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The Western Balkans Journalist Safety Index

2022 Narrative Report for Serbia

CONTENTS

LEGAL AND ORGANIZATIONAL ENVIRONMENT

9

DUE PREVENTION

24

DUE PROCESS

36

ACTUAL SAFETY

46

Introduction

The Western Balkans Journalist Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the Western Balkan countries, that have a direct or indirect impact on the safety of journalists and media professionals while practicing their profession. The Western Balkans Journalist Safety Index primarily relies on research evidence collected and analysed by partners in the [SafeJournalists.net](https://www.safejournalists.net) platform who follow a rigorous research procedure. Collected data on various dimensions of the complex "journalist safety" concept were quantified and grouped into a composite indicator, the Journalist Safety Index, to monitor changes in the seven countries of the Western Balkans over time. Based on the research material, nine members of the Advisory Panel from each of the countries¹ assessed the situation and assigned points for each of the 19 indicators within the following dimension:

- (1) **Legal and organizational environment** – the existence and implementation of legal safeguards relevant to the safety of journalists;
- (2) **Prevention** – the existence and implementation of a range of preventive measures that have direct effects on journalists' protection and safety;
- (3) **Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual security** – incidents and instances of various forms of threats and acts of violence against journalists and media.

WB-JSI was jointly developed by researchers from the RESIS Institut² from Skopje and partners from the Safejournalists.net platform: Nezavisno udruženje novinara Srbije [The

¹ Members of the Advisory Panel in Serbia were: prof. Aleksandra Krstic, prof. Irina Milutinovic, Kruna Savovic, Milena Vasic, Dragana Peco, Nataša Jovanovic, Stevan Ristic, Radmilo Markovic and Vladimir Kostic.

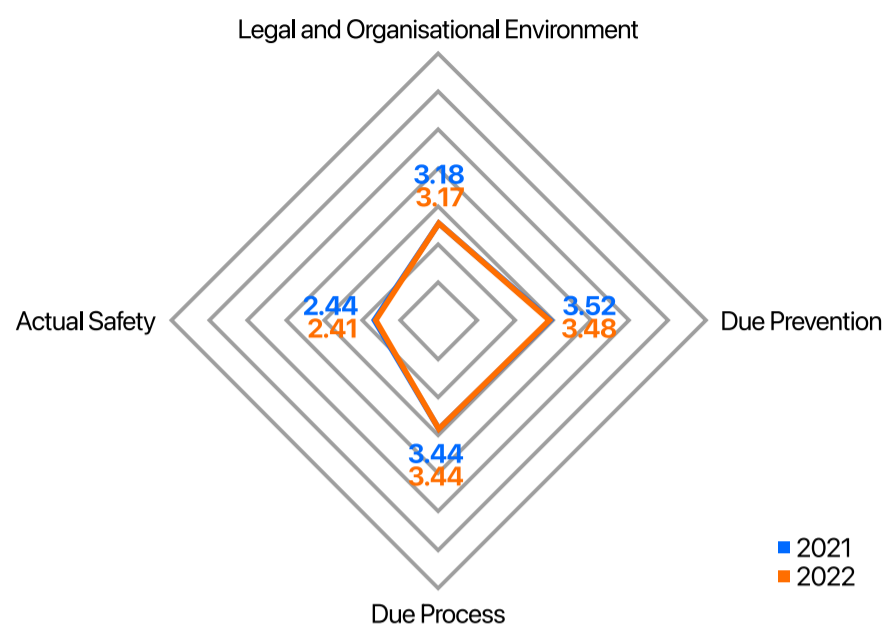
² Researchers from the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toseva developed a conceptual framework for the Index and a model for its aggregation, weighting and calculation.

Independent Journalists Association of Serbia], Udruženje/ Udruga BH novinari [The Journalists' Association BH Journalists], Sindikat medija Crne Gore [The Media Union of Montenegro], Udruženje novinara Makedonije [The Association of Journalists of Macedonia], Udruženje novinara Kosova [The Association of Journalists of Kosovo], Hrvatsko novinarsko društvo [Croatian's Journalists Association], and an independent researcher from Albania³. As such, the Index is the result of a joint effort of the Safejournalists.net platform and covers all specific issues identified by local partners as relevant to their country.

The first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index was 2020. This report refers to the situation in Serbia in 2021 and presents the improvements or deterioration of the situation related to the four dimensions by taking into consideration the assessment for 2020 as the reference year. For more details about the theoretical framework and the process of creating and calculating the Western Balkan Journalist Safety Index and all country reports see (<https://safejournalists.net/safety-index/>).

³ Blerjana Bino, an independent researcher from Albania for the Safejournalists.net platform

JOURNALIST SAFETY INDEX



	2021	2022		Main new developments in each dimension
1. Legal and Organisational Environment	3.18	3.17	↓	Journalists have become regular targets of various criminal and civil proceedings, while imprisonment for investigative journalists is being demanded more often. Journalistic sources are affected by the regulations threatening to fully enable recordings and biometric data processing. Despite the fact that the position of journalists in the labour market and freedom of association is not in a negative phase, there has been no significant improvement.
2. Due Prevention	3.52	3.48	↓	For several years now, media workers and journalists have relatively rapid response protection system when reporting attacks, which is partially effective in its realisation and final conviction of criminal offenders. The protection mechanism is not popular because of the security services participation, along with many procedural problems and ambiguities. Government representatives continue to condemn attacks against journalists and media workers selectively, and women journalists continue to be exposed to serious forms of victimisation, being left without special protection.
3. Due Process	3.44	3.44	—	Public prosecutor's offices and the police have established mechanisms and units investigating and monitoring attacks against journalists. The success of prosecutors and the police in solving specific cases is often overshadowed by the selective application of the law, and lack of efficiency in some cases, leaving an impression of strong pressure and influence from other branches of government. The pressure exerted over competent authorities pushed to the background the providing of the proper information, access and examination of the cases and examples of solved cases.
4. Actual Safety	2.44	2.41	↓	The number of threats and attacks against journalists has slightly declined, however, the severity of particular incidents is heavier compared to previous periods. Journalists get calculated threats, planned meticulously, with attackers leaving very little useful evidence, while main attacks have moved to the sphere of the Internet and social media a long time ago. Prosecutor's offices and the police encounter unsolvable problems when it comes to online threats.
Journalist Safety Index	2.91	2.89	↓	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- The applied laws still contain provisions based on which the journalists could be held responsible for violation of honour and reputation. Criminal lawsuits are filed against journalists who are being sued for various modalities of offences against reputation and honour, endangerment and exposing of personal information

and damage done against plaintiffs' enterprises. Despite the pressure, which comes in various and numerous forms and leaves consequences, journalists believe this will not discourage them from writing and expressing criticism of the government representatives. The most negative effects come from specific claims followed by specific judgments, in particular when unexpected.

- Journalistic sources are protected under organic laws governing the media and criminal law. These laws stipulated exceptions, but the Media Strategy recognises existing shortcomings and provides for improvement of the level of protection of sources. Occasionally, competent authorities demand that journalists reveal their sources. What is more common in practice is that through indirect channels, journalists get the message of being under surveillance.
- The provisions of the Personal Data Protection Law are arbitrarily used against journalists, through the SLAPP lawsuits due to the alleged unlawful use of such data by acquiring and publishing those in articles, although such data were obtained through requests for access to information of public importance and in court trials. Journalists' rights to report from events were endangered, however, during 2022, public prosecutor's offices and the police made a change and started providing protection and support to journalists during protests.
- When it comes to freedom of association and journalists' activities, the situation has somewhat improved. Although journalists do not have to be licenced by the state to work in this profession, when conducting the investigation, the prosecutors and police officers will value affiliation to a specific media outlet, recognisability of such media in the public or its membership in associations to prove if the injured party is a journalist with journalist's task. In 2022, there were cases of journalists being banned from entering and reporting on specific events.
- The situation as regards the position of journalists in their working environment has remained almost unchanged. More than half of the total number of employed journalists in Serbia have employment contracts. The average salary remained under the national average, and is not being regularly paid, while there are no clear data on the level of journalists' social and retirement protection. The position of women journalists in their working environment compared to male journalists is more unfavourable.

II. DUE PREVENTION

- The protection for journalists and media actors in Serbia is rather fast, although partially effective. Along with journalists' associations and organisations, the state institutions have established mechanisms of fast

reporting and emergency procedures in the event of attacks against journalists who are the injured parties. The mechanisms are very functional and the procedure of reporting is highly facilitated. Although the police demonstrated progress as regards its sensitivity, the serious shortcomings in their work continue and the visible political influence of the government representatives.

- The mechanism for providing physical protection for citizens who are threatened with danger in Serbia is in place. This is not a preferred protection mechanism since the Security Information Agency also participates. The procedure is imbued with many procedural problems and ambiguities, and it is often not used upon the request of the injured parties. The police started proactively assessing the safety of specific journalists, and these assessment cases are analysed in the meetings of the Standing Working Group for Journalists' Safety.
- Women journalists still do not have good access to protection measures and mechanisms in the Republic of Serbia. The Istanbul Convention is partly incorporated into Serbian legislation through several regulations. Under the Law on Free Legal Aid as such, there is, in fact, no free legal aid for women journalists. The institutions in charge of matters of violence against women failed to set up regular services to provide information on safety measures and legal support for women journalists. They rarely address institutions for advice, legal aid or protection.
- The practice of condemning attacks on journalists has not been established yet. There is no progress, while the impression is that government representative's relationship towards a specific group of journalists and media is even more negative as regards this issue. They condemn attacks on media workers and journalists but selectively. The government representatives do not have an understanding of a specific group of media workers and journalists who express criticism, while some individuals express condemnation, but only for heavy physical attacks. The government representatives continue creating an atmosphere in which journalists do not feel safe.
- The police demonstrated a positive attitude as regards cooperation with journalists associations. However, this cooperation seems to be somewhat imposed, because there is no real sensitivity for this issue. In specific cases, the police demonstrated readiness to raise the level of response when it comes to open-type events, such as risky gatherings when attacks on journalists could potentially occur. System support has not been established yet, but the progress is visible.

III. DUE PROCESS

- Public prosecutor's offices and the police have well-established mechanisms and units investigating and monitoring attacks on journalists. Prosecutors and police officers have a good understanding of misdemeanours and criminal offences against journalists. The problem is the failure to build a sufficient level of sensitivity and understanding of the challenging nature of journalist's job and the actual threats that the journalists experience.
- The investigations are, to a great extent, independent from those referring to, however the selective application and lack of efficiency in some cases often give the impression of pressure and influence of other branches of government. Investigations are launched rather quickly and in a short time, however, the inquiries take a very long time. Deadlines for investigations depend on the cases, collection of information and evidence gathering, in particular with online threats.
- Despite the criminal system and legal measures in Serbia stipulating the offences recognised as online attacks, direct application and results are either stagnating or slightly declining. For solving online harassment cases, the Criminal Code provides for criminal offences that are applied regarding threats or attacks on social media. The most important for journalists is the endangerment of safety under Article 138, para. 3, which contains a particular provision that includes journalists. The greatest success so far was seen in the quick reaction and summoning of the suspects to give statements, even in the capacity of a citizen.
- The journalists have open access to the course of the proceedings when they are injured parties. Public prosecutors insist on the application of the rights under the Criminal Procedure Code. The courts in Serbia are mostly open, and if the proceedings are public, in particular, the majority of data from court proceedings are public and available.
- In addition to the statistics kept by some journalists' associations, the Republic Public Prosecutor's Office (RPPO) and the Ministry of Interior (MoI) maintain the records of the attacks on journalists since 2016. These records are well-kept, in the previous year, the method of delivering them to journalists' associations was changed. The data that the police have at their disposal are not available to the public because the MoI does not provide such data in their answers upon request.

IV. ACTUAL SAFETY

- The decline in a number of threats, intimidations and harassment of journalists had an impact on improving the impression of the journalists' safety. There were 8 cases of different forms of verbal threats and harassment, most often expressed online, i.e. on social media, but the harshest were physical threats, and almost every day, government representatives targeted journalists as foreign mercenaries who betrayed Serbia.
- This year, the number of severe verbal threats compared to the previous period has declined. The threats expressed are characterised by particularly severe forms, such as terroristic threats and death threats. Although the number of threats has declined, the threats are more severe in particular cases, which is confirmed by the police reaction to what has been written or said. The relationship of the government representatives targeting journalists as foreign mercenaries also contributed to this.
- The number of physical attacks in 2022 is somewhat higher compared to the previous year, as 10 such cases were recorded. Physical attacks are linked to the journalists reporting from various protests and other events when the participants have exhibited violent behaviour. Although the number of attacks is smaller, journalists are still afraid, and they do not feel safe or protected.
- The number of attacks and threats against media companies is almost identical to 2021. There were 13 such incidents recorded, mostly against Nova S and TV N1 crews. Compared to previous periods, it is noted that pressures and attacks on the media are increasing in organised forms and apart from journalists, the media outlets are also openly targeted as foreign mercenaries, enemies of Serbia.

Legal and Organizational Environment

3.17

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

3.24

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

3.58

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

3.10

Journalists are free to pursue their profession and to establish, join and participate in their associations

2.98

Journalists' job position is stable and protected at the workplace

2.96

1.00
2.00
3.00
4.00
5.00
6.00
7.00

By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

Score for 2021: 3.33 / Score for 2022: 3.24

The applied laws still contain provisions based on which the journalists could be held responsible for violation of honour and reputation. Lawsuits against public watchdogs and journalists are not only limited to civil proceedings, as criminal charges are also filed against journalists on the grounds of the criminal offences for which the journalists are mostly accused of violation of honour and reputation and threat to personal data security. Despite the pressure, which comes in various and numerous forms, and leaves consequences, journalists believe this will not discourage them from writing and expressing criticism of the government representatives. The most negative effects come from specific claims followed by specific judgments, in particular when unexpected. Unfortunately, in Serbia, lawsuits against journalists' articles have become a regular sort of reaction, with the reasons for filing lawsuits are multiplying.

The applied laws still contain provisions based on which the journalists could be held responsible for criminal offences against honour and reputation. In the lawsuits against journalists, two types of legal forms are used: lawsuits for criminal offences regarding the violation of honour and reputation prosecuted through private lawsuits, and offences stipulated in the media laws, which allow the injured party with compensation of material and non-material damage. The lawsuits against journalists are usually based on the allegedly unauthorised collection of personal data. The punishment stipulated for this offence is either fine or imprisonment, while for other offences, the stipulated sanctions are mostly fines.

Defamation has been decriminalised in Serbia. However, the protection of rights closely related to defamation, such as violation of reputation and honour, has been stipulated under the Law on Public Information and Media (LPIM) and Law on Contracts and Torts (LCT). On the other hand, the lawsuits against public interest watchdogs and journalists have not

— INDICATOR 1.1

been limited only to civil proceedings, as criminal complaints are also filed accusing journalists of criminal offences of insulting another person. These provisions can be very strict, however, the manner of interpreting them could often raise questions of a potential violation, in particular, against the honour and reputation of the officials in the cases instigated against journalists. On the other hand, the media laws and criminal regulations do not stipulate the provisions that, in particular, protect the honour and reputation of civil servants and other appointed and designated persons. However, in practice, there are still judgments in which judges, through their reasoning, indicate the need for greater protection of specific officials compared to other citizens and journalists.

The sanctions provided are appropriate, in most cases, to the prescribed offence. The requested punishments seem to be quite high, and imprisonment is more often demanded, however, luckily, so far, the judges have ruled proportionate judgments and in all the cases, if ruled in the favour of the plaintiff to the detriment of a journalist, they rule fines. On the other hand, even a small fine, such as two or three thousand euro, could put the survival of the local media at risk.

In the previous year, there were judgments against journalists for critical writing, and influential politicians were filing lawsuits in these cases. The fines were imposed, and even though not extremely high, inappropriate and limiting for the journalists, these amounts still affect their work. The amount of imposed fines and their impact on the media depends on their position as well. The media in the local environment have a hard time taking these financial impacts. They are highly affected by the fines of even several thousand euro, which also represent constant pressure on journalists.

What was particular in 2022 was also even more amplified by the adopted judgments representing a form of understanding of journalists' work that could have serious consequences. Under the first-instance ruling of the Higher Court in Belgrade, judge Natasa Petricevic Milisavljevic, sentenced KRIK because they published the news from the trial to Zoran Jotic Jotka's criminal group reporting about what happened in the courtroom – quoting the wiretapped conversation between the members of Krusevac criminal group, saying that the former director of the Security Information Agency (BIA) Bratislav Gasic was on Jotic's "payroll". The judge weighed that it was a violation of honour and reputation of the plaintiff and imposed a fine on KRIK. After an appeal, the Court of Appeal in Belgrade set aside the judgment convicting KRIK, finding that the judge imposing the judgment did not clearly establish if the journalists had made a mistake – did they report genuinely that wiretapped conversations were played in a trial where it could have been heard that Gasic was on the criminals' "payroll", and if they had correctly interpreted the meaning of this expression, so the court processing the appeal ordered a retrial. In general, this is one of 12 current proceedings against the investigative portal

— INDICATOR 1.1

KRIK because of the articles they publish. Portal Zig Info and the editor Zeljko Matorcevic were fined due to violation of the honour and reputation of the former mayor of Grocka, Dragoljub Simonovic, who was convicted in the repeated criminal proceedings for organising the setting of the house on fire, which belonged to Milan Jovanovic, a journalist of that portal.

Journalists generally do not believe that such judgments could affect their work in such a way, so they would stop writing autonomously and self-censor themselves. They still write openly about topics that could become reasons for lawsuits based on alleged defamation. One of the reasons is the support they receive from colleagues, journalists associations and international organisation. Journalists find it important to have this type of support because, for some, in particular, local media, their work could be terminated due to these judgments. On the other hand, there are always consequences. Some of the journalists stopped writing for some time or gave up on topics they used to write about until then.

There is still not enough evidence that lawsuits filed against some journalists were exclusively politically motivated. However, it is indicative that some politically influential persons or civil servants are suing the journalists, editors or media outlets for almost every article that specific newsrooms publish on them. The lawsuits are filed even for the very simple reports from trials, which inform the public that the lawsuit was filed and what the allegations are. The lawsuits represent a classic type of pressure on journalists for their work, warning and exhausting them, with an aim to force them to quit writing about certain topics and people.

Despite numerous and versatile types of pressure, which leave consequences, journalists do not think they will be discouraged from writing and criticising government representatives. The local media carry the heaviest weight of such problems and consequences – the journalists and media from smaller towns in Serbia. Zeljko Matorcevic and other journalists of the Zig Info portal are still banned from entering the local government unit premises, despite the fact that he reacted and filed a complaint against government representatives. Nenad Miljkovic from Brus continues to experience the same problem in communication and obstruction by representatives of the local government. Some journalists and media do not have access to local institutions and the police at all, however, the news and access to events organised are of crucial importance for the survival and work of those media. Without the news from institutions, the media impact is drastically diminished on the local level.

The biggest negative effects came from specific claims that were made in particular by the government representatives, which refer to specific judgments and, in particular, for the cases when it was unexpected. The subjects of the lawsuits, the claims by politicians and powerful men who considered their honour and reputation violated, as well as the data given

— INDICATOR 1.1

that were actually a result of other ongoing proceedings, such as court hearings and press conferences when the same data were already publicly announced. The lawsuits filed against journalists became a common mechanism of pressure and today, for example, investigative portals can expect that lawsuits will be filed immediately after they publish articles revealing irregularities. Such cases are common when writing about the Minister of Interior, Gasic, or former director of Elektromreze Srbije, Nikola Petrovic. The accused in the "Jovanjica" case also sues journalists for the published articles.

The judgments create feelings of fear and panic among journalists, who are, to some extent, under huge pressure and are practically discouraged from reporting news from some events. Due to the context of lawsuits for violation of honour and reputation, instead of writing articles on irregularities made by those who are the subjects of such articles, in essence, the reporting has changed into covering what has been said during the events that are public. The specific attitude of some acting judges is particularly worrying because they form it without understanding the role of journalists and media completely and without giving value to what is said in articles. Judges often find reporting of given information or writing about already published data as a violation of honour and reputation for those who are subjects of articles, regardless of whether they are public officials or not. This was the case with the judgment in the Gasic case against the investigative portal KRIK due to reporting about the audio testimony for the public trial.

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

Score for 2021: 3.66 / Score for 2022: 3.58

Journalistic sources are protected under organic laws governing the media and criminal law. These laws stipulate exceptions, but the Media Strategy recognises existing shortcomings and provides for improvement of the level of protection of sources. Occasionally, competent authorities demand that journalists to reveal their sources. What is more common in practice is that through indirect channels, journalists get the message of being under surveillance. The sources threaten they will shut down permanently as they fear negative consequences and retaliation by the state. The new reality of many media outlets is that their newsrooms are under surveillance, and their journalists are being followed.

Journalistic sources are protected under the Law on Public Information and Media (LPIM) and the Criminal Code (CC). The Law on Public Information and Media stipulates that a journalist is not obliged to disclose the source of information, however, this right is not entirely unconditional. The laws provide for exceptions, so if it pertains to the perpetrator committed a criminal offence, predicted with a sentence of at least five years of imprisonment, and if the information pertaining to such criminal offence cannot be obtained in any other way, the journalist is obliged to indicate who are those sources who possess those pieces of information.

The Public Information Strategy (Media Strategy) recognises existing shortcomings, providing for improvement of the level of protection of the sources. It particularly recognises "inadequate level of protection of sources of information", and the problem of intercepting communication. However, some representatives of government and decision-makers do not recognise the Media Strategy as the guarantee of the protection of journalistic sources. The MoI working group is still drafting the Law on Internal Affairs (LIA), and, among the application risks, it failed to recognise the efforts of the Strategy and endangering the personal data of journalistic

— INDICATOR 1.2

sources. The third version of the Draft is currently prepared, with significantly mitigated provisions on the application of camera recording and processing of biometric data, failing to recognise and protect journalistic sources, only stipulating the rules for collection and processing of data, merely mitigating potential negative effects to a specific extent, without removing them completely. The MoI working group has only partially accepted the demands of non-governmental organisations and journalists' associations and restricted the collection and processing of biometric data. Electronic surveillance and the possibility of its abuse will have a serious impact on the journalists changing their work in practice, and new developments will alter the way of communicating with the sources, as well as the security culture in the newsrooms.

Although journalists are not often subject to direct surveillance by different institutions, the persons among their contacts could be the persons of interest for security structures (politicians, criminals or people from the business milieu). On rare occasions, in the course of investigative or court proceedings, the competent authorities have requested journalists to reveal their sources, but have also respected their decision to decline that. Such circumstances and respect for the sources should be additionally strengthened through announced amendments to the regulations, in particular the Criminal Code and Criminal Code Procedure.

In the previous year, there were no specific sanctions against journalists who have used appropriate sources of information in their articles. One case has particularly stood out, the criminal charges against Srdjan Nonic, a journalist from Nis, who was requested to reveal the source of information on the suspicion of financial fraud in the preschool institution in Nis.

In the previous year, there were no particular cases of the authorities' requests to hand over working equipment. One of the serious cases was seizure of the drone from the TV crew of the Media Centre from Caglavica on the territory of Kosovo and Metohija that was used for making a TV feature. The Kosovo police seized the drone in Gracanica, with a verbal explanation that they "do not have approval and registration certificate for it", and that "the case will be passed on to the Civil Aviation Authority of Kosovo".

In other cases, the requests were usually concerned with the requests from the investigation authorities, public prosecutors or police officers for journalists to reveal the names of their sources during the investigation. On the other hand, during civil or criminal proceedings before the court, the plaintiffs' representatives repeatedly used their rights in the proceedings to ask questions to journalists during the trials to reveal the names of the sources that they used for their articles.

Journalists do not feel free to request access and information from the sources. The reason is that the sources shut down all

— INDICATOR 1.2

the time, as they fear negative consequences and retaliation. The new reality of many media outlets is that their newsrooms are under surveillance, and their journalists are being followed. Moreover, it is evident that if there is distrust of the government and if media freedoms are already endangered, that will affect the feeling of risk from illegal surveillance growing.

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

Score for 2021: 3.04 / Score for 2022: 3.10

The provisions of the Personal Data Protection Law are arbitrarily used against journalists, through the SLAPP lawsuits due to the alleged unlawful use of such data by acquiring and publishing those in articles, although such data were obtained through requests for access to information of public importance and in court trials. There were no direct attempts to silence journalists by misusing other laws during the previous year. Journalists' rights to report from events were endangered, however, during 2022, public prosecutor's offices and the police made a change and started providing protection and support to journalists during protests.

The provisions of the Personal Data Protection Law are arbitrarily used against journalists, by filing lawsuits due to alleged unlawful use of such data by acquiring and publishing those in articles. The lawsuits are mostly based on the alleged misuse of data that journalists obtained, usually from the answers to the requests for free access to information of public importance, or under special examination of the publicly available materials and evidence during court or other proceedings (not classified as confidential), which were later mentioned in journalistic articles.

Some individuals, such as the incumbent Minister of Interior or former directors of public enterprises, actively file lawsuits against investigative journalists.

During the previous year, there were no direct attempts to silence journalists by misusing other laws. The cases when journalists were punished based on misdemeanours under other laws, such as communal or traffic regulations, were recorded, in which authorities obviously did not follow the procedures, however, it is not possible to link these with some general intention to use such regulations against media or journalists precisely.

— INDICATOR 1.3

The problems that journalists have to face are apparent in some cases, and that is not a coincidence. Some of those examples include refusing to award certain funds or failure to process the complaints, authorities that will not respond and will fail to deliver information, refusing to communicate only with specific newsrooms, media outlets or particular journalists. This has been identified as a serious problem in local environments where the media depend on information and communication with local institutions.

There are no special protective measures in Serbian regulations protecting journalists and media outlets from SLAPP lawsuits. The protection mechanism does not exist, and so far, it has relied on the judges that create specific case law by their judgments as regards the understanding of violation of honour and reputation of public officials and powerful men, but, on the other hand, we have deliberate lawsuits that are filed to cause certain damage to journalists or to exert pressure on them. Journalists and their sources are still at risk because it is not known if the provisions of the future Law on Police will contain the manner of regulating the camera recording of citizens and processing of biometric data that are collected. In the meantime, the Personal Data Protection Strategy was adopted, providing a framework for future regulations to be applied to collecting and processing, in particular, biometric data.

In 2022, several lawsuits filed against the media outlets could be characterised as the SLAPP lawsuits, however there is no growth trend for such lawsuits. It is almost clear that the same persons file these lawsuits, and investigative portals could almost certainly expect such lawsuits when they write articles about some current or former officials and influential persons. What changes is the modality used by the persons suing journalists, by discovering new ways to sue journalists. They use all available legal instruments to prove that, for example, their personal rights were violated by publishing of the data (which are already public), or finding new reasons why their reputation and honour were violated or why their company's position in the market was jeopardised.

There are 8 new lawsuits with elements of SLAPP by very powerful persons, and it is worrying that compared to previous periods, more criminal complaints are filed demanding imprisonment for journalists. The reasons to file lawsuits, not showing up at the scheduled hearings and drastic fines demanded, demonstrate that those filing lawsuits intend to scare and exhaust journalists, so they would give up on writing about certain people and topics.

The journalists' rights to report from protests were at risk. However, during 2022, the change occurred with the public prosecutor's offices and the police. The First Basic Public Prosecutor's Office in Belgrade notified the public that during the EUROPRIDE manifestation, they would not tolerate attacks on journalists and that they would take urgent

— INDICATOR 1.3

measures against persons committing such offence. On the other hand, the MoI introduced the practice of calling newsrooms to give support during protests so the police would ensure an appropriate environment for their work. In addition, numerous insults, threats and even physical attacks happened during the protests, but in comparison to previous years, their incidence is significantly smaller.

Journalists are free to pursue their profession and establish, join and participate in their associations

Score for 2021: 2.90 / Score for 2022: 2.98

When it comes to freedom of association and journalists activities, the situation has somewhat improved. Although journalists do not have to be licenced by the state to work in this profession, when conducting the investigation, the prosecutors and police officers will value affiliation to a specific media outlet, recognisability of such media in the public or its membership in associations to prove if the injured party is a journalist with journalist's task. In 2022, there were cases of journalists being banned from entering and covering specific events. Parallel journalists associations represent a hindering factor aimed at deteriorating the power of real and representative associations, impeding the improvement of regulations and the position of journalists in Serbia by participating in amending media regulations.

Journalists do not have to be licenced by the state to work in this profession. There were no direct attempts to introduce licences in the last year, however, such proposals are still suggested, for example, in the Working group for amending the Law on Public Information and Media. Every year, the definition of a journalist is brought up, which would greatly affect the future attempts at licencing or other definitions pertaining to journalists. It is worrying that those voices and requests more often come from journalists themselves.

In 2022, in some cases, journalists were banned from entering and covering certain events. The journalists from TV N1 and Nova S were banned from entering the room where other accredited reporters were hosted to cover the Serbian Progressive Party rally, even though they had official accreditation. Zig Info portal journalists and editor are continually banned from covering the events organised by representatives of the authorities in the municipality of Grocka.

In criminal proceedings, when undertaking actions from their jurisdiction as regards attacks and threats against journalists,

— INDICATOR 1.4

prosecutors and police officers still raise the issue of affiliation to a specific media outlet or its recognisability in the public. In addition, the issue of journalistic activities on social media and its link with the work in media outlets is still raised, even as regards journalistic articles. The tendency among government representatives to treat the work of the local private portals and social media outlets as non-journalistic continues, as the persons not primarily journalists work for them.

The journalists are free to organise, and it is done through journalists' associations. These are very active and recognisable in the public as representatives of the journalists' rights in several segments, but criticism is also expressed as regards their work.

There were no direct pressures on journalists to join the associations. Several types of pressure have been exercised against associations, mostly reflected in constantly disputing their credibility and the role of protecting journalists' rights.

In previous years, so-called parallel media associations have been functional and established in Serbia, with a primary goal to diminish the significance and impact of the relevant journalists' associations and organisations. Their relevance did not increase during the previous year, but they had become a sort of disturbing factor with the aim of deteriorating the power of real and representative associations. Representatives of parallel associations participate in amending the media regulations and mostly impede improvements of the regulations and the position of journalists in Serbia through their proposals. In the previous year, these associations were particularly active in the framework of the Working group for drafting the Law on Public Information and Media.

Journalists' job position is stable and protected in the workplace

Score for 2020: 2.96 / Score for 2021: 2.96

The situation as regards the position of journalists in their working environment has remained almost unchanged. More than half of the total number of employed journalists in Serbia have employment contracts. The average salary remained under the national average, and it not being regularly paid, while there are no clear data on the level of journalists' social and retirement protection. The position of women journalists in their working environment compared to male journalists is more unfavourable. The majority of women are working as journalists, and one of the problems is that women in media earn less since they have lower positions. There are no collective contracts signed in Serbia on the protection of workers' rights in private media.

It is officially recorded that about 13 thousand persons are hired as journalists and media workers, which indicates that the state officially tracks those persons under specific labour relations. According to the available data, more than half of the total number of employed journalists have employment contracts. Signed contracts should guarantee social and pension insurance, however, many of those contracts are renewed monthly (fixed-term contracts, without any guarantee of the permanence of such contracts and potential protection against dismissal), without precise data if those contributions are regularly paid, with obviously many cases when it was done against the law (witnessed by many journalists). The average salary of a journalist in Serbia in reality is about EUR 400, but with public broadcasters, salaries are higher and perceived to be equal to the national average. According to the information publicly given by the RTS director, the salaries of the public broadcaster are above the national average (in December 2022, the national average was RSD 72,000). In local environments, the funding is more unstable, and in smaller media outlets, journalists' salaries are often late. There are also problems with long-term contracts.

— INDICATOR 1.5

Journalists' are still working in very unfavourable conditions, and despite the fact that new media outlets are established, such a position is not improving. As their biggest problems, journalists still highlight very low salaries, which do not increase despite incoming inflation, irregular payments, the precariousness and uncertainty of survival in the media outlet, and poor working conditions in the workplace and the absence of protection from the media outlet as regards crucial issues. Journalists in local environments, in particular, work in several newsrooms and do other jobs in addition to being a journalist or a media worker, to secure their means of living.

The position of female journalists in their workplace is worse compared to the position of male journalists. Although they work as both journalists and media workers, most women are hired as journalists. It is also considered a problem that women in media are less paid because they occupy lower positions. Although there is no sufficient data on the comparative ratio between signed contracts on employment, women journalists strive more for the safety of the permanent contract, unlike their male colleagues. As their biggest problems, women journalists perceive small salaries, insecure labour status, being exposed to huge exhaustion and lack of understanding with the employer.

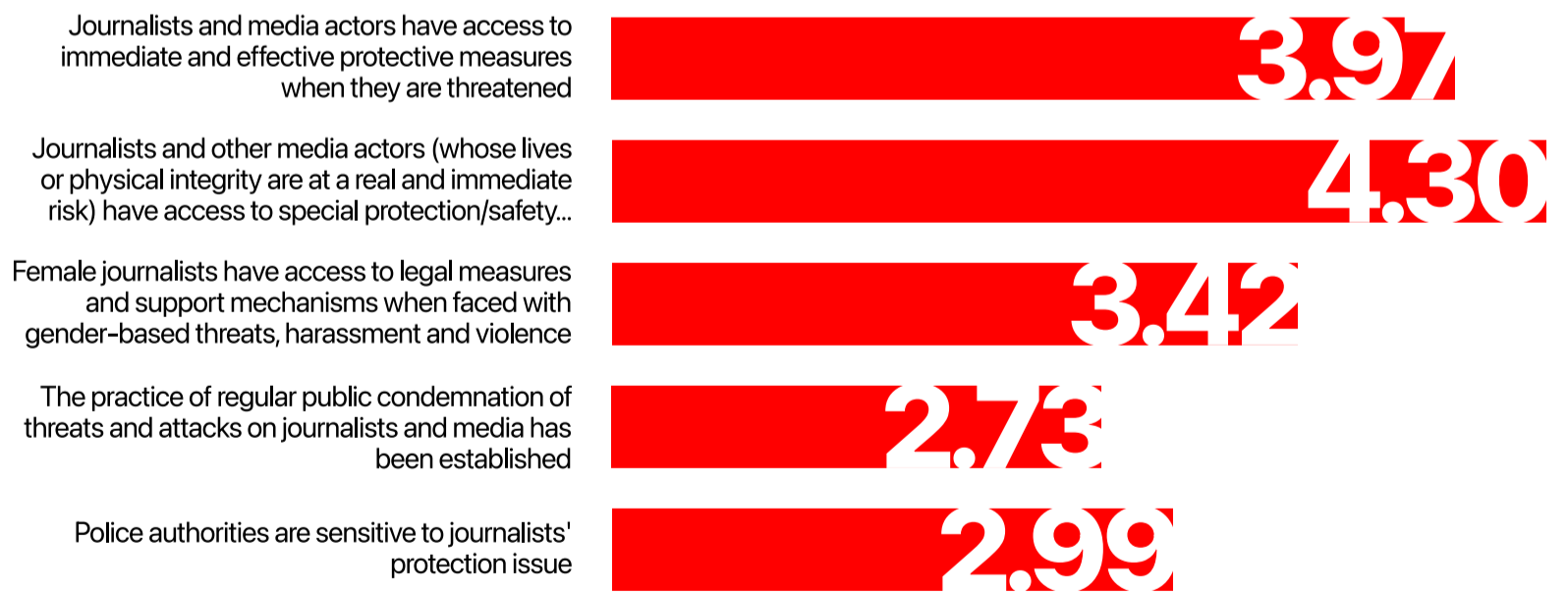
The working conditions of freelance journalists continue to be unfavourable compared to their colleagues who have a certain type of contractual obligation with their employers. Their number is increasing, but that is mostly due to early dismissal, situations in which short-term contracts are not extended, poor working conditions in newsrooms, and journalists' desire to be hired in several newsrooms, mostly because of small salaries.

Journalists are organised within trade unions, however that is far from the level necessary to protect the profession by the trade unions fully. There are no special trade unions in private media, and journalists join already existing union organisations at the general level or expect support from the journalists' associations that do not focus only on labour relations. There is no precise data on the number of cases when the trade unions provided support for journalists as regards labour relations. There are no collective contracts in Serbia signed for the protection of the labour rights of journalists in private media outlets. The journalists in media outlets have some level of access to legal aid and free support, however, it is questionable if that reflects the real needs of journalists, or the interests of the editors or the media outlet as such. In private media outlets, journalists mostly receive support when their safety is at risk, but that is not the case in other situations when they need support.



Due Prevention

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Institutional mechanisms for immediate protection of journalists in cases of threats and attacks do not exist, officials encourage attacks on journalists and police officers treat journalists extremely harshly.

All institutional mechanisms are established for the immediate protection of journalists in the event of attacks, officials clearly and systematically discourage attacks on journalists and police authorities treat journalists with respect.

Journalists and media actors have access to immediate and effective protective measures when they are threatened

Score for 2020: 3.94 / Score for 2021: 3.97

The protection for journalists and media actors in Serbia is rather fast, although partially effective. Along with journalists' associations and organisations, the state institutions have established mechanisms of fast reporting and emergency procedures in the event of attacks against journalists who are injured parties. The mechanisms are very functional, and the procedure of reporting is highly facilitated. The public prosecutor's offices and the police have adopted mandatory instructions providing for their urgent reaction, quick case registration and processing, but also accountability for failure to act. Although the police demonstrated progress as regards their sensitivity, processing and speed of reaction, the serious shortcomings in their work continue, but primarily, the political influence of the government representatives and the political party in power are often quite visible.

In previous years, the state institutions, along with journalists' associations and organisations have established the mechanism of fast reporting and emergency procedures in the event of attacks against journalists who are the injured parties. The mechanism consists of the system of contact points in public prosecutor's offices, the police and associations, which, besides reporting, includes examining the cases of attacks against journalists that are already investigated. The journalists who believe they are the injured parties in the cases of attacks and threats, could also use the Standing Working Group for Safety, since it has the contact points in its framework. The mechanisms are highly functional and the reporting procedure is highly facilitated. The safejournalists portal provides a lot of information relevant to the journalists' work, from guidelines for help and relevant practice to the SOS line for reporting cases and information about the contact points with the relevant authorities.

Most cases are reported through the SOS line for reporting attack cases to the public prosecutor's offices

— INDICATOR 2.1

and the police, the journalists' contact points in the Independent Journalists' Association of Serbia and other journalists' associations in the framework of the Standing Working Group for Journalists Safety.

In 2022, more than 115 different complaints were recorded. In accordance with the achieved Agreement on establishing the Standing Working Group for Journalists Safety and established internal regulations (mandatory instruction for public prosecutor's offices and internal MoI rulebook), they reacted rather quickly under their available jurisdiction. However, in some cases, the reaction could have been faster, and public prosecutors and the police could be more proactive. There are a number of cases when journalists or their editors are required to file complaints or notifications formally, although competent authorities already possess that information or know about the threats and attacks.

It continues to be problematic what is considered a threat by the public prosecutor's offices with the support of the police, because their reaction depends on their understanding. If a journalist experiences a certain message as a threat, and the prosecutor's office as a critical opinion, the prosecutor's office reaction, irrelevant to the manner of reporting, will not satisfy the injured party.

The public prosecutor's office and the police have adopted mandatory instructions providing for their urgent reaction, quick case registration and processing, but also accountability for failure to act. Although the police demonstrated progress as regards its sensitivity, processing and speed of reaction, the serious shortcomings in their work continue, but primarily, the political influence of the government representatives and the political party in power are often quite visible. On several occasions, the police officers were misused to apply pressure on journalists, but no resistance was detected on the other side. The best example of that could be seen in actions as regards the journalists during the civil protests in November and December 2021, yet, without serious consequences.

Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

Score for 2020: 4.27 / Score for 2021: 4.30

The mechanism for providing physical protection for citizens who are threatened with danger in Serbia is in place. This is not a preferred protection mechanism since the Security Information Agency also participates, the procedure is imbued with many procedural problems and ambiguities, and it is often not used upon the request of the injured parties. The police started proactively assessing the safety of specific journalists, and these assessment cases are analysed in the meetings of the Standing Working Group for Journalists' Safety.

The mechanism for providing physical protection for citizens who are threatened with danger in Serbia is in place, including both journalists and media workers. Mechanism of protection is provided under the Law on the Programme of protection of witnesses in criminal proceedings and Criminal Procedure Code, and the proceedings are initiated by the Ministry of Interior whom the threatened person mandatorily refers. The police will process the request, and the MoI will implement the procedure along with the Security Information Agency that collects information. The privacy of the journalist's data and personal data are often at risk, by the very officers who are mostly suspected to be ordered to monitor the work of journalists and the media. Precisely due to that, this protection system is not preferred, it is imbued with procedural problems and ambiguities and it is not often used upon the request of the injured parties. On the other hand, in exceptional cases, the police can also instigate the protection assessment mechanism (the case of Marko Vidojkovic assessment protection or Ljiljana Stojanovic and Veran Matic, members of the SWG for Safety).

The investigative journalists, precisely due to the lack of trust and poor experience they had with state services,

— INDICATOR 2.2

show resistance towards potential (police) security. When asking the MoI which bylaws closely regulate the procedure of the security check, it failed to respond to the question and it did not deliver those acts. The MoI has the capacity to provide protection in specific cases, however, there is an impression that the protection is not so easily assigned and the resources in implementing the protection are lacking.

Systematic risk assessments still do not exist, and it is a rule that individual risk assessment requests are submitted exclusively upon request and in agreement with the injured party. In every separate case, it is necessary to launch a procedure of safety assessment to establish if there is a danger to a person, their family or the environment. An example of the proactive role of the police, without requests being submitted, was the safety risk assessment for journalists Ljiljana Stojanovic and Veran Matic in 2022, after threats made by Dejan Nikolic, who was convicted for threats against the owner and editor of the OK radio from Vranje. Two journalists, who are also members of the SWG for Safety, were assigned special police protection in the territory of Leskovac and Vranje. Journalist Marko Vidojkovic was relocated in June 2022 due to the general state of insecurity and threats he received, so due to that, with the help of the PEN organisation, he was moved outside Serbia. Moreover, in his case, the police autonomously carried out risk assessment. As regards safety protection, one of the issues is that journalists are often not aware that their safety is at risk, and many seriously doubt the protection of data obtained during the assessment, in particular by the Security Information Agency.

Journalists associations, in particular the IJAS, provide support to journalists in the realisation of protection, mostly using the SWG for Safety mechanism. High representatives of the prosecutor's office and the police are regularly introduced to the cases of threats to safety when the safety assessment is necessary. The newspaper Danas' newsroom is an example of that, after serious email threats they received in 2022. After the IJAS proposal, the police carried out the safety assessment on both the newsroom and individual journalists, who were mentioned in the email threat.

Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment, and violence

Score for 2020: 3.56 / Score for 2021: 3.42

Women journalists still do not have good access to protection measures and mechanisms in the Republic of Serbia. The Istanbul Convention is partly incorporated into the Serbian legislation through several regulations. Under the Law on Free Legal Aid as such, there is, in fact, no free legal aid for women journalists. The institutions in charge of matters of violence against women failed to set up regular services to provide information on safety measures and legal support for women journalists. They rarely address institutions for advice, legal aid or protection.

The Istanbul Convention is partly incorporated into Serbian legislation through several regulations. However, there is huge dissatisfaction among the representatives of civil organisations regarding how the Convention was integrated, and after comparing the integrated part and what is practically applied, it is concluded that, apart from specific provisions, strategic documents and some crimes, there has not been much systematic work on real integration of the document and its actual implementation.

On the basis of the report that Serbia submitted to the Group of Experts on Action against Violence against Women, it is visible that some seemingly serious measures were undertaken, but through the cooperation with women journalists who were victims of violence and the organisations who work in the protection of women journalists, one gets an entirely different picture of the position of women journalists in Serbia.

The preventive measures in the Criminal Code include criminal offences of stalking, sexual harassment, forced marriage and mutilation of female genitals.

On the other hand, women journalists are more often targets of online attackers, so it was especially important for women journalists that the criminal offence of stalking be included in the group of 27 criminal offences possibly related to the

— INDICATOR 2.3

incidents and threats against journalists. It is important to note that stalking continues to be one of the most common initial qualifications of threats against women journalists in the online sphere, but after some time, problems have occurred as regards the defining of the perpetrated offence.

The Law on Free Legal Aid recognises women as victims of domestic violence and beneficiaries of free legal aid as those who are allowed to benefit from it outside the legally prescribed income threshold. The circle of free legal aid beneficiaries is very narrow, and applied methodology excludes a large number of women journalists due to their official income. The law stipulates that women with income below the minimum have the right to free legal aid, so women journalists have difficulties being part of the free legal aid beneficiaries group. Under this legislative solution, the women failing to meet legal requirements for free legal aid can only get general legal information from civil society organisations and assistance with filling in the forms, which is in direct contravention of Article 9 of the Istanbul Convention. This problem spills over to the work of journalists, media and other associations that regularly try to provide legal support to women journalists.

The institutions relevant to the matter of violence against women failed to set up regular services to provide information on safety measures and legal support for women journalists. These institutions have not even assigned special persons to communicate with the women journalists at risk. The Commissioner for Gender Equality and the Ombudsman of Serbia very rarely make announcements regarding insults, pressure and attacks on women journalists, even in cases of severe attacks. In the report of the Commissioner for Gender Equality, women journalists are mentioned through the analyses of other associations but not through the direct activities of the very institution.

Women journalists rarely address institutions for advice, legal aid or protection, and, so far, no adequate data on the extent to which the journalists could contact the competent institutions have been recorded. Women journalists address institutions exclusively through journalists' and other associations or through the SOS line. International organisations also provide support to women journalists.

Women journalists are mostly unsatisfied with the actions of competent institutions. The inadequate roles of the Commissioner for Gender Equality and the Ombudsman of Serbia are particularly emphasised, as they failed to react in many cases of misogynistic and sexist insults, threats and attacks against women journalists. The situation in Serbia is so specific that women journalists do not even think that they should address these institutions, so their reaction cannot be really measured, while the ex-officio reaction is, in fact, non-existent.

— INDICATOR 2.3

As in the cases of threats, attacks and pressure, the women journalists can ask for help and support from the government institutions, however, there are no examples of such assistance being requested or any of the institutions proactively reacting ex-officio.

The practice of regular public condemnation of threats and attacks on journalists and media has been established

Score for 2020: 2.85 / Score for 2021: 2.73

The practice of condemning attacks on journalists has not been established yet. There is no progress, while the impression is that government representative's relationship towards a specific group of journalists and media is even more negative as regards this issue. They condemn attacks on media workers and journalists but selectively. The government representatives do not have an understanding of a specific group of media workers and journalists who express criticism, while some individuals express condemnation, but only for heavy physical attacks. The government representatives continue creating an atmosphere in which journalists do not feel safe.

The government representatives selectively condemn attacks against journalists and media workers. They do not show understanding about the attacks endured by a specific group of media workers and journalists, who are critical of the authorities' actions. There are some persons who express condemnation, but only because of the heavy physical attacks. There is no real intent to condemn attacks and threats, on the contrary, such events are additionally encouraged with negative rhetoric on social media or by participation in the TV shows of the pro-government tabloid media. The highest representatives of government often instigate campaigns against independent journalists, and the consequences of those campaigns are threats or attacks against journalists and media.

In Serbia, we still do not have clear and explicit messages of condemnation for the expressed threats, attacks and pressures against journalists. This sends a message to journalists that government representatives actually do not stand by them and do not possess the sensitivity to the problems they are facing.

The government representatives still create an atmosphere in which journalists feel unsafe. On the other hand, due to organised and continual insults, pressures and attacks,

— INDICATOR 2.4

whose origin cannot be detected but which mostly originate from the government representatives, the citizens are left with confusion about what, in fact, the critically oriented journalists do. The government representatives create such an atmosphere mostly by using the media and tabloids who behave as pro-government advocates.

Police authorities are sensitive to journalists' protection issue

Score for 2020: 2.96 / Score for 2021: 2.99

The police demonstrated a positive attitude regarding cooperation with journalists associations. However, this cooperation seems to be somewhat imposed, because there is no real sensitivity for this issue. In specific cases, the police demonstrated readiness to raise the level of response when it comes to the open-type events, such as risky gatherings when attacks on journalists could potentially occur. System support has not been established yet, but the progress is visible.

Police officers should have better knowledge of basic human rights standards and journalists' role in society today, however, there are numerous examples of their omissions in work, unawareness of fundamental regulations, inadequate reaction and lack of sensitivity towards journalists. It seems that the police officers know about the formal rules they have to respect, which refer to the speed of reaction in the cases of attacks against journalists. There are still some contact points who believe that they should not act and fail to understand their role and given competences. The police contact points from the journalists' safety mechanism have been introduced to the activities of journalist protection during the Council of Europe training, however, the contact points often change, and such training is no longer organised.

Back in 2019, the police adopted the internal rulebook providing for urgent reaction in cases of attacks against journalists and media workers, but this document has not been amended since then.

In general, regardless of the shortcomings in the training and the implementation, the police demonstrated a positive attitude as regards cooperation with journalists associations. However, it seems that this cooperation is somewhat imposed, because there is no actual sensitivity, and the real reaction is selective, from one event to another, depending on who is the attacker or who threatens journalists. Although individually, the police demonstrated amazing results and reactions, sometimes, in the first subsequent case, they would fail to react or would react completely opposite, even within the same team or the same officers. Despite the SWG for Journalists' Safety constant requests for information, the Mol, in its procedure of internal control, still had not solved the case of the heavy

— INDICATOR 2.5

beating of Zikica Jovanovic, the then-journalist of Beta agency, who was severely injured by the Gendarmerie members.

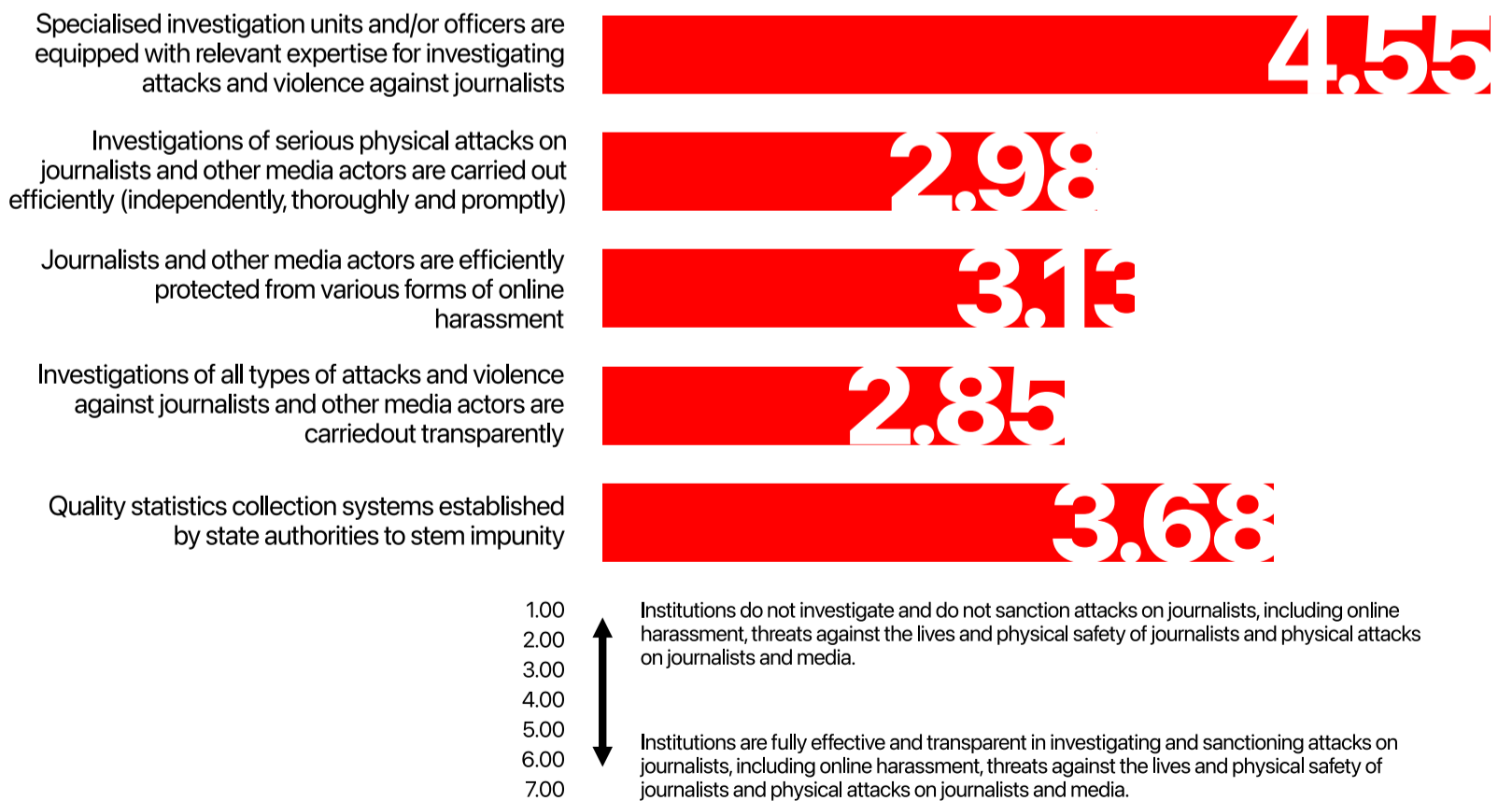
Regarding the due diligence in the cases of attacks against journalists, the police results have been varying. In some cases, the police demonstrated readiness to raise the level of response when it comes to open-type events, such as risky gatherings when attacks on journalists could potentially occur. The best example is the organisation of the EUROPRIDE, when the police, in cooperation with the First Basic Public Prosecutor's Office, notified the public that during this manifestation, they would not tolerate attacks on journalists. However, examples such as email threats against the newspapers Danas, when the entire system mechanism had to be set in motion to secure the appropriate reaction against those threats, indicate that the system is not yet functional, but depends on the reaction of individual parts of a mechanism or the political will to respond to specific events.

In the previous year, we recorded the case of the arrest of Nenad Paunovic due to his attempt to make a video recording with the drone on the ammonia leaking from the wagon near the railway in Pirot. Both Paunovic as a journalist, and a citizen who was assisting him to record the actual situation, were arrested.



Due Process

3.44



Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

Score for 2020: 4.49 / Score for 2021: 4.55

Public prosecutor's offices and the police have well-established mechanisms and units investigating and monitoring attacks on journalists. Prosecutors and police officers have a good understanding of misdemeanours and criminal offences against journalists. The problem is the failure to build sufficient level of sensitivity and understanding of the challenging nature of journalist's job and the actual threats that journalists experience.

On the basis of the signed agreement on mutual cooperation and in accordance with the adopted internal rules, the public prosecutor's offices and the police have designated special persons, public prosecutors and their deputies, as well as the MoI officers of various ranks, to be special contact points in cases of actions against journalists.

The contact points' assignment is to report cases, monitor and check the registered cases of attacks against journalists upon request.

In line with the mandatory instructions, every public prosecutor's office in Serbia has a contact point to monitor cases of attacks against journalists (130 public prosecutors and their deputies), while in the regional police administrations, there are about 100 police officers who represent contact persons in the cases of attacks against journalists.

The police possess better technical resources than the prosecutor's offices, but as in Serbia, the prosecutorial investigation is being used, it represents the basic mechanism for collecting information on the events and gathering evidence. Special Prosecutor's Office for Cyber Crime, with the Higher Public Prosecutor's Office in Belgrade, has its own unit to reveal potential perpetrators of criminal offences, however, they often refer for support to the Cyber Crime Department in the police. Public prosecutor's offices have better capacity for monitoring and reporting since every prosecutor's

— INDICATOR 3.1

office has a special person taking account of the attacks on journalists, unlike the police, who deal with a large number of events. It might be a problem that this is not the only job of the contact points, as this was the extra task they have been assigned to, which is particularly visible as regards the quality of the proceedings and sensitivity towards journalist's job.

Prosecutors and police officers have a good understanding of misdemeanours and criminal offences against journalists. The problem is the failure to build a sufficient level of sensitivity and understanding of the challenging nature of journalist's job and the actual threats that journalists experience.

The mandatory instructions applied provide for obligatory consideration and potential reviews of the special group of criminal offences that could be related to the crimes against journalists. The essence of introducing these acts indicates the greatest weaknesses of the prosecution system: languid prosecution, lack of accountability, lack of action and unclear understanding of the substance of the crime, and absence of depth in the criminal offences against journalists. However, these instructions do not enhance the understanding of the substance of the offences, data collection technique or the sensitivity as regards journalists.

Cooperation between institutions such as police and public prosecutor's offices is in place at all levels and is based on the agreement on cooperation and the fact that the police, although a separate institution, is the basic mechanism for collecting information and ensuring evidence for the public prosecutors in establishing cases. Irrelevant to the participation in the working groups for journalists' safety, numerous communication problems result in omissions regarding data collection, slow-moving actions and poor final results.

Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

Score for 2020: 2.98 / Score for 2021: 2.98

The investigations are, to a great extent, independent from those referring to, however the selective application and lack of efficiency in some cases often give the impression of pressure and influence of other branches of government. Investigations are launched rather quickly and in a short time, however, the inquiries take a very long time. Deadlines for investigations depend on the cases, collection of information and evidence gathering, in particular with online threats.

When it comes to attacks against journalists, the investigations are, to a great extent, independent from those referring to, however, the selective application and lack of efficiency in some cases often give the impression of pressure and influence of other branches of government. Notwithstanding the effectiveness and efficiency in some cases, safety assessments and preventive actions, however, unclear decisions and omissions in strategically rather important cases indicate the problems in further implementation of the investigation. It might still occur that representatives of the executive will interfere with the work of the competent authorities, sharing information and interfering with the work of the prosecutor's office and the police, placing them in subordinate position.

In certain cases, the investigations were not comprehensive and neglected the political background of the attacks on journalists and the real reasons or causes of individual attacks. Quite often, the real cause is to be found in the actions of the political representatives, but prosecutor's offices and police skilfully avoid investigating such allegations.

— INDICATOR 3.2

Instituting investigations is done quickly and within a short time frame. However, the inquiries take a very long time. The phase of data collection, cooperation between police and the prosecutor's office, pressing charges, prosecutor's opinions on some issues, and further prosecution bring dissatisfaction with journalists who are the injured parties and expert public. In 2022, in public prosecutor's offices, based on filed criminal complaints/reports, 83 cases were established related to the events against persons carrying out tasks of public importance in the area of the information (journalists and media workers). Out of the total number, 3 cases were established in January, 4 in February, 9 in March, 12 in April, 3 in May, 11 in June, 5 in July, 8 in August, 10 in September, 5 in October, 8 in November and 5 cases in December. In the 2022 specific cases, including the end of September 2023, the following actions were undertaken: convictions in 7 cases, acquittals in 2 cases, and in 1 case, the court decided to dismiss the prosecutor's office charges, in 10 cases the decision was adopted to dismiss criminal charges, and in 21 of the cases the official note was adopted that there were no grounds to institute criminal proceedings, in 4 cases the proceedings before the court are ongoing under the charges of the public prosecutor, in 2 cases the evidence gathering is underway, in 27 cases the request for gathering necessary information is submitted, and in 9 cases, even after undertaking measures in the pre-investigative proceedings, the potential perpetrator was not identified.

Deadlines for carrying out investigations depend on the actual cases, collection of information and evidence material. In some cases, when the identity of a suspect was obvious, but who was not convicted before, almost as a rule, some of the institutes of the opportunity or plea agreements will be applied. Deadlines are missed almost in all investigations, however regarding the conditions in which police and public prosecutor's office work in Serbia, this often depends on factors not strictly related to the competent bodies. The incidents observed as attacks on journalists are often properly qualified, whereby the majority of offences are suspected to be the endangerment of the safety of women and men journalists or Article 138, para. 3 and, in particular, stalking under Article 138a.

Journalists and other media actors are efficiently protected from various forms of online harassment

Score for 2020: 3.13 / Score for 2021: 3.13

Despite the criminal system and legal measures in Serbia, stipulating the offences recognised as online attacks, direct application and results are either stagnating or slightly declining. For solving online harassment cases, the Criminal Code provides for criminal offences that are applied regarding threats or attacks on social media. The most important for journalists is the endangerment of safety under Article 138, para. 3, which contains a particular provision that includes journalists. The greatest success so far was seen in the quick reaction and summoning of the suspects to give statements, even in the capacity of a citizen.

For resolving online forms of harassment, the Criminal Code stipulates criminal offences related to threats or attacks on social media. The most important for journalists is the endangerment of safety under Article 138, paragraph 3. This offence includes a separate paragraph 3 regulating the attacks on a person carrying out tasks of public importance in the area of public information, which in practice is interpreted as a journalist's job. Regarding social media, computer sabotage is highly relevant when it refers to a person carrying out tasks of public importance in the area of information pertaining to the tasks they perform (Article 299 of Criminal Code); unauthorised access to a computer, computer network or electronic data processing when referring to a person carrying out tasks of public importance in the area of information pertaining to the tasks they perform (Article 302 of Criminal Code); racial and other discrimination (Article 387 of CC, para. 4 and 6 pertaining to para. 1); unauthorised collection of personal data, when referring to a person carrying out tasks of public importance in the area of information pertaining to the tasks they perform and stalking (Article 138a of CC). These offences could be highly relevant for cases of harassment of journalists on social media, which often happens in practice, and therefore, it is highly relevant that public prosecutor's offices link these offences with threats against journalists.

— INDICATOR 3.3

As regards incidents in the online sphere, those are usually the endangerment of safety under Article 138, paragraph 3 and stalking from Article 138a, though quite often those are borderline cases of harassment that, by the understanding of the substance of the criminal offence in Serbia, do not have the characteristic of the endangerment of safety.

The greatest success so far was seen in the quick reaction and summoning of the suspects to give statements, even in the capacity of a citizen. Such actions mostly had a deterring effect from committing other similar offences, however, it was highly important for the public prosecutor's office and the police to undertake all actions to determine the identity of the suspects because that proved to be a huge problem with online threats.

The Prosecutor's Office for Cyber Crime, in cooperation with the Cyber Crime Department in the police, carries out specific analyses of monitoring persons who frequently disturb, stalk or threaten on social media. One of the proposals given by the police is to take more active measures in prevention, opening possibilities for the police and contact points to get more actively involved in communication with persons who are suspects, even in borderline cases, and to get the message across that they have information on journalists being disturbed.

Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently

Score for 2020: 2.81 / Score for 2021: 2.85

The journalists have open access to the course of the proceedings when they are injured parties. Public prosecutors insist on the application of the rights under the Criminal Procedure Code. The courts in Serbia are mostly open, and if the proceedings are public, in particular, the majority of data from court proceedings are public and available.

Journalists as injured parties have open access to the course of the proceedings in the cases when they are the injured parties. Public prosecutors insist on the application of the rights under the Criminal Procedure Code, providing for the right of insight into inquiries carried out and collected documentation in the proceedings. On the other hand, more often journalists use their contact points in the SWG for Journalists Safety, who also have a right to access the course of the proceedings.

The journalists receive the majority of information from the very proceedings, and only those data that could jeopardise the investigation are kept confidential. On the other hand, it is obvious that journalists are often not aware of the ending of the proceedings, for example, about plea agreements or the application of the opportunity principle. It is obvious that access to the course of the proceedings comes only after 6 months from the first inquiries.

The courts in Serbia are mostly open, and if the proceedings are public, in particular, the majority of data from court proceedings are public and available. On the other hand, for example, if the trials are public and the content of indictment and inquiries could be heard during the trial, the copies of those documents are not available either with the prosecutor's office or with acting courts.

The course of the proceedings and some particularly important decisions are often unavailable to the public and injured parties. They learn about it after insight into the quarterly reports of

— INDICATOR 3.4

the RPPO from the newsletter on the status of cases of threats and attacks on journalists, or by journalists as injured parties being individually interested in their cases. A smaller number of cases have high media coverage, and almost all information from the public trials followed by the media is known.

Quality statistics collection systems established by state authorities to stem impunity

Score for 2020: 3.77 / Score for 2021: 3.68

In addition to the statistics kept by some journalists' associations, the Republic Public Prosecutor's Office (RPPO) and the Ministry of Interior (MoI) maintain the records of the attacks on journalists since 2016. These records are well kept, in the previous year, the method of delivering them to journalists' associations was changed. The data that the police have at their disposal are not available to the public because the MoI does not provide such data in their answers upon request.

In addition to statistics kept by some journalists' associations, the records of attacks against journalists have been kept by the Republic Public Prosecutor's Office (RPPO) and Ministry of Interior since 2016

The up-to-date records kept by the RPPO are quarterly delivered to the representatives of the Standing Working Group for Safety, every three months. The data maintained by the RPPO are the most voluminous, recorded per type of criminal offence, basic information on the injured party and phases in the proceedings. Public prosecutor's offices will record only filed complaints and notifications and will not establish a case on the basis of official information but only on the basis of the filed complaint. They take down the personal data, location of the attack, date of filing the case and current phase of the proceedings, i.e. undertaken actions. The cases are not qualified per gender, ethnicity and other socio-demographic criteria. Due to specific standards and the rules applied by the public prosecutor's offices, specific cases are often removed from the databases. This is done for various reasons (cases are closed, offences are initially not related to attacks against journalists, there is a lack of evidence indicating that it was an attack or threat against journalists because of their job, etc.).

The Ministry of Interior also maintains a specific database of incidents and complaints filed when the injured party is a journalist. The data that the police have at their disposal are not available to the public because the MoI does not provide such data in their answers upon request, nor do they share the gathered data from their database.

IV

Actual Safety

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There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

Threats and harassment that are not related to physical safety

This may include surveillance or tracking; harassment by telephone; arbitrary judicial or administrative harassment; aggressive statements by public officials; other types of pressures that threaten the safety of journalists while performing their work. These types of threats do not include mobbing and bullying in the working environment.

Score for 2020: 2.24 / Score for 2021: 2.29

The decline in the number of threats, intimidations and harassment of journalists had an impact on improving the impression about the relationship towards journalists. There were 8 cases of different forms of verbal threats and harassment, most often expressed online, i.e. on social media, but the harshest were physical threats, and almost every day, government representatives targeted journalists as foreign mercenaries who betrayed Serbia..

In the previous year, the number of threats, intimidations and journalists' harassment has dropped. There were 8 cases of different forms of verbal threats and harassment, most often expressed online, i.e. on social media, but the harshest were physical threats. The gravest of them was putting posters with a picture of Veran Matic around the city of Vranje, after the visit of the Standing Working Group for Journalist's Safety (SWG) to Vranje and OK radio station as the form of support due to the case of a wall erected by the owner of the illegal gambling house, which almost completely blocked and bricked up the headquarters of the OK radio station.

Threats against the lives and physical safety of journalists

This may include calling for the killing of journalists, their friends, family, or sources; calling for physical attacks on journalists, their friends, family, or sources. Threats can be direct or sent via third parties; sent electronically or in direct communication; they can be implicit as well as explicit.

Score for 2020: 2.55 / Score for 2021: 2.55

This year, the number of severe verbal threats compared to the previous period has declined. The threats expressed are characterised by particularly severe forms, such as terroristic threats and death threats. Although the number of threats has declined, separately, the threats are more severe, which is confirmed by the police reaction to what has been written or said. The relationship of the government representatives targeting journalists as foreign mercenaries also contributed to this.

The number of severe verbal threats compared to the previous year has declined, so 23 such cases were recorded. The threats expressed are characterised by particularly severe forms, such as a terroristic threat of attack against the Danas newsroom and very harsh threats to the women journalists who reported in front of the Chinese factory in Zrenjanin. Despite the fast reaction, none of these cases was solved. Journalist Jelena Obucina received brutal threats on social media, after the Alo tabloid maliciously interpreted her introduction in the news bulletin when she used jargon saying that Vucic “will bury himself” if he does “not come to his senses” as regards Kosovo and sanctions against Russia. In their articles, these media interpreted it in a wrong way: “Vucic – you should rather recognise Kosovo, or you will be buried – tycoon media again threatening the President of Serbia”, thus exposing the journalist to danger, which was followed by threats and insults on social media, and in one of those social media threats, she received threats of impalement and burning. Proceedings are still ongoing.

Although the number of threats has declined, the threats are more severe in particular cases, which is confirmed by the police reaction to what has been written or said. On the other hand, it is rather worrying that government representatives heat up the tension through their targeting and create room for such threats. The basic motivation for expressing threats lies in the fact that journalists against whom threats are made are targeted as foreign mercenaries, traitors and foreign embassy associates.

Actual attacks

This can include actual physical or mental harm, kidnapping, invasion of home/office, seizing of equipment, arbitrary detention, failed murder attempts, etc.

Score for 2020: 2.60 / Score for 2021: 2.53

The number of physical attacks in 2022 is somewhat higher compared to the previous year, as 10 such cases were recorded. Physical attacks are linked to the journalists reporting from various protests and other events when the participants have exhibited violent behaviour.

The number of physical attacks in 2022 is somewhat higher compared to a previous year, as 10 such cases were recorded. Physical attacks are linked to the journalists reporting from various protests and other events when the participants have exhibited violent behaviour, but also to the isolated individual events covered by media outlets such as Nova S or TV N1. The greatest number of attacks is linked to the media affiliation, not to particular journalists and relationship towards them. Since the police started preparing for huge open events, the number of attacks has declined, however, full safety is still not enabled for journalists.

Threats and attacks on media outlets and journalists associations

Threats can include harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, and other forms of pressure (inscriptions, threatening posts, etc.). Actual attacks include invasion of offices, seizure of equipment, breaking the equipment, vehicles, etc.

Score for 2020: 2.38 / Score for 2021: 2.27

The number of attacks and threats against media companies is almost identical to 2021. There were 13 such incidents recorded, mostly against Nova S and TV N1 crews. Compared to previous periods, it is noted that pressures and attacks on the media are increasing in organised forms and apart from journalists, the media outlets are also openly targeted as foreign mercenaries, enemies of Serbia..

The number of attacks and threats against media companies is almost identical to 2021. There were 13 such incidents recorded, mostly against Nova S and TV N1 crews. The specific situation, which is influenced by the war in Ukraine, resulted in a sudden rise of threats of bombs, however, none of those threats proved true. Journalists' crews were insulted, they were being threatened and physically attacked, and their equipment was even targeted. In several cases, citizens did not allow reporting from public spaces. On the other hand, many proceedings are still in the pre-investigation or investigation phase, without progress. Compared to previous periods, it is noted that pressures and attacks on the media are increasing in organised forms and that apart from journalists, the media outlets are also openly targeted as foreign mercenaries, enemies of Serbia.

Original title
The Western Balkans Journalist Safety Index
Serbia 2022 – Narrative Report

Publisher
Independent Journalists' Association of Serbia



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