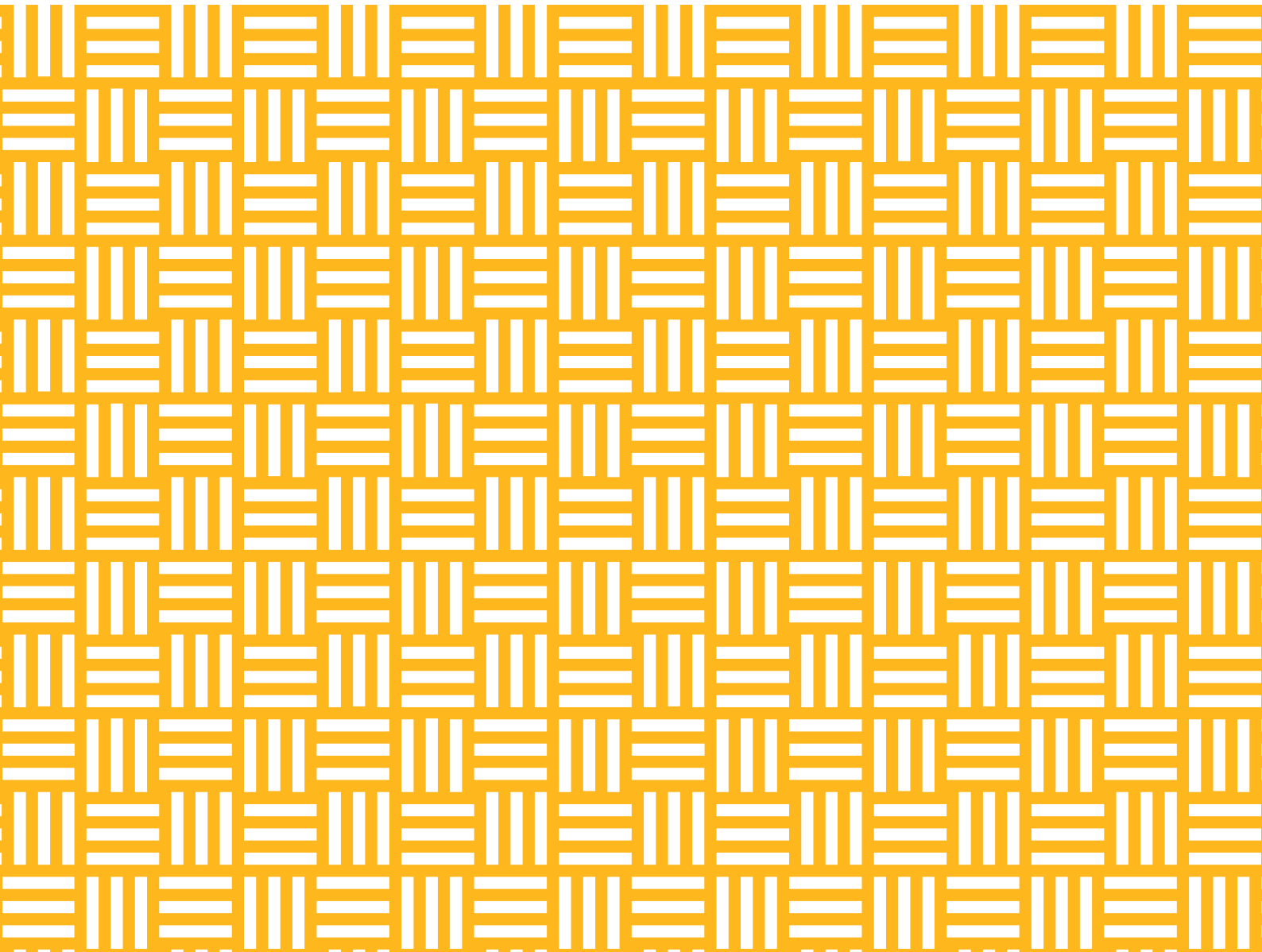




Regionalna platforma Zapadnog Balkana za zastupanje
sloboda medija i bezbednosti novinara
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

SERBIA

Indicators on the level of media freedom and journalists' safety 2019



SERBIA
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the level of
media freedom
and journalists'
safety 2019

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PROJECT OVERVIEW

Journalists' associations from five Western Balkans countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo* and Serbia), with the support of the European Commission¹, joined their efforts in 2016 to monitor and advance the level of media freedom and journalists' safety in their countries creating thus the Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety. On the basis of a common research methodology developed specifically for that purpose, each year these organisations collect data, assess the newest developments and engage in advocacy activities to change the political, legislative and institutional environment in which the journalists and media work.

The achieved results in the first three-year cycle demonstrated that the journalists' associations of the region can play a decisive role in their push for greater media freedom. This achievement has been recognised by the European Commission as a crucial step towards overall democratisation of the Balkan societies, which resulted with its decision to continue the support of the Regional Platform in the following years.² This narrative report has been produced within the framework of the fourth regional assessment of the level of media freedom and journalists' safety in the Western Balkans, carried out in 2019³.

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- ¹ *Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety is a project financed by the European Commission as a part of the program of support for civil society and the media 2014-2015, Support for regional topical networks of civil society organizations.*
 - ² *The European Commission approved the new three-year project Safejournalists.net with the contract IPA/2019/414-122*
 - ³ *The assessment of the level of media freedom and safety of journalists in the Western Balkans 2019 was financially supported by the European Endowment for Democracy.*

* *This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence*

METHODOLOGICAL NOTE

The research methodology⁴ is composed of three groups of indicators structured on the basis of a systematic analysis of various guidelines produced by relevant international organizations⁵. In the course of the past four years the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in the five countries.

A range of various research methods were applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies and other documents;
- Qualitative analysis of legal documents;
- Collection and analysis of information published on the web sites of public institutions and other organizations and bodies;
- Collection and analysis of press releases, announcements and other information produced by professional organisations;
- Secondary data gathered by journalists' associations;
- In-depth-interviews with experts, journalists and policy makers;
- Focus groups with journalists.

At national level, journalists' associations nominated national researchers to carry out the data collection and to author the narrative reports which were then reviewed by at least two national peer- reviewers, by the lead researcher.

The three groups of indicators that were in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

Table of indicators

A. Legal protection	B. Position of journalists in newsrooms	C. Safety of journalists
A.1 Legal guarantees for media freedom and their implementation in practice	B.1 Economic restrictions on journalists' work	C.1 Statistics on the attacks on journalists and impunity
A.2 The effect of defamation laws on journalists	B.2 Independence from media owners and managers	C.2 State institutions' and political actors' behaviour concerning journalists' protection
A.3 Protection of political pluralism in the media	B.3 Independence of the journalists in the public broadcaster	C.3 Judicial system's efficiency concerning journalists' protection
A.4 Freedom of work and association of journalists	B.4 Independence of journalists in the non-profit sector	
A.5 Protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Right to access information	B.6 Position of women in journalism	

4 The fourth customized edition of the research methodology was developed by the head researcher Snezana Tpevska and Igor Micevski, a scientific associate at the Research Institute for Social Development RESIS in Skopje, North Macedonia.

5 The following documents were taken into consideration in developing the specific research approach for the countries of the Western Balkans: Council of Europe: Indicators for Media in a Democracy; UNESCO: Media Development Indicators (MDI) and Journalists' Safety Indicators: National level; USAID - IREX: Media Sustainability Index; Freedom House: Freedom of the Press Survey; BBC World Service Trust: African Media Development Initiative; Committee to Protect Journalists: Violence Against Journalists; Reporters Without Borders: World Press Freedom Index.



The Republic of Serbia is a sovereign state with an established parliamentary system and, as stated in its highest legal act - the Constitution, it is the state of Serbian people and all citizens living in it, based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms and commitment to European principles and values. According to a 2011 census, national minorities account for 13% of the population of the Republic of Serbia with the Hungarians, Roma and Bosniaks¹ making up the majority of those minorities in Serbia. According to the Democracy Index 2019 of the British Economist Intelligence Unit, Serbia dropped five places last year and still falls in the category of Flawed Democracy². One of the biggest problems is corruption – a recent survey of perception of corruption for 2019 showed that the respondents believe that corruption is wide-spread but 86 % said they would not report it while 84 % believe that corruption affects Serbian society as a whole to a great extent³.

The political scene in Serbia is not helping improve media freedom. It has been deteriorating for a number of years as confirmed by various local and international reports. The atmosphere has been created in society that wherever journalists appear they are considered political rivals, instead of controllers of the public interest. Journalists are di-

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- ¹ Ministry of State Administration and Local Administration, Minority Policies, accessed: 24.09.2019. <http://mduls.gov.rs/ljudska-i-manjinska-prava/manjinske-politike/?script=lat>
 - ² NI/Beta, Economist Intelligence Unit Democracy Index: Serbia falls five places in 2019, 22 January 2020, accessed: 24.09.2019. <http://rs.n1info.com/Vesti/a562980/Indeks-demokratije-Ekonomista-Srbija-pala-za-pet-mesta-tokom-2019.html>
 - ³ BBC News in Serbian, Corruption in Serbia: You can't fix the system if you need something 16 December 2019 accessed: 24.09.2019. <https://www.danas.rs/bbc-news-serbian/korupcija-u-srbiji-ne-mozes-da-ispravijas-sistem-ako-ti-nesto-treba/>

vided into those close to the opposition and to the authorities. Politicians and high-ranking state officials target journalists and the media in a variety of ways and they are attacked in top institutions such as the National Assembly.

The economic situation in Serbia is generally bad which is reflected in the media and journalism. Although the authorities try to present an image of economic progress in public, the reality is different. That is especially evident in journalism where economic and social conditions are increasingly bad and salaries low. The situation is getting worse from year to year. A lot of the media which are independent and operate in line with professional standards are having a hard time surviving on the media market and some have shut down.

A large number of media are registered in Serbia in the registry managed by the Serbian Business Registers Agency and their number is rising every year. However, research by the Journalists' Association of Serbia in 2019 showed that of the total of around 2,200 reg-

istered media, 514 were closed while 1,518 were active (59 were temporarily inactive and 58 media outlets went bankrupt or are in winding-up proceedings). According to that research, of the 514 closed media, 240 were print media, 148 portals and 120 electronic media (half of those were radio stations and the other half TV stations). Two news agencies were also shut down along with four media which are listed in the Registry in the category other⁴. There are two public broadcasters in Serbia, Radio Television of Serbia and Radio Television of Vojvodina. There are no official data on the number of journalists in Serbia or the number of people employed in the media industry. The two biggest national associations of journalists in Serbia are the Journalists' Association of Serbia and the Independent Journalists' Association of Serbia and besides them the regional Independent Society of Journalists of Vojvodina is also active. The unions are weak and very few media have unions so the associations deal with union activities as well. There is no solidarity among journalists and that is one of the biggest problems.

⁴ S. Dimitrijevic, *Almost a fourth of media in Media Registry shut down*, JAS, 29 July 2019. accessed: 24.09.2019. <http://www.uns.org.rs/sr/desk/UNS-news/83769/skoro-cetvrtina-medija-upisanih-u-registar-medija-ugaseni.html>

A1 Legal guarantees for media freedom and their implementation in practice

Freedom of the media and freedom of expression are guaranteed by the Constitution of the Republic of Serbia and its media laws⁵. There are no legal limitations covering the Internet whereas the laws regulate various aspects of Internet content, primarily protection of the right to privacy, hate speech and copyright. For a number of years, it has been pointed out that those laws are not bad but the problem was their implementation and the lack of political will to implement them. Law experts believe⁶ that in practice the media laws have proved to be susceptible to abuse, are full of loopholes allowing whoever wants to abuse them to do so very easily. According to the latest report from Reporters Without Borders, Serbia dropped 14 places in 2019 and is now classified as unsafe⁷. Also the latest European Commission Progress Report said that Serbia has made no progress in the field of freedom of expression⁸.

5 *Law on Public Information and Media, Law on Electronic Media, Law on Public Service Broadcasting*

6 *Veljko Milic, lawyer, interviewed by Marija Babic, 24 October 2019*

7 *Reporters Without Borders, World Press Freedom Index, Paris, 2019. accessed: 26.9.2019. <https://rsf.org/en/serbia>*

8 *European Commission, Republic of Serbia, Report for 2019, Brussels 2019, page 27. accessed: 26.9.2019. http://safejournalists.net/wp-content/uploads/2019/08/20190529-serbia-report_SR_-_REVIDIRANO.pdf*

Despite the participation of media and journalist associations, the process of drafting and adopting media laws was somewhat transparent⁹ in 2014. The laws themselves are good and in harmony with European Union standards but their implementation was incomplete and inconsistent and showed certain shortcomings. That caused IJAS (Independent Journalists' Association of Serbia) to start drafting amendments in 2017 to improve them¹⁰. Announcements of amendments to the laws also came from the Serbian Government whose plan was to introduce them after adopting the Strategy to Develop the Public Information System of the Republic of Serbia for the 2020-2025 period (Media Strategy).

The process of drafting the new Media Strategy started in 2017 and was characterized by a large number of difficulties. The biggest journalist and media associations managed to win the right to have their representatives in the working group but they left after disagreements over the concept of work. The draft Media Strategy was completed despite that but was withdrawn¹¹ under public pressure. A new working group was formed and it included a large number of representatives of journalist and media associations. Some parts of an earlier draft that those associations insisted on were removed or changed in the final draft of the strategy which was submitted to the European Commission in May.

Following public pressure and with the explanation that such a draft was sent to Brussels by mistake, the Government withdrew the draft and agreed to work on the final version with those associations. That version was sent to the European Commission in October. In December 2019, the relevant ministries delivered their opinions of the new draft strategy along with the comments of the European Commission and it was announced to be harmonised and adopted by the Government¹².

There have been no attempts by state bodies to license print or online media, nor have there been other demands of that kind. Media have to follow certain regulations¹³ when being set up. Every media outlet has to have a publisher who can be a natural or legal person and each media outlet has to publish background information about itself in the form of an imprint, abbreviated imprint, i.e. identification. Media do not have to be registered with the Media Registry managed by the Serbian Business Registers Agency but in that case they cannot apply for co-financing for projects of public significance nor can they receive state aid in any other manner. No separate rules have been envisaged for online media.

According to the Share Foundation data, only seven cases of blocking or limiting Internet content¹⁴ were registered in 2019 such as removing videos from Youtube, blocking accounts on social media. There is no evidence to show that those limitations came from the state or state bodies.

Experts feel that the Regulatory Authority for Electronic Media (REM) is not doing its job independently and transparently and the biggest problem is the fact that the Rem Council¹⁵ has not been complete since 2015. The Parliamentary Culture and Information Committee decided in November 2019, following a lot of criticism, to launch the procedure to nominate candidates for the REM Council seats which were not filled. The three missing members¹⁶ were elected in a very short time in December 2019. There is a lot of criticism about the fact that the REM does not monitor broadcasters during election campaigns and does not make sufficient use of the measures it has at its disposal¹⁷. There were cases in 2019 when the REM did launch proceedings against some broadcasters, but those are exceptions¹⁸ rather

9 Media experts believe that the process lacked consistent transparency bearing in mind that some members of the working group drafting the law were not informed about some of the solutions that were in the draft law and were adopted. (Source: Independent Journalists' Association of Serbia, Indicators of level of media freedom and safety of journalists, Belgrade, 2016, page 18. accessed: 26.09.2019. <https://safejournalists.net/wp-content/uploads/2018/12/Ceo-izve%C5%A1taj-Indikatora-za-nivo-slobode-medija-i-bezbednost-novinara-Srbija-2018.pdf>)

10 IJAS drafted amendments to the law covering the Regulatory Authority for Electronic Media, project co-financing of media content of public interest and the safety of journalists. accessed: 26.09.2019. <http://www.nuns.rs/info/activities/40305/nuns-predlozi-za-unapredjenje-rada-rem-a.html>, <http://www.nuns.rs/info/activities/38672/predlozi-nuns-a-za-unapredjenje-sistema-projektanog-sufinansiranja-medija.html> and <http://www.nuns.rs/info/activities/38670/predlozi-nuns-a-za-unapredjenje-bezbednost-novinara.html>

11 Independent Journalists' Association of Serbia, Indicators of level of media freedom and safety of journalists, Belgrade, 2018, page 10. accessed: 26.09.2019. <https://safejournalists.net/wp-content/uploads/2018/12/Ceo-izve%C5%A1taj-Indikatora-za-nivo-slobode-medija-i-bezbednost-novinara-Srbija-2018.pdf>

12 The Development Strategy for the Public Information System in the Republic of Serbia to the year 2025 was adopted on January 30, 2020 by the Serbian Government.

13 Law on Public Information and the Media, Articles 1 to 44

14 Share Foundation: <https://www.sharefoundation.info/en/List-of-cases-of-blocked-Internet-content>. accessed: 31.12. 2019.

15 As pointed out by journalists and experts interviewed for the purposes of this report. A total of 13 in-depth interviews were conducted in the period between 27 September and 28 November 2019

16 N1/FoNet, Judita Popovic, Zoran Simjanovic and Aleksandar Vitkovic new members of the REM Council, 27 December, 2019. accessed: 27.09.2019. <http://rs.n1info.com/Vesti/a556089/Judita-Popovic-Zoran-Simjanovic-i-Aleksandar-Vitkovic-novi-clanovi-Saveta-REM.html>

17 The REM website shows that the Council issued a total of 9 measures, 3 reprimands and 6 warning measures from the beginning of the year and one measure of a temporary ban of broadcasts since the new law came into force (2014).

18 Some of the examples are: violence in reality shows, airing erotic content before watershed time slots and content which shows the inappropriate performing of the national anthem - all on TV Pink (Source, N1/FoNet: <http://rs.n1info.com/Vesti/a491813/Postupak-REM-a-protiv-Pinka.html>). Also, the initiating of proceedings against TV Happy after the TV Happy Editor in Chief voiced in their morning programme a series of insults about Faculty of Philosophy Professor Danijel Sinani (source, Insajder: <https://insajder.net/sr/sajt/vazno/15709/>) accessed: 27.09.2019.

than the rule. The REM has a mandate to launch misdemeanour proceedings but that has not proved to be a useful tool since most of the proceedings exceed their statute of limitations¹⁹. Also, the REM does not sufficiently use the effective mechanism of issuing permits to broadcasters to stimulate diversity of program formats in the media landscape. Broadcasters do not adhere to the formats which they applied for permits and media experts believe that the reason behind that are the unclear legal obligations of broadcasters²⁰.

The public advertising that state bodies and other bodies of authority do is loosely regulated by law²¹. There have been announcements that a separate law would be introduced to regulate advertising by state-owned companies but that law has not been adopted yet²². Interviewed journalists believe that money is not being spent in a fair and transparent manner, that state bodies are not publishing data on money spent and that there are no sources to indicate how much public companies are earmarking for advertising. Most of the interviewed journalists feel that advertising, especially by state companies is completely under state control and that there can be no mention of a free media market and advertising market²³. In terms of media freedom, the big problem is that some public companies are dominant in advertising in media which are close to the local authorities.

“In the case of the Nikola Tesla Thermal Power Plant we saw this company only advertised in some media at local level and those media are very much in favour of the local authorities. For example, in Obrenovac where the plant is located, it gives money to the local TV Mag which is absolutely under the control of the local administration and to some local portals and newspapers which also occasionally publish interviews with the company’s managers and some employees. As for national media, advertising is limited to print media with the highest circulation“.²⁴

The process of co-financing media projects of public importance through public competitions has been continuously accompanied by problems. Media experts believe that the idea of project co-financing media content was a good idea but the problem is that it is not being implemented correctly²⁵. According to monitoring by IJAS,²⁶ the key weaknesses of the process in 2019 were the following: insufficiently transparent process of electing commission members, problems in the way they operated, lack of media experts and criteria which were not clear to assess the proposed projects, insufficiently transparent decision making on the allocation of funds and the lack of an efficient mechanism to evaluate the results of the approved projects. Often, despite the Rules on Co-Financing, high amounts are allocated to finance regular media programs as well as media which often violate the journalists’ code and laws²⁷. The Rules on Co-Financing state that commission members must consider whether the media whose project they are deciding on has been ordered to take measures by some state body, regulatory or self-regulatory body for violating professional and ethical standards.²⁸

To improve the procedure, the Ministry of Culture and Information launched an initiative to amend the Rules on Co-Financing Projects of Public Interest in the public information field in 2018. Journalists’ associations made their proposals and suggestions but the Ministry introduced no changes by the time this report was completed.

The amounts that municipalities and cities set aside to co-finance media content vary. Regular IJAS monitoring in 2019 showed that 155 invitations for applications were published at republic, province (Vojvodina) and local levels and that a total of RSD 1,656,906,180 (about EUR 14.1 million) were set aside for those competitions. The biggest amount at local level was earmarked by the City of Belgrade – RSD 81 million and the least by the municipality of Knjic – RSD 200,000.²⁹

The big problem in regard to media in national minority languages is the financial viability of those media and the fact that there are no clear mechanisms to finance them.

19 Independent Journalists’ Association of Serbia, *Legal analysis of the position of the independent regulatory authority in the field of electronic media in Serbia*, Belgrade, 2018., pages 15-16. accessed: 27.09.2019. http://www.nuns.rs/sw4i/download/files/box/_id_1020/PRAVNA%20ANALIZA%20POLO%20C5%BDAAJA%20NEZAVISNOG%20REGULATORNOG%20TELA%20U%20OBLASTI%20ELEKTRONSKI%20MEDIA%20U%20SRBIJI.pdf

20 “So we have one TV station which should have separate programming, 12 hours of programme for children and 12 hours of entertainment and we have come to a situation in which that TV station suddenly stopped airing content for children for which it got its broadcasting license for a 12-hour period”, quote from an interview with Jelena Surculija Milojevic, media expert, interviewed by Marija Babic, 28 November 2019.

21 Law on Advertising, Article 3, Paragraph 2, Item 2.

22 Independent Journalists’ Association of Serbia, *Indicators of level of media freedom and safety of journalists 2018*, Belgrade 2018, page 13. accessed: 27.09.2019.

23 Anđela Milivojevic, journalist, interviewed by Marija Babic, 18 October 2019

24 Ibid.

25 Jelena Surculija Milojevic, media expert, interviewed by Marija Babic, 28 November 2019.

26 Rakovic S., “Media got 14 million Euro from budget in 2019, mainly for propaganda in favour of authorities”, IJAS, 2 January 2020. accessed: 02.01.2020. <http://nuns.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/46399/u-2019-medijima-iz-budzeta-14-miliona-eura-dominantno-za-propagandu-vlasti.html>

27 Ibid.

28 Rules on co-financing projects to realize public interest in the field of public information, Article 18, Paragraph 2.

29 Rakovic S., “Media got 14 million Euro from budget in 2019, mainly for propaganda in favour of authorities”, IJAS, 2 January 2020. accessed: 02.01.2020. <http://nuns.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/46399/u-2019-medijima-iz-budzeta-14-miliona-eura-dominantno-za-propagandu-vlasti.html>

The law regulates the allocation of funds for project co-financing of media content of public interest at the republic, province and local levels³⁰. In accordance with the law, the Ministry of Culture and Information as well as the Provincial Secretariat for Culture, Public Information and Relations with Religious Communities calls competitions for project co-financing of media content in the languages of national minorities. The National Councils of the national minorities can found institutions and companies to exercise the right to public information in the national minority language and their financing is regulated by the Law on National Councils of National Minorities³¹. Experts pointed out that the problem with media founded by National Councils is the fact that the laws do not define ways to protect their editorial policies from interference by the founder³². The Provincial Government allocates some RSD 300 million to those media because they cannot operate on market principles but "...the problem is that this is not transparent, the criteria used to allocate funds are not clear and it isn't clear what citizens get for the money."³³

The law guarantees the institutional autonomy and editorial independence of public broadcasters³⁴, however, media experts said this year that there is insufficient independence in practice.³⁵ The law defines the way that public broadcasters are financed,³⁶ but the dominant view is that the regulated system of combined financing cannot secure their independence and stable operation. The Program Council in the public service has an advisory role³⁷ and its members are elected from the ranks of experts in the media field and media players, scientists, creators in the field of culture and other fields. The experts are chosen by the Management Board while the members of that board are appointed and dismissed by the REM Council. The REM Council members are elected by the Parliament. That is another problem, bearing in mind all the mentioned problems within the REM and the very politicization of that body.

Also, the prevailing opinion is that the Program Council does not represent society sufficiently and that the body

is invisible to the public.³⁸ The situation is slightly different with the Radio TV Vojvodina Program Council.

"There are people in RTV Council who enjoy great respect in their communities and have achieved results in their careers... However, when it comes to the moment the Program Council is to decide to do just a little more than the minimum that is demanded of it, we have a situation in which the Program Council meetings are attended by management members or members of the editorial board who don't listen to what the Council has to say but attack it and behave arrogantly, demeaning the Council members and denying the information it has...So even if we have a case, as happens from time to time, that the RTV Program Council does something and tries to do its job, there are no mechanisms to force the editorial board or management to do something"³⁹.

A2 The effect of defamation laws on journalists

In Serbia, the act of defamation is no longer an act of crime. What remains is a possibility to exercise the right to compensation for material and non-material damage through litigation⁴⁰. Law experts believe that this field is well regulated by the Law but that the problem lies in the inconsistent court practice and that judges follow European Court of Human Rights practices very rarely in their rulings⁴¹. They said that Serbia lost every case before the European Court of Human Rights because of that and the analysis of some court rulings shows completely opposite interpretations of that court's practices, for example "that the right to a mayor's reputation and honour is much greater and should get more protection than the honour and reputation of ordinary people."⁴²

As in previous years, a significant number of law suits were filed in court over the publication of information which allegedly inflicts damage on reputation and honour. According to data from courts, a total of 476 law suits were filed between 1 January and 17 December 2019. In that same period 473 cases were resolved and 1,101 were

30 Law on Public Information and Media, Article 13

31 Law on National Councils of National Minorities, Article 19

32 Nedin Sejdinovic, media expert, interviewed by Marija Babic, 22 October 2019

33 Ibid.

34 Law on Public Service Broadcasting, Article 5

35 "We in fact have no public service, we never did. RTS that should be a public service was always in the service of the authorities, the ruling regime and that is the key problem"; quote from an interview with a journalist who insisted to remain anonymous, interviewed by Marija Babic, 12. November 2019

36 Law on Public Service Broadcasting, Article 36

37 The Program Council makes sure the interests of the radio and TV audience are met in terms of program content, reviews the realization of program concept and quality of program content in the public broadcaster and makes recommendations and proposals to the director general and the Management Board. Law on Public Service Broadcasting, Articles 29 and 30.

38 "The situation in the public service is desperate and the Program Council is not saying a word which shows that something is wrong with that council, everything has to change," quote from an interview with a journalist who insisted to remain anonymous, interviewed by Marija Babic, 12 November 2019

39 Sanja Kljajic, journalist, interviewed by Marija Babic, 27 September 2019.

40 Law on Public Information and Media, Article 112.

41 Veljko Milic, lawyer, interviewed by Marija Babic, 24 October 2019

42 Jelena Surculija Milojevic, media expert, interviewed by Marija Babic, 28 November 2019

left unresolved⁴³. There are no separate records showing how many law suits were filed by public officials.

There is no solid evidence that some proceedings against the media were politically motivated. However, a trend has appeared over the past few years with law suits often being used to exert pressure on journalists and media which are critical in their reporting in order to financially exhaust them.

“We have the example of the Zig Info portal which was sued a large number of times by Dragoljub Simonovic⁴⁴, which is a form of pressure... The portal editors spend their days in court instead of at their desks and that is a problem for media, especially small ones. Also, damages amount to between RSD 200,000 and 300,000 in each case and that can jeopardize the operations of certain media.”⁴⁵

Courts are not obliged to take into consideration the decisions of self-regulatory bodies in their rulings. However, in practice some lawyers hand the decisions of the Press Council Complaints Commission to the court if that commission ruled that the code was violated in a specific case. There are examples of rulings in which judges invoke decisions by the Press Council⁴⁶.

Journalists, participants in focus groups have different views of the law suits over damage inflicted on reputation and honour and on the possible effects of those law suits on what they do. Some journalists believe that the possibility of filing those law suits will not discourage them, that is that despite that possibility they will continue to investigate and report critically. However, there were some who felt that things were different, that the law suits are a form of pressure on the media and journalists, that they are being misused and in some cases they are used to intimidate journalists. Bearing in mind the large number of violations of the law and code, including smear campaigns and misinformation primarily by tabloid media, some journalists said that if court practice was uniform and if all media players got the same treatment, award of damages would be much higher⁴⁷.

A3 Protection of political pluralism in the media

Political pluralism in the media is guaranteed under the Law on Public Service Broadcasting which includes the obligation of public broadcasters to respect and encourage the pluralism of political, religious and other ideas and ensure that the public knows about those ideas without serving different interests and reporting on political issues, among other things, in an unbiased manner, enabling debates of opposed views⁴⁸. Other providers of media services have a general obligation to ensure free, truthful, objective, complete and timely information and have to respect the ban on political advertising in periods where there are no election campaigns⁴⁹.

The Regulatory Authority for Electronic Media (REM) has a general obligation to oversee the operations of broadcasters⁵⁰, control providers of media services and make sure the laws and other legal acts are respected⁵¹, but there is no explicit regulation that empowers it to protect political pluralism outside election campaign periods.

Interviewed journalists and experts agreed that political parties and candidates do not have equal and fair access to the media in periods outside of election campaigns⁵². The Bureau for Social Research (BIRODI) monitored central news shows on TV stations with national coverage (RTS1, Prva, Pink, O2, Happy) and N1 TV. That monitoring showed that the President and Serbian Government officials have drastically more coverage in a positive context than opposition parties on the stations with national coverage. The situation is quite the opposite on N1 TV whose coverage is much more balanced⁵³.

The law proposes that all broadcasters (both public and private) are obliged to provide coverage without discrimination to registered political parties, coalitions and candidates during election campaigns⁵⁴ and that public broadcasters are obliged to provide equal coverage to political parties, coalitions and candidates for elections at repub-

43 Higher Court in Belgrade, report on the number of law suits filed against journalists who published information in the media between 1 January 2019 and 17 December 2019, December 2019, accessed: 15.12.2019.

44 One drastic example were the 15 law suits filed by Dragoljub Simonovic against the Zig Info portal for inflicting damage on his reputation and honour in 2019. Dragoljub Simonovic is one of the people charged in the arson attack on the house of Zig Info portal journalist Milan Jovanovic. The proceedings are still underway. (source: <https://www.cenzolovka.rs/vesti/simonovic-se-ponovo-nije-pojavio-na-sudjenju-protiv-novinara-i-urednika-zig-info/>) accessed: 10.11.2019.

45 Veljko Milic, lawyer, interviewed by Marija Babic, 24 October 2019

46 Ibid.

47 Three focus groups with a total of 21 journalists from a number of media were organized. The first on 18 November 2019, the second on 20 and the third on 22.

48 Law on Public Service Broadcasting, Article 7, Paragraph 1, items 4 and 7.

49 Law on Electronic Media, Article 47, Paragraph 1, items 1 and 5.

50 Statute of the Regulatory Authority for Electronic Media, Article 5, Paragraph 1, item 6.

51 Law on Electronic Media, Article 22, Paragraph 1, item 8

52 Said by journalists and experts interviewed for the purpose of this report. A total of 13 in-depth interviews were conducted between 27 September and 28 November 2019.

53 The monitoring was done between 1 September 2019 and 31 January 2020. (source: <http://www.birodi.rs/birodi-o-izvestavanje-medija-u-srbiji-i-zastupljenosti-aktera-u-centralnim-informativnim-emisijama/>) accessed: 31.01.2020.

54 Law on Electronic Media, Article 47, Paragraph 1, item 5

lic, province or local levels⁵⁵. Also, independent and objective presentation of candidates is an obligation under the Law on Electing Members of Parliament⁵⁶. Print and online media have professional obligations under the Serbian Journalists' Code and its implementation is monitored by the Press Council. Also, state officials have said that the Parliament will establish a committee to oversee print and Internet media during the election process⁵⁷.

Besides legal provisions, the REM had Rules on the Obligations of Providers of Media Services in Election Campaigns that was in force up to February 2019. In December that year⁵⁸ the REM Council adopted draft rules on the Rules on the Obligations of Providers of Media Services in Election Campaigns as well as Recommendations to commercial providers of media services on coverage without discrimination in the election campaigns of registered political parties, coalitions and candidates even though the Law on Electronic Media states that all media service providers are obliged to provide coverage without discrimination for registered political parties, coalitions and candidates⁵⁹. Also, the Council adopted the Plan to monitor the programs of providers of media services during campaigns for elections at republic, province and local levels in the Republic of Serbia in 2020.⁶⁰

Political parties and candidates do not have equal and fair access to media during election campaigns as well. One of the biggest problems is the fact that the REM, even though the law states that it shall oversee and control the operations of providers of media services, did not monitor the media in the two latest election campaigns (2017 presidential elections and local elections in Belgrade in 2018) but made decisions only after complaints from individuals. Reports from NGOs which monitored the media to determine the amount of coverage of political players for those elections showed that political parties and candidates did

not have equal and fair access to the media⁶¹. Regarding the REM's decision that it will not monitor campaigns for the presidential elections, the IJAS filed criminal charges against REM Council members in 2017⁶². Those proceedings are still underway before the office of the Higher Public Prosecution's Anti-Corruption Department.

A4 Freedom of work and association of journalists

Journalists do not need to be licensed to do their job. Examples were noted in the observed period when journalists and the media were not allowed to report on public events as well as cases of failure to invite media to events and conferences or non-issuance of accreditations for certain events. That is a trend which has been in place in Serbia for several years, especially in smaller local communities. According to IJAS's records, 10 of those cases were reported in 2019.

In May 2019, local officials in the town of Valjevo did not inform all the media about a visit by cabinet ministers Branko Ruzic and Slavica Djukic Dejanovic⁶³. This was not the first case of discrimination against some media in Valjevo and it has become the practice. Valjevo is not the only such case in Serbia. Cases like that were registered in the town of Zajecar in 2018 when the town administration's press service broke off communication with the news portal Glas Zajecara without any explanation. The IJAS addressed the town press service on that occasion twice but the practice continued⁶⁴.

Journalists in Serbia are organized in journalists' associations but not in any great numbers. There are two big organizations – the Journalists' Association of Serbia (JAS) and the Independent Journalists' Association of

55 Law on Public Service Broadcasting, Article 7, Paragraph 1, item 8

56 Law on Electing Members of Parliament, Article 50

57 Radio Free Europe, Stefanovic: Serbian Parliament will have oversight of media during election process, 28 November 2019, accessed: 01.12.2019. <https://www.slobodnaevropa.org/a/30297430.html>

58 Source: the web site of the Regulatory Authority for Electronic Media: <http://www.rem.rs/>

59 REM did not explain why the earlier Rules were no longer valid nor did it answer the question why the new draft Rules only apply to public services broadcasters while only recommendations were made for commercial broadcasters.

60 The REM Council adopted the final draft of the Rules on the implementation of obligations by public service broadcasters in election campaigns on 20 January 2020. Several minor changes were made based on comments and suggestions from experts and relevant associations and organizations. However, the REM did not take into consideration one of the key objections that the Rules apply only to public service broadcasters while the commercial broadcasters only get recommendations. The law is completely clear in terms of the obligation of providers of media services to provide coverage without discrimination during election campaigns to registered political parties, coalitions and candidates.

61 The monitoring done by Transparency Serbia showed that at the most recent Belgrade city elections held on 4 March 2018, the coverage of candidates in the main news on five TV stations (RTS, N1, Prva, Studio B and Pink) was not equal for all and the campaigning by city officials, party engagement by the Serbian President whose name was used for his party's list of candidates and the dominance of that list in the media was primarily because of Aleksandar Vucic's activities as the main characteristic of the campaign, accessed: 09.10.2019. (Source: https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/izvestaj-o-izbornoj-kampaniji-Beograd-2018.pdf)

62 Criminal charges were filed on suspicion that the lack of oversight over providers of media services during the campaign for the presidential elections was negligence of duty.

63 IJAS, "IJAS condemns media discrimination in Valjevo", 1 June 2019, accessed: 10.10.2019. <http://nuns.rs/info/statements/43119/nuns-osudio-diskriminaciju-medija-u-valjevu.html>

64 IJAS, "Zajecar town administration discriminates against media despite IJAS warnings, 21 November 2018, accessed: 25.11.2019. <http://www.nuns.rs/info/statements/39462/gradska-uprava-zajecara-diskriminise-medije-uprkos-upozorenjima-nuns-a.html>

Serbia (IJAS). The most active of other organizations is the Independent Journalists' Association of Vojvodina (IJAV). Cases of pressure on those associations, primarily the ones that are critical in cases of violations of media freedom, were recorded in 2019 as they were in earlier years.

One of the cases reported in 2019 was when posters reading IJAS #FakeNews were put up at the entrance to the building of the Journalists' House. Also, pressure and threats continued against representatives of the Independent Journalists' Association of Vojvodina with offensive texts targeting those people being published on newly established portals with no imprint which are not registered in the Media Registry.

Journalists are not well organized in unions primarily because they are not motivated and there is pressure on them not to join unions as well as because of the weakness of the unions themselves and their capacities. Union representatives are especially concerned by cases in which employers state clearly that they will not allow organizing in unions, which is illegal⁶⁵. Interviewed journalists said that the situation is slightly better in the RTS and RTV where union organizing is fully allowed. Unions do exist in some private media but the number of those media is very small. At the national level there is only the Independent Union of employees in the printing, publishing and news industries and cinematography as part of the Alliance of Independent Unions of Serbia as well as the *Nezavisnost* Branch Union for culture, arts and the media and Union of Journalists of Serbia. As in previous years, those unions are under pressure and that pressure comes mainly from inside. They are more or less continuous, sometimes stronger, sometimes weaker⁶⁶.

Darko Sper, leader of the *Nezavisnost* Union at the RTV said: "Some journalists openly admit that they have been criticized for being members or wanting to be members of my union or when we have some large-scale activity some people are not there because they say they are under pressure... During the three years that I have been the head of this Union just four or five people left and more than 200 people joined. Those four or five people who left were in the news programs and they all told me that they were being pressured to leave the union and were being blackmailed."

Serbia has the Press Council, a self-regulatory body. That body was formed to keep track of how and if the Serbian Journalists' Code was being respected in print, online media and news agencies and its Complaints Commission decides whether the Code has been vio-

lated in reported cases⁶⁷. Also, the Press Council monitors national daily newspapers in certain periods of every year. The Press Council is one of the few bodies which has been doing its job for years in line with the rules of the profession and has had positive results in its activities⁶⁸. As in previous years, the Press Council has not been under direct pressure but is under pressure in other forms. That form of indirect pressure are attempts to delete this body from the legal acts and replace it with the general term of self-regulatory bodies and to initiate the forming of new councils by other associations instead of strengthening the existing body which does its job professionally. That was the case when changes were proposed to the Rules of Project Co-Financing and in the first draft of the Media Strategy.

A5 Protection of journalists' sources

The Law on Public Information and Media states that a journalist is not obliged to reveal sources of information except if they are perpetrators of crimes punishable by imprisonment for a term of at least five years and if the data about that crime cannot be obtained in another way⁶⁹. Also, protection of journalistic sources is regulated by the Criminal Code which says that besides journalists, protection is extended to editors, publishers and other media professionals⁷⁰.

Protection of journalistic sources is generally respected and no serious cases of this right being jeopardized have been recorded. The assessment is that this area is well regulated by law and that the standards of the Council of Europe which protect journalists have been implemented: "There have been cases over the past few years in which journalists have been asked to reveal their sources but the journalists were protected and did not have to reveal the source because they were not facing a sentence of five years"⁷¹. What has been seen as a problem for a number of years, and something that interviewed experts agree on, is the abuse of the category of "anonymous source" which should be the exception and not the rule⁷². Anonymous sources are used primarily by tabloids to make claims and create theories for sensationalist news.

65 Darko Sper, journalist, interviewed by Marija Babic, 23 October 2019.
66 *Ibid.*

67 If a media violates the Serbian Journalist's Code, that media has to publish the decision by the Complaints Commission.

68 Said by journalists and experts interviewed for the purposes of this report. A total of 13 in-depth interviews were conducted between 27 September and 28 November 2019.

69 Law on Public Information and Media, Article 52

70 Criminal Code. Articles 38, 39, and linked to Article 41

71 Jelena Surculija Milojevic, media expert, interviewed by Marija Babic, 28 November 2019

72 *Ibid.*

Journalists say that confidential sources are mainly their starting point and that they do not rely on just one source. They mainly say that they are free to maintain contacts with sources but that the question is how safe those sources feel. Some journalists who are more involved in investigative journalism say that they do not feel safe, that they fear for themselves and their sources, for their physical safety, that “there is systemic intimidation and that people are afraid.”⁷³ On the other hand, there are journalists who say that it is increasingly hard to find sources and “it has been evident for some time that people within the system who wanted to talk as confidential sources are afraid now”⁷⁴. They added that an increasing number of people are contacting them anonymously and that this is happening much more than in the past.

The level of safety of sources is reflected in the Krusik case, that is the case of whistleblower Aleksandar Obradovic who handed to the media information about potential embezzlement in the sale of munitions made at the Krusik factory through a company which engaged the father of the Serbian Minister of Interior which, allegedly, ended up on the front lines of the war in Yemen. The specialized international portal Arms Watch reported this in September 2019. Instead of the prosecution investigating Obradovic’s claims and determining if there was any wrongdoing, who is responsible and what the damage to the state is, Obradovic was arrested in his office at the plant by armed agents on 18 September. Obradovic was ordered into detention on charges of revealing business secrets. The public did not even know that he had been arrested until mid-October when NIN weekly published the story. Fierce reactions ensued from the public along with civic protests. Very soon after that, Obradovic was transferred into house arrest where he remained until 18 December⁷⁵. Two months after the media published reports of his arrest, the Organized Crime Prosecution sent a request to the Security Information Agency (BIA) and the Military Security Agency to investigate the claims made by whistleblower Obradovic.

A6 Right to access to information

The institution of Commissioner for Information of Public Importance and Personal Data Protection was set up by law. Anyone requesting information files a written request with the body that they want information from. If that body refuses or rejects the request, the recourse is to file a complaint with the Commissioner and the other side can initiate court proceedings to counter the Commissioner’s decision. The body that receives a request for information has a 15-day deadline to respond and if it cannot respond within that time it gets a deadline of 40 days from the date that the request was received⁷⁶. Amendments to the Law on Free Access to Information of Public Importance were proposed in 2018 and they drew a lot of criticism from experts and the Commissioner⁷⁷. The changes were not adopted by the end of 2019 and the current Commissioner said in September 2019 that he does not agree with the proposed amendments which indicate a possible limitations of the existing rights⁷⁸.

One continuing cause for concern is the fact that the Serbian Government does not respect this law. When the Commissioner cannot implement his orders with the means available to him, he turns to the Government which should ensure the execution of the order by direct coercion. The Commissioner turned to the Government 47 times between 1 January and 1 December 2019. In six cases, the Commissioner withdrew the order because the state body provided the requested information later and in the other cases, the Commissioner was not informed that the Government acted on his request in a single case⁷⁹. The Commissioner’s report for 2018 said that the Government failed to act on any of the 238 requests filed since 2010 to enforce the Commissioner’s orders. In 2018 alone, the Commissioner asked the Government to secure enforcement of orders in 65 cases⁸⁰.

73 Quote by journalist Vuk Cvijic in the focus group with journalists on 20 November 2019

74 Quote by journalist Aleksandar Djordjevic in the focus group with journalists on 22 November 2019.

75 Radivojevic Jelena, “Aleksandar Obradovic released from jail”, KRIK, 18 December 2019, accessed: 23.12.2019, <https://www.krik.rs/aleksandar-obradovic-pusten-iz-privrora/>

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

77 Independent Journalists’ Association of Serbia, Indicators of Level of Media Freedom and Safety of Journalists 2018, Belgrade, pages 20 and 21, accessed: 15.10.2019, <https://safejournalists.net/wp-content/uploads/2018/12/Ceo-izve%C5%A1taj-Indikatora-za-nivo-slobode-medija-i-bezbednost-novinara-Srbija-2018.pdf>

78 N1/Beta, Commissioner: Draft law on information of public importance diminishes acquired rights”, 27 September, 2019, accessed: 15.10.2019 <http://rs.n1.info.com/Vesti/a529540/Poverenik-Predlog-zakona-o-informacijama-od-javnog-znacaja-suzava-stecena-prava.html>

79 Commissioner for Information of Public Importance and Personal Data Protection, data on the number of complaints to the Commissioner between 1 January 2019 and 1 December 2019, accessed: 15.12.2019.

80 Commissioner for Information of Public Importance and Personal Data Protection, Report on implementation of Law on Free Access to Information of Public Importance and Law on Personal Data Protection 2018, Belgrade, 2019, page 12, accessed: 15.10.2019, <https://www.poverenik.rs/images/stories/dokumentacija-novaj-izvestajiPoverenika/2018/cirGI2018.pdf>

Media and journalists engaged in investigative journalism use this right to a great extent, while those who report on daily events almost do not use it, primarily because all state bodies mainly wait for the end of the deadline to provide information and when they do the issue is outdated. Also, the replies from those bodies are often unusable and, it seems that they are handed over simply for the sake of form. The large number of complaints filed with the Commissioner show that state bodies do not reply sufficiently to requests for information of public importance. Interviewed journalists said that it would be much easier if state bodies, in line with the law, published certain information on their websites which would reduce the number of requests and shorten the waiting period for information that is not published.

A total of 4,970 complaints were filed between 1 January and 1 December 1 2019, including 2,197 complaints filed because state bodies did not respond at all and 1,848 because the replies did not include the requested information⁸¹.

The general opinion is that the issue of transparency of state bodies has not been systematically resolved, that is that it varies from institution to institution. Most journalists who took part in the focus groups believe that institutions generally are not completely transparent, that there are exceptions but that they are rare. What most journalists singled out as a problem is that institutions are open only for some media, mainly those which are close to the authorities. Some journalists said that journalists from the same media get different treatment, which is present in both public broadcasters and private media.

Although a new Communication Strategy has been adopted by the High Judicial Council and courts for the 2018-2022 period⁸², journalists feel that courts are not sufficiently transparent and most feel that they are less open to the public than they were in earlier years. Some journalists said that the entire system seems ideal on paper, courts have their spokespeople but “when it comes to sensitive cases, connected in any way to the

authorities, access to information gets closed“⁸³. Some journalists said that the level of transparency varies from court to court, from city to city.

As for parliament and assemblies, the situation is much better than in other institutions.

Parliament at national and assemblies at local levels are accessible to journalists who can attend sessions and that view is shared by journalists in the focus groups. What most journalists said is that they do not have access to meetings of city and town councils.

One of the most drastic examples of a lack of transparency in institutions was the decision by the Pancevo Town Council which decided in September 2019 to deny access to journalists to its meetings. They introduced the ban by deciding to delete a part of Article 35 of the Town Council Rules which said that “representatives of public media have the right to attend meetings of the Town Council“⁸⁴. The situation is the same in Prijepolje.

Most journalists who took part in the focus groups said that ministries are generally not transparent and are much more closed than before. Some ministries such as the Ministry of Environment and somewhat the Ministry of Construction, Traffic and Infrastructure, are more open while the Ministry of Health is the least open Ministry with a majority of journalists saying that they never get replies from it, followed by the Ministry of Interior which rarely, if ever, replies to questions and the Ministry of Labour, Employment, Veteran and Social Policy. Local journalists said the problem is the fact that everything has been centralized, i.e. that all questions have to be sent to Belgrade which makes their job harder. For example, when journalists pose a question to any police station in Serbia, they have to wait for permission from the Ministry of Interior⁸⁵. Journalists said that they are asked to submit questions in advance when they want to talk to ministers or other officials in ministries.

81 The remaining 706 complaints were filed against decisions or conclusions by state bodies which rejected or refused requests fully or in part and 219 for refusing requests but not in the form of decisions but as information passed with elements of a decision. Data came from the Office of the Commissioner for Information of Public Importance and Personal Data Protection, December 2019.

82 The goal of the communications strategy was to form a uniform communications policy in all courts in Serbia – uniform behaviour and rules of behaviour in internal and external communication, communication with the media, harmonizing the content and appearance of the Internal presentations of courts and the adoption of a uniform stand on appointing professional spokespersons with the aim of increasing transparency, accessibility and the update of data.

83 Quote by journalist Vuk Cvijic in the focus group with journalists on 20 November 2019.

84 Predic Ivana, „Media scandal in Pancevo: Journalists undesirable at town council meetings“; Cenolovka, 27 September 2019. . accessed: 16.10.2019. <https://www.cenolovka.rs/drzava-i-mediji/medijiski-skandal-u-pancevu-novinari-nepozeljni-na-sednicama-gradskog-veca/>

85 Quote by journalist Aleksandar Djordjevic in the focus group with journalists on 22 November 2019

B

Journalists' position in the newsrooms

B1 Economic restrictions on journalists' work

The economic and social position of journalists in Serbia and the conditions that they work in have been very bad for a long time; union organizing is weak, there is no signed collective contract which would ensure better conditions for journalists and media staff. Journalists are often engaged in an unregistered employment, without employment contract. Part-time associates are increasingly being hired with non-employment contracts, such as temporary contract, copyright contract, contract of performing temporary and periodical jobs and they enjoy fewer rights than people with permanent contracts. There is no data on the number of journalists who have signed employment contracts nor on the total number of people employed in the journalism industry⁸⁶. Some research has shown that a fifth of journalists work as freelancers, half are in jobs that do not provide security while stable jobs are enjoyed mainly by older media staff (between the ages of 50 and 60). Just 27 percent of young journalists have open-ended contracts. Less than a third of the staff in online media have permanent jobs⁸⁷. Also, there is no official data on salaries. Research conducted years ago showed that journalists

⁸⁶ Statistical Office of the Republic of Serbia has data for the area of information and communication but that includes a large number of areas and does not show the number of employees in the media industry alone.

⁸⁷ Strategy of the Development of Public Information System in the Republic of Serbia for the period 2020 – 2025, Belgrade, page 9. accessed: 31.01.2020. <http://www.rem.rs/uploads/files/strategija/Strategija%20razvoja%20sistema%20javnog%20informisanja%20u%20RS%202020-2025.pdf>

have fairly low salaries⁸⁸, and that their situation is bad. The average salary of a journalist at the Radio TV Serbia public broadcaster between January and November 2019 was RSD 55,473 (the average salary of all employees was RSD 58,764) and that in 2018 the average salary of a journalist in that media was RSD 51,066 (all employees 51,681)⁸⁹.

Journalists in the focus groups⁹⁰ confirmed that they work in very bad conditions and they even said that their position has never been worse. The low salaries are the biggest problem as well as the fact that journalists are often engaged as external associates and have to work in several newsrooms to make ends meet.⁹¹ This is especially evident at local level.

The fact that the labour status of journalists is very insecure is confirmed by the case of Mihajlo Gligoric, a journalist with Pancevac weekly, who was fired in August 2019 after working there for 30 years. He said that the owner fired him because he refused to agree to an examination at a psychiatric hospital where he was supposed to be for four days so that doctors could assess his working capacity. He added that he was offered the possibility of having the doctors say that he is not work-capable and send him into disability pension. He was fired after he refused and he filed suit and reported the case to the inspection⁹². When he went public with his story he was handed a document that annulled the earlier document terminating his employment and inviting him back to work. He said that he will go back to work because he is afraid that he cannot find another job and added that he would withdraw the law suit⁹³.

The situation in some media, especially the non-profit, is just slightly better because salaries are higher but that is still far from normal⁹⁴. Uncertainty is the big problem since most of those media are project-financed and on the other hand journalists mainly have no permanent contracts but have temporary or part-time contracts.

This confirms the findings of the research Control and Freedom of the Media which was performed in 2018, comparing eight aspects of working conditions that year and five years before. The research showed that 30 percent of journalists believe that working conditions were worse than in 2013 while 11 percent said they were better. Also, 33 percent of journalists believe that the respect for work rights had dropped and 34 percent said that the tendency towards self-censorship was worse than it was five years earlier. The worst results were about salaries – 45 percent of journalists said that the situation in 2018 was worse than it was five years earlier⁹⁵.

B2 Independence from media owners and managers

In general, private media in Serbia still have no internal regulations to separate the newsroom from management and marketing. One of the exceptions is the Juzne Vesti Internet portal whose staff said that they have an internal regulation separating editorial policy from the owners and management⁹⁶.

In 2013, the IJAS worked with lawyers to draft annexes to contracts for journalists, editors and part-time associates, which would be integral parts of labour contracts between founders and journalists in order to provide more efficient protection for the professional status of journalists, the rights and duties of journalists, editors and owners of media outlets. However, just 12 media outlets agreed to sign the annexes.

Private media in Serbia do not have separate codes of ethics. Most media that generally respect ethical rules have accepted the Serbian Journalists' Code which was adopted by the two biggest associations – the IJAS and JAS. Also, the Association of Online Media adopted a

88 The survey conducted three years ago as part of this research showed that the greatest percentage of interviewed journalists (22.52 %) said that their monthly salaries are between EUR 300 and 400, 13.51 % said between EUR 200 and 300, and 16.22 % of journalists said that they earn between EUR 400 and 500 a month.

89 Radio-TV Serbia, letter from Radio TV Serbia about the salary levels of journalists in 2018 and 2019, December 2019. accessed: 29.10.2019.

90 Three focus groups were organized with a total of 21 journalists from different media outlets, the first on the 18, second on the 20 and third on 22 November 2019

91 During the focus group discussions, some of the journalists working in media which allow them professional freedom and who are not under pressure from the newsroom or owners said that this was important despite the fact that they feel that their working conditions are generally bad, especially financially.

Three focus groups were organized with a total of 21 journalists from different media, the first on the 18, second on the 20 and third on 22 November 2019.

92 Predic Ivana, "Former Pancevac journalist: I was fired for not consenting to get a psychiatric examination", Cenzolovka, 22 October 2019. accessed: 29.10.2019. <https://www.cenzolovka.rs/pritisci-i-napadi/bivsi-novinar-pancevca-dobio-sam-otkaz-jer-nisam-pristao-da-idem-na-psihijatrijski-pregled/>

93 Predic Ivana, "Gligoric goes back to work in Pancevac three days after Cenzolovka reported that he was fired", Cenzolovka, 26 October 2019. accessed: 29.10.2019. <https://www.cenzolovka.rs/pritisci-i-napadi/gligoric-vracen-na-posao-u-pancevac-tri-dana-posto-je-cenzolovka-objavila-da-je-dobio-otkaz/>

94 As stated by journalists who work in non-profit media during the focus groups on the 18, second on the 20 and third on 22 November 2019.

95 Slavko Curuvija Foundation, Control and Freedom of the Media, Belgrade, 2018, page 13. Research data collected in online surveys of 177 journalists and in-depth interviews with 10 journalists from several media outlets. accessed: 29.10.2019. <https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2018/02/Kontrola-i-sloboda-medija-Kljucni-nalazi-Slavko-Curuvija-fondacija.pdf>

96 Gordana Bjeletic, journalist, interviewed by Marija Babic, 7 November 2019.

Code of the Association of Online Media⁹⁷, and there are guidelines for the implementation of the Serbian Journalists' Code in an online environment which was drawn up by the Press Council⁹⁸.

Newsrooms and journalists in private media are under pressure almost daily both from the outside and from within. While the outside pressure is visible and increasingly frequent recently, the pressure from owners and managers are present, although they are not so obvious.

Self-censorship is evident and in some cases there is no need for pressure since journalists, depending on the media and its editorial policies, know what they can and cannot report. Some journalists said that pressure of that kind does not come from journalists directly but through the so-called "liaison commissioners", that is editors. Politically appropriate editors are appointed and they bring in people close to themselves and they know clearly who is reliable and trustworthy⁹⁹. Some journalists feel that the role of the editor as the person protecting journalists from media owners, politicians or other sources of pressure and allows them to do their job in accordance with the code has been completely lost¹⁰⁰.

In November 2019, NIN weekly published a picture on its cover featuring the President Aleksandar Vucic in front of the barrel of a rifle displayed at an arms fair. That cover page caused fierce reactions and claims that it was calling for the murder of the president. The distribution of that issue of the weekly was stopped and a new version with a pure white cover was published. The NIN editorial staff said that it had decided at a board meeting to remove the photograph and replace it with a blank white page in agreement with its owner, Ringier Axel Springer Serbia. The weekly's publisher said that the cover page was withdrawn because it was inappropriate in a country in which a Prime Minister had been assassinated but the story which the photograph had illustrated was published in full. NIN editor in chief Milan Culibrk said that he does not know if anyone called Ringier and exerted pressure but that he was not called by anyone. He did add that: "If pub-

licly talked about by the President, the Prime Minister, all ministers, all in turn, if it is discussed in the Assembly, if no head of a city or municipal branch dares speak up about the cover page, it has to be enough to see that no one has to call you".¹⁰¹ The IJAS lent its support to NIN's effort to maintain its independent and free editorial policy and warned publishers not to fall for propaganda and pressure from the authorities.¹⁰²

For years, outside pressure on the media and journalists has been a big problem. That pressure greatly affects and hampers the work of journalists and the media. Journalists interviewed for this report most often cited financial pressure as the most common form of pressure as well as the cancelling of advertising, long tax inspections and audits and political pressure. In 2019, the IJAS recorded 38 cases in which politicians and other state officials both at national and local level behaved aggressively and offensively towards journalists.

The most drastic example of political pressure on the media is the organized campaign against N1 TV which has been ongoing for years and culminated in 2019. The IJAS recorded 29 verbal attacks, threats and pressure on N1 TV in 2019, including death threats to the entire newsroom and individual journalists, a continued public review of the ownership of that media and its editorial policies by high-ranking officials to accusations against N1 journalists for jeopardizing the health of the President. When a group of protesters entered the RTS headquarters building in April, N1 TV reported live from the event in a professional manner. A day later, the Prime Minister Ana Brnabic and two ministers appeared in different shows on pro-regime TV stations to say that N1's reporting was scandalous, hypocritical and that N1 called as many people as possible to protests¹⁰³. An intensive campaign against the station was launched in the second half of the year. Within a few weeks, three incidents were reported, including throwing leaflets, putting up posters and raising a makeshift ramps all of which stressed the foreign ownership over this media. ("You are leaving Serbia, Welcome to Luxembourg"). At the same time, public officials said that the opposition politician Dragan Djilas owns that media. Those messages, although contradictory, are being transformed into a smear campaign in the pro-government tabloids. A few hours after an N1

97 Association of Online Media, Code of Association of Online Media, Nis, 2017, accessed: 30.10.2019. https://www.aom.rs/download/EQqBM_nwnJa_cWsvq7cpl7tbwSTqyU4E7k6EuJ5hixk

98 Press Council, Guidelines to Implement Serbian Journalists' Code Serbia in online environment, Belgrade, 2016, accessed: 30.10.2019. <http://www.savetzastampu.rs/doc/smernice-za-primenu-kodeksa-novinara-srbije-u-onlajn-okruzenju.pdf>

99 Three focus groups were organized with a total of 21 journalists from different media, the first on the 18, second on the 20 and third on 22 November 2019.

100 "The role of an editor has been completely overturned and the editor has become a kind of political commissar implementing the orders of the owner", quote from interview with Nedim Sejdinovic, Journalist and media expert, interviewed by Marija Babic, 22 October 2019.

101 Vanja Djuric, "Photograph which upset the public withdrawn, NIN cover page all white"; N1 TV, 28 November 2019, accessed: 01.12.2019. <http://rs.n1info.com/Vesti/a547872/Povucena-fotografija-koja-je-uzburkala-javnost-beli-se-naslovnna-strana-NIN-a.html>

102 Independent Journalists' Association of Serbia, "IJAS with NIN"; 30 November 2019, accessed 02.12.2019. <http://nuns.rs/info/statements/45545/nuns-uz-nin.html>

103 Santovac Adam, "Following weekend events, N1 targeted by threats, tabloids and state officials"; N1 TV, March 18, 2019, accessed: 1.11.2019. <http://rs.n1info.com/Vesti/a469151/N1-na-meti-pretnji-tabloida-i-drzavnih-zvanicnika-zbog-izvestavnja-o-upadu-na-RTS.html>

journalist insisted on the answer to a question of public importance from the President Vucic and brought his mobile phone up to his face to see a document, the President was reported to be in hospital and deputy Mayor Goran Vesic blamed the N1 journalist right out.¹⁰⁴

B3 Independence of the journalists in the public broadcaster

Public service broadcasters in Serbia do not have separate codes of ethics which would contain the journalistic principles of reporting. Neither the RTS nor the RTV have organization rules to protect the independence of the newsrooms from managers. Besides the fact that the law¹⁰⁵ regulates editorial independence in the public service broadcasters, the statutes of those two services define the independence of editorial policy and ban any form of censorship or illegal influence on the newsroom and journalists¹⁰⁶, including the influence by managers. However, the problem lies in the fact that independence does not exist in practice¹⁰⁷.

The pressure being exerted on public service broadcasters is not direct. Journalists who took part in focus groups said that self-censorship is evident, i.e. not reporting or avoiding subjects, as well as that everyone knows which journalists are appropriate for which topics. If they “don’t do the job in the way that is expected of them” they suffer certain consequences including getting less to do, being on the air less and not being put in positions where they can make decisions¹⁰⁸.

Some journalists said that the pressure comes from different sides, especially indirectly: “... some say I’ll watch that report, my lawyer will watch it... or they call us after the report to say that they saw it and when you tell them that they have legal options to pursue if they didn’t like it, that they can demand the right to respond, a correction, that they can sue, they do nothing and that is pure pressure. Then they say: I’ll call your editor, do you have a permanent job, what contract do you have...”¹⁰⁹

Research participants said that RTS always sided with the authorities and that there is a huge amount of fear among employees from the lowest levels to the very top: the people in management positions fear that they will lose their positions while at lower levels, people fear that they will lose their job. Some said that there can be no professional reporting if there is fear.¹¹⁰

In an appearance on the RTS morning news, the Serbian President’s General Secretary Nikola Selakovic said at the start of the interview: “The main and only reason why I am your guest this morning is respect for Vucic and Putin. What I have a duty to say as a citizen of Serbia after yesterday’s reporting about this and some other topics, is that I would never be on RTS”. The reason for Selakovic’s statement was the reporting of the public service broadcaster about a march on 16 January 2019 to mark the anniversary of the murder of Oliver Ivanovic, a Serb politician from Kosovo. RTS devoted 110 seconds to the march in Belgrade while the media with the highest circulation mainly did not report that mass event. Bearing in mind that RTS was also targeted by the public and opposition politicians because it failed to meet professional standards when reporting on the civil protest, the disputed report was deemed to have been professional by journalists’ associations. The anchor did not respond to the criticism of the RTS editorial policies. Some media tried to get a comment from RTS CEO Dragan Bujosevic, asking if he would make a statement about Selakovic’s words and the increasingly frequent criticism of RTS by the state leadership but there was no comment.¹¹¹

Unlike RTS and RTV, the situation is somewhat better in Radio Belgrade, especially on its Second Channel

104 Naskovic Djordje, “Questions of TV N1 have been linked to Vucics’ health, journalists say - dangerous interpretations” TV N1, 16 November, 2019. Accessed: 18.11.2019. <http://rs.n1info.com/Vesti/a544449/Pitanja-N1-doveli-u-vezu-s-zdravljem-Vucica-novinarikazu-opasna-tumacenja.html>

105 Law on Public Service Broadcasting, Article 5

106 Statute of the public broadcaster the Radio-Television of Serbia, Article 6 and the Statute of the provincial public broadcaster the Radio-Television Vojvodina, Article 2.

107 Research about public service broadcasters in south eastern Europe listed as the biggest problem the fact that the public service broadcasters in Serbia still do not provide completely independent nor politically unbiased news content. The same research showed that when asked if public service broadcasters in Serbia are under political influence, 65 % of the respondents said that they believe those broadcasters were not free of political influence. Konrad-Adenauer-Stiftung, A Pillar of Democracy on Shaky Ground, 2019, pages 226 and 229. accessed: 04.11.2019. <https://www.kas.de/documents/281902/281951/A+Pillar+of+Democracy+-+on+Shaky+Ground+%E2%80%93+Public+Service+Media+in+South+East+Europe.pdf/a197a28c-370d-1b7c-1d37-044c5d960389?version=1.1&t=1572525969018>

108 Three focus groups were organized with a total of 21 journalists from different media, the first on the 18, second on the 20 and third on 22 November 2019.

109 Quote from focus group with journalists on 20 November 2019.

110 “People know themselves what they can and what they cannot do, that is self-censorship; people know what suits the top officials and editor and choose guests who come to the studio and topics to discuss”; quote from an interview with a journalist who insisted on remaining anonymous, interviewed by Marija Babic, 12 November 2019.

111 Zivanovic Katarina, “Selakovic pressuring the media”, Danas, 18 January 2019. accessed: 12.11.2019. <https://www.danas.rs/drustvo/selakovic-vrsi-pritisak-na-medije> and Vucic Marija, “RTS criticized over 110 seconds of report on civil protest”, Raskrikanje, 17 January 2019. accessed: 12.11.2019. <https://www.raskrikanje.rs/page.php?id=355>

where there is no such pressure. Journalists mentioned that there are radio shows which include criticism¹¹².

B4 Independence of the journalists in the non-profit sector

The number of non-profit media in Serbia has been on the rise over the past few years. The best known investigative portals fall into that group of media. Those media are primarily known for their independence and adherence to professional standards. However, they often come under pressure, especially when tackling topics of public interest involving state officials and politicians. Non-profit media mainly do not have their own codes of ethics but stick to the Serbian Journalists' Code. The exception is the Balkan Investigative Network – BIRN which has internal rules, including a Code of ethics¹¹³.

The pressure on non-profit media vary¹¹⁴ and, as in previous years, they include smear campaigns in the media close to the authorities, targeting by state officials who label them as enemies of the state, traitors and similar. As a rule, those public statements lead to an increased number of threats and other forms of intimidation. Also, the findings of their investigations are subject to spins and criticism in mainstream media and the public broadcaster by the means of publishing someone's reactions to investigations, but leaving out all the relevant information. The third form of pressure is administrative – frequent control and visits by tax and other inspectors, most often without any specific claim of a violation of the law. As a result, the media that have not been subjected to tax inspections fear that they will be next which, undoubtedly, can affect their work.

In July 2019, after KRIK published its investigative story about Predrag Mali, brother of the Finance Minister, the tabloid Srpski Telegraf published an article titled "Implementing the Plan to Bring Down the Authorities and Serbian President: Vucic Being Toppled Using Babies". The article accused KRIK journalists of stalking Mali's common law wife and following her to the entrance to her building. Srpski Telegraf also published images from security cameras which allegedly show a KRIK journalist following her. KRIK said that the images did not show its journalist but some unidentified person who it is not linked to them at all. After that

statement, Milan Ladjevic, the editor-in-chief of Srpski Telegraf, appeared on TV Pink and used the security camera images and false claims to accuse KRIK of using a "Japanese surveillance method" and being part of a secret operation which he said was named "Noose" and was allegedly being conducted by Western embassies with the aim of toppling Aleksandar Vucic and his SNS. State officials joined the attacks on KRIK, including Zorana Mihajlovic, Goran Vesic, Miroslav Lazanski, Nikola Nikodijevic, Milos Vucevic, Dubravka Filipovski and others¹¹⁵, and a reward of half a million RSD was announced for anyone who provides information about the person on the images. A day after the police identified the man on the images, but Srpski Telegraf editor said that he was not sure whether the man on them was a KRIK journalist or associate. The person on the images was interviewed and the police only released his initials, not his full name.¹¹⁶ The incident disappeared from the tabloid media and was not longer a subject of interest for state officials.

B5 Freedom of journalists in the news production process

The freedom enjoyed by journalists in the process of producing news depends greatly on the media that they work in and its editorial policies. The journalists who took part in the focus groups mainly said that they have the freedom to suggest topics to report on and the aspects of the story that they will focus on. Some journalists said that they have opportunity to suggest topics but that their editor decides which topics to report and in what way. The 2018 survey Control and Freedom of the Media showed that 47 percent of the respondents said that they had their suggestions rejected by editors, 39 percent said that their editors ordered them to report on a topic for which there was no professional justification while 32 percent said that their editors refused to publish their finished story¹¹⁷.

As for participation in coordinating the work of their newsroom (attending editorial meetings, handing out assignments), journalists often take part in meetings in smaller newsrooms. Large newsrooms mainly do not

112 Three focus groups were organized with a total of 21 journalists from different media outlets, the first on 18, second on 20 and third on 22 November 2019.

113 Maja Zivanovic, journalist, interviewed by Marija Babic, 8 October 2019.

114 Andjela Milivojevic, journalist, interviewed by Marija Babic, 18 October 2019.

115 Jovanovic Bojana, "Srpski Telegraf" uses edited recordings to attack KRIK", KRIK, 23 July 2019, accessed: 12.11.2019. <https://www.krik.rs/srpski-telegraf-montiranim-snimcima-napada-krik/>

116 Radivojevic Jelena, "Prosecution reveals person who Srpski Telegraf claimed is KRIK journalist", KRIK, 7 August 2019, accessed: <https://www.krik.rs/tuzilastvo-otkrilo-ko-je-osoba-za-kaju-je-srpski-telegraf-tvrdio-da-je-novinar-krik-a/>

117 Slavko Curuvija Foundation, Control and Freedom of the Media, Belgrade, 2018, page 8, accessed: 12.11.2019. <https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2018/02/Kontrola-i-sloboda-medija-Kljucni-nalazi-Slavko-Curuvija-fondacija.pdf>

have meetings of that kind but do hold meetings of editors. However, there are differences in the sense that in some media outlets these meetings are closed and journalists do not attend them or do so rarely, while in other media outlets, journalists can attend¹¹⁸. In public broadcasters, the openness of the meetings depends on whether they are TV or radio. Participants in the focus groups said that the situation is better on radio – journalists take part in meetings, while TV journalists rarely take part in editorial meetings.

Role of the media and journalists in society is crucial, and the purpose of journalism is to disclose problems and deficiencies in the society, to make them known to the public and thus contribute to the development of society. However, a persistent problem in the past years, which came to the limelight in 2019, is that the majority of the media lost this purpose since media are often used for the wrong purpose and political fights. The media would attack other media and journalists, there is no solidarity, and some media work for the interest of specific political structures. In the scope of the focus groups, journalists mentioned that it was a problem that only particular “reliable” journalists were reporting from specific events, that only appropriate people were appointed as editors, and that pre-ordered questions were being asked at the press conferences.

Journalists ethics also depends on the media where the journalists work. Over the past few years, tabloid journalism has been exercising a huge influence on the public. Tabloid media violate the code of ethics to a great extent at a daily level. In the second half of 2019, the Press Council recorded 5,057 cases of violation of the journalists’ code of ethics by eight daily print media that are distributed across Serbia. The number of those violations stood at 3,615 in the period from August to December 2018.¹¹⁹ Journalists in the focus group said that the violations of ethics standards are most frequent in reports on accidents, women victims of violence, children and other. Some journalists said that they can’t keep to the journalists’ code when they report on certain topics because they cannot access to the other side, sources are closed to them and have been refusing to answer questions for a longer period of time.

A focus group analysis showed that the greatest influence the media and journalists are suffering comes from advertisers, political players and the authorities. There is also pressure from the marketing departments of the media because of a lack of understanding of journal-

ism and public interest and prioritising profit above all else. The influence of media owners and management do not get to journalists directly but in indirect and subtle manner.

Self-censorship is much more present in Serbia than censorship. Censorship in the real sense of the word almost does not exist. The journalists working in media that are dependent on politics do not come under direct pressure because they know in advance what they can and what they cannot say or write. Journalists singled out self-censorship as a huge problem but added that few people speak out about it. The most frequent reasons cited for self-censorship are economical. Participants in the focus groups agreed that most journalists are not prepared to speak about self-censorship in public and will never openly admit that they can’t report on certain topics¹²⁰.

B6 Position of the women in journalism

The overall opinion is that the position of women journalists in Serbia is worse than that of their male counterparts. This is primarily reflected in the gender-based pressure on women. The unfavourable position of women journalists is linked to the overall situation in society, especially the ever-present traditional views. The women journalists who took part in the focus groups said that one of the reasons for their poor position is the attitude of employers towards pregnancies and maternity leave. One of them said that “women always have to take two steps back”¹²¹. Although it is a trend in journalism to have more women than men, men continue to be dominant in high editorial, ownership and directorial positions. Participants in focus groups described different situations in their media, citing examples of newsrooms where women are dominant, where women are editors but man is an editor-in-chief. Although there are media which have women in management positions, there is still few of them. Almost all the participants in focus groups said that gender is not the source of differences in salaries, as salaries in their media are the same for both men and women. One woman journalist said that there had been examples of beginner men with little experience and know-how getting higher starting salaries than their women counterparts¹²². The prevailing opinion is that women journalists are subject to certain pressure which is gender-based. That pressure

118 Three focus groups were organized with a total of 21 journalists from different media, the first on 18, the second on 20 and the third on 22 November 2019.

119 Press Council, *Monitoring respect of Serbian Journalists’ Code*, Belgrade, 2019. accessed: 31.12.2019. <http://www.savetazastampu.rs/monitoring-postovanja-kodeksa-novinara-srbije.html>

120 Quote from journalist Dragana Cabarkapa in focus group with journalists on 20 November 2019.

121 Quote from focus group with journalists on 20 November 2019.

122 Quote from focus group with journalists on 22 November 2019.

differs by context and includes the targeting of women journalists solely based on their gender, which is evident in comments on stories made only because the author is a woman¹²³, and less evident pressure such as compliments and inappropriate behaviour at events to which their male colleagues are not exposed to. They mentioned that young women journalists are said to be “young and inexperienced” while young men journalists are “great young co-workers”¹²⁴. However, some women journalists said that they believe that women are not subjected to gender-based pressure or that many women journalists do not think the described behaviour is negative.¹²⁵

123 Maja Zivanovic, journalist, interviewed by Marija Babic, 8 October 2019.

124 Quote from focus group with journalists on 20 November 2019.

125 For example, compliments are “more a question of our culture, a wider image of our society following a woman everywhere. Here, women are accustomed to situations in which they are paid compliments which are inappropriate in terms of time and place”. Quote from focus group with journalists on 20 November 2019.



C1 Statistics on the attacks on journalists and impunity

According to the database of attacks on journalists which is being kept by The Western Balkans Regional Platform for advocating media freedom and journalists' safety¹²⁶, there were 67 attacks on journalists and other media professionals in Serbia in 2019. Despite a drop in the number of physical and verbal assaults compared to pressure over the past few years, that number again increased in 2019 as did the number of cases of pressure on media professionals and the media which IJAS recorded¹²⁷.

¹²⁶ Western Balkans Regional Platform for advocating media freedom and journalists' safety, Database of Attacks on Journalists. accessed: 31.12.2019. <http://safejournalists.net/rs/homepage/>

¹²⁷ IJAS criteria to register pressure includes aggressive statements by public officials even when they do not pose a danger to the physical safety of journalists such as public name-calling, labelling, organizing smear campaigns, a ban on reporting from public events and other discrimination, etc. Based on data from IJAS database, <http://www.bazenuns.rs/srpski/napadi-na-novinare>, in 2017 there were 62, 72 in 2018, and in 2019 there were 80 recorded cases of pressure on journalists, media professionals and media organizations. At a presentation of IJAS annual report in January 2019, representatives of the Ministry of Interior and Public Prosecution said several times that "pressure is not a criminal offence" which, although true, causes concern among journalists bearing in mind the possible consequences of the messages those institutions are sending

Number of recorded attacks on journalists in 2019

Categories	Number	Description
Threats of death and grievous bodily harm	23	Verbal and written threats, including death threats, made directly or through third persons, through electronic means of communication or in person. They can be implicit or explicit and include threats to kill the journalists' family, colleagues or sources.
Other forms of threats against journalists	13	Threats which include stalking or surveillance, disturbing phone calls, arbitrary court or administrative harassment, aggressive statements by public officials or other forms of pressure which can jeopardize the safety of journalists in performing their professional activities.
Threats to media outlets and organizations	3	Verbal or written threats to attack the property or staff of media outlets and organizations sent directly or through third persons, through electronic means of communication or in person. They can be implicit or explicit and include reference/insinuations to certain media outlets or its staff.
Attacks on journalists	12	Attacks can include physical or emotional harm, kidnapping, breaking and entering into offices/apartments, seizing equipment, arrest, attempted murder, etc.
Murders of journalists	0	Types of murder can include deaths in crossfire, ambush, bomb explosions, beating to death.
Attacks on media outlets and organizations	16	Attacks on the property of media outlets and organizations, their staff, seizure of assets, aggressive statements by public officials, etc.

The Regional Platform's database shows that there were 23 cases of verbal and written threats of physical integrity in Serbia in 2019, including death threats against both journalists and their families. The total number of cases of threats to women journalists in 2019 was 10 – three threats of physical integrity, including death threats.

Over the past few years, the number of threats made via the Internet and social media is rising. Earlier, those threats accounted for about half of the recorded incidents with a rise recorded in 2019. Of the total of 23 registered threats, 16 were made via the Internet and social networks.

One of the most drastic cases were the threats against Zana Cimili, the N1 TV correspondent in Pristina. She received threats on social media where on the post which included a photograph of her daughter a person wrote a caption that "my life-long desire is to kill an Albanian, even an Albanian child" and that they "hope that a new war will break out in Kosovo in which the Albanians will feel the wrath of the Serbs". Prosecutors and police reacted quickly and the case was processed without delay¹²⁸. After a little less than four months from threat, the suspect was sentenced to a year and six months in prison with a probation period of four years along with restraining order and a ban on communicating with the aggrieved party and the seizure of communication equipment.

¹²⁸ N1, "Indictment filed against person who threatened N1 journalist Zani Cimili", 27 July 2019, accessed: 29.11.2019, <http://rs.n1info.com/Vesti/a502314/Optuzni-predlog-zbog-pretnji-Zani-Cimili.html>

Besides those threats, 13 incidents were recorded in 2019, including stalking and surveillance, disturbing phone calls, aggressive statements by public officials or other forms of pressure which could jeopardize the safety of journalists in performing professional activities. Most of those cases referred to the aggressive statements by public officials.

Such example is the case of the name-calling and labelling of journalist Slobodan Georgiev. In April 2019, after BIRN, where Georgiev works, had published photographs indicating the link between Andrej Vucic, President's brother, and controversial businessman Zvonko Veselinovic, a smear campaign was launched against this journalist. He was labelled as a foreign mercenary, traitor, collaborator with Albanian and Kosovo politicians in a maliciously edited video. The video sparked a large number of comments which included insults and threats when it was published¹²⁹.

The next group of attacks are physical assaults on journalists. Besides physical threats to safety, such group of attacks includes cases of kidnapping, breaking into homes/offices, seizing equipment, detention, attempted murder, etc. In 2019, 12 incidents were recorded – 11 physical assaults and one case of breaking into an apartment. One of the most serious cases in the past 10 years happened on 12 December 2018 when the house of journalist Milan Jovanovic, who works for the local news portal Zig Info, was set on fire. A Molotov cocktail was thrown at the garage and the fire spread to the house, burning it down to the ground. The arson attack

¹²⁹ BIRN Serbia, "BIRN: Stop the Attacks on Georgiev", 18 April 2019, accessed: 29.11.2019, <http://birnsrbija.rs/birn-zaustavite-napad-na-georgieva/>

took place during the night while Jovanovic and his wife were asleep. They woke up and managed to get out of the house unharmed.¹³⁰ Soon after that event, prosecutors signed a plea bargain agreement with one of the suspects who helped torch the house, sentencing her to six months in house arrest and a fine of 50,000 RSD. In February 2019, then Grocka Mayor Dragoljub Simonovic was ordered into custody for 30 days by a judge on charges of having ordered the arson attack. Once the 30 days were up, Simonovic was released and the court proceedings against four suspects, including Simonovic, started in April 2019 and were still underway when this report was completed.

Three attacks on female journalists were recorded in 2019, including two cases of physical assault and one case of breaking and entering an apartment.

Also in 2019, 17 attacks on media outlets and organizations were recorded. Those attacks include attacks on the property of media outlets and organizations, their staff, seizure of property, aggressive statements by public officials, and other. The most frequently attacked media in 2019 was N1 TV which was subjected to aggressive statements by public officials and was targeted even in the highest institutions such as the Serbian Parliament. One of the examples includes two attacks on media organizations. In March 2019, a group of protesters and opposition leaders broke into the RTS building to express dissatisfaction with the reporting by the public broadcaster and the absence of the opposition in the news programme. Opposition leaders demanded a guest appearance by organizers of the One in Five Million protests in RTS programme and wanted to speak to an editor or journalist. The police reacted and video recordings showed some pushing and shoving¹³¹. Following that incident, opposition leaders blocked the entrance to the RTS building in December, indicating that the purpose of the blockade was not violence but a desire to symbolically show that the public broadcaster is not performing its job as stipulated in the law¹³². That same evening, an attack was launched on N1 TV which reported the incident. Several members of the government of Serbia appeared on pro-government media to comment the “unprofessional” reporting by N1 TV and to say that such media reporting was in fact inciting and

inviting people to come to the RTS building¹³³. Just a day after Minister of Foreign Affairs Ivica Dacic signed a joint declaration at a conference in London which obliged signatory states to work together to protect media freedoms and support the development of diverse and independent media working in the public interest, the attacks started and even threats were made against independent media by the city assembly councillors and MPs¹³⁴. Another drastic case is the smear campaign against the KRIK portal in pro-government media which was continued by public officials.¹³⁵

Besides those attacks on the media, three serious threats against media outlets and organizations were recorded in 2019. Two of the three threats were made against N1 TV. In February 2019, staff at N1 received death threats letter against journalists and their families because of their reports on the protests. The letter said: “Do you have families, you are killing our children and grandchildren and you don’t realize that if anything would be torn down, your building will be the first to be blown up and you could lose your loved ones too. And that is why we veterans are warning you not to play with anyone’s fate because your fate is in our hands”¹³⁶. That same year in November, following a campaign launched in the tabloids when the editor of the Informer tabloid blamed the questions posed by an N1 TV journalist for the Serbian President’s health, N1 newsroom received several e-mails calling N1 staff traitors who should be sent to jail. One of the e-mails to the newsroom included a threat: “You are sell-outs and traitors, you should be hanged in public and removed in order to have peace in Serbia, N1 TV advocates violence, calls for murder, the rape of women and daughters, do you call that a television, you gang of scum, pieces of shit”¹³⁷.

There have been three murders of journalists in Serbia over the past 25 years. Progress was only made in the investigation proceedings in the murder of journalist Slavko Curuvija, editor-in-chief and owner of Dnevni Telegraph daily in 1999. In April 2019, the Special Court in

130 Dobrilovic Jasmina, “Attempted murder of journalist Milan Jovanovic: House burned down, shots fired at front door”, *Cenzolovka*, 12 December 2019. accessed: 29.11.2019. <https://www.cenzolovka.rs/pritisci-i-napadi/pokusaj-ubistva-novinara-milana-jovanovica-spaljenga-kuca-pucano-na-ulazna-vrata/>

131 Insajder, “Protesters break into RTS, call new gathering on Sunday (VIDEO)”, 17 March 2019. accessed: 02.12.2019. <https://insajder.net/sr/sajt/vazno/13778/>

132 Gajic Petar, “SZS blocks entrance to RTS, promise there won’t be violence or attempt to break in”, *N1 TV*, 13 December 2019. accessed: 15.12.2019. <http://rs.n1info.com/Vesti/a552070/SZS-blokirao-RTS.html>

133 Santovac Adam, “Following weekend events, N1 targeted in threats, tabloids and by state officials”, *N1 TV*, 18 March 2019. accessed: 02.12.2019. <http://rs.n1info.com/Vesti/a469151/N1-na-meti-pretnji-tabloida-i-drzavnih-zvanicnika-zbog-izvestavnja-o-upadu-na-RTS.html>

134 Vasic-Nikolic Maja, “Freedom of the media starts and ends with decision by the state”, *Vreme*, 25 July 2019. accessed: 02.12.2019. <https://www.vreme.com/cms/view.php?id=1705457>

135 Jovanovic Bojana, “Srpski Telegraph” uses edited recordings to attack KRIK”, *KRIK*, 23 July 2019. accessed: 02.12.2019. <https://www.krik.rs/srpski-telegraf/montiranim-snimcima-napada-krik/>

136 Zoric Jelena, “N1 gets threats against journalists, building to be blown up”, *N1 TV*, 4 February 2019. accessed: 03.12.2019. <http://rs.n1info.com/Vesti/a457705/Pretnje-upucene-TV-N1.html>

137 The case in database of attacks on journalists [safejournalists.net: https://safejournalists.net/rs/reports/threats-against-media-outlets-and-organizations-tv-n1-belgrade-16-11-2019/](https://safejournalists.net/rs/reports/threats-against-media-outlets-and-organizations-tv-n1-belgrade-16-11-2019/)

Belgrade sentenced four former members of the State Security Service – Radomir Markovic and Milan Radonjic with 30 years each, while Ratko Romc and Miroslav Kurak got 20 years in prison each. However, the actual murderer has not been found yet. Appeals were filed by all the defendants, except Kurak who is at large, their defence lawyers and the prosecution, however a second instance court ruling is still pending. There has been no progress in the other two cases – the first in 1994 when Radislava Dada Vujasinovic, a journalist with Duga magazine, died and the second in 2001 when Milan Pantic, a local correspondent for Vecernje Novosti daily in Jagodina was murdered. Pre-investigation proceedings are still ongoing for both cases.

C2 State institutions' and political actors' behaviour concerning journalists' protection

In December 2016, an Agreement on cooperation and measures to increase the level of journalists safety was signed between the Republic Public Prosecutor's Office, Ministry of Interior and seven journalists' and media associations¹³⁸. The agreement was signed to set up cooperation between them and establish a system of measures to ensure more efficient criminal protection of journalists. The agreement included the forming of a Standing Working Group which includes the representatives of all the signatories. From the moment the agreement was signed, the Standing Working Group had its ups and downs, including the implementation of the agreement as such. To express their dissatisfaction with the implementation of the agreement, five journalists' and media associations froze their membership in the working group for almost a year¹³⁹. Journalists interviewed for the purpose of the survey agreed that once the status of those associations was unfrozen, the implementation of the agreement was slightly more active, with trainings organized and some cases being solved quickly. However, it is a general opinion that this was not enough and did not contribute to improved safety for journalists.

138 Association of Journalists of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Association of Independent Electronic Media, Media Association, Online Media Association and Association of Journalists of Vojvodina (which was frozen in the meantime and stepped out of the agreement and Standing Working Group).

139 Independent Journalists' Association of Serbia, Indicators for level of media freedom and safety of journalists in Serbia, Belgrade, 2018, page 33. accessed: 06.12.2019. <https://safejournalists.net/wp-content/uploads/2018/12/Ceo-izve%C5%A1taj-Indikatora-za-nivo-slobode-medija-i-bezbednost-novinara-Srbija-2018.pdf>

Besides keeping statistical records and monitoring cases of some journalists' associations, the records of the attacks on journalists has been kept by the Republic Public Prosecution Office (RPPO) since 2016. In December 2015, the prosecution issued instructions on keeping separate records which includes the obligation of keeping records of crimes committed against journalists and urgent procedures in those cases. Similar instruction was introduced by the Ministry of Interior in 2018 which includes urgent procedures by police officers in cases of attacks on journalists. Updated records kept by RPPO are submitted to representatives of the Standing Working Group every three months. The signing of the agreement, keeping records, providing information on cases and establishing a mechanism to report attacks on journalists and exchanges of information may be an indicator that a state has recognized the need to raise the matter of safety to a higher level. However, it is a fact that the signing of the agreement and other activities were already included in the Action Plan for Chapter 23 in the framework of the European Union accession, as such activities will not suffice to improve the situation regarding the safety of journalists¹⁴⁰.

State officials do not sufficiently condemn attacks on journalists and when they do, they do it selectively. Moreover, as said earlier, there were 38 of those cases in 2019 (in 2018 - 29¹⁴¹) when top state officials failed to condemn attacks but insulted and targeted certain journalists and media.¹⁴² State officials jeopardized the safety of journalists because those statements were often followed by serious threats to the mentioned journalists. The European Commission Serbia 2019 Report

140 The European Commission has been saying for years in its Progress Reports that there has been no progress in terms of freedom of expression and stresses the problem of safety of journalists.

141 Independent Journalists' Association of Serbia "Chronicle of attacks and pressure on journalists in 2018, Belgrade, 2018. accessed: 07.12.2019. <http://nuns.rs/sw4i/download/files/cms/attach?id=132>

142 Journalists' and media associations filed 13 requests with the Serbian Government Coordination Body for Cooperation with the Media in August 2018, the first of which was that "officials in the authorities should immediately stop name calling, insulting, demeaning and discriminating journalists, media, journalist and media associations, threatening their safety and declaring them enemies of society, foreign agents and traitors". Officials are constantly saying that critical media and different opinions are part of the democratic process which they support, Independent Journalists' Association of Serbia, Requests by journalist and media associations to the Serbian Government Coordination Body for Cooperation with the Media, 16 August 2018. accessed 08.12.2019. <http://nuns.rs/info/news/37691/zahtevi-novinarskih-i-medjiskih-udruzenja-koordinacionom-telu-vlade-srbije-za-saradnju-sa-medijima.html>

underlined that the safety of journalists is a problem¹⁴³. In terms of instructions from state institutions about the ban on harassment, intimidation or physical threat, in addition to mandatory instructions by the Republic State Prosecutor Office and the Ministry of Interior, which should provide guidelines to the police and military, there are no other special documents.

The signing of the Agreement and forming of the Standing Working Group for the Safety of Journalists secured better communication between the signatories and improved and easier exchange of information. A mechanism was established which includes contact persons to report cases of attacks on journalists and exchange information. The contact points have been set up in journalists' and media association, 27 police stations across Serbia and five prosecutions (four in appellate public prosecutions and one in the High-Tech Crime Prosecution). However, the number of attacks is still high and their sanctioning is still not at an appropriate level. There are still a large number of unsolved cases both from more than several years ago¹⁴⁴, but also those from 2019.

Of the total of 38 recorded cases of threats and assaults in 2019, punishment was imposed only in five cases, 19 cases are pending in the prosecution, five are taken over by the court and five were deemed not be criminal offences which are prosecuted ex officio (three cases were not reported and there is no information about one).¹⁴⁵

The Ombudsman launched an initiative to form a joint platform to record individual attacks, threats and pres-

sure on journalists and other media staff in order to establish a more efficient mechanism to protect them¹⁴⁶. The Ombudsman submitted a draft Agreement on Cooperation in Protecting and Improving the Safety of Journalists to journalists' and media associations and unions and met with them several times but concerting the agreement is still underway.

Surveillance of electronic communications is a special procedure of evidence gathering and the law regulates when it should be undertaken and in which cases¹⁴⁷. There is no evidence to show that electronic surveillance is being misused, but the problem is the fact that there is no efficient control of bodies conducting electronic surveillance. In 2019, Belgrade Deputy Mayor Goran Vesic spoke at a news conference to accuse N1 TV of a lack of professionalism and said that he would make public the e-mails between the station's journalists and its Program Director Jugoslav Cosic who, allegedly tells journalists how to report things. Vesic said that he got an e-mail from a friend and then posted part of the e-mail on his Facebook profile. N1 TV filed criminal charges against Vesic for committing the crime of violation of confidentiality of correspondence and documents, and against an unknown person for accessing a protected computer, computer network and electronic data processing of this media without permission and thus obtained certain information which they shared with another person. The proceedings are still in the hands of the prosecution¹⁴⁸.

C3 Judicial system's efficiency concerning journalists' protection

Commission on reviewing the facts related to the investigation of murdered journalists was formed in 2013 by the Serbian government¹⁴⁹. The decision to form the Commission also defined its duties – it was to draft a plan and set the pace in gathering facts and determine other circumstances about investigations into the murders and establish cooperation with the bodies in

143 The European Commission report says "Cases of threats, intimidation and violence against journalists are still a concern. While several cases have been solved and some criminal charges filed, investigations and final convictions remain rare overall. The first ever sentence in a case involving the murder of a journalist was pronounced, in first instance, in April 2019. The Serbian authorities need to react promptly to and publicly condemn hate speech and threats against journalists". European Commission, Serbia 2019 Report, Brussels, 2019, page 25. accessed: 07.12.2019. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>

144 Cases of bomb being thrown at apartment window of Dejan Anastasijevic (2007), physical assaults on Davor Pasic (2014), Ivan Ninic (2015), break in into apartment of Dragana Peco (2017) and others.

145 The research Critical Points in the System of Safety of Journalists, conducted by the Slavko Curuvija Foundation, stressed the positive effects of establishing the Standing Working Group and the implementation of key activities to raise the level of protection for journalists. It showed that journalists do not trust institutions and that for a large number of cases investigations take too much time followed by the pressure on journalists and impunity. The journalists lack the understanding of the process, so the public and the journalists themselves made a conclusion that the Group has no purpose and is not giving results. Slavko Curuvija Foundation, Critical Points in the System of Safety of Journalists, Belgrade, 2019. accessed: 10.12.2019. <https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2014/01/SCF-Kriticne-tacke-u-sistemu-zastite-novinaru.pdf>

146 Ombudsman, "Ombudsman hands media associations draft cooperation agreement for establishing Platform to protect journalists", 23 July 2019. accessed: 10.12.2019. <https://www.ombudsman.rs/index.php/2019-12-25-10-17-15/2019-12-26-10-05-05/6223-a-8>

147 Law on Criminal Proceedings. Articles 161 to 173

148 N1, "N1 lawyers file criminal charges against Goran Vesic", 27 June 2019. accessed: 10.12.2019. <http://rs.n1info.com/Vesti/a495330/Lawyeri-N1-podneli-krivicnu-prijavu-protiv-Gorana-Vesica.html>

149 Serbian government decided in August 2018 to expand the powers of the Commission investigating the murders of journalists and disappearance of journalists in Kosovo in the period 1998-2001 and the murders of journalists in the conflicts in the former Yugoslavia between 1991 and 1995.

charge of the investigations, draft progress reviews of investigations based on information it would get, give opinions about efficient ways to improve the way investigation proceedings are conducted and to propose specific measures¹⁵⁰. The case of the murder of journalist Slavko Curuvija was ruled in the first instance court in 2019, while back in 2016 the commission reported that the police investigation into the murder of journalist Milan Pantic was finished and that evidence had been collected about the motives and suspects. However, the cases of Pantic and Vujasinovic are still in pre-investigation proceedings.

Despite increased number of threats to physical integrity in 2019, there is no separate procedure intended for cases of violence against women, including women journalists. Even tough progress was made in some cases, such as the Cimili case, the state did not secure adequate resources, primarily human, to conduct investigations into threats and violence against journalists. Proceedings take a long time and prosecutors have been heavily burdened.

There are journalists living under police protection in Serbia. The problem lies in the fact that protection in some cases has been in place for a long time. Those journalists live in constant fear and that certainly affects their work. One of the more drastic examples is Vladimir Mitric, a Vecernje Novosti journalist from Loznica who has been living under police protection for 13 years. Milan Jovanovic got a police protection after his house was burned down in December 2018 and he is still living under protection.¹⁵¹

Although some cases have been solved quickly in the past year, efficiency and speed of proceedings are not at satisfactory level¹⁵². Pre-investigation and investigation proceedings often take too much time and in many cases there is no epilogue of court proceedings and perpetrators go unpunished¹⁵³. According to information from the prosecution, their records show that in a large number of cases no perpetrator has been found. Another indicator of insufficiently effective proceedings, besides the 19 cases still being processed by the prosecution, is the fact that there is a huge backlog of un-

solved cases from earlier years, including the two murders of journalists which are still in the pre-investigation proceedings.

An analysis of the efficiency of criminal and legal protection of journalists in Serbia was drawn up in 2018 and showed that there are doubts about the efficiency of institutions and mechanisms in terms of journalist safety: “almost all relevant players (who took part in the analysis) believe that adequate institutions and mechanisms are in place regulating the safety of journalists but expressed serious doubt about their efficiency and will to perform their duties and competencies in accordance with the law¹⁵⁴.”

It seems that in a certain number of cases, the people who ordered the attacks and threats against journalists remain unidentified while the perpetrators are punished. Those cases include the murder of Slavko Curuvija – even though a court sentenced the perpetrators, the people who ordered the murder remain unidentified. However, former Grocka Municipal Mayor Dragoljub Simonovic is under suspicion of having ordered the arson attack on journalists Milan Jovanovic’s house.

In 2019, several training courses have been organised for prosecutors and police officers as well as for journalists and other media professionals about protecting freedom of expression and journalists. The above-mentioned Agreement includes training for representatives of prosecutor office and police officers with the aim of securing better understanding of the specific nature of the journalist profession and problems that journalists face, as well as more efficient procedures by state bodies if the safety of journalists is being at risk. Also, the Agreement includes education for journalists about the right to criminal and legal protection and obligations for criminal proceedings. In the past year, the OSCE which has the role of an observer in the scope of the Agreement, has organized several of those training courses and consultations with the contact points of the signatories which were attended by representatives of the police, prosecutors and journalists. The consultations were educational since the contact points exchanged experience and journalists were informed about the mechanism and their opportunities and rights. Even though the training was useful and we could say that there was a higher level of understanding on both sides that is still not enough to improve things in practice and it should be continued with the similar training courses in the future.

150 Decision to form Commission to review facts found in investigations into murders of journalists <http://pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/odluka/2013/8/7/reg>

151 IJAS asked the Ministry of Interior in 2018 for information about the number of journalists under police protection. However, the Ministry replied that it does not have that information and that the disclosure of documents containing that information would lead to speculation in the public about which journalists are under police protection and the possible obstruction of proceedings involving them and the people who endangered them.

152 Primarily bearing in mind the instruction of the Public Prosecution and Ministry of Interior for immediate proceedings in cases of attacks on journalists.

153 Example of these cases are shown in Box C11.

154 Organization for Security and Cooperation in Europe, Mission to Serbia, Analysis of efficiency of legal and criminal protection of journalists in Serbia, Belgrade, 2018, page 100. accessed: 15.12.2019.

Review of activities launched to solve some of the most serious cases over the past five years.

Case 1. Ivan Ninic
assaulted on 27 August 2015. around 11.30 pm entering his apartment building in Belgrade.

2015.	2016.	2017.	2018.	2019.
<ul style="list-style-type: none"> • Case reported to police • Institutions launched investigations 	<ul style="list-style-type: none"> • Case in hands of prosecutors 	<ul style="list-style-type: none"> • Case in hands of prosecutor with unidentified perpetrators 	<ul style="list-style-type: none"> • Case in hands of prosecutor with unidentified perpetrators 	<ul style="list-style-type: none"> • Case in hands of prosecutor with unidentified perpetrators

Case 2. KRIK
Received threats on social media saying they should be “lined up and shot as foreign agents” in Serbia after publishing an investigation into the property of state officials on 15 July 2016.

2015.	2016.	2017.	2018.	2019.
	<ul style="list-style-type: none"> • Case reported to Special Prosecution for High-Tech Crime 	<ul style="list-style-type: none"> • Case in hands of prosecutors • Investigation underway 	<ul style="list-style-type: none"> • Deferral procedure completed 	

Case 3. Nedim Sejdinovic
Threats made on 9 September 2016 on social media following a meeting at which he compared “the image of Serbia in the 1990s with the image of the Islamic State”.

2015.	2016.	2017.	2018.	2019.
	<ul style="list-style-type: none"> • Case reported to Special Prosecution for High-Tech Crime 	<ul style="list-style-type: none"> • Case in hands of prosecutors • Investigation underway 	<ul style="list-style-type: none"> • Deferral procedure completed 	

Case 4. Slobodan Georgiev
Received threats on 9 September 2016 on Twitter after he wrote a comment about the cover page of a daily newspaper.

2015.	2016.	2017.	2018.	2019.
	<ul style="list-style-type: none"> • Case reported to Special Prosecution for High-Tech Crime 	<ul style="list-style-type: none"> • Case in hands of prosecutors • Investigation underway 	<ul style="list-style-type: none"> • Deferral procedure completed 	

Case 5. N1 TV journalists
Received a message with serious threats addressed to the N1 Web desk on 14 October 2016.

2015.	2016.	2017.	2018.	2019.
	<ul style="list-style-type: none"> • Case reported to authorities • Police arrested suspect 	<ul style="list-style-type: none"> • Court of first instance sentenced perpetrator to suspended sentence, a year in jail, which will not be enforced if perpetrator does not commit crime in ensuing three years • Appeal lodged 	<ul style="list-style-type: none"> • Appellate Court confirmed lower court ruling 	

Case 6. Nihad Ibrahimkadic
Journalist injured in an assault on 5 January 2017 near the railway station in Belgrade.

2015.	2016.	2017.	2018.	2019.
	<ul style="list-style-type: none"> • Case reported to police 	<ul style="list-style-type: none"> • Criminal charges against two people rejected • Case transferred to unidentified perpetrators registry • Investigation continued 		<ul style="list-style-type: none"> • Case in hands of prosecutors with unidentified perpetrators

Case 7. Several journalists assaulted on 23 June 2017 in front of Serbian Parliament while reporting on a gathering for the inauguration of newly-elected President Aleksandar Vucic.

2015.	2016.	2017.	2018.	2019.
	<ul style="list-style-type: none"> • One case reported to First Basic Public Prosecution • Prosecution expands case to all journalists attacked at event • Prosecution rejects criminal charges • Objection filed by journalist • Higher Public Prosecution in Belgrade accepts objection and sends case back to First Basic Public Prosecution to investigate 		<ul style="list-style-type: none"> • First Basic Public Prosecution rejects charges again • No objection lodged 	

Case 8. Marija Vucic
After publishing an article, this journalist received threats and insults on Facebook on 24 June 2017 – “Whore, you will be cut by the sword soon.”

2015.	2016.	2017.	2018.	2019.
		<ul style="list-style-type: none"> • Case reported to prosecution and police 	<ul style="list-style-type: none"> • Case in hands of prosecutor with unidentified perpetrators 	<ul style="list-style-type: none"> • Case in hands of prosecutors with unidentified perpetrators

Case 9. Dragana Peco
Journalists' apartment broken into on 7 July 2017 while she was out of Belgrade.

2015.	2016.	2017.	2018.	2019.
		<ul style="list-style-type: none"> • Case reported to police who investigated immediately 	<ul style="list-style-type: none"> • Case in hands of prosecutor with unidentified perpetrators 	<ul style="list-style-type: none"> • Case in hands of prosecutors with unidentified perpetrators

Case 10. Zeljko Matorcevic
9 October 2018 journalist assaulted by unidentified person.

2015.	2016.	2017.	2018.	2019.
			<ul style="list-style-type: none"> • Case reported to police 	<ul style="list-style-type: none"> • Prosecution rejects criminal charges • Objection lodged by plaintiff • Objection upheld, investigation continued

Case 11. Milan Jovanovic
Journalist's garage and house burned down in arson attack on 12 December 2018.

2015.	2016.	2017.	2018.	2019.
			<ul style="list-style-type: none"> • Case reported to police 	<ul style="list-style-type: none"> • Second Basic Public Prosecution in Belgrade filed indictment. • Court proceedings underway • Only 3 out of 7 hearings held

Case 12. Tatjana Vojtehovska
Received serious death threats against herself and her daughter on Twitter on 25 December 2018.

2015.	2016.	2017.	2018.	2019.
			<ul style="list-style-type: none"> • Case reported to Special Prosecution for High-Tech crime 	<ul style="list-style-type: none"> • Higher Court in Belgrade sentences defendant to 8 month suspended sentence. He will not serve time in jail unless he commits another crime in the next three years. • Appellate Court in Belgrade overturns High Court ruling and sentences defendant to eight months' house arrest and electronic surveillance along with the seizure of his mobile phone and SIM card as well as a computer.

Conclusions and recommendations

Conclusions

Freedom of the media and freedom of expression are guaranteed by the Constitution and laws in Serbia but the problem is their application. One of the main indicators of the lack of will to implement the laws is the Regulatory Authority for Electronic Media which does not sufficiently use the possibilities it has been assigned with, which, in turn, has a significant effect on the overall poor situation in the electronic media. The process of co-financing media projects of public significance is abused for the sake of political influence: primarily those media which are close to the authorities receive financing and they violate codes of ethics. The funds are used to finance regular media programmes and not to produce lacking media content of public interest. Public broadcasters are not sufficiently independent, the way they are currently financed cannot secure their independent and stable operation and the Program Council as a body which should represent civil society does not have a significant influence. Institutions are not transparent, they do not reply to requests in sufficient manner and that affects the work of the media and journalists. The situation is the worst with the ministries, and the courts are less open to the public than before. The best situation is in assemblies and parliament which are open for journalists but most journalists are not allowed access to meetings of city and municipal assemblies. There were no serious cases in which journalists were asked to reveal their sources but the problem is the increasing concern for anonymity and the safety of confidential sources.

A large number of law suits are still being filed in court for damages to reputation and honour, but the court practice varies and is not sufficiently in line with the practices of the European Court of Human Rights. Court proceedings are being used to pressure the media, large numbers of law suits are filed against the same media.

Economic and social conditions continue to be a significant problem for the journalistic community. Union organizing is weak, salaries are low and some journalists work for minimum wage and even illegally which is especially visible in smaller communities. They are often engaged part-time and have to work in several newsrooms to make a living. The media in general do not have internal acts to secure editorial independence from owners and management and the only act of that kind exists in the local portal Juzne Vesti. The situation is the same with internal codes of ethics – the media mainly do not have one and the public knows that the non-profit BIRN does. The media and journalists keeping in line with ethical principles follow the Serbian Journalists' Code. Private media are under pressure, both internal and external, which has become more evident and has been on the rise in the past few years with self-censorship as the consequence. Journalists, especially investigative journalists, are exposed to smear campaigns and name-calling – they are called foreign mercenaries, traitors, etc. The pressure from high-ranking state officials continues with increasing frequency. Public broadcasters are under pressure from different sides, often indirectly, self-censorship is pronounced such as circumventing certain topics. The professional freedom of journalists in their newsrooms depends primarily on the media they work in and their editorial policies. The most frequent pressure on journalists and the media comes from advertisers, political players and the authorities, whilst the pressure coming from owners and management is subtler and indirect. The general view is that the position of women journalists is worse than that of their male counterparts. Although the number of women journalists has increased a lot recently, most media still have men in their top job positions. Women journalists are often exposed to gender-based pressure.

The number of attacks on journalists continues to be high. The fact that more verbal and physical assaults were recorded in 2019 than in earlier years is a cause for concern and the pressure has been rising for years. The fact that the worst attack in the past 10 years – the arson attack when house of journalist Milan Jovanovic was set on fire – happened in December 2018 shows that the safety situation is not good. The Agreement on cooperation and measures to increase the level of journalists' safety was signed in December 2016 but its re-

sults are still not sufficiently visible. Progress has been made, a mechanism has been established to report attacks on journalists and exchange information but the large number of attacks on journalists and the number of unsolved cases indicate that the situation is not good. Although some cases were solved quickly over the past year, the prevailing opinion is that the proceedings take too long. There are few cases which got an epilogue in court and when that does happen the sentences are lenient. Two of the three murders of journalists are still under investigation. The Commission on reviewing the facts related to the investigation of murdered journalists made some progress in the case of the murder of journalist Milan Pantic back in 2016 but the prosecution has done nothing about it. In the case of Slavko Curuvija, the first-instance court made a ruling and there has been no progress in the case of Radislava Vujasinovic.

Amendments solely to the law are not sufficient to improve the state of media and journalistic freedom. Changes in legislature should be conceptually motivated and guided by the need to build a free and informed society. Also, and equally important, these changes have to be accompanied by the political will to implement standards. The overall assessment is that such political will does not exist in Serbia. The process of drafting the Media Strategy was slow and not sufficiently inclusive. The state did show an interest in drafting that document but the process was dogged by problems. The adoption of this document alone does not necessarily have to contribute to an improvement of the situation in terms of media freedom because it is not a legally binding document. The state will demonstrate its true commitment if it amends the legal regulations in line with the conclusions and measures that it opted for in the Media Strategy. The weakness of union organization and poor economic status of journalists crucially affects the very low level of journalistic freedom in newsrooms.

Bearing in mind these research findings, the journalistic community, regardless of the will of political players, needs to continue taking the initiative and more aggressively start solving the problems related to the position of journalists irrespective of the editors, management, owners and political players. Finally, politicians have to stop viewing the media and journalists as political opponents and stop attacking them. An atmosphere has to be created in society which would allow journalists to operate without fear, discrimination and in the public interest. Coordinated pressure has to continue on state structures to make the safety of journalists inviolable. This requires political will and self-organizing of journalists, international networking and constant drawing of the attention to this problem wherever it appears.

Recommendations

A Improving legislature

Amendments to the law were announced after the Media Strategy was adopted. Although the overall conclusion was that the laws are not bad, some solutions need to be amended or supplemented to make sure that the laws are less susceptible to abuse.

1. Amend laws and bylaws to improve the work of the Regulatory Authority for Electronic Media and secure greater independence of that body:
 - reduce political influence on REM by changing the way REM Council members are appointed by excluding political and state bodies from the process and defining clearer criteria for their election;
 - secure greater financial independence of REM by reducing political influence and increasing transparency when drafting financial plans; expand the powers of REM by introducing the possibility of fines as sanctions for broadcasters who break the law and violate regulations;
 - clearly define the role of REM during the election campaign and regulate by law the REM's obligation to conduct monitoring of election campaigns and publish its findings;
 - change the rules on meeting obligations by public broadcasters during election campaigns to include all providers of media services and not just public broadcasters
 - secure greater transparency, accountability and improve communication between REM and the public.
2. Amend laws and bylaws to improve the process of project co-financing of media content of public importance:
 - introduce the obligation of calling public competitions and sanctions if they are not called as well as the obligation of calling those competitions at the beginning of the year;
 - introduce mandatory analyses of the need for media content to determine the public interest for each individual local community;
 - define clear criteria for the appointment of members of expert commissions, introduce forms for their biographies and improve the work of those expert commissions;
3. Regulate by law the advertising of public companies and other public advertising to realize better control of the allocation of public funds, secure a fair and transparent manner of allocation with bodies under obligation to publish relevant information so that the public is informed of them.
4. Amend laws and bylaws to secure greater independence of public broadcasters;
 - secure greater financial independence of public broadcasters by changing the current way that they are financed;
 - secure greater transparency and accountability towards the public and better communication with it;
 - secure greater independence of the members of management boards by introducing clear criteria for their appointment and changes to the way they are appointed;
 - define the role and powers of the Program Council to secure a more efficient manner of control over public broadcasters, change the way the council members are appointed to secure their greater independence.
5. Harmonize the case law in proceeding against journalists for the compensation of damage regarding the publication of information with the practices of the European Court of Human Rights and make domestic practices uniform.
6. Secure greater transparency of state institutions and clearly define by law the sanctions if the law is broken. State bodies should be obliged to publish certain data and information on their Internet pages to make that information easily accessible to the public. Secure mechanisms to enforce the decision of the Commissioner.
 - introduce the obligation of the expert commissions to take into consideration decisions of the Regulatory Authority and Press Council in decisions about funding
 - introduce the obligation for the expert commission to take into consideration decisions by Regulatory Authority and Press Council when deciding on allocating funds;
 - improve the mechanism of control for the implementation of provisions and establish an efficient legal tool in this area;
 - introduce mandatory evaluation of realized projects and external financial audits of media that were given funds above a certain amount.

B Secure better working and legal status of journalists and other media professionals

1. Establish a socio-economic dialogue to sign a collective branch contract which would provide better working conditions for journalists and media staff;
2. Financial and organizational strengthening of unions;
3. Empower journalists in order to organize in unions and provide education in order for them to be better acquainted of ways to realize their working and professional rights;
4. Establish more efficient inspections to reduce the number of people working unregistered and other violations of the rights of journalists;
5. Introduce measures and procedures to improve the position of women and create better conditions to have more of them in leading positions;
6. Ensure greater independence of journalists and newsrooms in relation to owners and management by signing special acts which would enable that independence and by adopting the IJAS's annexes to contracts which define professional rights and duties of journalists and editors which would provide more efficient protection of their professional status.

C Secure greater safety for journalists and other media professionals

1. Improve cooperation between state institutions and the media and journalists' associations through the existing mechanism established by signing the Agreement on Cooperation and Measures to increase the level of safety of journalists and by improving the work of the Standing Working Group;
2. Actions of the competent bodies, prosecution and police in line with mandatory instructions adopted by those institutions and act immediately in cases of attacks on journalists;
3. High ranking public officials should clearly and unconditionally condemn all attacks and violence against journalists to set an example and convey the message that this kind of behaviour is unacceptable and impermissible;
4. High ranking and other public officials should refrain from making statements which could indirectly lead to endangering the safety of journalists;
5. Continue with trainings for members of the police and prosecution to ensure better understanding of the profession of journalists and more efficient action in cases of danger to journalists as well as in regard to legal protection and duties in terms of criminal proceedings;
6. Getting judges involved in the work of journalists in order to raise the level of understanding of the problems journalists are facing, joining in the search for solutions for problems involving understanding legal matters which are problematic in practice in regard to attacks on journalists, presenting the achievements of the Standing Working Group and activities to increase the levels of safety and protection of journalists;
7. Analysis of the regulatory framework of criminal law matters to determine the need for possible changes in existing regulations with the aim of improving legal protection of journalists;
8. More open appearance and informing the public by state bodies about the processing of attacks on journalists.

List of interviewed individuals

Name	Position/Organization	Interview date
Sanja Kljajic	Private media journalist	27 September 2019
Maja Zivanovic	Non-profit media journalist	08 October 2019
Andjela Milivojevic	Freelance journalist	18 October 2019
Snežana Congradin	Daily newspaper journalist	18 October 2019
Nedim Sejdinovic	Journalist and media expert	22 October 2019
Darko Sper	Journalist and Nezavisnost Union leader at RTV	23 October 2019
Veljko Milic	Lawyer	24 October 2019
Milos Teodorovic	Private media journalist	28 October 2019
Stojan Markovic	Local media editor	28 October 2019
Gordana Bjeletic	Private media editor	07 November 2019
Dragana Pejovic	Weekly journalist	07 November 2019
(anonymous)	Public broadcaster journalist	12 November 2019
Jelena Surculija Milojevic	Professor at Faculty of Political Science	28 November 2019

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