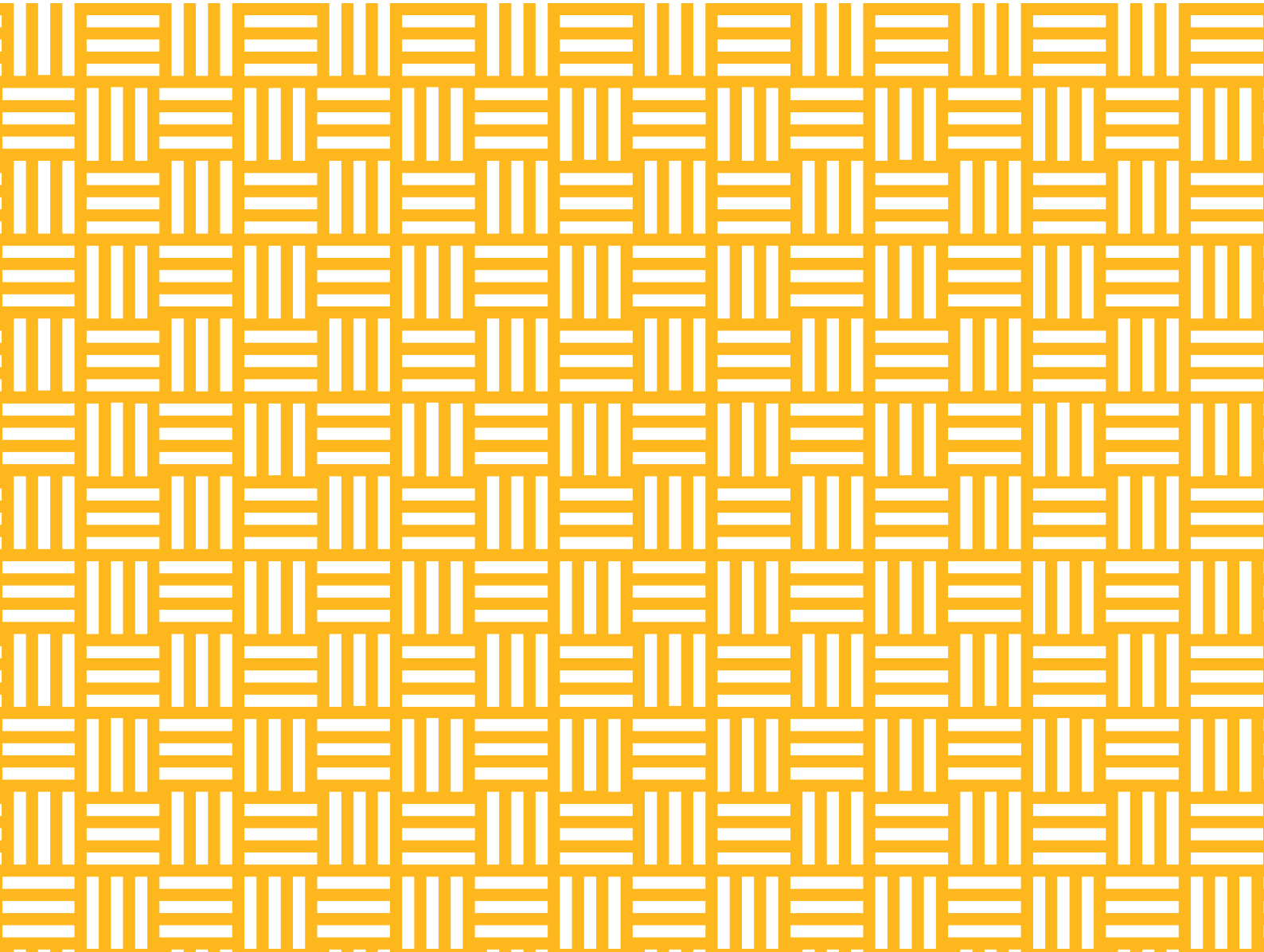




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SERBIA

Indicators on the level of media freedom and journalists' safety 2020



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PROJECT OVERVIEW AND SCOPE

Journalists' associations from the Western Balkans countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo* and Serbia), with the support of the European Commission,¹ for five years now have been monitoring freedom of media and journalists safety in their respective countries. In 2020, they were joined by another two countries, Albania and Croatia. The 2016 research methodology² was modified during the years to standardise the collection and analysis of data and to adjust the focus of the research to the developments in traditional, but also online media environment in the Western Balkans countries. Based on the standardised research tools, the journalists' associations' assessed the latest developments in their countries and implemented various advocating activities towards improvements in the political, legislative and institutional environment that journalists and media work in.

1 In December 2019, the European Commission approved the project [Safejournalists.net](https://www.safejournalists.net) for three years, with a goal to empower national associations of journalists in the countries of Western Balkans and help them become effective and responsible, independent actors in advocating the application of EU standards in the area of media freedoms, with a long-term goal of improving citizens' rights to have information and make choices based on that. This action represents an upgrade of the previous project (Regional platform for advocating media freedom and safety of journalists of Western Balkans), based on knowledge and experience acquired in the period 2016-2018. The Civil Society and Media Programme 2018-2019 supports regional thematic networks of civil society organisations, regional networks for women rights and gender equality and small projects promoting cooperation between communities and citizens from Serbia and Kosovo.

* This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo

2 The fifth customized edition of the research methodology for this advocating research programme was developed Snezana Trpevska and Igor Micevski, researchers from the Research Institute for Social Development RESIS in Skopje, North Macedonia (www.resis.mk).

METHODOLOGICAL NOTE

The research methodology is composed of three groups of indicators structured on the basis of a systematic analysis of various guidelines produced by relevant international organisations.³ In past years, the originally developed indicators have been tested and refined to address the particular socio-political context in this region and to reflect the specific needs and interests of the journalists in the seven countries.

A range of various research methods was applied to collect and analyse 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 websites 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, etc.;
- Focus groups with journalists, and
- Journalists' surveys (in some countries).

At the national level, journalists' associations nominated national researchers to collect data and write narrative reports, which were then reviewed by selected national experts and the lead researcher. In Serbia, the Independent Journalists' Association of Serbia has engaged Rade Djuric as a national researcher and professor Irina Milutinovic, PhD as a media expert to review the report.

The three groups of indicators used as a basis for the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

Table 1: Indicators on levels of media freedom and journalists' safety

| A. Legal protection | B. Position of journalists in newsrooms | C. Safety of journalists |
|--|---|--|
| A.1 Legal guarantees for the freedom of media and journalists and their implementation in practice | B.1 Journalist's freedom economic restrictions | C.1 Statistics of safety and impunity |
| A.2 Effects of Law on defamation on journalists | B.2 Editorial independence in private media | C.2 State institutions and political actors' behaviour concerning journalists' protection |
| A.3 Protection of political pluralism in media | B.3 Editorial independence in public broadcasters | C.3 Civil and criminal justice actions related to threats and acts of violence against journalists |
| A.4 Freedom of work and association for journalists – legal guarantees and practice | B.4 Editorial independence non-profit media | |
| A.5 Legal protection of journalists' sources | B.5 Freedom of journalists in the news production process | |
| A.6 Protection of right of access to information | B.6 The economic position of women in journalism | |

³ 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*.

Like most countries in the world, 2020 brought many challenges and unpredictable situations in the Republic of Serbia, demonstrating the system's vulnerability, its functioning and real capacities of institutions given changed circumstances. Almost all spheres of social, political, economic and other forms of functioning of the state and lives of citizens have been affected to a large extent, suffering loss or bringing the perspective of taking into account the negative circumstances in the years to come.

Abrupt changes were at most brought about by the pandemic of coronavirus disease, which is caused by SARS-CoV-2 type of coronavirus. The year 2020 was marked by this disease, and its consequences are still felt. Proclamation of the state of emergency, impending measures, modified normal circumstances of functioning and living, and procedures, after the measures were terminated, have directly influenced all spheres of life. The media were in particular exposed since they got a key role of coverage in maintaining the public interest due to chaos that occurred in reception and processing of information on health and any other situation in the country. Sudden financial problems, difficult working conditions, reduced scope of human rights, modified levels of tolerance for the work of journalists have greatly influenced the situation in the media and position of both men and women journalists. Media were forced to change their plans and teams when journalists have lost regular salaries, jobs or temporary engagements. The challenging working conditions were visible with freelance journalists who were not recognised by the state as the employees in the media sector.

However, the impending pandemic has additionally aggravated the conditions of life in all spheres. Society deeply immersed in corruption, unstable political developments and seeming economic progress have affected both media and journalists. Corruption

remains the biggest problem since this year too. Serbia is considered a country with a high level of corruption scoring 38 out of the ideal 100 points (one point less compared to the result of CPI – Corruption Perceptions Index of Transparency International from 2019). Serbia is again ranked in the lower half of the global list (ranking 94 out of 180 countries with even five points less than the global average grade, which is 43). Although all the time fight against corruption was referred to as one of the state priorities, Serbia's ranking in 2020 is the worst in the last eight years.⁴

The impact of monopoly in media and political control as well as pressure to belong to particular political parties influenced the work and functioning of journalists who get the picture and understand what can they say or write in various media and which topics too. The political scene in Serbia does not bring any improvements in media freedoms that are declining for years. Serbian society has an attitude that critically positioned journalists are political opponents or even “enemies of the state”, and defence of public interest represents an opposing element and loyalty to certain politicians. Media and journalists are openly divided into those who are closer to the opposition and the ones closer to the government. Politicians and high state officials still target journalists and media in various ways and in particular through the highest institutions.

The economic situation in Serbia has aggravated in particular after the crisis caused by the coronavirus pandemic, which strongly affected the media and journalistic profession. However, such a situation is not typical only for 2020. Despite the attempts to present economic progress in public, the reality is not alike. This is in particular visible in the journalistic profession, with economic and social working conditions getting worse, with low salaries which are mostly lower than the official average.

4 Transparency Serbia, “Corruption Perception Index – CPI in fighting against corruption”, Belgrade: Transparency Serbia, 2020. Accessed 01.02.2021, <https://www.transparentnost.org.rs/index.php/sr/istraivanja-o-korupciji/indeks-percepcije-korupcije-cpi>

A1 Legal guarantees for the freedom of media and journalists and their implementation in practice

Are there guarantees for the right to freedom of expression and information? Does it include the access to the internet? Are legal guarantees applied in practice?

Freedom of media and freedom of expression is guaranteed by the Constitution of the Republic of Serbia and its media laws.⁵ Legislative and institutional frameworks for the protection of fundamental rights have been established to a great extent, however, it is still necessary to ensure its consistent and efficient application since the level of implementation is not as it should be.⁶ Regulation of digital media, financing of media, political advertising and actions against journalists represent special areas in which application of laws failed to achieve the expected level. Some very strong indicators demonstrate that system is not ready for the introduction of the wider framework of new rights due to very poor implementation of the existing rights, which also proves that it is nec-

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- 5 Constitution of the Republic of Serbia ("Official Gazette of RS", No. 98/2006), Law on Public Information and Media ("Official Gazette of RS", No. 83/2014, 58/2015 and 12/2016 – authentic interpretation), Law on Public Service Broadcasting ("Official Gazette of RS", No. 83/2014, 103/2015, 108/2016 and 161/2020), Law on Electronic Media ("Official Gazette of RS", Nos. 83/2014 and 6/2016 – other law).
- 6 European Commission, "Annual report for 2020", Brussels: EC, 2020, accessed 23.11.2020, <https://www.mei.gov.rs/srp/dokumenta/eu-dokumenta/godisnji-izvestaji-ek>

essary to have a continuing review and adjustment to realistic possibilities to which the society can respond. We can hear harsher comments on the incompleteness of the laws, the legal gaps and susceptibility to various forms of abuse, a syndrome of “captured state”, which is reflected in particular in the pressure on the freedom of expression and continuing deterioration of the media pluralism. In 2020, Serbia adopted a new media strategy identifying the main challenges related to the freedom of media in Serbia, yet no concrete progress was noted as regards its application.⁷ The restrictive measures that the government took during the pandemic have additionally contributed to this state of affairs, as these measures had a direct negative influence on the work of journalists and media.⁸ This has been confirmed in the final report of the Reporters without borders, as on its list in 2020, Serbia’s ranking dropped to 93, and in 2021 it has remained the same.⁹

Have media laws been developed in a transparent and inclusive process through consultation with the relevant professional associations?

The media laws were adopted in 2014, during a process that was assessed as partially transparent with the participation of all relevant actors. Media and journalists’ associations took part in the procedure of adoption of the laws. Nevertheless, due to the absence of expected results in the application, primarily the lack of political will to properly apply the regulations, there have been many proposals to amend the media legislation, which was confirmed by adopting of new Strategy for the development of the public information system in the Republic of Serbia until 2025 (hereinafter Media Strategy). However, the process of strategy adoption was not completely transparent and inclusive. The procedure was followed by many controversies, by representatives of media associations opting out, and in particular the wrong referral of the draft of the proposal and withdrawing of such version, so the process itself has demonstrated its negative sides.¹⁰ The Action plan for the implementation of

the Strategy was adopted after almost a year, at the beginning of December 2020, providing for a series of direct measures on improvements by amending the regulation.

Were there any attempts by the state authorities to impose licencing or any other strict demands for establishing printed media and online media? Do these demands go beyond the mere registration of companies and taxes?

The state authorities in Serbia did not force any attempts as regards licencing, nor any other demands as regards printed and online media. When they are in the process of establishing, the media must respect precisely regulated legal rules¹¹ and are obliged to have a legal or natural person as a publisher, with the obligation of publishing basic data on the media in the impressum, abridged impressum, and/or identification. Laws do not provide for an obligation that media should be registered in the Media Register managed by the Serbian Business Registers Agency, however, in such case, the media can neither compete for co-financing of projects of public importance nor receive state aid in any other way. No special rules have been provided for online media. On the other hand, there are many difficulties and problems when registering the media, especially in local environments, with a high degree of formality of the competent Serbian Business Registers Agency.¹²

Have state authorities in any way tried to limit the right of access to the internet or block or filter the internet content?

In October 2020, for the first time in Serbia, there has been an organised restriction of access to some internet pages for citizens in the territory of Serbia. One of the mobile operators active in Serbia has denied its users the right of access to some web pages with the seat outside of Serbia on the basis of the letter from the Games of Chance Administration at the Ministry of Finance that has ordered the telecommunications service providers in the territory of Serbia to filter and deny users the right of access to the pages offering the games of chance outside of Serbia. The danger stems from possible practical application and adoption of such and similar letters and decisions in contravention of constitutional provisions, thus slowly bringing Serbia closer to the states without free internet with justified fear that such actions

7 Government of the Republic of Serbia, “Media Strategy”, Belgrade, 30.01.2020, accessed 26.11.2020, <https://www.srbija.gov.rs/dokument/441801/medijska-strategija.php>

8 Official Gazette of RS, “Decision on the declaration of the state of emergency”, 29.03.2020, accessed 26.11.2020, <https://www.pravno-informacioni-sistem.rs/SiGlasnikPortal/eli/rep/sgrs/predsednik/odluka/2020/29/1/reg>, and other acts and regulations adopted during the state of emergency, accessed 26.11.2020, <http://www.pravno-informacioni-sistem.rs/fp/covid19>

9 Reporters without Borders, “World Press Freedom Index”, Paris: Rwb, 2021, accessed 26.04.2021, <https://rsf.org/en/serbia>

10 Filip Lukic, “Media Strategy- step forward in media freedom or simulation of reforms?”, European Western Balkans, 2019, accessed 22.10.2020, <https://europeanwesternbalkans.rs/medijska-strategija-korak-unapred-u-slobodi-medija-ili-simulacija-reformi/>

11 Law on Public Information and Media.

12 Outlined by journalists and experts interviewed for the purpose of research in the period between October and November 2020. Fifteen in-depth interviews were conducted in the period from September to November 2020.

could start a practice of discreet decisions on blocking access for various contents and services to the citizens of Serbia. To some extent, such actions from one of the telecommunications operator present some form of “a test” for the citizens.¹³ In 2020, there have been cases of blocking and limiting the Internet content mostly by requests for removing videos from YouTube and social networks, first of all, Instagram and Twitter, and blocking journalists’ accounts on Twitter or Facebook.¹⁴

Is regulatory authority performing its functions in the independent and non-discriminatory way? Have licence issuing and other regulations for broadcasting been implemented in a fair and neutral way?

Regulatory Authority for Electronic Media (REM) is not executing its functions independently, especially not abstaining from discrimination towards those filing complaints and some media. Experts agree with the analyses indicating that REM fails to meet its obligations by not using the legal authorisations and losing its authority of an independent body. In the reports of the Regulator’s expert services, it is noted every year that programme content is absolutely contrary to the obligations of broadcasters established in the laws, bylaws and issued licences, yet, the number of imposed measures is quite small, and no licence has been revoked yet. The regulator does not use all of the legal possibilities for the protection of minors, and the obligation of respecting human rights and prohibition of hate speech in the media sphere and many citizens and journalists are revolted by this.¹⁵ The competent parliamentary committee, though its role in the election of REM Council members is more technical, has directly influenced the election of some members of REM (when electing members of REM on the proposal of civil society organisations), which tells of political influence on the work of REM.¹⁶ Many examples indicate that licences for the work of broadcasters are allocated to founders support-

ing the political party in power.¹⁷ In the surveys implemented among academic community members, journalists, broadcasters and representatives of civil society, REM got an average independence score of 1.63, which is barely a positive ranking.¹⁸ During the state of emergency, the Regulator only acted in urgent cases, not allowing for delays in rendering decision, however, in the framework of its work, it failed to act on complaints filed against the work of broadcasters, including the complaints in relation to violation of regulations during the state of emergency.

Are the legal provisions on state advertising in the media being abused due to political influence on their editorial policy? Is the allocation of state funds transparent, fair and non-discriminatory? Do state institutions regularly publish data on the amounts allocated to various media?

The state is abusing the advertising for the benefit of some specific media with editorial policy supporting the ruling politics in various ways. Advertisements of public undertakings and limited liability companies are completely under the control of the state. In this way, the state exerts political influence on the distribution of funds. The advertising in the media close to the government is noticeable and particularly visible in local environments. In former attempts to implement media reform, insufficient attention was paid to public advertising and notification.¹⁹ Laws are neither comprehensive nor sufficient to prevent improper influence on the work of media or to keep the balanced position in the market and prevent various forms of abuse of public resources. On the other hand, budget funds are used in several ways by executing various media services characterised by non-transparent procedures, lack of competition, and various examples of direct contracting with most favoured media, especially in local environments.²⁰

13 Share Foundation, “Internet filtering introduced to Serbia”, Share Foundation, 30.10.2020, accessed 01.03.2021, <https://www.sharefoundation.info/sr/uvedeno-filtriranje-interneta-u-srbiji/>

14 Unidentified persons have reported video content on IJAS Twitter account made as a video collection of statements made in promotion of campaign “END IMPUNITY/Day of the fight against impunity for crimes against journalists”. Video was made out of the statement taken from Dejan Anastasijevic’s daughter as regards the attack on women journalists.

15 Vida Petrovic-Skero and Natasa Jovanovic, “Analysing effects of work of Regulatory Authority for Electronic Media 2017-2020”, Slavko Curuvija Foundation, 26.10.2020, accessed 10.03.2021, <https://www.slavkocuruvijafondacija.rs/analiza-efekata-rada-rem-a-od-2017-do-2020-u-nadzoru-nad-radom-emitera-regulator-se-najmanje-bavi-zastitom-interesagledalaca-i-slusalaca/>

16 On Regulatory Authority for Electronic Media from Media Strategy adopted in January 2020.

17 Ivana Predic “Owing to REM, professionally destructive model of TV Pancevo reporting extended to a large part of Vojvodina”, Pancevo Si Ti, 20.01.2020, accessed 10.03.2021 <https://www.pancevo.city/na-granici/zahvaljujuci-rem-u-profesionalno-destruktivni-model-izvestavanja-tv-pancevo-prosiren-na-veliki-deo-vojvodine/>

18 Milos Stojkovic, Stevan Pajovic and Ljubisa Kukekalovic, “Legal analysis of Regulatory Authority for Electronic Media position”, 25.02.2020, accessed 10.03.2021, <https://www.danas.rs/drustvo/predstavljen-nacr-pravne-analize-polozaja-rem/>

19 Milos Stojkovic, Nemanja Nenadic and Sasa Varinac “Regulating promotional activities of public entities in media sector”, Transparency Serbia, October 2020, accessed 20.02.2021, <https://transparentnost.org.rs/index.php/sr/aktivnosti-2/naslovna/1692-regulacija-promotivnih-aktivnosti-javnih-entiteta-u-medijskom-sektoru>

20 Outlined by media experts and journalists interviewed in the period September to November 2020.

Are there specific types of media subsidies or funds for the production of media content for public interest, and how are those applied in practice?

The existing legal framework provides for dominant project co-financing through public competitions aimed at realising public interest.²¹ However, this was not done as expected in practice. Numerous omissions and problems characterise procedures and funding, as most prominent, we mention general non-transparency of procedures, both for the election of members of commission and selection of the projects, failure to respect existing regulations by those who apply them, incomplete laws, lack of experience even ignorance and wrong application of regulations which show incompetence. Lack of appropriate explanations for adopted decisions is in particular emphasised since the funds have been awarded in large part to the media that are among the biggest violators of the media laws and Serbian Journalists' Code of Ethics.

Allocation of funds is not fair, and many examples of discrimination could be seen in poor choices as regards allocation of public resources.²² Public procurement is not used to a sufficient extent despite the legal obligation, and when implemented, it is mostly done without competition, and the amounts paid for media services equal to the estimated, value which is often above the market value. Direct contracts and productions are becoming dominant, and co-financing is still characterised by disputable commission compositions and topics that fail to realise local interests through selected projects.²³ Information on allocated funds is usually published²⁴ and if data are not available or more detailed information and documents are required, they can be obtained by queries for free access to information of public importance. However, this manner of obtaining data is to a great extent at risk due to public authorities' failure to act. The experts recognise the Strategy for the Development of the Public Information System in the Republic of Serbia 2020–2025 as a step forward since it recognises market disturbances, various forms of allocating funds to the media sector and measures for their approximation.

The largest share of funds is distributed exactly to the media that often violate law and code or directly support the government to a high degree, and journalists believe that the key solution lies in the transparency of the process, since it is hard to obtain detailed information on the process of competition, results and deliberations on the decision. The period when the competitions were announced was related to the political influence on the distribution of funds since, as a rule, it regularly coincided with the introduction to election campaigns. Readiness of local self-governments to announce calls for proposals for co-financing media content without delay was encouraged by the election activities and needs. This could be supported by the fact that local elections were organised in June 2020. The media violating the code won funds at competitions, in particular, the media with continuity in violating the code. For example, portal "ePancevo", which has violated the Code for 9 times, won the most of funds – 8,660,000 RSD distributed in a total of six projects, and newspapers "Informer" realised 11 projects in the total value of 5,500,000 RSD.²⁵

What are the mechanisms for financing media in the languages of minorities?

Serbia still does not have clear mechanisms for financing media in national minorities' languages. The Media Strategy represents a positive step towards recognising an issue of representation of the programmes in languages of national minorities. It draws particular attention to the position of National Minority Councils for the existence of "certain concern as regards their influence on pluralism and editorial independence of media". Numerous obstructions and problems accompany the efforts to improve funding of media in national minority languages.²⁶ There is a lack of "key information" on the position of minority media and their status, and the support for the media due to the issue of sustainability linked to financial reasons.²⁷ In addition, the impact of national councils on editorial policy is emphasised, in particular, due to the possibility of giving so-called "opinions" on projects in competitions for co-financing media content of public interest. Although by law the opinions

21 Law on Public Information and Media, Article 13.

22 BIRN, IJAS and Slavko Curuvija Foundation, "Say what you want – initiative for improvement of media content paid by citizens' money", 2017-2019, accessed on 20 December 2020, <https://kazitrazi.rs/>

23 BIRN and IJAS, "How public funds are spent", Belgrade: BIRN and IJAS, 2021, accessed 20.03.2021, <https://nuns.rs/izvestaji/>

24 Public authorities differ in their actions. The good example is seen in information published by the Ministry of Culture and Information, accessed 19.03.2021, <https://www.kultura.gov.rs/vest/sr/5949/raspisani-konkursi-iz-oblasti-javnog-informisanja.php>

25 Nevena Krivokapic Martinovic, Anka Kovacevic and Bajan Perkov, "Report – Co-financing of media violating ethical standards", Press Council, 2020, accessed 11.12.2020, <https://savetzastambu.rs/publikacije/izvestaji-sufinansiranje-medija-koji-krse-eticke-standarde.pdf/>

26 Representatives of the government have unilaterally amended almost entire part related to news information in national minority languages from the first version of the Media Strategy that was made by the working group at first. However, the text of strategy has been later returned to the working group for modifications, so the key measures in this area have been restored.

27 Vuk Milos Petrovic and Voice team, "New Media Strategy and media in national minorities languages", voice.org.rs, 15.07.2020, accessed 15.12.2020, <http://voice.org.rs/nova-medijska-strategija-i-mediji-na-jezicima-manjina/>

are not obligatory, in practice, those are considered obligatory. Precisely due to this, there is fear that national councils are “the extension of the ruling party, the place for distributing influence and political share of the pie”, which puts numerous forms of pressure on editors and journalists. Positions of national councils often deprive the procedures and legal regulations of meaning since the government often instructs them.²⁸

Are there guarantees and efficient protection of the autonomy and independence of public broadcasters? Is the independence and stability of broadcaster ensured by the financing framework? Does supervising authority represent society at all?

Legal regulations provide for institutional autonomy and editorial independence of public broadcasters. The manner of financing public broadcasters is also stipulated,²⁹ yet, it is getting obvious that the applied model of combined financing cannot secure sustainable functioning of the media as well as objectivity, and practice confirms that autonomy and independence have not been achieved.³⁰ Full independence of public broadcasters in reference to state budget has never been realised. By the amendments to the Law temporarily regulating the manner of licence fee collection for public broadcasters, it has been secured that RTV and RTS would be partially funded from the budget by the end of 2020. In the last amendment of the law, from January 2020, the fees were increased from EUR 1.8 to EUR 2.2 a month. According to the last publicly available Financial Statement of RTS, in 2018, the budget subventions represented about 28% of this media company revenue.³¹ The participation of budget funds is less than the European average. Still, the share of budget subventions is twice as much as in Europe, which increases the dependence of the public broadcaster regarding the state.

Program Council is supervising authority in public services with an advisory role.³² Its members are elected among the experts in media and media workers, scien-

tists, creative workers in culture, and others. However, it is uncertain if that is done under the required rules. As a rule, regarding relevant political topics, the citizens of Serbia only hear about the positions of the representatives of government, and the representatives of opposition who have boycotted the elections held in June 2020 do not have appropriate access, which tells a lot about problematic internal pluralism of public services. There is no criticism of official state politics from the public broadcasters that rarely report on events not favourable for government, and all the relevant participants of political life do not have an opportunity to hear what the other side has to say.³³

A2 The effect of defamation laws on journalists

Are provisions of the defamation laws strict and protective of public servants? What are the main shortcomings of these laws?

Media regulations and regulating laws do not stipulate provisions protecting in particular the honour and reputation of public servants and other appointed and nominated persons. However, in 2020 there were attempts of pro-government associations and MPs from the ruling political party to initiate debates on introducing new, special forms of criminal offences to especially protect the President of the Republic, Prime Minister and members of government.³⁴ Such activities are assessed as so-called “testing ground” with the aim of measuring the reactions of expert public and citizens, expecting that in the near future there will be similar proposals for amendments of regulations. On the other hand, practice demonstrated that there are examples of verdicts with explanations of judges indicating the need for higher protection of some officials than the citizens. Since 2012, defamation is not a criminal offence in Serbia. As for the legal forms of protection of the harmed object, the Criminal Code provides for the following: a) criminal offences in the area of offences against honour and reputation prosecuted through pri-

28 Outlined by journalists and experts interviewed for the purpose of research in the period between September and November 2020.

29 Law on Public Broadcasting Services, Articles 5 and 36.

30 Istinomer, “RTS and budget – several billion failure”, istinomer.rs, 30.11.2020, accessed 20.02.2021, <https://www.istinomer.rs/analize/rts-i-budzet-previd-tezak-vise-milijardi/>

31 Vladana Jarakovic, “Media in Serbia: in defence of existing situation”, [Crt.rs](https://crt.rs), 25.03.2020, accessed 15.12.2020, <https://crt.rs/mediji-u-srbiji-u-odbrani-postojeceg-stanja/>

32 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 General Director and Management Board. Law on Public Service Broadcasting, Articles 29 and 30.

33 Vladana Jarakovic, “Media in Serbia: in defence of existing situation”, [Crt.rs](https://crt.rs), 25.03.2020, accessed 15.12.2020, <https://crt.rs/mediji-u-srbiji-u-odbrani-postojeceg-stanja/>

34 In this regard, focus group participants pointed to examples of views expressed by representatives of the non-governmental sector who openly support the ruling party in television broadcasts of national frequency media as well as MPs in Parliament; Katarina Živanović, “Lawyers ridiculed the proposal for the introduction of a new crime”, [Danas.rs](https://www.danas.rs), 22.12.2020, accessed 18.01.2021, <https://www.danas.rs/drustvo/pravnici-ismejali-predlog-za-uvodjenje-novog-krivicnog-dela/>

vate action,³⁵ and b) offences provided for by other, first of all, media laws allowing for the injured party the right to compensation for material and non-material damage. Practice shows this proved highly effective ways – not harsh – to remedy consequences caused by acts similar to defamation, which has divided experts in their views of these ways. Analyses made in 2020 indicate that the offences are regulated too broadly, often without a difference between opinion and factual basis bringing about different results.³⁶ In practice, the professionals believe that these offences substitute for decriminalised defamation in a good way, in particular, if judgments of ECHR are applied, yet imposed and ruled sentences are not appropriate in relation to consequences they caused. However, the practice is not the same everywhere, and judges very rarely apply ECHR decisions in their judgments. Prosecuted journalists point out the difference in the way judges understand charges and often fear because of the fines since actions against them represent a practical model of pressure and weakening of the strength of journalists and media. The situation has picked up, but the absence of defamation has not stopped those who are dissatisfied or malicious to exert additional pressure on journalists, mostly through lawsuits.

How many actions were there undertaken against journalists by state officials and politicians in the last year?

In the first ten months of 2020, Higher Court in Belgrade received 325 cases against journalists, editors and media owners, however, there is no precise record of how many lawsuits against journalists have been filed by government officials and politicians. In the same period, a total of 340 actions filed against journalists in the previous years were settled. Out of the total number of settled cases, 118 complaints were partially adopted, actions were withdrawn in 89 cases, and charges were dropped in 60 cases. The remaining 73 cases were settled in another manner.³⁷ The settlement of cases included 26 judges of this court who still, in the average act, in almost 43 unresolved cases.

To what extent some court decisions against some journalists were politically motivated? What were the sanctions imposed?

There is no clear evidence for complaints filed against some journalists to have been exclusively politically motivated and for this to be the sole reason for filing them. On the other hand, journalists believe that complaints represent pressure against their work, warning and exhaustion to drop some topics. However, they are almost unanimous in their opinion that such complaints cannot excessively impact them to give up on their work. They are worried because of the lack of trust in the judicial system, fear of the “distorted” vision of judges, but first of all, the political influence that can be exercised by representatives of authorities, influential individuals or groups.³⁸ Sanctions for journalists are usually fines plus lawyer costs and high fees for statements of defence, so this could be a severe blow to their financial capacities. According to information available from analyses of the complaints against journalists, the required amounts usually range from EUR 850 to 21 thousand for those cases and awarded fines from EUR 80 to 4,600. These extreme cases are outside of the standard framework, but in the majority of convictions in court cases, the fines range from EUR 850 to 1700.³⁹

Do courts recognise the established mechanism of self-regulation (if any are in place)? Do they accept the validity of published answers, corrections or apologies?

In the cases they handle, courts in Serbia are not obliged to take into consideration the decisions of the Press Council, as a self-regulation body. However, this did not prevent journalists’ lawyers from submitting the decision of the Council in the cases of their clients as a supplement to prove some statements. Experts believe that in explanations of their decisions, the judges more often refer to the decisions of the Press Council, so this calls for the necessary approximation of opinions. Also, the interviewed journalists believe that courts should repre-

35 Criminal Code, Chapter – Criminal offence against honour and reputation. Chapter XVII of the Criminal Code still includes the criminal offences in area of offences against honour and reputation: a criminal offence of insult (Article 170), criminal offence of dissemination of information on personal and family (Article 172), disparaging the reputation of Serbia (Article 173), injury to reputation due to racial, religious, ethnic, or other affiliation (Article 173), ruining the reputation of a foreign state or international organisation (Article 175).

36 Zamira Djabarova, “SLAPP analysis of actions against journalists”, Article 19 and IJAS, 2021, accessed 15.04.2020, <https://nuns.rs/izvestaji/>

37 Before that, in the first eight months there were 283 complaints against journalists, and 295 cases were settled. The statistics published is based on information obtained by the Journalists’ Association of Serbia, accessed 20.03.2021, <https://www.uns.org.rs/sr/novinari-na-sudu/statistika/105426/za-prvih-osam-meseци-ove-godine-283-tuzbi-protiv-novinar-a-i-medija.html>

38 Quote, women journalist from focus group: “I am afraid because sadly I know in which country I live. Here, absolutely everything is possible.” Outlined by journalists interviewed for the purpose of research in the period between September and November 2020.

39 Zamira Djabarova, “SLAPP analysis of actions against journalists”, Article 19 and IJAS, 2021, accessed 15.04.2021, <https://nuns.rs/izvestaji/>; Nataša Stojadinovic, “Media freedom and protection of citizens – where is the limit?”, Belgrade: Open doors to the judiciary, 2020, accessed 20.02.2021, <https://otvorenjavratapravosudja.rs/teme/ustavno-pravo/sloboda-medija-i-zastita-gradana-gde-je-granica>

sent a good source of information for decisions and actions of the Council.⁴⁰

What do journalists think of the law on defamation? Have they been discouraged to research and write critically?

Journalists mostly do not know a lot about the regulations and how to protect their right. Despite their resoluteness initially, they are most afraid of getting involved in any court proceedings. The impression of the executive influence on the judiciary and lack of trust in the system even casts doubt on the presumption whether the law is good and its implementation efficient. In some cases, complaints and their consequences even influence journalists' work. The complaints, administrative fees, imposed fines, and lawyers' costs materially exhaust journalists, so they are forced to do things that are not real journalist work (securing funds). In this way, through so-called diverting, the journalists are forced into other challenges and existential fight, which sometimes means survival. Media workers from local newsrooms, in particular, suffer consequences in many ways, starting from direct pressure from authorities, pressure on their families and friends, as citizens more often know each other in person in smaller communities, including non-distributing of funds in public competitions to the media hiring local journalists up to various forms of lawsuits or complaints to inspections.⁴¹

A3 Legal protection of political pluralism in the media

Is political pluralism in media regulated by media laws unrelated to election processes? What are the obligations of public broadcasters and private broadcasters related to political pluralism outside of election processes?

The Law on Public Service Broadcasting provides for political pluralism. Public broadcasters are obliged to respect and incite pluralism of political, religious and oth-

er ideas, enabling the public to get familiar with those. They should not serve the interests of some political parties and religious communities, and any of specific political, economic, religious or similar interests.⁴² On the other hand, private broadcasters do not have any of the obligations to respect political pluralism in media, such as public broadcasters. Law on Electronic Media provides for the general obligation of private broadcasters to ensure free, objective, complete and timely news information and respect the ban of political advertising in the period outside of election campaign.⁴³ Private broadcasters profusely benefit from the absence of strict obligation, and analyses show that political pluralism is rarely respected, which is usually a characteristic of so-called independent and free media.⁴⁴ On the other hand, there is no appropriate regulation of "officials campaigning", which represents the weakest link in regulating media coverage of political players, so problematic covert political advertising still prevails.

Is the regulatory authority obliged to monitor and protect political pluralism outside election processes?

Regulatory Authority for Electronic Media is in general obliged to supervise the work of broadcasters,⁴⁵ control the work of media service providers and ensure the respect of laws and other bylaws.⁴⁶ Still, the law does not stipulate the authorisations of regulators to protect political pluralism in the period outside of election campaign. On the other hand, the public is aware that REM is under huge pressure to do that, bearing in mind the capacities it possesses, and yet irrelevant if something is and/or not prescribed by the law, REM could use the opportunity to demonstrate its independence and absence of political influence.

Do political parties and candidates exercise a fair and equal treatment of media outside of election processes?

Political parties and candidates do not have fair and equal access to media in the period outside of the election campaign.⁴⁷ This has been a problem in Serbia for many years. According to the research taken in the period of 5 months before the elections (from November 2019 until

40 Outlined by journalists and experts interviewed for the purpose of research in the period between October and November 2020. Interviewed journalists drew attention to the unfavorable decision of Press Council in case of KRIK (KRIK, "Decision of the Press Council against KRIK a dangerous precedent in journalism", [Krik.rs](https://www.krik.rs), 23.12.2020, accessed 21.03.2021, <https://www.krik.rs/odluka-saveta-za-stampu-protiv-krik-a-opasan-presedan-u-novinarstvu/>)

41 Outlined by journalists interviewed in the scope of focus groups for the purpose of research in the period between September and November 2020. Focus groups were held in December 2020.

42 Law on Public Service Broadcasting, Article 7.

43 Law on Electronic Media, Article 47.

44 Vladana Jarakovic, "Media in Serbia: in defence of existing situation", [Cra.rs](https://cra.rs), 25.03.2020, accessed 11.11.2020, <https://cra.rs/mediji-u-srbiji-u-odbrani-postojeceg-stanja/>

45 National Broadcasting Agency Statute, Article 5, paragraph 1, point 6.

46 Law on Electronic Media, Article 22, paragraph 1, point 8.

47 Outlined by journalists and experts interviewed for the purpose of research.

March 2020),⁴⁸ on all TV stations with nationwide broadcasting licence, representatives of government had the highest representation.⁴⁹ Representatives of ruling parties were most often represented in a positive context, rarely neutral, and the least negative. Representatives of opposition boycotting were dominantly presented in a negative context, and the remaining opposition representatives were most often presented in a neutral context.⁵⁰ Political elites in power have an opportunity to state their opinions and views in TV shows on commercial televisions with nationwide broadcasting licence and comment on actions of their opponents, who cannot do the same.⁵¹ For example, we emphasise particularly popular morning shows of commercial televisions with a nationwide broadcasting licence that promoted ruling politicians and humiliated their opponents.

What are the legal obligations of media during the election campaigns? Which body supervises electronic and printed media?

In the course of the election campaign, Law on Electronic Media stipulates that private and public broadcasters are obliged to secure representation without discrimination⁵² to political parties, coalitions and candidates, as well as public broadcasters' obligation that at the time of election campaign they should equally represent political parties, coalitions and candidates at national, provincial and local elections.⁵³ The Law stipulates independent and unbiased representation of candidates on the Election of Members of Parliament.⁵⁴ For printed and online media, only the Journalists' Code of Ethics is obliga-

tory, and its implementation is supervised by the self-regulatory body – Press Council. As a result of the discussion between government and opposition in 2020, the new REM Rulebook was adopted in relation to public broadcasters' execution of obligation of public broadcasters during the election campaign.⁵⁵ Only non-obliging recommendations remained referring to commercial broadcasters. National Assembly established the Supervisory Committee for Control of Electronic and Printed Media with an aim to resolve problems of unequal treatment in media coverage. Supervisory Committee for Control of Electronic and Printed Media aims to solve unequal treatment problems in media coverage. Adopted measures have only partially managed to improve the situation in some areas, however, the committee has missed an opportunity to take the position of being an important factor in the election process by choosing a significantly more passive role.⁵⁶

Do political parties and candidates have fair and equal access to media during election campaigns?

Political parties and candidates in the elections do not have equal and fair access to media during election campaigns, which was proved by surveys made by civil society organisations.⁵⁷ Although by now REM acted only under the complaints filed by citizens, for the first time since 2014, the Regulator carried out supervision after initial opposition and published the results of monitoring during the parliamentary elections in 2020. However, the results of election monitoring by REM were in collision with the conclusions of the civil society representatives, so the public expressed its lack of trust.⁵⁸

48 REM, "The 2020 Elections, Report on supervision of media service providers during an election campaign in national, provincial and local elections", Belgrade: REM, 18.05.2020, accessed 16.12.2020, <http://www.rem.rs/uploads/files/Izbori%202020/IzBORI%202020%20-%20trec%20presek%2011-15.05.2020.pdf>

Birodi, "Monitoring central news information shows on televisions with nationwide broadcasting licence and cable TV N1 during the COVID-19 epidemic and election campaign", 26.06.2020, [Birodi.rs](http://www.birodi.rs/birodi-o-izvestavanje-medija-u-srbiji-i-zastupljenost-aktera-u-centralnim-informativnim-emisijama/), accessed 20.03.2021, <http://www.birodi.rs/birodi-o-izvestavanje-medija-u-srbiji-i-zastupljenost-aktera-u-centralnim-informativnim-emisijama/>

49 This refers to the following televisions: RTS 1, TV Pink, TV Prva, TV Happy and TV B92. Representatives of authorities had 74.8% of total time in programmes featuring all political players. Boycotting opposition had 15.5%, and the remaining opposition 9.7% of total time. (CRTA Team, "The 2020 Elections. Campaign before campaign", [Crt.rs](http://www.crt.rs), 10.03.2020, accessed 10.03.2021, <https://crt.rs/izbori-2020-kampanja-pre-kampanje/>)

50 Ibid.

51 Dubravka Valic Nedeljkovic and Sinisa Isakov, "Monitoring news information shows of commercial TV stations with nationwide broadcasting licence", OSCE Mission to Serbia, 2020, page 105, accessed 20.09.2020, <http://docplayer.rs/186963124-Prof-dr-dubravka-valic-c4%87-nedeljkovic-c4%87-prof-dr-sinisa-isakov-monitoring-informativnih-emisija-komercijalnih-televizija-sa-nacionalnom-frekvencijom.html>

52 Law on Electronic media, Article 47, paragraph 1, point 5.

53 Law on Public Service Broadcasting, Article 7, paragraph 1, point 8.

54 Law on Election of Members of Parliament, Article 50.

55 After two rounds of public debate, the final version of the text was published on 07.02.2020, and it failed to include adapted proposals of civil society. New Rulebook remains problematic for several reasons, as some issues have been treated very unclearly. The opportunity was missed to include commercial radio and TV broadcasters since the Rulebook refers only to public broadcasters.

56 CeSID, "Report on the quality of election process", [Cesid.rs](http://www.cesid.rs/izbori-2018/finalni-izvestaj-o-kvalitetu-izbornog-procesa/), 29.09.2020, accessed 15.03.2020, <http://www.cesid.rs/izbori-2018/finalni-izvestaj-o-kvalitetu-izbornog-procesa/>

57 CRTA, "Final report with recommendations for 2020", [Crt.rs](http://www.crt.rs/izbori-2020-izvestaj-dugorocnih-posmatraca/), 07.06.2020, accessed 26.11.2020, [Birodi.rs](http://www.birodi.rs/birodi-o-izvestavanje-medija-u-srbiji-i-zastupljenost-aktera-u-centralnim-informativnim-emisijama/), 26.06.2020, accessed 26.11.2020, <https://www.birodi.rs/birodi-o-izvestavanje-medija-u-srbiji-i-zastupljenost-aktera-u-centralnim-informativnim-emisijama/>; Transparency Serbia, "Election monitoring in 2020", Transparency Serbia, 2020, accessed 26.11.2020, <https://www.transparentnost.org.rs/index.php/sr/projekti/188-monitoring-izbora-2020>

58 Electronic Media Regulatory Body, "Elections 2020. Final Report – Monitoring and Analysis of Media Service Providers' Programs during the Pre-Election Campaign for Republic, Provincial and Local Elections", Belgrade, 2020, accessed 23.11.2020 <http://www.rem.rs/uploads/files/Izbori%202020/IzBORI%202020%20-%20Završni%20izvestaj.pdf>

Independent analyses indicated many shortcomings and erroneous connotations in the implementation of monitoring and conclusions. For example, hidden and unsanctioned party agenda was detected in TV news information programme Dnevnik and, instead of confirming that the connotation was positive, REM assessed it as neutral. The expert public has more than once questioned REM methodology as its reports show distorted reality, failing to take into consideration the tone of communication regarding some election candidate. Another set of criticism referred to including cable TV stations N1 and Nova S in referred reports. As N1 is primarily a news channel, the share of this cable TV in election programs is disproportionately high compared to others.

On the other hand, the total pre-election time also includes the appearances of the Alliance for Serbia, which boycotted the elections, analysts and other campaign participants such as: Republic Election Commission, REM, Center for Free Elections and Democracy – CeSID, Center for Investigative Journalism of Serbia – CINS, Independent Association of Journalists of Serbia – NUNS, Association of Journalists of Serbia – UNS, Center for Research, Transparency and Accountability – CRTA, Balkan Investigative Reporting Network – BIRN and others.⁵⁹

In monitoring the conclusions of several surveys, Aleksandar Vucic is the “ruler” of media. Analysts were very harsh in their criticism, so they indicated the attempts of seemingly fair monitoring which try to show the wholly distorted and incorrect picture, so they even say that Serbia went a long way from “model of equal and more equal elections in 2012 to the model of sole and non-existent elections in 2020”.

A4 Freedom of work and association for journalists – legal guarantees and practice

Is it necessary for journalists to have a licence to work issued by the state? Were there any attempts last year from the government to introduce licences?

Although there were no open and direct attempts to impose licences on journalists last year, experts witnessed that it was noticeable for competent authorities to decide to the detriment of journalists and media workers

in cases of incidents, with constant attempts to put the definition of journalists and their licencing on the agenda.⁶⁰ In 2020, there were numerous examples of cases when journalists and media were not allowed to cover public events, not being invited to events and conferences or refused press passes for some events. In the observed period, the trend that exists in Serbia for several years has been in particular emphasized and very noticeable in local communities. The number of such events had especially increased during the state of emergency when in most of the cases, the journalists’ presence at events was unjustifiably limited. In the Republic of Serbia, with the aim of preventing the spreading of disease and consequences caused by virus SARS-CoV-2, in March 2020, the Decision on the declaration of state of emergency was adopted, and shortly afterwards, a series of acts and decisions which have temporarily limited fundamental rights.⁶¹ The decision adopted had a direct impact on the work of journalists, primarily including the limitation of movement, ban of presence at important events, and/or preventing journalists from doing their job in a free and professional way.⁶² Freelance journalists had the biggest problem, as they were given or denied the licence for movement without precise explanations.⁶³

Were journalists denied the right to cover some events because they did not have accreditation?

Journalists were denied access and coverage of certain events more than once. In its records, IJAS noted 16

⁶⁰ We interviewed representatives of members of working groups for journalists’ safety, as regards the opinions their representatives share in Standing working group for journalists’ safety and Working group for creating Platform for attacks and pressures against journalists.

⁶¹ In addition to Decision referred, the following were adopted Order Restricting and Prohibiting Movement of Individuals in the Republic of Serbia, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/naredba/2020/34/1/reg>, Decision on banning the presence of journalists at Crisis Response Team press conferences, Government Conclusion on informing the public about the situation and consequences of the infectious disease COVID-19 caused by SARS virus, that was adopted on the basis of the Law on the protection of population from infectious diseases, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/zakljucak/2020/48/1/reg>

⁶² Zivkovic-Samardzic, “Informing the public about the condition and consequences of COVID 19, Government may have taken things a step too far”, Lawyers’ office Zivkovic-Samardzic, 01.04.2020, accessed 13.02.2021, <http://www.zslaw.rs/informing-the-public-about-the-condition-and-consequences-of-covid-19-government-may-have-taken-things-a-step-too-far/>

⁶³ Rade Djuric, Tamara Filipovic Stevanovic and Maja Vasic-Nikolic, “Freedom of expression and media pluralism during the state of emergency”, Belgrade: IJAS, 29.10.2020, accessed 13.02.2021, <http://nuns.rs/about-nuns/publications/reports.html> and Yucom Team, “Freedom of opinion and expression, right to be informed”, Committee for Human Rights–Yucom, accessed 12.02.2021, <https://www.yucom.org.rs/ljudska-prava-i-covid-19-sloboda-misljenja-i-izrazavanja-i-sloboda-medija-pravo-na-obavestenost/>

⁵⁹ CRTA, “Final report with recommendations for 2020”, [Cрта.rs](https://cрта.rs), 07.06.2020, accessed 26.11.2020, <https://cрта.rs/izbori-2020-izvestaj-dugorocnih-posmatraca/>

such cases.⁶⁴ The circumstances were in particular difficult during the state of emergency and the July demonstrations in 2020, when journalists were prevented from reporting on events in various ways.

*In its Decision of 10.04.2020 on the ban of the presence of journalists at press conferences organised by Crisis Response Team, the Government of the Republic of Serbia foresaw that regular daily press conferences organised by Crisis Response Team would be held without the presence of journalists. The Office for Cooperation with Media of the Government of Republic of Serbia sent notice that journalists would not be able to participate in conferences. It was also planned that journalists would be banned from press conferences and ask questions online. This decision was contrary to the realisation of public interest in the area of public information, which would require timely and complete information for all citizens of the Republic of Serbia (Article 15, paragraph 1, point 1 of the Law on Public Information and Media). Since 21.04.2020, the presence of journalists in press conferences organised by the Crisis Response Team has been restored.*⁶⁵

*“No substitutions were planned to help undisturbed functioning of the dialogue between journalists and Crisis Response Team representatives, which has been a practice in other states, such as online communication in TV programme via video link or phone call from newsrooms. In this case, all questions via emails went to the same database. This model enabled control of media discourse on the pandemic, by manipulation and filtering of questions received which were selectively sent to members of Crisis Response Team.”*⁶⁶

Have the journalists been organised into professional associations, and if so, how? Do their organisations or individual members experience any pressure?

Journalists are organised into several journalist associations that are active in their endeavours to implement editorial independence and professional standards. However, the broader social and political environment is not enabling them to be efficient similar to partner associations in countries of developed democra-

cies. The two most prominent national associations of journalists in Serbia are the Journalists' Association of Serbia and the Independent Journalists' Association of Serbia. Among other associations, the Independent Society of Journalists of Vojvodina is also very active. For years back, the associations suffered pressure, primarily those critically oriented in cases of violations of media freedoms and very active as regards the safety of journalists. One of the latest arguments was that such associations, in fact, represent obstruction in the progress of media status in the Republic of Serbia.⁶⁷

Do journalists have trade unions, and how are these organised? Is there pressure on union leaders and other members? Can journalists freely become members of a trade union?

Journalists have been organised into trade unions to some extent, however this is not as close as to the level of complete trade union protection of the profession. There are several reasons. There is a lack of interest because there is no motivation. Also, there is a specific degree of distrust since there is suspicion about connections with government officials and political influence on trade unions. Journalists believe that there is a certain negative attitude and pressure on them to refrain from joining trade union organisations.⁶⁸ Trade union organisations point to the immense lobbying and pressure against journalists to not join trade unions, yet their membership continues to grow. Journalists in Serbia have at their disposal Autonomous trade union of workers in graphic art, publishing, information activity and cinematography of Serbia with the Confederation of Autonomous Trade Unions of Serbia, Trade Union Federation of Culture, Art and Media Workers “Nezavisnost” and Trade Union of Journalists of Serbia.

Is there Press Council in Serbia, and how it's organised? Do representatives of the Press Council suffer pressure?

In Serbia, Press Council is very active.⁶⁹ It represents an independent, self-regulatory body that includes publishers, owners of print and online media and freelance journalists. Council was established to monitor the observance of the Serbian Journalists' Code in printed and online media and resolve complaints from individuals and institutions as regards the content of printed media. The competencies of the Council include mediation be-

64 IJAS records of attacks on journalists, accessed 28.12.2020, <http://www.bozenuns.rs/srpski/napadl-novinare/>

65 Rade Djuric, Tamara Filipovic Stevanovic and Maja Vasic-Nikolic, “Freedom of expression and media pluralism during the state of emergency”, Belgrade: IJAS, 2020, accessed 10.11.2020, <https://huns.rs/izvestaji/>

66 Irina Milutinovic, “Political instrumentalisation of media discourse on COVID 19 pandemic in Serbia: reporting and some normative aspects”, Politicke perspektive, Journal of Policy research Vol 10, No 2-3, 2020, accessed 15.03.2021, <https://hrcak.srce.hr/258757>

67 Outlined by journalists interviewed in the scope of focus groups for the purpose of research in the period between September and November 2020. Focus groups were held in December 2020.

68 Ibid.

69 Press Council, accessed 18.11.2020, <https://sovetzastampu.rs/>

tween injured parties who are either private persons or institutions and/or newsrooms, as well as pronouncing public reprimands for violation of ethical standards established in the Serbian Journalists' Code. Council has a special Complaints Committee which acts on submitted complaints regarding articles, photos and other media content and decides on potential violations of the Code.⁷⁰ Council usually works consistently and scores positive results in its work and experiences various forms of pressure. The media who are primarily inclined to the authorities show ignorance when it comes to adopted decisions. Since the adopted Media Strategy recognises and through some form of protection ensures guarantees for the Council as a self-regulatory body,⁷¹ even though there is less pressure, still, there are some tendencies to dissolve Council as such in the acts regulating the work of media and create a legal gap that could be filled and replaced by another self-regulating body that could be more easily controlled. Although such intentions demonstrate the importance and practical results of Press Council work, there are some voices of discontent as regards specific decision, coming from investigative journalists who believe that some of the most recent interpretations and decisions represent a form of precedent.⁷²

A5 Legal protection of journalists' sources

What are legal guarantees of journalists' sources confidentiality? Under what circumstances the right to the protection of the sources could be limited?

Journalists' sources are protected under Law on Public Information and Media and Criminal Code.⁷³ Law on Public Information and Media stipulates that a journalist is not obliged to reveal the source of information. However, such a right is not determined in an unlimited way. If the person has committed a criminal offence, which is penalised by a prison sentence of at least five

years, and if information about that criminal offence cannot be obtained in any other way whatsoever, a journalist is obliged to reveal the sources as information holders. On the other hand, Media Strategy recognises "inadequate degree of information sources protection" and indicates that the problem has increased since government authorities quite often had through various forms of interruptions accessed to the content of communication or information withheld, which was confirmed by Commissioner for Information of Public Importance and Personal Data Protection.⁷⁴ According to publicly available sources, it has been estimated that during 2015 the national authorities have accessed such information 300,845 times only with one operator, in 2016 293,244 times, and 2017 almost 381,758 times. Among several thousand (independent) accesses to data, it is highly suspected that among these data, there are journalists, and in this way, communication could have been exposed, and their sources put seriously at risk.⁷⁵

Do authorities respect the confidentiality of journalists' sources? Were there any examples of ordering journalists to reveal their sources, and was that justifiable for the purpose of protection of public interest?

Protection of journalists' sources is mostly respected. However, there were examples of indirect attempts to learn about information sources, which was particularly pronounced during the state of emergency in March and April 2020. The most difficult example was the case of journalist Ana Lalic, who had her working equipment and mobile phone seized after the arrest and the information related to the alleged criminal offence were read from her devices. On the other hand, a month after the unfounded arrest of Ana Lalic, management of Clinical Centre Vojvodina was carrying out disciplinary investigations and proceedings against persons who were doubted to be sources of information to journalist Lalic as regards the investigative story about the situation in that clinical centre. Anyhow, it was suspected that evidently the primary goal of the journalist's arrest was to establish who the sources of the provided infor-

⁷⁰ Serbian Journalists' Code, accessed 18.11.2020, <https://savetzastampu.rs/dokumenta/kodeks-novinara-srbije/>

⁷¹ Government of RS, Media Strategy, Belgrade: 2020, page 40, accessed 18.11.2020, <https://www.srbija.gov.rs/dokument/441801/medijska-strategija.php>

⁷² KRIK, "Press Council decision against KRIK is a dangerous precedent in journalism", *Krik.rs*, 23.12.2020, accessed 28.12.2020, <https://www.krik.rs/odluka-saveta-za-stampu-protiv-krik-a-opasan-presedan-u-novinarstvu/>; Milica Ljubcic, "Gruhonjic: by its decision on KRIK, Press Council made investigative journalism equal to tabloids", *Krik.rs*, 25.12.2020, accessed 27.12.2020, <https://www.krik.rs/gruhonjic-savet-za-stampu-odlukom-o-krik-u-istrazivacko-novinarstvo-izjednacio-sa-tabloidima/>

⁷³ Law on Public Information, Article 59, and Criminal Code, Article 41.

⁷⁴ Government of RS, "Media Strategy- Protection of Journalist's Sources", Belgrade: 2020, page 11, accessed 18.01.2021, <https://www.srbija.gov.rs/dokument/441801/medijska-strategija.php>

⁷⁵ Commissioner for information of public importance and personal data protection "Report on the implementation of the Law on free access to information of public importance and personal data protection in 2012", Commissioner's Office, March 2013, page 60, accessed 23.12.2020, <https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2012/izvestaj2012final.pdf>; SHARE Team, "Withholding data in communication in Serbia – what is the level of surveillance?", *Labs.rs*, 29.08.2017, accessed 23.12.2020, <https://labs.rs/sr/zadrzavanje-podataka-o-komunikaciji-u-srbiji/>

mation are.⁷⁶ After journalist articles on the situation in Clinical Centres in Kragujevac, Nis and Novi Pazar were published, similar examples were noted since the journalists witnessed the attempts of internal investigations and retaliation towards medical staff as sources of information.⁷⁷

Were there any sanctions against journalists who refused to reveal the identity of the source?

In the observed period, there were no direct sanctions against journalists who did not reveal their sources, however other forms of pressure were brought against journalists that caused serious consequences. Such form of inappropriate conduct, as stated by various sources, was in particular emphasised during the state of emergency in Serbia when journalists were threatened by government representatives, accused of being traitors and foreign mercenaries working against the state.⁷⁸ In some cases, government representatives announced and filed complaints against journalists. Journalists and experts believe that pressure and investigations against potential sources represent a serious form of retaliation, and a warning to other potential sources on what would happen to them if they would give information to journalists.

Do journalists feel free to ask for information and maintain contact with sources of information?

Since the openness of institutions, the public nature of data and their availability became much bigger of an issue, alternative or direct sources from “the hub” represent the best way for journalists to receive information. On the other hand, this indicates a specific lack of trust and the problem of a reliability of the sources since information is often not followed by appropriate data. Journalists point out that sources greatly fear retaliation

“since the government will not choose the means to get to the source”.⁷⁹

A6 Protection of access to information

Which legal regulations on access to official documents and information are relevant for journalists?

The most important guarantee of official access to information and documents comes from Law on Free Access to Information of Public Importance which has been applied since 2004.⁸⁰ Depending on different periods, depending on the degree of development and openness of institutions, this law has had a various level of success in application. In 2015, the law had a very good level of practical application since in the previous years, it was assessed as the best law in the world, and although in 2020 its ranking dropped, it is still 3rd as regards application.⁸¹ However, in the last 5 years, the journalists have witnessed the tendency of a serious decline in the application of the law, openness of institutions and availability of information, including the documents to confirm data. The trend has continued with the amendments, which have brought not only the dissatisfaction of the public and civil society organisations but also the law proposal which, despite some positive things, represented a serious step backwards.⁸² The new proposal failed to see the light, and in November 2020, under the auspices of the Ministry of Public Administration and Local Self-Government without inviting media associa-

76 Jelena Tusup, “They sent 6 inspectors to my door: Ana Lalic on arrest”, Nova S, 02.04.2020, accessed 23.12.2020, <https://nova.rs/vesti/drustvo/video-poslali-su-mi-sest-inspektora-ana-lalic-o-privodenju/>; Ana Lalic, “Investigation initiated in KCV: Gojkovic looking for Ana Lalic sources”, Nova S, 13.05.2020, accessed 23.12.2020, <https://nova.rs/vesti/drustvo/pokrenuta-istraga-u-kcv-gojkovic-trazi-izvore-ane-lalic/>

77 Outlined by journalists interviewed in the scope of 3 focus groups in the period December 2020 – January 2021.

78 According to journalists’ statements, there are various sources of pressure: government representatives, pro-government media, and various analysts’ guests in TV shows. Examples refer to cases of accusations against CINS, Juzne vesti and absence of the invitation to press conference for JugPress portal from Leskovac and journalist Ljiljana Stojanovic.

79 Outlined in one of the focus groups held in the framework of this research, “I think they do that on purpose, as the goal is not the investigation, but to show there will be an investigation, that people will get fired or accused. In such a manner, they will intimidate the remaining employees into refraining from talking”.

80 Information of public importance, within the meaning of the Law on free access to information of public importance, means information that public authority has at its disposal, which was created in work or in relation to public authority work and is contained in the document and refers to everything that the public has a justifiable interest to be informed.

81 Global Right to Information Rating, “RTI rating from 2020”, 2020, accessed 20.02.2021, <https://www.rti-rating.org/country-data/>; The Centre for Advanced Legal Studies, “Best law in the world”, [Pescanik.net](https://www.pescanik.net/19.02.2012), 19.02.2012, accessed 20.03.2021, <https://pescanik.net/najbolji-zakon-na-svetu/>

82 NI and Beta, “Transparency Serbia: New law revokes the right of access to information on public enterprises”, NI and Beta, 05.01.2019, accessed 20.03.2019, <https://rs.n1info.com/vesti/a449636-ts-novi-nacrt-zakona-ukida-pravo-pristupa-informacijama-o-drzavnim-preduzecima/>; <https://www.transparentnost.org.rs/index.php/sr/inicijative-i-analize-ts#a2019>

tions and CSOs, the new draft has started being developed in secrecy.⁸³

Journalists are visible in the law itself as regards requests for information, it is mentioned that public authority shall not place into a favourable position any journalist or public media, if several would have sent a request, by enabling the realisation of the right of access to information of public importance only to some of them before other journalists or public media. The law provided that paying an administrative fee is not obligatory for journalists who request a copy of the document to do their job.⁸⁴ Law stipulates responsibility for compensation for damage caused by public media not being able to publish information due to unjustified denying or limiting the right of access and/or favouring some journalists or public media. It is a rule that a request is sent in writing, and public authority is obliged to enable access to information based on oral request of an applicant, which is entered into records. The positive characteristic of applying the very law, which was implemented by numerous public authorities, is the absence of a special and exclusive form when submitting the request, which is reflected in the inquiry form facilitating to a great extent the sending of the request for journalists.⁸⁵ In correlation with access to information of public importance a huge number of regulations are being aligned (still ongoing), and they introduce the principle of transparency in their application, the obligation to make a large share of their procedures and proceedings public and available in order to reduce the number of requests.

Do journalists use these rules? Do authorities adhere to the rules without delay?

Journalists are using the right of free access to information of public importance, but that is not enough compared to possibilities provided by the law. The problems include long deadlines for proceedings, a general trend of postponing the response and failure to act, and good practical communication and cooperation with PR sectors of the institutions in informal reception of required information. Access to information is primarily used by investigative journalists, while the journalists in majority of information news media are even not aware or do not use opportunities offered by the law. Institutions behave differently towards received requests of journalists, and more often, we get open examples of ignoring and failing to act on received requests or actions, which is only done after appeals were

lodged and the Commissioner has reacted, especially by the Government of the Republic of Serbia and limited liability companies established by public authorities.⁸⁶ The number of appeals to the Commissioner for the violation of the right of access to information of public importance is constantly high and exhibits a tendency of growth each year. Information is denied under the excuse that it is confidential or that giving information would hurt someone's privacy (even when it comes to officials and officeholders, and the information is related to their work). More often, we hear public authorities' answers that they do not dispose of the requested information. Also, the public authorities frequently do not deliver information to those sending requests after the order from Commissioner, so the degree of unenforced decisions is still high, particularly in cases of journalist complaints. A number of unenforced decisions of the Commissioner on appeals of journalists and media representatives is significantly higher than other applicants. In 2020, the Commissioner received 214 complaints regarding the information on disease caused by coronavirus (COVID-19), and the highest number of complaints was due to "administrative silence", in total even 149.⁸⁷

"Not only that competent officials do not respond to our requests or refuse to deliver answers to us, but also they pay less attention to the decisions of Commissioner and fines he imposes. Because of that, Centre for investigative journalism has for the first time decided to file a request for initiating misdemeanour proceedings this year against some institutions", said Vladimir Kostic from CINS for VOICE, who said that he was satisfied with the application of this law, but that the trend of gradual closing up of institutions was noticeable.⁸⁸

The previous year was highlighted by restrictions and denial of the flow of so-called "privileged" information for the public as regards risk and protection of human health and the environment, and this has disabled reporting on information obtained from authorities and organisations that have them in their possession. Managers and other employees in health institutions were practically prevented from providing information to citizens. State of emergency was marked by examples of limiting freedom of expression through very re-

83 Ana Novakovic, "Amendments to the Law on Free Access, no 'cure' for disobedient", TV NI, 15.02.2021, accessed 15.02.2021, <https://rs.n1info.com/vesti/izmene-zakona-o-slobodnom-pristupu-informacijama-nema-leka-za-neposlusne/>

84 Law on Free Access to Information, Articles 4 and 17.

85 Law on Free Access to Information, Articles 44 and 46.

86 Mirjana N. Stevanovic, "Public enterprises would rather pay fines than respect the law", *Danas.rs*, 18.09.2020, accessed 01.01.2021, <https://www.danas.rs/drustvo/vlodavina-prava/javna-preduzeca-bi-radije-platila-kazne-nego-postovala-zakon/>

87 Commissioner for information of public importance and personal data protection Report for 2020, 21.03.2021, accessed 01.04.2021, <https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2020/CIRIzvestaj2020.pdf>

88 VOICE Team, "Law on Free Access to Information has somewhat improved journalism", *Voice.org.rs*, 15.01.2020, accessed 20.02.2021, <http://voice.org.rs/zakon-o-slobodnom-pristupu-informacijama-je-donekle-unapredio-istrazivacko-novinarstvo/>

pressive relationships towards journalists, as in the case of Ana Lalic and K1 journalists.⁸⁹ Several months later, these cases were dropped since through the investigation, it was concluded that charges were unfounded. Availability of information relevant to citizens' health was made difficult for journalists even after the cancellation of the state of emergency as some institutions continue to neglect requests and fail to act. During the state of emergency, it was obvious that public authority bodies were extending the deadline to act for 40 days, ignoring or failing to act, which was to some extent justified by strange working circumstances. However, in practice, it was shown that institutions were using the situation to mostly continue avoiding delivering information even after the state of emergency has ended, so the following months have been highlighted by such examples.⁹⁰

Are institutions at all transparent? Have they been maintaining open, non-discriminatory and fair relations with media, or they tend to work in secrecy? Do government institutions have preferential treatment of politically friendly media?

Institutions are still believed to be open, however, it is noticeable they are less transparent in their work, and it is noted that it is more difficult to receive information by sending a simple request to the representatives or PRs of institutions who often ignore received requests or respond only after Commissioner's orders, threats of fines or if such situation gets into social media or in public. The difference in action is noticeable, so it is obvious that some authorities publish more information on their work on their web pages, while others do that significantly less compared to the previous period. From the point of view of a journalist, institutions only publish what they are obliged to and have to make publicly available, and what the public forces them. A lot of institutions, very obviously, even in public, support the media that support politics and actions of the party in power. This is confirmed by numerous examples of protected and

personal information published by those media, which is otherwise impossible to obtain through a request of access to information of public importance, and persons responsible for such publishing of information are left unpunished.⁹¹ Those media receive a lot of information from direct sources, which is almost impossible to prevent. For example, numerous irregularities in the work of broadcasters in 2020 have not been processed, or competent authorities failed to act (leaking of information from secret proceedings such as prosecutorial investigations and police data).

Are courts transparent? Do media have access to legal proceedings on non-discriminatory grounds and without unnecessary limitations?

Courts are mostly transparent in their work which is confirmed by expert analyses but also by journalists who address them.⁹² However, courts are not open to the extent necessary, they demonstrate inconsistent and different relationships towards journalists as applicants for information, so we can see various levels of court's openness. No special rule is provided to determine why some courts and their representatives behave in a particular way. Responsible persons often treat unequally requests for access to information, even the judges themselves, while experts and court representatives indicate the problem of the journalists who frequently do not understand sufficiently the level of allowed access.⁹³ Courts are open as regards acting on a request for access to information of public importance, however, their positions vary as regards the subject of the request and what may be requested by applicants. In Serbia, media are allowed in court trials.⁹⁴ However, there were examples when the media were not allowed to witness the trials. It is particularly worrying that those were very important cases with a justifiable interest of the public to learn the details important for the protection of public interest or establishing of practice. Journalists believe

89 Marija Vučić, "Nova S journalist Ani Lalic detained for 48 hours"; *Raskrikavanje.rs*, 02.04.2020, accessed 10.03.2021, <https://www.raskrikavanje.rs/page.php?id=635>

Beta and NI, "KTV Zrenjanin: Our team was arrested due to false accusation that they failed to disinfect", Beta and NI, 25.03.2020, accessed 10.03.2021, <https://rs.n1info.com/vesti/a582395-ktv-zrenjanin-nasa-ekipa-uhapsena-zbog-lagzne-optuzbe-da-se-nisu-dezinfikovali/>

90 Denis Kolundzija, "Commissioner: State is obliged to make available information on coronavirus even during the state of emergency"; *Cenzolovka.rs*, 20.03.2020, accessed 20.03.2021, <https://www.cenzolovka.rs/drzava-i-mediji/poverenik-drzava-ima-obavezu-da-informacije-u-vezi-sa-koronavirusom-ucini-dostupnim-i-tokom-vanrednog-stanja/>; Natalija Jakovljević, "Sinkovic: Local institutions do not understand the role of journalists"; *Slobodna rec.rs*, 14.08.2020, accessed 16.12.2020, <https://slobodnarec.rs/2020/08/14/sinkovic-lokalne-institucije-ne-razumeju-sta-je-uloga-novinaragradjani-da-podrze-medije/>

91 Information published in tabloid press and television which refer to medical documentation, information in possession of Ministry of Interior and Prosecution office and other data, in particular personal data.

92 Uros Misljenovic, Blazo Nedic, Damjan Mileusnic, Nastasija Stojanovic and Kristina Kalajdzic, "Analysis of application of transparency standards in courts in Republic of Serbia"; Belgrade: Partners Serbia, 2020, accessed 20.11.2020, <https://www.partners-serbia.org/post?id=197>

93 Outlined by experts and journalists interviewed in the scope of 3 focus groups in the period December 2020-January 2021.

94 Exceptions include special proceedings which include details on family life and other relations and classified information.

this precisely reflects the influence of politics on courts and judges.⁹⁵

The [Nova.rs](#) journalist was not allowed to courtroom although the newsroom notified the court that the journalist would be present at the hearing in a capacity of public, which was also requested by the representative of the company, party in the proceedings. However, the acting judge did not want to allow the presence of the public in the courtroom emphasising that she did not have permission for that from the court president.⁹⁶

Does the public have access to parliament sessions? Are there limitations for journalists to follow the work of parliament?

In Serbia public is allowed to parliament sessions. Journalists' access is enabled through regulations, but in practice, except in local environments, that is carried out without particular limitations. The public openness of the National Assembly is a good example, however, there is still room for increasing the transparency in the work of institutions.⁹⁷ The situation is completely different as regards sessions and accessibility of local parliaments, sittings of urban and municipal councils since in those places journalists' access is often restricted.

Are government and ministries being open to the public, and to what extent?

Journalists' access to government and ministries is made quite difficult and depends on the position of separate ministries. There is an impression of the public nature of work, or at least an image of it, while in the background, the access is made more difficult or there is no action, in particular regarding important information and documents. It is still difficult to receive information from the Government of the Republic of Serbia and its General Secretariat as well as copies of files, which is followed as an example by ministries that extend the deadline for allowing access, impede or abuse the protection rights for certain data. In responses to requests, it is often explained that those data are protected and cannot be made available to the public without a sufficient reason, which is confirmed by expert analyses.⁹⁸

95 *In the proceedings where the accused are in particular representatives of government or persons who cooperate with authorities and are under its influence, the public nature of proceedings is often cancelled and this makes access to information on trials difficult. In 2020, due to the application of measures for the prevention of coronavirus infection, the number of seats in courtrooms was limited so it would happen journalists were denied access.*

96 *Tanja Milovanovic, "Chaos on Savamala trial: Our journalist was kicked out of the courtroom", [Nova.rs](https://nova.rs/vesti/hronika/haos-na-sudenju-za-savamalu-nas-novinar-izbacen-iz-sudnice/), 21.10.2020, accessed 22.11.2020, <https://nova.rs/vesti/hronika/haos-na-sudenju-za-savamalu-nas-novinar-izbacen-iz-sudnice/>*

97 *Nemanja Nenadic, "Initiative of Transparency Serbia to increase the transparency of Assembly – amendments and lobbying", Belgrade: Transparency Serbia, 22.12.2020, accessed 20.01.2021, <https://www.transparentnost.org.rs/index.php/sr/inicijative-i-analizats#a2020>*

98 *Rade Djuric and Kristina Kalajdzic, "Alternative sources of official information on work of companies and public enterprises", Belgrade: Partners Serbia, 10.11.2020, accessed 20.12.2020, <https://www.partners-serbia.org/post?id=266>*

B

Journalists' Position in the Newsrooms

B1 Journalist's freedom economic restrictions

How many journalists have signed employment contracts? Do they have appropriate social insurance? What are journalists' salaries? Do they receive regular payments?

The position of men and women journalists in Serbia remains very unfavourable. Particularly challenging circumstances in 2020 have caused additional deterioration of the social and economic position of journalists.⁹⁹ The pandemic crisis has reflected on the economic sustainability of media companies, so it is questionable if government subventions have essentially or seemingly supported their sustainability.¹⁰⁰ There is no precise data on how many journalists have signed employment contracts and have appropriate social insurance in Serbia. Estimations of many journalists and media workers with a job even reach 11 thousand, yet about 39% of them have a permanent job

99 Beta, *Danas*, "Pasalic: Economic pressure on journalists makes an impact on objectiveness", *Danas.rs*, 21.10.2020, accessed 28.02.2021, <https://www.danas.rs/drustvo/pasalic-ekonomski-pritisci-na-novinare-uticu-na-objektivnost/>

100 FES, "Report: Lockdown for independent media", 2020, accessed 02.04.2021, https://www.fes-budapest.org/fileadmin/user_upload/dokumente/pdf-dateien/A_Lockdown_for_Independent_Media_Report_Final.pdf

and social insurance.¹⁰¹ More and more journalists get hired based on contracts, but the number of those without special employment contracts is growing (so-called grey market). Gradual recession and drop of income in the profession takes its toll on how journalists get hired: quick, short-term jobs without appropriate protection so the owners would be ensured from losses.

Uncertainty and instability are the real words for the situation even in Radio Television Serbia and in particular in Radio Television Vojvodina. Almost 260 journalists and media workers are hired through employment agencies, so they are at risk of losing a contract with RTV. In 2020, Radio Television Vojvodina fired 56 contract-based workers, and through the pressure from the public and journalists, the management agreed to maintain until further notice a certain number of hired journalists and media workers by engaging them via temporary employment contracts despite obvious lack of funds in their budget. The situation is particularly aggravating for minority newsrooms that are literally forced to close down or merely formally exist.

Although there is no complete data on salaries of journalists in Serbia, the average salary is significantly lower than the national average, which is about EUR 300, but it varies depending on the media ownership.¹⁰² The average salary in public broadcasters is of a similar range to average salaries in the Republic of Serbia. On the other hand, even the amounts of such salaries do not reflect the real situation, as the 2020 crisis has demonstrated that the financial capacity of public broadcasters is not sustainable, which was confirmed by the situation in RTV.

What are journalists' working conditions?

What are most significant problems journalists face in their job?

Journalists work in a very unfavourable working environment, and their position is deteriorating more and more. As their biggest problems, journalists point out low salaries, uncertainty, and precariousness of their existence in their job and general in the media. They mentioned the practical necessity as they have to work for several newsrooms in order to provide essential means of living. They face pressures in their work that are directly related to survival in doing their job. Journalists of-

ten perform other tasks that are not related to journalism, which is quite typical for journalists in local media.¹⁰³

B2 Editorial independence in private media

Have private media adopted organisational regulations to keep the newsrooms separate and independent from managers and marketing departments?

The majority of private media does not have internal regulations which separately regulate their internal organisation of separating newsroom from management and ownership. There are no legal nor self-regulatory measures in Serbia with the capacity to ensure the editorial independence of media. This brought pressure to editorial policy, broadly present in media, which is most often realised either through media owners connected with politicians or through direct threats to journalists, causing a high degree of self-censorship among journalists.¹⁰⁴ Owners and managers often do not trust editors, so they do not think that newsroom should be separated entirely from the management body, while editors and journalists, on the other hand, feel powerless.

Have private media adopted other rules protecting editorial independence from media owners and management bodies? Do they respect the rules?

Lack of trust is the most obvious reason for not adopting the internal rules on the protection of editorial independence, which means partial independence of newsrooms from owners and management. Examples of well-divided organisations are quite rare and are mostly seen with smaller portals, completely autonomous from a corporative form of management.¹⁰⁵

¹⁰¹ Journalists' Association of Serbia, "Media in Serbia: how many of us are there really?"; Belgrade: JAS, 30.07.2019, accessed 10.02.2021, <https://www.uns.org.rs/sr/o-nama/files.html>

¹⁰² Marijana Matovic, Marija Misita and Ruza Cirkovic, "Economic position of journalists, Serbia, region and Europe"; Belgrade: JAS, 29.12.2020, accessed 11.02.2021, <https://www.uns.org.rs/desk/UNS-news/109211/regionalno-istrazivanje-uns-a-novinarske-plate-i-dalje-ispod-proseka-osim-u-javnim-servisima.html> and <https://www.uns.org.rs/sr/o-nama/files.html>

¹⁰³ Outlined by journalists interviewed in the scope of 3 focus groups in the period December 2020-January 2021.

¹⁰⁴ Freedom House Report, "Nations in transit: Serbia 2020"; 2021, accessed 30.03.2021, <https://freedomhouse.org/country/serbia/nations-transit/2020>

¹⁰⁵ For example, the internal structure and functioning of portals Juzne vesti, BIRN, KRIK and Zoomer, where Juzne vesti is the only real private media outlet that has a commercial owner.

Do private media newsrooms have internal codes of ethics, or they adhere to the general code of ethics?

Private media usually do not have codes of ethics, so they follow ethical rules regulated by the Serbian Journalists' Code of Ethics adopted by two major journalists associations IJAS and JAS. Online Media Association applies Online Media Association Code.¹⁰⁶

What are the most common forms of pressure exerted on editors and individual journalists by owners and managers in the media? Can you think of the most illustrative example of the pressure of owners or managers in media on the entire newsroom or one journalist last year?

Journalists in private media on a daily level experience various forms of external and internal pressures, which to a great extent depend on the strength of critical disposition of the media itself towards the representatives of the government. Pressure most often occurs in the sphere of financing and is more visible with small media working in local environments. Practically without any form of resilience in relation to the market, smaller media are often entirely dependent on funding from competitions. The additional burden comes from advertisers forsaking the media¹⁰⁷, direct political pressure, public and open targeting of media as state enemies and in particular pressure on individual journalists who exhibit criticism in their work. Private complaints are filed against journalists, mostly because of harm on reputation and honour caused by written articles, but more as a form of destabilisation and purposeful dropping of the topic. The particular form of pressure comes from inside the media itself, from management body but also editors who are often appointed because they are politically suitable, and through soft censorship¹⁰⁸ and other forms of direct or indirect pressures which control the writing of journalists in media (assigning or not assigning specific stories, "empty desk" syndrome, mobbing, political pressure from inside, and all of this can bring about self-censorship).

106 Online Media Association Code, accessed 18.02. 2021, <https://www.cenzolovka.rs/etika/predstavljen-kodeks-asocijacije-onlajn-medija/>

107 Stevan Ristic, "Have we learned anything?", Media Association, December 2020, accessed 18.02.2021, <http://asmedi.org/da-li-smo-ista-naucili/>

108 Covert control or "soft censorship" is a difficult to see and it is indirect, but very effective mechanism of media control that diminishes journalistic independence, restricts freedom of expression and narrows democratic debate. The three basic forms of covert control are (according to the Open Society Institute Justice Initiative): abuse of public funds and monopolies, abuse of regulatory and inspection power, and para-legal pressures (licensing, tax breaks, etc.).

B3 Editorial independence in public broadcasters

Do public broadcasters have special codes of ethics and editorial independence? Do journalists abide by such codes?

Public broadcasters have not adopted special codes of ethics so far that would contain the principles of reporting for journalists. The law on PBS prescribes editorial independence in public broadcasters, whereas the statutes of the RTS and RTV envisage the independence of editorial policy and prohibition of any form of censorship or unlawful influence on the newsroom and journalists. However, it is quite different in reality. Editors in public broadcasters are under the immense influence and pressure of representatives of the authorities, whereas the envisaged independence has never indeed been achieved. Public broadcasters usually stand by the authorities, however except for few journalists' statements and hidden provocations, serious critique and questions related to the work of representatives of the authorities are still lacking.

Do the bodies of public broadcasters have the internal organisational rules so as to make newsrooms independent from the managing bodies? Are these rules observed?

There are no special internal organisational rules within public broadcasters that would ensure greater independence of newsrooms from the managing bodies. Regardless of the existing legal provisions, such independence has not been achieved. Today, editors in PBS are an extended arm of the authorities and under a vast political pressure, they are engaging in defensive silence and the criticism is not changing the course of their editorial work.¹⁰⁹

What are the most common forms of pressure that Government exert on newsrooms or individual journalists? What is the most illustrative example of the pressure of Government on an entire newsroom or an individual journalist in the past year?

The pressures exerted on staff in public broadcasters differs from those related to private media. There is an intensive political pressure on editors, almost organised silence regarding specific topics, lack of reaction,

109 Outlined by journalists interviewed in the scope of 3 focus groups in the period December 2020-January 2021

self-censorship and soft censorship. Although there is an evident fear, notably regarding the impact on jobs and positions, it is not that evident as in the case of private media. Negative impact is reflected in loss of certain tasks within a job, inability to advance, non-assignment of topics and work, pressure from colleagues who are politically active, in certain cases even being ignored by journalist colleagues.

In several cases, journalists in public broadcasters suffered pressure and insults from representatives of the authorities. An example for that is the interview a journalist from the RTS held with the President of Serbia. President Vucic insulted and humiliated the RTS speaker several times and avoided to answer to her and to the citizens the questions of public interest. However, in this case alike in many others, the journalist remained almost numb and lacking any form of reaction to this kind of insult, which primarily indicates the attitude and status of media workers but also the overall situation in public broadcasters.¹¹⁰

B4 Editorial independence in non-profit media

Have the non-profit media adopted the codes of ethics for journalists and editorial independence? Do journalists abide by such codes? What are the most usual forms of pressure on non-profit media?

Non-profit media usually do not have their own codes of ethics but instead they abide by the Serbian Journalists' Code of Ethics. The good examples are Balkan Investigative Reporting Network – BIRN and portal KRIK, which have developed their internal acts, while BIRN also has its code of ethics. Non-profit media usually refer to investigative portals which respect the code, however they are the most frequent targets of brutal attacks and pressure, mostly by pro-government media and tabloids.

There are various forms of pressure on journalists, from putting into negative context and public targeting by highest representatives of the authorities or tabloid media that are government-prone, smear campaigns, different pressures and insults through social networks, live insults against journalists during press conferences, frequent financial controls and checks that are in-

comparably higher than with other taxpayers, through to physical interception and intimidation. Threats to digital safety are an increasing concern for journalists in Serbia. Investigative journalists are often tagged as foreign mercenaries, associates of Western embassies and people working against the interest of the country.

One of direct pressures is the control by the Administration for the Prevention of Money Laundering with the Ministry of Finance. The Administration made a list of 20 individuals and 37 organisations and/or associations, including several individuals from the association for investigative journalism, media associations and associations for which it required from the banks an insight into all financial transactions starting from 1 January 2019. This was published in show Newsmax Adria on TV Nova S based on a document that journalists had obtained. Not all names of individuals and organisations have been disclosed, however the very fact that a list had been made raises doubts in the fact that this was a regular control. We were told by the Administration that this was not control but analysis and risk assessment.¹¹¹ On the other hand, statements from the representatives of the authorities confirmed the degree of pressure: "There was nothing in particular, but ordinary checks. But it's always politics. We cause a commotion claiming that we are jeopardized and then we get some more money from the donors. And it's been going on for 30 years", President of Serbia Aleksandar Vucic said at a press conference.¹¹²

What is the most illustrative example of pressure on non-profit media?

As the most severe examples of "spinning" and attempting to convert the attacked journalist into attacker are the case of journalist Bojana Pavlovic whose phone was confiscated in June by unknown persons accompanied by members of the Serbian military intelligence, after her taking photographs of President's son in the company of football hooligans. Pro-government media and tabloids tried to switch arguments and turn the journalist into culprits, including simultaneous pressures, insults and attacks on the journalists, investigating portal KRIK organised throughout social networks.

¹¹⁰ FoNet, "NUNS condemned Vucic's attitude to Olivera Jovicevic"; Danas, 02.07.2020, accessed 15.02.2021, <https://www.danas.rs/drustvo/nuns-osudio-vucicevo-ponasanje-prema-oliveri-jovicevic/>

¹¹¹ Rade Rankovic, "Administration on the list of media and non-government organisations: Not an investigation but analysis and risk assessment"; Voice of America, 15.10.2020, accessed 15.02.2021, <https://www.glasamerike.net/a/uprava-za-sprecavanje-pranja-novca-istraga-tribina-srbija/5622990.html>

¹¹² Civic initiatives, "Media campaign against civil society and media – the case of control by the Administration for the Prevention of Money Laundering"; 17.10.2020, accessed 16.02.2021, <https://www.gradjanske.org/medijska-kampanja-protiv-civilnog-drustva-i-medija-slucaj-kontrole-od-strane-uprave-za-sprecavanje-pranja-novca/>

B5 Freedom of journalists in the news production process

How much freedom do journalists have to pick the news they work on and to decide what aspect of the story should be emphasised?

Free selection of topics that journalist would work on largely depends on the media where a journalist works, notably on its organisation and policy. In investigative media and public broadcasters, there is freedom to propose, however the access to topics and possibility to select certain story in sensitive areas are very different. On investigative portals, journalists and editors jointly decide on topics, while in public broadcasters sensitive social and political topics are avoided, editors pass final decisions apart from the journalists, while the latter are frequently even imposed certain topics. Full freedom is only present in case of non-sensitive topics. Analyses indicate that, on editorially completely different TV companies, there are similar problems regarding the selection of topics, biased selection of guests, journalists' access and editor's influence. Political and ideological orientation was detected both in the selection of guests, selection of topics and genres in which the topics would be presented, which resulted in a narrow pluralism of media content and highly-concentrated media audience, despite the impression of ownership variety and number of media companies.

How often do journalists participate in the work of editorial teams (attendance in meetings or assignment of tasks to reporters)?

Journalists do take part in coordination of work of editorial team and newsroom, however their real impact through participation in deciding on writing on certain topic is dependent upon the media company they work for and its business policy. In smaller media companies, journalists are engaged through participation in meetings of editorial team, whereas in bigger media companies they usually do not participate but rather have separate agreements with their editors. There are even examples of larger media companies in Serbia where journalists take part in collegiums. Public broadcasters have much stricter organisation that provides more freedom and participation in meetings to journalists in radio services, while television services tend to be much stricter. In smaller media companies there is no such strict division, they combine participation primarily depending on the urgency and importance of the topics. Investigative portals are an example of open communication and decision-making between journalists and editors.

What are the attitudes of journalists regarding journalists' ethics?

The ethics that journalists respect and apply also largely depend on the media where a journalist works. The expansion of tabloids has a negative impact and tabloid journalists keep breaking almost all ethical standards, including frequent and severe breach of privacy and personal rights of the individuals they write about, presenting details about particularly difficult cases such as murders, violence against women and children, missing persons and other adversities people are facing. Although they often do not wish to write about certain topics, journalists are forced to do it at the request of editors who are pressured by owners and managers. On the other hand, the distinction of expectations is clear depending on the media company journalists work for, hence they are aware of what is expected from them, which again influences the standards that journalists abide by.

Different media companies have different expectations, influence, as well as pressures. There is most pressure from political actors and representatives of the authorities, while on the other hand there is also pressure from internal "controllers" i.e. owners, management, marketers and particularly peers tasked with raising the ratings of viewing/reading. Some journalists believe they do not have much choice considering that they put economic and financial reasons as their main personal choice, which puts ethics into second plan. In tabloid media, journalists are clear about what is expected of them; they have very clear direction and influence, however preceded by the decision of a journalist to write in such manner. Journalists distinguish their colleagues whose ethical structure allows and permits complete breach of all standards and such journalists profiled over time as ideal for tabloids. Distribution of the positions throughout media actually corresponds to the degree in which journalists themselves are ready to put up with pressure in terms of order to breach the ethical rules.¹¹³

How many journalists report censorship by editors? How many journalists report self-censorship as a result of fear or loss of job and other risks?

In Serbia, journalists do not report the cases of censorship, however they acknowledge its existence. Hidden censorship and self-censorship are particularly emphasised, primarily depending on the media that journalist works for. Politically-dependant media companies en-

113 Outlined by journalists interviewed in the scope of 3 focus groups in the period December 2020-January 2021.

gauge the journalists who are aware of how they should write, hence there is no direct restriction. While the reasons for hidden censorship that was particularly visible during the state of emergency in 2020 are somewhat more specific, self-censorship is the most frequent for of censorship in Serbia and it is linked with the problems of economic and financial nature.¹¹⁴

B6 The economic position of women in journalism

Do female journalists have worse working conditions compared to their male colleagues? Do they sign employment contracts as often as men?

The status of female journalists in working environment has worsened compared to the status of men. There is a general impression that female journalists are under greater pressure than male journalists, both economic and financial pressure, as well as pressure resulting from traditional set of values and culturological view on their status. Female journalists are still “undesirable” for employers with intolerant attitude to pregnancy and maternity leaves.

Do women tend to assume leading positions in editorial teams as much as men?

Although there is a number of women editors, even in editorial teams where the number of women is prevailing such posts are usually assumed by men. Despite the fact that there are brilliant female journalists in editorial teams, certain degree of unclearly founded distrust by management structures in combination with traditional standpoints still put men in advantage, while women’s advancement can even be linked with sexism.

How much do female journalists earn compared to their male colleagues?

Salaries of female journalists are almost identical to those of male journalists’. Both male and female journalists deem that there are no special differences that would cause the imbalance in salaries, not even due to the trend of increasing the number of female journalists compared to men in editorial teams. This trend is explained by the dominance of women on lower-paying jobs in media industry, such as presenters, announcers and speakers, while there is few women on (better-paid) managing positions in media companies.¹¹⁵

Are female journalists subject to specific sex-based pressure?

Female journalists are much more exposed to sex-based pressure compared to their male colleagues. There is a general opinion that the pressure is more frequent and more severe, both inside and outside the editorial office. There are particularly difficult pressures online, where female journalists are often harassed solely for being women and often without any other reason to be linked with their journalistic work.¹¹⁶ Unlike their male colleagues, female journalists are subject to openly negative comments regarding their physical characteristics, the way they dress or look. Representatives of the authorities as well as other journalists are addressing them inappropriately during press conferences or other events, while negative comments are often related to the fact that they are women. Some female journalists see the received comments as a problem, most of them feel jeopardised, discriminated, and hence such negative pressure can even leave negative consequences on their professional work and personal life.¹¹⁷

114 Denis Kolundzija, “Associations warn: The state must not impose censorship during the state of emergency. Gajovic: Without special measures of the Government for media”, *Cenzolovka.rs*, 16.03.2020, accessed 17.02.2021, <https://www.cenzolovka.rs/drzava-i-mediji/udruzenja-upozoravaju-drzava-ne-sme-dg-uvodi-cenzuru-tokom-vanrednog-stanja-gajovic-bez-posebnih-mera-vlade-za-medije/>; Nikolija Codanovic, “State of emergency smells like censorship”, *Istinomer.rs*, 01.04.2020, accessed 17.02.2021, <https://www.istinomer.rs/analize/zakljucak-vlade-mirise-na-cenzuru/>; SINOS, “Dialogue in media is good for employees and employers alike”, *Sinos.rs*, 20.12.2020, accessed 17.02.2021, <http://www.sinos.rs/srpski/sindikalni-objektiv/12/2020/12/20/6304/dijalog-u-medijima-dobar-za-zaposlene-i-za-poslodavce.html>

115 WACC, “Global media monitoring for 2020, preliminary findings”, WACC, 2021, accessed 18.05.2021, <https://wfhomkesthenews.org/>

116 IJAS, “Online attacks against female journalists”, Belgrade, IJAS, 2020, accessed 15.02.2021, <http://nuns.rs/about-nuns/publications/reports.html>

117 Outlined by journalists within 3 focus groups conducted in the period December 2020 – January 2021.



C1 Statistics of safety and impunity

In 2020, in the journalist attack database of the Safejournalists network ([Safejournalist.net](https://safejournalist.net)), there were 72 cases of different attacks on journalists and media workers in Serbia. Due to specific circumstances compared to previous periods, there was a higher number of physical and verbal assaults. On the other hand, Republic Public Prosecution published the information on lower number of attacks, in accordance with the data on received criminal charges.¹¹⁸

Verbal threats and harassment

The year 2020 was marked by a series of events that somewhat influenced the increase of the number of incidents to the detriment of journalists. Threats and harassment of journalists by trailing and aggressive statements made by representatives of the authorities were registered in 25 cases. The first half of the year was marked by a case of suspected interception of communication in editorial office of Nedeljnik weekly. On 16.02, Tanjug agency broadcasted the statement made by Minister Vulin where he estimated that "former defence minister and president of the Democratic Party Dragan Sutanovac uses every opportunity to attack Serbia when Russian defence minister Sergey Shoigu should come to visit". This estimate was accompanied by statements

118 Istinomer, "Less attacks on journalists", [istinomer.rs](https://www.istinomer.rs), 26.11.2020, accessed 12.02.2021, <https://www.istinomer.rs/izjava/sve-manje-napada-na-novinare/>

Table 2: Number of registered attacks on journalists in 2020

| Categories | Number | Description |
|--|--------|--|
| <p>Non-physical threats and harassments</p> <p>The non-physical threats and harassments include:</p> <ul style="list-style-type: none"> – surveillance or trailing; – harassing phone calls; – arbitrary judicial or administrative harassment; – aggressive declarations by public officials; – other forms of pressure that can jeopardise the safety of journalists in pursuing their work. <p>These types of threats do not include mobbing and bullying in the working environment</p> | 25 | <ul style="list-style-type: none"> • Threats to journalists from Juzne vesti • Verbal threat on Twitter to journalist Vesna Malisic • Hate graffiti written on journalist's building as a message to Dinko Gruhonjic • Threats on Instagram to Jelena Lalatovic from Masina for support to migrants • Direct threats by e-mail to TV N1 editorial office • Verbal threats, incursion into the exhibition and attacks against Marko Somborac and his colleagues satirists • Miodrag Blecic from Indjija was threatened on Facebook • Threats in the street to Nikola Stojanovic in Bujanovac by plainclothes policemen outside duty, in presence of two colleagues policemen • Brutal insults and convictions against Sasa Stojkovic on Facebook by Vranje board of SNS • Threats and recording prohibition to Nova S journalist Marko Radonjic during protests in Belgrade • Threats to Miljko Stojanovic and physical prohibition to attend election meeting in Vratarnica • Threats to Tamara Skrozza on social networks • Severe misogynist insults against Zaklina Tatalovic on the Internet • Threats and hate speech on Facebook against Nedim Sejdinovic • Pressures and insults against TV N1 editor Jugoslav Cosic • Smear campaign against journalist Ana Lalic and her designation as Serbia's enemy • Insults, targeting and continuous media and Internet campaign against Zaklina Tatalovic • Threats and insults on Twitter against Brankica Stankovic • Threats, targeting and pressures on Facebook addressed to Dragan Janjic, editor of Beta • Insults and threats before non-reacting policemen against Ljiljana Stojanovic during the protest against Pride Parade in Leskovac • Convictions, harsh treatment and threats of Minister Sarcevic against TV N1 team in Nis • Insults and minor threats against Slavisa Lekic on Twitter • Interception of communication, possible surveillance and monitoring of the work of editorial office of Nedeljnik by state services or other persons • Insults and threats against Dragojlo Blagojevic by the director of Srbijasume • Threats, insults and targeting of editorial office of KosSev |
| <p>Threats against the lives and physical safety of journalists</p> <p>These may include:</p> <ul style="list-style-type: none"> – references to killing journalists, journalists' friends, family or sources; – references to making physical harm against journalists, journalists' friends, family or sources. <p>These threats may be:</p> <ul style="list-style-type: none"> – made directly or via third-parties; – conveyed via electronic or face-to-face communications; – may be implicit as well as explicit. | 15 | <ul style="list-style-type: none"> • Death threat against Milica Saric and Ivana Jeremic Twitter • Threat by SMS message to editor Enes Radetinac • Threats by beating against Zaklina Tatalovic on the Instagram • Message to Srdjan Dincic on the Instagram from unknown person • Threats by rape against Zaklina Tatalovic on Twitter • Threats against Newsmax Adria editor Slobodan Georgiev on Twitter • Brutal threats in the yard of family home in Veliki Trinovac addressed against the family and journalist Jeton Ismaili • Continuous direct verbal threats in the street against Dusan Mladjenovic • Death threats against Slobodan Georgiev and Ivan Ivanovic on Twitter • Very serious threats by assault against Jovana Gligorjevic addressed through the Internet • Death threats against Ivan Ivanovic and Zoran Kesic by a public figure in printed media • Editorial office of portal Direktno.rs received a death threat by e-mail • Marko Vidojkovic threatened by direct message on the Instagram • Harsh and serious threats addressed to Blic editorial office by politician Vojislav Seselj • Threat by assault against KRIK editor Stevan Dojcinovic on the Instagram |

| Categories | Number | Description |
|---|--------|--|
| <p>Actual attacks on journalists Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p> | 28 | <ul style="list-style-type: none"> Physical assault and threats to TV N1 team in front of Asseco building Physical assault of Amir Numanovic in front of his house in Tutin Interception, with demonstration of guns and physical threats in the street against Salahudin Fetic and Asmir Bihorac in Novi Pazar; A tire punctured in 5 places on the vehicle of Branislav Sovljanski in front of his apartment in N. Belgrade Seizure of telephone from Vuk Cvijic, deletion of photographs and warning from officers during protest in Belgrade Hit in the head with a stick and smashed head of journalist Milos Miskov by demonstrators during protest in Belgrade Injured arm of Svetlana Dojcinovic from a hit stone during demonstrations in Belgrade Physical assault and broken equipment of Natalija Lucic and Tarek Ani during demonstrations in Belgrade Assault, harassment and throwing of microphone of Petar Gajic Physical assault, hits and injuries induced by stones to Stefan Stankovic, Misa Batanjac and Predrag Zambrok Seizure of telephone from Irena Stevic by two officers during protest in Belgrade Severe nose injury caused by stone hits induced to cameraman Uros Arsic during protest in Belgrade Smashed head caused by hard object to journalist Vojislav Milovancevic during protest in Belgrade A telephone popped from the hand of Milica Bozinovic by nightstick blow administered by a policeman during protest in Belgrade Physical assault and hitting of Milan Srdic and Lazar Vukadinovic during protest in Novi Sad Brutal assault by policemen and severe nightstick-induced injuries of Beta journalist Zikica Stevanovic during protest in Belgrade; during the same assault Luka Predja and Relja Pekic were hit by nightsticks Nightstick hitting and arrest of Igor Stanojevic during protest in Belgrade Threats and assault of Lidija Georgije and Ivan Stambolic during protest in Nis Physical assault, attempted camera seizure and insult against Nikola Mitic and Matija Gacic Hits and serious injuries of Sasa Mikic in Kikinda during the elections Salahudin Fetic hit in the head in a restaurant in Novi Pazar Interception, movement restriction and seizure of telephone of KRIK journalist Bojana Pavlovic by unknown persons for photographing the son of the President of Serbia Throwing stones on Gordana Bjeletic and cameraman of Juzne vesti and intended high-speed vehicle passage by the journalists; Piercing of tyres on the vehicle of Ana Lalic near her apartment in Novi Sad Arbitrary arrest and detention of Ana Lalic for alleged panic inducement Arbitrary arrest and detention of journalists Danijel Radic and Robert Bajtai Physical assault of demonstrators against Dragan Marinkovic during protest in Leskovac Redzep Korac physically attacked and received several hits after the match of FC Novi Pazar |
| <p>Killings of journalists (in the past 15-20 years) Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death, etc</p> | 1 | <ul style="list-style-type: none"> Milan Pantic was killed by brutal strikes using metal bar in Jagodina, on 11.06.2001. |
| <p>Threats and attacks on media institutions, organisations, media and journalists' associations Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.</p> | 4 | <ul style="list-style-type: none"> Continuous threats, pressures and targeting of TV N1 as state enemies and foreign mercenaries Damaged vehicle of TV N1 in Nis, pierced tyres on the car Connected cyber DDOS attacks on N1 webpages during several days Broken offices and rumbled office furniture and materials in editorial office of Kolubarske.net in Valjevo |

that minister Vulin said that “responding to the author’s text of Dragan Sutanovac in Nedeljnik, where he criticized cooperation between Serbia and Russia”, which was broadcasted by almost all Serbian media and the news was also read in the National daily news on TV Pink. However, the Nedeljnik statement from the following day read that the text that the minister referred to had never been published. This situation opened the question regarding the way in which the minister had obtained the information and data, and raised suspicion that there had probably been interception of communication between the text writer and editor during preparation of the material, including possible tapping of editorial office of Nedeljnik weekly. The case was reported to the police and Special Prosecution Office for High Tech Crime in Belgrade, while the provision of data and investigating of all case circumstances is still ongoing.¹¹⁹

The most drastic example of pressure on journalists happened during the state of emergency in the period March to May 2020. Following the article on lack of medical equipment in Clinical Hospital Centre Vojvodina in Novi Sad, a real media campaign was launched against journalist Ana Lalic which went on for several weeks. Representatives of the government accused the journalist in the media that she was working against the state, and several times the Prime Minister has even accused her in TV shows that she has caused general danger, although there has been no direct evidence on panics or disturbance caused among the public. The campaign against the journalists on the Google was discovered. There was doubt this paid campaign came from representatives of the government. When using some Android platform applications, users would receive advertising messages accusing Lalic of working against the state.

Threats to life and physical safety of journalists

Last year, there were 15 cases of different verbal threats to journalists. The threats were usually addressed through the Internet, via social networks, and they were mostly targeting female journalists. However, the most severe forms of threats were made directly. Such were the threats addressed to journalist of Bujanovacke Jeton Ismaili and his family in Veliki Trnovac because of a text he wrote about the difficult situation and calamities caused by the Covid-19 pandemic. The way in which threats were made is particularly difficult, considering that the suspects did it directly, in the yard of the journalist’s family house. Jeton Ismaili was absent at

the time, hence the suspects threatened his wife and daughter with death and addressed abominable insults indicating what awaited Jeton and his family. Police and prosecution acted very promptly.¹²⁰ The editorial office of Direktno.rs portal also received a direct death threat by e-mail. The threat was immediately reported to the responsible Special Prosecution Office for High Tech Crime.

The number of physical assaults

In 2020, the number of physical assaults virtually escalated, hence there were 28 such cases, including several seriously injured journalists, arrested journalists and those whose movement was most harshly restricted or equipment physically seized. One of the reasons for enormous rise in the number of physical assaults lies in a specific situation caused by the state of emergency, the violent protests from July 2020. A particularly aggressive case was the beating of journalist Zikica Stevanovic from BETA agency, who was brutally beaten by policemen on 8 July while he reported from the protest against the measures imposed by the Crisis Response Team.¹²¹ In an exchange of attacks between demonstrators and police, Stevanovic found himself surrounded by police at one moment. The journalist held his press ID all the time and when the policemen approached him he clearly said: “Don’t, I’m a journalist!”, however a series of blows followed. The officers did not react in the way the journalist had expected, instead they were even more brutal once they observed press marks. Even after he fell to the ground against the received blows, the policemen did not stop hitting. The final act of the event is particularly brutal when one policeman returned and despite Stevanovic’s shouts that he was a journalist hit him several more times with a nightstick. After he was assisted by colleague journalists with whom he reported that night, the following day Stevanovic reported the case to the responsible police station. All circumstances of the particular case are still being investigated, the Ministry of Interior also instituted internal procedures in all cases of incidents within the July protests where journalists were physically and verbally injured by members of the police.

¹¹⁹ Nedeljnik.rs, “Nedeljnik requests an independent commission for journalists’ tapping”, Nedeljnik.rs, 27.02.2020, accessed 01.04.2021, <https://www.nedeljnik.rs/nedeljnik-trazi-nezavisnu-komisiju-zapriskivanje-novinaru/>

¹²⁰ Bujanovacke.rs, “Death threats and attack on the family of Jeton Ismaili in Veliki Trnovac”, Bujanovacke.rs, 13.08.2020, accessed 01.04.2021, https://bujanovacke.co.rs/2020/08/13/pretnje-smrcu-i-napad-na-porodicu-novinaru-jetona-ismailija-u-velikom-trnovcu/?fbclid=IwAR2wBqwk0yXfzO_W8QNPJQFCcm22wuHwB6sExKafl.5_Er8qNng7Zw-2xA

¹²¹ [Istinomer team](http://Istinomer.rs), “Hackers war with the media: Only five judgments after 79 attacks”, Istinomer.rs, 13.02.2020, accessed 01.04.2021, <https://www.istinomer.rs/arhiva/hakerski-obracuni-sa-medijima-samo-pet-presuda-posle-79-napada/>

Number and types of killings of journalists

In the past 26 years, Serbia witnessed three journalists' murders. The only case that saw some progress is the murder of journalist Slavko Curuvija, editor-in-chief and owner of Dnevni telegraf, which occurred in 1999. After the passed judgment in 2019, whereby the Special Court in Belgrade enacted the first instance judgment and convicted four members of the former state security service,¹²² and after the appeals, on 07.09.2020 the Appellate Court in Belgrade sustained the appeals and cancelled the first instance judgment.¹²³ The Appellate Court found that by the introduction of "NN person" in the disposition of the judgment, who participated in the activity of perpetration of the criminal act together with the convicts as direct perpetrators, as well as the addition of new activities to the convicts, the first instance court significantly modified the factual situation with regard to the manner of criminal act perpetration as estimated by the court itself, in comparison with the factual situation as described in the indictment and it did not indicate the manner in which the convicts brought the "NN person" in the situation of act perpetration. The re-trial started on 05.10.2020 and it is characterised by several adjourned hearings and an impression of slow acting.¹²⁴

In the case from 1994 when journalist of Duga magazine, Radislava Dada Vujasinovic, died, and in another case from 2001 when correspondent of Vecernje novosti from Jagodina, Milan Pantic was murdered, there is still no visible progress. Both cases are in pre-investigation procedure and the case of journalist Pantic is particularly specific because public and journalists deem that the Prosecution has sufficient material for further acting.

The number and type of threats and attacks against media institutions, organisations, media and journalists' associations

The number of attacks and threats to media companies was seemingly not so high compared to other forms of threats and attacks, however the fact is that certain di-

rect threats to journalists were actually the attacks on media companies. There were only 4 official threats of attack directly addressed to media, but many incidents against journalists were also combined with messages to the very media, which indicates that the target of attacks were sometimes media companies and that intimidation and serious attacks were actually a model for silencing the independent and critically-oriented media. Both large and local media experienced hackers' DDOS attacks, precisely after the reporting on certain topics or at a time when certain topic was to be necessarily reported on. Vehicles of media companies and individual journalists were damaged on numerous occasions, while some media companies were even prohibited from attending certain events. Journalists were insulted and attacked on social networks, but the indirect targets of attacks were often the media companies such journalists worked for. For instance, N1 journalist Zaklina Tatalovic was threatened as many as 4 times, while N1 editor Jugoslav Cosic was threatened twice last year, however the backdrop of almost every threat and numerous insults were also direct messages to the TV N1.

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

Are there any special provisions of the laws or other mechanisms aimed at supporting the protection of journalists' safety, online and offline?

Criminal Code of RS envisages protection from threats to safety of persons performing the activities of public importance in the field of information, relating to the activities performed, which is in practice often accepted as threats to the safety of journalists, media workers and other persons reporting in public interest.¹²⁵ Through the work of Standing working group for journalists' safety (in text SWG) and new mandatory Instructions of the Republic public prosecutor (in text RPP), 27 criminal offences are introduced that may be largely considered as eligible for endangering journalists' safety and which can be considered by prosecutors within the received

¹²² Radomir Markovic and Milan Radonjic were sentenced to 30 years by first-instance judgment, while Ratko Romc and Miroslav Kurak (on the run) were sentenced to 20 years of imprisonment each, however, the direct perpetrator of murder has not been identified yet.

¹²³ The Court decision states that the first instance court infringed both subjective and objective identity of the indictment and exceeded the charges making the very judgment ambiguous and contradictory, however the judgment did not state the reasons on the facts that are subject to proving.

¹²⁴ Tamara Spaic, "New trial starts for the murder of Slavko Curuvija: Will journalists' murderers finally be punished?", *Cenzolovka.rs*, 02.10.2020, accessed 15.03.2021, <https://www.cenzolovka.rs/pritisci-i-napadi/pocinje-novi-proces-za-ubistvo-slavka-curuvije-da-li-ce-ubice-novinaru-konacno-biti-kaznjene/>

¹²⁵ Criminal Code, three criminal offences that protect against threat to safety of a person performing the activities of public importance in the field of information in relation to the activities performed: Article 138, para. 3, a special form of criminal offence aggravated murder committed against a person who performs the activities of public importance in relation to the activities they perform (Article 114, para. 1, item 8 of CC) and special form of criminal offence serious bodily harm committed against a person who performs the activities of public importance, (Article 121, para. 6).

Table 3: Chronicle of court cases against journalists

| Case | Year 2016 | 2017 | 2018 | 2019 | 2020 |
|---|---|--|--|---|---|
| KRIK After the investigation into the assets of public officials, on 15.07.2016 KRIK editorial office received threats through social networks that "they should be lined up and shot as foreign agents in Serbia". | <ul style="list-style-type: none"> The case was reported to the Special Prosecution Office for High Tech Crime | <ul style="list-style-type: none"> The case is ongoing before the prosecution Letters of request have been addressed for the provision of international legal aid | <ul style="list-style-type: none"> The case is ongoing before the prosecution Letters of request have been addressed for the provision of international legal aid | <ul style="list-style-type: none"> The case is ongoing before the prosecution Letters of request have been addressed for the provision of international legal aid | <ul style="list-style-type: none"> The procedure still ongoing. There is no progress |
| Nedim Sejdinovic Threats addressed to the journalist on 09.09.2016 through social network after a public debate where he compared "the image of Serbia of the 90's with the image of an Islamic state". | | <ul style="list-style-type: none"> The procedure before the prosecution is ongoing Evidence collecting is being implemented The procedure for the application of opportunity principle is ongoing | <ul style="list-style-type: none"> The procedure for the application of opportunity principle is ongoing | | |
| Slobodan Georgiev Threats addressed on 09.09.2016 on social network Twitter after he wrote a comment referring to a cover of a daily paper. | | <ul style="list-style-type: none"> The procedure before the prosecution is ongoing Evidence collecting is being implemented | <ul style="list-style-type: none"> The procedure for the application of opportunity principle is ongoing | | |
| Journalists of TV N1 On 14.10.2016 a message containing serious threats arrived to the address of the N1 editorial office. | | <ul style="list-style-type: none"> First-instance court sentenced the perpetrator to probation, one year of imprisonment and also decided that it shall not be executed if the convict does not perpetrate another criminal offence for a period of 3 years. Appeal was lodged | <ul style="list-style-type: none"> Appellate court confirmed the first-instance judgment. The procedure was finalised. | | |
| Nihad Ibrahimkadic On 05.01.2017 the journalist was injured in an attack near railway station in Belgrade. | | <ul style="list-style-type: none"> The case was reported to the police | <ul style="list-style-type: none"> Criminal charges rejected for two persons The case was transferred to the records of unknown perpetrators Collection of evidence was resumed | <ul style="list-style-type: none"> The case is ongoing before the prosecution, in the records of unknown perpetrators of criminal acts | <ul style="list-style-type: none"> The procedure still ongoing. There is no progress |

| Year | 2016 | 2017 | 2018 | 2019 | 2020 |
|--|------|--|---|--|--|
| Case | | | | | |
| Several journalists were attacked in front of the Assembly of the Republic of Serbia while they reported from a public gathering during the inauguration of new President of Serbia, Aleksandar Vucic. | | <ul style="list-style-type: none"> • One case was reported to the First Basic Public Prosecution Office • The Prosecution extended the case to all journalists attacked at that event • The Prosecution passed a decision and rejected the criminal charges • One journalist lodged the appeal • Higher Public Prosecution in Belgrade sustained the appeal and returned the case to the First Basic Public Prosecution for collecting all necessary evidence | <ul style="list-style-type: none"> • The First Basic Public Prosecution Office again passed the decision and rejected the criminal charges • There was no objection | <ul style="list-style-type: none"> • The case was discussed in the Standing working group for journalists' safety. One of the stated information is also that none of the attacked journalists complained about the behaviour of members of the Ministry of Interior during inauguration. | |
| Marija Vucic After the publishing of a text, the journalist received threats on Facebook on 24.06.2017: "Whore, you'll be slaughtered soon". | | <ul style="list-style-type: none"> • The case was reported to the prosecution and police | <ul style="list-style-type: none"> • The case is ongoing before the prosecution, in the records of unknown perpetrators of criminal acts | <ul style="list-style-type: none"> • The case is ongoing before the prosecution, in the records of unknown perpetrators of criminal acts | <ul style="list-style-type: none"> • The procedure is still ongoing, there is no progress |
| Dragana Peco On 07.07.2017, the apartment of journalist Dragana Peco was broken into while she was out of Belgrade. | | <ul style="list-style-type: none"> • The case was reported to the police and they immediately conducted investigation. | <ul style="list-style-type: none"> • The case is ongoing before the prosecution, in the records of unknown perpetrators of criminal acts | <ul style="list-style-type: none"> • The case is ongoing before the prosecution, in the records of unknown perpetrators of criminal acts | <ul style="list-style-type: none"> • The procedure is still ongoing, there is no progress |
| Zeljko Matorcevic On 09.10.2018 the journalist was physically attacked by an unknown person. | | | <ul style="list-style-type: none"> • The case was reported to the police | <ul style="list-style-type: none"> • The Prosecution passed a decision to reject criminal charges • Appeal was lodged by the damaged party • The objection was sustained, evidence collection scheduled | <ul style="list-style-type: none"> • After additional collection of evidence, a decision was passed on rejection of criminal charges against the reported person. The case was filed in the registry of unknown perpetrators until identification and collection of evidence. |

| Year | 2016 | 2017 | 2018 | 2019 | 2020 |
|---|------|------|---|--|--|
| Case | | | | | |
| Milan Jovanovic On 12.12.2018, the journalist's garage was initially set on fire and later it spread on the entire family house in Grocka. | | | <ul style="list-style-type: none"> The case was reported to the police | <ul style="list-style-type: none"> The Second Public Prosecution Office in Belgrade filed criminal charges. The court procedure is underway Out of 7 main hearings, only three have been held | <ul style="list-style-type: none"> Eight hearings were held. Dragoljub Simonović, was sentenced by the first instance verdict on 23.02, to four years and three months in prison when the court determined that the was he person who ordered the burning of the house of the journalist of the "Zig Info" portal, Milan Jovanovic, in December 2018 in Vrcin. Second basic court in Belgrade imposed the same sentence on Aleksandar Marinkovic is on the run, as the immediate perpetrator for when it was determined that he threw a Molotov cocktail in the garage of Jovanovic's house. Vladimir Mihailović was sentenced to four years when it was determined that he found the perpetrator of this criminal act as a mediator. |
| Zikica Stevanovic The journalist was brutally beaten by members of the Gendarmerie of the Ministry of Interior during violent demonstrations on 07.07.2020. Stevanovic took several hard blows, particularly hard in the head, although he kept demonstrating the press ID. | | | | | <ul style="list-style-type: none"> Criminal charges for abuse were filed. Procedure in progress. Within the Ministry of the Interior, internal control is conducted in the actions of gendarmerie officers. |

charges. The responsibility of institutions has somewhat been achieved by the Agreement on cooperation and measures for raising the level of journalists' safety between RPP, MI and seven journalists' and media associations¹²⁶ that has been applied for five years now. The substance of the Agreement was provided by the Standing working group for journalists' safety that strives to effectively strengthen the system for reporting of cases and certain degree of control of the efficiency and effectiveness of acting of prosecutors and MI officers upon application. The group is dealing with particular incidents where journalists have been damaged, but also with other issues of relevance for journalists' safety. Despite certain ups and downs, there is a general impression that the group found a stable model for communication, presentation and practical resolution of problems, along with certain systemic changes that would improve the acting of responsible authorities. However, although it effectively influenced a number of detected problems, numerous key problems in journalists' protection still remain out of reach. The group has successfully established a system of contact points for rapid reporting and monitoring the events to the detriment of journalists, but it also established a number of additional criminal offences that can be linked with attacks against journalists. In April 2020, the "Agreement on the establishment of Platform for recording of cases of endangered safety and pressure against journalists and other media workers" has been signed between the Ombudsman of the RS, journalists' associations and syndicates. The agreement envisages the development and maintenance of platform as a database with all forms of attacks against journalists, finding solutions for pressure processing and a better involvement of the Ombudsman in resolution of pressure cases in accordance with its competences. By the end of 2020, the group prepared a working version of classification of attacks and pressures against journalists, however the activities have been marked by work deceleration, prioritising formal and technical platform development against work and resolving of concrete pressures, individual statements of the Ombudsman aimed at avoiding responsibility and competence regarding important cases of pressures and other attacks.¹²⁷

Are there any documents (protocols, rules of procedure etc.) enacted by state institutions that provide additional guidelines to the army and police for acting with journalists?

One of the main steps in the work of the Standing working group are the internal rules developed by the Ministry of Interior and Republic Public Prosecutor's Office intended to promote the system of receipt and handling of the cases of attacks against journalists. The MI instructions imply rapid action of police officers in cases of attacks against journalists, connection of acting officers with contact points, better internal control of procedures and reporting of the damaged. The RPP did this in December 2020, when the General mandatory instructions were adopted that is based on the criminal offence of endangering safety under Article 138, para. 3 of the Criminal Code. The instructions stipulate the acceleration of acting for a period from 24 to 48 hours from the case takeover, the increased number of contact points in each public prosecution, registration of cases in special records, as well as possibility to institute disciplinary procedure against a public prosecutor who fails to act upon the provisions of the mandatory instructions.¹²⁸ The instructions represent a direct progress because it recognises a need for urgent action and a wider consideration of the problem of attacks on journalists. In December 2020, at the initiative of the Serbian Prime Minister, a new working group was established in the area of journalists' safety, which will operate under the auspices of the Government of RS. The group is comprised of representatives from the Government, ministries whose scope of competences includes the issues of journalists' safety, representatives of public prosecution offices, MI, journalists' and media associations, associations of judges and prosecutors and journalists' syndicates. There is a general impression that this group started to operate abruptly, without any clear plan and objective, bringing into question the work and previous achievements, notably those of the Standing working group for journalists' safety. On the other hand, one can argue that a working body with such a composition can compensate for the losses and restrictions of the existing groups, with the idea to enable direct contact with representatives of the authorities and legal drafters, so as to use previous results in the field of journalists' protection and possibly resolve the existing problems through direct contact. In the meantime, due to the fact that the group failed to make a statement

126 *Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Association of Independent Electronic Media, Media Association, Association of online media and Journalists' Association of Vojvodina (whose work was in the meantime suspended and it subsequently withdrew from the Agreement and the Standing working group).*

127 *Outlined by the interviewed members of the Working group for developing the Platform for attacks and pressures*

128 *Facts of the disciplinary offence under Article 104, para. 1, items 4 and 5 of the Law on Public Prosecution.*

regarding severe pressures on KRIK editorial office, 5 journalists' associations withdrew from the group.¹²⁹

Are there any mechanisms for monitoring and reporting on threats, harassment and violence against journalists? Do state institutions publish the information on attacks against journalists and impunity?

In addition to statistics run by certain journalists' associations,¹³⁰ from 2016 on, the records of attacks against journalists have also been kept by the Republic Public Prosecution Office (RPP) and the Ministry of Interior. The records kept by the RPP are submitted in updated form to representatives of the Standing working group quarterly. The working group tasked with developing a platform for recording also plans to note all cases and act upon the received pressures, however in its current phase it is one of the potentials that can be well utilised. Special mechanisms for monitoring and reporting exist through the work of the Standing working group for journalists' safety and their system of contact points, with particular emphasis on contacts on the side of journalists' associations.¹³¹ Their task is to report cases and inform contact points within public prosecution offices and the police, but also the Standing working group which considers the cases where actions are not meeting the expectations.

Do state institutions recognise the attacks against journalists' safety as a breach of freedom of expression and criminal code? Do government officials issue clear statements of condemnation against journalists' attacks?

The establishment and operation of working groups for safety indicates that the state somewhat recognises the existence of problems regarding journalists' safety. However, journalists and the public do not agree with that formal and technical approach, believing that the establishment of new bodies does not substantially resolve the safety issue but instead causes more concern because representatives of the authorities and state bodies often appear in the role of suspects for

pressure and attacks against journalists. Regardless of the establishment of new groups and indicators that should demonstrate that the state recognises the problem, there are nevertheless no firm, solid and equal positions regarding all cases of attacks against journalists. Representatives of the authorities react selectively and periodically and often remain completely silent regarding very serious pressures, targeting and accusations against journalists. The weakness of such working groups, as well as competent authorities, lies in the fact that the same associations and almost identical representatives of all party members are in virtually all groups dealing with monitoring and reporting of the cases, whereas the officers handling and understanding the safety of journalists also "mingle" within their organisational systems and through these groups, which indicates the somewhat limited capacity within the safety system.

Do state institutions cooperate with journalists' organisations regarding the safety of journalists?

State institutions cooperate with journalists' associations exclusively through working groups for journalists' safety. Although new groups have been formed last year, the cooperation is characterised by different positions on numerous issues. Journalists deem that the state actually has no real intention to cooperate and resolve the issues, but instead aims to resolve some other matters by representing to international players an image of understanding of the issue of journalists' safety.¹³²

Do state institutions respect the freedom of expression and privacy in cases of electronic surveillance? What is the most recent case of electronic surveillance of journalists?

Surveillance over electronic communications has been regulated by special provisions that specify the manner and cases when this is possible and how the surveillance is applied.¹³³ However, previous year also brought clear suspicion about possible abuses. The case of suspected interception of communication of journalists in the editorial office of Nedeljnik weekly open the issue of possible tracking and surveillance of journalists' work. Upon criminal charges filed by Nedeljnik, the case is still without clear outcome and after consideration, the parliamentary board for the control of security services established there had been no tapping. Such reasoning was not convincing to the damaged journalists and they

129 N1, "More journalists' associations withdrew from the Working group for journalists' safety", [Rs.n1info.com](https://rs.n1info.com/13.03.2021), 13.03.2021, accessed 12.02.2021, <https://rs.n1info.com/vesti/vise-novinarskih-udruzenja-istupilo-iz-radne-grupe-za-bezbednost-novinar/>

130 Database of attacks and pressures, IJAS, 30.12.2020, accessed 12.02.2021, <http://www.bazenuns.rs/srpski/napadi-na-novinare/1> and Safe Journalists database of attacks, 30.12.2020, accessed 12.02.2021, <https://safejournalists.net/rs/homepage/>

131 Danas Online, "Updated list of contact points in police for journalists' protection", [Danas.rs](https://www.danas.rs), 09.10.2019, accessed 12.02.2021, <https://www.danas.rs/drustvo/azurirana-tabela-kontakt-osoba-u-policiji-za-zastitu-novinar/>

132 Underlined by journalists within 3 focus groups organized in the period December 2020 – January 2021.

133 Criminal Procedure Code, Art. 161 to 173.

suggested the formation of an independent commission in order to establish whether journalists in Serbia are being illegally tapped. On the other hand, the attitude of controlling bodies towards the case and information non-transparency present an image that demonstrates there is still no efficient control by the authorities in charge of the electronic surveillance area.

C3 Civil and criminal justice actions related to threats and acts of violence against journalists

Are there any special units within the institutions of justice system designed for investigation and criminal prosecution of threats and acts of violence against journalists?

Since 2013, Serbia has had the Commission for consideration of the facts that were obtained in the investigations that were conducted on the killings of journalists. The Commission was established by the Government of RS and it was tasked with establishing a plan and dynamics for collection of evidence and establishing other circumstances regarding the investigations of murders, as well as to establish cooperation with the authorities responsible for running such investigations, to make a track-record based on the obtained information regarding the course of conducted investigations, to present an opinion on the efficient manner of improving the conducting of investigations and propose concrete steps to be taken. Regarding the case of murder of journalist Milan Pantic, the Commission prepared and submitted a report containing useful information on police investigation, however it did not yield any result for the acting public prosecution and the case is still in pre-investigation phase.¹³⁴ The situation is similar with the case of murder of journalist Dada Vujasinovic.

Do the state prosecution and the Ministry of Interior provide adequate resources for covering the investigation of threats and violence against journalists?

Republic public prosecution and the MI demonstrated readiness to work on resolution of the issue of journalists' safety. Within the scope of work of the Standing working group for safety, the RPP recognised the shortcomings and deficiencies in acting in cases where jour-

nalists were damaged and stipulated in new mandatory instructions the existence of contact points for journalists' safety in every main, higher and appellate public prosecution, which represents a good fundamental capacity for work. On the other hand, in 2019 the MI designated minimum 93 contact points in local, city and municipality police administrations in charge of monitoring the actions upon the reported cases where journalists were damaged. One of the problems is the lack of information and knowledge of the acting officers regarding the issues that journalists face, hence the capacity can remain almost non-functioning if there is no training, awareness- and sensitivity-raising regarding journalists' problems. What contributed to the improvement of the level of understanding and improved internal regulations is the high level of knowledge and position with influence with RPP and MI representatives in working groups.¹³⁵

Are the investigations of crimes against journalists, including intimidation and threats, conducted quickly, objectively and efficiently?

The investigations of cases of attacks against journalists showed several good things but also numerous problems. The procedure of reporting and speed of reaction of prosecution and the police are in some cases impressive and in such phase the competent authorities and professional audience do not hide their satisfaction and emphasise progress. However, evidence collection phase, cooperation between police and prosecution, raising of indictments, position of prosecutors on certain issues and further action cause dissatisfaction with the damaged journalists and professional audiences. Selective application and inefficiency in certain cases reveal numerous problems with understanding criminal acts against journalists. Regardless of efficiency and effectiveness in certain cases, unclear decision in strategically important ones indicate the problems that would occur in medium and later stages of investigations.

Are journalists provided with protection when necessary as a response to credible threats to their physical safety?

The degree of protection provided to journalists often does not correspond to the threats they are subject to. Individual cases such as the incineration of Milan Jovanovic's house indicate the path that should indeed be taken, however there are numerous cases of inadequate protection, extended consequences of primary and serious forms of secondary victimisation. The

¹³⁴ Jovana Pesic, "Veran Matic: We know who killed Milan Pantic", Belgrade: JAS, 13.04.2021, accessed 12.02.2021, <https://www.uns.org.rs/sr/desk/UNS-news/115286/veran-matic-znamo-ko-je-ubio-milana-pantica.html>

¹³⁵ Outlined by the experts interviewed for the purpose of research in the period from October to November 2020.

case of Bojana Pavlovic and different forms of endangered safety, physical threats to body and property indicate inadequate response of competent authorities, as well as a serious lack of understanding for the problem and the resulting consequences, which again indicates high political influence on the work of competent authorities. Institutional response and reactions are selective and with high spectrum, ranging from complete understanding to unclear ignoring, without any methodological approach.¹³⁶

In cases of final judgments, are sanctions pronounced only to perpetrators or instigators/ordering parties?

Court practice shows different results in decision-making. Previous period was marked by two systemically and strategically very important decisions that should give an incentive to other prosecutors and judges. In addition to judgment in the Curuvija case, regardless of cancellation in the second-instance, it is very important that the court demonstrated readiness to pronounce such sanctions to organisers and direct perpetrators of serious criminal acts against journalists. The judgment passed in the case of incineration of the house of journalist Milan Jovanovic, where Dragoljub Simonovic was convicted in the first instance for instigation to aggravated criminal act that could have even more serious consequences and Vladimir Mihailovic was convicted as an intermediary in perpetration, demonstrates that the ice was broken and that the pronouncing of such convictions and penalties is possible in Serbia. In other cases we see judgments that do not sanction the instigators or organisers. An example for that is the attack on Marko Somborac and his colleague satirists in September 2020, when plea bargains were made with the offenders, while real instigators and commissioners remained out of reach. On the other hand, the cases hardly reach the court and even if the court practice is characterised by specific and rigid attitudes to fundamental endangering of safety, the resulting problem of the final judgment can actually be observed in the very beginnings of case formation.¹³⁷

Do the institutions organise relevant training for the police, prosecutors, lawyers and judges with regard to the protection of freedom of expression and journalists? Are these training sessions organised in cooperation with journalists' associations?

Cooperation among all members in the Standing working group showed that public prosecutors and the police are aware of the necessity to organise training and courses for the acting competent authorities. The agreement on cooperation and measures for raising the level of journalists' safety stipulates training for members of prosecution and police with a view to ensuring better understanding of the specific problematics and more efficient acting by competent authorities in cases of endangered journalists' safety. On the other hand, training of journalists has also been envisaged with regard to their right to legal protection in criminal cases and obligations regarding criminal procedure. Several consultative meetings and debates held in 2019, which gathered journalists, prosecutors and the police, demonstrated a vast misunderstanding of problems and issues among all three of them, however this practice was not fully sustained in 2020.¹³⁸ In December 2020, the RPP organised the first meeting of contact points in public prosecution offices where members of journalists' associations also took part.

¹³⁶ Outlined by the journalists and experts interviewed for the purpose of research in the period from October to November 2020.

¹³⁷ Outlined by the experts interviewed for the purpose of research in the period from October to November 2020.

¹³⁸ Ibid.

Conclusions and Recommendations

Media freedom and freedom of expression are guaranteed by the Constitution of the Republic of Serbia and media laws, however their consistent and efficient application has never been at the appropriate level. Due to the lack of the expected results in application, which primarily depended on the political will, a new Media Strategy was enacted in a process that was not fully transparent and inclusive. REM has not met its obligations, it pronounces few measures and does not fully protect minors and human rights, and it even frequently fails to appropriately sanction hate speech. Formal actions of the Regulator, selection of topics that essentially do not resolve the problems and the illusion that it deals with key issues greatly revolts journalists and citizens. Advertising of public companies is fully controlled by the state and abuses are usually observed to the benefit of media supporting the authorities, while co-financing of public interest in media in the field of public information is characterised by numerous deficiencies and problems. Minority media are under the attack of financial problems that affect sustainability, but they are also subject to great influence of national councils that are deemed to be envoys of representatives of the authorities. Full independence of public broadcasters from the state budget has never been achieved and certain changes enabled the overall activities of RTV and RTS to be partly funded from the budget by the end of the year with the increased fees paid by the citizens. Criminal acts pertaining to insult, damage to honour and reputation or contractual relations are generally speaking not harsh, however the practice in application is not balanced, which leads to uncertainty and problems in application accompanied by frequent failure to apply the decisions of the ECHR. Complaints against journalists are becoming a trend, a form of serious pressure on work, warning and a form of exhaustion so that the journalists would waive certain topics. The absence of strict obligation to abide by the political pluralism has been abundantly used by private broadcasters to stand on the side of the ruling party, while respecting of the pluralism is a

characteristic of the so-called independent and free media. Political parties and candidates did not have an equal and fair access to media in the period outside or during the election campaign. For the first time after 2014, REM published the results of monitoring during parliamentary elections in 2020, albeit with contradictory conclusions and serious methodological omissions. The ruling party and notably the President of the Republic had large media dominance over other participants in the elections. During the state of emergency, several decisions were enacted in Serbia that temporarily restricted human rights with direct impact on the work of journalists, while media and journalists were many times denied access to certain events or representatives of the authorities refused to answer their questions. There is still a lack of confidence in syndical organisations, hence journalists still seek support from the journalists' associations. The Press Council is an example of consistent acting, but this body is subject to various forms of pressure during work. The protection of journalists' sources was particularly tested in 2020, and there were constant pressures from representatives of the authorities directed against the sources for the purpose of hampering the work of journalists and media. Courts and other institutions are not open to relevant extent and they show different and imbalanced attitude to journalists as information seekers.

The status of journalists in Serbia remains very unfavourable. Particularly aggravating circumstances in 2020 additionally harmed the social and economic status of journalists. Journalists operated in additionally aggravated working conditions that are increasingly difficult with low salaries, uncertainty and incertitude of survival at job. Journalists were subject to different external and external pressures, which greatly depend on the power of critical attitude of the very medium towards representatives of the authorities. The most frequent form of pressure was exerted on smaller media in local communities, usually through financing, filing of private complaints, but also on the interior, from editors and managers, to targeting in public by highest representatives of the authorities or tabloid media that are government-prone, smear campaigns, various pressures and insults on social networks, as well as insults to journalists in person during press conferences or selective financial controls. Editors in public broadcasters are under the immense influence of representatives of the authorities, wherefore their independence has never been achieved. Except for individual appearances of journalists who get exposed to harsh insults and pressures, broadcasters are firmly standing by the authorities. The ethics that journalists respect and apply also greatly depend on the medium where a journalist is employed. The expansion of tabloids has negative impact, as well as tabloid journalists who breach almost all ethical standards and often severely infringe the privacy and personal rights of persons and other journalists they write about. The status of female journalists has deteriorated and they are under greater pressure compared to their male colleagues, both economically and financially, as well as under safety pressures especially based on sex and the existing social prejudices.

rated and they are under greater pressure compared to their male colleagues, both economically and financially, as well as under safety pressures especially based on sex and the existing social prejudices.

Due to specific circumstances compared to the previous periods, year 2020 was marked by a higher number of physical and verbal incidents to the detriment of journalists. Threats and harassment of journalists accompanied by aggressive statements of representatives of the authorities were registered in 18 cases. There were also 22 separate cases of various forms of verbal threats against journalists. The threats were usually addressed through the Internet and social networks, and their targets were mostly female journalists, however the most severe forms of threats were addressed in person. The number of physical assaults in 2020 virtually escalated and there were as many as 29 such cases, including several seriously injured journalists. Journalists were arrested, their movement was most harshly restricted and equipment physically seized. One of the reasons for enormous increase in the number of physical assaults lies in the specific situation brought about by the state of emergency, violent protest in July 2020 and the obvious non-adjustment of representatives of the authorities and public order services to disturbed circumstances, which resulted in a great number of attacks, even by police and other state officers. At first sight, the number of attacks and threats against media companies did not seem so high compared to other forms of threats and attacks, but certain direct threats to journalists actually represented the attacks on media companies. Responsibility of institutions is somewhat ensured by the Agreement on cooperation and measures for raising the level of journalists' safety, which ensured the creation and efficient operation of the system of rapid reporting and contact points with competent authorities, further strengthening of internal instructions, notably with public prosecution offices, however numerous problems with processing and resolution of cases remain out of reach. A working group was established for developing a Platform for recording attacks, threats and pressures in accordance with the Ombudsman and at the end of the year we got a third working group for journalists' safety at the initiative and under the auspices of the Prime Minister and the Government of RS, however further processing and sanctioning remains a huge issue. The year was marked by specific attacks which, although caused by special circumstances, indicated the obvious maladjustment to the distorted circumstances that resulted in a large number of attacks, even by the police and other state officers. Regardless of some positive judgments, the establishment of new groups and indicators that should prove that the state acknowledges the problem, there is nevertheless no firm and clear attitude to all cases of attacks against journalists. Representatives of the authorities selectively and periodically react, and they even remain quite numb to serious pressures, targeting and accusations against journalists.

RECOMMENDATIONS

Improvement of legislation:

- Serbia showed great problems in ensuring fundamental human rights in extraordinary circumstances, therefore the provisions and adopted decisions that ensure consistent and efficient application of human rights need to be reconsidered;
- It is necessary to amend legal acts so as to introduce certain restrictions and control for decision-makers, revision of acting and accountability of their proponents, primarily for possible abuses in application related to restriction of fundamental human rights in special circumstances;
- The Republic of Serbia needs to provide a clear and precise legal framework that would sustain undisturbed use of the Internet in its territory, without restrictions and with respect for highest regulations that ensure the stated guarantees. The legal framework should be improved by alignment with the standards of the European regulatory framework for media, notably in digital sphere:
 - Prescribe in detail the regulation on blocking, filtering and removing the Internet contents; define rules on the Internet neutrality for the purpose of protecting media pluralism;
 - Define rules on internet neutrality in order to protect media pluralism;
 - Introduce institutional approach in fight against disinformation;
 - Positive regulations that include the principles of the European General Data Protection Regulation (GDPR),
 - Improve the provisions of the so-called police directive with clearer provisions that minimize the possibility of discretion in application;
 - Design special anti-slapp regulations to protect journalists against malicious complaints.
- The Action plan for the implementation of the Media Strategy needs to be secured by deadlines that would ensure its real and meaningful application, but it also needs to be amended so as to include all key measures envisaged by the Media Strategy;
- The work of the Regulatory Body for Electronic Media should be improved by amending the law so as to ensure the selection of truly independent and unbiased professionals, stability and independence of work of this body:
 - Change the authorised proponents for selection of REM members in order to ensure their greater independence, by omission of political and state bodies and by stipulating clear criteria for selection, ensure clear criteria for selection of REM Council members;
 - Ensure greater stability through financial independence of REM, by increasing the income from funds generated by penalising broadcasters, decreasing political influence and pressures from the authorities, and by increasing transparency during the establishment of financial plan;
 - Provide REM with possibility to directly pronounce fines to broadcasters when breach of laws and by-laws is established;
 - Establish adequate accountability for REM Council members and responsible persons in professional services with regard to the detected omission to apply regulations
 - Legally regulate and ensure an obligation for REM to perform constant monitoring of electoral campaign, specify and establish objective criteria for monitoring performance, ensure public announcement of findings and continuous reporting to the public;
 - Amend the Rulebook on the manner of performing the obligations of public broadcasters during election campaign and regulate it so that it covers all providers of media services and not only public broadcasters;
 - Ensure greater transparency, accountability and better communication of REM with citizens.
- Amend laws and by-laws for improving the process of project co-financing of media content of public interest, in the following manner:
 - Stipulate an obligation to open a competition and envisage sanctions in case of failure to do so at the level of local self-governments, ensure the independence of co-financing from political influence by stipulating an obligation for all donors that competitions be announced at the beginning of the year;
 - Introduce mandatory analyses of needs for media content in order to establish public interest for each individual local self-government;
 - Define clear criteria for selection of members into expert commissions, introduce forms for their CV's and improve the work of expert commissions, clearly define the application of regulations in case of voids in acting (change of commission members, cancellation and adoption of new decisions), including the prescription of sanctions for commission members' non-abiding by the regulations;
 - Define clear and mandatory forms of documents applied in competition implementation, their content as well as storage of such documents (minutes of the work, stenographic records) and availability in accordance with the regulations on access to information of public importance and personal data protection, define the manner and rules for communication in the procedure;

- Obligate expert commissions to consider the decisions of the regulatory body and the Press Council when deciding on the distribution of funds;
 - Improve the control mechanism for application of the provisions and introduce a more efficient legal instrument in this field;
 - Introduce mandatory evaluation of realised projects and introduce the implementation of external financial audit of media that received the funds above certain amount.
 - Ensure better and more efficient control of implemented competitions and realisation of contracts through mandatory audit programmes for awarding and spending of funds by the State Audit Institution.
- Advertising in media should become one of the priorities in work of the Government of the Republic of Serbia and it is necessary to implement the solutions on advertising taken over from the Media Strategy through current Law on Public Information and Media and the Law on Advertising, as well as to clearly define supervision over the implementation of these provisions. More efficient measures should be projected for the purpose of regulating the conflict of interest between media owners and political parties, politicians and other interested parties;
 - Introduce special rules for political advertising in order to prevent officials campaigning;
 - Improve the laws for the purpose of ensuring the transparency of political advertising and spending of political parties on network platforms during election campaign;
 - Separately regulate supervision over the use of personal information by political parties for the purpose of electoral campaign;
 - Amendment of laws and by-laws so as to ensure greater independence for public broadcasters, hence it is necessary:
 - To ensure greater financial independence of public broadcasters by changing the existing form of financing, thereby increasing the safety of journalists and media workers employed in PB;
 - To ensure greater transparency, communication and accountability to the public;
 - To ensure greater independence for members of the Managing board, by stipulating clear criteria for their selection and changing the manner of their selection;
 - To define the role and powers of the Program council in order to ensure more efficient control of public broadcasters,
- To change the manner of selection of members into such council in order to ensure their greater independence
 - It is necessary to align court practice in indemnification procedures against journalists with reference to publishing of information with the practice of the European Court for Human Rights;
 - It is necessary to ensure greater transparency of state institutions through a larger mandatory set of information they are obliged to publish;
 - Further strengthen or change the access to information of public importance so as to ensure greater support to journalists relative to public authorities that ignore, fail to act upon requests for access to information and abuse the deadlines for postponing the submission of answers
 - Establish a lawful process of preparation and adoption of the new Law on Access to Information of Public Importance, with participation of all relevant actors, in particular civic and journalists' associations
 - Provide for penalties to public authorities by the Commissioner for Information of Public Importance and ensure functional execution mechanisms
- Ensure better status of journalists and other media professionals in terms of the labour law:
- Signing of sectoral collective agreement that would ensure better working conditions for journalists and media workers, encouraging journalists to organise themselves in trade unions and provide them with education so that they would be more acquainted with the possibilities for exercising their labour and professional rights;
 - Establishing more efficient inspections so as to reduce illegal employment and reduce other cases of infringement of journalists' rights;
 - Introducing measures and procedures for the promotion of women's rights and creating better conditions for their greater participation in managing positions;
 - Ensuring greater independence of journalists and editorial office in relation to the owners and management by signing special acts that would enable such independence or envisage the signing of annexes to employment contracts which define professional rights and obligations of journalists and editors and which would more efficiently protect their professional status;

- Ensuring special protection for journalists in local media in relation to pressures endangering their employment status.

Ensure greater safety of journalists and other media professionals:

- Enhance cooperation between state institutions and media and journalists' associations through the existing mechanism established by signing of the Agreement on cooperation and measures for raising the level of journalists' safety, as well as by improving the work of the Standing working group;
- Clearly and precisely define the scope of work of all working groups with regard to journalists' safety, harmonise their work and raise the level of cooperation;
- Ensure urgent and quick reaction in practice in all cases of attacks and threats that have the elements of criminal and misdemeanour acts;
- Ensure clear, unambiguous and non-selective condemnations of any violence against journalists by high public officials in order to convey a message on inadmissible conduct and officials' refraining from issuing statements that may indirectly endanger journalists' safety;

- Achieve continuity of training intended for police and prosecution members for the sake of ensuring better understanding of the problems and more efficient handling of the cases of endangered journalists' safety, as well as training for journalists with regard to their right to legal protection in criminal cases and obligations regarding criminal procedure;

- Ensure clear and non-selective internal accountability with bodies responsible for prosecuting the perpetrators of criminal acts to the detriment of journalists, particularly in the sphere of such perpetration by members of the MI;
- Consider the change of substance of some criminal offences, introducing new forms and increased protection with the already existing criminal offences which imply special danger for journalists, pay special attention to the offences perpetrated by attacks and threats on the Internet;
- It is necessary to involve judges' representatives in the issues of journalists' safety and consequences of attacks and threats.

