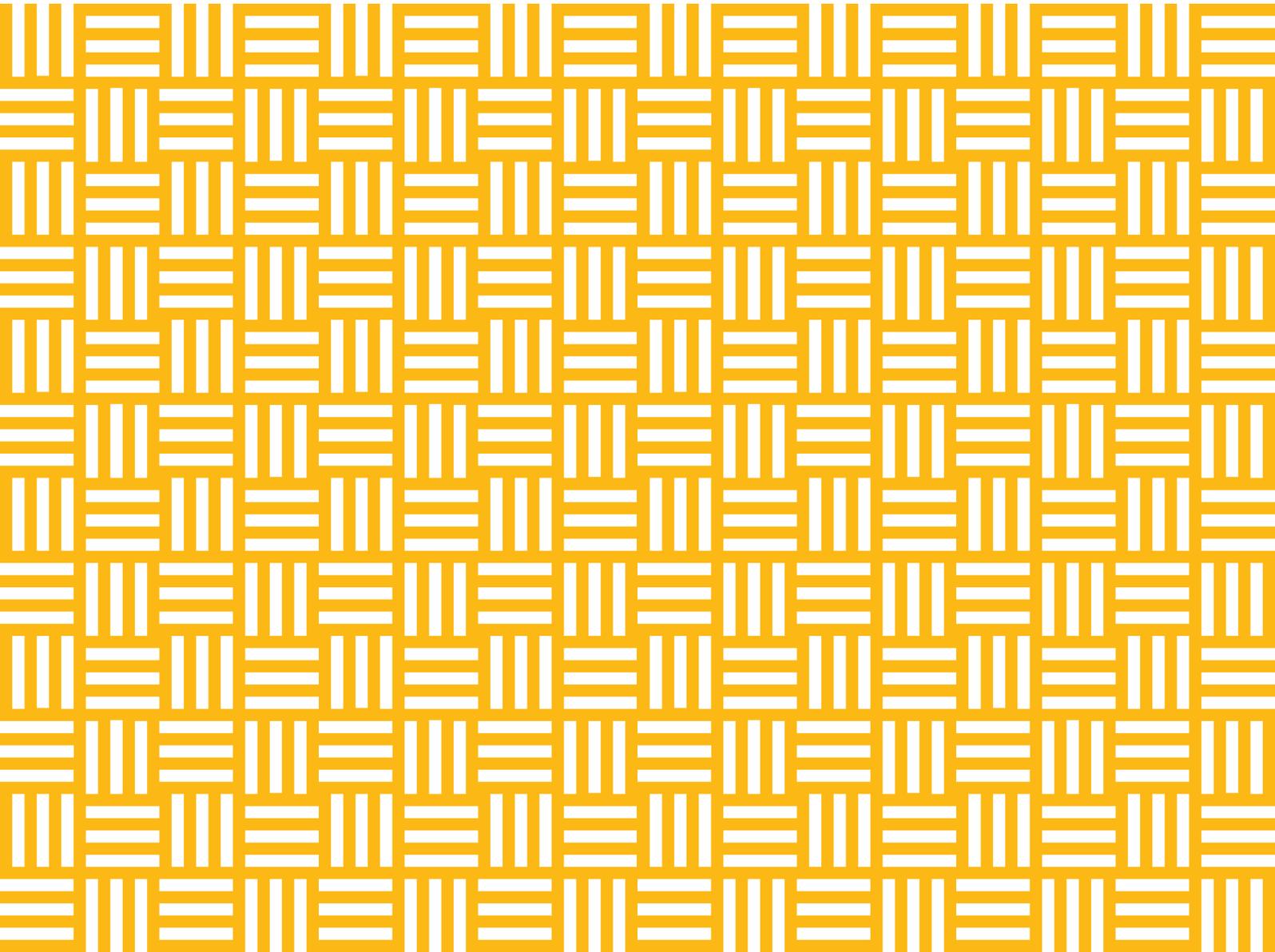




Regionalna platforma Zapadnog Balkana za zastupanje
sloboda medija i bezbednosti novinara
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

SERBIA

Indicators on the level of media freedom and journalists' safety 2018



SERBIA
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journalists' safety
2018

Author:
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September 2018

Original title

Serbia - Indicators on the level of media freedom and journalists' safety 2018

Publisher

Independent Journalists' Association of Serbia

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The electronic version of the publication is available at safejournalists.net.

This publication has been produced with the financial assistance of the European Union and the Kingdom of the Netherlands. The contents of this publication are the sole responsibility of the Independent Journalists' Association of Serbia and its authors, and can in no circumstances be regarded as reflecting the position of the European Union or the Kingdom of the Netherlands.



This project is funded by
The European Union



Kingdom of the Netherlands

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This report presents the findings of the third research study conducted within the regional project Western Balkan's Regional Platform for advocating media freedom and journalists' safety¹, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo*, Macedonia, Serbia, and trade union in Montenegro. This report is a follow-up to the baseline study which presented more broadly the legislation, socio-economic and political situation with media freedom and journalists' safety identified the key challenges and recommendations for journalists associations and other stakeholders². The main objective of this third research study is to detect new developments and to make comparisons with the level of media freedoms and journalists' safety identified in 2017.

1 *The project is funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to Regional Thematic Networks of Civil Society Organizations.*

2 *Independent Journalists' Association of Serbia, "Indicators on the Level of Media Freedom and Journalists' Safety – Serbia", (Belgrade: IJAS, 2016). Accessed: <http://safejournalists.net/wp-content/uploads/2016/12/Full-WB-Media-Freedom-Indicators-2016-ENG.pdf>.*

* *This title is without prejudice as to the status and is in line with the UN Security Council Resolution 1244 and the opinion of the International Court of justice on the declaration of independence of Kosovo.*

This third research study was conducted by Marija Vukosović, on the basis of the common methodology developed for all five countries. The following methods have been employed for data collection and analysis:

- Qualitative Documents Analysis (QDA) of: research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews with 16 individuals (journalists, lawyers, media experts, representatives of public institutions or NGOs).
- Official statistic data requested from public institutions or collected from available websites or from other published sources.

A. Legal Protection of Media and Journalists' Freedoms

Media freedom and freedom of expression in Serbia are guaranteed by media laws and the Constitution. Media experts think that the laws as such are not bad and that the problem primarily lies in the lack of will to enforce them. Even though laws are basically good and even though they correspond to European standards and practices, there is room for improvement. Certain amendments have been announced by relevant ministries. (Section A)

Work on development of the new “Draft Strategy for the Development of the Public Information System in the Republic of Serbia by 2023” has been initiated. Due to significant disagreement on the composition and work of the initial working group, representatives of journalists and media associations and one independent expert left. The Draft produced by the Ministry was rejected and a new working group, that includes representatives of associations, was established. They continue working on the document. To resolve current issues and problems in the media, a Team for dialogue and the Coordination body were formed in agreement with the Government. (Section A.1.)

Following the exit from the first working group for the production of the Draft Strategy, Independent Journalists' Association of Serbia and four other journalists' and media associations continued working on advancing existing media policies. Assisted by media professionals and legal experts, they produced a document “Contributions to the Development of the Public Information System Strategy by 2023”, which comprises the analysis of the extent of implementation of the previous Strategy and proposals to overcome the existing issues in

the media sphere. This document presents the common positions of the five associations and was accepted as one of the starting documents the new working group will use for development of the Media strategy. (Section A.1)

As in the previous years, journalists and media experts agreed that media freedom is at a low level and it has been declining for some years. This is primarily due to the fact that media is controlled in different manners, while independent outlets and journalists working in accordance with professional standards are under constant pressure. Local media is especially vulnerable. The fact that media freedom in Serbia is at a low level was also stressed by all relevant international organisations in their reports. (Section A.1)

One of the major reasons for the poor condition of media freedoms continues to lie in the politicised work and lack of efficiency of the Regulatory Authority of Electronic Media (REM), primarily its Council. Media experts believe that politicising of the regulator's work continued, that it has been thoroughly passivised and that there is no political will to allow it to operate independently. The significant problem is that the regulator does not use its legally prescribed authorities sufficiently - in 2017, REM issued only three measures, two reprimands and one warning. This body is not sufficiently transparent and does not operate in full composition, as the REM Council members lacking have not been appointed yet. (Section A.1)

Pressures against media through advertisers are still quite intense, with local media especially exposed to them. A separate law that would regulate advertising of state companies was announced since it's not regulated by the Law on Advertising; however, this has not been done yet. Meanwhile, this area remains inadequately regulated, resulting in numerous problems including – as media experts believe - unlawful influence on editorial policies of media outlets. This issue has also been emphasised by the European Commission in its "Serbia 2018 Report". (Section A.1)

The process of project co-financing for the purpose of achieving public interest goals in the area of public information deteriorated in comparison to the previous year. There were no legal amendments in this area; however, it seems that the real issue lies in the implementation of laws and seeking ways to surpass them. Problems with announcing the competitions, selection of projects, allocation of funds and their evaluation still exist. This year candidates from non-representative media and journalists' associations and certain experts, both unknown to the professional and general public, were appointed as members of the commissions. This happened at the Republic competition, which functioned quite well previously, and resulted in major associations withdrawing their candidates. Commissions continued their work nevertheless, and this was the reason why some associations did not accept funds allocated within the competition. Another problem is that the funds were, against the rules, awarded to media outlets which violate ethical and professional standards. (Section A.1)

Information in national minority languages is not at a satisfactory level in Serbia. Financial sustainability of media reporting in minority languages is also a major issue due to the lack of financing mechanisms. (Section A.1)

Institutional autonomy and editorial independence of public broadcasting services is guaranteed by law; however, experts agreed that this is still not implemented in practice. The way PSB is financed still remains a major issue as it cannot ensure its independence. The only form of public control over the work of the public service broadcaster is the Programme Council. However, it is primarily an advisory body and its opinion is not binding. Another issue lies in the fact that the manner of appointment of the Programme Council members does not ensure its independence. (Section A.1)

Even though libel is decriminalised in Serbia, this has not contributed to a better position of journalists, only to an increase in the number of civil lawsuits against them. Claims are still filed to courts in large number; in the observed period, the number of filed claims was 650. As of recently, there has been an increase in the number of lawsuits by journalists against journalists and media outlets. This is a result of the mounting tabloid journalism primarily, as well as frequent smear campaigns led by pro-governmental tabloid media against certain journalists who are likely to be critical of authorities. Uneven court practices still present a significant issue, even though judges have started quoting the European Court for Human Rights decisions. (Section A.2)

Political pluralism in media is guaranteed by law and there were no legal modifications to this effect. REM is mandated to supervise broadcasters and ensure observance of the prohibition of political advertising outside election campaigns, as well as representation of registered political parties, coalitions and candidates without discrimination during the election campaigns. REM regulated obligations of broadcasters in the "Rulebook on the Obligations of Providers of Media Services during the Election Campaign". However, as in the previous year, it failed to perform the monitoring. This is why in 2017, IJAS filed criminal charges against REM Council members citing criminal offence of negligence in exercising authority; the proceedings are still pending. During the reporting period, candidates and parties did not have equal and fair access to media during the election campaign and in the period outside of it. (Section A.3)

In Serbia, journalists are not licensed. The trend of not inviting certain media outlets to events of public interest continued, while some journalists are even prohibited from reporting from certain events. Pressures are exerted on journalists' associations and are mostly aimed at associations who are critical of representatives of the authorities when media freedoms are violated. The organisation of journalists into trade unions is still quite poor. The Press

Council is one of the few organisations which had positive results in its work; however, this body is also subjected to pressures, exerted in subtler manners and through different channels. (Section A.4.)

Protection of journalists' sources is regulated by law and it is generally observed. In the previous year, there were no serious cases of journalists being requested to disclose the identity of their sources or imposed sanctions for this reason. The occurring problem relates to abuse of this institute: an increasing number of media outlets, primarily tabloid ones, quote anonymous sources and abuse this journalistic right. The problem of the lack of protection of sources in the case of electronic communications interception is increasingly present as it questions whether journalists can provide anonymity to their sources. (Section A.5.)

The right to access information of public importance is regulated by the Law on Free Access to Information of Public Importance. Even though the Law is good, it still needs to be improved in some parts. However, the draft law on amendments and supplements to the Law on Free Access to Information of Public Importance which appeared in March 2018 was criticised for the intention to exclude state-owned companies from its implementation. Journalists exercise the right to access information increasingly, but still not enough. Institutions are not sufficiently open, and there are numerous cases of their refusal to respond to the request (so-called "administrative silence"). The major issue still lies in public companies which do not respond to requests and, subsequently, pay the fines issued by the Commissioner for Information of Public Importance. The number of appeals filed to the Commissioner is high. According to the Commissioner's Report, the number of appeals filed in 2017 was by 5.5% higher than the number of appeals in 2016, i.e. 3,680 appeals. Journalists believe that institutions in Serbia are not sufficiently transparent. (Section A.6.)

B. Journalists' Position in the Newsroom, Professional Ethics and Level of Censorship

The position of journalists and other media professionals in Serbia has been quite poor over a longer period of time. They work in very difficult conditions, with low salaries and irregular payments. There is no accurate data on the number of journalists, their salaries and type of labour contracts they hold. The Statistical Office of the Republic of Serbia holds data for the field of information and communication, but it includes a large number of areas and data is not diversified, thus there is no information on the number of employees in the media industry. Journalists are increasingly engaged as part-time associates. Most of the researches on salaries indicate that average salaries in journalism are below the Republic average. (Section B.1.)

Privately-owned media outlets in Serbia do not have se-

parate acts that ensure the independence of the newsroom from the management and the advertising department. Also, they mostly don't have separate rules on editorial independence from the owner and management bodies. One of the rare examples of media outlets who have such internal act is the internet portal Južne vesti. Private media outlets do not have separate codes of ethics. They are exposed to different pressures exerted by owners as well as external pressures. (Section B.2.)

In the previous year, public broadcasting services have not adopted separate codes of ethics. Articles of association of public broadcasting services and law prescribe editorial independence, as well as the prohibition of any form of censorship and illicit influence on the work of public media services, newsrooms, and journalists. As before, the problem is that the editors are formally independent, but that is not reflected in practice. Public broadcasting services are subjected to pressures from different sources. (Section B.3.)

In recent years, non-profit media outlets working primarily in the online sphere and pursuing investigative journalism have become quite prominent. The majority do not have a separate code of ethics. Non-profit media outlets are frequently attacked and under pressure, mostly through smear campaigns in media i.e. tabloids close to the government who label journalists critical of authorities as mercenaries and traitors. (Section B.4.)

Journalists and experts believe that in Serbia there is no censorship in its original meaning, but that self-censorship is significantly rising. Journalists resort to self-censorship primarily for fear for their existence and the fear of losing their job. Journalists working in the local media are particularly affected. (Section B.5.)

C. Journalists' Safety

The Regional Platform for Advocating Media Freedom and Journalists' Safety keeps a database of attacks against journalists and other media professionals in six countries of the Western Balkans. In Serbia, during the period from September 2017 to the end of August 2018, it recorded 28 attacks: 21 verbal threats, six physical attacks, and one attack against property. In 2017 the number of recorded physical attacks decreased, while the number of verbal threats to the journalist's life and limbs, and their family members increased; half of these threats were addressed through the internet and social networks. In the observed period, a dramatic increase in pressures against journalists was recorded. The database of attacks and pressures against journalists maintained by IJAS recorded 62 cases of pressures in 2017, twice as many as in 2016. In the first eight months of 2018, as many as 34 cases of pressures were recorded. Journalists' associations are exposed to pressures as well as to threats and intimidation - associations critical of

the authorities are the primary target. (Section C.1.)

In December 2016, the Agreement on cooperation and measures to increase the level of journalists' safety was signed between the Ministry of Interior, Republic Public Prosecutor's Office, and seven journalists' and media associations. Based on the Agreement, a Standing working group was established, comprising representatives of all signatories. Since the very beginning, there was a lot of disagreement in the Group about the implementation of the Agreement; in the end, in November 2017, five journalists' and media associations suspended their membership in it. The Group had several meetings with the aim to activate its status; however, by the end of the composition of this Report, the position of associations remained the same. As in the previous year, the Agreement contributed to better communication between associations and the Public Prosecutor's Office and the Ministry of the Interior; a system of contact points has been established so it is easier to report attacks or threats while it is also easier to obtain information about cases. However, although the purpose of the Agreement was to contribute to increased efficiency in solving the cases of attacks on journalists, a significant problem remains as a high number of such cases are unsolved. State officials very rarely publicly condemn attacks against journalists, and when they do it, they do it selectively. (Section C.2.)

When it comes to secret surveillance of communication, there is still no evidence that it is conducted contrary to law. In the previous year, there were no cases of journalists reporting on this issue. (Section C.2.)

In the previous year, the Commission on reviewing the facts related to the investigation of murdered journalists made some positive steps; the President of the Commission stated that the investigation indicated that Milan Pantić was murdered for his journalistic work and investigative reporting. However, neither the police nor the Public Prosecutor's Office has taken any steps regarding this case. In August 2018, Serbian Government passed the decision on the extension of responsibilities of the Commission to include cases of murder and disappearance of journalists in Kosovo and Metohija in the period 1998 – 2001, and murders of journalists in conflicts in SFRY during the period from 1991 to 1995. (Section C.3.)

Even though the Republic Public Prosecutor's Office passed the Instruction stipulating urgent procedures in the case of attacks against journalists, investigations are generally not conducted promptly and efficiently. There are examples of cases that were solved quickly, with adequate reactions from the Prosecutor's Office and the police. However, the majority of the cases are left unresolved for a very long time, while some never have legal closure and the perpetrators go unpunished. There are many unsolved cases: out of the 28 cases in the observed period, as many as 21 are still pending. An even greater problem is the fact that there are numerous cases that took place years ago,

but are still in the pre-investigation stage. Two out of three cases of murdered journalists are still in the pre-investigative stage, while the case of Slavko Ćuruvija is still before the first-instance court, even though the proceedings started in 2015. The research of efficiency of criminal legal protection of journalists in Serbia indicated that there are doubts in the efficiency of institutions and mechanisms related to the safety of journalists. The research states that the number of proceedings for the criminal offence of jeopardising safety closed before courts in comparison to the number of cases filed is extremely low. (Section C.3.)

A

Legal protection of media and journalists' freedoms

Freedom of expression and information in Serbia is guaranteed by the Constitution and laws. Media laws passed in 2014 are in line with European standards and not so problematic. However, their implementation remains an issue. There were no modifications of laws in the observed period, however the work on development of the new Media Strategy started in 2018. Production of the the Draft strategy was fraught with controversies, the produced document was withdrawn and a new working group was established. By 31 August 2018, the Media strategy was not passed. Key issues remained the same as in previous years: Regulatory Body for Electronic Media, competition-based co-financing of media projects of public interest – a process that deteriorated compared to previous period, advertising of public companies in media as well as pressures through advertisers. Public broadcasting services are faced with the same issues as in the previous years; there is no autonomy and independence in practice and the issue of financing and control of public media services remains.

The number of lawsuits against journalists in relation to publishing of information in media is constantly high. The institute of protection of journalists' sources is generally observed; however, the problem lies in its abuse. Journalists do not sufficiently use requests for free access to information of public importance, while some institutions are more, and some less open to them. The issue of public companies which do not reply to requests or decisions of the Commissioner, but pay fines remains a major concern. Institutions are not sufficiently transparent.

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

Media freedom is guaranteed by the Constitution of the Republic of Serbia³ and media laws. In the previous year, there were no modifications of legal regulations in this area. The set of media laws adopted in 2014 includes the Law on Public Information and Media, Law on Electronic Media, and Law on Public Media Services. Journalists' and media associations took part in their development and, in the opinion of experts, the laws are not bad as they incorporate European standards.

The problem is not in the laws but, as in previous years, in the fact that they are not implemented, primarily due to lack of political will. Even though the laws are not bad, there are numerous motions to improve them, primarily to make them as little susceptible to abuses as possible. Law amendments were announced by the competent Ministry, although it has not been defined whether this will wait for adoption of the new media strategy, or whether the two processes be conducted in parallel.

Since the previous media strategy expired in 2016, in 2017 the Ministry of Culture and Information initiated work on development of the new "Strategy for the Development of the Public Information System in the Republic of Serbia by 2023" (hereinafter: Media Strategy). When establishing the initial Working group, the Ministry failed to consult most journalists' and media associations regarding its composition and selected representatives of associations by on its own. However, five journalists' and media associations⁴ managed to secure their representation in the Group. Following a short period of time, dissatisfied with the work of the Group, representatives of the media community left it one by one, followed by one expert, so in the end the Working Group continued on the Draft strategy without them. It produced a first Draft media strategy but because the relevant association did not participate in its production, its legitimacy was questioned by the media and journalistic community and by international media organisations. The Draft was never published by the Ministry and was withdrawn from the procedure. However, one version of the Draft was published in the *Danas* daily. As a result of this, as well as pressure of international organisations, the work on development of the Media Strategy was stopped. The news that the Draft was withdrawn from the procedure and that the work on the new document will start was announced by the Cabinet

of the President of the Republic, while the Ministry of Culture, an institution competent for the drafting the Strategy, did not have a clear position on this issue⁵.

Following their exit from the working group and simultaneously with drafting of the Media Strategy by the State, five media and journalists' associations⁶ continued working on advancing media policies. With assistance of media and legal experts, they produced a document which reflects on the previous Strategy and offers recommendations and suggestions as to how to overcome the existing issues and advance the media scene. The document was titled "Contribution to composition of the Strategy for development of the public information system by 2023" and comprises common positions of five associations.

The Government of Serbia proposed, and media and journalists' associations agreed to establish a new Working group made of representatives of relevant media and journalists' associations, Ministry of culture and information, and representatives of other ministries. The document "Contributions to the Development of the Public Information System Strategy by 2023" is one of the starting documents of the Working group, together with the previous Draft strategy that was withdrawn.

In agreement with the Government, a Team for Dialogue and a Coordination Body were established as well. The Team for Dialogue comprises representatives of nine journalists' and media associations and trade unions, while the Coordination Body for cooperation with media comprises representatives of the Ministry of the interior, Ministry of culture and information, Ministry of justice, Ministry of state administration and local self-government. Its co-presidents are advisors of the President of the Republic and the Prime Minister. These two bodies were established to work jointly on solving the current and urgent problems in media.

The Media strategy is a strategic document important for development and promotion of the media sector. However, like the previous Media strategy, the document alone cannot contribute to bettering the situation when it comes to media freedoms. The majority of interviewed journalists and media experts are sceptical about whether the Media strategy would result such improvements. They emphasized that, even if a good new strategy is adopted, it is questionable whether it will be implemented in practice, or remain just another document.

3 Constitution of the Republic of Serbia, Article 46

4 Independent Journalist' Association of Serbia, Independent Association of Journalists of Vojvodina, Association of independent electronic media, Association of Local Independent Media Local press, and Association of Online Media.

5 Kovačević Emina, "Production of the Media Strategy stopped", *NI*, 23 April 2018. Accessed on: 15 June 2018 <http://rs.n1info.com/a382175/Vesti/Zaustavljena-izrada-medijske-strategije.html>

6 Independent Journalists' Association of Serbia, Independent Association of Journalists of Vojvodina, Association of Independent Electronic Media, Association of Local Independent Media Local press, and Association of Online Media

“In such conditions, I am sceptical that this second attempt of drafting of the Media strategy could result in something good for media freedoms; it will certainly result in something good for current authorities. The authorities somehow use the drafting of this document to present themselves as democratic authorities willing to grant this kind of concession, declaring themselves as someone willing to allow experts, the profession, and associations to formulate a document which should increase the level, i.e. improve the media situation we are now faced with. I am sceptical because in such a setting, when you have put media in such a subordinate position, and when you practically have most media outlets willing to have a propagandist role, you can hardly fix things with some document, even if it is perfect.”⁷

Today, as in previous years, media freedoms are at a low level, and all journalists and media experts who were interviewed for the purpose of this research agree with this. They also agree that the downward trend has been constant in the last few years. The reasons for this could be found primarily in the fact that media outlets are subjected to different pressures, both of political and economic nature; control is exerted in some “innovative” manners, for example administrative pressures.

“The level of media freedom has been sinking from year to year, the public space in which media can act freely, independently, and in a critical manner is narrowing. The sources, access to information and documents are shrinking, as well as the area in which media may survive in economic terms. Everything that comprise the fundamental grounds of the work of journalists and media is actually losing its ground. The reasons for this mostly originate from political, not necessarily economic spheres. We have a set of authoritarian government that bases its governance on control of media - strict control of what will be published on the one hand, and propaganda through mainstream progime media, very strictly controlled flows of money from the state to media, which is very important for survival of media, especially local, on the other.”⁸

What needs to be emphasized is the fact that the situation is even more difficult in local media, primarily in media outlets that are independent and do their job in line with professional standards. There are frequent cases of media closures due to the difficult economic situation, but also pressures exerted against them. The interviewed journalists mostly agree that local media outlets are in a bad position:

“Local media have problems as their activities, primarily in the area of advertising are narrowed, and in such distribution of power, in addition to existing crises and the fact that numerous small towns are deprived of various capacities, local media outlets are in the worst position. Only those which transformed into propagandist outlets can make it, and they are the only ones that may survive, but their journalists are no longer journalists. There are very few free journalists left in small towns in Serbia.”⁹

This fact is also corroborated by other sources, starting from the European Commission “Serbia 2018 Report”. This document states concern because no progress was made in the area of freedom of expression in the reporting period, and points out the issues highlighted for years. The report, for instance, states:

“Serbian authorities need to react promptly to and publicly condemn hate speech and threats against journalists. Legislation on the media still needs to be fully implemented. Serbia’s legal framework needs to provide for greater transparency of ownership and funding of media outlets. Co-financing of media content to meet public interest obligations needs to be implemented in line with the legislative framework. This requires transparent and fair procedures without interference by the state administration, especially at local level.”¹⁰

The Report also states that Serbia especially needs to “strengthen independence of the Regulatory Body for Electronic Media”¹¹, while the safety of journalists was separately stated as a grave issue, same as in the previous Report:

“Cases of threats, intimidation and violence against journalists are still a concern, while investigations and final convictions remain rare.”¹²

In addition to this Report, other relevant international organisations report poor state of media freedoms. One of such organisations is Reporters Without Borders; according to its report Serbia has fallen by ten positions in 2018 compared to previous year, and is now on 76 position out of 180 countries. It is especially emphasized that “Serbia has become a country where it is not safe to be a journalist, which is clear from the alarming number of attacks against journalists which have not been investigated, solved, or punished, and aggressive defamation campaigns conducted by pro-governmental media against investigative journalism.”¹³ The report of the organization Freedom House also recorded a

7 Maja Divac, media expert and journalist, interviewed by Marija Vukasović on 06 June 2018

8 Tanja Makisć, media expert and journalist, interviewed by Marija Vukasović on 18 June 2018

9 Željko Bodrožić, journalist, interviewed by Marija Vukasović on 02 July 2018

10 European Commission, Republic of Serbia 2018 Report, Brussels, 2018, p. 25. Accessed on: 15 June 2018. <https://ec.europa.eu/neighborhood-enlargement/sites/near/files/20180417-serbia-report.pdf>

11 Ibid, p. 25.

12 Ibid, p. 25.

13 Reporters Without Borders, World Press Freedom Index, Paris, 2018, Accessed on: 15 June 2018. <https://rsf.org/en/serbia>

decline in democracy in Serbia and that deterioration was also manifested in the area of media freedom, i.e. media independence¹⁴. The organization Human Rights Watch stated that “limited progress has been made in diminishing of disproportions between Serbia’s obligations in the area of human rights and its practices, and that journalists continued to work in a hostile environment”, adding:

“Attacks and threats to journalists have continued. Reactions of authorities were inadequate. Pro-governmental media continued conducting defamation campaigns aimed against independent journalists and media.”¹⁵

Beside the fact that certain cases of blocking and limiting of content on the Internet were recorded, there is no data, i.e. evidence, that state bodies made attempts to limit this right. Share Foundation recorded seven cases of blocking and limiting of contents on the Internet in the period from September 2017 to the end of August 2018. These were mostly cases of removal of news from websites and blocking of accounts on social network Facebook. According Share Foundation data one such case is the Tanjug News agency which removed a tweet that FIFA had punished Serbian Football Alliance because of the banner belonging to the football team supporters, illustrated with a photograph of Serbia’s President Aleksandar Vučić’s son supporting the national team together with members of a murdered criminal’s gang.¹⁶ There were two recorded cases of elimination of texts from the Večernje novosti website. One was about filing of charges against several individuals, including Nebojša Čović; the other text contained a statement of the Mayor of the Paraćin municipality, in relation to an incident at the session of Paraćin Municipal Assembly¹⁷.

In the previous year, laws regulating the work of the Regulatory Body for Electronic Media (REM) as an independent, autonomous organization with the status of a legal entity were not modified.¹⁸ However, as before the work of REM, primarily its Council, remains one of the major issues in the media sphere. The REM Council does not use authorities as prescribed by law, is not sufficiently transparent in general, and still works in an incomplete composition and under political influence. Media experts believe that this is one of the major reasons why the quality of contents in electronic media has dropped to the extent that truthfulness and impartiality of information is frequently questioned. In the

opinion of experts, there is no political will for this body to function independently, while the reason behind this is the the need of the Serbian authorities to have media under control as so they can use them for their particular interests:

“The regulator is the weakest link within the media system in Serbia because the whole system of electronic media, which is still, most important here, depends on activities of this body so by giving up action, they actually work to the benefit of large commercial players. And those large commercial players are those which this regime counts on most, they are the media this regime relies on, so REM acts as a service to authorities.”¹⁹

The experts’ opinion is in the fact that this body has been under political influence since its very establishment. It seems that the strategy of authorities in Serbia in relation to REM is to continue politicizing its work and its full passivization:

“The body was politicized since the very beginning, and there have been numerous issues since then; in the period of time when the body was established, not even democratic authorities created conditions so that this body could be fully independent and free in its work, and then the politicizing continued, so all modifications of legal regulations, changes in the manner members of the Council are appointed, and its financing were going in the direction of increased politicizing, while passivization of this body is a new phenomenon.”²⁰

REM Council does not use its legally prescribed authorities, or uses it rarely, which was emphasized by the interviewed journalists and experts as one of the major issues in work of this body. Throughout 2017 REM issued only three measures, two reprimands, and one measure of warning²¹, which is less than in 2016, when nine measures were issued. The REM website states that in the first eight months of 2018 five measures were issues - three reprimands, and two measures of warning. In the last three years, REM did not announce a single measure of temporary prohibition of broadcasting media content, or the measure of permit revocation. An independent assessment of the REM work, supported by the Council of Europe pointed to the same issue. The report concluded that there are clear shortcomings when it comes to the possibility to impose and apply different sanctions. It stated that the supervisory

14 Freedom House, *Freedom of the Press 2017*, Washington, 2018. Accessed on: 15 June 2018. <https://freedomhouse.org/report/freedom-world/2018/serbia>

15 Human Rights Watch, *World report, 2018*, New York, 2018, p. 469 and 470. Accessed on: 15 June 2018. https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf

16 Radojević Vesna, “Tanjug’s tweet with the photo of Vučić’s son disappeared”, *Raskrikavanje*, 21 June 2018. Accessed on: 1 September 2018. <https://www.raskrikavanje.rs/page.php?id=190>

17 *The list of cases of internet content blocking*, Share foundation. Last modification: 1 September 2018. Accessed on: 1 September 2018. <http://monitoring.labs.rs/>

18 *Law on Electronic Media*. Article 5.

19 Jovanka Matić, Research Associate, Institute of Social Sciences, interviewed by Marija Vukasović on 19 June 2018.

20 *Ibid.*

21 *Regulatory body for electronic media, 2017 Activity Report*, Belgrade, 2017, p. 19 and 20. Accessed on: 19.06.2018. <http://rem.rs/uploads/files/PDF/Izvestaj%20o%20radu%20REM%202017.pdf>

body does not have authorities to impose financial sanctions which are certainly more efficient than reprimands and warnings on the one hand, while on the other hand, REM doesn't use its most effective sanction, i.e. temporary prohibition of programme broadcasting sufficiently²².

As mentioned in this and in our 2017 report, another issue lies in the fact that the Council still works in an incomplete composition - the lacking members still haven't been appointed. According to the opinion of media experts, there was always a tendency on part of authorities to exert influence on appointment of REM Council members:

"All authorities exerted influence on selection of the Council members, but this current one does this radically. When Vojvodina proposed two members, those two experts were not only professionals in broadcasting, but also fully independent experts; the parliamentary body deciding on the matter rejected both proposals. It is obvious that they are almost making it impossible for people of integrity and knowledge, who would not support any political option or any particular media outlet but only what is in public interest, to become Council members. So, political influence and influence from the media business is exerted through these people and they give up enforcing sanctions prescribed by law, and keep saying that there are not enough claims so that they could act by law; they also have their internal document which makes them obliged to act not only upon citizen claims, but also *ex officio*."²³

In one general article, the Law on Advertising regulates public advertising of state bodies, i.e. other entities²⁴. When the Law was being adopted, it was announced that a separate law would be passed to regulate advertising on part of state companies; however, it has not happened. This area is not adequately regulated, which leads to numerous issues and possible illicit influence on media and editorial policies of such media outlets. This is very dangerous in situations when media is financially weak, when it considerably depends on advertisers, and is thus more susceptible to influence. Experts believe that this is a deliberate and planned strategy to subdue media, and that this law was not omitted by chance:

"This is a very deliberate strategy, this is a direct channel for political influence on media, because the state is the major source of this kind of funds, funds from advertising and sponsorships, and it uses this in a most direct manner. You will get advertising from state companies which nobody needs, which is not important, only if you are politically eligible. Also, public procurements are not

adequately regulated; there is one rule for print media and another for electronic media. There is always a way to say that something is a small-value public procurement, and we do not need a tenders and such for small-value procurements, meaning it is being abused in every kind of manner."²⁵

Although, pressures through advertisers are mentioned as a new manner of exerting pressures on media and keeping media under control, this is not a novelty. This is primarily devastating for local media which is under even greater pressure, and certainly in a more difficult financial situation. Some experts believe that such pressures have always existed and always will:

"Pressures have existed for a long time, and they will exist in future, because there are few companies that have money. If you have a dozen companies, most of which are public companies or under the influence of the state and its budget, you can suspend advertising with only three phone calls. If the eco-system were larger, you could not damage it so easily. Local media outlets are even more vulnerable, because in such towns there are not dozen of companies, but one company per town, the path is shorter and the effect is more devastating. If you have one large advertiser and five small ones, you, as a media outlet, lose a lot without the big one."²⁶

Another major issue is the fact that there are no sources indicating the total funds allocated by the state, i.e. public companies, for advertising. This issue was also stated in the European Commission "Serbia 2018 Report", where a concern regarding political and economic influence on media was expressed, as well as the following:

"Serbian authorities should ensure that informal pressure on editorial policy is not exerted through the distribution of advertising funds, including from public companies, as well as project co-funding from local budgets."²⁷

The process of competition-based co-financing of media project of public interest contained more shortcomings in this year, compared to the last one. Legal regulations and by-laws have not been modified. The problems occurring in the process remained the same; however, it appears that the whole process was more susceptible to abuses. The major issue is in the fact that laws and by-laws are not implemented.

"I believe that law is not the key issue. The issue is in the implementation of the law. Certainly, there is a lot of spa-

22 Council of Europe, *The Independence and Functioning of the Regulatory Authority for Electronic Media in Serbia*, October 2017, p. 62. Accessed on: 19 June 2018. <https://m.coe.int/the-independence-and-functioning-of-the-regulatory-authority-for-elect/16808c9c75>

23 Rade Veljanovski, media expert, interviewed by Marija Vukasović on 01 June 2018.

24 Law on Advertising, Article 3, paragraph 2, item 2.

25 Jovanka Matić, Research Associate, Institute of Social Sciences interviewed by Marija Vukasović on 19 June 2018.

26 Dalila Ljubičić, media expert, interviewed by Marija Vukasović on 19 June 2018.

27 European Commission, *Serbia 2018 Report*, Brussels, 2018, p. 26. Accessed on: 20 June 2018. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf>

ce for improvement of legal regulations, and definition of each stage of the process. However, it is important that those who allocate money implement such rules rather than devising “creative” manners to surpass them.”²⁸

According to the records kept by the Independent Journalists’ Association of Serbia, in the first half of the year there were 120 competitions for co-financing of projects in the area of public information on republic, provincial, and local level; six were annulled due to irregularities and announced again. The amount of funds to be distributed based on competitions for co-financing of public interest in media content was 1,185,418,333 dinars (almost 10 million EUR). As in the previous period, issues were arising since the very publishing of competitions, through appointment of members of professional commissions evaluating the proposed projects, to selection of and implementation of projects. Much disputed matter and a significant problem in 2018 was the fact that candidates from major media and journalists’ associations are increasingly ignored, or only of them few are appointed to commissions, while candidates of small journalists’ and media associations, unknown to the public, get appointed; Additionally, certain experts that professional public has never heard of tend to be appointed.

This issue culminated with the republic competition (where no significant abuses were noticed before) published for 2018: commissions mostly comprised members from small, non-representative journalists’ and media associations. The Media Coalition²⁹ and Media Association stressed that the commissions also comprise a large number of members proposed by non-representative associations, while the two largest associations had but two candidates each³⁰. Besides, 14 commission members had the title of independent media experts attached to their names. Furthermore, three civil servants were appointed to the commissions, which is against the Law on Public Information and Media³¹.

As the Ministry of Culture and Information did not react upon the appeal of most actors on the media scene to annul the competition, some associations (IJAS, IJAV, ANEM, and Local Press) decided to withdraw their representatives from the Ministry’s commissions, believing this to be the only way out of the current situation (suspension

of the process of competition, establishment of new competition commissions in line with law and good practices, and annulment of the results of their work on evaluation of project proposals so far).³² Having in mind that the competition was fully conducted, some associations decided not to accept money allocated to them within the competition.

What totally perverted the whole process and its purpose is allocation of funds to media outlets which violate the Journalists’ Code of Serbia, some of which continuously. This is worrying, especially in view of the provision of the “Rulebook on Co-financing of Projects for Achieving of Public Interest in the Area of Public Information” that states that the commissions have to consider whether any measures by the state bodies, regulatory and self-regulatory bodies, for violation of professional and ethical standards was issued to media outlet applying for funds.³³ Research of the Center for Investigative journalism of Serbia indicated that pro-governmental tabloids Srpski telegraf and Informer, leaders in violations of journalists’ code, were awarded funds at media competitions. Since its establishment on 12 March 2016, Srpski telegraf daily was awarded 12.1 million dinars at 21 media competitions, while Informer received 10.9 million dinars at 15 competitions since 2017. It is important to emphasize that in the course of 2016 and 2017 Informer was a leader with 25 publicly pronounced reprimands of the Press Council for violation of the Journalists’ Code of Serbia. It is followed by Srpski telegraf with 11 reprimands in the same period³⁴.

There is still an issue in relation to initiating administrative proceedings in cases of violations of the law in the co-financing process. Namely, the decision passed by the head of the body which published the competition is final, and it the only legal remedy available is to initiate administrative proceedings against it. Administrative proceedings in this area are inefficient and inadequate - these are disputes of limited jurisdiction, where once the court established that the disputed decision is not line with law, the decisions is returned to the body which passed it for repeated deciding. This results in procrastination and an absurd situation that the body’s decision has been returned while the projects have already been implemented.

28 Kruna Savović, lawyer, interviewed by Marija Vukasović on 31 August 2018.

29 The Media coalition comprises: Independent Journalists Association of Serbia, Journalists’ Association of Serbia, Independent Association of Journalists of Vojvodina, Local Press, and Association of Independent Electronic Media (ANEM)

30 JAS and IJAS have two members each, local association Society of Journalists from Niš and PROUNS have 7 members. Local Press has two, while Media Association, ANEM, and IJAV have one member each.

31 IJAS, Media Coalition and Media Association: Ministry must publish composition of the commissions for media projects and biographies of all members and candidates, IJAS, 29 April 2018. Accessed on 20 June 2018. <http://www.nuns.rs/info/statements/35965/medijska-kolicija-i-asocijacija-medija-ministarstvo-hitno-da-objavi-sastave-komisija-za-medijske-projekte-i-biografije-svih-clanova-i-kandidata.html>

32 IJAS, “Associations are withdrawing from commissions at republic level and request forming new ones” IJAS, 9 May 2018. Accessed on: 20 June 2018. <http://www.nuns.rs/info/statements/36150/udruzenja-se-povlace-iz-republickih-komisija-i-zahtevaju-formiranje-novih.html>

33 Rulebook on Co-financing of Projects for Achieving of Public Interest in the Area of Public Information. Article 18, para. 2.

34 Center for Investigative Journalism of Serbia, “Millions from media competitions for the Srpski Telegraf and Informer”, CINS, Belgrade, 2018. Accessed on: 20 June 2018. <https://www.cins.rs/english/news/article/millions-from-media-competitions-for-the-srpski-telegraf-and-informer>

When it comes to establishment and maintenance of media in national minority languages, there have been no legal modifications. The Law on Public Information and Media prescribes that the Republic of Serbia, the autonomous province, i.e. local self-government unit ensure a part of funds through co-financing or other conditions for work of media outlets which publish information in national minority languages³⁵. The Ministry of Culture and Information publishes the competitions. However, the information in national minority languages is not at a satisfactory level in Serbia. The major issue is the fact that not even Radio Television of Serbia observes the legal obligation, failing to broadcast programme content in national minority languages. Another major issue is the absence of mechanisms to finance information in national minority languages that influences their financial sustainability.

Legal regulations relating to institutional autonomy and editorial independence of public media outlets in Serbia has not changes in the previous year. They are guaranteed by the Law on Public Media Services³⁶. However, according to assessment of media experts, such independence is not sufficiently present in practice. This primarily relates to news programmes.

“It is very clear that our public media broadcasters, RTS and Radio-Television of Vojvodina, still act as state radio-TV stations rather than public services. There were improvements in programme as a whole and the programme offer in comparison to the period of socialism, when these TV stations had good educational, children’s, cultural, sports, and entertainment programmes, but it is the news programme that makes a distinction between a state TV or a public service. The news programme still represents positions of authorities, and this is this red line which our public services have not crossed, so they may not be called public services.”³⁷

The issue of financing is emphasized this year as well, and all the interviewed journalists and media experts agreed with this. Manners of financing of public broadcasting services are stipulated by law³⁸, however, they cannot secure PBS independence. The licence fee paid by citizens is low, so large amounts are allocated from the budget for public media services³⁹. That the manner of financing cannot ensure independence was corroborated by last year’s research of the Novi Sad School of Journalism within monitoring

of achievement of public interest in public media services. It concluded that adequate and stable financing of public broadcasting services is the basic prerequisite for its managerial and editorial independence and the possibility to perform programme functions effectively. However, it was established that the manner of PBS financing in 2016 – combination of donations from the budget (of unknown scope) and minimum fees at 150 dinars a month – ensures neither.⁴⁰

The Programme Council of public broadcasting services is an advisory body and it takes care that interests of listeners and viewers are met in terms of programme contents, deliberates implementation of programme concepts, and quality of programme content of public media service; in these terms, it extends recommendations and suggestions to the general manager and the Managing Board⁴¹. The Programme Council has 15 members, selected by law from media and among media workers, scientists, authors in the area of culture, and representatives of associations which, as their mission, have protection of human rights and democracy; the members are appointed by the Managing Board.⁴²

One of major shortcomings of public services is control and participation in promotion of programme contents by the public - the Programme Council is the only form of control. The issue is in the way members of the Programme Council are selected - they are appointed by the Managing Board, while members of the Managing Board are appointed and acquitted by the REM Council. REM members are appointed by the National Parliament. Having in mind the issue of REM politicizing, independence of members of the Programme Council is questionable.

The research Citizens and public media services also quoted selection of the Programme Council members as one of the issues. It states that such a manner of selection questions Council’s decision-making independence, while without necessary competences the work of this body is predestined for failure⁴³. The same research also emphasizes another issue - the position of the Programme Council within the managerial structure of the public service. This is one of the three bodies of the public service, however, it is neither a managerial, nor an executive or supervisory body, but has a merely advisory role and its opinion is not binding. Also, communication between public media services and

35 Law on Public Information and Media, Article 13.

36 Law on Public Media Services, Article 5.

37 Rade Veljanovski, media expert, interviewed by Marija Vukasović on 01 June 2018.

38 Public broadcasting services are financed from: 1) fee for the public media service; 2) funds from the budget; 3) net profit from commercial exploitation of content produced within the basic activity; 4) commercial; income; 5) other income. Article 36.

39 Decree on financing of public broadcasting services from the budget of the Republic of Serbia in 2018. Accessed on: 21 June 2018. <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/bb99ce5c-8d7c-4abf-9a22-a6dc2d088b76>

40 Novi Sad School of Journalism, Achievement of public interest in public broadcasting services in Serbia, Novi Sad, 2016, p. 309-311. Accessed on: 21 June 2018. http://www.novinarska-skola.org.rs/sr/wp-content/uploads/2016/12/NNS_publikacija_final.pdf

41 Law on Public Media Services. Article 29 and 30.

42 Ibid, Article 28

43 Slavko Ćuruvija Foundation, Citizens and Public Media Services: Models of citizens’ supervision of the Public Media Service, Belgrade, 2018, pr. 22. Accessed on: 21 June 2018. <http://www.slavkocuruvijafondacija.rs/wp-content/uploads/2018/04/Gra%C4%91ani-i-javni-medijjski-servis-Modeli-gra%C4%91anskog-nadzora-javnog-medijjskog-servisa.pdf>

citizens is not at a satisfactory level. The research indicated that the common deficiency of both PBS in Serbia is the fact that they do not have any mechanism that allows them to react upon citizen complaints. It concluded that this could be a large step forward if citizens could participate in advancement of programme contents⁴⁴.

A.2 Does the Defamation Law cause a ‘chilling’ effect among journalists?

In Serbia, libel is decriminalized, while in line with the Law on Public Information and Media, the person who suffers damage due to publishing of information has the right to compensation of material and non-material costs⁴⁵. Provisions relating to damage compensation are in line with the European standards.

Same as in the previous period, the number of lawsuits filed to the Higher Court in Belgrade in charge of such proceedings from September 2017 to the end of August 2018 was large - it amounted to 650. In the same period, 552 cases were solved (in 2017 the total number of claims filed was 552). On 30 August 2018, the number of pending cases amounted to 1011.⁴⁶ The decriminalization of libel by itself did not result in a better position of journalists and media; it only meant that journalists can no longer be criminally prosecuted for libel, but it contributed to the increase in the number of civil lawsuits. The standard of due journalistic attention must be highlighted here: prior to publishing information, journalists must verify its origin, veracity, and completeness, and they must be aware that, should they fail to observe this standard, they can suffer certain consequences.

As of recently, there has been a certain increasing trend in number of lawsuits where journalists sue other journalists and media outlets. It can be said that this is a consequence of the increase of tabloid journalism, as well as frequent smear campaigns by tabloid pro-governmental media against certain journalists who tend to be critical of authorities, the lawyer interviewed for the purpose of this research believes that there is a growing trend in relation to such lawsuits:

“As of recently, in my experience, there has been a growing trend in the number of claims for compensation of non-material damages for violation of honour and reputation due to publishing of untrue and incomplete information (even information from private life) filed by journalists against their colleagues, i.e. media outlets which, as we may say, pursue tabloid journalism.”⁴⁷

Laws do not contain provisions which could have impact on work of journalists, i.e. which could be used to “silent journalists”. However, the legal expert interviewed for the purpose of this research believes: “that regulation itself is not of key importance for development of a “chilling” effect in journalists - it is the overall environment for development of freedom of expression.”⁴⁸

There is an impression that in some proceedings, courts act under a certain political pressure. Such situation took place last year in the case of the Minister of the Interior who pressed charges against NIN weekly because of the text “Chief phantom of Savamala”. The case was solved in the first instance to the benefit of the Minister after but one hearing scheduled four months after the claim had been filed; however, in the end, the Appellate Court modified the verdict and rejected the claim⁴⁹. It could be said that situation is similar with the case of lawsuit against the portal Peščanik and journalist and sociologist Vesna Pešić filed by the same minister. The first-instance court confirmed the charges, however, the defendants lodged an appeal and they now wait for the decision of the second-instance court. Such situations result in narrowing of freedom of speech and critical thinking⁵⁰.

Insufficiently harmonised court practices present a major issue. Even though it seems there are some improvements in this area, and judges started taking into consideration decisions of the European Court for Human Rights, this seems to be insufficient. The lawyer interviewed for this report said that the judges do not even revoke decisions of the ECHR, even though its decisions are in accordance with our Constitution, a part of our legal order.

“The court practice of this court is a living thing, it develops. We had most various kinds of proceedings in practice – from acting above ECHR standards, to acting below ECHR standards.”⁵¹

44 Ibid. p. 21 and 22.

45 Law on Public Information and Media, Article 112.

46 Higher Court in Belgrade, Report about the number of cases against journalists in relation to information published in the media in the period 01 September 2017 to 30 August 2018, September 2018. Accessed on: 08 September 2018.

47 Kruna Savović, lawyer, interviewed by Marija Vukasović on 31 August 2018.

48 Kruna Savović, lawyer, interviewed by Marija Vukasović on 31 August 2018.

49 Cenzolovka, “Appellate Court: NIN is not guilty, Stefanović should pay court fees”, Cenzolovka, 28 April 2017. Accessed on: 25 June 2018. <https://www.cenzolovka.rs/pritisci-i- napadi/apelacioni-sud-nin-nije-kriv-stefanovic-da-plati-troskove/>

50 Ilić Dejan, “Legal Wisdom”, Peščanik, 07 August 2018. Accessed on: 25 August 2018. <https://pescanik.net/pravnicka-pamet/>

51 Kruna Savović, lawyer, interviewed by Marija Vukasović on 31 August 2018.

It is important to note that although earlier there were cases when courts took decisions of the Press Council Complaints Commission into consideration, the court is not obliged to take into account decisions of the self-regulatory body. However, numerous lawyers file decisions of the Commission in cases where it established that the Code of Journalists had been violated.

As in the previous year, journalists had different opinions in relation to the impact of raised charges against them on their work. Some journalists believe that there is certain impact, while others believe that it does not have significant impact on work of journalists. Similar results were obtained in a survey conducted two years ago for the purpose of the first cycle of this research; 52.60% journalists said that pressed charges have impact on their work to an extent (negligible, partial, full and exceptional), while 25% believed that the possibility of having a charges filed did not have any impact on their work⁵². Here, the interviewed journalists stated another issue, being left on your own when in such position:

“I have several court cases against one media outlet, and my media never supported me or anyone else who had the same problem. People may say whatever they want about me, smear me and where can I repudiate this? I can organize a press conference, and who will report about it – no one. I could not possibly report about this in my media, so I am on my own”.⁵³

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

Political pluralism in media is guaranteed by laws, and in these terms there have been no legal modifications. Public broadcasting services are obliged to observe and stimulate pluralism of political, religious, and other ideas and ensure the public is informed about these ideas, rather than serve interests of individual political parties and other actors⁵⁴. There is also a prescribed obligation of the public service in the course of election campaigns to equally represent political parties, coalitions, and candidates for Republic, provincial, or local elections.⁵⁵ The Law on Electronic Media prescribes that all providers of media services are obliged

to observe the prohibition of political advertising outside election campaigns, and to ensure that during the election campaign all registered political parties, coalitions, and candidates are represented without discrimination⁵⁶. Also, the Law on Election of Members of National Parliament prescribes that during an election campaign media is obliged to represent all candidates independently and objectively⁵⁷.

REM is obliged to supervise the work of broadcasters in the Republic of Serbia⁵⁸ and to facilitate the mentioned observation of prohibition of political advertising outside election campaigns and representation without discrimination to all registered political parties in the course of an election campaign. On the other hand the Law on Electronic Media stipulates the obligation of the regulatory body to protect media pluralism and identify cases of violation of media pluralism⁵⁹. As already emphasized, laws prescribe that electronic media and public services are obliged to observe certain rules during election campaigns. The regulator passed the “Rulebook on the Obligations of Providers of Media Services during the Election Campaign” and is in charge of monitoring of the obligation to observe it. The Rulebook primarily stipulates the obligation to ensure representation without discrimination in the course of extending information on election activities, and prohibition of concealed broadcasting of election advertising within news or other programmes showing officials or prominent representatives of leaders on electoral lists or candidates.⁶⁰

Same as in the previous year, this year REM failed to perform monitoring of the election campaign for the Belgrade elections held on 4 March 2018, but only decided upon complaints. This year, monitoring was once again performed by different NGOs. The obligation of the regulator to perform monitoring of election campaigns is not prescribed in legal regulations. However, REM must monitor work of broadcasters, and must monitor election campaigns, especially in view of the fact that REM had been performing this until two years ago, and had published results of such monitoring. A media expert believes that REM “must monitor work of broadcasters and must act when they violate law, while the manner in which they would establish violation of law needs not be defined by law.”⁶¹

“Support RTV” movement reported another case related to work of REM. The list of complaints against broadcasters’ behaviour during the 2017 presidential elections which REM published on its website, does not have any of more

52 Independent Journalists’ Association of Serbia, Indicators on the level of media freedom and journalists’ safety, Serbia, Belgrade, 2016, p. 23 and 24. Accessed on: 25 June 2018. <http://safejournalists.net/wp-content/uploads/2016/12/Full-WB-Media-Freedom-Indicators-2016-ENG.pdf>

53 Journalist who wished to remain anonymous, interviewed by Marija Vukasović on 01 August 2018.

54 Law on Public Media Services. Article 7, para. 1, item 4.

55 Ibid. Article 7, para. 1, item 7 and 8.

56 Law on Electronic Media. Article 47, para. 1, item 5.

57 Law on the Election of Members of the Parliament. Article 50.

58 Articles of Association of the Republic Broadcasting Agency. Article 5, para. 1, item 6.

59 Law on Electronic Media. Article 103.

60 Rulebook on Obligations of Media Service Providers during Election Campaigns. Article 4, 8, and 10.

61 Rade Veljanovski, media expert, interviewed by Marija Vukasović on 01 June 2018.

than a hundred complaints against Radio Television of Vojvodina filed by citizens responding to the call to action by this movement.⁶²

Most journalists and experts said that it is very easy to establish which political party had how many minutes in the election campaign, and that it is clear to everyone why monitoring was not performed:

“Earlier, TV stations took account of minutes for political parties, how much attention is dedicated to them in election campaigns. Certainly, every party in power abuses time for election campaigns, so there are numerous state activities, and every government did the same. However, earlier, they took care this was done to an extent and minutes for party activities were approximate. Nowadays this is no longer regarded, if this were put on paper it would be devastating, so I guess this is why monitoring was not done.”⁶³

Last year, IJAS filed criminal charges against members of the REM Council for REM’s decision not to perform monitoring of the election campaign, due to reasonable doubt that they had committed a criminal offence of negligent work in office by failing to observe this obligation. The criminal charges from the First Basic Prosecutor’s Office in Belgrade were ceded to the Higher Public Prosecutor’s office, Section for fight against corruption. The proceedings are still pending.

It appears that media has not made any progress in comparison to the previous period in relation to representation of political parties and candidates, both in the period of election campaign and out of it. Same as in previous years, this year the candidates and the parties did not have a fair and equal access to media; all journalists and media experts who were interviewed for the purpose of this research agreed with this.

Transparency Serbia performed monitoring of local elections in Belgrade; among other matters, the monitoring included media monitoring of the campaign. The main findings show that the Belgrade elections campaign was mostly characterized by the campaign of leading city functionaries, partisan engagement of Serbia’s President, whose name the electoral list of his party was bearing, and domination of the party in media, primarily thanks to activities of Aleksandar Vučić⁶⁴.

In the newscasts of the five observed TV stations⁶⁵, reports on activities of Serbia’s President Aleksandar Vučić who is, at the same time, President of Serbian Progressive Party (SNS) and whose name was the name of the electoral list of candidates of the “progressives”, had the duration of almost 3,000 seconds. Adding to this the 2,500 seconds of reporting activities of members of the Government from the parties on the list “Aleksandar Vučić”, activities of city officials from SNS, and reports on the list “Aleksandar Vučić” in electoral blocks or within newscasts, we get 10,941 seconds of air-time, four times more than the air-time of all other 23 lists (had jointly (2,789 seconds, out of which the socialists got 461).⁶⁶

A.4 Is freedom of journalists’ work guaranteed in the law?

In Serbia, there is no licensing of journalists - even though there were motions to introduce it earlier, there were no such motions on the previous year.

This year, a trend of journalists and media being prohibited or not invited to attend certain events of public importance continued. This type of pressure has impact on journalists’ work as it limits the opportunity for them to do their job. In the observed period, IJAS database has recorded 13 cases of journalists being prohibited to attend work of some state bodies, mostly local bodies and officials. There were also cases when journalists were requested to leave public events and gatherings, like in the Vranje settlement of Raška, when a journalist and a cameraman from the portal Info Vranjske where attacked while doing their job, were attacked by a driver from “Vodovod” public enterprise who prohibited them to take recordings.⁶⁷ Cases of journalists from independent media outlets prone to criticism that were denied answers by the high-ranking officials were recorded. This, too is a form of violation of freedom of information in itself, having in mind that holders of public functions need to treat journalists in a responsible manner and without discrimination.

In Serbia, there are two large professional associations of journalists, Independent Journalists’ Association of Serbia and Journalists’ Association of Serbia. Among other, primarily regional associations, the Independent Association of journalists of Vojvodina, is the most active. As in previous years, the problem of inactive members remains. Pressures

62 Support RTV, “Support RTV Movement: Where are our complaints?” 21. April 2017. Accessed on: 26 June 2018. <https://podzirtv.wordpress.com/2017/04/21/pokret-podri-rtv-gde-su-nase-prijave/>

63 Journalist who wished to remain anonymous, interviewed by Marija Vukasović on 01 August 2018.

64 Transparency Serbia, *Monitoring of Local Elections in Belgrade, 2018 - Financing, State Bodies Actions, Officials’ Campaign and its Media Coverage, Belgrade, 2018*, p. 4. Accessed on: 26 June 2018. http://transparentnost.org.rs/images/dokumenti_uz_vesti/lzvestaj-o-izbornoj-kampanji-2018-Beograd.pdf

65 Central newscasts on five TV stations were observed (RTS, NI, Prva, Studio B, and Pink) in the course of two days of the campaign and one day of electoral silence (on 20 and 28 February, and on 2 March).

66 Transparency Serbia, *Monitoring of Local Elections in Belgrade, 2018 - Financing, State Bodies Actions, Officials’ Campaign and its Media Coverage, Belgrade, 2018*, p. 27. Accessed on: 26 June 2018.

67 Vranjske, “New attack on Info Vranjske”, Vranjske, 23 July 2018. Accessed on: 26 June 2018. <https://www.infovranjske.rs/info/nov-napad-na-info-vranjske>

are exerted on journalists' associations continuously and are mostly aimed against associations critical of representatives of authorities in situations of media freedoms violations. In opinion of an interviewed journalist, this is a natural process:

"You can't have associations fighting for media freedom without being under pressure. There are pressures, mostly labelling like 'those from IJAS and the opposition', pushing them into field of politics, continuously attempting to present associations as political opponents who do everything just because they are political opponents, and not because they handle facts."⁶⁸

One example of pressures against associations is the case of intimidation which took place in February 2018 when, in the course of the election campaign, posters were placed at the entrance of the House of Journalists where the headquarters of IJAS and JAS are located. In these posters, IJAS was presented as the "Unfortunate Association of Serbia's Enemies". This incident repeated twice more over a short period of time⁶⁹.

When it comes to trade unions, there were no major changes; poor trade union organization of journalists is still a problem and this was confirmed by the interviewed journalists. Effects of the trade unions work are not widely known. There is no branch collective agreement to protect employees in the media industry; however, one of the key problems related to securing collective agreements is the fact that there is no representative union of employers.

The survey conducted two years ago for the purpose of the baseline research indicated that two-thirds of the journalists (74.77%) did not belong to any trade union, but that they feel free to be members of a trade union⁷⁰. President of UGS Nezavisnost stated some reasons why journalists were not more numerous included in trade union membership:

"There are many of those who are positive that their promotion in career or employment may be aggravated rather than advanced by trade union activism, and that it is much better for their professional status and career if they are not members of either associations or trade unions. Also, the context in which things take place resulted in the fact that professional associations, and especially trade unions, do not have some kind of understanding that potential membership may help them in any significant manner. There is an awareness that this kind of influence is also diminished through pluralism of media associations

and trade unions, so there is no perception that this offer may be unified, while the image of trade union organisations is not particularly rosy and is deliberately darkened by authorities."⁷¹

Trade unions are exposed to different pressures. President of UGS Nezavisnost believes there are multiple pressures against trade unions:

"One form of pressure is the populist rhetoric and creation of the impression that the authorities will resolve the matter and that trade unions are not exceptionally important or needed, and they do this very successfully. Another form of pressure is that any kind of direct opposition engagement of trade-union trustees is to be prohibited; while the third form of pressure is a consequence of siding with the authorities, that is, the fact that a large number of people will accept anything just to get or keep their job. This form of apathy which is quite widespread among people resulted in people not expecting it to be any different soon, which has impact on trade unions; this form of pressure against trade unions is terribly intense and this limits trade union activity."⁷²

In Serbia there is the Press Council as an independent self-regulatory body. Since its establishment, this body has had positive results in its work. According to the Press Council latest report from January to December 2017 the number of complaints received was 95, which is less than in the previous year, when the Council received 126. Mediation resulted in agreement in 11 cases, while 24 complaints were rejected for formal reasons (mostly because the published content did not relate to the appellant). By the end of the year, the Complaints Commission decided on 65 complaints (including 3 from 2016), while the breach of the Journalists' Code of Ethics was established in 53 cases, with as many as 32 decisions in relation to media outlets which did not recognize Press Council's full authority and were thus publicly reprimanded. In 5 cases, the Commission decided that the Code was not violated, while members of the Commission could not agree in seven cases⁷³.

Monitoring of national daily papers in the period from 1 March to 30 November 2017 indicated that observance of the Code is at a low level; that papers with tabloid editorial policies are the leaders (Srpski telegraf, Alo, Kurir, Informer), while in the case of the Blic and Večernje novosti the number of violations is much lower. In the Politika and Danas, the number of violations is negligible as compared to other monitored media outlets. Monitoring recorded 5,292 texts

68 Dragan Janjić, editor-in-chief of Beta, interviewed by Marija Vukasović on 12 June 2018.

69 IJAS, Journalists' associations: "Find and punish those responsible for attack on IJAS"; IJAS, 06 February 2018. Accessed on: 26 June 2018. <http://nuns.rs/info/statements/34395/novinarska-udruzenja-pronaci-i-kazni-od-govome-za-napad-na-nuns.html>

70 Independent Journalists' Association of Serbia, Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2016, p. 23 and 24. Accessed on: 05 July 2017.

71 Zoran Stajčković, President of UGS Nezavisnost, interviewed by Marija Vukasović on 20 August 2018.

72 Zoran Stajčković, President of UGS Nezavisnost, interviewed by Marija Vukasović on 20 August 2018.

73 Press Council, Press Council Annual Report 2017, Work of the Complaints Committee. Accessed on: 26 June 2018. <http://www.savetzastampu.rs/english/reports/112/2018/07/09/1857/2017-press-council-annual-report.html>

which violated one or more articles of the Code. Same as with previous monitoring, most violations of the Code related to Chapter IV, primarily violation of the right to presumption of innocence and PR content represented as journalistic content, without a clear notification that this is advertising⁷⁴. The problem of this body is the lack of financial sustainability.

Pressures exerted on the Press Council are not direct, but are exerted in subtler ways and through different channels. An interviewed journalist and member of the Complaints Committee of the Press Council said that the tendency on part of authorities to transform this body into a regulatory body comprises a serious pressure on the Press Council:

“Pressure is what experts sitting in the first working group for development of the Media strategy proposed - introduction of a regulatory body for print media instead the existing self-regulatory body. I mention this as the most dramatic form of pressure, because they were not happy with this, so they threatened. They wanted to present it as something done because of those that breach the Code. Can you imagine that any authorities, not to mention these, are given the possibility to close media outlets, pronounce sanctions, and prohibit papers; I do not really believe that they will close those that breach the Code, but they will close those who are not to their liking.”⁷⁵

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

Protection of journalists’ sources is regulated by the Law on Public Information and Media⁷⁶ and Criminal code⁷⁷. Journalists are not obliged to reveal sources of information. This right may be limited only in case information relates to a criminal offence, i.e. perpetrator of a criminal offence for which the prescribed sentence is imprisonment over the period of at least five years.

In the previous year, there were no serious cases of journalists being requested to reveal their sources or being subjected to any sanctions for this reason. The interviewed journalists and experts agreed that this institute is generally respected. However, as before, they emphasized there is abuse of this institute. Media outlets, especially tabloids, increasingly quote anonymous sources and abuse this right. There are even some cases of publishing of informa-

tion which may jeopardize the very investigation in criminal proceedings. Beside this, presumption of innocence is violated in the media, as well as the right to privacy.

“Abuse of an anonymous source is a grave breach of the Code, and it is nowadays an everyday phenomenon in our country, and not in one media outlet, but this has become a pattern; media, outlets, i.e. journalists, defame someone, or say what they want, or publish some theory of theirs, and this is all from anonymous sources. As a rule, anonymous sources are an exception and statements obtained from anonymous sources need to be corroborated with evidence from at least two or three sources. We nowadays have something clear to anyone who ever had anything to do with journalism - when they open the papers, it is clear that anonymous sources are fabricated and that they are given for purpose either for some persecution or accusations, which is all abuse of anonymous sources. Here I would differentiate between the abuse and real implementation of the institution of protection of journalists’ sources.”⁷⁸

Nowadays journalists encounter yet another issue, the issue of absence of protection of sources in the case of surveillance of electronic communication. This is a major issue, because it questions the ability of journalists to ensure anonymity for their sources. The interviewed lawyer stated that surveillance technology is so developed that the initiative need not originate from the state and its bodies: “All this leads to the conclusion that journalists need to take all necessary measures of protection to prevent such surveillance of communication”. She added that “it is necessary to provide additional legal guarantees for this very important institute, which implies not only modification of the Law on Public Information and Media, but laws regulating secrecy of communication (primarily the Law on Electronic Communications) as well”⁷⁹.

This is one of the reasons why some of the interviewed journalists stated that they did not feel very safe when communicating with their sources. This year too, opinions of the interviewed journalists were divided in terms of freedom of communication with sources. Sources must feel safe, that journalists can ensure their anonymity, and if there is any doubt as to abuse, there is no such trust. The survey conducted two years ago indicated that as many as 63.96% of interviewed journalists stated that they keep in touch with their sources regularly or very frequently, while only 1.80% of them stated that they hardly ever maintain communication with their sources; 3.60% stated that they do this infrequently⁸⁰.

74 Press Council, *Respect of Ethical Code of Practice in Daily Print Media: Monitoring report*, Belgrade, 2017. Accessed on: 26 June 2018. <http://www.savetzastampu.rs/doc/monitoring-2017/izvestaj-o-monitoringu-postovanja-kodeksa-novinara-srbije-u-dnevnom-stampanim-medijima-mart-novembar-2017.pdf>

75 Petar Jeremić, *journalist*, interviewed by Marija Vukasović on 12 June 2018.

76 Law on Public Information and Media, Article 52.

77 Criminal Code, Article 38, 39, in relation to Article 41.

78 Petar Jeremić, *journalist*, interviewed by Marija Vukasović on 12 June 2018.

79 Kruna Savović, *lawyer, journalist*, interviewed by Marija Vukasović on 31 August 2018.

80 Independent Journalists’ Association of Serbia, *Indicators on the level of media freedom and journalists’ safety*, Serbia, Belgrade, 2016, p. 28. Accessed on: 26 June 2018.

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

The legal framework on access to information of public importance has not been changed in the previous year. This area is regulated in the Law on Free Access to Information of Public Importance which stipulates the independent and autonomous institution of the Commissioner for information of public importance and protection of personal data (hereinafter: Commissioner). The Law provides that the party requesting information must file a written request to the body from which such information is sought. If the body does not have the document which contains such requested information, the request is to be filed to the Commissioner, who will inform the requesting party who, in his knowledge, has such a document. If the body rejects or denies the request, the requesting party may file an appeal to the Commissioner. The other party may launch administrative proceedings against the decision of the Commissioner⁸¹.

In March 2018, Draft Law on Additions and Amendments to the Law on Free Access to Information of Public Importance was published and caused a lot of debate in public. The Draft was largely based on the document "Analysis of the implementation of the Law on Free Access to Information of Public Importance so far, with a particular emphasis on the following areas: privatization, public procurement, public expenditures, and donations from foreign countries". The analysis was conducted without the participation of the Commissioner, while according to the Commissioner, nobody knew about its existence; the Commissioner learned about it through one non-governmental organization which monitors implementation of the Action plan. According to the Commissioner, "the Analysis is a pamphlet in which activities of the Commissioner are analysed in an utterly malicious manner, without any grounds."⁸²

The Draft law provided certain solutions which could affect achievement of this right on part of citizens, including journalists. The Commissioner believes that the draft is not good, even though it has been clear for years that the Law, even though good by itself, need to be modified new things which need to be regulated emerged in the meantime, as they did not exist at the time when the Law was passed. The Commissioner, as well as professional public, emphasized as the major issue is the fact that the purpose of the new Draft Law is to exclude state-owned companies and companies operating in the market in accordance with regulations about enterprises where the state is a member or a stakeholder.

"It was proposed that companies with state capital are excluded from the Law. This is incredible. Law should be valid for all state-owned entities in the country; true, six bodies are excluded from the competence of the Commissioner (the President, National Parliament, Government, Supreme Court, Constitutional Court, and Republic Public Prosecutor's office), but not from Law. They have the same obligation by Law as any other body, it is only in the case of these six bodies that you may not appeal to the Commissioner, but you need to file a case to the court. And now someone proposes that Srbija Gas, Telekom, and other companies are excluded too. I believe I need not comment."⁸³

There are also issues in implementation of the existing legislation in this area, both in the legal framework and its implementation, the major being lack of decisiveness on part of the state to observe these laws and issue sanctions.

"No one sane can believe that a law, in its implementation, may relinquish sanctions. There needs to be a clear and real threat for those who violate law, they need to be faced with a clear picture that if they break law, if they deny the public its legitimate right in this case, they will face sanctions. Secondly, the state must support every law. There needs to be a clear understanding that you will not only be punished if you break law, but that the state will also find the manner to make you do what you failed to do. As for the punishments for violation of the law, the Commissioner is not competent, may not launch proceedings, as this is in the Ministry of state administration authority. This competence is implemented sporadically, selectively, and symbolically. Last year, there were several thousands of cases of law violation, while the Ministry launched but 11 misdemeanour proceedings. If I tell you that journalists and citizens, in the capacity of the damaged party, using their civil right to launch misdemeanour proceedings launched more than 400 proceedings, while the Ministry launched only 11, you will understand what this is all about."⁸⁴

Not much more was done in exercising of this right and transparency of institutions. As for the exercising of this right by journalists, the interviewed journalists agreed that it is increasingly exercised, but still not sufficiently. This primarily depends on the type of media outlet; thus, media pursuing investigative journalism are more likely to exercise this right, and file a large number of requests, while media outlets into everyday topics do not have time to wait for replies to such requests, and resort to them much more rarely.

⁸¹ *Law on Free Access to Information of Public Importance, Article 15-28.*

⁸² *Rodoljub Šabić, Commissioner for information of public importance and personal data protection, interviewed by Marija Vukasović on 07 June 2018.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

Transparency of institutions and replying to requests vary from institution to institution; however, not much progress has been made in this period compared to the previous one. While some institutions are more, and some less transparent, there are numerous cases of bodies not replying to requests at all, which is so called “administrative silence”. In the Commissioner’s Report for 2017 it is stated that the situation with law implementation in relation to actions and attitude of official bodies to citizens’ requests has not significantly improved in comparison to the previous year⁸⁵.

The Commissioner’s report confirms the conclusion that the large number of appeals filed to the Commissioner is the very indicator that this institute is not implemented properly. The Report states that the large number of appeals to the Commissioner is a confirmation that the right to free access to information of public importance is still largely exercised, but hardly without filing of an appeal and engagement of the Commissioner. In 2017, the total number of appeals was by 5.5% higher than in 2016, i.e. there was 3,680 appeals (in 2016, the Commissioner received 3,474 appeals), with “administrative silence” – a large number of requests are fully ignored by the state bodies or denied without any argument. This is proved by the data that out of 3,520 appeals solved in 2017, only 514 (or 14.6%) were filed against the decision or conclusion of a state body, while the remaining ones (85.4% or 3,006 appeals) were filed for inaction of bodies upon request or a negative, non-argued response. Out of 3,520 appeals solved by the Commissioner in 2017, 86.4% or 3,041 appeals were well-founded. Such a high percentage of well-founded citizen appeals illustrates inadequate attitude of state bodies to human rights best⁸⁶.

Same as in previous years, public companies presented the major issue, as stated by the Commissioner himself. He said that a large number of requests were filed in relation to information requested from public companies, and added:

“There were numerous fines pronounced by the Commissioner, at the amount of several million dinars; the fines were paid but, as a rule, the decisions were not enforced, while the Government did not want to secure enforcement. A lot of information that caused really serious doubt as to corruption or illicit financing of political parties remained out of reach. The fines the Commissioner pronounced were only symbolical, at the amount of 200,000 dinars maximum, which was easily paid, especially as they were paid from public money.”⁸⁷

The fact that the law is not observed by the Government of the Republic of Serbia is a reason for concern. Namely, in the case that the Commissioner cannot enforce its decision using available measures, he addresses the government which needs to ensure its enforcement. The Commissioner addressed the Government in 2017 43 times, while the Government failed to provide enforcement in all cases⁸⁸.

This all supports the idea of insufficient transparency of institutions, and proves that there was no progress in this area either. There are numerous ways in which institutions could alleviate this procedure and disburden the institute of the Commissioner, by publishing data on their internet pages and regular updating of such data; however, here it is primarily about the lack of will to do something like that.

The interviewed journalists and experts largely agreed that courts, same as other state bodies of the Government, ministries, and local self-government units are not sufficiently transparent. There are frequent situations that the transparency of an institution depends on who is its head. Sessions of state bodies at national and local level are still mostly closed for public, while communication with journalists is mostly conducted through press releases.

As in the previous year, the situation with the Parliament is somewhat better, due to broadcasts of parliamentary sessions. However, even here there are occasional problems in work of journalists, especially on local level. For instance, members of the Municipal assembly of the town of Valjevo were distracted by the sound of journalist’s typing on the keyboard. A member from Serbian Progressive party, in the course of his speech at the Assembly, requested that journalists from news portals, who were reporting directly from Assembly sessions using their laptop computers “stop typing”⁸⁹.

The survey conducted two years ago for the purpose of this research confirmed that institutions are not sufficiently transparent, while work of the Parliament is the most transparent of them. As many as 59,4% polled journalists stated that the Republic Government is little transparent (37.7%) or not transparent at all (21.7%); 37.8% journalists stated that courts are transparent to an extent while 21.6% said they are not transparent at all. The survey also indicated that 64.8% of the journalists stated that the Parliament is transparent to an extent (7.2%), largely (14.4%), or fully (43.2%).⁹⁰

85 Commissioner for Information of Information of Public Importance and Personal Data Protection, Report on Implementation of the Law on Free Access to Information of Public Importance for 2017, Belgrade, 2018, p. 7. Accessed on: 27 June 2018. <https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2017/LAT2017Godisnjilzvestaj.pdf>

86 Ibid. p. 7 and 8.

87 Rodoljub Šabić, Commissioner for Information of Information of Public Importance and Personal Data Protection, interviewed by Marija Vukasović on 07 June 2018.

88 Commissioner for Information of Information of Public Importance and Personal Data Protection, Report on Implementation of the Law on Free Access to Information of Public Importance for 2017, Belgrade, 2018, p. 5. Accessed on: 27.06.2018.

89 Savić Vujanac Slavica, “From a ban to persecution”, Vamedia, 23 July 2018. Accessed on: 27 June 2018. <http://www.vamedia.info/index.php/home/grad/7058-od-zabrane-rada-do-progona>

90 Independent Journalists’ Association of Serbia, Indicators on the level of media freedom and journalists’ safety, Serbia, Belgrade, 2016, p. 30. Accessed on: 27 June 2018.

B

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

Journalists and media professionals in Serbia still work in difficult conditions. Journalists' salaries are low, frequently paid irregularly, while their labour status is becoming less and less stable, due to an increasing number of journalists being engaged as part-time associates without full-time labour contracts. The situation is particularly difficult on the local level. There is no data on the number of journalists, of number of employees in the media or otherwise hired media associates, nor there is any data about their salaries. Many journalists pointed out that poor trade union organising and lack of collective agreements are big problems.

Private media in Serbia mostly do not have separate acts separating newsrooms from media owners, the internet portal Južne vesti being one of the media that has such act. The fact that the newsrooms i.e. the editorial policies are under great influence of the owner still presents a big problem. Similar problems exist in public media services, where editors are formally independent, although this is not so in practice. Neither private media nor public broadcasting services have separate codes of ethics. Pressures are being exerted on private media both internally, by media owners, and externally, as well as on public media services and, in particular, on non-profit media involved in investigative journalism.

Same as in previous years, there is no censorship in Serbia in its essential meaning, however, self-censorship is on the rise. Journalists resort to self-censorship first of all because of fear for their existence and the fear of losing their jobs, which is particularly evident in local media.

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

As in previous years, the position of journalists and other media professionals in Serbia remains poor, they work in extremely difficult conditions and have low salaries. The payments are frequently irregular, while there is an increasing tendency to hire journalists as part-time associates. This situation has been present in Serbian media for a quite a long time. The situation is particularly difficult in local media which, in addition to all these problems, suffer everyday pressures and have to find other ways to obtain the funds and survive⁹¹.

There is no precise data on the number of journalists that have signed labour contracts. Among other things this is the consequence of the fact that in Serbia there is no data on the number of employees or hired associates in the media, nor data about their salaries. Statistical Office of the Republic of Serbia holds the data regarding field of information and communication, however, it includes a number of fields with no separate data on employees in media industry.

The interviewed journalists and media experts agree that the position of journalists has been poor for quite a long time, pointing out that the reasons for this are low salaries in the first place, lack of collective agreements, poor organising within trade unions, the trade unions being weak and unable to sufficiently protect journalists' labour rights. The problem also lies in the fact that there is certain degradation of journalism as a profession.

“The responsibility of performing journalistic job is big, while the benefits are small. The salaries are insultingly low, however I have to say that certain so-called journalists have high incomes, while those trying to live normally by being professional or investigative journalists do not have the salaries and fees that can enable them to live normally. Unfortunately, many journalists who have proved to be professionals change sides. Unprofessional work of journalists has become a normal.”⁹²

There is an impression that the conditions in which journalists work are constantly deteriorating. This has also been shown in the above research “Control and Freedom of Media” in which eight aspects of journalists' work were compared at present time and five years ago. The research showed that on the average 34% of interviewees believe that the situation is worse today in all aspects, 8% believe that the situation is better, 23% believe that the situation is the same (24% providing no answer, while 11% do not know the answer). The worst comparison refers to the amount of salaries where 45% of the interviewees say that the situation is now worse, while only 11% see it as better, 30% believe that work conditions are now worse, while 11% believe that work conditions are now better than five years ago⁹³.

As for the amount of salaries, there is no precise data. Several researches conducted within previous several years showed that the salaries were low. In the survey conducted two years ago as a part of this research, the highest percentage of the interviewed journalists said that their salary amounted to between 300 and 400 EUR, as many as 22.52% (13.51% said their salary was between 200 and 300 EUR, while 16.22% of journalists were paid between 400 and 500 EUR per month⁹⁴). Another research showed that as many as 30% of the interviewees worked for the salary ranging between 20,000 and 30,000 dinars per month (160 to 250 EUR), 29% work for the salary between 30,000 and 40,000 dinars per month, while 19% earn between 40,000 and 50,000 dinars⁹⁵. According to the website Infoplate.rs, the average salary of a journalist as of 31 August 2018 amounted to 40,262 dinars⁹⁶. Therefore, a conclusion may be drawn that all the researches conducted show that the salaries earned by journalists are below the republic average.

According to the information received from the Radio Television of Serbia, the average salary of the employees in 2017 amounted to 49,886 dinars, while the average salary of journalists was 50,982 dinars⁹⁷.

91 Željko Bodrožić, journalist interviewed by Marija Vukosavić on 2 July 2018

92 Slobodan Arežina, journalist interviewed by Marija Vukosavić on 22 June 2018

93 Independent Journalists' Association of Serbia, *Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2016*, p. 12, 13. (Accessed on 28.06.2018)

94 Independent Journalists' Association of Serbia, *Summary of the report - Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2016*, p. 34 (Accessed on 28.06.2018)

95 Srećko Mihailović et al. *“From Journalists to Labourers, Precarious Work and Life”*, (Centre for Development of Syndicalism, 2016), p. 222, 223. (Accessed on 28.06.2018)

96 Website Infoplate on date 31.08.2018. Available at: <https://www.infoplate.rs/plata/novinarstvo-stamparstvo-i-mediji/novinar>

97 Radio Television of Serbia, *Letter to Radio Television of Serbia regarding salaries of its employees and journalists in 2017, July 2018*

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

Private media in Serbia do not have the adopted separate acts that would somehow ensure the newsroom independence from management and marketing departments. Also, regarding special rules on editorial independence from owners and managing bodies clearly separating the relations between owners, managers and newsrooms, the situation is the same as last year. There are almost no media outlets having such rules. One of the rare examples of media outlets which have a document separating the newsroom from the media owner is the Internet portal Južne vesti.⁹⁸ The fact that the newsrooms, namely the editorial policy are influenced by the owner to a great extent, still presents a big problem.

In cooperation with a legal office, IJAS drafted annexes to labour contract of journalists, editors and part-time associates which, when adopted, become an integral part of Labour Contract between the founder and journalists. The aim of the proposed annexes is to protect the professional status of journalists, and regulate the rights and obligations of journalists, editors, and owners of media outlets more effectively. The number of media outlets that have accepted to sign the annexes to the contracts remained the same – only 12 media outlets.

Private media outlets in Serbia have adopted the Journalists' Code of Ethics, passed by two associations – IJAS and JAS, and do not have own separate codes of ethics. The Association of Online Media adopted a separate document - The Online Media Association Code. This document presents a sort of an amendment to the Journalists' Code of Ethics and contains chapters closely related to work in an on-line newsroom.⁹⁹

Various pressures are being exerted on private media in Serbia, both by owners and in the form of external pressures. The phenomenon present for quite a long period of time is self-censorship. Media owners do not have to exert direct pressures, but, depending on a specific media outlet, its owner and its editorial policy, the very journalist knows what he/she may and may not write. If a journalist agrees to work for that media outlet, he/she agrees to respect these rules. Journalists accept such conditions and consent to these rules because of financial insecurity and fear of losing their jobs. The journalists interviewed have pointed out that nowadays the editors are

no longer the main guardian of the newsroom, but a part of the managing body or an extended hand of the owner. That is why editors in the newsrooms represent the interests of the owners and directors and not those of journalists, the editorial office, their readers or viewers¹⁰⁰.

Besides these internal pressures, external pressures are also exerted on private media to a great extent. Most of the journalists interviewed have emphasised that these are primarily financial pressures made by exercising control over budgetary funds flows, frequent pressures on advertisers, and recently also pressures made by exhausting the media through various inspections, particularly tax inspections. Last year was marked by the case of the local weekly Vranjske that was ultimately closed.¹⁰¹ The last case of administrative harassment of media outlets this year is the one against another independent media outlet in the south of Serbia, the Internet portal Južne vesti. The Južne vesti portal has been exposed to tax inspection for the last five years, but the last visit of tax inspectors lasted six months. In spite of the tax auditors being fully engaged, no irregularities were found. However, the auditors have issued an order requesting from the Južne vesti to pay almost a million dinars because its editor-in-chief is not an employee of that media and based on regulations not applicable to private media outlets. In its Decision, the tax authority refers to the Catalogue of Work Positions in PBS and Other Organisations in Public Sector, which defines the obligations of the editor-in-chief in public media. However, none of the laws envisage the obligation that the editor-in-chief should be employed in a media outlet. The portal Južne vesti has initiated a procedure before the Administrative Court, filing also a request with the Tax Administration for the payment to be postponed until judicial decision is passed. The request was rejected within a period of one day and a forced collection was initiated by the Ministry of Finance¹⁰².

B.3 What is the level of editorial independence of the journalists in PBS?

In Serbia, public media services, Radio Television of Serbia and Radio Television of Vojvodina have not, even within the last year, adopted their separate codes of ethics, the codes containing journalistic principles of reporting. Radio Televi-

⁹⁸ Independent Journalists' Association of Serbia, *Indicators on the level of media freedom and journalists' safety*, Serbia, Belgrade, 2017, p. 23. (Accessed on 28.06.2018)

⁹⁹ Association of Online Media, *Code of Association of Online Media*, Niš, 2017. (Accessed on 28.06.2018) Available at: <https://www.aom.rs/kodeks-asocijacije-on-lajn-medija/>

¹⁰⁰ Petar Jeremić, *journalist, interviewed by Marija Vukaso- vić on 12 June 2018*

¹⁰¹ After the Vranjske were exposed to tax inspections in September 2017, Vukašin Obradović, its founder, director and editor-in-chief went on a hunger strike and decided to close the paper due to unbearable political and financial pressures. In October of the same year Vranjske received the Tax Administration report stating that this weekly did not violate any laws, did not evade taxes and that there was no basis for instituting any type of criminal charges against this media outlet.

¹⁰² IJAS, "Stop administrative harassment of media", IJAS, 15 August 2018 (Accessed on 28.06.2018) Available at: <http://www.nuns.rs/info/news/37683/zaustavite-admini- strativno-uznemiravanje-medija.html>

sion of Serbia had a draft Code¹⁰³, but has never completed it.

The Articles of Association of public broadcasting services prescribe editorial independence, while the very Law on Public Media Services prescribes that public broadcasting services are based on the principles of the editorial policy independence and prohibition of any form of censorship and unlawful influence on the work of public media service, newsrooms and journalists.¹⁰⁴ However, what still presents a problem is the fact that editors are formally independent, although in practice this is not so.

Pressures on public broadcasting services are frequent and come from various sources. It often happens that public officials criticize in public the work of public media services, thus exerting the pressure. A journalist interviewed for the purpose of this research believes that the pressures on public broadcasting services have transformed into a direct influence:

“I think that maybe there are no more pressures but the contents is directly edited, there are requests as to where the information and which information should be published. These are not pressures any more, this is communication. The politisation of media was finalised, media outlets are participants of a political game.”¹⁰⁵

Other journalists believe that the situation is similar as in other media outlets, that there is no further necessity to tell journalists what they may and may not write about, as journalists themselves know what type of conduct is allowed.

“None of the decision makers call us directly, at least not to my knowledge. When your superior tells you that you may not air something in the news, or publish court notices disliked by the authorities, it is sufficient for you to know where the wind blows and how things stand.”¹⁰⁶

The case dating back to May 2016, when the Managing Board of Radio Television Vojvodina had, in the opinion of professional public, unlawfully dismissed Slobodan Arežina, the programme director and editor, is still ongoing¹⁰⁷. Slobodan Arežina, had filed charges immediately, while a legally binding decision was passed in 2017 with the Appellate Court ordering the RTV to reinstate Arežina to the position he was dismissed from on 4 May 2016. However, despite of the decision to reinstate Arežina to the position of programme director, there was no transfer of duties between him and the then director, so that the RTV had two programme directors at the same time. After that, in January 2018 he was again dismissed from the position of programme director, while in May 2018 the court cancelled once again the illegal decision of the Managing Board and issued the order to reinstate Arežina to that position. The proceedings upon the appeal are still ongoing. Slobodan Arežina emphasised that he has been doing all this in order to indicate to an absurd situation:

“The courts are on my side, the laws are on my side, while the politics does not allow it. This shows to which extent the politics influences both judicature and media. If the Appellate Court orders my reinstatement to the position of programme director, and it is not carried out, then the people employed in RTV are not doing this willingly, but someone has told them to do so. I want to show how far they are ready to go.”¹⁰⁸

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

Within the last several years, non-profit media in Serbia have become noticeable, operating first of all in the on-line sphere, these mostly being media outlets founded by civil society organisations. These media outlets are primarily involved in investigative journalism which is why they often suffer pressures. Non-profit media outlets mostly do not have their own separate codes of ethics.

This year as well, like in previous years, further pressures are being exerted on non-profit media. These pressures are exerted in various ways, they take forms of campaigns in media outlets, tabloids close to authorities, where journalists from critical non-profit media were labelled as foreign mercenaries and traitors. Negative campaigns are causing problems to these media in carrying out their work as people or institutions are frequently closed for communication

103 Independent Journalists' Association of Serbia, Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2017, p. 23. (Accessed on 28.06.2018)

104 Law on Public Media Services, Article 4

105 Slobodan Arežina, journalist interviewed by Marija Vukasović on 22 June 2018

106 A male/female journalist who wanted to remain anonymous, interviewed by Marija Vukasović on 1 August 2018

107 Following elections in 2016 and the change of government in Vojvodina, when instead of Democratic Party the power was taken by the coalition headed by the Serbian Progressive Party, the RT Vojvodina employees faced dismissals. The first to be dismissed by the Managing Board was the programme director Slobodan Arežina, followed by 7 editors.

108 Slobodan Arežina, journalist, interviewed by Marija Vukasović on 22 June 2018

with them. In the past year, frequent attacks by high-ranking officials and their parties, directed towards journalists of non-profit media meant, in some way, “drawing targets” on these journalists. This presents a serious pressure on the entire journalistic profession, jeopardising the safety and freedom of its members.

One of the noticeable examples within the past year is the case of Nenad Popović, Minister Without Portfolio, filing four lawsuits against the investigative portal KRIK. In each of the four lawsuits the Minister demanded a million-dollar compensation due to a breach of honour, reputation and dignity. The lawsuits were filed as a reaction to four articles published in November last year, stating almost the same information, based on the documents leaked within the international project “Paradise Papers”¹⁰⁹. Besides the fact that public officials, particularly ministers, have to face a higher degree of criticism and may use legal mechanisms such as the right of response or the right of rectification, the Minister has filed four lawsuits demanding a million dinars in each one, thus additionally exhausting this media outlet both through taxes and the expenses of providing answers to lawsuits. The proceedings are still ongoing.

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

Self-censorship presents a big problem in Serbia. The interviewed journalists and experts have agreed that nowadays there is no censorship in its essential meaning, but that self-censorship is present to a much greater extent. Journalists resort to self-censorship first of all because of fear for their existence and fear of losing their jobs, which is particularly evident in local media. The fact that, depending on the media outlet, journalists know in advance which direction the media follows and topics they may or may not report about i.e. they don't suffer direct pressures still presents a big problem.

During a survey conducted in the first year of research, the journalists were posed questions on various factors influencing their work, where 41.44% said that censorship had some kind of impact on their work (exceptionally, considerably, to an extent), while most journalists replied that censorship had no impact at all (38.74%) or that it hardly had any impact (18.2%) on their everyday work¹¹⁰.

Even when journalists venture to write on some topics, in some of these cases the editor would intervene, either by refusing to publish the article or by making certain changes to it. This was also shown by the research Control and Freedom of Media, where as many as 32% of the interviewees said they had faced a refusal to publish an already completed journalistic product¹¹¹.

Journalist's freedom to choose the news and the stories to work on, same as in previous years, depends on the media outlet the journalist works for. The interviewed journalists have agreed with this. The number of media outlets giving such freedom is small, while on the other side in most media outlets journalists know about which topics they may or may not write. The same research has shown that not a small percentage of journalists had personal experience referring to editorial influence on their work. According to this research, editors most frequently exercise their control in the course of planning journalistic activities. 47% of the interviewees have personally experienced a refusal of their proposal to report on a certain topic (44% have not experienced this), while the editors imposed upon 39% of the interviewees to write about the topic for which there was no professional justification (50% have not experienced this)¹¹².

Participation of journalists in coordination of editorial and newsroom practices (attendance of staff meetings or participation in allocation of journalists), also largely depends on the type of media outlet. A survey conducted two years ago for the purpose of this research showed that 62% of interviewed journalists said they attend staff meetings regularly or very frequently¹¹³. The same survey showed that editors had the greatest influence on journalists, as many as 76.58% had some influence on their work (exceptionally, considerably, to an extent), while managers (48.65%), as well as owners (42.34%), also have a significant influence.¹¹⁴

However, a research conducted within the past year shows that, most frequently, influences are made by authorities and political parties, followed by editorial offices, while least frequently influences are made by advertisers. The work of journalists is most strongly affected by executive authorities, 69% of the interviewed journalists faced at least one form of influence exerted by the authorities¹¹⁵.

109 Vojinović Milica, “Four court procedures against KRIK by Popović Minister”, KRIK, 23 April 2018. (Accessed on 28.06.2018) Available at: <https://www.krik.rs/cetiri-postupka-protiv-krik-po-tuzbama-ministra-popovica/>

110 Independent Journalists' Association of Serbia, Summary of the report - Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2016, p. 39. (Accessed on 28.06.2018)

111 Slavko Ćuruvija Foundation, Control and Freedom of Media, Belgrade, 2018, p. 8. (Accessed on 28.06.2018)

112 Ibid.

113 Independent Journalists' Association of Serbia, Summary of the report - Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2016, p. (Accessed on 28.06.2018)

114 Ibid. P. 38.

115 Slavko Ćuruvija Foundation, Control and Freedom of Media, Belgrade, 2018, p. 3. (Accessed on 28.06.2018)



In the period from 1 September 2017 until 31 August 2018, the Regional Platform for advocating media freedom and journalists' safety recorded 28 attacks on and threats to journalists and other media professionals in Serbia. The trend from the previous period has continued, verbal attacks and threats are prevailing, while the number of physical attacks is decreasing. There is a drastic increase in the number of the pressures recorded, which in 2017 was almost double as compared to 2016. In 2016, the number of pressures recorded was 33, while in 2017 there were as many as 62 pressures. In the first eight months of 2018, no less than 48 pressures were recorded. Journalists' associations are also exposed to pressures, attacks and intimidations.

Investigations of crimes against journalists are not conducted in a fast and efficient manner. Proceedings last for a very long time, with court epilogues being extremely rare. According to information available to IJAS, only one case was resolved by pronouncing a sentence. The number of unsolved cases is large. As many as 21 out of 28 cases are still being processed before a prosecutor's office or the police, while numerous cases have been stuck for several or even tens of years in the phase of preliminary proceedings. Three murders of journalists are yet unresolved, while preliminary proceedings are still being conducted in cases of murdered journalists Dada Vujašinović and Milan Pantić.

Although the Agreement on cooperation measures to raise security levels related to journalists' safety was signed by journalists' and media associations and the Ministry of the Interior and the Republic Public Prosecutor's Office, in the past year this did not contribute to efficiency in solving the cases and to advanced safety of journalists. The Agreement did, however, contribute to a better communication between the associations on one side and the Prosecutor's office and Ministry of the Interior on the other side. The established system

for reporting the cases made the reporting of attacks and threats easier, together with easier obtaining of information on the cases. However, this is still not enough to improve the safety and freedoms of journalists.

C.1 Safety and Impunity Statistics

According to the database on attacks against journalists kept by the Regional Platform for advocating media freedom and journalists' safety¹¹⁶, the total of 28 attacks were recorded in Serbia. The number of attacks is still large, while the epilogues of court proceedings and punishments of perpetrators are rare. The situation within the observed period is similar to the previous one, verbal attacks and threats are prevailing, while the number of physical attacks has decreased. The trend recorded and dating back to previous year is a considerable increase in the number of pressures on journalist.

TYPES OF CASES	1 September 2017 – 31 August 2018
Verbal threats	21
Physical attack	6
Attack against property	1
Total	28

The attacks prevailing in the observed period are verbal attacks and intimidations. In this period IJAS recorded 21 verbal attacks and threats to life and physical safety of journalists and their families. A half of the threats recorded, 11 out of 21, were made via social networks and the Internet. This year, same as in previous years, numerous insults and threats could be perceived, directed via the Internet to critically oriented journalists and media. It is devastating that, according to the data available to IJAS, some sort of sanction was imposed upon the perpetrator in only one out of 21 cases of recorded verbal attacks. The sanction imposed

was actually a security measure of compulsory psychiatric treatment including a restraining order¹¹⁷.

In January 2018, Dragan Janjic, editor-in-chief of Beta News Agency, faced serious threats after a Facebook page had published his photo and an article associated with Janjic in a negative context. Dragan Janjić received more than 300 comments containing various insults, but also direct death threats – "Take him to Kalemegdan and put a bullet into his head", 'Hang him at the Republic Square' and similar.¹¹⁸ The prosecution passed a decision to reject criminal charges for actions undertaken by administrator of "Facebook" page "Our country". Regarding other threats, the proceedings are still underway.

Several months prior to this, in September 2017, the Subotica based portal Magločistač detected, in the comments under the article published on their website, serious death threats saying that they will be "slaughtered like rabbits" and that they will be crushed by "boots on their tonsils". The reason for the threats was the article "We are all Employees of Goša Factory, While the Rulers Belong to Laban Family", published on September, 4. The article deals with the death threat made by Bogdan Laban, the Mayor of Subotica, against his political party colleague¹¹⁹. Not a significant progress was achieved in this case either, as the case is still underway at the prosecutor's office.

In the observed period, IJAS has recorded 6 physical attacks on journalists. The number of physical attacks has been decreasing during the past years compared to verbal attacks. The next group of attacks are attacks against journalists' property, with one such attack being recorded in the observed period. A laptop and three files containing documents referring to the investigation he was working on were stolen from the journalist's car. The case has not yet been solved, being still underway at the prosecution¹²⁰.

Journalist Danilo Mašojević and cameraman Vladeta Urošević, employed at TV Prva, were also physically attacked in April this year, upon arrival for a scheduled interview with the Mayor of Leskovac, They were attacked by an unknown man who first started yelling, threatening them at the same

¹¹⁷ A case of threats against Slavija Lekić, a journalist and President of IJAS, in October 2017 when Lekić's father received a phone call by an unidentified person. The question - "Do you know what kind of things your son is doing and writing about", was followed by numerous insults and also threats that "both Slavija and his father will be killed". He repeated several times that he will "erase them from the face of Earth".

¹¹⁸ Đurić Maja, "Series of threats to Dragan Janjić via social network, N1, 21 January 2018 (Accessed on 02.07.2018) Available at: <http://rs.n1info.com/a358385/Vesti/Vesti/Pretnje-Draganu-Janjicu.html>

¹¹⁹ Cenžolovka, "Threats to Magločistač: We will slaughter you like rabbits" Cenžolovka, 8 September 2018 (Accessed on 02.07.2018) Available at: <https://www.cenzolovka.rs/pritischnapadi/pretnje-maglocistacu-klacemo-vas-ko-zeceve/>

¹²⁰ Independent Journalists' Association of Serbia, *Chronicle of Attacks and Pressures against Journalists in 2017*, Belgrade, 2017, p. 11. (Accessed on 02.07.2018). Available at: <http://safejournalists.net/wp-content/uploads/2017/12/IJAS-Chronicle-of-Attacks-and-Pressures-against-Journalists-in-2017.pdf>

¹¹⁶ Regional Platform for Advocating Media Freedom and Journalists' Safety, *Database of attacks on journalists*. (Accessed on 01.09.2018). Available at: <http://safejournalists.net/rs/homepage/>

time, and then, seeing them take out their equipment from the car, the man beat up cameraman Urošević inflicting him minor head injuries.¹²¹ Another example of attacks against journalists back in September 2017, was an attack on TV Pink female journalists Gordana Uzelac and Mara Dragović who were attacked during the protest of the political party Dveri, while reporting on this protest in front of TV Pink.¹²² Court proceedings referring to this case are underway.

As already mentioned, pressures on journalists have considerably increased during the last two years. IJAS keeps a database on pressures on journalists¹²³, where in 2016 33 cases of pressures on journalists and media outlets were recorded, while in 2017 the number of pressures recorded was twice as much – 62. As many as 39 pressures were recorded in the first 8 months of 2018. These are various types of pressures, from direct pressures made as constant calling out and labelling of certain critically oriented media and journalists by high state officials, through rejecting to answer the questions of certain media and journalists, avoiding to invite these media to some events, harassment, to administrative pressures, exhausting the media by tax audits. All these types of pressures have been characteristic for the last several years. In the observed period there were two cases of administrative pressures on media, both of them pertaining to local, independent media – the portal Južne vesti and of Vranjske weekly.

The very fact that the number of verbal and physical attacks recorded is lower compared to the previous period does not mean that journalists feel safer and that they are safer while doing their jobs. The ways of jeopardising journalists' safety are different and subtler, as indicated by a great number of pressures being exerted on media outlets.

Three cases of journalists murdered in Serbia within the last 24 years have not yet been resolved, nor have the perpetrators been sanctioned: Radislava Dada Vujašević, Duga magazine journalist (1994), Slavko Ćuruvija, a journalist, editor-in-chief and the owner of the Dnevni telegraf (1999), and Milan Pantić, the Večernje novosti correspondent from Jagodina (2001). Court proceedings are underway for one of these cases (Ćuruvija), while the other two are at a pre-investigative stage.

Besides the pressures, attacks and intimidations are also exercised upon journalists' associations. In this field, the si-

tuation is the same as with media outlets and journalists, the attacks are targeted first of all against critically oriented associations. IJAS database recorded 9 such cases. During the observed period the attacks and threats continued towards the Independent Journalists' Association of Vojvodina and its management, from breaking its mailbox and tearing off their notices, to serious threats. This year, cases of intimidating IJAS was also recorded – the already mentioned February 2017 case when posters were being put over the doorways to premises, depicting IJAS as "Miserable Association of the Enemies of Serbia". This was repeated twice. The police reacted to each of the three situations, the outcome being that no elements of criminal offence have been found.

C.2 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. A positive outcome of the activities in the field of journalists' safety is signing of the already mentioned Agreement on cooperation measures to raise security levels related to journalists' safety. Based on the Agreement, a Standing Working Group comprising of authorized representatives of all signatories was established. The goal of the Agreement was to provide a more efficient protection of journalists, while all the signatories have appointed contact points and persons responsible for coordination. Using contact points journalists can communicate in case of attacks, in order to report the case and exchange the information.

Although the signing of this Agreement was envisaged by the Action plan for Chapter 23 Judiciary and basic rights, media outlets and journalists' associations hoped that this Agreement would contribute to creating a better situation in the field of journalists' safety and agreed that it is necessary to establish a new form of cooperation. However, from the very beginning there were numerous controversies in the work of the Standing Group and the implementation of the Agreement. In 2016 report, the representative of the Republic Public Prosecutor's Office assessed the signing of the Agreement as very positive, pointing out that there is a lot

121 Danas online, "Journalists of Prva Serbian television attacked", Danas online, 17 April 2018 (Accessed on 02.07.2018) Available at: <https://www.danas.rs/drustvo/napadnuti-novinari-prve-srpske-televizije/>

122 Cenzolovka, FoNet, Pink: Attacks against female journalists Gordana Uzelac and Mara Dragović, Cenzolovka, 16 September 2018 (Accessed on: 02.07.2018) Available at: <https://www.cenzolovka.rs/pritisci-i- napadi/pink- napad-na-novinarke-gordanu-uzelac-i-maru-dragovic/>

123 Independent Journalists' Association of Serbia, Database of attacks and pressures on journalists, (Accessed on: 01.09.2018) Available at: <http://www.bazenuns.rs/srpski/napadi-na-novinare>

of misunderstanding on all sides, as well as expectations of some representatives as to what the prosecutors office should and can do, emphasising that the implementation is going well in spite of certain difficulties¹²⁴.

However, after the May 2017 incidents during the inauguration ceremony of Aleksandar Vučić, the President of the Republic of Serbia, when six journalists were attacked and due to dissatisfaction with the implementation of the Agreement in general, some of the signatories froze their membership in the Standing Group. In November 2017, the First Basic Public Prosecutor's Office in Belgrade rendered a decision to reject criminal charges filed by the affected journalists, ordering the Ministry of the Interior to initiate misdemeanour proceedings against the violators. Without assessing the decision, IJAS, IJAV and ANEM froze their memberships in the Standing Group and requested an urgent meeting with the Republic Public Prosecutor Zagorka Dolovac. The associations found the prosecutor's office justification for rejection disputable. It stated that a lot more serious incidents and a "lynch" would have happened, including major body injuries of the participants, if these journalists had not been separated from the mass, and that the persons participating in this event "were decent, did not make any threats to anyone, and that they pleaded for no more provocations". Media Association and Association of Online Media have frozen their memberships in the group out of the same reasons.

After that, the Senior Public Prosecutor's Office in Belgrade accepted the objection filed by one of the injured parties returning the case to be reconsidered by the First Basic Public Prosecutor's Office. However, the First Basic Public Prosecutor's Office rejected criminal charges once again. In the meantime, several meetings of the Standing Working Group were held with the aim to unfreeze the statuses but, by the time of completion of this report, five organisations have not changed their positions.

The IJAS representative in the Standing Working Group is of the opinion that signing of the Agreement is a very important step, but that there are no specific results. He added that the authorities must do their job: "the Standing Working Group is not envisaged as a body that should be directly solving the cases, this must be done by competent authorities. We need to support and motivate the authorities, and to initiate and insist on speeding up the investigations"¹²⁵. He added that in practice, cases often remain unresolved and that signatories should find a way to stay within the Group and continue with cooperation. On the other side, some representatives believe that since the very beginning of the Standing Working Group operations there have been some mistakes, one of them being that

this model was created as a result of the pressure by European Union and not because of the increased awareness that a model should be established in order to contribute to efficient care of journalists' safety. He said that:

"The Standing Working Group work is based on the signatories' agreement and is not established within the system in any practical way with authorizations and responsibilities that are absolutely required when speaking about journalists' safety. I do not perceive as possible any step forward if we meet to talk about safety issues without an action plan established in the system, together with binding the signatories in a manner that would mean they will suffer serious consequences in case of non-observance of the Agreement."¹²⁶

In December 2015, the Republic Public Prosecutor's Office (RPPO) passed the Instruction on keeping separate records and, since January 2016, they have been keeping records of criminal offences committed against journalists. The same Instructions also envisage urgent actions in cases of attacks on journalists. Last year, the RPPO filed reports to journalists' and media associations on cases from its records giving information on the measures undertaken and current status of the cases. However, this practice has not been continued in 2018. Although the Ministry of the Interior is obliged to keep records and envisages urgent actions, in spite of certain indications that it will do so it still hasn't realised this yet. From time to time, the prosecution does provide information on certain cases, but like in previous years, this is not yet being done at a satisfactory level.

Considering some actions undertaken by the institutions in the course of last several years, it could be said that the state has recognised the problem of freedom and safety of journalists to a certain extent. This refers, first of all, to the mentioned Agreement, records keeping, envisaging urgent actions and other things. The problem of media freedom occupies an important place in the negotiations in Serbia's accession to EU, and in order to promote the right to information, an entire section was dedicated to it in the negotiation Action plan on Chapter 23. The entire process is being monitored and the Council for monitoring the Action plan issues reports on regular basis. As a part of its report "Commentary of Civil Society Organisations", IJAS produced an alternative analysis of five activity points from the Action plan regarding the safety of journalists. The Council for monitoring the Action plan for Chapter 23 stated in its report that three out of five activities had been accomplished successfully, while two activities are being implemented successfully. In its Analysis, IJAS established that only one of these activities was accomplished successfully, one of them was accomplished almost completely, while

¹²⁴ Independent Journalists' Association of Serbia, *Indicators on the level of media freedom and journalists' safety, Serbia, Belgrade, 2017*, p. 29. (Accessed on 03.07.2018)

¹²⁵ Dragan Janjić, editor-in-chief of Beta News Agency, interviewed by Marija Vukasović on 12 June 2018

¹²⁶ Veran Matić, interviewed by Marija Vukasović on 6 August 2018

three of them were implemented partially¹²⁷. A conclusion can be drawn that this did not contribute to improved safety of journalists. It is necessary that the entire society, both the officials and the citizens themselves, understand the importance of this profession, the role of journalists and the fact that journalists work in the interest of public:

“We have to be aware of the fact that an attack against a journalist is an attack against an individual, his/her own integrity, but that it is also an attack against freedom of public communication, an attack against the freedom itself, an attack against democracy, as journalists do not perform their jobs only for themselves. Naturally, they do care for their existence, but the information they gather serve not only to them but to public as well. Journalist do their research work in order to provide the public with information, as there can be no free citizens if they are not adequately informed on the events and occurrences.”¹²⁸

However, state officials are not sufficiently aware of this. They condemn attacks on journalists quite infrequently and when doing so, they do it selectively. In some cases even the highest state officials condemned the attacks, even paying visits to injured female journalists, as in the case of attack on TV Pink journalists, while on the other side the State Secretary for Information expressed doubts as to whether certain journalists actually received the threats they reported¹²⁹.

Serbia's state authorities still don't have separate documents with guidelines for the police and the military. The only document containing guidelines is the Instructions of the RPPPO for prosecutor's offices in terms of keeping records and envisaging urgent actions in cases of attacks against journalists. As already mentioned, the Ministry of the Interior should adopt a similar document. However, in spite of certain indications in favour of this, such document has not been issued.

The very fact of signing the Agreement contributed to improved cooperation between the associations, the RPPPO and the Ministry of the Interior. It also contributed to better communication between the associations on one and the RPPPO and the Ministry of the Interior on the other side. The established system for reporting the cases made it easier to report the cases of attacks and threats and obtain information about these cases. This relation has been destabilized by freezing the Standing Working Group, although the

contact points are still functioning. However, the fact that there is a large number of unsolved cases of attacks on journalists – a key issue of the Agreement - still presents a significant problem. This includes the cases that happened in the observed period: out of 28 cases only one case was solved by imposing some sort of sanction, while 21 cases are still underway at prosecution and the police. In three cases it was established that there were no elements of criminal offence subject to ex officio prosecution, while two cases are underway at the court. One case of threats was not reported to the police. There are still numerous unresolved cases that happened several years ago, such as the attempted assassination of Dejan Anastasijević in 2007 and attack on Davor Pašalić in 2014 and Ivan Ninić in 2015.

When speaking about surveillance of journalists' electronic communication there is no evidence of abuse i.e. no evidence of abuse of trailing, recording and secret surveillance. These measures are special evidentiary actions prescribed by the law that can be undertaken only if allowed by court¹³⁰. What remains as a problem is the fact that there is still no efficient control of the bodies involved in electronic surveillance, which is important for journalists who wants to protect their sources and anonymity. In the past year there were no cases of journalists reporting this problem. In this context, the only case that should be pointed out to is the case of the Crime and Corruption Reporting Network (KRIK) and its editor-in-chief Stevan Dojčinović, from March 2016 when KRIK started investigating the property of the then Prime Minister Aleksandar Vučić.¹³¹ Namely, Dojčinović filed a complaint to Ombudsman regarding the work of Security Information Agency (BIA) after the daily “Informer” had published numerous data on both of his private and professional life for which he had found out to had been submitted by the mentioned Agency.¹³² BIA was given 21 days to submit a response to the complaint to the Ombudsman, but this has not happened at the moment of closing this report.

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

The only institution dedicated to investigation, prosecution, protection and safety of journalists, as well as the issue of

127 Open Society Foundation, *Commentary of Civil Society Organisations, Freedom of Expression and Media Pluralism in the European Commission Country Report for Serbia 2017*, Belgrade, 2018, p. 25 and 26. (Accessed on 03.07.2018) Available at: <https://kazirazi.rs/wp-content/uploads/2018/06/komentar-organizacija-civilnog-drustva-izvestaj-ek-napredak.pdf>

128 Rade Veljanovski, media professional, interviewed by Marija Vukasović on 01 June 2018

129 Martinović Iva, “The State Secretary for media: Journalists should read the laws”, *Radio Slobodna Evropa*, 10 February 2018 (Accessed on 03.07.2018) Available at: <https://www.slobodnaevropa.org/a/intervju-aleksandar-gajovic/29032189.html>

130 Criminal Procedure Code. Articles 161 to 173.

131 When KRIK started its work on investigating the property of Aleksandar Vučić and his family, the tabloid *Informer* published the data which could not have been obtained other than by means of wiretapping, interception of electronic communication or surveillance. The tabloid staff knew what was going on, revealing the details from the KRIK newsroom on the whereabouts of Stevan Dojčinović and his encounters with some individuals.

132 Radivojević Jelena, “Protector of Citizens: BIA has three weeks to declare on the Dojčinović case”, 17 May 2018 (Accessed on 03.07.2018) Available at: <https://www.krik.rs/zastitnik-gradana-bia-ima-tri-nedelje-da-se-izjasni-o-dojcinovicevom-slucaju/>

impunity is the Commission on reviewing the facts related to the investigation of murdered journalists. Because of a firm belief that the Commission should not implement investigative activities, as this is the task of the state IJAS representative withdraw from the Commission soon after it was formed. In IJAS view, the Commission should deal with the issue of responsibility, namely the reasons why these cases remained unsolved for more than 20 years.

Last year the Commission made some steps forward in the case of murder of journalist Milan Pantić. Veran Matić, its President, had 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 investigative texts about crime and corruption in Jagodina and nearby parts of Serbia¹³³. However, from that moment on, the prosecution took no steps regarding the findings of the Commission, while the proceedings are still in pre-investigative stage.

“The facts that a lot of time has passed since this murder and that the investigation was performed inappropriately, require a stronger effort during the very investigation. The results of the activities of the Working Group that conducted the investigation speak in favour of additional efforts by the prosecution and the inclusion of the Prosecutor’s Office for Organised Crime into this process. I do not understand the reasons why the Prosecutor’s Office has not overtaken this case. The Working Group understands that an organised criminal group is involved in this murder and that the evidentiary process can be more efficient if the investigation is to be performed by Prosecutor’s Office for Organised Crime.”¹³⁴

In August 2018, the Government of Serbia made a decision to extend the competencies of the Commission to cases of murdered and missing journalists in Kosovo and Metohija from 1998 – 2001, as well as to journalists murdered in SFRY from 1991-1995. As stated by Veran Matić the decision was rendered in order to continue the fight against impunity in cases of murdered journalists through coordination of activities and cooperation with similar institutions in the region:

“The decision to extend the terms of reference of the Commission pertains to extending the opportunities to cooperate with our colleagues in the regions of former Yugoslavia in investigating the murders of all our colleagues from these regions. The Commission is not entitled to conduct investigations in these regions. However, this will help to make the data and knowledge existing in our institutions, on all murdered journalists, both from Serbia

and from other countries available.”¹³⁵

Serbia has no separate procedures for protection of women from the attacks and the same applies to female journalists.

The state still does not have sufficient sources, primarily human resources, for investigations of threats and acts of violence against journalists. One of the main indicators is that proceedings take very long time, the prosecutor’s offices have a large number cases to deal with, investigations bear no results, both in cases of attacks and threats against journalists, and in cases of murdered journalists.

As envisaged by the law, the police may undertake appropriate protection measures if a person is endangered. There are examples in Serbia of police protection provided to journalists. However, the problem still remains that such protection takes very long time, while little is done to eliminate its causes. There were several such cases recently, the most drastic being the case of Vladimir Mitrić, the Večernje novosti journalist from Loznica, who has been under police protection for more than 12 years.

IJAS has requested from the Ministry of the Interior to provide the data on the number of journalists under police protection, but the Ministry said that such data was not in their possession. It added that the submission of a document containing such information would lead to speculations and guesses in the public as to which journalists are under police protection, thus possibly jeopardising their safety.

In general, the investigations of crimes against journalists are not conducted in a speedy and efficient manner, although the RPPO have rendered the Instructions envisaging urgent acting. There are examples of some cases that were resolved in a fast manner, together with adequate reactions of prosecution and the police. However, it seems that these cases are rare and that majority of attacks and threats against journalists take very long time, with some cases never being closed. Often several years pass with no sanctions being imposed upon the perpetrators.

“In some cases we have very efficient reactions, while in other cases, which mainly include some kind of political interest, there is none - and, to make things worse, those are the majority. On one side we have an inefficient system, a lack of the sense of importance and specifics in the fields of prosecution, police, and in matter of court decisions. Verdicts are mainly at the lowest penalty level predicted or even below that level, instead of being close to a maximum penalty or even more than that, as the role of journalist is defined as that of particular significance.”¹³⁶

¹³³ Danas, “Murder of journalist Milan Pantić investigated”, Danas, 08 June 2017 (Accessed on 04.07.2018). Available at: http://www.danas.rs/drustvo.55.html?news_id=347954&title=Rasvetljeno+ubistvo+novinara+Milana+Panti%C4%87a

¹³⁴ Veran Matić, interviewed by Marija Vukasović on 6 August 2018

¹³⁵ Ibid.

¹³⁶ Veran Matić, interviewed by Marija Vukasović on 6 August 2018

The best example illustrating this is a large number of unresolved cases. In the observed period out of 28 cases, 21 are still unresolved. On the other side, this presenting still more of a problem, there are numerous cases lasting for several, even tens of years, with the proceedings still being in a pre-investigative stage. Besides the examples mentioned (Anastasijević, Pašalić and Ninić) there is a case of secret recording of Predrag Blagojević in the centre of Niš: more than a year has passed since he was being followed and recorded, with no progress in this case which is still underway before the prosecution. The same refers to the case of breaking into the home of the journalist Dragana Pećo.

The conducted research Analysis of the efficiency of criminal and legal protection of journalists in Serbia also showed that there are doubts referring to efficiency of the institutions and mechanisms in the field of journalists' safety. Namely, the research states that: "almost all relevant actors, (who participated in this research), believe that there are adequate institutions and mechanisms regulating the issue of journalists' safety, however expressing serious doubts as to their efficiency and willingness to fulfil their duties and carry out their competences in line with the law"¹³⁷.

The research also states that the number of cases resolved before the court, for criminal offence of Jeopardising the Safety, is very small as compared to the number of the cases reported. It is specified that this is partly because the prosecution and the court have a (confirmed) position that a qualified threat represents a serious threat that may actually be carried out (not specified in the form of a conditional, indirectly etc.), and that makes the journalist as an injured party feel endangered. However, one of the conclusions given is that having in mind this opinion, the prosecutors may be given "a strong alibi" to automatically drop criminal charges, even in situations when the threat is objective and may be realised and when, as a consequence, a journalist is jeopardized to a high degree¹³⁸.

Another indicator of insufficient efficiency of prosecution bodies refers to three unresolved cases of murdered journalists. The cases of murders of journalists Dada Vujasić and Milan Pantić, which are still in a pre-investigative stage, have already been mentioned in this Report. In case of a court trial conducted based on the murder of Slavko Ćuruvija, there are justified fears that only the perpetrators and not the ordering parties will be found.

As for the trainings in police, prosecution, judiciary and for legal practitioners regarding protection of freedom of speech and journalists, no significant progress has been made. Gatherings organised within the previous period

led to no improvement and have proven to be insufficient to help people understand the position of journalists and the problems they are facing in their work. Trainings have also been envisaged by the Action plan for Chapter 23 and were supposed to start in the beginning of 2016. The Agreement on cooperation measures to raise security levels related to journalists' safety envisages training for members of prosecution and police with an aim to enable better understanding of the specific area and more efficient acting on part of competent bodies in cases of jeopardising 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 journalist and media owners on the basics of security of Internet news portals. However, these trainings have not yet been implemented.

¹³⁷ Organisation for Security and Co-operation in Europe, Mission to Serbia, Analysis of Legal of Criminal Justice Protection of journalists in Serbia, Belgrade, 2018, p. 100. (Accessed on 04.07.2018)

¹³⁸ Ibid. p. 101.

Recommendations

Given the general opinion that, although there is room for improvement, the media laws are not bad, a political atmosphere and conditions that would ensure that laws are implemented must be created in the society. Realisation of the following recommendations can contribute to higher level of media freedom in Serbia:

- Advancing the work of Regulatory Body for Electronic Media (REM) and positioning of it as an independent “guardian” of media pluralism in the electronic media market by:
 - Ensuring its greater financial independence through reduction of political influence and increased transparency in establishing of its Financial Plan;
 - Ensuring greater independence of the REM Council members through changes of the authorised proposers for their selection that would, primarily, exclude political and state bodies and determine clear criteria for the election;
 - Separating the independent regulator by making it clear that it is a separate (fourth) branch of government, controlled by the judiciary;
 - Making the role of REM in the pre-election campaign more precise;
 - Increasing transparency and accountability of REM towards citizens, expanding communication channels, and arrange the existing ones so its activities are clear to an average citizen.

- Adoption of changes to the laws and by-laws related to project co-financing of media content of public interest by:
 - Introducing the obligatory opening of calls for proposals (competitions) and impose sanctions in case of non-compliance;

- Introducing a mandatory needs analysis regarding media content;
 - Setting clear criteria for the selection of members of expert commissions and improve the work of commissions;
 - Precisely establishing that the public authority has no right to change the expert commission's proposals regarding distribution of funds;
 - Improving the control mechanism regarding implementation of provisions and establishing an effective legal remedy in this field;
 - Evaluating of projects that have been implemented.
- Regulate the field of advertising of state authorities and other duty holders legally, thus establishing accountability, control of fund distribution and increasing transparency. The system of public procurement of media services must be improved.
 - Providing a greater editorial independence and institutional autonomy of the public media services by:
 - Establishing a more stable way of financing public media services through subscription fees as a dominant source of funding;
 - Modifying the composition of the public media service Program Councils, the way their members are selected, their role and competencies, thus ensuring a more efficient supervision over public media services, greater independence of Program Councils and reduced influence over them.
 - Strengthening the transparency of the public services and their responsibility to the public whose interests they should represent and, in particular, establishing a permanent communication services for citizens.
 - Harmonisation of case law in proceedings against journalists in relation to publication of information in the media, with the practice of the European Court of Human Rights; trainings and workshops for judges should be organised.
 - Improving the legal framework related to the access to information of public importance by amending the existing law. This should be done by extension of the subjects to which the law applies, and not through narrowing it, as foreseen by the Draft Law on Amendments and Supplements to the Law on Free Access to Information of Public Importance. Additionally, the issue of liability and sanction in the case violations of the Law should be regulated. The need for greater transparency of institutions must be ensured; the institutions must make certain information available to the public, primarily by publishing them on their websites.
 - Establishing a better legal employment status of journalists in order to improve their economic and social status. The role and position of the trade unions must be strengthened and conditions for establishment of social dialogue created. Branch collective agreement must be signed. The efficiency of the labour inspection in cases where the rights of journalists are violated must be improving, not used exert pressure on the media.
 - The independence of newsrooms and journalists from the media owners must be ensured by introducing special rules on editorial independence. The possibility of signing an employment contract annex that defines professional rights and obligations of journalists and editors should be considered as it would protect their professional status more effectively.
 - Increasing and encouraging compliance with professional standards. Adoption of in-house, specific code of ethics in line with the Journalist's Code of Ethics in each media should be considered.
 - Creating an atmosphere in a society where citizens and, above all, public officials understand the role of journalists in society, and that attacks and pressures on journalists are attacks on democracy. Also, it is necessary that the highest public officials condemn all types of violence against journalists publicly, indiscriminately and unequivocally.
 - Improving cooperation between institutions and representatives of journalists and media associations through the existing mechanism established by signing the Agreement on co-operation measures to raise security levels related to journalists' safety, and re-establishing and improving the work of the Standing Working Group established within the framework of the Agreement. It should be done by adopting internal acts thus ensuring a full and effective implementation of the Agreement in all its points.
 - Ensuring that the competent institutions act in accordance with a binding instruction that provides for urgent action in cases of attacks on journalists and initiate swift and effective investigations. By doing so, they will send a message to the society that the perpetrators of violence against journalists and those who ordered it will be effectively brought to justice.
 - Conducting training for prosecutors and police officers in order to ensure a better understanding of the specific issues related to safety of journalists and more effective treatment by the competent authorities in cases of endangering journalists' safety. Complementary to this, organisation of the training of journalists in terms of their right to criminal legal protection and their obligations regarding criminal proceedings.

List of interviewees

Name and surname	Position/organisation	Interview date
Dragana Pećo	Journalist of a non for profit media	May 31, 2018
Rade Veljanovski	Faculty of Political Sciences professor	June 1, 2018
Maja Divac	Journalist and media expert	June 6, 2018
Rodoljub Šabić	Commissioner for Information of Information of Public Importance and Personal Data Protection	June 7, 2018
(anonymous)	Journalist of a weekly	June 09, 2018
Dragan Janjić	Editor of a news agency	June 12, 2018
Petar Jeremić	Journalist	June 12, 2018
Tanja Maksić	Media expert	June 18, 2018
Dalila Ljubičić	Media expert	June 19, 2018
Jovanka Matić	Research Associate, Institute of Social Sciences	June 19, 018
Slobodan Arežina	Journalist in the public media service	June 22, 2018
Željko Bodrožić	Editor in local weekly	July 2, 2018
Milan Šarić	Journalist of TV channel	July 27, 2018
(anonymous)	Journalist	August 1, 2018
Kruna Savović	Lawyer	August 1, 2018
Veran Matić	President of the Commission for Investigating Murders of Journalists	August 6, 2018

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