

40 *Urosevic Uros, "How is public procurement unexpectedly conducted for media in Pozarevac?" Radio Boom 93, March 14, 2016. Accessed 17.05.2016. <http://www.boom93.com/info/lokalne-vesti/31814/evokako-je-neocekivano-prosla-javna-nabavka-za-medije.html>*

interest⁴¹. State institutions and the local self-government are allowed, upon a public competition, to allocate funds from their budgets aimed at realising public interest in the public information sector, or at strengthening programme diversity. This area is closer regulated in the Rulebook for the co-financing projects of the public interest in the field of public information⁴². The funds for the co-financing projects shall be distributed during the calendar year on the basis of a public competition⁴³. Also, the regulations cover competition procedures, the criteria for evaluating the project, selecting expert commissions for the evaluation of the project and making decisions on the distribution of funds.

The implementation of the public tenders for co-financing projects of public interest encountered many problems in practice, especially at the local level. The most common problem was related to the definition of what is in the public interest. The Law on Public Information and Media contains a comprehensive definition of the public interest, but public interest is differently understood from one municipality to the next. It also happens that some programmes that are undoubtedly of the public interest are not foreseen by the law as such. Under the 2014 Rulebook sanctions for those entities which fail to publish a call for co-financing projects are not defined, and some municipalities take advantage of this inconsistency. According to competition results the Ministry of Culture and Information allocated 121 million dinars (1 million euros) in May 2015 for 161 co-financing projects of media content in the category of electronic and print media. The minimum amount, only 72,000 dinars (about 600 euros), was granted to the online portal Glas Opovo, while the Mreza production group received the biggest amount – 4,278,000 dinars (about 35,633 euros)⁴⁴.

The proposal submitted by a commission composed of representatives of media and professional associations, which decided on the how the funds for co-financing projects for media content should be allocated, was fully accepted by the Minister of Culture and Information in 2015.

A lot of the journalists interviewed for this report agree that co-financing of projects is a good idea, on the basis that it is the only way for the local media to survive on the market. However, the first serious analysis

shows that the execution of co-financed projects on a local level have been poor so far. The ruling parties in the local municipalities adjust the competition criteria so that funds are allocated to those media which support them⁴⁵. The procedure very often lacks transparency and the selection committees are often composed of individuals who have suspicious professional competence and are close to the authorities⁴⁶.

A tender process in the south-central town of Kraljevo is an example of a poorly conducted competition. The commission was independent, its members abided by the law and aimed to allocate the funds properly, but the Mayor of Kraljevo cancelled the competition, leaving the funds undistributed. Another example is of a tender competition that took place in the southwest city of Novi Pazar, where a journalist from the northern town of Senta was elected as a member of the commission, alongside the head of the Department of Information, seen as close to the authorities, and a TV Pink journalist from Belgrade. Due to the composition of the commission, the local public knew in advance that more than 90 per cent of the available funds would be allocated to the local media that is under local government jurisdiction, which is exactly what happened⁴⁷.

In practice, the biggest portion of the available funds usually go to media that has been privatised. In the Serbian capital, Belgrade, the majority of the funds available in competitions for co-financing of projects for media content in 2015 went to Studio B. From a total of 45 million dinars (375,000 euros) Radio-Television Studio B got more than half of the funds (23 million dinars, or just under 192,000 euros). Studio B was bought by the owner of Hit FM and Karolina radio stations, which also received funds in the competition⁴⁸.

The establishment and maintenance of media by national minorities is stipulated by the Law on Protection of Rights and Freedoms of National Minorities.⁴⁹ This law stipulates that the National Councils of National Minorities can establish the institution in charge for the field of information⁵⁰, with funding provided by the Law on National Councils of National Minorities. National mi-

41 "Zakon o javnom informisanju i medijima" [Law of Public Information and Media], Article 17.

42 "Pravilnikom o sufinansiranju projekata za ostvarivanje iz javnog interesa u oblasti javnog informisanja" [Regulation for the co-financing projects in the public interest in the field of public information].

43 *Ibid.*, Article 5.

44 Media Observatory and Novi Sad School of Journalism, *A transitional year – who will benefit from the media reforms*, Novi Sad, 2015, p. 6. Accessed on 23.05.2016. <http://mediaobservatory.net/sites/default/files/State-Media%20Financial%20Relations%20in%20Serbia.pdf>

45 Journalist who wished to remain anonymous, *Interview by Marija Vukasovic*, May 17, 2016.

46 Journalist who wished to remain anonymous, *Interview by Marija Vukasovic*, May 19, 2016.

47 Journalist who wished to remain anonymous, *Interview by Marija Vukasovic*, May 19, 2016.

48 B92, "For Studio B, more than half of the money in the competition", B92, December 9, 2015. Accessed on 23.05.2016. http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=12&dd=09&nav_category=12&nav_id=1072562

49 "Zakon o zaštiti prava i sloboda nacionalnih manjina", [Law on Protection of Rights and Freedoms of National Minorities], Article 17.

50 "Zakon o nacionalnim savetima nacionalnih manjina", [Law on National Councils of National Minorities], Article 19.

nority councils can use the acquired funds to finance the work of institutions, foundations, companies and organisations founded or co-founded by the National Councils of National Minorities. Within competences of the National Council, these national minority councils have jurisdiction to fund co-financing programmes and projects in the field of education⁵¹. Also, the Law on Public Information and Media stipulates that the Republic of Serbia, autonomous province, or local governments are to provide the funds through co-financing or other means for the work of media who publish information on the languages of national minorities⁵². The resources for the financing of national minority councils shall be provided from the budget of the Republic of Serbia, autonomous province and local governments, as well as by donations and other incomes⁵³.

According to the Provincial Secretariat for Culture and Public Information, in 2015, the provincial budget subsidised 22 media outlets owned by national councils for a total of 294 million dinars (2.45 million euros). The largest subsidy was granted to a daily newspaper in the Hungarian language, which received 85 million dinars – about 710,000 euros, while five media were allocated 29-30 million dinars (about 250,000 euros). This equates to the total amount that the Ministry of Culture and Information awarded to 76 media outlets to support their respective projects in minority languages.⁵⁴ As far as minority and multilingual media are concerned, Serbia's amended media laws created two entirely separate media scenes with two different principles – one controlled by national councils and one separated from state authorities, at least formally. While multilingual media and that in the majority language pose problems for the authorities, national councils are trying to strengthen their influence over the minority media that they have established, with the intention to reinforce its influence on all minority media content⁵⁵.

However, considering that the idea of privatisation was to exclude the state from the media, the process of privatisation was accompanied by various problems.

Privatisation was implemented poorly in Serbia, with media sold for low prices and a large number of outlets shut down. Vast amounts of budget money go to private media which are used by local potentates for self-promotion and political propaganda. According to data from the Teplice Center for Democracy and Human Rights⁵⁶, the final list for privatisation specified/contained 73 media outlets. At the end of June 2015, the Privatisation Agency of Serbia announced a public invitation for the privatisation of 50 media outlets. Of these, 34 were sold (21 in the first round and 13 in the second), and there were no prospective buyers for the remaining 16 outlets. The majority of them were sold for a value slightly higher than their starting price, while Radio Sid was sold at a price 70 times higher than was originally asked. Of the 34 sold outlets, 22 were privatised by transferring capital to employees free of charge, 13 are to be shut down, and 4 media publishers are to change industries.

Some experts consider that, on the one hand, Serbia is under the influence of the European Union to implement privatisation so that its media is independent of and not financed by the authorities. However, while local media have been privatised, the concept of the programme of this sector of the media has not changed; now the "... programme is dictated by a private owner, and these are often people who are close to the government"⁵⁷.

The institutional autonomy and editorial independence of the public broadcasters in Serbia is guaranteed by the Law on Public Service Broadcasting⁵⁸. The public service broadcasters – national Radio Television of Serbia (RTS) and provincial Radio Television of Vojvodina (RTV) – are independent and autonomous legal entities whose main activity enables the realisation of the public interest.⁵⁹ The Republic of Serbia is obliged to secure stable and sufficient financing of the main activity of the public service broadcasters, and the method of financing should not affect their editorial independence and institutional autonomy. The law also prescribes the methods of financing the public service broadcasters⁶⁰.

However, the law omits clear mechanisms to ensure the public interest is upheld. The Program Council, which represents the public, is worried about satisfying the interests of listeners and viewers in terms of programme content, however, its members are elected by the administrative Board of the Public Service Broadcaster,

51 *Ibid.* Article 113.

52 "Zakon o javnom informisanju i medijima" [Law of Public Information and Media], Article 13.

53 "Zakon o nacionalnim savetima nacionalnih manjina", [Law on National Councils of National Minorities], Article 114.

54 *Media Observatory and Novi Sad School of Journalism, Privatisation of minority language media in Serbia: Liberation or disappearance, Novi Sad, 2015, p. 4. Accessed on 23.05.2016.*

<http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2015/10/Serbia-Privatisation-of-Minority-Language-Media.pdf>

55 *Independent Journalists' Association of Vojvodina, Minority and multilingual media in the context of implementation of media laws, Novi Sad, 2016, p. 15-16. Accessed on 23.05.2016. <http://www.ndnv.org/wp-content/uploads/2016/04/Marijinski-i-visejezicni-medijiFINAL.pdf>*

56 *Teplice Center for Democracy and Human Rights, Civilian Supervision Media Privatisation in Serbia, Prokuplje 2016, p. 14-19. Accessed on 24.05.2016. <http://www.nadzor.org.rs/pdf/Privatizacija%20medija.pdf>*

57 *Dr Dejan Milenkovic, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 13 2016*

58 "Zakon o javnim medijskim servisima" [Law on Public Service Broadcasting], Article 5.

59 *Ibid.* Article 2

60 *Ibid.* Article 35, 36.

on the proposal of the National Assembly's Committee on Culture and Information and the Assembly of the Autonomous Province of Vojvodina's Committee on Culture and Public Information⁶¹. This means that there is no external form of control by the civil society, expert organisations or associations of citizens in electing members to the Program Council. The law stipulates that the national and provincial assemblies should receive reports on the national and provincial public service broadcasters, but there is not any provision if these reports will be taken into account and considered by the given authorities.⁶²

The Novi Sad School of Journalism conducted monitoring of the RTS 1 television channel from August 15 to September 13 2015. The information attained through this monitoring showed that the majority of the programmes on the channel are news based. It also identified a number of issues, including that programme content dedicated to minorities and young people was only represented in five programmes, amounting to 0.5 per cent of the overall broadcasted content. Of this amount, 0.1 per cent represented young people and 0.4 per cent represented ethnic minorities. There was also no programme content in any minority language broadcast, which is a violation of the Law of Public Service Media. Additionally, the percentage of children's and educational programmes that were broadcast is small in comparison with other programme varieties.

During the one-month monitoring period, it was also found that no documentary, children's programme, series or sports transmission was broadcast in the Hungarian language on RTV 1. Based on this, it can be concluded that the Hungarian national minority only partially achieves its legally guaranteed rights.⁶³

The institutional autonomy and editorial independence of public broadcasters is not necessarily implemented in practice. There is no financial independence of the public broadcaster, due to low subscription rates and dependence on budgetary subsidies. Experts emphasise that the financial framework for this media should ensure financial independence of public broadcaster services, yet there is political resistance towards replacing subscription fees with a tax, so authorities have resorted

to saying that public media services will be funded exclusively from the budget.

"...This is in contradiction with not only modern, but also traditional models of financing public media services in Europe as well. Eventually we created normative conditions for implementation of fees. However, instead of ensuring the adequate mechanism for subscription fee collection, Radio Television of Serbia turned to the other side, likely with the help of the political elite, which led to only a partial subscription fee collection in the two previous years. Now we are faced with a dual financing that cannot ensure financial independence"⁶⁴.

A.2 Do Defamation Laws cause a 'chilling effect' among journalists?

Up until May 2012, when defamation was decriminalised, libel and defamation in Serbia were regulated under Criminal Law. Libel, however, remains a criminal act under Criminal Law. The Law on Public Information and Media prescribes that a person who suffers damages because of the publication of information is entitled to compensation, which covers material and non-material costs⁶⁵. Specific rules about the right to compensation are stipulated in the Law on Obligations⁶⁶.

Over the past several years, the number of lawsuits initiated against journalists in connection with the publication of information in the media was significant.

As stated in the Report of the High Court in Belgrade in 2013, 323 lawsuits related to the disclosure of information media were initiated while in 2014, there were 413 lawsuits and in 2015, just 40. By April 26, 2016, the number of initiated lawsuits was 153. The same report gives information regarding the courts' efficiency. It states that in 2013, 238 of the initiated cases were resolved, in 2014, 206 cases were resolved and in 2015, the figure was 286. By April 26, 2016, 157 cases were resolved. In the period from 2013 to April 26, 2016, the number of resolved cases totals 887, while the total number of unresolved cases is 739⁶⁷.

61 *Ibid.* Article 29, 30.

62 *Novi Sad School of Journalism, Public services are (not) in the service of citizens, Novi Sad 2015, p. 2. Accessed on 24.05.2016. <http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2015/10/JAVNI-SERVISI-NISU-USLU%CS%BDDBI-GRA%C4%90ANA.pdf>*

63 *Novi Sad School of Journalism, Report on monitoring program shame RTV and RTS, as indicator exercise of legal function of public media services, 2015, Novi Sad, p. 19 and 24. Accessed on 25.05.2016. <http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2015/10/Izvestaj-o-monitoringu-programskih-sema-Radio-televizije-Vojvodine-i-Radio-televizije-Srbije-oktobar-2015.pdf>*

64 *Dr. Sasa Gajin, professor at the Faculty of Law, University UNION, interview by Marija Vukasovic, May 20 2016*

65 "Zakon o javnom informisanju i medijima" [Law of Public Information and Media], Article 112.

66 "Zakon o obligacionim odnosima" [Law on Obligations], Article 198 and 200.

67 *High Court in Belgrade, Report on the number of lawsuits initiated against journalists in connection with the publication of information in the media starting with 2013, April 28 2016. Accessed on: 25.05.2016.*

Although decriminalisation of defamation was considered a positive step towards greater media freedoms in Serbia, it did not bring about much change. Some of the experts interviewed for this report emphasised that “... in a period when the defamation was a criminal offence, [the number of] lawsuits for damages was more. The only thing that was obtained with decriminalisation of defamation is that it eliminated the possibility that a journalist is punished for defamation with imprisonment, or that the journalist’s conviction is put on their criminal record.”⁶⁸

Interviewed experts also said that the idea of drafting new media legislation was to free journalists from undesired influence, however, “a proposal to introduce a misdemeanor provision in the Law of Public Information and Media, which proscribes punishment of any attack on the journalists’ integrity, including public officials who attempt to influence journalists (to call them by phone, to condition or blackmail them) was not included in the final version of the law”⁶⁹.

In Serbia, the judiciary is highly dependent on the political sphere, and members of the judiciary are not immune to political influence. Political officials often use their power to influence the course of trials and it is of common opinion that the Serbian judiciary is in a poor state. Although the situation with the judiciary is improving, it is still not on a satisfactory level. Court practices in Serbia are not in accordance with those of the European Court for Human Rights, and in some cases, justice is delivered in a manner that implies that it was politically biased against certain journalists. An example of this relates to the Forum television programme in the south-west town of Prijepolje, where “employees sued the Mayor of Prijepolje, who entered the premises of the television and insulted and threatened the employees. The verdict was overturned and the mayor was released”⁷⁰.

Serbia’s independent and a self-regulatory body, the Press Council, which was established to monitor the application of the Code of Ethics for journalists in print and online media, as well as news agencies, and to resolve complaints from individuals and institutions on the content that these media broadcast. Press Council membership for the media is voluntary. The courts usually do not take decision of the Press Council into consideration when delivering their rulings. According to information from the Press Council, there were three cases when media that had been sued for defamation addressed the Press Council to determine whether the Code of Ethics had been violated, then used this infor-

mation as evidence in court. An example of this is the case against the local weekly, Becejski mozaik, where the court of first instance accepted the Press Council’s decision and rejected the complaint as unfounded. Later, in the appeal, the court of second instance decided against the Press Council’s decision⁷¹.

The results of the surveys conducted with journalists for this report show differing opinions regarding the possible impact raising lawsuits against journalists can have on their work. Most journalists said that the possibility of lawsuits being filed against them affects their work to a certain extent. Of the respondents, 52.60 per cent said this possibility affects their work either little, somewhat, very or extremely, while a quarter of them said it did not affect their work at all.

Table 1: How influential has the possibility of raising lawsuits been on journalists’ work?

	Number	%
Extremely influential	14	12,61
Very influential	20	15,02
Somewhat influential	14	12,61
Little influential	14	12,61
Not influential	26	23,42
Not relevant to respondent’s work	3	2,70
Don’t know	18	16,22
Refused to answer	2	1,80
TOTAL	111	100

A.3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?

Media pluralism in general is guaranteed by the Law of Public Information and Media. This states that to enable citizens to form their own opinions of occurrences, events and people, versatility of sources of information and media content shall be provided⁷².

In the media sector, political pluralism is guaranteed under the Law on Public Service Broadcasting. This

68 Slobodan Kremenjak, lawyer, interview by Marija Vukasovic, May 16 2016.

69 Sasa Gajin, professor at the Faculty of Law, University UNION, interview by Marija Vukasovic, May 20 2016.

70 Dragan Lazarevic, lawyer, interview by Marija Vukasovic, May, 2016.

71 Filipcev Vladan, “The High Court in Novi Sad: Becejski mozaik convicted because of the letters of the reader”, Becejski mozaik, May 25 2015. Accessed 25.05.2016. <http://becejski-mozaik.co.rs/vesti/becej/1945-visi-sudu-u-novom-sadu-becejski-mozaik-osuden-zbog-pisma-citaoca>

72 “Zakon o javnom informisanju i medijima” [Law on Public Information and Media], Article 17.

law stipulates that it is the obligation of the public service broadcaster to respect and promote pluralism of political, religious and other ideas, and that it cannot serve the interests of individual political parties⁷³. The same law stipulates the obligation for political parties, coalitions and candidates for national, provincial and local elections to receive equal representation during campaigning⁷⁴. Pluralism is guaranteed by the Law on Electronic Media, which prescribes that all media service providers are obliged, during the election campaign, to enable registered political parties, coalitions and candidates representation without discrimination⁷⁵. The Law on the Election of Members of the Parliament stipulates that the media are obliged to independently and impartially represent all candidates during election campaigns⁷⁶.

It is of the common opinion in Serbia that political parties do not have fair and equal access to media, both in their pre-election and election campaigns. They do not have equal access to public broadcasting services, where they should have equal treatment by law, while private media are entirely dominated by the ruling parties and used as mouthpieces of political parties. The opposition is shunned and misrepresented. One of the reasons for this is the fact that media outlets are politically slanted and serve as channel for the promotion of particular political parties and tycoons who fund them, particularly at the local level. There are a few unbiased media still operating today, but not enough⁷⁷.

The Regulatory Authority for Electronic Media (REM) supervises the work of broadcasters in the Republic of Serbia.⁷⁸ Under the Law on Electronic Media, the REM is specifically obliged to protect media pluralism in times of elections⁷⁹. To ensure this obligation is met, the REM has adopted a rulebook regarding the duty of media service providers during election campaigns. Among its maxims, the rulebook states the following: election campaign programming must be separate in terms of sound and picture from the rest of the programming and clearly marked with text notification, except when it comes to political advertising; during the election campaign, it is forbidden to covertly broadcast election programming in the form of news or other programmes that feature public officials or a prominent representative linked to

the submitter of the electoral list or candidate. The rulebook also stipulates that the media service provider is obliged, when they are informed about the campaign activities of electoral lists and candidates, to ensure they receive representation without discrimination. The same obligation applies to national and provincial public service broadcasters (RTS and RTV)⁸⁰.

Natural and legal persons, including media service providers, are eligible to submit applications to the REM if they think that programme content of media service providers violates or jeopardises their personal or public interest. The REM can impose on the media service provider a caution, warning, temporary ban on publication of the programme content or may revoke its license.

During the 2016 election campaign, political parties did not have fair and equal access to the media. "Those in power occupy media space much more frequently, regardless of whether they need to. The phenomenon is present both in commercial and public services"⁸¹. Experts interviewed for this report support this claim by the fact that the highest officials from the Serbian Progressive Party and the Socialist Party appear very often on *Drugi Dnevnik*, the most-viewed show on RTS in the pre-election period, but they warn that such a practice was used "...by the Democratic Party of Serbia and its [former] leader Boris Tadic, who also appeared excessively on viewed shows such as *Drugi Dnevnik*, as well as on other media."⁸²

According to a 2016 OSCE report, monitoring of the media during the most recent election campaign showed that the content of news programmes of two public service broadcasters were clearly dominated by the existing government's activities, which received approximately 40 per cent representation. In news segments on the electoral lists participating in the elections, the Serbian Progressive Party was featured most prominently, receiving about a 15 per cent share of the coverage. Private television channels with national coverage (B92, Happy, Pink and Prva) were benevolent to the government and/or the Progressives in their news programmes, for which Pink stood out for its open promotion of the ruling Progressive Party, while it portrayed the opposition Democratic Party in a negative light. In total, B92, Pink and Prva dedicated approximately 90 per cent of their programming outside of the regular news to the government and/or the Serbian Progressive Party. Happy dedicated 47 per cent of such program-

73 "Zakon o javnim medijskim servisima" [Law on Public Service Broadcasting], Article 7, paragraph 1, item 4.

74 *Ibid.*, Article 7, paragraph 1, item 8.

75 "Zakon o elektronskim medijima" [Law on Electronic Media], Article 47, paragraph 1, item 5.

76 "Zakon o izboru narodnih poslanika" [Law on the Election of Members of the Parliament], Article 50.

77 Dr Rade Veljanovski, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 11 2016

78 "Statut Republičke radiodifuzne agencije" [Statute on the Republic Broadcasting Agency], Article 5, paragraph 1, item 6.

79 "Zakon o elektronskim medijima" [Law on Electronic Media], Article 103.

80 "Pravilnik o obavezama pružalaca medijskih usluga tokom predizborne kampanje" [Rulebook on the obligations of media service providers during the election campaign], Article 4, 8 and 10.

81 Dr Rade Veljanovski, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 11 2016

82 *Ibid.*

mes to the Progressive and more than 38 per cent to the Socialist Party of Serbia. A positive example in coverage during the 2016 election campaign is N1 television network, which had demonstrated diverse and balanced reporting about elections participants in its news programmes. Looking at newspapers, Informer provided open support to the Progressives and the existing government, while the opposition was presented in a negative light. Politika and Vecernje Novosti (both partly state-owned) favoured the existing government in their reporting and the situation is similar with Kurir. Blic took a somewhat more critical approach towards political actors while Danas employed various approaches, but was overall more balanced than many other media during this period⁸³.

Through monitoring of campaign financing for the 2016 parliamentary, provincial and local elections in Serbia, it is clear that television advertising was the dominant form of marketing for political parties surrounding the polls. The monitoring, which covered television stations with national coverage, public broadcasters, Belgrade-based Studio B and cable TV station N1, found that most advertisements and air time on these networks featured the ruling Serbian Progressive Party.⁸⁴ Similar results are stated in the report How politicians communicate with voters, which shows that Serbian Prime Minister Aleksandar Vucic had a key role in the election campaign, with either himself or his party colleagues praising the successes of his government. Out of 236 analysed statements in the report, 121 belong to Vucic, while the remaining ones are shared between 16 other politicians⁸⁵.

An example of this can be seen in an event from October 2015. At this time, four media programmes with national frequencies transmitted the Serbian Progressive Party's celebration marking its seventh year of being in existence. Following this, a complaint was submitted to the REM, which deemed there were no conditions in this instance to initiate measures stipulated under the Law on Electronic Media, explaining that Article 47, paragraph 1, item 5 of this law does not sufficiently define the scope of restrictions under this provision. The REM, alongside the Independent Journalists' Association of

Serbia (NUNS) and the Journalists' Association of Serbia (UNS), submitted an initiative to the Ministry of Culture and Information for a clear interpretation of Article 47, paragraph 1, item 5 of the Law on Electronic Media to be made. The aim was to establish whether this legal provision should be interpreted as a ban on broadcasting political advertising and messages that recommended to certain political entities, its ideas and activities to audiences outside of election campaigns, or as ban on any communication outside election campaigns that influence the beliefs or views of the audience in order to achieve certain political goals. In the end, it was established that there was no legal basis for instituting proceedings for the adoption of clear interpretations by the competent committees of the Assembly of Serbia.

With regards to public service broadcasters, a content analysis of RTS in the period from January 18 to March 1 2016 showed that it was reasonably interested in reporting on the performance of government functions, state bodies' decisions and the actions by high officials.⁸⁶

A.4 Is freedom of journalists' work and associations guaranteed and implemented in practice?

In Serbia, there were initiatives to introduce licensing for the journalism profession. For example, one political party, in its 2015 programme, proposed the introduction of specific licences for journalists in order to ensure the principle of responsibility in the field of journalism, but the idea was met with much criticism. All journalists' associations in the country unanimously condemned this idea, arguing that the state should not have any part in the licensing of journalists⁸⁷. Experts also stressed that "...any restrictions or conditions regarding entry into journalism would represent an attack on the freedom of speech and freedom of media"⁸⁸.

Based on the results of the survey conducted for this report, it can be concluded that journalists are often refused permission to report from certain places or events on the ground for not having accreditation issued by the authorities or on other grounds. Of the survey respon-

83 OSCE and Office for Democratic Institutions and Human Rights, *Final Report, Limited Election Observation Mission of the OSCE / ODIHR, Warsaw, 2016*, p. 15. Accessed on: 22.08.2016. <http://www.osce.org/sr/odhr/elections/serbia/259021?download=true>

84 Transparency Serbia, *Monitoring campaign for parliamentary, provincial and local elections, Belgrade, May 2016*. Accessed on 26.05.2016. <http://www.transparentnost.org.rs/index.php/sr/59-srpski/naslovna/8421-monitoring-kampanje-za-parlamentarne-pokrajinske-i-lokalne-izbore>

85 Balkan Investigative Reporting Network, *Election Campaign 2016: How politicians communicated with voters, Belgrade, 2016*, p. 3. Accessed on 26.05.2016. <http://bimrsrbija.rs/wp-content/uploads/2016/04/Izborna-kampanja-2016-Kako-su-politici-C4%8Ddari-komunicirali-sa-bira%C4%8Dima.pdf>

86 Novi Sad School of Journalism, *The campaign before the campaign, Novi Sad, 2016*, p. 2. Accessed on 26.05.2016. <http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2016/04/Flash-izvestaj-RTV-i-RTS-18-april.pdf>

87 Serbia Today, "DEMOCRATS AGAINST DEMOCRACY Borko wants to license journalists and introduce a media darkness in Serbia." *Serbia Today*, October 28 2015. Accessed on 27.05.2016. <http://www.srbijadanas.com/clanak/demokrata-protiv-demokratije-borko-hoceda-licencira-novinare-i-uvode-medijski-mrak-u-srbiju>

88 Sasa Gajin, professor at the Faculty of Law, University UNION, interview by Marija Vukosovic, May 20 2016

dents, 42.34 per cent said they had been barred from reporting at certain places because of this, whoever, 50.45 per cent said they had not experienced this in their work.

Table 2: Have the journalists been refused to report from certain places or events for not having accreditation issued by the authorities or on other grounds

	Number	%
Yes	47	42,34
No	56	50,45
Don't know	8	7,21
Refused to answer	0	0,00
Total	111	100,00

Journalists do join professional associations, but only in a small number. In Serbia, there are three long-established associations for people working in the journalism sector – the Independent Journalists' Association of Serbia (NUNS) and the Journalists' Association of Serbia (UNS), which are both operate on a national level, and the Independent Journalists' Association of Vojvodina, which operates on the provincial level. In August 2014, the Professional Association of Journalists of Serbia was founded, whose members mainly consisted of journalists employed by the state-owned media. Data from the associations themselves indicate that the majority of journalists are not members of any associations, however, the results from the survey conducted for the purpose of this report show that more than half of the surveyed journalists do belong to an association.

The journalists' associations and their individual members come under various pressures. Most often, it is the associations that insist on nation-wide implementation of media reforms, particularly those related to privatisation and co-financing, that come under the most pressure. None of the associations that are part of media coalitions⁸⁹ are satisfied with the extent of media reforms that have previously been made, and thus often face pressures from national, provincial and local authorities.

The Press Council is an independent, self-regulatory body that brings together publishers, owners of print and online media, news agencies and media profes-

sionals. It was established for monitoring the observance of the Journalist's Code of Ethics in print and online media, as well as in news agencies, and to solve complaints made by individuals and institutions related to media content. The Press Council is also authorised to mediate between aggrieved individuals, institutions and editorial staff, and to publish public caution in cases where ethical standards has been violated as defined by the Code of Ethics. The Press Council is engaged in the education of media professionals in acting in accordance with the Code, and works to strengthen the role of the media in Serbia. Most media in Serbia recognises the competence of the Press Council.

The Press Council is one of the rare media organisations in the country that has shown progress in its work. From January to December 2015, the Press Council's Complaints Commission received 109 complaints. Of these, 46 were filed by individuals, including a number of public figures. Additionally, complaints were made by civil society organisations, companies, state institutions, and international organisations. Only three of these appeals were resolved, following mediated agreements between the parties. The Complaints Commission had decided on 91 appeals and rejected 14 on the grounds that they did not meet the formal requirements for consideration, usually because the person who filed the complaint did not personally suffer any damage by the published media article. Of the total number of resolved complaints, a violation of the Code of Ethics was determined in 60 cases, and because of that, the Press Council publicly warned the media⁹⁰.

However, one problem that arises under this process is that "sanctioned" media do not publish the decision of the Complaints Commission or, if they do, the decision is presented in a manner that makes it imperceptible for readers, which reduces the effect of self-regulation⁹¹.

The biggest problem facing the journalism profession in Serbia is the very weak state of the trade union for journalists. While there is an Autonomous Union of Printing, Editing, Information and Film Industry Workers of Serbia within the Confederation of Autonomous Trade Unions of Serbia, the benefits of their work is not recognised among journalists. There are also two branch unions - the Trade Union of Journalists of Serbia and the Independent Journalist's Trade Union, but their authority is rather limited, as well as their influence and number of members. None of the unions have activities that

⁸⁹ An informal coalition of journalists' and media associations consisting of the Independent Journalists' Association of Serbia, the Journalists' Association of Serbia, the Independent Journalists' Association of Vojvodina, the Association of Independent Electronic Media and the Association of the Local and Independent Media Local Press. The coalition was formed to advocate the adoption and implementation of media strategies and to increase the independence of the media and their protection from pressure.

⁹⁰ Press Council, Report on the work of the Press Council for 2015, Work of the Commission for Complaints. Accessed on: 27.05.2016. http://www.savetzastampu.rs/cirilica/izvestaji/110/2016/03/11/1019/izvestaj-o-radusaveta-za-stampu-za-2015._godinu.html

⁹¹ Vukasin Obradovic, President of Independent Journalists' Association of Serbia, interview by Marija Vukasovic, June 15 2016

would make journalists feel safer, especially in terms of providing assistance in the field of labour rights. The results of the survey conducted for this report show that 74.77 per cent of journalists are not members of any trade union while only 23.42 per cent said they do belong to such a group.

Union members are also often pressured by employers. The government has not undertaken any measures to improve the legal protection provided to journalists, even in the modest legal protection given to employees in general under the Labour Law. The main problem in this area is the pressure from media owners who either directly or indirectly told employees that unions are undesirable, in the sense that they would prefer their employees not to be in them, and for these unions not to be established. Only a few media outlets in the country have strong unions.

A.5 What is the level of legal protection of journalists' sources?

Legal protection of journalist's sources is guaranteed by several laws. The Law of Public Information and Media stipulates that journalists are not obliged to reveal their sources of information, except where the information refers to a criminal act, or a perpetrator of a criminal act, for which a sentence of imprisonment of at least five years is prescribed by law, and if the information cannot be obtained in any other way⁹². Under Criminal Law, protection of sources is extended to editors, publishers and other media professionals alongside journalists⁹³.

Some legal experts are indicating to the practice European Court of Human Rights and the interpretation of Article 10 of the European Convention on Human Rights, that journalists are not obliged to disclose the source just because there is a legally prescribed basis. "In order for state interference to be considered justified, it is necessary to have exhausted all other reasonable measures that represent an alternative to discovering the source. In addition, it is necessary to jeopardise [a source's anonymity] if a vital interest [exists] that outweighs the public interest, which the source does not detect. In Serbia, we don't have a developed judicial practice related to the protection of journalistic sources. In some cases, the journalists had not even received any formal document, [and were] only informally notified that the proceedings were suspended."

92 "Zakon o javnom informisanju i medijima" [Law of Public Information and Media], Article 52.

93 "Krivicni zakonik" [Criminal Law], Article 38, 39 in relation to Article 41.

The same author indicates that the protection of the confidentiality of journalists' sources is of crucial importance as one of the cornerstones of press freedom. "It is a prerequisite for the free exercise of journalism, and for the realisation of the right of the public to be informed on matters of public interest. If in the society would not exist or function mechanisms for the protection of journalists' sources, the relationship of trust between journalists and their sources would be seriously compromised. This would have a chilling effect on media freedom and investigative journalism, and journalists and the public would be deprived of a partnership that is the key for serious control of the government. And where journalists and the public are deprived, democracy is violated"⁹⁴.

Problems related to the protection of sources occur most often in newsrooms where journalists are required to reveal their sources during their work, but serious cases are rare.

One example of a more serious case is that of the Teleprompter website⁹⁵. In September 2015, Teleprompter published transcripts of a wiretapped conversation between Democratic Party president Bojan Pajtic and Lidija Udovicki, the former manager of US company Continental Wind Partners. The transcripts revealed details about apparent attempts of the director of state company Elektromreza Srbije, Nikola Petrovic, who is also a close friend of Serbian Prime Minister Aleksandar Vucic, to blackmail Udovicki for 2 million euros in order to secure necessary operational licences. While Pajtic confirmed the authenticity of the transcripts, Teleprompter's editor, Danilo Redzepovic, was summoned twice to the police, who required him to take a polygraph test and name a source of information. He refused to do so, and as a result, his status as a journalist, as well as the right to protect his source, was questioned by police. Furthermore, his refusal to undergo a polygraph test was treated as compelling evidence that he was not telling the truth. Responding to public announcements by the Independent Journalists' Association of Serbia, Biljana Popović Ivkovic, the head of the Ministry of Interior's media department, said the questioning of Redzepovic was carried out in accordance with the law and that it is unclear why he refused to take a polygraph test if he had not done something illegally.

94 Jankovic Miroslav, "About the journalists' sources", *Danas*, March 26 2016. Accessed on: 30.05.2016. http://www.danas.rs/danasrs/drustvo/pravo_danas_o_novinarskim_izvorima_1118.html?news_id=278705

95 Redzepovic Danilo, "Minister, stop lying! The truth about hearing of editor of Teleprompter", *Teleprompter*, October 1 2015. Accessed on: 30.05.2016. <http://www.teleprompter.rs/ministre-prestani-da-lazes-istina-o-saslanju-urednika-telepromptera.html#sthash.wXKmcxKb.dpuf>

Following this case, a new problem arose relating to the protection of a journalists' sources. The most significant aspect of this was that the authorities tried to define who is a journalist. There is a tendency to narrow the definition of a journalist to only those persons who would enjoy legally guaranteed protection and rights on the basis of being classified under this term. This issue was also raised earlier in 2015, when the Ministry of Internal Affairs, the Republican Public Prosecution and journalists' associations started negotiating a memorandum on measures to raise security levels related to journalists' safety. However, the attitude of the Independent Journalists' Association of Serbia is that "...persons who published information of public interest should be protected, regardless of whether they are formally journalists or members of the journalists' association or not, otherwise, the possibility to provide adequate protection to those persons would be jeopardised"⁹⁶.

In addition, the anonymity of sources is abused by journalists themselves. Often, journalists based a full text on information provided by an anonymous source that has not been confirmed by other independent sources or documents, and publishes stories with unverified content. Experts also warn that sometimes journalists misuse their right to protect the confidentiality of sources in order to target some people or to feed public opinion in a certain way that is in discord with the principle of truthfulness.⁹⁷

The results of the survey conducted for the purpose of this report showed that journalists in Serbia generally have the freedom to seek access and maintain contacts with sources of information while reporting on matters of public interest. Of the respondents, 43.24 per cent of them said they very often seek access and maintain contacts with sources of information while 20.72 per cent said that they always do. Only 1.80 per cent of respondents said they never maintain contact with sources of information, and 3.60 per cent do so rarely.

Table 3: How often do you seek access and maintain contacts with sources of information while reporting on matters of public interest?

	Number	%
Always	23	20,72
Very often	48	43,24
Sometimes	27	24,32
Rarely	4	3,60
Almost never	2	1,80
Don't know	6	5,41
Refused to answer	1	0,90
Total	111	100,00

The results from the survey also show that the majority of journalists (38.95 per cent) believe that their contact with confidential sources has not changed compared with the period before the media laws were changed in 2014. A small percentage of journalists (16.84 per cent) believe that the contact has increased, while 26.32 per cent say it has decreased.

A.6 What is the level of protection applied for the right to access information?

Legal rules on access to official documents and information are prescribed in the Law on Free Access to Information of Public Interest⁹⁸. In order to exercise the right to access information of public interest held by public authorities, this law installs the Commissioner for Information of Public Importance and Personal Data Protection (hereinafter referred to as Commissioner), as an autonomous state authority with independent jurisdiction.

An applicant can submit a written request to the relevant public authority to exercise their right to access information of public interest. If the authority does not hold the requested document, the applicant can forward their request to the Commissioner, who shall notify the applicant of who, to their knowledge, is in possession of the document they have requested. If the authority rejects or refuses an applicant's request, the applicant may file an appeal to the Commissioner. If the application disagrees with the Commissioner's conclusion, he/she may initiate an administrative dispute⁹⁹.

96 Vukasin Obradovic, President of Independent Journalists' Association of Serbia, interview by Marija Vukasovic, June 15 2016.

97 Dr Dejan Milenkovic, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 13 2016.

98 „Zakon o slobodnom pristupu informacijama od javnog znacaja“ [Law on Free Access to Information of Public Interest].

99 „Zakon o slobodnom pristupu informacijama od javnog znacaja“ [Law on Free Access to Information of Public Interest]. Article 15-28.

Results of the survey conducted for this report show that 42.34 per cent of journalists who have sought information of public interest have been rejected, while 20.72 per cent have been able to gain access to the information they requested. A quarter of respondents had never requested access to information of public interest.

Table 4: Have you ever been refused access to public information necessary for your reporting by public authorities?

	Number	%
I have never required access to public information	28	25,23
I have required access to public information but I have never been refused	23	20,72
I have required access to public information and I have been refused	47	42,34
Don't know	9	8,11
Refused to answer	4	3,60
Total	111	100,00

Journalists often refer to public enterprises and state authorities for information of public importance. However, public institutions are not always willing to give this information. The Law on Free Access to Information of Public Importance is not fully implemented. Certain authorities, especially public enterprises, often don't want to give information and consciously agree to pay a fine rather than to abide by the law. These fines are paid from the state budget. However, the situation seems to have improved compared to before the new media laws were introduced in 2014.

However, there is a common problem that state authorities and public enterprises wait until the obligated deadline – no later than 15 days after it receives the application - to provide journalists with the requested information, while journalists often require it in a shorter period of time.

If a complaint is filed to the Commissioner, it is required to issue a decision on the matter no later than 30 days from when the complaint was submitted¹⁰⁰. At the local level, there are cases of journalists in the southwest city of Novi Pazar successfully obtaining information from authorities after filing a request for obtaining the information and referring to the law¹⁰¹. Meanwhile, the oppo-

site has occurred in Kikinda, in the northern province of Vojvodina, where information was requested from the Primary Court in December 2014, but was only obtained after the Commissioner reacted in April 2016. It appears that such a slow reaction to the request enables authorities to buy time while waiting for the Commissioner's reaction, and there is an assumption that the person or body requesting the information will eventually give up, because the topic will become irrelevant over time¹⁰².

In 2015, the Commissioner had a total of 11,880 cases to deal with (9,012 in the field of free access to information and 2,868 in the field of personal data protection). This is 4.3 per cent more than in the year prior. In 2015, 3,764 complaints were resolved in the cases relating to free access to information. Of these, in 85.74 per cent of the cases, it was established that the complaints were grounded¹⁰³.

The number of complaints that the Commissioner received supports the view that the state authorities lack transparency. This is the general opinion of interviewed experts and journalists, who also indicated that the Commissioner for Information of Public Importance and the Serbian Ombudsman, Sasa Jankovic, were very engaged in their departments and with independent state bodies. The experts and journalists also indicated that they are ready to defend the independence of the Commissioner and Ombudsman. However, the problem is that the Commissioner does not have enough implementers to accelerate the process.

“...Serbia has only recently become aware that the activities of state authorities aren't top secret, that they must not be secret, aside from a small number of questions that are to be defined as secret by law, and that no one is allowed to decide what should be secret and what should be transparent – it should be determined by law. A good example is the recent event in Savamala¹⁰⁴ – the behaviour of the police should be investigated, as well as why no one came to stop it despite numerous phone ca-

¹⁰² Journalist who wished to remain anonymous, Interview by Marija Vukasovic, May 18 2016.

¹⁰³ Commissioner for Information of Public Importance and Personal Data Protection, Report on the implementation of the Law on Free Access to Information of Public Interest and Law of Protection of Personal Data for 2015, Belgrade, 2016, p. 6 and 7. Accessed on: 30.05.2016.

<http://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2015/IZVESTAJ2015/atg.izvestaj2015.pdf>

¹⁰⁴ On the night between April 24 and 25 2016, 30 masked individuals brandishing baseball bats destroyed 12 buildings in Hercegovacka street in Belgrade's waterside Savamala district. Police failed to arrive at the scene after receiving telephone calls from citizens concerned over what they claimed was an illegal demolition, harassment, confiscation of documents and deprivation of liberty by the masked men who arrived in vehicles with tinted windows and no license plates. <http://www.slobodnaevropa.org/a/slucaj-savamala-suspendovana-pravna-drzava/2773702.html>

¹⁰⁰ Ibid. Article 16 and 24.

¹⁰¹ Journalist who wished to remain anonymous, Interview by Marija Vukasovic, May 19 2016.

Table 5: How much transparency is demonstrated by the following institutions?

	National Assembly RS		Government RS		Political parties		Politicians in general		The judiciary/ the courts		The police		The military	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Complete transparency	8	7,21	0	0,00	0	0,00	0	0,00	1	0,90	2	1,80	2	1,80
A great deal of transparency	16	14,41	7	6,31	2	1,80	2	1,80	6	5,41	6	5,41	5	4,50
Some transparency	48	43,24	27	24,32	28	25,23	26	23,42	27	24,32	19	17,12	24	21,62
Little transparency	18	16,22	43	38,74	42	37,84	39	35,14	42	37,84	40	36,04	30	27,03
No transparency at all	6	5,41	24	21,62	31	27,93	36	32,43	24	21,62	33	29,73	35	31,53
Don't know	14	12,61	9	8,11	7	6,31	7	6,31	10	9,01	10	9,01	14	12,61
Refused to answer	1	0,90	1	0,90	1	0,90	1	0,90	1	0,90	1	0,90	1	0,90
Total	111	100	111	100	111	100	111	100	111	100	111	100	111	100

Its. It must not be a secret, it should be thoroughly examined and investigated and all findings should be made transparent to the public. Only then would we truly implement the law.”¹⁰⁵

The law also bans discrimination, and provides that authorities may not give preference to any journalist or media¹⁰⁶. However, information from authorities is much more accessible to media inclined towards authority. Certain authorities favour one group of media over another while a number of media face great difficulties in their attempts to obtain information. The survey conducted with journalists for the purpose of this report provides evidence about their experiences and perceptions of the transparency of different institutions. The results showed that journalists consider states institutions as either not very or not at all transparent.

Journalists estimate that the government, the police, and the army are not very transparent. Of the survey respondents, 60.36 per cent said that the government is not very or not at all transparent, while none said it was completely transparent. The situation is similar with the police, which 65.77 per cent of journalists said are not very or not at all transparent. The same can also be said for the military, which 58.56 per cent of journalists said it was not very or not at all transparent.

As for the courts, the prevailing opinion among respondents is that they are not sufficiently transparent. It is believed that their transparency depends greatly on the judge and the court. It was concluded that Belgrade courts are more transparent than local courts.

The level of transparency of the prosecution and the police should be taken into consideration as well. In addition, journalists encounter difficulties when attempting to

obtain any information from the prosecution and the police, although the situation in Belgrade is slightly better than on the local level. According to the survey results, the majority of journalists consider the courts to not be very transparent (37.84 per cent), while only 5.41 per cent thought that they were transparent and 24.32 per cent considered that the courts are transparent to some extent. In terms of the work of the National Assembly, it is transparent to some extent, primarily because of the public broadcasting service – RTS Channel 2 specifically – which provides live coverage of the National Assembly sessions. However, the survey results show that, for journalists, the transparency of the Assembly is seen as only slightly better than other state institutions. The majority of journalists surveyed said that the National Assembly is transparent to some extent (43.24 per cent), which is slightly better compared to other state institutions.

¹⁰⁵ Dr Rade Veljanovski, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 11 2016.

¹⁰⁶ “Zakon o slobodnom pristupu informacijama od javnog znacaja” [Law on Free Access to Information of Public Interest], Article 7.

B

Journalists' position in the newsroom, professional ethics and level of censorship

Journalists in Serbia are working in difficult conditions. The economic position of journalists is weakened, their salaries are low and often paid late, and while their average working hours have increased, their credibility in society has decreased. In most media in Serbia, the newsroom operated separately from its owner, but despite this, media owners apply high pressures on the work of the newsroom. These pressures are not only applicable to the private and non-profit media, but also in public services broadcasting. Additionally, these pressures have been on the rise in recent years. Although most media operating in the country has accepted the Code of Ethics, there is still not enough respect for these ethical standards. One of the biggest problems that journalists face is censorship, which is primarily applied by creating a sense of fear that the journalist could lose their job if they report certain things. In this aspect, editors have great influence over journalists.

B.1 Is the economic position of journalists abused to restrict their freedom?

In general, journalists and media workers in Serbia are operating in difficult conditions, with the minimum salary, without decent employment contracts and little respect for labour rights and safety at work. There are often delays in the payment of salaries and journalists are afraid of losing their jobs.

In Serbia, there is no official statistical data about salaries in the media sector. According to one study¹⁰⁷, the most common type of contract is a regular work contract, if a journalist is employed on a full-time basis. If not, then the employer applies an authors' rights contract or a service contract. In this study it was stated that, according to the research "Profession at the crossroads – Journalism at the threshold of Information Society", half of the surveyed journalists reported that they earned less (150-400 euros) than the average salary, which is around 400 euros. However, the problem is not just the low wages. Very often, journalists' pay checks are not paid at all. A third of the surveyed journalists said that they receive their salaries quite late, and for some of them, it can take longer than a year to be paid.

According to another research study¹⁰⁸, the average salary of a journalist in Belgrade in 2014 was 40,000 dinars (about 335 euros). In the media that are partially or fully owned by the state, the salaries were 35 per cent higher (55,000 dinars or around 460 euros), while in privately owned media, wages were around 35,000 dinars (about 295 euros). The salaries of managers and editors-in-chief amounted to 250,000 dinars (about 2,100 euros). Journalists working in local media (founded by local governments) were getting paid 29,000 dinars on average (around 245 euros), while in privately owned local media they received an average of 20,000 dinars (around 170 euros). The salaries of managers and editors-in-chief in local media were on average 43,000 dinars (about 360 euros). In the same research, 72 per cent of the total number of respondents had permanent employment contracts, 16 per cent had employment contracts for a defined period of time, while 12 per cent worked as freelancers. Three quarters of respondents said they receive their salary with a one-month delay, while 8 per cent wait longer than a month to be paid.

According to the most recent report, in the last quarter of 2015, the average net salary per employee in the public service broadcaster, RTS, was 47,886 dinars (around 400 euros).¹⁰⁹

The results of the survey conducted for the purpose of this report show that the situation has not changed. Of all of the respondents, 22.52 per cent said they receive a salary of between 300-400 euros while 13.51 per cent

are paid between 200-300 euros. Of the surveyed journalists, 16.22 per cent receive a salary of between 400-500 euros.

Table 6: In which of the following categories does your monthly salary fall, after taxes?

	Number	%
0 – 200 euro	6	5,41%
201 – 300	15	13,51%
301 – 400	25	22,52%
401 – 500	18	16,22%
501 – 600	8	7,21%
601 – 700	5	4,50%
701 – 800	2	1,80%
801 – 900	3	2,70%
901 – 1000	0	0,00%
More then 1000	6	5,41%
Don't know	0	0,00%
Refused to answer	23	20,72%
Total	111	100,00%

According to some studies, journalists in Serbia think that their profession is in collapse due to market competition which has led to tabloidisation of media content and pressures to reach higher sales targets and bigger audience shares. Journalists are poorly paid and are forced to work additional jobs or to be engaged in the marketing sectors. Over 35 per cent of the surveyed journalists would prefer to work in a media outlet where they will receive a lower salary, but more freedom to report impartially. On the other hand, over 40 per cent of respondents would leave the profession and work elsewhere because of the situation.¹¹⁰

The surveyed journalists agreed that the economic position of journalists over the past five years has greatly decreased (75.79 per cent) while 15.79 per cent believe that this position has only somewhat decreased in the previous period. Of the respondents, 4.21 per cent believe that their position has not changed. It should be noted that 53.15 per cent of surveyed journalists said that besides working as a journalist, they are engaged in other paid activities.

107 Center for Independent Journalism, Working condition for journalists and other media workers in Serbia, Belgrade, 2015, p. 9. Accessed on 01.06.2016. <http://www.cji.ro/wp-content/uploads/2015/05/Serbia.pdf>

108 Journalists' Union of Serbia, SINOS, The media scene in Serbia in 2014, Belgrade, 2015. Accessed on 01.06.2016. <http://www.sinos.rs/srpski/istrazivanja/7/2015/09/03/753/istrazivanje-sinos-a-medjiska-scena-srbije-2014-godine.html>

109 Radio Television of Serbia, Report on the information on all employees and their salaries, Belgrade, 2016. Accessed on 01.06.2016. <http://www.rts.rs/page/rt/sr/javniservis/story/1674/vesti/2174413/zarade-zaposlenih-u-rt-s-u.html>

110 Srecko Mihailovic et. al., From journalists to labourers. Precarious work and life, (Belgrade: Open Society Foundation, Serbia and Centre for Development of Unionisation, 2016), p. 127-131. Accessed on 06.06.2016.

Table 7: Do you think there has been an increase or a decrease in the economic position of journalists?

	Number	%
Increased a lot	0	0,00%
Somewhat increased	1	1,05%
Did not change	4	4,21%
Somewhat decreased	15	15,79%
Decreased a lot	72	75,79%
Don't know	3	3,16%
Refused to answer	0	0%
Total	95	100%

Research from the Journalists' Union of Serbia¹¹¹ showed that a third of journalists work for more than the legally prescribed eight hours per day. Nearly a fifth of journalists work overtime several times a week, and the same number of them get full compensation for this work. Overtime costs are significantly lower in the private media sector compared to the state media sector. Also, the research shows that 69 per cent of surveyed journalists have two free days per week, 24 per cent have one free day and 7 per cent do not have any free days.

According to the survey conducted for this research, more than a third of journalists consider that the average working hours of journalists in Serbia increased to some extent in the past five years (48.42 per cent), while 17.89 per cent of journalists believe that average working hours increased a lot, and 24.21 per cent declared that the working hours had not changed. On the other hand, the majority of surveyed journalists consider that the time available for researching stories decreased the past five years (41.05 per cent believe it decreased a lot and 27.37 per cent think it has to some extent). Additionally, two thirds of journalists do not have a specific news area in which they work, but rather cover multiple topics and areas.

A particularly worrying conclusion from the survey conducted for this report is that, when evaluating their position in society, the majority of journalists (66.31 per cent) said that the credibility of journalism has substantially decreased, while 21.05 per cent considered that it had decreased to some extent.

Also, 46.31 per cent of journalists believe that the relevance of journalism for society has decreased a lot. Another 18.95 per cent of respondents considered that its relevance has decreased to some extent, while 20 per cent believe it has not changed. Only 14.74 per cent

of journalists believe that the relevance of journalism for society has increased.

B2 What is the level of editorial independence from media owners and managing bodies?

Most of the media in Serbia has adopted job classification, which separates the positions of directors and editors. However, there are no other acts that would ensure the independence of editors and newsroom from management and marketing.

There is almost no media in Serbia where the relationship between the owner, managers and the newsrooms is clearly separated by a legal act. The owner's influence on the editorial policy of a media outlet is usually dominant, but this influence is mainly financially based. Certain media outlets debate this, but there is no established set of rules in any of them.

Most private media in Serbia have not adopted their own ethical codes, but generally comply with the Code of Ethics adopted by two national associations - the Independent Journalists' Association of Serbia (NUNS) and the Journalists' Association of Serbia (UNS).

Media owners and managers frequently pressure editorial staff and certain journalists with potential layoffs, forcing journalists to switch to inadequate workplaces, or by proposing such solutions that make them quit their jobs on their own. In some cases, they even perform mobbing. This ultimately leads to self-censorship, which is one of the greatest problems facing journalism in Serbia. Journalists can be fired from a media outlet if they make one bad move or deliver one bad report. The journalists are aware of what their employers deem unacceptable. Also, it is common practice that information is "mitigated", to rid any part of the media content that could be detrimental for the relations of media owners with a certain politician or a company with which that media is linked or cooperates. It is typical in Serbia for media owners to demand that their employees cover certain topics and disregard others to either avoid or promote certain content, and, crucially, to avoid asking certain questions.

"There are two ways of exerting pressure – a common way whereby owners exploit their employees to the maximum in order to gain higher profits. This sometimes calls for downsizing to minimise costs, and at the expense of work quality. Another way of [applying] pressure is the fact that in some media, journalists work like leased employees. In so-

¹¹¹ Journalists' Union of Serbia, SINOS, *The media scene in Serbia in 2014*, Belgrade, 2015. Accessed on 01.06.2016. http://www.sinos.rs/srpski/istrazivanja/7/2015/09/03/753/istrazivanje-sinos-a_-medijska-scena-srbije-2014_-godine.html

me media, journalists were proposed solutions to work as assistants to press photographers, causing them to quit the job on their own.”¹¹²

An example of owners pressuring editorial staff and journalists in 2015 is the removal of Olja Beckovic’s show *Utisak nedelje* from the programming on B92 television station¹¹³. The owner cancelled the show without adequate explanation and offered to instead broadcast the show on B92 Info, which has very low viewership. This led to a complete cancellation of the show despite a valid contract in which the owner was willing to pay the amount specified in the agreement even though the show would no longer be broadcast.

A similar thing happened when the editor-in-chief of Studio B was replaced. When this happened, two political shows - *Sarapin problem* and *Direktno* - were cancelled and removed from Studio B’s programme schedule.

B3 What is the level of editorial independence of the journalists in the public service broadcasters?

The public service broadcasters, Radio Television of Serbia (RTS) and Radio Television of Vojvodina (RTV), do not have their own specific codes of ethical principles of reporting, but only have a general code for all employees. RTV has its “Code of Ethics - The Code of Conduct for Employees”. However, the journalistic principles of reporting are not contained in this broad guide.

The Statute of RTS stipulates the internal organisation and work methods of the public service broadcaster, and includes job classification. RTV also outlines internal organisation in its Statute, and also has a separate Act that covers systematisation and organisation within the broadcaster. The statutes of the two public service broadcasters stipulate that the editor-in-chief cannot be a holder of public office or function in a political party. Also, editors are required to be independent in their work, but are not so in practice.

Pressure is also applied from the board of directors and are not always latent. It has also happened that the Prime Minister has addressed journalists’ work and salaries in public press conferences, commenting on the length of their stories, what they said, what are the coefficients of their salaries and how their contracts have changed¹¹⁴.

One of the most famous examples from 2015 of when pressure was exerted over the public service broadcasters was when the ruling Serbian Progressive Party issued a public statement attacking RTS’ editorial department and its analyst Zoran Panovic, also editor-in-chief of the *Danas* daily, for commenting on events that happened during the live transmission of the celebrations marking the ninth anniversary of the Progressive Party’s founding. During the event, the British Ambassador to Serbia left after film director Emir Kusturica strongly criticised Britain’s position towards Serbia. During the live broadcast, Panovic made a comment describing the event as “Vucic’s show”, referring to the party’s leader and current Serbian Prime Minister Aleksandar Vucic. The Serbian Progressive Party responded by saying

¹¹² Branislav Bozic, journalist of daily newspaper “*Danas*”, interview by Marija Vukasovic, May 17 2016

¹¹³ Matic Jovanka, ““Channelling” Impression of the Week”, *Danas*, October 3 2014. Accessed on 06.06.2016. http://www.danas.rs/dodaci/nedelja/kanalisanje_utiska_nedelje.26.html?news_id=290095

¹¹⁴ Journalist who wished to remain anonymous, interview by Marija Vukasovic, May 18 2016.

that RTS and Panovic scandalously accused Vucic of directing the political attack on the UK ambassador¹¹⁵.

Another example of such pressure occurred in March 2016, when RTV's board of directors replaced the programme director and programme editor in an allegedly illegal manner. After the general and local elections in Serbia in April 2016, in which the Serbian Progressive Party won control of the government of the country's northern province of Vojvodina from the Democratic Party, news of the dismissals from RTV began to come out. First, facing political pressure, the board of directors had dismissed the programme director Slobodan Arezina, and then dismissed another seven editors.¹¹⁶

B4 What is the level of editorial independence of the journalists in the non-profit sector?

In Serbia, there are few non-profit media outlets. The number of traditional non-profit media is very small (such as Serbian Scientific Television), while the situation is only slightly different in the online media sector, with outlets such as Cenzolovka, the Center for Investigative Journalism in Serbia (CINS) and the Crime and Corruption Reporting Network (KRIK). These outlets were mostly established by non-governmental organisations and employ a small number of journalists.

A number of non-profit media, especially members of the Online Media Association, have accepted the Code of Ethics of Serbian journalists. It is not known if non-profit media have their own ethical codes.

Pressures being applied to non-profit media can be divided into two categories. First, editors and journalists from the non-profit media are publicly attacked in the media that is close to the government. Media outlets engaged in investigative journalism are pressured with allegations of questionable financing, particularly with regard to foreign and international donors. Another type of pressure is hacking attacks and shutting down sites of non-profit media. As a rule, this happens on occasions when articles are published about the most prominent government figures.

Stevan Dojcinovic, editor-in-chief of the Network for Investigating Crime and Corruption (KRIK), has been labelled by the tabloid Informer as a "fake reporter", "Western spy", "sodomasochist", an "affair starter" and "terrorist", all that without any evidence.¹¹⁷

¹¹⁵ Independent Journalists' Association of Serbia, *Chronicle of the attack and pressure on journalists in 2015*, Belgrade, 2015, p.21. Accessed on 09.06.2016. <http://www.bazenuns.rs/uploads/useruploads/DocumentsDbase/Hronika- napada-i- pritisaka- na- novinare-2015.pdf>

¹¹⁶ B.C.B, "Replaced all the editors of Radio Television of Vojvodina", *Danas*, October 17 2015. Accessed on 09.06.2016. http://www.danas.rs/danasrs/drustvo/smenjeni_svi_urednici_radiotelevizije_vajvodine_55.html?news_id=320716

¹¹⁷ Jahic Dino, "Tabloids against common sense" *Cenzolovka*, March 28 2016. Accessed on 09.06.2016. <https://www.cenzolovka.rs/misljenja/tabloidom-protiv-zdravog-razuma/>

B5 How much freedom do journalists have in the news production process?

One of the biggest problems that journalists face in Serbia is self-censorship. The main way of applying self-censorship is by creating an atmosphere in which journalists fear losing their jobs, worsening relations with editorial boards and of sanctions towards the media in which they work. On the other hand, the editorial department is experiencing self-censorship as well as censorship of its journalists through pressure from external figures (politicians, advertisers, tycoons etc)¹¹⁸.

In the survey conducted for this research, journalists were asked about the influence of various factors on their work. In the table below, showing the results from the survey, responses indicating the level of freedom journalists have in the course of their daily work, including their views on the influence of censorship from individuals inside and outside the newsroom, are highlighted.

Opinions about the influence of censorship on the work of journalists are divided. Of those surveyed, 41.44 per cent said that censorship had some influence on their work (whether extremely, very or to some extent) while the majority said that it either does not affect their work at all (38.74 per cent) or does not severely affect it (18.2 per cent).

However, when journalists were asked about the influence of individuals at different levels of the social scale, it is clear that individuals who are closer to journalists in the newsroom have a higher influence on their reporting than those with which they are rarely in contact. Thus, most journalists feel the influence of editors. Of the respondents, 76.58 per cent of journalists responded that editors have an extreme (11.71 per cent), very (27.93 per cent) or partial (36.94 per cent) effect on their work, while 19.82% believe that they have weak or no influence.

Other individuals who feature on the scale of influence are media managers. Of the surveyed journalists, 48.65 per cent claimed that managers influence their work extremely (9.91 per cent), very (16.22 per cent) or to some extent (22.52 per cent), while 43.24 per cent claimed that they have little or no influence.

A somewhat smaller, but still big, influence on journalists' work is media owners. Of the respondents, 42.34 per cent said that media owners affect their work extremely, very or to some extent, while 40.54 per cent noted that they have little or no influence on their work.

¹¹⁸ Srećko Mihailović et. al., *From journalists to labourers. Precarious work and life*, (Belgrade: Open Society Foundation, Serbia and Centre for Development of Unionisation, 2016), p. 125-127. Accessed on 06.06.2016.

Tabela 8: Koliko svaka od ovih kategorija ima uticaja na vaš rad?

	Extremely influential	Veoma utiče	Djelimično utiče	Slabo utiče	Ne utiče	Nije relevantno	Ne znam	Bez odgovora
Your personal values and beliefs	41,44	Very influential	17,12	4,50	2,70	1,80	0,90	0,90
	30,63	17,12	4,50	2,70	1,80	0,90	0,90	0,90
Your peers on the staff	6,31	20,72	37,84	18,02	13,51	2,70	0,00	0,90
Your editorial supervisors and higher editors	11,71	27,93	36,94	13,51	6,31	1,80	0,90	0,90
The managers of your news organisation	9,91	16,22	22,52	18,92	24,32	5,41	1,80	0,90
The owners of your news organisation	14,41	6,31	21,62	16,22	24,32	16,21	2,70	1,80
Editorial policy	17,12	27,03	30,63	13,51	8,11	0,90	1,80	0,90
Advertising considerations	3,60	10,81	19,82	18,92	36,04	6,31	3,60	0,90
Profit expectations	4,50	4,50	13,51	17,12	48,65	5,41	5,41	0,90
Audience research and data	7,21	16,22	25,23	21,62	20,72	2,70	5,41	0,90
Availability of news-gathering resources	18,92	38,74	28,83	9,91	0,00	0,00	2,70	0,90
Time limits	22,52	36,94	28,83	9,91	0,90	0,00	0,00	0,90
Journalism ethics	60,36	29,73	7,21	1,80	0,00	0,00	0,00	0,90
Religious considerations	0,00	1,80	5,41	14,41	59,46	15,32	2,70	0,90
Defamation Law	12,61	15,02	12,61	12,61	23,42	2,70	16,22	1,80
Your friends, acquaintances and family	1,80	9,01	31,53	17,12	39,64	0,00	0,90	0,00
Colleagues in other media	0,90	1,80	35,14	29,73	30,63	0,00	1,80	0,90
Feedback from the audience	7,21	24,32	43,24	11,71	11,71	0,00	1,80	0,00
Competing news organisations	2,70	4,50	40,54	22,52	27,93	0,00	1,80	0,00
Media laws and regulation	17,12	36,94	30,63	9,01	2,70	0,00	3,60	0,00
Information access	32,43	36,94	26,13	4,50	0,00	0,00	0,00	0,00
Censorship	10,81	12,61	18,02	18,02	38,74	0,00	1,80	0,00
Government officials	3,60	9,01	13,51	15,32	54,05	0,00	3,60	0,90
Politicians	8,11	7,21	17,12	13,51	51,35	0,00	2,70	0,00
Pressure groups	0,00	2,70	11,71	10,81	65,77	0,00	9,01	0,00
Business people	2,70	3,60	16,22	15,32	56,76	0,00	5,41	0,00
Public relations	3,60	10,81	19,82	25,23	38,74	0,00	1,80	0,00
Relationships with news sources	12,61	21,62	31,53	20,72	12,61	0,00	0,90	0,00
The military, police and state security	0,00	5,41	14,41	13,51	60,36	0,00	6,31	0,00



Journalists' position in the newsroom, professional ethics and level of censorship

In the last three years, attacks on journalists have increased, primarily in terms of verbal attacks, but physical assaults have also been reported. Also, in recent years the number of attacks on internet portals and media sites have also increased. There is no specific policy to support the protection of journalists in Serbia, although there are attempts to establish it by adopting a memorandum on measures to raise security levels related to journalist safety. However, there are numerous problems in the negotiations for the signing of this memorandum. One of these is that cooperation between governmental institutions and associations of journalists is not at a satisfactory level. The legal system in Serbia is not responding adequately to attacks on journalists, and state institutions do not have enough resources for investigations into and prevention of violence against journalists. Investigations are not being implemented quickly, efficiently or independently. This major problem is represented by the three still unresolved murders of journalists that have occurred within the past 20 years, for which both the perpetrators and those who ordered the attacks have still not been identified or punished.

C.1 Safety and Impunity Statistics

The Independent Journalist Association of Serbia keeps a record of all documented attacks on journalists from 2008 onwards. According to its data, it can be concluded that the number of different types of attacks in the past three years is rising. Journalists have often been exposed to verbal threats which indicate hostile actions towards ei-

ther their own life or body, or that of members of their families. Verbal threats are made through messages, letters and social networks.

Table 9. Number of attacks against journalists

Type of incident	2013.	2014.	2015.	Jun 2016.
Verbal threats	15	15	28	11
Physical attacks	6	11	12	4
Pressures	0	8	13	11
Property attacks	2	2	4	1
Property threats	0	0	0	0
Total	23	36	57	27

The second type of cases refer to other forms of pressure applies to journalists in 2015, of which 13 were reported. In the first six months of 2016 alone, 15 such cases were recorded. These pressures are exerted by state and local functionaries, politicians and other potentates that put journalists under duress in various ways. These pressures on journalists also include cases where they are prohibited from reporting on certain events as a result.

The third group encompasses physical attacks on journalists, including on their property. The number of these attacks has doubled in the same period of three years and in the first six months in 2016, there were 4 physical attacks on journalists and one on their property. A physical attack includes any act that causes minor or serious injuries, equipment damage or theft, and damage to other belongings of the journalist.

In the past 20 years, three journalists have been murdered. The first one occurred in 1994, when Dada Vujasinovic, a journalist of Duga magazine was killed. The second occurred in 1999, when the owner and editor-in-chief of Dnevni Telegraf, Slavko Cuvurija, was murdered, and the third took place in 2001, when Milan Pantic, a correspondent of Vecernje novosti from Jagodina, was killed. These three cases remain unresolved and the perpetrators and those who ordered the killings have not been identified or punished.

Attacks on media institutions and journalist associations have not been documented.

Online attacks on web portals and media websites, which are on the increase recently, constitute a special category. According to data from the SHARE Foundation, between 2014 and June 2016¹¹⁹ there were 275 su-

ch attacks, encompassing cyber-attacks, hacks, and attacks on editors of online portals, including cases of falsehoods being spread about them.

The majority of survey respondents agree that the most common attacks on journalists come in the form of verbal threats, however, physical attacks are a particular problem, and the situation appears to be more severe on the local level. Adding to the problem is the fact that journalists in Serbia fail to report such attacks. The reasons for this are likely fear or because they believe that legal procedures will take too long or will not be carried out fully.

Special attention should be paid to the attacks and pressures that came from the Communal Police in 2015¹²⁰. One such instance involves the team from online portal Istinomer, who were prevented from filming a video in front of the Savanova restaurant in Belgrade by communal police officers on September 25. The Istinomer team, who were recording an interview with Dobrica Veselinovic from the civic initiative Ne da(vi)mo Beograd [Let's Not Drown Belgrade], were first asked to leave the spot by staff of the restaurant on the basis that the owner does not allow footage to be taken near the venue. When the journalists did not leave, several municipal police officers appeared at the scene and issued a journalist, two cameramen and a photographer from Istinomer, as well as Veselinovic, with charges for minor offences. The Independent Journalists' Association of Serbia and the editorial board of Istinomer lodged a joint complaint to the Head of the Communal Police in Belgrade against the conduct of the communal police officers. Istinomer also lodged complaints to the Ombudsman and Commissioner for Protection of Equality. Considering the role of the communal police in the Savamala affair, and their additional work regarding the same case, the Ombudsman established that 30 irregularities and illegal acts had been committed by the communal police.

Another example involves Belgrade mayor Sinisa Mali's security staff, who physically prevented journalists from the Crime and Corruption Investigation Network (KRIK)¹²¹ from performing their work. The mayor's security personnel seized the journalists' mobile phones and a camera, and deleted videos showing reporters attempting to ask the mayor about the purchase of 25 apartments on Bulgaria, while he was on his way to speak to media

119 List of cases, SHARE Foundation. Last modified: September 3 2016. Accessed on: 18.10.2016. <http://monitoring.labs.rs/>

120 Independent Journalists' Association of Serbia, *Chronicle of the attack and pressure on journalists in 2015, Belgrade, 2015, p. 11.* Accessed on: 13.06.2016. <http://www.bazenun.rs/uploads/useruploads/DocumentsDbase/Hronika-napada-i-pritisaka-nanovinare-2015.pdf>

121 Peca Dragana, "Erase recordings by profession", *Cenzolovka, November 4 2015.* Accessed on: 13.06.2016. <https://www.cenzolovka.rs/misljenja/brisac-snimaka-po-profesiji/>

at the construction site of the Belgrade Waterfront project in the city's waterside Savamala district. The Mayor publicly apologised to KRIK, condemning the behaviour of the municipal police. In addressing the case, the Ombudsman requested that the communal police state their position on KRIK, while the communal police initiated disciplinary proceedings in which they suggested one officer be suspended in relation to the incident.

Journalists in Serbia face extensive political pressures, as is evident in a case involving the Balkan Investigative Reporting Network (BIRN)¹²². Serbia's Prime Minister, Aleksandar Vucic, publicly labelled journalists from BIRN as "liars" and accused them of receiving money in order to "speak against the Government of Serbia". The manner in which Vucic addressed the BIRN journalists represents open pressure on them and a violation of freedom of journalists' work.

A case of a physical attack on a journalist occurred in 2016 in the city of Vrsac in Serbia's northern province, Vojvodina. In this instance, the son of a local businessman, allegedly acting in collaboration with local political authorities, hit a journalist and editor of the online portal eVrsac¹²³ with his jeep. The attack was most likely provoked by a series of investigative articles the journalist was writing about the attacker's father and his relationship with local politicians.

C.2 Do state institutions and political actors take responsibility for protection of journalists?

There is no special policy in Serbia that would ensure the safety of journalists. However, attempts to establish such a policy have been made in the Action Plan for Chapter 23 in Serbia's EU accession negotiations, which deals with the judiciary and fundamental rights, as well as through the drafting of a memorandum on measures to raise security levels related to journalist safety by the Ministry of Internal Affairs, the Republican Public Prosecution and journalists' associations. Representatives of state authorities deem that the memorandum should have been the first step in establishing the policy for the safety of journalists, however, a

divergence occurred¹²⁴. The main goal of the memorandum is to synchronise the activities of all relevant actors, with the aim of reducing and suppressing cases of compromised safety and attacks on those employed in media, and the prosecution of the ones responsible for such attacks¹²⁵.

Whilst some journalists' associations have accepted the memorandum in its suggested form, other associations, such as the Independent Journalists' Association of Serbia, the Independent Journalists' Association of Vojvodina, Association of Local Independent Media, the Association of Online Media and the Slavko Ćuruvija Foundation, did not accept the proposal, but suggested amendments and a new draft of the memorandum.

The associations all agreed with the main aim of the memorandum, which was to facilitate improved communication between journalists' associations, journalists, the prosecution and the police to better protect journalists. The controversial point in the draft memorandum was Article 7, which suggested the establishment of a separate body to deal with journalists' safety. The journalists' associations deemed it unclear how this body would be formed, who would elect it, what its competences and jurisdiction would be, and especially whether the body would take responsibility for the state's obligation to increase journalists' safety. The associations claimed they would not accept the establishment of such a body without additional clarifications in the memorandum. Most of the remaining articles were accepted, but no feedback on the suggested amendments has yet been given.

No new mechanism have been developed for improving the protection of journalists in Serbia, but certain efforts have been made. The Action Plan for Chapter 23 of Serbia's EU accession negotiations proposes maintaining a record of those who commit offences against journalists and labelling these cases as a priority to be dealt with. In December 2015, the Republican Public Prosecutor brought in Instruction No. A. 802/15 for appellate, higher and basic public prosecutions to maintain separate records in relation to criminal acts committed against persons performing activities of public interest in the field of information, in relation to the tasks they performed, and attacks on any website of the media, in which cases need urgent treatment.

¹²² Independent Journalists' Association of Serbia, *Chronicle of the attack and pressure on journalists in 2015*, Belgrade, 2015, p. 17. Accessed on: 13.06.2016. <http://www.bazenuns.rs/uploads/useruploads/Documents/Dbase/Hronika-napada-i-pritisaka-nanovinare-2015.pdf>

¹²³ Norbert Sinkovic, *Attack in Vrsac: With truck on journalist*, Radio Slobodana Evropa, May 6 2016. Accessed on 14.06.2016. <http://www.slobodnaevropa.org/a/cupic-napadnut-zbog-tekstova-o-vezama-biznismena-i-politicara/27719592.html>

¹²⁴ Anonymous interview with a representative of the state institutions, interview by Marja Vukasovic, June 13 2016.

¹²⁵ Memorandum on measures to raise security levels related to journalists' safety from 2015, which should be signed by the Ministry of Internal Affairs, the Republican Public Prosecution and journalists' associations. The draft text of the memorandum was submitted at the request of the authors of this study.

The records should contain information about the criminal offender, the criminal offence, damages caused, actions taken and decisions made by the prosecution and the court. According to the instruction, the Republic Public Prosecutor's Office must submit quarterly reports with all of the information contained in separate registers. According to the information we received from the Republic Public Prosecutor, public prosecutors act according to that instruction.

The State has recognised the need for threats on journalists' safety to be raised to a higher level of importance, as can be seen from the fact that the Commission for the Investigation of Murders of Journalists was formed, and that the Action Plan for Chapter 23 of Serbia's EU accession negotiations includes an entire field dealing with freedom of expression and the freedom and pluralism of the media (3.5), although the prescribed deadlines included in this have not been respected. On the other hand, public officials rarely make clear statements recognising the safety of journalists and condemning attacks upon them.

There are no special documents in place that have been accepted by authorities as guidelines for Serbia's military and police in terms of journalists' safety. Representatives of public institutions deem that the aforementioned draft memorandum is such a guideline and it ought to be a foundation for everything [to do with ensuring journalists' safety]¹²⁶.

Collaboration between public institutions and journalists' associations is not on a satisfactory level, which is something the proposed memorandum was intended to contribute positively towards. The fact that there is a huge discrepancy between the number of documented attacks on journalists from the Independent Journalists' Association of Serbia's database and the number of such attacks documented by the prosecution supports this claim. Between 2008 and 2015, the prosecution documented only 91 cases of such attacks. Among these, some are still being processed, some have been ruled upon, while in 13 cases it has been found that no criminal offences were committed. The journalists' associations do not have consistent communication with representatives of state authorities regarding these matters, nor does it have enough information about the work on cases that should be investigated or were prosecuted. These demonstrate weak points in the collaboration between relevant authorities and associations. When the editor of the news agency FoNet, Davor Pasalic, was attacked in 2014, representatives of state authorities promised to form a separate investigative group to look into the case, and later said they would transfer the

case to the Commission for Investigation of Murders of Journalists. However, all attempts to communicate with the Police Director and the Ministry of Internal Affairs on this matter were futile, with the main problems being lack of communication with the prosecution and police, as well as a lack of information about the proceedings conducted in cases of attacks on journalists.¹²⁷

According to applicable laws on measures of electronic control, such as tracking, intercepting, and listening-in, aimed not only at journalists, but at other citizens as well, such measures should be implemented only with permission from the court and in cases of reasonable suspicion. In such cases, authorities request permission for electronic control from the court. There is no evidence of electronic control being implemented illegally so far, but the problem here is that there are no forms of control on whether authorities abuse these powers granted to them by law. We can only speculate that, in some cases, measures were undertaken without legal permission and due to inefficient supervision of those in charge of electronic control.

An insight into this is provided by a case involving the Crime and Corruption Investigation Network (KRIK) and its editor-in-chief Stevan Dojcinovic. After KRIK began investigating the properties owned by Prime Minister Aleksandar Vucic and his family, a tabloid published data that could only have been obtained through interception, threats and listening-in. The tabloid was aware that such an investigation was being conducted and published details from the KRIK's newsroom itself, reporting on Dojcinovic's movements and meetings with certain people. The tabloid claimed that Dojcinovic was not under any such measures of electronic control, however, the information it attained on the journalist imply that individuals and groups controlled by the state or possibly someone else did use measures of electronic control to monitor and track his work.¹²⁸

¹²⁶ Anonymous interview with a representative of the state institutions, interview by Marija Vukasic, June 13 2016.

¹²⁷ Vukasin Obradovic, President of Independent Journalists' Association of Serbia, interview by Marija Vukasic, Jun 15 2016

¹²⁸ Jorgovanovic Ljilja, "Newsweek on Stevan Dojcinovic: Public Enemy No. 1", Newsweek, March 31 2016. Accessed on 16.06.2016. <http://www.newsweek.rs/srbija/71693-newsweek-o-stevanu-dojcinovicu-drzavni-neprijatelj-broj-1.html?page=1>

C.3 Does the criminal and civil justice system deal effectively with threats and acts of violence against journalists?

It appears that the Serbian criminal and civil justice system is not responding adequately to physical assaults and other attacks on journalists. This conclusion can be supported with several arguments. Firstly, the murders of three journalists and a large number of physical attacks on others remain unsolved, the procedures of the judicial system when dealing with these cases is very slow, and there is a lot of inefficiency in the procedures of the police and the prosecutor's office. It often happens that a case goes before the court when the incident has not been previously evidenced or prosecuted.

There are no specific institutions or units operating in Serbia that are dedicated to investigations, prosecutions, protection or compensation in regard to ensuring the safety of journalists and the issue of impunity, with the exception of the Commission for the Murder of Journalists. Public institutions claim that progress has been made in the results of the Commission's work and in investigations and proceedings of three journalist murders¹²⁹.

The Independent Journalists' Association of Serbia feels that all attempts to shed light on these murders should be supported, and it delegated a representative to the Commission for this purpose. However, the delegate left the Commission because the Journalists' Association felt that the Commission should not be dealing with investigative work, rather this is the state's job, and instead the Commission should be initiating questions of responsibility related to who committed the three murders and how it is possible that they have not been solved in the past 20 years. The Journalists' Association believes the Commission should hire independent experts to examine the murder investigations and determine whether they were conducted properly and who was responsible for the crimes.

According to the law, it is the state's responsibility to work on solving the murders, but the Commission's work turned into a direct investigation into the crimes. "The Commission entered the field of state responsibility, and that's how state authorities are abolished. What remains a problem is that we still don't know, even after all these years, why those investigations took so long and who is responsible for that [the murders]".¹³⁰

¹²⁹ Anonymous interview with a representative of the state institutions, interview by Marija Vukasovic, June 1 2016.

¹³⁰ Vukasin Obradovic, President of Independent Journalists' Association of Serbia, interview by Marija Vukasovic, June 15 2016.

According to the experts, institutions in Serbia should raise the protection of journalists to a higher level of importance.

"Our society ought to develop awareness about the role of journalists, that journalists don't work for themselves, they are the eyes and ears of the public. They provide information that is like oxygen to democracy. We should take more care of journalists, journalist associations, courts and law enforcements should tackle this matter more intensely. They shouldn't be more protected than other people, however, considering that they enter risky situations more frequently, and that it's not only their personal safety that is endangered, but democracy and public spheres as well, all institutions should be ready to defend freedom of journalists and their integrity¹³¹."

There are no special procedures dealing specifically with the protection of women from attacks in Serbia, neither for female journalists. However, there have been cases when female journalists have been attacked. According to Independent Journalists' Association of Serbia's database, there have been four physical assaults and 22 verbal attacks on female journalists over the last three-and-a-half years. Also, according to the Journalists' Association's information, of the four journalists currently under police protection, two are women.

The state does not provide enough resources for investigations into threats and violence directed at journalists. This conclusion can be deduced from the very obvious lack of results in investigations and that proceedings are evidently too slow.

Security measures provided for journalists in need and their adequacy related to attacks vary from case to case. The biggest problems are experienced by journalists who are under high-level police escort. According to the Independent Journalists' Association of Serbia's information, four journalists are currently under long-term protection. However, official information regarding the true number was not provided, as revealing that information could potentially jeopardise their safety. According to a legal expert interviewed for this report, the potential risk posed by revealing that information is not only big, but also not understood.

"...the state is providing protection to endangered journalists and that is a good thing, but it's not a solution to the problem. It is not a sustainable solution anyway. The real question is what is done to remove the threat, so that protection is no longer needed."

¹³¹ Dr Rade Veljanovski, professor at the Faculty of Political Sciences, University of Belgrade, interview by Marija Vukasovic, May 11 2016.

ssary. However, some journalists sometimes remain under police protection for years. It is a last resort measure, and it seems as though nothing is done to get to the root of the problem”¹³².

Journalists and legal experts agreed that investigations of crimes against journalists are not conducted efficiently and independently. Authorities that ought to be dealing with investigations are not doing their job properly, which is evident in the failed investigations into the murders of three journalists. Another problem is that the proceedings take too long, and many of them are never concluded. Legal experts say that the incompetence of the prosecution is obvious when it comes to conducting investigations efficiently and gathering direct evidence. They also note that it is known that courts cannot reach a verdict based solely on indirect evidence¹³³.

The prosecution of criminal acts is not initiated against all participants of attacks against journalists. The problem here is that they have not clarified the full picture of the crimes and usually only prosecute the direct offenders while the instigators remain unrevealed. For example, the prosecution is unlikely to discover who ordered the 1999 murder of prominent Serbian journalist Slavko Curuvija.

It seems that there is not enough adequate training for the police, prosecution, lawyers and judges. To try to bridge the gap, certain meetings for judges, prosecutors, lawyers and representatives from the media were organised, and were effective. They were useful for raising journalists’ awareness of the problems prosecutors and judges face in courts, and judges were given a better understanding of the position journalists are in. Such meetings were also proposed by the Action Plan for Chapter 23 in Serbia’s EU accession negotiations. However, they have not been implemented. Public institutions state¹³⁴ that the draft memorandum ought to be adopted ahead of related actions. The Ministry of Culture and Information also organised some workshops for journalists and journalists’ associations on the prohibition of hate speech and of the state advertising in the media. However, there were no workshops organised for state authorities regarding the protection of freedom of expression and the protection of journalists.

132 Dragan Lazarevic, lawyer, interview by Marija Vukasovic, May 2016

133 Slobodan Kremenjak, lawyer, interview by Marija Vukasovic, May 16, 2016

134 Anonymous interview with a representative of the state institutions, Interview by Marija Vukasovic, June 13, 2016.

Recommendations

Serbia introduced media reforms in 2014 and adopted a new set of media laws, but implementation of these is a major problem. As such, the main recommendation to come from this report is that the implementation of the new media laws needs to be improved in order to ensure a higher level of media freedom in Serbia.

Regulations should be amended to prevent political influence on the process of electing members to the Council of the Regulatory Authority for Electronic Media (REM), and to provide a higher level of independence and efficiency in the work of REM.

The state and the other competent authorities operating in the country (the Special Prosecutor’s Office for Cybercrime and the Interior Ministry’s Department for High-Tech Crime) should react to reports, conduct investigations, initiate necessary legal proceedings and inform the public about cases where websites are shutdown or blocked with more speed and efficiency. Additionally, regarding amending regulations, it is necessary to increase the responsibility of competent persons in these institutions in case of any failures. Also, it is necessary to improve the work of the Special Prosecutor’s Office for Cybercrime in cases where journalists are threatened through social networks.

Primary and secondary legislation that governs co-financing projects in the public interest needs to be improved, particularly in the following areas:

- Obligatory announcements of the competitions and sanctioning of local governments which do not publish the open competitions for co-financing projects.
- The responsibility for legal implementation of project competitions and transparency in the entire process.
- The sanctioning of abuses and violations of the procedures surrounding competitions for co-financing projects.
- Evaluation of realised co-financed projects.
- Involving and increasing the influence of civil society.

The responsibility, controls of the allocation of resources, competition and higher transparency for the public announcement of state authorities and other holders of public authorities that dispose of public money should be improved. Additionally, the influence of the civil society in this area should be increased. Also, all those who use public funds for public advertising should be

obliged to display their resources intended for media services and projects.

It is necessary to amend regulations in order to prevent direct political and party influence on elections to the board of directors for public service broadcasters, and their indirect impact on the selection of the programme councils and management of public service broadcasters. Following this, the laws should be amended to ensure public broadcasters are financially independent through taxes and or subscriptions without budget subsidies. Additionally, it is necessary to introduce obligatory consultation or participation in the selection of editors-in-chief of the newsrooms in the public service broadcasters, ie the newsroom should also approve the selection of its editor-in-chief.

Case law in Serbia is generally inconsistent, including processes related to lawsuits initiated against journalists in connection with the publication of information in the media. It is necessary for court practices to be harmonised with the case law of the European Court of Human Rights, introducing mandatory training of judges, workshops and counselling.

Political pluralism before and during election campaigns in print and online media should be achieved through the strengthening of self-regulation, and in the case of electronic media, the Regulatory Authority for Electronic Media (REM) should increase its responsibility and efficiency in order to perform its duties in accordance with the law and undertake necessary measures when applicable. Also, it is necessary to define the difference between political propaganda and a political announcement.

Through relevant laws (under the country's Labour Law), an environment should be created that will enable social dialogue to be established between representatives of the media industry (media owners) and trade unions (journalists and other media workers). The laws also need to improve the efficiency of the work of labour inspectors when dealing with complaints regarding violations of the law for the media. It is also extremely important to strengthen the role of trade unions.

The position of journalists in newsrooms need to be improved by increasing the level of independence the newsroom has from the media owners. This can be done by introducing internal regulations to manage the independence of editorial policy. Additionally, their position can be improved by providing effective legal protection from the influence of media owners and management, enhancing the organisation of unions.

Stricter enforcement and punishment in accordance with Article 138, item 3 of the Criminal Law, which relates to the criminal offence of compromising the safety of a

person who performs activities of public interest in the field of information linked to the activities they performed, needs to be more strictly enforced and harsher punishments delivered. Primarily because, in practice, perpetrators of this crime are often given the minimum fine, which does not constitute sufficient punishment or act as a warning to future perpetrators.

Cooperation between state institutions and associations of journalists needs to be improved, primarily through the continuation of negotiations with the Ministry of Interior and the Republic Public Prosecutor on the signing of the memorandum on measures to raise security levels related to journalist safety in accordance with the Action Plan for Chapter 23 of Serbia's EU accession negotiations. Specifically, Point 7 of the memorandum, relating to the establishment of a special body to deal with the safety of journalists, needs to be defined in terms of how the body will be formed, its members elected, what its powers are and, most importantly, to ensure that this body does not assume the obligations and responsibilities that fall within competencies of state authorities.

The work of the Commission for the Investigation of the Murder of Journalists needs to be concretised. In addition to resolving the outstanding murder cases of three Serbian journalists, this commission should deal with determining the responsibility of state authorities and individuals, who whether through their actions or failure to act, contributed to delays in conducting the investigations.

Appendices

List of interviewed individuals

Name	Position/Organisation	Date of the interview
(anonymous)	Journalist from a non-profit media outlet	May 10 2016
Rade Veljanovski	Professor at the Faculty of Political Sciences	May 11 2016
Dejan Milenkovic	Professor at the Faculty of Political Sciences	May 13 2016
(anonymous)	Journalist from a radio station	May 16 2016
Slobodan Kremenjak	Lawyer	May 16 2016
(anonymous)	Journalist from a radio station	May 17 2016
Branislav Bozic	Journalist from daily newspaper Danas	May 17 2016
(anonymous)	Journalist from a public service broadcaster	May 18 2016
(anonymous)	Journalist from a TV station	May 18 2016
(anonymous)	Journalist	May 19 2016
(anonymous)	Journalist from a radio station	May 19 2016
Vojislav Stevanovic	Journalist from TV station N1	May 20 2016
Radojica Dzunic	Journalist from daily newspaper Politika	May 20 2016
Saša Gajin	Professor at the Faculty of Law	May 20 2016
Dejan Lazarevic	Lawyer	May 21 2016
(anonymous)	Representative of a state institution	June 13 2016
Vukašin Obradovic	President of the Independent Journalists' Association of Serbia	June 15 2016

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