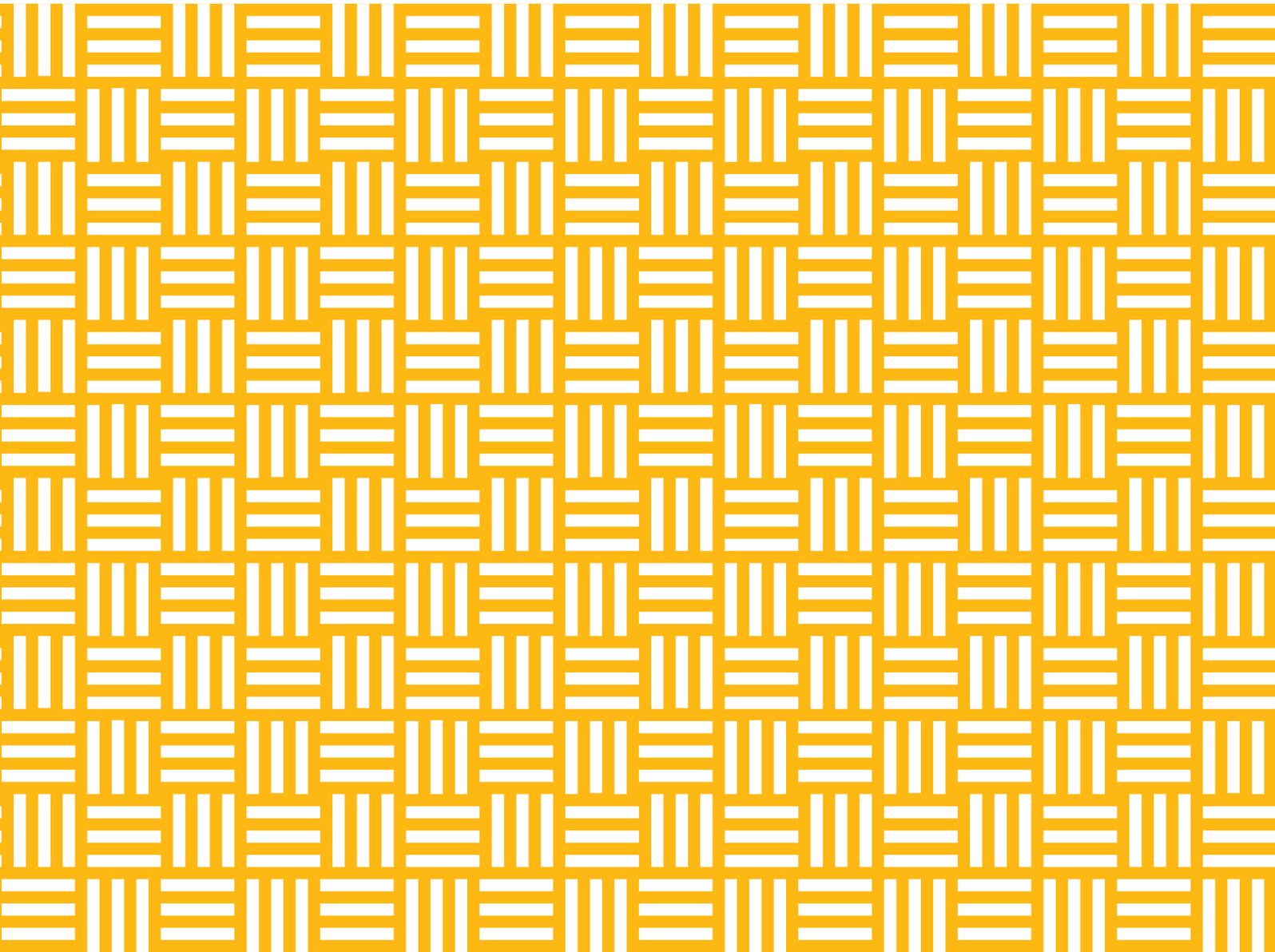




Regionalna platforma Zapadnog Balkana za zastupanje  
sloboda medija i bezbednosti novinara  
Western Balkan's Regional Platform for Advocating  
Media Freedom and Journalists' Safety

# **SERBIA**

## **Indicators on the level of media freedom and journalists' safety 2017**





**SERBIA**  
**Indicators on the**  
**level of media**  
**freedom and**  
**journalists' safety**  
**2017**

**Author**  
**Marija Vukasović**  
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This Report comprises the findings of the second research conducted within the regional project Western Balkan's Regional Platform for advocating media freedom and journalists' safety<sup>1</sup>, implemented by national organisations of journalists in Bosnia and Herzegovina, Kosovo\*, Macedonia, Montenegro and Serbia. This report presents a follow up to the 2016 study that provided an overview of the legislative, socio-economic and political situation in terms of freedom of media and safety of journalists, and identified the key challenges and obstacles journalists' association and other stakeholders face. The main aim of report is to identify new developments and compare the levels of media freedoms and journalist safety in 2017 with those identified in 2016.

Marija Vukasović conducted the research based on common methodology implemented in five mentioned countries. A series of different qualitative and quantitative methods were used to collect and analyse the data:

- Qualitative Document Analysis (QDA) which comprises researches and analyses conducted by other research organisations, academic institutions, non-governmental organisations, individual researchers, etc.; official documents passed by state institutions (laws, by-laws, strategies, annual reports, minutes from meetings, press releases, etc.), and media reports (texts, articles, news, and other published materials).
- Qualitative interviews with 14 individuals (journalists, lawyers, media experts, representatives of public institutions or non-governmental organisations).
- Official statistical data obtained from public institutions or downloaded from available websites or other publicized sources.

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<sup>1</sup> The project is financed by the European Commission within the Civil Society and Media Support Programme 2014–2015 and Ministry of Culture and Information of Republic of Serbia

\* 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.

**Indicator A:**  
**Legal protection of media and journalists' freedoms**

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The Constitution of the Republic of Serbia and media laws guarantee freedom of media. The Law on Public Information and Media guarantees freedom of public information and stipulates that it shall be free. Journalists and media experts are unanimous in their assessment that journalists' freedoms is at a low level and that media freedoms have been constantly decreasing over a longer period of time. This claim is corroborated by various reports by international organisations. The main issue lies in the fact that **there is a considerable control over media** and that media organisations operate under a great deal of pressure. This year, a Working Group for development of a new Strategy for the Development of the Public Information System in the Republic of Serbia until 2016 (hereinafter the Media Strategy) has been established, and modifications of media laws have been announced. (Section A1)

In the opinion of the experts, the process of passing media laws adopted in 2014 was transparent to an extent, and the laws are not bad; however, there is still the issue of their inadequate and, sometimes, even malevolent enforcement. (Section A1)

In the previous year, there were **six cases of blocking or limiting of contents on the Internet**, mostly in relation to copyrights. One includes a removal of Aleksandar Vulin,

Minister untrue statements about journalists Slobodan Georgiev and Dušan Mašić from You Tube. (Section A1)

One of the major issues in media sphere is the **(absence of) work of the Regulatory Body for Electronic Media (REM) – it does not use all legally prescribed possibilities** to sanction actions that violate the law, does not publish all documents it is legally obliged to, does not perform monitoring. The process of appointment of new members to its managing body, the Council, is accompanied by numerous controversies. Experts interviewed for this research mostly agree that together with the absence of any formal (legal) guarantee of its independence, this leads to reasonable doubt as to the independence of this body from political, economic, and other centres of power. In 2016, REM pronounced four measures of reprimand and five measures of warning. Official report for 2017 had not been published during the reporting period. (Section A1)

Many agree that one of the most significant forms and mechanisms of exerting pressure on independent media and hold other media under control is **exerting pressure through advertisers**, i.e. that private and state companies advertise in so-called suitable media only. The Centre for Research of Corruption conducted monitoring in the last week of the pre-election campaign for 2017 presidential elections the results of which indicate that the Kurir and Blic daily's advertising revenue was the largest. (Section A1)

**Co-financing of projects in the field of public information** for the purpose of achieving public interest is, same as in previous years, faced with numerous problems in practice. In the beginning of 2017, the Rulebook for the co-financing projects of the public interest in the field of public information was modified to an extent but without solving the existing problems. Issues arise from the moment of publishing the call – there is no evaluation of projects that received financial support in the previous period, no sanctions in case of violation of laws and no clearly stipulated obligation to act in line with the proposal of the expert commission as to which projects would be supported with budgetary funds. According to IJAS records, irregularities mostly related to **failure to quote the maximum and minimum amount of funds** that may be allocated for individual projects. Additional problem is the fact that candidates from non-representative journalist and media associations, unknown to the public, are increasingly nominated as members of expert commissions while candidates from major associations such as Independent Journalists' Association of Serbia, Journalists' Association of Serbia, Association of Independent Online Media, Independent Journalists' Association of Vojvodina and Local press are being ignored. There is also an issue of **actions in administrative proceedings** against the decision by which a public body allocates funds within a public competition. They

turned out to be an inadequate legal remedy having in mind that proceedings take very long time, while decisions, even if favourable for the claimant, do not provide sufficient satisfaction. (Section A1)

Establishment and maintenance of media by national minorities is prescribed by the Law on Protection of Rights and Freedoms of National Minorities. The Law on Public Information and Media stipulates that the Republic of Serbia, autonomous province, i.e. local self-governments should provide a part of funds through co-financing or other factors that influence the work of media outlets that publish information in languages of national minorities. (Section A1)

Institutional autonomy and editorial independence of public broadcasters in Serbia are guaranteed by law. However, as impact of political parties is evident, primarily in news programmes, most journalists and media experts agree that they are only formally guaranteed, but that **no independence exists in practice**. Besides, it is also believed that finding an adequate manner of public broadcaster's financing is the most serious issue, and that as long as public services are largely financed from the budget, they will remain susceptible to political pressures and influences. (Section A1)

In Serbia, libel is decriminalised, while, **according to the Criminal Law, insult is still a criminal act**. In recent years, as well as in the observed period, quite a large number of lawsuits were filed against journalists in relation to information published in media. One research indicates that the first-instance decision in proceedings takes a year and four months on the average, while in 25% cases proceedings took more than two years. There is a strong impression that **in certain cases against journalists and media courts acted under political influence**. One of such cases is the action and court case of Nebojša Stefanović, Minister of the interior, against NIN weekly. Another issue lies in an uneven court practices and high amounts of compensation for non-pecuniary damages awarded in litigation proceedings. Not only that those are not adequate for media going through difficult financial time anyway, but they are also not in line with the practice of European Court for Human Rights. According to the data obtained from the Press Council, in the reporting period the Council has not received any requests from media outlets in court proceedings to determine whether the Journalists' Code of Ethics was violated. (Section A2)

**Political pluralism in media is generally guaranteed by the Law on Public Media Services**, which stipulates that it is the obligation of the public media service to observe and stimulate pluralism of political, religious, and other ideas. REM is obliged to oversee the work of broadcasters and to protect media pluralism in the time of elections; however, its work does not indicate that it

does it. This can be concluded primarily based on its decision that it would not monitor the 2017 presidential pre-election campaign, but only act upon complaints. As in 2016, one of this year's indicators of "successful" work of REM, in the opinion of the majority of interviewed journalists and experts, is the fact that the political parties and candidates for the presidential elections did not have fair and equal access to media in the course of the pre-election campaign or beyond it. (Section A3)

**There is no licensing of journalists in Serbia**, however in the last year journalists were practically prohibited from reporting from certain places – a seemingly increasingly emphasised phenomenon together with the practice of not inviting certain journalists/media certain public events. A number of journalists are members of professional associations, **while organisation in trade unions of journalists is still rather weak**. This can be partly explained by constant pressures on associations and trade unions. The Press Council is one of the rare media institutions that records positive developments, same as in previous years. (Section A4)

Journalistic source is protected by laws, with one limitation: when information relates to a criminal offence, i.e. the perpetrator of a criminal offence for which the prescribed punishment is at least five years of imprisonment, and only in case the data may not possibly be obtained otherwise. **Protection of the journalistic source is generally observed**, and there have been no serious violations in the observed period. There were no cases of journalists suffering sanctions for refusing to reveal the identity of a source. (Section A5)

In order to exercise right to access to information of public importance, the law prescribed the institution of the Commissioner for Information of Public Importance and Protection of Personal Data. This is one of the rare areas in which enforcement of law is on a higher level. However, the fact that **public companies deliberately withhold the information and use budget (citizens') funds to pay fines is still a major issue**. As in the previous period, there is an additional issue of stalling the processes, so the Commissioner receives a large number of complaints. Most of the interviewed journalists agree that this indicates that state bodies are still not transparent. (Section A6)

## **Indicator B:** **Journalists' position in the newsrooms, professional ethics and level of censorship**

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For a long period of time and in a large number of cases, **journalists and media workers in Serbia have been working under difficult conditions**, with very low and irregular salaries. Permanent associates (freelancers), especially journalists and other media workers in local media, are frequently engaged without any labour contract. According to the research, **journalists in Serbia earn salaries below the republic average**. There are no separate mechanisms for protection of labour and professional rights of journalists, while journalists themselves hardly ever have labour contracts. There are very few media outlets in Serbia that have internal rules on editorial independence from owners and management bodies, in which relations among the owner, manager, and the newsroom is clearly separated by a legal act. One such media the Internet portal Južne vesti. **Most media outlets recognise the Journalists' Code of Ethics**, but do not have own internal codes, not even the public media services. Most of the non-profit media outlets do not have own separate codes of ethics, but accept the Journalists' Code of Ethics instead. The Association of On-line Media also adopted the Code of Ethics for journalists who work in on-line media. In 2017, the Press Council developed the Guidelines for implementation of the Journalists' Code of Ethics in on-line environment, while the instructions contained in it should assist editors and journalists enforce professional and ethical standards better and more easily.

Self-censorship is still one of the major issues of journalism in Serbia.

## Indicator C: Journalists' safety

Regional Platform for advocating media freedom and journalists' safety keeps a database on attacks against journalists in six countries in the region: Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Croatia, and Serbia. According to it, in the period from 1 September 2016 to 31 August 2017 Serbia recorded 40 incidents – eight physical and 28 verbal attacks, one attack against property, two cases of surveillance, and one case of discrimination. The trend from the previous year continues: **the number of physical attacks is decreasing, while the number of verbal attacks, threats via the Internet and social networks has risen, especially the number of pressures against journalists** and other media workers. According to the database kept by IJAS, 33 cases of pressures were recorded in 2016, while only in the first eight months of in 2017, there have been as many as 29 such incidents. (Section C1)

Serbia has no separately developed policy to support journalist protection, although there are certain developments. In December 2016, an **Agreement on cooperation measures to raise security levels related to journalists' safety was signed** by the Ministry of Interior, Republic Public Prosecutor's Office, and seven journalist and media associations. The Agreement primarily provided for the establishment of the Standing Working Group comprising of authorised representatives of all signatories. While journalists and other media experts believe this is a good step in cooperation, they are dissatisfied with the manner of implementation. The representative of the Republic Prosecutor's Office believes that the signing of the Agreement was very positive, and that its enforcement started well, despite certain difficulties. The Prosecutor's Office also started keeping records of criminal acts perpetrated against journalists and provided for urgent actions in cases of attacks against journalists. (Section C2)

Cooperation between state institutions and associations of journalists has improved to an extent in the last year, facilitated by signing of the Agreement on cooperation and establishment of mechanisms and introduction of **contact points and persons responsible for coordination**. Using contact points, journalists have the opportunity to report attacks, and are a simpler way to get more information about the reported cases. However, despite the establishment of the mechanism and cooperation, there is still a large number of unsolved cases. In the observed period, out of 39 incidents recorded in the IJAS database, 26 are still in proceedings by the prosecution, in eight cases it was established that there are no elements of criminal offence subject to ex officio pros-

ecution, while criminal charges have been dismissed in three cases. A first-instance decision was passed in one case, while criminal charges was filed in one case. The dramatic cases of attacks that are yet to be resolved include the attempted murder of Dejan Anastasijević in 2007 and physical attacks against Davor Pašalić in 2014 and Ivan Ninić in 2015. Tracing, recording, and secret surveillance of communication of journalists is an issue, although there is no evidence that these are conducted illegally. However, there are no efficient forms of control to establish whether the competent bodies abuse their legal authorities in implementation of such measures. (Section C2)

Generally, **in Serbia there are no separate institutions/units dedicated to investigation, prosecution, protection and safety of journalists, nor those dealing with the issue of impunity**. The only exception is the Commission for the Investigation of Murders of Journalists. The state is still not providing sufficient resources to investigate threats to journalists and violence against them. This primarily relates to human resources. The interviewed experts agree that investigations of crimes against journalists are not conducted in a fast an efficient manner, as indicated by a large number of unresolved cases of attacks against journalists and **three unresolved cases of murdered journalists**. The fact that certain journalists live and work under permanent police escort as a protection measure is still a major issue, especially as such protection sometimes lasts several years, such as the case of Vladimir Mitrić, the Večernje novosti journalist from Loznica. Prosecution of perpetrators of criminal offences is not conducted against all actors of threatening and violence against journalists, it does not include both perpetrators and ordering parties. (Section C3)

The mentioned Agreement anticipates training of members of prosecution and law enforcement with an aim to ensure better understanding of specific issues related to journalists' safety and more efficient actions of competent bodies in cases of journalists' safety being threatened. The Agreement also anticipates education of journalists in the area of their right to criminal and legal protection, as well as training of journalists, editors, and media owners about safety of Internet news portals. However, such training has not been conducted yet. (Section C3)

# A

## Legal protection of media and journalists' freedoms

Serbia's Constitution and laws guarantee freedom of expression and information through media. In 2014, a set of media laws was adopted to incorporate European standards; however, this does not seem to have any impact on improvement of media freedoms. Implementation of media laws is still the major issues. This year, a Working Group for development of the new Media Strategy was established, and modifications of media laws have been announced. The major issues identified in the observed period include the work of the Regulatory Body for Electronic Media, implementation of competitions for co-financing of projects of public interest, including selection of commission members, selection of projects, evaluation, and, finally, conducting of administrative proceedings.

There is still a large number of cases against journalists in relation to information published in media. Institutional autonomy and editorial independence of public media services are formally guaranteed by law, but cannot talk about their independence in practice. Journalists are not sufficiently exercising their right to request information of public importance while, on the other hand state bodies are rather non-transparent and there are a large number of complaints filed to the Commissioner for Information of Public Importance and Protection of Personal Data.

A1 Does national legislation provide for guarantees for media freedom and is it efficiently implemented in practice?

**In Serbia, freedom of media is guaranteed both by the Constitution of the Republic of Serbia<sup>1</sup> and media laws.** Law on Public Information and Media<sup>2</sup> guarantees freedom of public information and stipulates that public information is free. Within legal and constitutional guarantees related to freedom of media and information, nothing has changed from the previous period. In 2014, a set of media laws was adopted in Serbia to incorporate European standards, but this does not seem to have had any impact to progress in the area of media freedoms. This year, the Ministry of Culture and Information established a Working Group for development of the new Media Strategy, while modifications of the existing medial laws have been announced.

Despite its importance in democratic societies, freedom of media is at a low level in Serbia; furthermore, **media freedoms have been limited in comparison to 2016.** Both media experts and journalists interviewed agreed to this, emphasising that narrowing of media freedoms has been constant over a longer period of time. They believe that the major issue lies in different manners of media control. This resulted in a situation **where there is no critical public opinion in Serbia** and information does not reach citizens. Thus, in the absence of accurate and proven information, they are unable to make adequate decisions.

*“Nowadays, we have strong control over media, media under different forms of very strong pressures, media which are economically fully dependent on some centre of power, including the state, while on the other hand we have media with strong self-censorship, in which there is no direct censorship but where different pressures are limiting media freedoms. Attacks against journalists, verbal and others, are on the rise, while fear among journalists and other professionals is considerable.”<sup>3</sup>*

One of the things that substantiate the claim of no progress in comparison with the previous year is the European Commission report, which states that in Serbia “there has been no progress in comparison with the previous year. The package of laws in the media sector is still waiting for full implementation. Privatisation of state-owned media did not result in greater transparency of ownership or sources of finances, including financing by the state. Co-financing of media content of

public interest needs to be conducted in accordance with the legal framework, using transparent and fair procedures, without interference on part of the state, especially on local level”. **The European Commission also expressed its concern about the condition of the area of safety of journalists:** “The number of recorded cases of threatening, intimidation, and violence against journalists still causes concern. Several criminal charges have been filed, but final verdicts are still rare.”<sup>4</sup>

The fact that media freedoms have been narrowed down is also reflected in the reports of Reporters Without Borders and Freedom House. Reporters Without Borders published the World Press Freedom Index 2017, where Serbia is positioned on 66 out of 180 countries ranked according to the level of media freedom. Serbia has fallen seven positions in comparison with the previous year.<sup>5</sup> Limitation of media freedoms in Serbia is also recorded by the organisation Freedom House. In its latest report, with four point drop Serbia features on the list of countries which experienced the greatest drop in terms of media freedoms world-wide in 2016.<sup>6</sup>

**The process of passing of media laws was transparent to an extent,** primarily because of participation of associations of journalists in the course of their drafting, i.e. because of the public debates held. Since the laws were adopted, however, their implementation continues to be a problem. A legal expert believes that the laws adopted in 2014 are not bad, adding that they “correspond to the solutions existing in EU member states”. He observes that the “issue lies in inadequate and sometimes malevolent implementation of the law; sometimes it seems as if a manner is sought as to how to surpass legal rules and only meet the form, not the essence”.<sup>7</sup>

As for the right to access to the Internet and limitation of such access, according to the database kept by the Share Foundation, in the period between 1 September 2016 to 31 August 2017 there were six cases of blocking or limiting content on the Internet. All the cases related to **removal of video materials from YouTube.** In most cases, the footage was removed due to copyrights. One of the cases is the one of removal of minister Aleksandar Vulin’s statement of from YouTube. In this statement, Vulin made untrue claims about journalists Slobodan Georgiev and Dušan Mašić. According to information from the Share database, the footage was removed upon a request of a private company

- 4 European Commission, Working document of the Commission: Republic of Serbia 2016, Progress Report, Brussels, p. 22. Accessed on: 15 June 2017; [http://eukonvent.org/wp-content/uploads/2016/11/godisnji\\_izvestaj\\_16\\_srp.pdf](http://eukonvent.org/wp-content/uploads/2016/11/godisnji_izvestaj_16_srp.pdf)
- 5 Reporters Without Borders, World Press Freedom Index, Paris, 2017, accessed on: 15. June 2017; <https://rsf.org/en/serbia>
- 6 Freedom House, Freedom of the Press 2017, Washington, 2017. Accessed on: 15 June 2017; <https://freedomhouse.org/report/freedom-press/2017/serbia>
- 7 Miloš Stajković, lawyer, interviewed by Marija Vukasović on 29 May 2017

- 1 The Constitution of the Republic of Serbia, Article 46
- 2 The Law on Public Information and Media, Article 4
- 3 The journalist who wanted to remain anonymous, interviewed by Marija Vukasović on 20 May 2017

KVZ Digital. However, the footage re-appeared on the Internet and YouTube<sup>8</sup>.

**The Regulatory Body for Electronic Media (REM)** is defined by law as an independent, autonomous regulatory organisation with a legal entity status.<sup>9</sup> The financing of REM is executed in accordance with the financial plan passed by the REM Council every year; the financial plan is then filed to National Parliament boards in charge of the areas of financing and public information, while the National Parliament gives the final approval of the financial plan.<sup>10</sup>

One of the major issues continues to be the fact that the very work of REM and REM Council are perceived as under political influence and not autonomous. **REM is closed and not sufficiently transparent nor coherent.** REM has broad authorities in relation to electronic media, and the obligation to protect medial pluralism. Experts believe that REM is the focal point of the media scene in Serbia, and that it is one of the most malignant 'tissues' in the media sphere. Rather than being an autonomous regulatory body, REM is being turned into a partisan body which does not conduct obligations delegated to it and stipulated by laws, thus significantly contributing to the deterioration of the situation in the area of media freedoms in Serbia<sup>11</sup>.

Even though there are positive views about the media laws, there are also opinions that the set of media laws adopted in 2014 destroyed the little independence that once Broadcasting Agency managed to carve out. Media expert and former REM member Gordana Suša believes that **media laws are tailored after the owners of large TV companies**, and not after the public interest. She says that there are two key parameters indicating that this body is not independent:

"For a body to be independent, it needs to be taking decisions independently, and to be financially independent. However, REM needs to ask for an approval of the Government for each financial decision it wants to pass. Thus, adoption of financial plans for the following year only at the end of such a year was something that happened. According to the new law, monitoring services which are an integral part of REM are treated as state administration, which is very illogical, as they are not financed from the budget. As an independent body, REM is financed from fees paid by electronic media. For example, the REM Council proposed these fees to be decreased three years ago, but the

Government did not accept it. In addition, *appointment of REM Council members by the Parliament affects its independence*, because it is certain that the ruling majority in the National Parliament will choose whoever they want. The stories of Milan Antonijević from YUCOM and Snežana Stojanović-Plavšić are the examples of behaviour of authorised proponents towards independent candidates. The competent Committee for Culture and Information of Serbian Parliament annulled the whole competition so that Goran Peković, who was supported by the ruling coalition, would "win" in a repeated competition. One of the manners in which political impact of ruling parties may be decreased is to amend laws and, for instance, define that members of the REM Council are elected by authorised proponents, not the Parliament."<sup>12</sup>

According to the 2016 REM Report on work, in 2016 the REM Council pronounced four measures of reprimand and five measures of warning.<sup>13</sup> REM is also authorised to file charges for economic transgression and motions to launch misdemeanour proceedings against providers of media services in case of violation of legal regulations. In these terms, in 2016 as many as 66 motions to launch misdemeanour proceedings were filed, as well as three cases of economic transgression, and seven appeals against decisions of the Magistrates' Court.<sup>14</sup>

Public informing of state bodies, that is, other agents of public authority (such as public competitions, public advertising, information, public campaigns, etc.) is performed by the Republic of Serbia, autonomous province, as well as institutions and other legal entities the majority of which is in state ownership or which are fully or predominantly financed from state revenue.<sup>15</sup> There is an opinion that it is the pressure through advertisers which is one of the most important forms and mechanisms for exerting pressure against independent media and keeping of other media under control. **The prevailing practice is that private and state companies are advertised only in the so-called "suitable" media.**

"This is a very dangerous mechanism as it questions economic existence of journalists and media. Besides, when you work in such circumstances, i.e. when you are aware that presence of advertisers in your media outlet does not depend on the quality of information, circulation, or ratings, but on whether you support certain political attitudes with your editorial policy, self-censorship occurs. Editors and media owners know they will lose advertisers and considerable in-

8 The list of cases of blocked Internet content, Share foundation. Last modification: 1 August 2017. Accessed on: 30 August 2017; <http://monitoring.labs.rs/>

9 The Law on electronic media, Article 5

10 Ibid, Article 34.

11 Vukašin Obradović, media expert and editor of Vranjske weekly, interviewed by Marija Vukasović on 26 May 2017

12 Gordana Suša, media expert, interviewed by Marija Vukasović on 25 May 2017

13 Regulatory Body for Electronic Media, 2016 Report on work, p. 19 and 20, Belgrade 2017. Accessed on: 20 June 2017; <http://rem.rs/uploads/files/PDF/Izvestaj%20o%20radu%202016.pdf>

14 Ibid, p. 22. Accessed on: 30 June 2017

15 The Law on advertising, Article 3, paragraph 2, item 2

come if their editorial policy is not in line with the political programme of the authorities.”<sup>16</sup>

Centre for Research of Corruption conducted monitoring of the last week of the pre-election campaign for the 2017 presidential elections which included eight dailies: Kurir, Blic, Večernje novosti, Informer, Alo, Srpski telegraf, Politika, and Danas. The Report states that the presidential candidates purchased 187 advertisements of various dimensions at the total amount of 44,726.350 dinars (€377) The largest amounts from sale of advertising space was paid to the Kurir (10,878,800 dinars – €91,758), Blic (8,190,400 – €69,082), Srpski telegraf (6,180,000 – €52,126), Novosti (5,704,800 – €48,117), Informer (5,647,200 – €47,632), Alo (3,979,200 – €33,563), while the Danas received exceptionally little funds on these grounds (365,950 dinars – €3,087). Distributed among presidential candidates, most advertising space was occupied by Aleksandar Vučić with 137 advertisements, followed by Vuk Jeremić with 26 and Vojislav Šešelj with 23 advertisements, while Milan Stamatović had only one advertisement. **Jeremić was the only candidate who advertised in the Danas.**<sup>17</sup>

**The analysis of the process of competition-based co-financing of media projects of public interest** shows that it has not progressed much from the issues that accompanied it in the previous year. Legal regulations remained the same; however, in the beginning of 2017 some amendments were introduced in the by-law – Rulebook for the co-financing projects of the public interest in the field of public information. One of the amendments was the introduction of the possibility for the body which publishes the competition to perform the analysis of the quality of the project.<sup>18</sup> As justification for introducing only the possibility, not the obligation to perform the analysis, it was stated that a Rulebook could not establish an obligation which is not prescribed by the law. However, prescribing an obligatory analysis would have considerable impact on transparency of the overall process, especially as state funds are used. Also, amendments of the Rulebook deleted the paragraph stating that the executive of the body may request of the Commission to rectify irregularities or errors and correct the proposal if he/she observes that the proposal of the Commission is opposed to provisions of laws, rulebooks, and conditions in the public competition, or if he/she observes any other evident error.

According to IJAS records, in the first eight months of 2017 there have been 136 public competitions published for the purpose of co-financing of projects in the area of public information, as well as two more which were annulled later. In the first six months, **out of 116 competitions published by local self-government units, according to IJAS data, as many as 37 competitions were irregular** (somewhat less than a third). The irregularities mostly related to failure to provide the minimum and maximum amount of funds which may be allocated for individual projects. In 90% cases, local self-government units corrected the formal shortcomings of competitions upon warning, while some units ignored warnings of the media coalition<sup>19</sup>, which was followed by public releases about irregularities in the competition.

Another matter in this process relates to the fact that **candidates from non-representative journalist and media associations, unknown to the public, are increasingly appointed as members of professional commissions**, while candidates from major associations such as JAS, IJAS, ANEM, IJAV, and Local press, gathered in the informal coalition, are being ignored.

In opinion of some experts, everything started with the poorly conducted media privatisation and state attempt to withdraw from media ownership:

„Now we came to the problem that this functions in formal and legal terms – competitions are published, lots of money is allocated, but in fact, this money is controlled in two directions: it is used as assistance to media so that they can survive, which is not purpose of the law, and is used to control media or to thank certain media outlets which support the authorities or other centres of power. There are numerous other problems too, as there is no evaluation of commissioned projects and there are no sanctions in case of law breaking. The profession is also considerably responsible for this, as there is the assessment that media in Serbia is poor and that, through this process, money for survival should be allocated. Also, it was the profession which had not managed to come to terms about the decision criteria regarding allocating funds.”<sup>20</sup>

Unlike 2015, in 2016, within a competition published by the Ministry of Culture and Information, **the minister of culture and information changed the draft decision on allocation of funds** composed by the professional

16 Vukašin Obradović, editor of Vranjske weekly, interviewed by Marija Vukasović on 26 May 2017

17 Centre for Investigating Corruption, Advertising in print media, Belgrade, 2017. Accessed on: 26 June 2017 <http://cik.co.rs/2017/03/24/oglasavanje-u-stampanim-medijima-za-nedelju-dana-kandidati-potrosili-priblizno-45-miliona-dinara/>

18 Rulebook on additions and amendments to the Rulebook for the co-financing projects of the public interest in the field of public information, Article 5. [http://www.paragraf.rs/izmene\\_i\\_dopune/030217-pravilnik\\_o\\_izmenama\\_i\\_dopunama\\_pravilnika\\_o\\_sufinansiranju\\_projekata\\_za\\_ostvarivanje\\_javnog\\_interesa\\_u\\_oblasti\\_javnog\\_informisanja.html](http://www.paragraf.rs/izmene_i_dopune/030217-pravilnik_o_izmenama_i_dopunama_pravilnika_o_sufinansiranju_projekata_za_ostvarivanje_javnog_interesa_u_oblasti_javnog_informisanja.html)

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

20 The journalist who wanted to remain anonymous, interviewed by Marija Vukasović on 20 May 2017

commission comprising representatives of media and professional associations **without any justification**. Thus, it happened that, because of the minister's decision, projects of certain media outlets were not allocated any financial assistance in the end, even though they were positively rated by the professional commission.

The decision passed by the head of the body which published the competition is final and only administrative proceedings may be launched against it. The problem is that administrative proceedings in this area are inadequate, as in practice they are conducted as disputes of limited jurisdiction. Namely, once the court establishes that the disputed solution is illegal it annuls it and returns it to the body which published the competition for repeated decision-making, which is why this turned out to be inefficient. Besides, in their overall scope of activity, **administrative courts are buried in large numbers of cases, which is why proceedings take such a long time**. As the main issue, the legal expert says that administrative proceedings almost never enter into meritum of the case (does not dispute the full jurisdiction), does not take authorisation to complete a case by itself, but returns it to the body which passed decision in the first instance for repeated deciding.

“Thus, if the decision on allocation of funds from 2015 is annulled, it would mean that the local self-government body could publish a new competition for allocation of funds from 2015 in 2017 for a project which has already been implemented with funds which have already been allocated, which has entered the stage of evaluation of the project, and where new competition has been published.”<sup>21</sup>

Internet portal Južne vesti launched an action in relation to the competition published by the Ministry of Culture and Information in 2016 where the minister modified the draft decision of the commission. In August 2017, the Administrative court annulled a part of the decision passed by the Ministry of Culture and Information which allocated the media outlet a million dinars instead of the amount of 1,700,000 dinars, as proposed by the expert commission. According to the verdict, the disputed decision does not contain an established state of facts and reasons leading the Ministry to allocate fewer funds to the claimant than the amount proposed by the commission. However, in practical terms, the verdict **does not make it obligatory for the Ministry to compensate the damaged media outlet**.

Establishment and maintenance of media by national minorities is prescribed by the Law on Protection

of Rights and Freedoms of National Minorities.<sup>22</sup> The Law also prescribes that **national councils of national minorities may found institutions in the area of information**<sup>23</sup>, while financing itself is prescribed by the Law on National Councils of National Minorities.<sup>24</sup> The Law on Public Information and Media prescribes that the Republic of Serbia, autonomous province, i.e. local self-government unit provide a part of funds through co-financing or other conditions for the work of media which publish information in national minority languages.<sup>25</sup>

**Institutional autonomy and editorial independence of public broadcasters in Serbia are guaranteed by the Law on Public Media Services.**<sup>26</sup> Most journalists and media experts say that institutional autonomy and editorial independence are formally guaranteed, but that in practice it is not possible to talk about independence. In opinion of some journalists, **influence of political parties on the work of public services is evident**, primarily in their new programmes. One of the surveyed journalists said that the point of journalism is to investigate societal anomalies and try to rectify them by publishing them so as to enable progress of the society. However, practices of public broadcasters comprise mere transfer of information, press releases, and positions, almost without any critical overview of the topic.<sup>27</sup> On the other hand, a journalist from Radio Television Serbia (RTS) says:

“In everyday work there is independence, it is not as if we have to go somewhere for an opinion or ask someone for an authorisation. We are not prohibited to do anything or told what we may and what we may not do. Still, on the other hand, there are pressures and expectations from all stakeholders, authorities, opposition, even citizens. Financing is the problem, and as long as public services are financed in this manner, they will be susceptible to pressures and various influences.”<sup>28</sup>

Novi Sad School of Journalism monitored the achievement of public interest in public media services and highlighted that adequate and stable financing of media service is the basic prerequisite for its managerial and editorial independence and its possibility to perform programme functions efficiently. This source also states that the manner of financing of public service in the course of 2016 was a combination of budgetary donations (of unknown final scope) and minimum fee of

21 Miloš Stojković, lawyer, interviewed by Marija Vukasović on 29 May 2017

22 The Law on Protection of Rights and Freedoms of National Minorities, Article 17

23 The Law on National Councils of National Minorities, Article 19

24 Ibid. Article 113 and 114

25 The Law on Public Information and Media, Article 13

26 The Law on Public Media Services, Article 5

27 Igor Božić, journalist from Television N1, interviewed by Marija Vukasović on 6 June 2017

28 Zoran Stanojević, journalist from Radio Television of Serbia, interviewed by Marija Vukasović on 5 June 2017

150 dinars a month and did not ensure either of these. It is also concluded that the **existing legal and institutional guarantees for editorial independence of the public service are insufficient**. It states that the practice showed that selection of managerial boards of Radio Television of Vojvodina (RTV) and RTS is performed under strong political influences. According to the existing legal solutions, the independence of the public service managerial body relies upon independence of the REM Council. However, the provisions of the law and manner of their implementation in practice so far do not even provide sufficient guarantees for independence of the regulator itself.<sup>29</sup>

The Law on Public Media Services prescribes that the Programme Council of public media services, whose members are appointed by the Managing board, is an advisory body which makes sure that the programme content meets interests of viewers and listeners<sup>30</sup>. Conclusions of the mentioned monitoring state that the solution by which **the Managing board appoints members of the Programme council is not good**, as it prevents the Council from functioning as a form of external control and public influence<sup>31</sup>.

## A2 Does the Defamation Law cause a 'chilling' effect among journalists?

In Serbia, libel is decriminalised, while the Criminal Code still recognises insult as a criminal offence.<sup>32</sup> Law on Public Information and Media prescribes that the person suffering damage from publishing information has the right to compensation of damages including material and non-material costs<sup>33</sup>.

In recent years, as well as in the observed period, **the number of cases filed against journalists in relation to publishing of information in media has been rather large**. In the period from 1 September 2016 to 31 August 2017 the number of filed charges amounted to 508, while in the same period the number of cases resolved was 47. In the first eight months of 2017, the number of filed actions was 352, while the number of actions filed in the whole 2016 was 507. On 31 August 2017, the total number of unresolved cases amounted to 784.<sup>34</sup>

A research conducted by the Vojvodina Centre for Research and Analysis (VOICE) indicated that in the last three years there were 1,326 charges filed based on the Law on Public Information and Media, mostly for violation of reputation, honour, and privacy. **The media with most actions filed against were dailies Blic, Kurir, and Informer**. Since 2014, when for the purpose of harmonization of court practices, the Higher Court in Belgrade was, as the first instance court, assigned a sole competence for actions based on the Law on Public Information and Media, till the end of March 2017, only somewhat more than a half of the cases have been resolved, a half of which was resolved by a verdict. More than one fourth of the cases were solved by adoption of the claim, while in 22% cases the charges were dropped upon hearing; one fourth of the processes ended up by withdrawing the charges, while 23% of the charges were solved in other manners, mostly by rejection for procedural reasons. To reach a first-instance decision based on a hearing, the court needed a year and four months on the average, while the procedure took more than two years in as many as 25% cases.<sup>35</sup>

However, there are cases which are solved in a short period of time. **There is an impression that courts act under political influence in certain cases against journalists and media**. Such influences are exerted in various manners and the example is the case filed by Nebojša Stefanović, the minister of the interior against NIN weekly for publishing the text "Chief Phantom of Savamala".<sup>36</sup> The case was solved in the first instance after just one hearing, while the hearing itself was scheduled four months after the action was filed; following this, the Court of appeals modified the verdict and rejected the claim.<sup>37</sup>

Legal experts believe that decriminalisation of libel led to the increase in the number of actions against media and journalists for exactly the same offence, but no longer treated as criminal. A legal expert interviewed for the purpose of this research believes that **the law does not contain provisions which could influence journalists not to write in a critical manner**, while laws generally do not contain provisions unfamiliar to comparative legislation:

**"The main rules of the law relate to standards which deserve attention of journalists. Every journalist, editor,**

29 Novi Sad School of Journalism, *Achieving of public interest in public media services in Serbia*, Novi Sad, 2016, p. 309–311. Accessed on: 29 June 2017; [http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2016/12/NNS\\_publicacija\\_final.pdf](http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2016/12/NNS_publicacija_final.pdf)

30 The Law on Public Media Services, Article 28 and 30

31 Novi Sad School of Journalism, *Achieving of public interest in public media services in Serbia*, Novi Sad, 2016, p. 312. Accessed on: 29 June 2017

32 The Penal Code, Article 170

33 The Law on Public Information and Media, Article 112

34 Higher Court in Belgrade, *Report on the number of actions filed against journalists in relation to publicising of information in media, in the period from 1 September 2016 to 31 August 2017*, September 2017. Accessed on: 20 September 2017

35 Kljajić, Sanja, "The most sued media outlets in Serbia are the Blic, Kurir, and Informer, while the Code is violated every day and quite intensely", Vojvodina Centre for Research and Analysis–VOICE, 21 April 2017. Accessed

on: 30 June 2017; <http://voice.org.rs/najtuzeniji-mediji-blic-kurir-i-informer-a-kodeks-se-krsi-svakodneвно-i-vrlo-intenzivno/>

36 An article investigated the role of Minister Nebojša Stefanović in illegal demolition of Savamala part of Belgrade

37 Cenzolovka, "Court of Appeals: NIN not guilty, Stefanović to cover costs", Cenzolovka, 28 April 2017. Accessed on: 30 June 2017; <https://www.cenzolovka.rs/pritisci-i-napadi/apelacioni-sud-nin-nije-kriv-stefanovic-da-plati-troskove/>

and even media outlet needs to be aware produced content results in consequences, but we cannot say that media act in line with these standards in every situation. There are numerous cases when serious media violates this standard or presumption of innocence, or publish someone's private recordings without approval. This standard is not always the same, so it is not the same if this is about some latest news which needs to be published in five minutes, when it is not always possible to contact numerous independent sources and the person the news relates to, and if it is about an investigative text which is subject to several months of work; however, you need to act depending on the case and check veracity of such information and its completeness. If you fail to do it, you reach the grounds of prohibited information."<sup>38</sup>

**Unequal court practices** and high amounts of compensation damages for media, which are not in line with the practices of the European Court for Human Rights, **is another major issue.** One of such cases is the case of Danijel Kulačin against portal Autonomija. In May this year, the Belgrade Court of Appeals modified the ruling of the Higher Court which rejected the charges laid by Kulačin in relation to the text published on the portal and sentenced Autonomija with the 300,000 dinar fine as compensation for damaging reputation and honour (together with court fees, this is somewhat less than 400,000 dinars – about €3,374).<sup>39</sup> Such practices threaten the very survival of media.

**The Press Council is a self-regulatory body** which was established to monitor observance of the Journalists' Code of Ethics in print and on-line media, as well as in news agencies, that is, to solve complaints of individuals and institutions in relation to contents published by such media. According to the data obtained from the Press Council, **in the last year the Council did not receive any case of a media outlet requesting to establish whether the Code was violated so it can be used in the court proceedings.**

The interviewed journalists are of different opinions when asked whether filing actions might have influence on their work. Some believe that the journalists who want to investigate will investigate, while those who do not investigate act so not for this reason, but because of some other pressures. Last year's survey, in which 52.60% journalists said that actions affect their work to an extent (hardly, partly, very much, and exceptionally),

while one fourth believed that the possibility of being sued does not affect their work, had similar results.<sup>40</sup>

**A3 Is there sufficient legal protection of political pluralism in the media before and during election campaigns?**

**Political pluralism in media is guaranteed by the Law on Public Media Services; there have been no modifications in this area in the observed period.**

The law prescribes that the obligation of the public media service is to observe and stimulate pluralism of political, religious and other ideas, and ensure the public is familiarised with such ideas, not with the aim to further interests of individual political parties and religious communities or any other individual political, economic, religious, or similar position or interest.<sup>41</sup> The law states that public media services are obliged to cover political issues in an impartial manner, thus enabling confrontation of different positions. The same law prescribes that in the period of pre-election campaign, the public service must represent political parties, coalitions, and candidates for republic, provincial and local elections in an equal manner.<sup>42</sup> The Law on Electronic Media prescribes that, in the course of pre-election campaigns, all media services providers are obliged to secure that all registered political parties, coalitions and candidates are represented without discrimination.<sup>43</sup> In addition, the Law on the Election of Members of the Parliament provides that in the course of a pre-election campaign media is obliged to represent all candidates in an independent and objective manner.<sup>44</sup>

The Articles of Association of Radio Broadcasting Agency prescribe that REM performs supervision over work of broadcasters in the Republic of Serbia.<sup>45</sup> The Law on Electronic Media prescribes the obligation of the regulatory body to protect media pluralism at the time of elections.<sup>46</sup>

The behaviour on part of broadcasters regulated in the course of a pre-election campaign is regulated by Regulatory Body for Electronic Media (REM) by a special Rulebook. According to the Rulebook, **the electoral programme must be separated from the other content by sound and picture**, and needs to be clear-

38 Miloš Stajković, lawyer, interviewed by Marija Vukasović on 29 May 2017

39 Autonomija, journalists' and media associations: Political verdict against IJAV, Autonomija, 16 May 2017. Accessed on: 30 June 2017; <http://www.autonomija.info/novinarska-i-medijiska-udruzenja-politicka-presuda-apelacionog-suda-protiv-NDNV-a.html>

40 Independent Journalists Association of Serbia, *Indicators on the level of media freedom and journalists' safety*, Serbia, Belgrade, 2016, p. 23 and 24. Accessed on: 3 July 2017; <http://safejournalists.net/wp-content/uploads/2016/12/Izve%C5%A1taj-ZB-Indikator-i-Slobode-Medija-2016-SRB.pdf>

41 The Law on Public Media Services, Article 7, paragraph 1, item 4

42 Ibid. Article 7, paragraph 1, item 7 and 8

43 The Law on Electronic Media, Article 47, paragraph 1, item 5

44 Law on the Election of Members of the Parliament, Article 50

45 The Articles of Association of the Republic Broadcasting Agency, Article 5, paragraph 1, item 6

46 The Law on Electronic Media, Article 103

ly marked by textual notification, except when it comes to political advertising. In the course of the pre-election campaign, it is prohibited to broadcast electoral programme concealed within news or other programmes which shows officials or prominent representatives of entities on electoral lists or candidates. When extending information on pre-election activities of entities on electoral lists and candidates, broadcasters are also obliged to ensure they are represented without discrimination.<sup>47</sup>

The research “Monitoring of media ownership” reached the conclusion that **political influence of media and concentration jeopardise pluralism and functioning of the media market in Serbia**. This research established that seven out of 48 sampled media outlets have non-transparent ownership structures, while two print media, the *Večernje novosti* and *Politika*, still have not resolved the issue of ownership, and, in fact, belong to the state. The research also showed that four most influential TV stations at the media market, including public service RTS, jointly have a 62.35% rating share. Equally high concentration was also observed in print media, where four media outlets together have a 63.27% share among readers (*Ringier Axel Springer*, *Adria Media Group*, *Insajder tim* and *Novosti*). When it comes to radio, more than a half of the audience (51.2%) belongs to S Media Team, Maxim Media, RTS and Antena Group.<sup>48</sup>

Even though REM is obliged to monitor work of electronic media, it work in practice does not show it. This could be concluded, primarily, based on their decision not to perform monitoring of the pre-election campaign for the 2017 presidential elections, but to act upon complaint only. In the opinion of experts, this body thus disqualified itself; although a specific decision by REM Council about not monitoring the elections was necessary, in this case situation, no such decision was made.<sup>49</sup> The 2017 presidential elections were monitored by non-governmental organisations and citizens who filed complaints to REM. According to the report of the civil society organisation CRTA, in the period from 16 March 2017 to 5 April 2017, REM received 58 citizen complaints in relation to a violation of general interest. At the moment of completion of CRTA report, REM replied to 9 complaints only, six of them in the form of “notification in relation to the reply of the broadcaster” (“notification in relation to complaint”), while a “reply to the official letter” was forwarded in three cases. The remaining complaints are still being processed, waiting for the broadcaster to give a statement. Besides, in the case of 10 complaints, REM reply comprised the order to re-send

the complaint to meet the formal conditions. REM did not initiate formal proceedings to pronounce measures against providers of media services in any of the cases given.<sup>50</sup> Because of the all of the aforementioned, the **Independent Journalists Association of Serbia (IJAS) filed criminal charges against REM Council members**, for reasonable doubt that they had performed the criminal offence of negligent work – they had obviously acted negligently in performing their obligations by omitting to perform supervision over work of providers of media services in the course of the pre-election campaign for 2017 presidential elections.

**Political parties and candidates for presidential elections did not have a fair and equal access to media**, either in the course of the pre-election campaign, or in the period outside the pre-election campaign; it may be said that the situation has not changed in comparison with the previous year. All journalists and media experts interviewed for the purpose of this research agree on this.

“They were definitely not in an equal position; when it comes to electronic media, most electronic media acted partially and in favour of one political option, which would sometimes grow into open support. REM did not react upon evident violations of law and the fact that not all political actors received equal treatment. We need to bear in mind that national frequencies, i.e. places in the digital ether are a public good; thus, media outlets allowed to broadcast programme on national or local frequency need to stick to some general provisions as prescribed by law.”<sup>51</sup>

A research conducted by BIRODI indicated that in the course of the pre-election campaign there was a media dichotomy whereas Aleksandar Vučić was against ten candidates. **Vučić’s percentage of media share amounted to 61.2%, meaning that all other candidates together had 38.8%**. Thus, with 51,741 seconds (out of which 22,491 seconds was dedicated to candidacy); Vučić outmatched other candidates for the position of the President. Summing up his time as the Prime Minister and a presidential candidate, Vučić was represented in media by more than nine and a half times more than Vuk Jeremić, the following person in the sequence. Among other presidential candidates, Vuk Jeremić (with a share of 6.4%), Saša Janković (5.9%), and Vojislav Šešelj (5.3%) are singled out.<sup>52</sup> The research al-

47 Rulebook on obligations of media service providers in the course of the pre-election campaign, Article 4, 8, and 10

48 BIRN and Reporters Without Borders, *Who is the owner of media in Serbia?*, Belgrade, 2017. Accessed on: 4 July 2017; <http://serbia.mom-rsf.org/rs/>

49 Gordana Suša, media expert, interviewed by Marija Vukasović on 25 May 2017

50 CRTA, *Citizens on watch, Report of the CRTA observing mission*, Belgrade, 2017, p. 16. Accessed on 4 July 2017; <http://www.gradjaninastrazi.rs/wp-content/uploads/2017/05/CRTA-GNS-Izvestaj-2017-Final.pdf>

51 Vukašin Obradović, media expert and editor of *Vranjske weekly*, interviewed by Marija Vukasović on 26 May 2017

52 TV stations that were monitored from 3 March to 30 March 2017: RTS 1, TV B92, TV Prva, TV Pink, TV Happy, and TV N1. The central newscasts which were included in the sample were: *Dnevnik 2* (RTS 1), *Vesti* (TV B92), *Vesti* (TV Prva), *Nacionalni dnevnik* (TV Pink), *Telemaster* (TV Happy), and *Dnevnik* (TV N1).

so indicated that all sampled TV stations, excluding TV N1, were opening their central newscast with a package featuring Prime Minister Vučić minimum every other day. **Out of the 28 days of monitoring, TV PINK Nacionalni Dnevnik (prime time news programme) began its news package with Prime Minister Vučić for on 18 days.** On the other hand, TV N1 started their news programmes with the package featuring Prime Minister Vučić only on five occasions.<sup>53</sup>

Monitoring of central news programmes<sup>54</sup> conducted in the period outside the campaign showed that President of Serbia, Aleksandar Vučić, also the leader of Serbian Progressive Party (SNS), is arguably the most covered person in the central newscasts on major TV stations with national frequencies. Saša Janković was the only member of the opposition who was mentioned, mostly in negative context.<sup>55</sup>

#### A4 Is freedom of journalists' work guaranteed in the law?

**In Serbia, journalists are not licensed.** In the past, there were proposals to introduce licensing of journalists, however no initiatives were made in the previous year.

In the last year, a phenomenon was emphasised – certain, and in some cases even all journalists, were prohibited from reporting from certain public places; occasionally, **certain journalists/media outlets were not even invited to certain events of public interest;** thus, they would be prevented from doing their job. This is a form of pressure against journalists. A survey conducted last year corroborated this claim, when 42.34% journalists replied positively when asked if they were prevented from reporting from certain places or events. One such example in the 2017 was the case when TV N1, B92, and Istinomer crews were banned from recordings near the SNS party election headquarters in Zaječar; on this occasion, an unidentified individual pushed journalist Gordana Bjeletić out of the party premises.<sup>56</sup>

**Journalists are members of associations, but to a lesser extent.** In Serbia there are several associations of journalists, including two national – Journalists

Association of Serbia (JAS) and Independent Journalists Association of Serbia (IJAS), as well as regional association Independent Journalists Association of Vojvodina (IJAV) are the most numerous. There is also Association of Journalists of Vojvodina and Professional Journalists Association of Serbia which used to gather mostly journalists from the state-owned media. However, as the associations emphasise it, numerous journalists are not among active members of these associations.

The most frequent targets of pressures are those associations which are critical of representatives of the authorities and of those who threaten journalists and jeopardise their safety. This fact is corroborated by frequent pressures and threats targeting associations, primarily to Independent Journalists Association of Vojvodina and their representatives. It often happens that the media close to authorities exerts pressure on association of journalists because of their critical stance towards authorities' activities.

The Press Council is an independent, self-regulatory body established with the aim to monitor observance of Journalists' Code of Ethics and a rare organisation that recorded positive developments. The Council is also in charge of mediation between damaged individuals, i.e. institutions and newsrooms, as well as of pronouncing public reprimands in cases of violation of ethical standards defined in the Journalists' Code of Ethics. Most media outlets in Serbia recognise the competence of the Press Council. According to its report, from January to December 2016, the Press Council received 126 complaints, more than in the previous year when it received 109 complaints. By the end of the year, the Complaints Committee decisions upon 82 complaints and rejected 30 complaints for failure to fulfil formal conditions for consideration. **Out of the total number of cases solved, violations of the Code were established in 62 cases,** resulting in 27 public reprimands pronounced to the media outlets which did not accept full competence of the Press Council.<sup>57</sup> Press Council also performs monitoring of observance of the Code in national daily papers. In the period between 1 March and 31 December 2016, there was the total of 5,447 texts in which at least one article of the Code was violated. **The largest number cases of infringement of the Code was recorded in the case of Srpski telegraf – 1,320,** followed by Informer with 1,208 infringements, Kurir with 1,100, Alo with 810, Blic with 604, Večernje novosti with 285 infringements. **Infringements of the Danas and Politika**

53 Bureau for social research, *Media, the public, and the 2017 elections*, Belgrade, 2017, p. 10 and 11. Accessed on: 4 July 2017; <http://www.birod.rs/wp-content/uploads/2017/08/Mediji-javnost-izbori-2017.pdf>

54 Monitoring of central newscasts on RTS, Pink, B92, TV Happy, Prva, and N1 – conducted from 15 to 30 July 2017

55 Bureau for social research, *Monitoring of central newscasts*, Belgrade, 2017. Accessed on 24 August 2017; <http://www.autonomija.info/birod-predsednik-srbije-dominira-na-najvecim-televizijama.html>

56 Bjeletić, Gordana, "The N1 crew were expelled from the SNS premises in Zaječar without any explanation", TV N1, 23 April 2017. Accessed on: 4 July 2017 <http://rs.n1info.com/a244178/Vesti/Vesti/Ekipa-N1-izbacena-iz-prostorija-SNS-u-Zajecaru.html>

57 The Press Council, *2016 Report on work of the Press Council, Work of the Complaints Committee*. Accessed on: 5 July 2017; [http://www.savetzastampu.rs/cirilica/izvestaji/110/2017/07/18/1501/izvestaj-o-radusaveta-za-stampu-za-2016\\_godinu.html](http://www.savetzastampu.rs/cirilica/izvestaji/110/2017/07/18/1501/izvestaj-o-radusaveta-za-stampu-za-2016_godinu.html)

**dailies are negligible in comparison to other publications.**<sup>58</sup>

Poor trade union organising among journalists is still a major issue. Within the Confederation of Autonomous Trade Unions of Serbia, there are Autonomous Trade Unions of Serbia gathering employees in graphic industry, publishing, news industry, and cinematography. There are also two branch trade unions: Media Trade Union Nezavisnost (UGS “Nezavisnost”) and Trade Union of Journalists of Serbia. However, their power is negligible, effects of their work unknown and there are very few activities especially in the area of labour law that Serbian journalists find important. This is also confirmed by the results of the survey conducted in 2106, **when three quarters, or 74.77%, of journalists said that they are not members of any trade union**, while only 23.42% of them stated they belonged to some.<sup>59</sup>

As before, **pressures are exerted on trade unions, primarily by the employers.** In 2016, Radio Television Vojvodina saw its new management removing editors of all news programmes as soon as it took over. So far, they are yet to receive justification, verbal or in writing, while most of them nowadays work as mere reporters, frequently reporting about common utility issues. On this occasion, UGS “Nezavisnost” within Radio Television Vojvodina organised a protest, as they have done in many other situations. According to Darko Šper, a trustee of this trade union, anyone who would, in any way, oppose to the manner in which new editors were appointed was practically transferred to a poorer job position or had to suffer discrimination. All removed editors are members of UGS “Nezavisnost” while many of them are also in the management.

#### A5 What is the level of legal protection of journalists’ sources?

The Law on Public Information and Media protects journalists’ sources by prescribing that **journalists are not obliged to reveal sources of information**, unless information relates to a criminal offence, that is, the perpetrator of a criminal offence for which prescribed sentence amounts to not less than five years of imprisonment, and in case data could not be obtained otherwise.<sup>60</sup> In addition

to journalists, Criminal Code extends this protection to editors, publisher, and other media professionals.<sup>61</sup>

**Protection of journalists’ sources is generally observed.** Serious cases of journalists being required to reveal their sources are rare, and there was not such a case in the last year. There were also no cases of journalists being sanctioned for refusing to reveal the identity of a source.

The journalists and media experts interviewed agreed that this area is not badly regulated; however, on the other hand, this institute is frequently abused. There are opinions that there are two perspectives.

“From the legal perspective, you may protect your source, and there is the case of Dragan Vučićević suing Jugoslav Ćosić for violation of honour and reputation, where the court rejected the claim as it assessed that the anonymous source Ćosić quoted was sufficiently relevant for the proceeding itself. The court did not insist on revealing the identity of the source, but interrogated several witnesses to reach the conclusion that the claim was true. On the other hand, there is extreme abuse of anonymous sources, especially in tabloid media. The Ethical Code of Journalism is frequently violated, and the audience started perceiving journalism as unreliable, prone to publicising unproven rumours as well.”<sup>62</sup>

A legal expert in the area of media legislation believes that there is not sufficient protection, but that this is not the problem of media legislation:

“The all-pervading issue of our society is unauthorised surveillance of electronic communication and so-called data retention. A journalist must ensure anonymity of sources, especially if reporting on sensitive topics, to ensure their protection, which is not possible because huge state systems or security agencies may, at any moment, intercept communication or retain data.”<sup>63</sup>

Journalists interviewed for the purpose of this research had different opinions in terms of freedom in communication with the source of information. There is also a question whether sources feel comfortable, whether they think they would be sufficiently protected if they talked to journalists, but this is the issue of rapport which is developed between the journalist and the source on different level. **If the source is certain the journalist will protect them at any cost, they are willing to talk**, but if they think the journalist will at some point decide

58 The Press Council, Report on monitoring on observance of the Journalists’ Code of Ethics in print dailies, Belgrade, 2017, p. 1. Accessed on: 5 July 2017; <http://www.savetzastampu.rs/doc/monitoring-2016/izvestaj-o-monitoringu-postovanja-kodeksa-novinara-srbije-u-dnevni-stampanim-medijima-mart-decembar-2016.pdf>

59 Independent Journalists Association of Serbia, Indicators on the level of media freedom and journalists’ safety, Serbia, Belgrade, 2016, p. 23 and 24. Accessed on: 5 July 2017

60 The Law on Information and Media, Article 52

61 The Criminal Code, Article 38, 39, in relation to Article 41

62 Igor Božić, journalist from Television N1, interviewed by Marija Vukasović on 6 June 2017

63 Miloš Stojković, lawyer, interviewed by Marija Vukasović on 29 May 2017

in favour himself/herself, not the source, they will withdraw.<sup>64</sup> Last year's survey showed that 63.96% of interviewed journalists said that they have contact with their sources regularly or very frequently; only 1.80% stated they hardly ever maintained communication with their sources, while 3.60% did this infrequently.<sup>65</sup>

#### A6 What is the level of protection of the right to access to information?

The legal framework on access to information of public importance is prescribed by the Law on Free Access to Information of Public Importance.<sup>66</sup> In order to exercise this right, the law prescribed the institute of the **Commissioner for Information of Public Importance and Protection of Personal Data** (hereinafter: the Commissioner), as an autonomous state body, independent in exercising its competences. When requesting information of public importance, the requesting party first needs to file a written request to the relevant body in order to exercise this right. If the relevant body does not have a document containing requested information, the request is filed to the Commissioner, who will inform the requesting party as to the place where such a document may be found. If the body rejects or dismisses the request, the requesting party may file a complaint to the Commissioner. The other party may launch administrative proceedings against the decision of the Commissioner.<sup>67</sup>

As in the previous period, **the institute of the Commissioner is one of the positive points**. Legal experts believe that this has been the most developed segment of fight for freedom of expression in Serbia since the law was passed, primarily because of the institute of the Commissioner which is in charge of implementation of the law. In the opinion of a legal expert, recognisability of this institute and engagement of the Commissioner contributed to the importance of this tool from the standpoint of the right to expression in terms of seeking for information, both for citizens and journalists for which this became an important source of information on activities of other state bodies. In his opinion, there are also certain shortcomings, primarily in relation to responsibility and execution of Commissioner's decisions. The major issue, as it could be seen though

the reports, is the communication with public enterprises and lack of transparency in their work.<sup>68</sup>

Journalists increasingly exercise this right, but still not sufficiently. The extent to which they exercise this right primarily depends on the type of media outlet they work in, thus those dealing with investigative journalism exercise it more frequently than others. For instance, for one text, the **Centre for Investigative Journalism of Serbia filed more than 200 requests for access to information of public importance**.<sup>69</sup> On the other hand, there are media outlets which report on topics of public importance on everyday basis, and they cannot wait for the reply of state bodies and public companies; information is needed urgently, otherwise the news becomes old. As before, **one of the issues lies in prescribed deadlines that make it necessary to wait very long for a reply**. The law prescribes that the government body is obliged to provide information not later than 15 days from the day the request was received, while the Commissioner passes a decision upon complaint not later than 30 days from the day the complaint was received.<sup>70</sup>

**The major issue still lies in the fact that public companies deliberately fail to provide requested information, and pay fines with the funds they receive from the budget**. Thus, fines are in fact paid by taxpayers, that is, the citizens. Stalling of processes is another issue; bodies do not provide information and complaints are filed to the Commissioner; thus, because of the number of complaints and the capacity of the Commissioner's office, the waiting time are long. The portal Južne vesti, since the passing of the law which enables access to information of public importance, exercises this right quite frequently:

“Since 2007 we have been sending several hundreds of requests a year, and in the period between 2007 and 2012 we filed 32 complaints to the Commissioner against more than 1,000 requests filed; the situation has deteriorated considerably since 2012, we keep sending several hundred requests a year, but we also file two complaints on every three requests. This problem – because of the large number of complaints, the Commissioner's office is faced with enormous work; knowing their capacities, they could not possibly process them all. This is the way the authorities deliberately bring this burden to the institute of the Commissioner.

64 Zoran Stojanović, RTS journalist, interviewed by Marija Vukasović on 5 June 2017

65 Independent Journalists Association of Serbia, *Indicators on the level of media freedom and journalists' safety*, Serbia, Belgrade, 2016, p. 28. Accessed on: 7 July 2017

66 The Law on Free Access to Information of Public Importance

67 The Law on Free Access to Information of Public Importance, Article 15–28

68 Miloš Stojković, lawyer, interviewed by Marija Vukasović on 29 May 2017

69 Dino Jahić, editor of the Centre for Investigative Journalism of Serbia, interviewed by Marija Vukasović on 14 June 2017

70 The Law on free access to information of public importance, Article 16 and 24

Sometimes it takes months to get information which had meanwhile become worthless.”<sup>71</sup>

The Commissioner report corroborates the fact that the number of complaints is very large. **In 2016, the Commissioner received 3,474 complaints**, while 2,843 complaints were transferred from 2015; thus, in 2016, the Commissioner’s office had the total of 6,317 complaints. In 2016, the Commissioner resolved 3,252 complaints. Out of these 2,852, or 87.7% of resolved complaints were justified. The number of complaints which the Commissioner assessed as founded increased by 2% compared to 2015.<sup>72</sup>

When it comes to institutional transparency, there is a general opinion that **courts are not sufficiently transparent**, even though there are different examples. Thus, surveyed journalist assessed Kruševac courts as totally closed, while there is an example of Niš where the situation nowadays is much better than it used to be in previous years. There is an impression that transparency depends on the person heading the court and their good will, meaning that the issue is not systematically regulated. According to the survey conducted last year, 37.8% journalists said that courts are not very transparent, 21.6% said they are not transparent at all, while 24.3% respondents believed courts are transparent to an extent.<sup>73</sup>

Access to local assembly sessions is regulated by Rules of Procedure of the Assembly. In most municipalities, sessions are broadcast directly, and attendance is possible. However, on local level, journalists are sometimes prohibited from attending sessions. Survey shows that 64.8% journalists stated that the municipality is somewhat (7.2 %), largely (14.4%), or fully transparent (43.2%).<sup>74</sup>

The interviewed journalists agreed that transparency of state bodies, the Government and ministries is at a low level. **Although discrimination and putting journalists in unequal position is prohibited by the law<sup>75</sup>, discrimination still occurs.** National Parliament and local assembly sessions are mostly not open for public, while communication with journalists is mostly conducted through press releases. In May 2017, Valjevo Town Council announced that its future sessions would be held without direct presence of media, with timely information about the items on the agenda and decision passed by the Town Council. The media will be sent press releases after each council session in order to provide the public with a direct insight into the decisions passed.<sup>76</sup> According to last year’s survey, 59.4% journalists stated that the Republic Government is little transparent (37.7%) or not transparent at all (21.7%), while 24.3% journalists believe that the Government is transparent to a certain level.<sup>77</sup>

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71 Predrag Blagojević, editor on the Internet portal Južne vesti, interviewed by Marija Vukasović on 19 May 2017

72 Commissioner for Information of Public Importance and Protection of Personal Data, Report on implementation of the Law on Free Access to Information of Public Importance and the Law on Protection of Personal Data for 2016, Belgrade, 2017, p. 36 and 37. Accessed on: 10 July 2017; <http://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2016/izvestaj2016.pdf>

73 Independent Journalists Association of Serbia, Indicators on the level of media freedom and journalists’ safety, Serbia, Belgrade, 2016, p. 30. Accessed on: 10 July 2017

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74 Ibid.

75 Law on Free Access to Information of Public Importance, Article 7

76 IJAS, “Authorities in Valjevo jeopardise freedom of public information”, IJAS, 27 April 2017. Accessed on: 10 July 2017; <http://www.nuns.rs/info/statements/30758/nuns-vlast-u-valjevu-ugrozava-slobodu-javnog-informisanja.html>

77 Independent Journalists Association of Serbia, Indicators on the level of media freedom and journalists’ safety, Serbia, Belgrade, 2016, p. 30. Accessed on: 10 July 2017

# B

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

Journalists and media workers in Serbia work in difficult, unfavourable economic conditions. Journalists' salaries are low – according to one research, salaries of Serbian journalists are below the Republic average, and are not paid regularly. There is not a separate mechanism for protection of labour and professional rights of journalists. Journalists hardly ever have signed labour contracts, as media outlets frequently engage part-time associates who are, left with no other choice, willing to work for minimum salary. Self-censorship is one of the major problems journalism in Serbia faces. Freedom in the choice of topics to be covered differs from media to media; thus, some media outlets have only small, limited freedom, while some investigative media outlets enjoy full freedom in these terms.

Editors have the greatest impact on the work of journalists, followed by managers, and then owners. Media close to the authorities exert strong pressure on private media, but also on public media services, even non-profit media. There are very few media outlets with rules on editorial independence from owners and management bodies. The portal Južne vesti being one of these examples. In cooperation with its legal office, IJAS drafted annexes of the labour contract for journalists, editors, and part-time associates to be an integral part of the labour contract concluded between the dole je owner and journalists. In addition, there is almost no media outlet in Serbia which has its own Code; the Journalists' Code of Ethics is accepted instead.

## B1 Is economic position of journalists abused to restrict their freedom?

For a longer period of time and in a large number of cases, journalists and media workers in Serbia have been working in difficult conditions, with very low salaries which are paid irregularly, frequently without signing the labour contract; this especially relates to journalists and media workers who work in local media.

According to one research<sup>78</sup>, in addition to the constant pressure exerted on them for years, **unfavourable economic conditions and economic uncertainty** (poor media outlets, low and uncertain income, high level of exploitation of journalists) are stated as the major issues of local newsrooms.

There is no official data on salaries and the number of journalists employed in media. The interviewed journalists agreed that their economic position is poor, their salaries minimal, especially on local level, and that media outlets frequently engage part-time associates and fail to sign labour contracts. Last year's survey indicated that out of 111 surveyed journalists, 22.52% said that their salary amounted to between 300 and 400 EUR; as many as 13.51% said their salary was between 200 and 300 EUR, while 16.22% journalists said they received between 400 and 500 EUR a month.<sup>79</sup>

Another report<sup>80</sup> states that income of employed Serbian journalists is within a broader range compared to other groups researched for the purpose of the study. This report showed that as many as a half of the 1,100 interviewees included did not want to talk about their salaries; of those who wanted to, 30% said they received between 20,000 and 30,000 dinars a month (160 – 250 EUR), 29% received between 30,000 and 40,000 dinars a month, while 19% received between 40,000 and 50,000 dinars.

Another piece of evidence that working conditions are poor for journalists is the case of Jovica Vasić, long-term journalist of the Narodne novine and publicist, who went on a hunger strike. He opted for this step both because of the difficult working conditions he was exposed to for

years, and for the failure on part of the competent state institutions to react.<sup>81</sup>

**There is an impression that conditions in which journalists work are deteriorating.** Journalists are willing to do whatever is required of them just so they do not lose their jobs. The journalists interviewed for the purpose of this research agreed that the conditions in which journalists work are very poor, that they work using obsolete equipment, they lack human resources and journalists specialised in individual areas. This all leads degradation of the profession and credibility of journalists, also confirmed by last year's survey. More than a half of the journalists surveyed said that credibility of journalists among the citizens has declined (66.31%), while 21.05% believed that it only dropped to an extent. In addition, 46.31% journalists believe that the importance of journalism for the society has declined considerably.

*“Journalists are poorly paid and under great pressure, and what's the worst, there is no media market in Serbia that guarantees journalists they could find another job if dissatisfied with their position in some media outlet and with their qualifications in mind. There are no mechanisms for protection of labour and professional rights of journalists; we do not have trade unions in media which could protect journalists in terms of their labour rights. Not every journalist signs a labour contract which stipulates rights, obligations, and income; part-time associates, who are willing to work for minimum salary as they have no other choice, become predominant. This issue needs to be resolved in a systematic manner; the position of journalists and editors in newsrooms needs to be systematically regulated through legal framework so that their status is ensured. This, unfortunately, does not exist in our society, journalists mostly work illegally, without contracts and protection, but they accept such working conditions due to the absence of the media market.”<sup>82</sup>*

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

Same as in the previous period, most privately owned media outlets in Serbia have adopted the work systematisation stating that the position of a manager is separated from the position of the editor. On the other hand, there are no acts to ensure independence of the editor

78 Local Press, Report on pressures on local media and journalists from local media, Kragujevac, 2017, p.10. Accessed on 11 November 2017; <http://localpress.org.rs/wp-content/uploads/2017/05/Istra%C5%BEvanje-o-pritiscima-na-lokalne-medije-i-novinare-lokalnih-medija.pdf>

79 Independent Journalists Association of Serbia, Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2016, p. 34. Accessed on: 11 July 2017

80 Srećko Mihailović et al., "From journalist to day-labourer: precarious work and life", (Belgrade: Open Society Foundation, Serbia, and Centre for development of trade unionism, 2016), p. 222, 223. Accessed on: 11 November 2017.

81 Petrović, Ivana, "The revolt of Jovica Vasić is the revolt of every humiliated human being brought to the very verge", City radio, 18 October 2017. Accessed on: 11 November 2017; <http://www.radiocity.rs/vesti/drustvo/6160/pobuna-jovice-vasica-je-pobuna-svskog-ponizenog-coveka-dovedenog-da-ivice.html>

82 Vukašin Obradović, media expert and editor of Vranjske weekly, interviewed by Marija Vukasović on 26 May 2017

and the newsroom from the manager and advertising department. As a rule, owner's influence on the newsroom and editorial policy is dominant and is mostly exerted through financial influence.

There are very few media outlets with rules regulating editorial independence from owners and managing bodies, and in which the relation between the owner, the manager, and the newsroom are clearly separated as established in a legal act. One of examples of media outlets which have a document separating the newsroom from the media owner is the Internet portal Južne vesti. This act separated editorial policy from the owner.

*"In the case of numerous private media outlets, the owner is at the same time the editor, while the idea behind this document was to separate these functions – to establish one body, called the Advisory Board made of individuals with publicly recognised personal integrity and credibility. Appointed by the Founders' Assembly, their task, among others, would be to propose replacement or appointment of the new editor-in-chief. The editor is appointed by the Managing Board, but not without the proposal of Advisory Board the Managing board and owners could not influence."<sup>83</sup>*

In 2013, in cooperation with a legal office, IJAS drafted annexes to labour contracts for journalists, editors, part-time associates; they should present an integral part of the labour contract between the owner and journalists<sup>84</sup>. The aim of the drafted annexes to the contract is to protect the professional status of journalists, and regulate rights and obligations of journalists, editors, and owners of media outlets more effectively. However, only 12 media outlets accepted to sign the annexes to the contract, including Južne Vesti.

**Most privately owned media outlets in Serbia do not have separate codes of ethics.** Media accepted the Journalists' Code of Ethics adopted by two associations – Independent Journalists Association of Serbia, and Journalists Association of Serbia. The Association of On-line Media has also adopted the Code for journalists who work in on-line media.

**Pressures which media owners exert on newsrooms and individual journalists are usually not direct;** instead, when a journalist becomes a part of a big media outlet, based on the manner in which private media owners operate and their editorial policy, journalists are already familiar with the rules of such a media outlet and know what they may and may not write. By accepting to

work for such a media outlet, the journalist also accepts the rules of the game of such media. There are cases of media owners being representatives of political parties, and their pressure on newsrooms is very strong. **Journalists also live in permanent fear of losing their jobs,** they are frequently transferred to other job positions which are, in most cases, inadequate so as to quit, but they also frequently accept this to save their job.

A specific example of pressures exerted on private media is filing of actions against journalists. One, already mentioned, case involves Nebojša Stefanović, the minister of the interior who filed charges against NIN weekly for damage to reputation and honour because of the text "Chief Phantom of Savamala". In addition to the fact that the case was solved in favour of the minister after but one hearing, and that the hearing was scheduled four months after the charges were filed, **the Higher Court Belgrade fined NIN ordering it to pay 300,000 dinars (about €2,530) to the minister as compensation for non-material damage.** However, acting upon appeal launched by NIN, the Belgrade Court of Appeals modified the first-instance decision of the Higher Court and rejected the minister's claim. It took the stance that the Higher Court had misinterpreted the provisions of The Law on Public Information and Media when it established that the defendant had not paid due journalistic diligence, i.e. had not checked veracity and completeness of data in relation to the claim that Stefanović is the "chief phantom of Savamala".<sup>85</sup> The Higher Court in Belgrade decision sends a worrying message to media as to what might happen if they criticise state officials in their work, especially bearing in mind the practice of the European Court for Human Rights which clearly supports the standpoint that state officials are obliged to tolerate a higher level of criticism. The minister thus showed that he does not understand the function of media, and that, at the end of the day, he is ready to clash with them.

### **B3 What is the level of editorial independence of the journalists in the PBS?**

Public media services, Radio Television of Serbia and Radio-television of Vojvodina, do not have separate codes on ethical principles of reporting. There are certain general codes, but they are valid for all employees, thus Radio Television of Vojvodina has the journalists' code – which is essentially a code of conduct. However, this Code does not contain journalistic principles of re-

<sup>83</sup> Predrag Blagojević, editor of the Internet portal Južne vesti, interviewed by Marija Vukasović on 19 May 2017

<sup>84</sup> Independent Journalists Association of Serbia, Annexes to labour contracts for journalists, editors, part-time associates, Belgrade, 2013. Accessed on: 12. July 2017. <http://www.nuns.rs/info/activities/20174/za-efikasnu-zastitu-profesionalnih-prava-novinara.html>

<sup>85</sup> Cenozlovka, "Court of Appeals: NIN not guilty, Stefanović to cover costs", Cenozlovka, 28 April 2017. Accessed on: 11 November 2017. <https://www.cenzolovka.rs/pritisci-i-napadi/apelacioni-sud-nin-nije-kriv-stefanovic-da-plati-troskove/>

porting. **Radio Television of Serbia had a draft Code, but has never completed or adopted it;** same goes for rules regarding behaviour on social networks<sup>86</sup> which are very important for journalists at this time, and the adoption of which was also planned.<sup>87</sup>

Radio Television of Serbia had the act on systematisation of job positions, while the Articles of Association prescribe the internal organisation and manner of work of public media services. Radio Television of Vojvodina also has Articles of Association that stipulate the internal organisation, as well as the act on systematisation and organisation. The Articles of Association of these two public broadcasting services stipulate that the editor-in-chief cannot be a holder of a public function or a function in a political party. **Editors are also formally independent in their work; however, in practice this is not so.**

Pressures on public broadcasting services are frequent and come from different directions. Public officials frequently criticise the work of public broadcasting services, thus exerting pressure. A journalist interviewed for the purpose of this research emphasised that even though such pressures are not direct, they may seriously jeopardise the profession of journalism.

“We believe that the impact of authorities is huge, that authorities may change whatever they want, but this is not fully so in reality. They may not call and say ‘take that piece of news out and put some other in’. It does not work that way. But they can let you know that something is not to their liking, and then the journalist has to assess himself whether to go on with this story, and possibly suffer certain consequences. They are not direct, I will not be arrested if I publish some piece of news, but I will have problems in my further work, and in communication with some people with whom, as a journalist, it is necessary for me to work with. They can only say that they would not take part in your programme anymore, and then you need to assess whether this is worthwhile for you – to pursue certain matter to the end and possibly break communication with some political party. This is what journalists are faced with on everyday basis.”<sup>88</sup>

In 2016 report mentions pressures on Radio Television of Vojvodina – in March 2016 the Managing board of RTV performed, in the opinion of professional public, unlawful replacement of the manager and programme editors. Replacements and contract terminations started following the 2016 elections and changes in the au-

thorities in Vojvodina, when Democratic Party lost to the coalition headed by Serbian Progressive Party (SNS). **The Managing Board first replaced programme director Slobodan Arežina, followed by replacement of seven more editors.** Arežina filed charges and the Novi Sad Basic Court annulled the Radio Television of Vojvodina Managing Board decision of on Arežina replacement and ordered the provincial public service to reinstate him.<sup>89</sup>

Another example of pressure on journalists exerted by the public officials is the one that took place in the course of the “Against Dictatorship”. Minister Aleksandar Vulin announced he would request a replacement of RTS management, because, as he said, they care about what “someone shouts on the streets” rather than about the state interests. He said that the reporting of the public service on protests changed when the protestors started requesting replacement of RTS management.<sup>90</sup>

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

**In Serbia there are few traditional non-profit media outlets,** while, on the other hand, there is quite a large number of on-line media. These are mostly media outlets founded by civil society organisations, employing only a few journalists. **Non-profit media is faced with numerous problems,** especially in terms of financing, as they mostly depend on donations and projects.

Non-profit media outlets mostly do not have separate codes of ethics, however a number them, especially the members of the Association of On-line Media have, accepted the Journalists’ Code of Ethics. This year, the Press Council developed guidelines for implementation of the Journalists’ Code of Ethics in on-line environment; instructions contained assist editors and journalists in implementation of professional ethical standards in on-line environment.<sup>91</sup>

Pressures on non-profit media are still very frequent. Most pressures exerted on such media and journalists and editors working in such media take form of public attacks by media close to authorities. They are primarily attacked because of the way they are financed; their

86 Meanwhile, according to Zoran Stanojević, RTS presented the Code of behaviour on social networks to employees

87 Zoran Stanojević, RTS journalist, interviewed by Marija Vukasović on 5 June 2017

88 Zoran Stanojević, RTS journalist, interviewed by Marija Vukasović on 5 June 2017

89 Kolundžija, Denis, “The court reinstated Slobodan Arežina to the position of the programme director”, Cenzolovka, 29 May 2017. Accessed on: 12 July 2017; <https://www.cenzolovka.rs/drzava-i-mediji/sud-vratilo-slobodana-arezinu-na-mesto-direktora-programa/>

90 Nedeljnik, “Vulin: I will request replacement of RTS management”, Nedeljnik, 17 April 2017. Accessed on: 12 July 2017; <http://www.nedeljnik.rs/nedeljnik/portalnews/vulin-trazicu-smenu-rukovodstva-rtv-a>

91 Press Council, Guidelines for implementation of the Journalists’ Code of Ethics in on-line environment, Belgrade, 2016, Accessed on: 12 July 2017; <http://birnsrbija.rs/wp-content/uploads/2016/12/Smernice-za-primenu-kodeksa-novinara-srbije-u-onlajn-okruzenju.pdf>

financial accounts published on front pages of pro-government dailies who **label them as foreign mercenaries and enemies of the state**. A journalist interviewed for the purpose of this research said that development of such atmosphere and labelling of journalists is a form of pressure which results in general unwillingness on part of people to talk to journalists from such media and that both institutions and interviewees from such institutions are closed for such media.<sup>92</sup>

One of the examples of pressures exerted on non-profit media is the case from October 2016 when, on several occasions in the period of several days, unknown persons followed and took photos of journalists of the Centre for Investigative Journalism of Serbia (CINS) at the entrance of its head office building and in public places. CINS filed criminal charges to the prosecution.<sup>93</sup> According to CINS editor, the journalists went to watch CCTV footage but it was blurry and recorded from afar so they could not recognise the perpetrators; thus, the prosecution dropped the case.

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

**Self-censorship is still one of the major issues of journalism in Serbia.** According to one research, three quarters of the surveyed journalists (73%) believe that self-censorship among journalists is very widespread, only 5% deny that self-censorship is widespread, while 22% of interviewees is indecisive. As many as three quarters of journalists (76%) believe that nowadays there is more self-censorship than censorship, because journalists are afraid they might lose their jobs. **As the main reason for self-censorship, journalists stated the fear of losing their job**, or the fear of worsening relations in the newsroom because of possible sanctions against the media outlet in which the journalist works.<sup>94</sup>

Journalists interviewed for the purpose of this research mostly agreed that journalists do not report censorship, but also stated that today self-censorship is more widespread in Serbia and that it is most obvious in local media. There is no need for direct censorship, because depending on which media outlet they work in, journalists already know what they may and may not write about, and act by these rules. In the opinion of one journalist in-

terviewed for the purpose of this research, self-censorship is a consequence of censorship.<sup>95</sup> A number of the interviewed journalists agreed that they had to resort to self-censorship at one point of their career, mostly because of the fear of losing their job. Last year's survey of journalists included questions on various factors influencing on their work, and showed that **41.44% said that censorship has some kind of impact on their work** (exceptionally, considerably, to an extent), while most journalist replied that censorship has no impact at all (38.74%) or that it hardly has any impact (18.2%) on their everyday work.<sup>96</sup>

Journalists' freedom in selection of news and topics they will work on seems to depend on the media they work for. There are opinions, especially on local level, that this freedom is not exercised enough.<sup>97</sup> For some media close to authorities it is characteristic that certain topics are either not covered at all, or are covered only formally, without objectivity and an autonomous position on the topic.<sup>98</sup> The situation is different in investigative media free of pressures of that sort, where journalists are free to choose topics. Last year's survey revealed that as many as **58% of interviewees said they enjoyed considerable (30%) or full (28%) freedom in selection of topics**, while 62% stated they were free to decide which aspect of the topic should be emphasised.<sup>99</sup>

Journalists mostly participate in coordination of editorial and newsroom practices (they attend staff meetings or participate in allocation of tasks to journalists). According to the survey conducted last year for the purpose of this research, **62% of interviewed journalists said they attend staff meetings regularly or very frequently**.

In their work, journalists were faced with influence of different factors: editors, managers, owners, political protagonists, and others. Last year's survey showed that editors had the greatest influence on journalists, as many as 76.58% journalists said that editors had some influence on their work (exceptionally, considerably, to an extent), while 19.82% believe they have weak influence or no influence at all. Editors are followed by managers (48.65%), and owners (42.34%).<sup>100</sup>

92 Dino Jahić, editor of the Centre for Investigative Journalism of Serbia, interviewed by Marija Vukasović on 14 June 2017

93 Independent Journalists Association of Serbia, *Chronicle of attacks and pressures against journalists in 2016*, Belgrade, 2016, p. 25. Accessed on: 12 July 2017 <http://safejournalists.net/wp-content/uploads/2016/12/brosura-hronika-napadai-pritisaka-na-novinare-6.pdf>

94 Srećko Mihailović et. al., "From journalist to day-labourer: precarious work and life", (Belgrade: Open Society Foundation, Serbia, and Centre for development of trade unionism, 2016), p. 125–127. Accessed on: 14 November 2017

95 Nadežda Budimović, journalist from Grad weekly, interviewed by Marija Vukasović on 19 June 2017

96 Independent Journalists Association of Serbia, *Summary of the report – Indicators on the level of media freedom and journalists' safety*, Serbia, Belgrade, 2016, p. 22. Accessed on: 14 July 2017 <http://safejournalists.net/wp-content/uploads/2016/12/Izve%C5%A1taj-ZB-Indikator-i-Slobode-Medija-2016-SRB.pdf>

97 Stojan Marković, journalist from Čačanske weekly, interviewed by Marija Vukasović on 25 May 2017

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## Journalists' safety

Events in the reporting period confirmed new trends in the field of journalists' safety. What's characteristic is that while the number of physical assaults on journalists and other media workers is decreasing, the number of verbal attacks and threats via the Internet and social networks is growing. There are different pressures on journalists and media – in 2016 IJAS recorded 33 cases, while in the first eight months of 2017 there were already 29 cases of the kind. There have been some developments, for example, the signing of the Agreement on cooperation measures to raise security levels related to journalists' safety between the Ministry of the Interior, Republic Public Prosecution, and seven journalists' and media associations in December 2016. Additionally, the prosecution keeps separate records of attacks against journalists, and urgent actions are foreseen in such cases. However, this does not seem to be enough.

Investigations of criminal offences are not conducted in a fast and efficient manner, primarily substantiated by the fact that there are numerous unresolved cases, including the three unresolved murders of journalists. Cooperation with institutions has been improved thanks to the signed Agreement, but this is not enough to make the overall situation satisfactory.

## C1 Safety and Impunity Statistics

The Regional Platform for advocating media freedom and journalists' safety keeps a database on attacks against journalists in six countries in the region (Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Croatia, and Serbia).<sup>101</sup> Although Serbia has achieved certain progress in this area, the number of attacks and threats against journalists has not decreased. According to the regional database, in the period from 01 September 2016 to 31 August 2017, Serbia's total number of incidents recorded amounted to 40, including physical and verbal attacks as well as attacks against property, cases of surveillance of journalists, and discrimination of media and journalists. The trend from the previous year has continued – **the number of physical attacks against journalists and other media workers is decreasing**, while the number of verbal attacks via the Internet and social networks has risen.

TYPES OF CASES	1 September 2016–31 August 2017
Verbal threats	28
Physical attack	8
Attack against property	1
Surveillance	2
Discrimination	1
Total	40

Most incidents recorded in the observed period are verbal attacks and threats to life and physical safety of journalists and their families. **Increase in the number of threats over social networks and the Internet is especially evident.** In the observed period, IJAS recorded the total of 28 verbal attacks. The period of the pre-election campaign for the presidential elections held in April 2017 needs to be highlighted – in its course, there was a large number of insults and threats addressed to journalists who were critical to media supporting the candidate of the ruling coalition over the Internet.

One of such examples was recorded in June 2017 when a journalist from Cenzolovka was sent death threats several hours after her text entitled: "Threats of extremists from Niš: Vučić's security will be here shortly, they know how to deal with journalists" was published on the Cenzolovka website. The journalist got a Facebook message with the following content: "You whore, you will be slain soon". The message was sent from a fake account featuring a photo of Miroslav Petrović, known by his statements that activists of certain NGOs, homo-

<sup>101</sup> List of cases of attacks on journalists, Regional Platform for advocating media freedom and journalists' safety. Accessed on 14.7.2017. <http://safejournalists.net/rs/homepage/>

sexuals, atheists, etc. should be punished to death by stoning and decapitation "by sword".<sup>102</sup> This case is still on-going.

In the observed period, **there were numerous threats sent to Nedim Sejdinović and the management of the Independent Journalists Association of Vojvodina.**

In April 2017, Nedim Sejdinović received a large number of threatening and insulting messages over social networks, while some of them can be taken as serious death threats. The threats started during Easter period after Sejdinović had published a photo of a yellow duck, symbol of the civic initiative "Don't Drown Belgrade", on his private Facebook profile, with the message "Happy Good Duck to all of those who celebrate" – replacing the phrase Good Friday with Good Duck (Veliki Petak/Veliki Patak).<sup>103</sup>

In November 2016, a serious threat to a journalist Sajma Redžepfendić and her family was recorded. Namely, association "Zajedno" informed IJAS that Redžepfendić, journalist of Radio Television of Novi Pazar, was targeted with "condemnation, with death threats sent to her, her family, and her child (a 10-month old baby)". Insults and threatening messages followed after Redžepfendić posted on her Facebook account "confessions of women, single mothers, who experienced embarrassment and verbal attacks from employees of the Islamic community in Serbia". Publishing the journalists' Facebook account status by the portal Glas Pazara resulted in condemnation and threats to Redžepfendić, and they did not stop even after the post was deleted from the page of the said portal.<sup>104</sup>

The next group of attacks comprises actual attacks against journalists, primarily those of physical nature. **In the observed period, there were eight physical attacks recorded**, confirming a trend of decrease in physical attacks against journalists seen in the last two years. In the observed period, there was also one attack against property.

One of more serious attacks on journalists took place in January 2017 in Belgrade, when Nihad Ibrahimkadić, cameraman of the Turkish news agency Anadolu, was attacked by unidentified persons near Belgrade railway

<sup>102</sup> Cenzolovka, "Threats of death to the Cenzolovka journalist: You whore, you will be slain soon", Cenzolovka, 27 June 2017. Accessed on: 14 July 2017 <https://www.cenzolovka.rs/pritisci-i-napadi/pretnje-smrcu-novinarki-cenzolovke-kamenjarko-ici-ces-pod-mac-ubrzo/>

<sup>103</sup> Glavonjić, Zoran, "Threats and insults because of a duck joke", Radio Free Europe, 18 April 2017. Accessed on: 14 July 2017; <https://www.slobodnaevropa.org/a/sloboda-govora-pretrnje-novinarka/28436470.html>

<sup>104</sup> Independent Journalists Association of Serbia, "Chronicle of attacks and pressures against journalists in 2016", Belgrade, 2016, p. 18. Accessed on: 17 July 2017

station. Ibrahimkadić was gravely injured.<sup>105</sup> The case has not been resolved yet, and the identity of attackers is still not known.

Another example of physical attack against journalists took place in Novi Pazar, when Senad Župljanin was attacked by several members of security of Muamer Zukorlić, leader of Bosniac democratic community of Sandžak, Member of Parliament, and president of the Parliamentary Committee for Education. The attackers knocked Župljanin on the ground and tried to grab his camera; he was saved from lynching by a police officer who was walking the street at the time of the attack, reported Novi Pazar Town administration.<sup>106</sup>

In the same period, **two cases of surveillance of journalists were recorded.** One of them, the case of the following of two journalists of Centre for Investigative Journalism of Serbia has already been mentioned. The other case took place in Niš in March 2017. An unidentified person took footage of Predrag Blagojević, editor of the portal Južne vesti from a car parked in the centre of the town; when Blagojević wanted to take a photo of the car by his phone, the driver drove away.<sup>107</sup>

It is important to mention pressures on journalists and other media professionals which have been on the rise every year. According to a database kept by the Independent Journalists Association of Serbia, **in 2016 there were 33 cases of pressure exerted on journalists and media, which is by 16 more than in 2015;** in the first eight months of 2017, there were already 29 of them recorded.<sup>108</sup> These cases include various pressures exerted by state officials, politicians, and other persons in positions of power, but also the rising number of cases when journalists were prohibited from the attending certain events, and failure to invite all or some media to public events, and pressures on journalists and media prone to criticising authorities exerted by other media. A very serious case of pressure, which may be characterised as labelling of journalists is the case of Aleksandar Martinović, member of the ruling SNS party and a Head of its Parliamentary Group, who publicly exhibited photos of a number of citizens who took part in street protests, first at the press conference in the Parliament, and then in the TV show “Upitnik” on RTS. Among these, the photos of journalists Nedim Sejdinović, Antonela Riha,

Dragoljub Petrović, Zoran Kesić, and Dinko Gruhonjić, as well as Luka Višnjić, son of Olja Bečković, journalist, were singled out for taking part in the protests.<sup>109</sup>

One of the events that marked the previous period is the inauguration of the new president of Serbia on 31 May 2017 when **six journalists were attacked, some stating that the police were standing close-by, but did nothing**<sup>110</sup>. Some of them were physically prevented from doing their job – Lidija Valtner, the Danas journalist, was literally carried away from the scene – while VICE and Insajder journalists were threatened, and journalists from Radio Belgrade and portal Espresso were pushed away. Although there are photos in which perpetrators are seen, there have not been many developments as the procedure before the prosecution was still underway when this report was compiled.<sup>111</sup>

**There are still three unresolved murders journalists in Serbia** – murder of Radislava Dada Vujasinović, journalist of magazine Duga, in 1994, followed by the 1999 murder of Slavko Ćuruvija, journalist, editor-in-chief, and the owner of the Dnevni Telegraph and the murder journalist Milan Pantić, correspondent of the Večernje novosti from Jagodina in 2001. These crimes have not been resolved so far, and its ordering parties and perpetrators are yet to be found and convicted.

According to the IJAS database, in the observed period there were seven attacks against and pressures on journalists’ associations and their representatives; these were primarily pressures on associations that write about the authorities in a critical manner; however, sometimes these pressures originate from certain media close to authorities.

In recent years, attacks on Internet portals and media websites have been increasing. According to data from a database kept by Share Foundation, in the period between 1 September 2016 and 31 August 2017 there were **six technical attacks, i.e. hackings, of Internet portals and on-line media.** According to data from this database, none of these cases was solved until the moment of completion of this report.

105 Mirković, Jelena, “Cameraman of Turkish Anadolu agency attacked in Belgrade”, N1, 5 January 2017. Accessed on: 14 July 2017; <http://rs.n1info.com/a219219/Vesti/Vesti/Napadnut-snimatelj-Anadolije-u-Beogradu.html>

106 Independent Journalists Association of Serbia, “Chronicle of attacks and pressures against journalists in 2016”, Belgrade, 2016, p. 16. Accessed on: 17 July 2017

107 Južne vesti, “Unidentified person took recordings of a Južne vesti journalist from a car”, Južne vesti, 22 March 2017. Accessed on: 17 July 2017; <https://www.juznevesti.com/Hronika/Nepoznata-osoba-kamerom-iz-auta-snimala-novinara-Juznih-vesti.sr.html>

108 List of cases of attacks and pressures on journalists, Independent Journalists Association of Serbia. Accessed on: 17.7.2017. <http://www.bazenuns.rs/srpski/napadi-na-novinare>

109 Vučić, Marija, “On 18th anniversary of murder of Ćuruvija, Martinović targets journalists and their families”, Cenzolovka, 12 April 2017. Accessed on 17 July 2017; <https://www.cenzolovka.rs/pritisci-i- napadi/na-18-godisnjicu-ubistva-curuvije-martinovic-targetira-novinare-i-njihove-porodice/>

110 Vučić, Marija “On inauguration day – six attacks against journalists, the police kept watching”, Cenzolovka, 31 May 2017. Accessed on: 17. 7. 2017; <https://www.cenzolovka.rs/pritisci-i- napadi/na-dan-inauguracije-pet-napada-na-novinare-policija-mirno-posmatrala/>

111 In the meantime, the First Basic Prosecutor in Belgrade dismissed criminal charges, and some of the plaintiffs objected to the Higher Public Prosecutor. On 28.12.2017 Higher Public Prosecutor upheld the journalist’s objection. The case was returned to the First Basic Public Prosecutor to implement all necessary evidence gathering to complete the fact finding and make a decision.

## C2 Do the state institutions and political actors undertake responsibility for protection of journalists?

**In Serbia there is no separate policy developed to support protection of journalists.** However, there is certain progress in this area. In line with the Action plan for Chapter 23 “Judiciary and basic rights”, it is envisaged that agreement should be signed between the representatives of law enforcement and prosecution on one, and journalists’ and media association on the other side. Such agreement was to be signed in the first six months of 2016, but the signing was delayed. After the first failed attempt to sign the Agreement on cooperation measures to raise security levels related to journalists’ safety, the document was finally signed in December 2016 by the Ministry of the Interior, Republic Public Prosecution, and seven journalists’ and media associations (Independent Journalists Association of Serbia, Journalists Association of Serbia, Independent association of journalists of Vojvodina, Association of Journalists of Vojvodina, Association of On-line Media, Media Association, and Association of Independent Electronic Media).

The journalists’ and media associations did not agree to the original draft agreement, however, the second one was sent to the associations by the Republic Public Prosecution and contained most of the requests the associations had submitted to the Republic Public Prosecution and Ministry of the Interior. As such it was adopted. The signatories of the agreement agreed that it is necessary to establish new forms of cooperation between journalists and journalists’ and media associations on the one side, and prosecution and law enforcement on the other. **The basic aim of the Agreement is to establish a system to ensure more efficient criminal and legal protection of journalists.**<sup>112</sup>

The Agreement stipulated establishment of a Standing Working Group, which was done upon its signing. The Standing Working Group is made of authorised representatives of all signatories. Sessions are held regularly, once every three months, with an option for more frequent meetings if needed. As it was already mentioned, the aim is to establish more efficient protection of journalists. **A certain mechanism of cooperation has been established, and all signatories appointed contact and coordination persons** through whom the signatories communicate in the case of attack against journalists and exchange information, as well as to obtain certain information on cases in accordance with law. It was also proposed to analyse the Criminal Code and prac-

tices of competent bodies, as well as the so-far manner of communication and level of transparency of competent institutions towards media. These topics will be tackled by two sub-groups comprising representatives of all signatories, the sub-group for analysis of criminal legislation and the sub-group for the level of transparency of institutions<sup>113</sup>.

While journalists and media experts believe this is a step ahead in cooperation, they are dissatisfied with the manner in which it is implemented, believing that it is yet another obligation which needs to be ‘tick boxed’ within Chapter 23 of the Action plan. On the other side, Deputy Republic Public Prosecutor, who is also a representative within the Standing Working Group, believes that the signing of the Agreement is a very positive development, and that it is not yet another obligation to be met within the Action plan. He also believes there is a lack of understanding in terms of expectations of certain representatives as to the prosecution should and can do, while there are also some legal limitations which would not allow this. The very implementation of the Agreement, having in mind that it was signed in December 2016, is successful, although representatives of some associations are not of this opinion.

“The implementation started fine, it seems to me that it is developing well, but there are difficulties; as for prosecution, prosecutors are taught to strictly abide the law, which means that when a representative of a journalists’ association contacts them and requests information of certain cases based on the Agreement, they will first ask about representatives’ authorisation. This is because the law provides that everyone else but the injured party must have an authorisation to obtain such information. Associations do not have the authorisations, but this is not sufficient in the eyes of law, so we made this possible by signing the Agreement, and besides that this is in state interest because of the Action plan. Although representatives of some associations think we are slow or indecisive, we are trying to harmonize this Agreement with law and want to do everything it stipulates.”<sup>114</sup>

**There are no separate mechanisms for monitoring and reporting on threats and violence against journalists,** but there are some developments in this field. The prosecution started keeping records of criminal offences committed against journalists, also envisaged by the Action plan for Chapter 23. Namely, on 22

<sup>112</sup> Agreement on cooperation measures to raise security levels related to journalists’ safety

<sup>113</sup> After decision made by Prosecutor’s Office to dismiss criminal charges made by journalists attacked during the inauguration of the new President of Serbia, without debating the Prosecutor’s decision, IJAS with IJAV and ANEM, dissatisfied with the stated justification requested an urgent meeting with the Republic Public Prosecutor Zagorka Dolovac. Association stated they would decide about their status in the Standing Working Group after the meeting.

<sup>114</sup> Branko Stamenković, Deputy Republic Public Prosecutor, interviewed by Marija Vukasović on 30 August 2017

December 2015, the Republic Public Prosecutor passed the Instruction A No. 802/15 on keeping separate records in appellate, higher, and basic courts on criminal offences committed against persons performing jobs of public interest in the area of information in relation to their work and attacks against Internet pages of media outlets, which call for urgent action. The records should contain data on the perpetrator of the criminal offence, the injured, the offence, the actions taken, and decisions passed by the prosecution and judiciary. According to this Instruction, the Republic Public Prosecutor is to be send quarterly reports with data contained in separate records. The Republic Public Prosecutor keeps the mentioned records which contain data on attacks in accordance with law. The prosecution files data with updated case statuses to associations on monthly basis.

It could be said that the state recognised the need to promote concern about safety of journalists to a higher level, primarily because of the signing of the Agreement on cooperation measures to raise security levels related to journalists' safety urgent taking of action and keeping of records of attacks against journalists, as well as the establishment of the Commission for the Investigation of Murders of Journalists. The Action plan for Chapter 23 also contains a section dedicated to freedom of expression and freedom and pluralism of media (3.5). However, this does not seem enough to promote safety of journalists – we are still witnessing a large number of attacks and threats against journalists, as well as large number of unresolved cases of attack. On the other hand, **public officials very rarely and selectively give statements in which they condemn attacks against journalists when they take place.** Such is the case of Nihad Ibrahimkadić who was physically attacked in January – the minister of the interior publicly condemned the attack.

There are no separate documents issued by state bodies to provide guidelines for law enforcement and the military. The only existing guidelines for prosecutors' offices for urgent actions in cases of attacks against journalists are given in the aforementioned Instruction passed by the Republic Public Prosecutor's Office.

Cooperation between state institutions and journalists' association somewhat improved in the last year, mostly with the signing of the Agreement on cooperation and establishment of mechanisms through persons for contact points and coordination. Based on these, the associations may report attacks against journalists and may find information on cases themselves more easily. However, despite the progress made and the fact that the Republic Public Prosecutor's Office started keeping records on the attacks, there is still a difference in the number of cases kept in the records of the Independent Journalists Association of Serbia and the Republic Public Prosecutor's Office. Reasons for this

are different: for example the journalist has not reported the attack to IJAS, so the association does not have it in its records, but there are also cases in the IJAS database, which are not prosecuted. Furthermore, despite the establishment of the mechanism and cooperation, there is still a large number of unsolved cases. In the observed period, **out of the total of 39 incidents recorded in IJAS database, 26 are still in proceedings before the prosecution;** in eight cases it was established that there are no elements of criminal offence subject to ex officio prosecution, while in three cases the criminal charges were dropped. In one case the first-instance decision passed,<sup>115</sup> while in one case criminal charges was filed. There are still numerous unresolved cases, including the attempted murder of Dejan Anastasijević in 2007, attack against Davor Pašalić in 2014, and attack against Ivan Ninić in 2015. It seems that there is no satisfactory public reaction of state institutions in cases of attacks and violence against journalists. In recent months, prosecution has publicised some information on certain cases, but this is not sufficient to be satisfactory.

According to existing laws, **measures of electronic surveillance taken against citizens, including journalists, include surveillance, recording and secret surveillance of communication.** These measures include special evidence gathering activities and are undertaken, upon court approval, only if there is reasonable suspicion that certain criminal offences as prescribed by law are taking place, and only if it is not possible to collect evidence for criminal prosecution otherwise or if collection of such evidence would be thus much aggravated.<sup>116</sup> **So far, there is no material evidence that such surveillance is conducted illegally;** it can only be supposed that in certain cases certain measures were undertaken beyond legal authorities and without a court approval, because of the absence of efficient control body in charge of electronic surveillance.

This is supported by the case of Predrag Blagojević, editor-in-chief of Internet portal Južne vesti. According to Blagojević, everything started when he started noticing problems in e-mail and regular mail communication with certain individuals, primarily representatives of the UK Embassy; this also occurred with text messages. Such things also occurred in communication with representatives of the US and Australian Embassies.

**“After these events, and following consultations with several institutions, Commissioner for Information of Public Importance and Protection of Personal Data, and several NGOs active in this area, I addressed the**

115 In relation to the threats addressed to TV N1 journalists in October 2016, the first-instance court sentenced the perpetrator to a three-year suspended sentence of one year of imprisonment; <http://rs.n1info.com/a289209/Vesti/Vesti/Uslovna-kazna-zatvora-zbog-pretnji-novinarima-N1.html>

116 The Law on Criminal Proceedings, Article 161 – 173

Higher Court in Niš asking for information whether it had issued an order for my secret surveillance. I got a reply stating that it had never issued such an order. When I asked the police, I was given a reply which may be interpreted in two ways. Since the Ministry of the interior refused to supply me with the information, with justification that this data is 'strictly classified' some people interpret this answer as a confirmation that I was indeed subjected to surveillance and that the minister defined my case as 'strictly classified'. Others believe that it is impossible to establish whether the police were conducting surveillance of my communication or not based on such answer. After this, there was an incident in March this year, when I saw a man taking a recording of me with a video camera from a parked car. When I took out my phone to take a picture of him, turning to him to ask him why he was doing that, he put the camera down and drove away. I reported the case to the police at once, gave the description of the car and the photographer, but the competent institutions have still not established his identity, they have not even traced the car based on the license plate (I photographed), claiming that such license plate does not exist in the database. This leads to the conclusion that it was some official license plate, that is, that it was some security service."<sup>117</sup>

### C3 Does the criminal and civil justice system deals effectively with threats and acts of violence against journalists?

**Generally there are no separate institutions dedicated to investigation, prosecution, and protection and safety of journalists as well as the issue of impunity.** The only exception is the Commission for the Investigation of Murders of Journalists. The Independent Journalists Association of Serbia believes that it is necessary to support any attempt to solve cases of murdered journalists and had delegated its representative to the Commission. However, the representative suspended his engagement in the Commission because **IJAS believes the Commission should not implement investigative activities**, as this is the task of the state, but look into the issue of responsibility for the fact that three murders are still unsolved after more than 20 years. The Commission made some steps forward in the case of murder of journalist Milan Pantić. Veran Matić, the President of the Commission, stated that the police investigation was completed, the evidence on motives and suspects were collected, and that the investigation showed that Pantić was murdered exactly because of

his work as a journalist and his texts about crime and corruption in Jagodina and nearby parts of Serbia.<sup>118</sup>

**Serbia has no separate procedures for protection of women from the attacks** and the same applies to female journalists. According to the data from the regional database, in the observed period Serbia saw one physical attack, five verbal threats, and one attack against property of a female journalist, as well as the surveillance of CINS journalists.

The state does not provide sufficient resources, primarily human resources, for investigations of threats and acts of violence against journalists. The fact that investigations bear no results, especially in the cases of murders of journalists, is the main indicator for this, as well as the fact that investigative and pre-investigative proceedings take very long time.

The police undertakes appropriate protection measures if the injured party is threatened by the perpetrator of the criminal offence or other persons. There are examples of protective measures extended to journalists. The fact that there are journalists under police escort is a major issue. **According to IJAS records, there are journalists who have lived under police escort for years**, but the Association could not get official data on their number, as extending of such information could jeopardise their safety. The main problem is the fact that such protection in some cases lasts for a very long time, as in the case of Vladimir Mitrić, Večernje novosti journalist from Loznica. Mitrić reported living under police protection for 12 years.

**Experts agree that investigations of crimes against journalists are not conducted in a fast and efficient manner.** This fact is corroborated with a large number of unresolved cases – only in the observed period there were 27 such cases. Court proceedings have been launched in but one case, while the others are still before prosecution in pre-investigative or investigative proceedings. The investigation of 2007 attempted murder of Dejan Anastasijević, when the attackers planted hand bombs on the window of his flat, has not yet started. According to the latest information the case is still in the pre-investigation stage. There are also the two cases of beating of journalists – Davor Pašalić in 2014 and Ivan Ninić in 2015; the identity of the perpetrator has not been established in either case. Facts which point to inefficient work of state bodies are the unresolved murder cases of three journalists. In the case of Slavko Čuruvija, who was murdered in 1999, the court proceedings are still underway, while in the cases of Radislava Vujasinović and Milan Pantić the proceedings are still

<sup>117</sup> Predrag Blagajević, editor of Internet portal Južne vesti, interviewed by Marija Vukosović on 19 May 2017

<sup>118</sup> Danas, "Uncovered murder of journalist Milan Pantić", 8 June 2017. Accessed on 27 July 2017; [http://www.danas.rs/drustvo.55.html?news\\_id=347954&title=Rasvetljeno+ubistvo+novinara+Milana+Panti%C4%87a](http://www.danas.rs/drustvo.55.html?news_id=347954&title=Rasvetljeno+ubistvo+novinara+Milana+Panti%C4%87a)

in the pre-investigative stage. **Although Commission for the Investigation of Murders of Journalists stated there was some progress in the investigation of the murder of Milan Pantić, criminal charges have not been filed yet.**

Prosecution of perpetrators of criminal offences is not conducted against all protagonists of threats and acts of violence against journalists. It is yet to include both ordering parties and perpetrators alike. The problem is still in the fact that background to these criminal offences have not been revealed. **In most cases, it is only direct perpetrators who are prosecuted, while the ordering party remains unrevealed.** The example of this is the trial for the murder of Slavko Ćuruvija. The proceedings take very long time, and the impression is that the masterminds who ordered Ćuruvija's murder will never be discovered – only the direct perpetrators.

There is an impression that Serbia still lacks appropriate training of law enforcement, prosecution, judiciary, and legal practitioners. In the previous period several events bearing some results were organised in the presence of judges, prosecutors, lawyers, and media representatives. Among others, this resulted in journalists finally being able to understand the issues faced by prosecution and the judiciary, while judges were able to understand the position of journalists better. Since such specialised education is envisaged by the Action plan for Chapter 23 it is also envisaged in the signed Agreement on cooperation measures to raise security levels related to

journalists' safety. The Agreement envisages training for members of prosecution and law enforcement with an aim to enable better understanding of the specific area and more efficient acting on part of competent bodies in cases of jeopardising of journalists' safety. On the other hand, the Agreement also anticipates education of journalists in terms of their right to criminal and legal protection and obligations in relation to criminal proceedings, and training of journalists and media owners on the basics of security of Internet news portals. According to the Action plan, training of public prosecutors, police officers and representative journalists' associations were to start as of the first quarter of 2016. However, training envisaged by the aforementioned Agreement on cooperation has not been conducted yet; it is planned to be conducted in the coming period.

## List of interviewees

Name and family name	Position/Organisation	Date of interview
Nadežda Budimović	Journalist in a local weekly	19 May 2017
Predrag Blagojević	Editor of an Internet portal	19 May 2017
(anonymous)	Media expert	20 May 2017
Gordana Suša	Media expert	25 May 2017
Stojan Marković	Journalist in a local weekly	25 May 2017
Vukašin Obradović	Media expert and editor of a local weekly	26 May 2017
Miloš Stojković	Lawyer	29 May 2017
Mileva Malešić	TV journalist	31 May 2017
Zoran Stanojević	RTS journalist	5 June 2017
Igor Božić	TV journalist	6 June 2017
Dino Jahić	Non-profit media editor	14 June 2017
Dinko Gruhonjić	Professor at the Faculty of Philosophy	15 June 2017
Branislav Božić	Journalist in a daily newspaper	21 June 2017
Branko Stamenković	Deputy Republic Public Prosecutor	30 August 2017

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