



safejournalists.net

# SERBIA

## Indicators on the level of media freedom and journalists' safety 2021





**SERBIA**  
**Indicators on**  
**the level of**  
**media freedom**  
**and journalists'**  
**safety 2021**

**Author**  
**Rade Đuric**

**Original title**

Serbia – Indicators on the level of media freedom and journalists' safety 2021

**Publisher**

Independent Journalists' Association of Serbia  
Belgrade, 2022

**Author**

Rade Đuric

**Report reviewer**

Professor Aleksandra Krstic, PhD

**Language editor for Serbian edition**

Nataša Polic

**Translator**

Anica Milenkovic

**Cover photo**

Andrija Vukelic

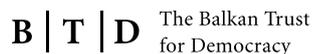
**Design**

comma.rs

**Copies**

50

This publication was produced with the financial support of the European Union and Balkan Trust for Democracy, a project of the German Marshall Fund of the United States and the Norwegian Ministry of Foreign Affairs. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union and Norwegian Ministry of Foreign Affairs, the Balkan Trust for Democracy, the German Marshall Fund of the United States, or its partners.



A PROJECT OF THE GERMAN MARSHALL FUND

<b>Introduction</b>	<b>7</b>		
<b>A Legal protection</b>	<b>9</b>		
A1 Legal guarantees for the freedom of media and journalists and their implementation in practice	9	B3 Editorial independence in public broadcasters	25
A2 Effects of defamation regulations	14	B4 Editorial independence of the non-profit media	26
A3 Legal protection of political pluralism in the media	16	B5 Freedom of journalists in the news production process	27
A4 Freedom of work and association for journalists – legal guarantees and practice	17	B6 The economic position of women in journalism	28
A5 Legal protection of journalists' sources	19	<b>C Journalists' safety</b>	<b>29</b>
A6 Protection of access to information of public importance	20	C1 Statistics of safety and impunity	29
<b>B Position of journalists in newsrooms</b>	<b>23</b>	C2 State institutions and political actors' behaviour concerning journalists' protection	32
B1 Economic restrictions of journalists in newsrooms	23	C3 Efficiency of the justice system regarding threats and violence against journalists	36
B2 Editorial independence in private media	25	<b>Conclusions and Recommendations</b>	<b>39</b>

# Overview and Scope of the Project

The journalists' associations from the Western Balkan countries, with the support of the European Commission<sup>1</sup>, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice as well as to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform have been monitoring the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo<sup>2</sup> and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis<sup>3</sup>, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

- 
- 1 In December 2019, the European Commission approved the three-year project [Safejournalists.net](https://safejournalists.net), aimed at empowering national journalists' associations in the Western Balkan countries to become effective and accountable independent actors in advocating applications of EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This Action represents an up-scaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The project is funded, under the Civil Society Facility and Media Programme 2020—2022, Support to regional thematic networks of Civil Society Organizations.*
  - 2 This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.*
  - 3 The first edition of the research methodology for this advocacy research project was developed in 2016 and fine-tuned over the years to reflect the situation in the Western Balkan countries. The advocacy research is designed and coordinated by Snezana Trpevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North Macedonia ([www.resis.mk](http://www.resis.mk)).*

# A Methodological Note

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

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

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

At the national level, advocacy research is conducted by national researchers who collect data and write narrative reports, which were then reviewed by local media experts and the lead researcher. In Serbia, the Independent Journalists' Association of Serbia has engaged Rade Djuric as a national researcher and professor Aleksandra Krstic, PhD as a media expert to review the report.

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

<b>A Legal protection</b>	<b>B Position of journalists in newsrooms</b>	<b>C Journalists' safety</b>
A1 Legal guarantees for the freedom of media and journalists and their implementation in practice	B1 Journalist's freedom economic restrictions	C1 Statistics of safety and impunity
A2 Effects of Law on defamation on journalists	B2 Editorial independence in private media	C2 State institutions and political actors' behaviour concerning journalists' protection
A3 Legal protection of political pluralism in media	B3 Editorial independence in public broadcasters	C3 Civil and criminal justice system actions related to threats and acts of violence against journalists
A4 Freedom of work and association for journalists – legal guarantees and practice	B4 Editorial independence of non-profit organizations	
A5 Legal protection of journalists' sources	B5 Freedom of journalists	
A6 Protection of right of access to information	B6 Economic position of female journalists	

#### List of Abbreviations

LPIM – Law on Public Information and Media

RS – Republic of Serbia

CCS – Chamber of Commerce of Serbia

SIA – Security Information Agency

LA – Law on Advertising

PB – Public Broadcaster

LCT – Law on Contracts and Torts

LIA – Law on Internal Affairs

MI – Ministry of Interior

LFAI – Law on Free Access to Information

REM – Regulatory Authority for Electronic Media

IJAS – Independent Journalists' Association of Serbia

JAS – Journalists' Association of Serbia

RPPO – Republic Public Prosecutor's Office

MI – Ministry of Interior

REM – Regulatory Authority of Electronic Media

Since the media and journalists in Serbia are dealing with numerous problems of socio-political nature accompanied by economic difficulties that deeply affect the state and pose constant challenges before the society, they are under enormous pressure to adapt to new aggravating circumstances.

The unstable political situation, further aggravated by the decisions of the Serbian authorities that keep the country in the atmosphere of the uncertain European future, along with the frequently underlined progress, unfavourable economic and financial situation exacerbated by the crisis due to the coronavirus, brought the media scene, the position and rights of female and male journalists to a very challenging phase.

Impression of the country's financial recovery showed by information on progress made by institutions and government representatives<sup>4</sup> has its counterbalance in the data on persistent corruption. Corruption is the cause of most problems and an indicator of the absence of the much needed political will to take serious steps to combat it. Important capital contracts that determine the future of Serbia are secret, and the procedures for contracting are mostly of a direct nature, without adequate implementation of regulations. This year, Serbia is considered a country with a high level of corruption, scoring 38 out of an ideal 100 points, the same as last year, which is the worst result in the past 10 years, although the fight against corruption has been declared as one of the state priorities. For the third year in a row, Serbia is ranked in the lower half of the glob-

---

<sup>4</sup> M. Obradovic, "Serbia ranked third in economic growth during pandemic", *Danas*, 4.8.2021. Accessed on 12.12.2021. <https://bit.ly/36xxcv1>

al list – ranking 96 out of 180 countries, two positions worse than a year earlier and has even five points less than the world average (43).<sup>5</sup>

The safety of journalists and incidents involving journalists and the media are mainly related to the actions and harsh statements of government officials towards mostly critically oriented journalists, which puts journalists in an unenviable position. Different types of incidents keep happening, with only the trends of pressure, threats and attacks changing. Journalists are being attacked in an organized manner by tabloids and government officials, they are being linked to dangerous criminal groups, called associates of foreign embassies and enemies of Serbia, and only one part of the systemic measures and sporadic condemnations exemplifies readiness to prevent and resolve incidents. Extreme polarization between the media and lack of tolerance by government officials towards critical opinion on important socio-political issues leave a strong message about the admissibility of inappropriate statements against journalists, which citizens take over and accept, and often threaten journalists with ease.

Such indicators clearly reflect the state in which the media must operate, and such states necessarily indicate a number of accompanying problems such as political pressure, attachment to party affiliation, “trade” and the impact of budget funds available to government officials, many possible financial abuses, inefficiency and dependence of the judicial system and, above all, impunity for many crimes. In such a situation, the media and journalists find the only support in the public, which becomes the best and sometimes even their only defence mechanism.

---

5 Transparency Serbia, “Corruption Perception Index – CPI for 2021”. Accessed on 25.1.2022. <https://bit.ly/37sJwNP>

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

---

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

---

Freedom of media and freedom of expression is guaranteed by the Constitution of the Republic of Serbia and its media laws.<sup>6</sup> Legal frameworks governing the protection of fundamental rights, freedom of expression and freedom of the media have been established, but the realization of these rights in practice is not even close to the desired level.<sup>7</sup> Internet access is largely available to all citizens, including journalists, but the media and journalists, especially in small local communities, are often subject to various forms of pressure at work and serious online attacks,<sup>8</sup> so the continuous damage is greater than the protection effects. Regulations governing public information, state funding of media, political advertising in the media, lawsuits against journalists with the aim of

---

6 Constitution of the Republic of Serbia (Official Gazette of RS, No. 98/2006), Law on Public Information and Media (Official Gazette of RS, No. 83/2014, 58/2015 and 12/2016 – authentic interpretation), Law on Public Service Broadcasting (Official Gazette of RS, No. 83/2014, 103/2015, 108/2016 and 161/2020), Law on Electronic Media (Official Gazette of RS, No. 83/2014 and 6/2016).

7 European Commission, Annual Report for 2021, Brussels: 2021. Accessed on 3.12.2021. <https://www.mei.gov.rs/srp/dokumenta/eu-dokumenta/godisnji-izvestaji-ek>

8 Safejournalists database of attacks on journalists, 2021. Accessed on 31.12.2021. <https://bit.ly/3kInx2W>

their harassment and influence on their work, the position of journalists' sources are all burdened with numerous gaps and omissions and a lot of arbitrary interpretation that gives negative practical results. In 2021, the implementation of the Action Plan for the implementation of the Strategy for the Development of the Public Information System (hereinafter referred to as: the Media Strategy) adopted in 2020 continued. However, the implementation of the provisions of the strategy and planned activities is hindered, with numerous inconsistencies and omissions. The operational working groups whose task was to prepare draft regulations based on the set strategic goals did a very poor job<sup>9</sup>, where a large number of the envisaged solutions were even completely contrary to the Media Strategy and the established goals for the improvement of certain areas and rights.<sup>10</sup> In fact, the lack of political will or the illusion of the will to make radical changes contributed to such a situation, which was confirmed through the composition of working groups and their effect.

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

Media laws in Serbia were adopted through a partially transparent process in 2014 and with the participation of all interested and responsible parties. Both media and journalists' associations took part in the process of adopting the regulations. With numerous observed irregularities, and due to the lack of expected results in the application of regulations, which was mostly caused by the lack of political will, loud demands to change the regulations resulted primarily in the adoption of a new Media Strategy. The process of adopting the Strategy was not completely transparent and inclusive, with numerous controversies, as well as the implementation of the Action Plan related to it. As a planned activity in the Strategy, in the middle of 2021, amendments to the Law on Public Information and Media (hereinafter referred to as: LPIM) were initiated, in which representatives of journalists' and media associations, state bodies and institutions took part. Work on the amendments resulted in a version of the draft amendments to the LPIM that included the so-called "alternative solutions" which imme-

diately became a stumbling block.<sup>11</sup> Media and journalists' associations and organizations pointed out to the Government of Serbia and the Ministry of Culture and Information that they are concerned about the work of the Working Group so far, emphasizing for a number of times that the new proposals of the Working Group for drafting that law in question deviate from the goals of the Media Strategy, with which the associations agreed, as well as from the Action Plan for its implementation.<sup>12</sup> Communicated with a lot of misunderstandings, the draft law found itself in a dormant phase that could have been linked to the upcoming elections. Alternative proposals have been retained, with no clear image of which of the draft proposals will be accepted and become a part of the future public debate. The draft LPIM prepared in this way contains a large number of solutions that endanger the already acquired rights of journalists and media, such as attempts to officially define journalists, provisions related to the realisation of public interest in public information, co-financing of public information projects, content of the Media Register and Records of media content producers.<sup>13</sup> Because of all this, media associations gathered in the Coalition for Freedom of the Media sent their special proposals in line with the goals set in the Media Strategy.

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

In Serbia, there have been no attempts at licencing by state authorities, as well as other requirements concerning printed and online media. In the process of establishment, the media must respect the rules set out in the Law on Public Information, according to which legal or natural persons who establish them must register as publishers. There is also an obligation to publish basic information about the media in the form of imprint,

9 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

10 Vukasin Obradovic, "What is happening with the amendments to the Law on Public Information and Media"; NUNS, 2021. Accessed on 30.11.2021. <https://bit.ly/36xxRN1>

11 The methodology of the group's work foresaw that solutions on which no consensus was reached would be included in the draft law as an alternative. However, it is not foreseen who will decide which alternative proposal will be included in the draft law, which will be the subject of public debate. Given the size of the group (35 members) and the relatively different views, a number of alternative solutions have been reached on which no final agreement has been reached. Some of these solutions are completely unacceptable for one part of the working group, while some solutions are completely unacceptable for another part of the working group.

12 Vukasin Obradovic, "What is happening with the amendments to the Law on Public Information and Media"; NUNS, Belgrade: 2021. Accessed on 23.12.2021. <https://bit.ly/3K3Wdfc>

13 The New Economy team, "Associations will not support controversial proposals to change media laws"; New Economy, Belgrade: 9 September 2021. Accessed on 21.12.2021. <https://bit.ly/3K3yzj1>

abridged imprint and identification. The regulations do not stipulate the obligation for media to be registered in the Media Register maintained by the Business Registers Agency, but, in such case, the media can neither compete for co-financing of projects of public importance nor receive state aid in any other way. There are no special rules for online media. However, there are numerous difficulties and problems in practice, especially during the registration of the media, which are mostly of legal and technical character and are most noticeable in local environments. The founders, often persons who are not legally literate, are faced with a rigid and unclear system with a lot of incomprehensible explanations, which greatly complicates the registration process.

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

The environment of the Internet freedom in Serbia remains relatively open, with a high level of internet access, with limited blocking of websites that can be accessed from the territory of the Republic of Serbia.<sup>14</sup> In 2021, there were cases of blocking and restricting content on the Internet, most often through reports due to alleged disclosure of unauthorised information, requests to remove videos from YouTube and social networks (mostly Instagram and Twitter, and increasingly TikTok network), and of blocking accounts for journalists on Twitter, Instagram and Facebook. The biggest incident recorded in the observed period was the leak of data from the web application of the Serbian Chamber of Commerce, which may be the biggest violation of citizens' data privacy since the case of the Privatization Agency in 2014.<sup>15</sup> Surveillance infrastructure is also a concern as law enforcement agencies and security agencies have long accessed telecommunications metadata without adhering to proper legal procedures.<sup>16</sup>

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

Regulatory Authority for Electronic Media (REM) is not executing its functions in a way that could be described as independent. The regulator continuously exercises its competencies, very often by placing certain entities in a more favourable position than others, by behaving in a discriminatory manner.<sup>17</sup> In December 2021, on an urgent basis, it issued a licence to a Russian channel in the German language, in a case in which there were no conditions for licencing in accordance with the law.<sup>18</sup> On the other hand, Serbian media do not get work licences so easily. Although a large number of violations have been recorded in practice, especially within reality shows that are broadcasted daily in Serbia, such actions have not been adequately prosecuted by regulators, and the REM Council has failed to adopt a rulebook limiting time for reality shows. Such a decision leads to the conclusion that the Regulator avoids enforcing the law, although it is obliged to do so, and the participants in the research point out that it actually implements the role of an extended arm of the Government and the ruling coalition rather than an independent institution that protects the public interest. The relationship between the government and commercial broadcasters is portrayed as the relationship between the employer and the PR service, and a similar relationship is then replicated between commercial broadcasters (especially those loyal to the authorities, beyond all limits of professionalism) and REM.<sup>19</sup> In the last year, the missing four members of the REM Council were elected by the Parliamentary Committee for Culture and Information, but with constant delays and non-compliance with the prescribed deadlines. The same practice continued at the end of October 2021, when the process for the election of new members began, which was supposed to begin in June and September of the same year.<sup>20</sup>

<sup>14</sup> "Freedom on the Net 2021" research, Freedom House. <https://freedomhouse.org/country/serbia/freedom-net/2021>

<sup>15</sup> The so-called "directory listing" is enabled on the web server of the Chamber of Commerce of Serbia (CCS), a specific server function that practically opens access to all files stored on the server. All data was available without any authentication. In other words, anyone could access them, anytime. The available data included, a variety of information, such as scanned ID cards. It was similar in 2014, when millions of personal data of citizens leaked from the Privatization Agency, including name and surname, personal identification numbers and current account numbers of individuals.

<sup>16</sup> Given information that the Security Information Agency (SIA) is an alleged client of Circles, an Israeli surveillance company that allows users to monitor and collect user data by exploiting vulnerabilities in mobile telecommunications infrastructure, and several cases of monitoring and intercepting communications, the issue of secret surveillance and data processing remains open, which can have disastrous consequences, especially for journalists and their sources.

<sup>17</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

<sup>18</sup> Nemanja Rujevic, "Serbia in an Elephant Clash: How REM Urgently Licenced a Russian Channel in German", *Vreme*, 17 December 2021. Accessed on 30.1.2022. <https://bit.ly/3K3BCr6>

<sup>19</sup> Stevan Ristic and Jelena Jorgacevic, "Anything is possible", *Vreme*, 12 November 2020. Accessed on 20.1.2021. <https://bit.ly/3xlYD0b>

<sup>20</sup> Freedom house report for 2022, <https://freedomhouse.org/country/serbia/freedom-world/2022>

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

The provisions of the Law on Advertising and media regulations regulate state advertising in the media rather superficially and partially, which is why this issue is still unknown in legal terms. The problem of state advertising lies in the ways in which funds are distributed, according to which criteria and to which media (publishers), and above all whether this distribution affects the editorial independence of the media. It is precisely these vague regulations that open up opportunities for the selective allocation of advertising funds. Abuses in state advertising continue to be observed in favour of media whose editorial policy supports the policy of the Government. Advertising of public companies and limited liability companies is completely under the control of the state, which realizes its political influence through the allocation of funds in this way. Given the different ways in which funds are spent and the large number of covert contracts that regularly allocate funds to selected media, the distribution of state funds is not transparent.<sup>21</sup> Authorities allocate funds unfairly, with a high level of discrimination, so a large number of critically oriented local media are left without any funds from these sources.<sup>22</sup>

Institutions have been very selective and partial when it comes to the transparency of data on the amounts allocated to the media. Only data for which there is a legal obligation are published, such as contracts on media co-financing or highly controversial media services in public procurement, while using gaps in regulations, direct contracts, public procurement below the threshold for their implementation and other benefits for which there is no obligation to be published remain unknown to the public. The Law on Advertising has opened the space for the adoption of a new regulation, and the Media Strategy, with its wording on “creating a regulatory framework” in the field of public advertising, indicates the need for the adoption of a new law. Although the proposed solutions can be implemented through existing laws (LPIM and LA), the most important question remains who will supervise the implementation of these provisions.

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

The existing legal framework provides for project co-financing through public competitions aimed at realising public interest.<sup>23</sup> Competitions at the national level are conducted by the line Ministry of Culture and Information, while at the local level these are conducted by local self-governments. Procedures and implementation are characterized by numerous omissions and problems, some of which are listed below:

- general non-transparency of both the procedures and the implementation of co-financed projects;
- non-compliance and ignorance of regulations by those who are to apply them;
- lack of adequate legal remedies;
- withdrawal of the participants themselves from the protection of their rights, as well as a high degree of impunity.

We especially note the lack of adequate explanations for the decisions made, given that funds are allocated in huge amounts to the media that are the biggest violators of media laws and the Journalists' Code of Ethics of Serbia.<sup>24</sup> Competitive co-financing is still characterized by disputable committee members and topics that do not meet local needs for media projects of public interest. Information on allocated funds is generally published regularly, and if not available or sufficiently detailed, it can be obtained by requests for access to information. Most of the funds are still distributed to the media which are almost regularly violators of the Code or represent the support of the authorities. Special emphasis is placed on purpose-built productions that, after using gaps in regulations and the lack of adequate supervision, get the funds allocated to the media, which are the pillars of authorities. Funds are also allocated to the media through public procurement of media services, direct contracts and agreements on business and technical cooperation with the media. Given that competitive co-financing is the basic way of allocating funds, the high level of spending through public procurement and direct contracting is of particular concern, noting the lack of justification for the implementation of such services and the abuse of regulations that allow their

21 BIRN and NUNS, “Businesses 1 on 1 with the state”, Belgrade: 25.10.2021. Accessed on 1.12.2021. <https://bit.ly/3v2t9YS>

22 NUNS, “Project Co-financing in the Public Interest: Local Public Interest, Productions, Abuse of Procedures and Inefficiency of Administrative Disputes”, NUNS, December 2021

23 Law on Public Information and Media, Article 13

24 NUNS, “Project Co-financing in the Public Interest: Local Public Interest, Productions, Abuse of Procedures and Inefficiency of Administrative Disputes”, NUNS, December 2021

implementation.<sup>25</sup> These procedures are only partially transparent to the extent required by regulations. On the other hand, those who are ordering media services conduct procurement below legal thresholds or directly sign contracts with the media without clear grounds, making them almost invisible to the public.<sup>26</sup> However, procurement and direct contracts almost remain out of control of the justification, expediency and correctness of the procedures and implementation of the contract.<sup>27</sup>

The Media Strategy has recognized market disruptions due to various types of allocation of funds to the media sector and proposed measures to equalize them, and as an attempt to solve the problem, there is the draft version of the new LPIM, which should successfully solve it. However, the biggest disputes in the working groups and counterproductive proposals are related to the parts introducing certain rules that should prevent abuses in the competition co-financing or binding decisions of the Press Council for members of competition commissions when assessing whether the media complied with the Journalists' Code of Ethics.

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

In Serbia, there are still no clear mechanisms for financing the media in the languages of national minorities. The Media Strategy recognized the issue of representation of programs in the languages of national minorities and paid special attention to the position of the Council of National Minorities due to concerns about their impact on pluralism and editorial independence of the media. Proposals within the Working Group for drafting the Law on Public Information and Media followed as a possible solution to these problems, but such solutions caused numerous ambiguities and different views, which were presented in the disputed "alternative" proposals.

The number of minority media is changing, but their total number remains unknown. Minority media are affected by problems such as their position and status, the issue of sustainability due to financial problems, the influence of national councils on editorial policy of media in the languages of national minorities, especially when giving so-called "opinions" on projects in competitions for

co-financing media of public interest.<sup>28</sup> Although they are not binding by law, the opinions of national councils are still considered mandatory recommendations, so they are often used. The introduction of alternative proposals into amendments of the LPIM has to some extent blocked the resolution of these problems.

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

Legal regulations provide for institutional autonomy and editorial independence of public broadcasters (PBs), as well as the manner of their financing. However, the practice confirms that autonomy and independence have not been achieved, and the combined method of financing does not ensure their sustainable functioning (PBs are basically financed from a fee of 299 dinars per month which is attached to the collection of electricity costs, and partly from the budget). Public broadcasters are not able to survive without large budgetary subsidies, and direct financing from the budget accounts for almost a third of all revenues, which has greatly shaken their stability. Full independence of public broadcasters from the state budget is still not achieved, and the editorial dependence of the public broadcaster in relation to government representatives is becoming more and more noticeable and obvious.<sup>29</sup> The Law on temporary regulation of the manner of charging the fee for public broadcasters initially envisages that RTS and RTV are partly financed from the fee, and partly from the budget from 1 January 2016 to 31 December 2021, and this model of support is provided for RTV in 2022 as well, which temporarily extended the regulation of the manner of financing the basic activity of RTV.<sup>30</sup> The amendment was made in order to eliminate the dangers that could jeopardize the work of RTV as a public broadcaster and the performance of its basic activities, which again confirms the impossibility of independent functioning and dependence on the state in its key part such as funding.

<sup>28</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

<sup>29</sup> Ibid.

<sup>30</sup> In 2021, PB Radio Television of Vojvodina generated revenue from fees for public broadcasters in the amount of RSD 2.2 billion. Bearing in mind that the amount of the fee for public broadcasters will not change in 2022 and that it can be expected that the revenue from the fee will remain at the same level, it is necessary to envisage that in addition to the fee, in 2022, funds will be allocated in accordance with the Law on the Budget of the Republic of Serbia for 2022. Funds in the budget of Serbia for 2022 in the amount of RSD 900 million have been provided for the implementation of the law.

<sup>25</sup> BIRN and NUNS, "Businesses 1 on 1 with the state", Belgrade: 25.10.2021. Accessed on 11.2.2021. <https://bit.ly/3MokvSO>

<sup>26</sup> BIRN and NUNS, "Public procurement of media services", 25.10.2021. <https://bit.ly/3k15oT8>

<sup>27</sup> Aleksa Tesic, "Government Investment in the Media: Direct Contracting to Serve the Appropriate Media", BIRN, 25.10.2021. <https://bit.ly/3xMXTXQ>

Program Council is supervising authority in public services with an advisory role. Its members<sup>31</sup> are elected among the experts in media and media workers, scientists, creative workers in culture and other areas, however, the practice and lack of reaction in many cases of programs provided by broadcasters show that Council members in practice do not represent the interests of society as a whole and do not influence program policy in a way that can bring about certain changes.<sup>32</sup>

## A2 Effects of defamation regulations

Are the provisions of the defamation regulations strict and do they protect civil servants? What are the main disadvantages of these laws?

Media laws and criminal law regulations governing decriminalized defamation do not provide for provisions that specifically protect the reputation and honour of civil servants and other appointed and delegated persons. However, the practice still recognizes judgments in which judges in their explanations point to the need for greater protection of certain leaders in relation to citizens. The following are envisaged as legal forms of protection of the injured entity: a) criminal offences in the area of offences against honour and reputation prosecuted on a private lawsuit<sup>33</sup> and b) offences prescribed by media laws, which allow the injured party the right to compensation for material and non-material damage. Defamation as a crime in Serbia has been decriminalized, but the protection of rights that are closely related to defamation, such as violation of reputation and honour, is provided by the Law on Public Information and Media (LPIM) and the Law on Contracts and Torts (LCT). On the other hand, lawsuits against guardians of pub-

lic interest and journalists are not limited to civil proceedings, but criminal charges are filed against journalists stating criminal offences such as blackmail or insult. In cases of defamation against the media and journalists, the LPIM is used, and the LCT is used in cases of defamation against other persons. Serbian courts have not adopted a functional definition of journalism, and appellate courts have found that the LPIM applies only to those persons registered with the Media Registry. The lack of a functional definition of journalists limits the application of special procedural protective measures that the media have under the LPIM.<sup>34</sup> Practice has shown that the Law on Public Information and Media is the most effective in protecting rights, but also that sanctions are not severe. On the other hand, journalists have been the subject of over 30 lawsuits for various forms of damage to reputation and honour, i.e. defamation, which are SLAPP lawsuits.<sup>35</sup>

Regulations and practice are characterized by numerous problems, of which we single out the following:

- The capacities of the Serbian judiciary to apply international and regional standards of freedom of expression in SLAPP and defamation lawsuits are clearly insufficient, and Serbian judges do not sufficiently apply European Court decisions when making decisions;
- Courts do not rely consistently on the “functional” definition of journalism;
- LPIM and LCO provide protection of “honour”, “authenticity” and “piety”, which have unclear meanings and can be interpreted differently, often to meet the needs of the authorities, including preventing criticism;
- The courts allow claims for damages for damage to reputation, based on ordinary insulting speech or opinion, which cannot constitute real damage;
- In assessing damage to reputation, courts often do not even require plaintiffs to prove the falsity of a disputed claim, and that that claim has damaged their reputation. It is often enough for the courts that the allegation simply caused mental anguish to the plaintiff;
- The legal framework lacks procedural safeguards to prevent or discourage SLAPP lawsuits, such as dis-

31 Law on Public Service Broadcasting, Articles 29 and 30. The Program Council takes care of satisfying the interests of listeners and viewers in terms of program content, considers the realization of program concept and quality of program content of public broadcaster and in this regard gives recommendations and proposals to the Director General and the Management Board.

32 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

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

34 The burden of proof under this law lies with the plaintiffs (while according to the LCT, the defendants are required to prove that their claims are true and that they did, i.e. did not cause damage), and at the same time the statute of limitations for filing lawsuits is much shorter (six months when compared to three years according to the LCT).

35 SLAPP – Strategic Lawsuit Against Public Participation, are strategic lawsuits before the competent criminal and civil courts against public participation aimed at stifling freedom of speech and limiting public criticism directed at influential individuals, institutions or companies.

missing a lawsuit or conducting proceedings effectively;

- Journalists and human rights defenders are not sufficiently trained to defend themselves in SLAPP cases and free legal aid is not available to them. How many lawsuits were filed against journalists by state officials and politicians in the last year?

In 2021, a total of 401 cases were filed with the Higher Court in Belgrade against journalists, editors and media owners, but there is still no precise record of how many lawsuits against journalists were filed by state officials and politicians. During the same period, a total of 598 lawsuits were resolved which were filed against journalists in previous years. Out of the total number of resolved lawsuits, 223 were partially upheld, 117 cases were resolved by withdrawing the lawsuit, and 94 by dismissing the lawsuit. Other cases were resolved in another manner.<sup>36</sup>

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

There is no clear evidence for lawsuits filed against some journalists to have been exclusively politically motivated and for this to be the sole reason for filing them. On the other hand, journalists believe lawsuits to be a classic type of pressure on work, a warning and a form of exhaustion that aims to directly affect the withdrawal from certain topics and self-censorship, and that that is the sole reason for filing them. Given the increase in the number of lawsuits filed against journalists and the media, journalists treat lawsuits as a form of regular pressure on their work and believe that this is becoming part of the job they should get used to in the future. However, what keeps them in a certain way in fear and uncertainty is the distrust in the judicial system and the political influence on the courts by government officials and those close to them.<sup>37</sup> Journalists are most often exposed to fines as sanctions, and additional financial pressure is represented by legal fees and high fees for responding to lawsuits. The amounts requested in the lawsuits filed have greatly increased compared to previous years. Plaintiffs often demand tens of thousands of euros in compensation, and lawsuits are also filed abroad.<sup>38</sup> Claims range from 850 to 100 thousand eu-

ro, whereas awarded amounts range from 80 to 4,600 euro. In most court proceedings, amounts ranging from 850 to 1,500 euros are awarded.<sup>39</sup>

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

In the cases they handle, courts in Serbia are not obliged to take into consideration the decisions of the Press Council, as the sole self-regulation body. On the other hand, certain judges consider and evaluate the decisions of the Council, which in some cases are one of the key pieces of evidence in the proceedings.

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

Journalists are increasingly becoming familiar with the basics of regulations governing the violation of reputation and honour, but also the mechanisms by which it is possible to protect the violated right. However, this does not prevent them from writing openly about the topics that are the reasons for lawsuits for alleged defamation, although they are aware that increasing pressure produced by lawsuits can lead to serious levels of self-censorship and even censorship by newsrooms themselves, which may be liable to the severity of the pressure of the lawsuit.<sup>40</sup> Enormous pressure from government representatives on the judiciary and distrust of the system call into question the quality and effectiveness of regulations.<sup>41</sup> In most cases, journalists are not discouraged from continuing to write, but are aware of the weight and pressure, especially of a financial nature.

Lawsuits, fees, fines, costs of lawyers exhaust journalists in financial terms, but if they are fully determined to do their job and if they check their articles well, use reliable sources, they should not worry about the outcome of the proceedings. They are further encouraged by the support of journalists' associations and organizations. There is also an awareness that journalists and media from local communities suffer the greatest pressures and negative consequences that manifest themselves in many ways, from losing job and sources of funding to

<sup>36</sup> Data collected during the research from the competent courts in the Republic of Serbia.

<sup>37</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

<sup>38</sup> Milica Vojinovic, "Lawsuits against KRIK a symbol of growing pressure on independent journalism", KRIK, 23.2.2022. Accessed on 23.2.2022. <https://bit.ly/3iZglz1>

<sup>39</sup> Zamira Djabarova, "SLAPP - the situation in Serbia", Article 19, December 2021. Accessed on 30.12.2021. <https://bit.ly/3OD5wGu>

<sup>40</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

<sup>41</sup> Ibid.

verbal and physical pressures from people they mostly know.

### A3 Legal protection of political pluralism in the media

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

Political pluralism is envisaged and regulated by the Law on Public Service Broadcasting. Public broadcasters are committed to respecting and encouraging the pluralism of political, religious and other ideas, as well as informing the public about these ideas, not serving the interests of individual political parties and religious communities, or any other individual political, economic, religious and similar interests.<sup>42</sup> Private broadcasters do not have a clearly defined obligation to respect political pluralism in the media, as is the case with public broadcasters. The Law on Electronic Media stipulates a general obligation that private broadcasters must provide free, truthful, objective, complete and timely information, and that in the period outside the election campaign they must respect the ban on political advertising.<sup>43</sup>

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

Regulatory Authority for Electronic Media is in general obliged to supervise the work of broadcasters,<sup>44</sup> control the work of media service providers and ensure the respect of laws and other bylaws.<sup>45</sup> On the other hand, the law does not oblige the regulator to protect political pluralism even in the period outside the election campaign. Nevertheless, REM has begun the practice of monitoring political pluralism in the media outside the election campaign. Regardless of the establishment of the practice of monitoring the behaviour of the media, due to problems with the applied criteria, the findings do not show a credible image of the objectivity and profession-

alism of the media scene in Serbia,<sup>46</sup> and the real representation of political actors in television reporting.<sup>47</sup>

**Do political parties and candidates have fair and equal access to the media outside the election process?**

Political parties and candidates do not have fair and equal access to the media in the period outside the election campaign. This is still a problem that has existed in Serbia for many years. According to research conducted by mid-2021, the lack of pluralism is dominant in central news programs, with the ruling parties predominating over the opposition (93% vs. 7%).<sup>48</sup> In practice, the absence of the obligation to respect political pluralism, which is widely used by private broadcasters, is reaffirmed. There is no debate or political pluralism in the media, on televisions with a national frequency, the government has larger representation than the opposition. Inadequate regulation of the so-called “official’s campaigning” with problematic covert political advertising still represents the weakest link in the field of regulation of media coverage of political actors. During the year, every second interlocutor in the central news was the President of Serbia, and the trend of frequent “exclusive” appearances of the President of Serbia, Aleksandar Vucic, in the media has been on the rise since March 2021.<sup>49</sup>

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

Private and public broadcasters are obliged to secure registered political parties, coalitions and candidates representation without discrimination.<sup>50</sup> Public broadcasters must equally represent political parties, coalitions and candidates for national, provincial or local elections during the election campaign.<sup>51</sup> The Law on Election of Members of Parliament also envisages independent and objective representation of candidates.<sup>52</sup> For printed and online media, only the Journalists’ Code of Ethics is mandatory, which is taken into account by the self-regulatory body of the Press Council. The Regulatory Authority for Electronic Media has made a

42 Law on Public Service Broadcasting, Article 7

43 Law on Electronic Media, Article 47

44 Statute of the Republic Broadcasting Agency, Article 5, paragraph 1, point 6

45 Law on Electronic Media, Article 22, paragraph 1, point 8

46 Emina Kovacevic, “Although called “political pluralism”, the REM report shows that there is no pluralism”, 26.12.2022. Accessed on 27.12.2022. <https://bit.ly/38W3CJE>

47 CRTA, “Political pluralism in the media”, Belgrade: July 2021, <https://bit.ly/3xJpvcn>

48 Ibid

49 Ibid

50 Law on Electronic Media, Article 47, paragraph 1, point 5

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

52 Law on Election of Members of Parliament, Article 50

recommendation to commercial broadcasters on how to behave during the election campaign, but this document is not mandatory. The National Assembly envisages the supervision over electronic and printed media with the aim of resolving the problem of unequal treatment in media reporting through its Supervisory Board.

Supervision over the work of broadcasters is performed by REM and Temporary Supervisory Body for Monitoring the Election Campaign for Media Monitoring, established by the Government, whose members are appointed on the proposal of the Regulatory Body for Electronic Media and the President of the National Assembly, and as a result after consultations with the participants of the Inter-Party Dialogue and in accordance with the Final Document of the Inter-Party Dialogue on Electoral Conditions, with the mediation of the European Parliament.<sup>53</sup> The Regulatory Authority for Electronic Media monitors media behaviour, however applying a highly controversial monitoring methodology that is considered inadequate.<sup>54</sup>

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

Political parties and candidates do not have fair and equal access during election campaigns. Published results and interpretations of REM's report on media behaviour during the election campaign are incomplete and not credible because the applied methodology does not contain clear criteria for selecting media and program content for observation, does not cover all important aspects of media representation of political actors, nor does it allow for accuracy and consistency in determining the tone in which they are represented.<sup>55</sup> The wrong methodology also leads to an erroneous overall assessment of the degree of inequality of representatives of different political options, because the representation of government officials is shown to be lower, and that of opposition representatives higher than it is.

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

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

Journalists in Serbia do not have to be licenced to do journalistic work. In the previous year, there were attempts to define and licence journalists, primarily by representatives of the authorities at higher levels, and by certain journalists' associations. This was also done through proposals in the working group for amendments to the Law on Public Information and Media.<sup>56</sup> On the other hand, the tendency of the authorities and competent bodies in cases of incidents to the detriment of journalists and media employees to reduce the circle of persons considered journalists and to put the definition, registration of journalists and media on the agenda is still ongoing.

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

Female and male journalists have been hindered on several occasions or denied access to and reporting on certain events. NUNS recorded 9 such cases in its database.<sup>57</sup> In several cases, this was done without special explanations, mostly to the detriment of journalists who critically report on the work of government representatives and institutions, especially in local environments, or because of reporting on certain social issues that are not desirable for certain levels of government or organization in Serbia.

*N1 television was not allowed to enter the church courtyard of the Orthodox Church in Srbobran on 4 January 2021, during the memorial service marking the 79th anniversary of the Raid in Backa, when in 1942 Hungarian fascists killed about 4,500 people – Serbs, Jews and Roma. "TV N1 has nothing to look for in the church courtyard of the Serbian Orthodox Church on the territory of the Diocese of Backa, period," said then Secretary of the Diocese of Backa Vladan Simic. Although the event is of public interest, despite the*

53 Government of the Republic of Serbia, "Temporary Supervisory Body for Media Monitoring Established", Belgrade: 19.11.2021. <https://bit.ly/3jWvpCS>

54 N1 Belgrade, "N1 Guests: Controversial REM Methodology in Media Supervision", 31.1.2022. Accessed on 4.1.2022. <https://bit.ly/3K3Dhxd>

55 CRTA research, "Analysis of REM methodology", CRTA, January 2022. Accessed on 1.2.2022. <https://bit.ly/3jX6v5Z>

56 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

57 NUNS's database of attacks and pressures. <http://bazenuns.rs/srpski/napadi-na-novinare>

*claim that the Diocese does not differentiate between the media, only the TV N1 team was banned from entering.*<sup>58</sup>

*Journalist and editor of the “Brus On-line” portal Nenad Mijlkovic on 29 October 2021 was expelled from the building of the municipal administration of Brus, although he came at the invitation of the Chamber of Commerce of Serbia to cover the opening of the “Counter for Businessmen” and present the event and news to the public and the citizens of Brus. Although he duly identified himself and stated why he was there, the security kicked Mijlkovic out of the building. After that, he almost stopped receiving notifications from the representatives of the municipality.*<sup>59</sup>

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

Journalists are organized into journalists' associations. Associations are very active and recognized by the public as representatives of journalists' rights in several segments, but their work is also criticized. Professional associations continue to work on strengthening editorial independence and professional standards, but due to negative influences and pressures in the wider social and political environment, this cannot be achieved to the extent that partner associations in more developed democracies do. Also, there are shortcomings that have been recognized in the academic community, especially the issue of absence or weak mutual cooperation of the largest associations on certain issues.<sup>60</sup> Special emphasis of work of the associations in recent years has been placed on the safety of journalists, which is the biggest problem in Serbia. The two most prominent associations are the Journalists' Association of Serbia and the Independent Journalists' Association of Serbia, while the Independent Society of Journalists of Vojvodina is also very active. For years, various types of pressure have been exerted on associations, which are primarily reflected in the constant challenge to their credibility and role in protecting the rights of journalists. The associations which are critically oriented in cases of violation of media freedoms and which are very active in the field of safety of journalists are under particular pressure.

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

Journalists are to some extent organized into trade unions, but this is not even close to the level required for full trade union protection of the profession. In the previous period, great attention was paid to the labour rights of journalists and their protection, and pressures on journalists within labour rights were classified as attacks and pressures on journalists as drafted by the Working Group of the Platform for recording attacks and pressures. The journalistic profession is often viewed as individualistic, so it is not surprising that these activities, especially if performed outside the employer's premises, are not linked to trade union affiliation, collective negotiating and the like.<sup>61</sup> Journalists are still distrustful of trade unions, and although membership in them is on the rise, they still rather turn to associations as a place where they think they can ask for support and help. Journalists in Serbia have at their disposal the Autonomous trade union of workers in graphic art, publishing, information activity and cinematography of Serbia with the Confederation of Autonomous Trade Unions of Serbia, Trade Union Federation of Culture, Art and Media Workers “Nezavisnost” and the Trade Union of Journalists of Serbia.

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

In Serbia, Press Council exists and is very active.<sup>62</sup> The Council is an independent, self-regulatory body that brings together publishers, printed and online media owners. The Council was established with the aim of monitoring compliance with the Journalists' Code of Serbia in printed and online media and in the procedures it conducts, it resolves complaints of individuals and institutions regarding the content of printed media. The Council is also responsible for mediation between aggrieved individuals, i.e. institutions and newsrooms, as well as issuing public warnings for violating ethical standards established by the Journalists' Code of Serbia. The Council has a special Complaints Committee that acts on submitted complaints regarding texts, photographs and other media content and de-

58 Natasa Kovacev, “Priests forbade N1 to enter the church courtyard where the memorial service for the victims of the Raid was held”, Portal N1, 4.1.2021, <https://bit.ly/3vwiWLD>

59 Safejournalists database of pressures and attacks for 2021, <https://safejournalists.net/search/>

60 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

61 Mario Reljanovic, “Analysis of the labour law position of journalists and media workers in Serbia with recommendations for their improvement”, SINOS, Belgrade: 8.12.2021. Accessed on 18.12.2021. <https://bit.ly/37ArYPB>

62 Press Council, <https://savetastampu.rs/>

cides on potential violations of the Code.<sup>63</sup> The Council mostly works consistently and records positive results in its work, and the pressures it receives mainly come from the media that support the work of the authorities, and these media are the biggest violators of the Journalists' Code of Ethics. Considering that the Media Strategy recognizes and in a certain way provides for guarantee and legitimacy to the Council as a self-regulatory body, one of the proposed provisions in the amendments to the Law on Public Information and Media envisages binding decisions of the Press Council regarding members of competition commissions when assessing whether the media complied with the provisions of the Code of Journalists of Serbia. There is still a tendency to remove the Council in the form in which it operates from the acts governing the work of the media, or to replace it with a body that would suit the biggest offenders and government officials.

## **A5 Legal protection of journalists' sources**

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

Journalists' sources are protected under Law on Public Information and Media and Criminal Code.<sup>64</sup> Law on Public Information and Media stipulates that a journalist is not obliged to reveal the source of information. However, such a right is not determined in an unlimited way. If the person has committed a criminal offence, which is penalised by a prison sentence of at least five years, and if information about that criminal offence cannot be obtained in any other way whatsoever, a journalist is obliged to reveal the sources as information holders. The Media Strategy recognizes the "inadequate degree of information sources protection" and points to increasing problems such as interception of communication. The Action Plan for the implementation of the Strategy envisages an increase in the level of protection of journalists' sources. However, without taking into account and without communicating with the Working Group for monitoring the Media Strategy, acquired rights would be directly endangered by the proposed provisions of the Draft Law on Internal Affairs drafted by the Working Group within the Ministry of Interior (by the collection and processing of biometric data from cam-

eras that would be placed throughout Serbia). The draft LIA envisages the introduction of biometric surveillance via cameras in Serbia, which would significantly weaken protection and jeopardize the right to privacy of all citizens, especially certain groups such as potential sources of data for journalists. After pressure from the public and interested associations, the draft law was withdrawn,<sup>65</sup> whereas the working group of the Ministry of the Interior, which drafted it, included interested non-governmental organisations and journalists' associations in further work on controversial issues.

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

Protection of journalists' sources is mostly respected.<sup>66</sup> In 2021, there were significantly fewer examples of attempts to reveal sources or pressure journalists to present information about their sources.<sup>67</sup> The critical period and special pressure on journalists were the protests of citizens due to the problems that the proposed laws in November and December 2021 would cause regarding environmental issues. Journalists were brought in connection with the organization of the protest, or they were asked to present information about the organisation of the event in the pre-investigation activities of the prosecutors and the interventions of the members of the Ministry of the Interior.

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

In the observed period, no direct sanctions were observed against journalists who did not reveal their sources, however, numerous other forms of pressure were applied against them, which caused serious consequences. Pressure and investigations against possible sources are a serious form of retaliation, warning fellow journalists what to expect if they investigate issues that certain governing structures and people in positions of power believe should remain undetected, as well as other possible sources about what awaits them if provide information to journalists.

65 Vuk Jeremic, "Public pressure forces state to abandon controversial law", *Danas*, 24.9.2021. Accessed on 31.10.2021. <https://bit.ly/3MISTU5>

66 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants

67 Safejournalist database of pressures and attacks for 2021. <https://safejournalists.net/search/>

63 Serbian Journalists' Code, <https://savetazastampu.rs/dokumenta/kodeks-novinara-srbije/>

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

*Pressures on journalists and the media were especially pronounced during the environmental protests in November and December 2021. Police questioned journalists and media representatives in an attempt to obtain various information about protest organizers and even links to opposition politicians.<sup>68</sup>*

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

Journalists no longer feel free to seek information from sources. Maintaining contacts with sources is becoming increasingly difficult, and by noticing examples of repressive methods of institutions towards sources through internal procedures or even reporting to the prosecutor's office and the police, the sources themselves increasingly withdraw.<sup>69</sup> Given the increasing number of examples of hindered access to information held by institutions and non-transparency of documents, direct sources to journalists are almost the only resource of information. It also indicates a certain degree of mistrust and the question of the reliability of the sources themselves, since such information is often not accompanied by appropriate data. Journalists recognize the huge fear of sources due to possible retaliation, taught by examples during the state of emergency, which is one of the key reasons for giving up communication.<sup>70</sup>

*A quote from one of the focus group female journalists: "Well, look at what happened to Ana Lalic as a journalist, or to her sources from the Novi Sad hospital. People were later haunted internally, none of them will be able to get a job in a health institution tomorrow."*

## **A6 Protection of access to information of public importance**

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

The guarantees of the official access to information are provided by the Law on Free Access to Information of Public Importance, which has been in force since 2004.

At the end of 2021, the latest amendments were made and came into force in February 2022.<sup>71</sup> The originally proposed amendments endangered the already acquired rights, and such a proposal was a serious step backwards. Dissatisfaction of the public and civil associations led to the withdrawal of the proposal, and in November 2020, after a one-year break, in secret and without inviting civil associations to participate, a new draft was again being prepared. Under public pressure, the associations were given the opportunity to comment and the new law came into force before the end of 2021. Although many of the associations' proposals were not adopted, the greatest success is preserving already acquired rights and preventing further collapse of rights to access information. There are still norms in the law that restrict the right to access information, so it is possible to deny information due to classified information on seven grounds now, instead of five grounds for restriction.<sup>72</sup> Existing restriction bases have also been expanded or clarified. The scope of the right to access information is reduced by introducing the National Bank of Serbia on the list of authorities against which it is not possible to appeal to the Commissioner but only to initiate an administrative dispute, so now there will be 7 such authorities instead of the current 6. Also when it comes to handling classified information, which are the subject of a request for access to information, the responsibility for their (full or partial) disclosure is transferred to the authority that determined the secrecy (instead of the authority that only possesses such information).<sup>73</sup>

Regarding the rights of journalists, the law remained unchanged. Public authorities must not put any journalist or media outlet in a better position to exercise their right of access to information of public importance. The law stipulates that journalists are exempted from the obligation to pay compensation when they request a copy of a document in order to perform their job.<sup>74</sup> The law al-

68 Al Jazeera, "NUNS: Police have been intimidating journalists in Serbia since this morning", 4.12.2021. Accessed on 17.1.2022. <https://bit.ly/3MmriQM>

69 Ibid.

70 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

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

72 Completely new grounds for restrictions refer to the protection of intellectual or industrial property rights, endangering the protection of artistic, cultural and natural assets, endangering the environment or rare plants and animal species. The need to prescribe new bases in the field of environment is explained by signed international conventions, and when it comes to intellectual property and cultural goods, the explanation does not contain enough information to assess justification ("because practice has shown that requirements often apply to situations where by accessing information, in the manner of providing the applicant with a copy of the document, these rights or goods could be endangered"), Transparency Serbia website. Accessed on 21.1.2022. <https://bit.ly/3xF9Xug>

73 Transparency Serbia, "Law on Free Access to Information - what has been improved and which problems have not been solved", TS, Belgrade: 14.10.2021. Accessed on 21.1.2022. <https://bit.ly/3ExDZ4x>

74 Law on Free Access to Information, Articles 4 and 17

so provides for liability for damages caused by the fact that the media outlet could not publish information due to unjustified denial or restriction of the right of access, i.e. by placing the journalist or the media outlet in a better position. The public authority is obliged to provide access to information on the basis of the oral request of the applicant, and the law continues to be characterized by the absence of a special form for submission, which greatly facilitates the sending of requests to journalists.<sup>75</sup> Regarding access to information of public importance, it is important to further harmonise a large number of other regulations that introduce the principle of transparency in implementation, and the obligation of institutions to publish a large amount of information in advance, which should facilitate access to journalists.

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

Journalists are using the right of free access to information of public importance, but that is not enough compared to possibilities provided by the law. The problem is still long deadlines for action, the trend of delaying the response to the legal 40 days and the increasing inaction of public authorities. Access to information is used primarily by investigative journalists.

Journalists are aware of the long deadlines, so they do not rely on the information obtained through the LFAI as primary, because public authorities are increasingly trying to postpone or deny information to applicants. Institutions behave differently in relation to the received requests of journalists, so today we have a general trend of ignoring and not acting on requests or acting only after a complaint and reaction from the Commissioner. This is followed by the trend of not acting on the letters and decisions of the Commissioner.<sup>76</sup> The number of complaints filed with the Commissioner for non-compliance or failure to provide requested information against public authorities is increasing from year to year (in 2021, the Commissioner received 36.5% more complaints than in the previous year), and journalists are among the most frequent complainants.<sup>77</sup> Information is still most often withheld under the pretext that it is confidential or that giving it would violate someone's privacy (even when it comes to public office holders and officials, and the information relates to their work). The number of government responses to not having the required information is growing. The situation regarding liability for viola-

tion of the right to access information is illustrated by the fact that the competent body - Administrative Inspection in 2021 did not submit any request to the misdemeanour courts to initiate misdemeanour proceedings, compared to 3334 complaints that the Commissioner established to be founded.<sup>78</sup>

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

Institutions are considered to be partially open, with a noticeable attitude that they are less and less transparent in their work. The main feature is the illusion of openness, where public authorities act as completely open and in technical terms act on requests, but essentially do not actually provide the requested information. Information from public authorities is obtained by simply addressing representatives or spokespersons of institutions who often ignore received requests or respond only when ordered by the Commissioner, when being threatened by penalties or especially if the information is made public. There is still a noticeable difference in treatment, so it is noticeable that some bodies publish more information about their work on websites, while others do it much less than in the previous period. The practice of conduct shows that institutions publish only what they are obliged to do by the regulations governing their conduct and must make it public, or what the public forces them to do. It is noticeable that the number of protected and personal information published by such media, which cannot be obtained by accessing information of public importance, is increasing, and those responsible for such publications remain unpunished, which was especially characteristic of 2021.<sup>79</sup> Such media are provided with much more information from direct sources, which is almost impossible to stop, such as information leaks from prosecutorial investigations, information in the possession of the police or other protected, especially personal data.

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

The courts are generally transparent in their work. However, some courts are not open to the extent nec-

<sup>75</sup> Law on Free Access to Information, Articles 44 and 46

<sup>76</sup> Radmilo Markovic, "The right of the public to know, more waste of time to the detriment of citizens and journalists", BIRN, 10.8.2021. Accessed on 14.12.2021. <https://bit.ly/3MjYm7V>

<sup>77</sup> Commissioner for Information of Public Importance, Report of the Commissioner for 2021, <https://bit.ly/3vtGj8y>, page 14

<sup>78</sup> Ibid.

<sup>79</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

essary, so they show different and unequal attitudes towards journalists as applicants for information and different levels of openness, which are reduced to the individual views of presidents of courts and individual judges. There are still very frequent examples of unequal treatment by those responsible for access to information or even the judges themselves. Technically, courts are open when it comes to accessing information of public importance (receiving requests, preparing answers and sending answers), but have different views on what may be available to applicants as the subject of the request (answers without required documentation or with certain omissions). In Serbia, access to the media is provided at trials. Journalists can generally attend trials. The reasons for the absence of the public were mostly to a lesser extent related to the conditions to prevent the spread of the coronavirus, or to technical problems related to the premises where the trials are held.

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

In Serbia, public access to parliament sessions is provided. The regulations provide access to journalists, and in practice, except in local communities, this happens without special restrictions. The fact that the National Assembly is open to public is a good example, but the situation is significantly different when it comes to sessions of local self-government assemblies, where there are numerous examples of denying attendance to certain journalists, especially those who critically report on local government work. In these cases, in addition to denial, there are verbal incidents initiated by local officials who are dissatisfied with the writings of journalists.

*N1 journalist Milan Nikic was expelled on 20 December 2021 from the assembly hall of the municipality of Batocina. The officials of the ruling majority in Batocina and the mayor, Zdravko Mladenovic, first insulted Nikic and demanded that he should leave the hall where the session of the municipal assembly was held and the budget for next year was decided. "Do you have any announcement that you will come to record the session?" Get out! Get lost! You pig!" – some of the insults were addressed to the correspondent of N1 television, the journalists' association reported. After threatening to call the security and the police, Nikic was forced to leave the hall.<sup>80</sup>*

---

<sup>80</sup> Fonet, "N1 Belgrade, UNS and NUNS condemn insulting reporters in Batocina, they call for responsibility", N1, 20.12.2021. Accessed on 21.12.2021. <https://bit.ly/38WeJco>

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

The Government of the Republic of Serbia and line ministries are generally open to communication and access to information, but they largely depend on the individual attitude towards the applicants themselves and their critical attitude towards the work of the Government.<sup>81</sup> Information and copies of documents can be obtained from the Government and its General Secretariat. However, the reasons why journalists are denied certain information and documents due to confidentiality often remain unclear. Ministries often delay access to information for the legal 40 days, whereas their representatives are also often not available to make statements to certain media. The Government also has an important role to play in enforcing the Commissioner's decision on access to information of public importance. However, observing the role of the Government and its support in access to information, for example, in 2021 the Commissioner submitted 82 requests to the Government to ensure the execution of his decisions and did not receive any feedback.<sup>82</sup>

---

<sup>81</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

<sup>82</sup> Commissioner for Information of Public Importance, Report of the Commissioner for 2021, <https://bit.ly/3vtGj8y> Out of a total of 422 requests for enforcement, as many as the Commissioner has submitted to the Government since 2010, it has not done so in any case.

# B

## Position of journalists in newsrooms

### **B1 Economic restrictions of journalists in newsrooms**

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

Social and economic position of male and female journalists in Serbia continues to be unfavourable and additionally aggravated by the crisis caused by the consequences of the coronavirus pandemic. The economic sustainability of media companies has been a huge problem for years, but in 2020 and 2021, the situation additionally deteriorated, therefore raising a concern if the state subsidies have, really or superficially, managed to preserve their sustainability. On the other hand, according to the data that have been possible to obtain for 2021 from the Statistical Office, in 2020 in Serbia more than 12,315 persons have been employed as journalists or other media related jobs.

<b>Job classifications related to the media</b>	<b>Men 2019</b>	<b>Women 2019</b>	<b>Men 2020</b>	<b>Women 2020</b>
Media publishing	1355	1460	1322	1455
Radio programme broadcasting	121	158	133	159
Production and TV programme broadcasting	4449	3334	4563	3436
Web portals	396	347	500	429
News agencies activities	156	182	147	181

There are still no exact data in Serbia on how many journalists have signed the employment contracts and have accompanying social insurance.

*In Vojvodina, the most media professionals have permanent contracts (58.5%). About 9.5% of journalists and media workers have fixed-term contracts, about 7.5% have temporary service contracts, and 4.8% of journalists and media workers have temporary fixed-term contract. About 6.8% journalists have the status of unemployed person, while 4.1% volunteer. In reference to the total number of employed media professionals, 5.4% belong to self-employed journalists and media workers.<sup>83</sup>*

Average journalist salary in Serbia ranges from EUR 300 to 400. Average salary in public broadcasters is somewhat higher, about the amount of an average salary in the Republic of Serbia. Journalists do not receive their salaries regularly (except in PBs), and its range depends on the media outlet the journalists work for. However, the salary range is not the only source of concern for journalists in Serbia, since, for example, every fifth journalist in Vojvodina does not have or is not sure if they have retirement, social and health insurance. About 27.5% of journalists do not have their travelling expenses covered, 27% do not have paid annual holiday, and 27.5% of journalists and media workers do not have the right to sick leave.<sup>84</sup> Legislative gap that persists for years causing problems is the hiring of journalists and media workers via employment agencies. Thus, journalists have an employment relationship for fixed or indefinite term, not with the employer (media outlet) but with the agency. They are always hired for fixed time in the media outlet, irrelevant if the contract they signed with the agency is for fixed or indefinite term, leading to a series of disadvantages when it comes to realisation of collective rights. Journalists often get hired based on contracts, but the number of those without special employment contracts is growing (so-called grey market). Gradual recession and continuing drop of income of the media due to the financial crisis are taking a toll on how journalists are hired: quick, short-term jobs without appropriate protection, with the aim of ensuring those who get the profit. Curiously enough, journalists and media workers who are hired based on contracts outside an employment relationship by domestic and foreign media companies are completely deprived of their rights stemming from employment relationship, therefore having a very poor status. Although formally they are hired as self-employed persons based on temporary service contract or some other contract based on civil, business and intellectual property rights, these journalists are of-

ten fully involved in the media working process. The reason to sign such a contract that simulates legal affairs is based on the employers attempt to enjoy higher flexibility regarding the organisation of work and initiation of the termination of work engagement, including decreasing the costs of labour and circumventing obligations stemming from employment relationship in reference to employers. The independent journalists therefore only have “alleged independent work status”, which in no way whatsoever could be compared to the position of freelance workers.<sup>85</sup>

**What are journalists' working conditions?**

**What are most significant problems journalists face in their job?**

Journalists work in a very unfavourable working environment, and such position is even deteriorating. As their biggest problems, journalists point out low salaries, irregular payments, uncertainty, and precariousness of them staying in the media outlet, poor working conditions in their jobs and in journalistic professional, numerous other pressures that largely aggravate the job in the media such as selection of topics and even censorship. The journalists practically have to work for several newsrooms in order to provide essential means of living and almost a half of journalists work for some other media outlets in parallel, or carry out tasks completely unrelated to journalistic profession. This is quite typical for journalists in local media. They face pressures in their work that are primarily related to survival in doing their job. These problems are in particular visible in local environments, where the biggest problem is related to reporting on the local authorities work as it is mentioned they are the ones adopting decisions on co-financing of the local media outlet.

*Focus group journalist's quote: "First of all, if you report in negative tone and criticise excessively, you cannot get any information on the work of the mayor or municipality. However, as a local media outlet if you do not have information on local services, events and similar, you cannot survive. You will not get the interview, or conference invitation, or receive any information, and on the top of that, you will not get the project funds".*

83 IJAV "Perception of socio-economic position of journalists and media workers in Vojvodina", Novi Sad: 31.3.2021. <https://bit.ly/3k1rz1A>

84 Ibid.

85 Bojan Urdarevic, "Survey: Positions and rights of independent journalists in Serbia", IJAS, 2021. <https://nuns.rs/izvestaji/>

## **B2 Editorial independence in private media**

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

The majority of private media does not have internal regulations that distinctly regulate their internal organisation of separating newsrooms from management and ownership. There are no legal or self-regulatory measures in Serbia that are designed to ensure the editorial independence of media. As one of the consequences of the lack of internal editorial regulations, the pressure on editorial policy is broadly present in the national media, which is most often realised either through media owners connected with politicians or through some other forms of pressure on journalists, causing a high degree of their self-censorship.<sup>86</sup>

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

The most of private media outlets do not have other regulations protecting the editorial independence from the media owners. Lack of trust and political interests that are directly related to profit remain the usual reasons for not adopting internal regulations on the protection of editorial independence, therefore having impact on the partial independence of newsrooms concerning owners and management. Well-divided organisation examples are quite rare.<sup>87</sup>

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

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

<sup>86</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

<sup>87</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

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

Journalists in private media experience various forms of internal pressures on a daily level. The reasons for such pressure are mostly of political and financial nature and are directly related to realisation of profit with private media. In opinions of experts and journalists, the media are less objective in their reporting, at first, either critically oriented or instead supportive towards the authorities.<sup>88</sup> The expectations of the employed journalists are created depending on such tendencies, which at some moment may lead to various forms of censorship. The journalists are expected to write specific articles with precise style that greatly influences their position in the media outlet. The particular form of pressure comes from the inside of the media outlet itself, from management body but also editors who are often appointed because they are politically suitable, and what is known as soft censorship<sup>89</sup> controls the writing of journalists in the media (assigning or not assigning specific stories, "empty desk" syndrome, mobbing, political pressure from inside, all this causing self-censorship).

## **B3 Editorial independence in public broadcasters**

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

In Serbia, the public broadcasters have not adopted special codes of ethics so far that contain the principles of reporting for journalists. The Law on PBs prescribes editorial independence in public broadcasters, whereas the statutes of the RTS and RTV envisage the independence of editorial policy and prohibition of any form of censorship or unlawful influence on the newsrooms and journalists. Editors in public broadcasters are under the

<sup>88</sup> *Ibid.*

<sup>89</sup> The hidden control or what is known as quiet or soft censorship is hardly visible and indirect, yet highly efficient mechanism of media control diminishing journalist's independence, limiting freedom of expression and constricting democratic debate. Three basic forms of hidden control (as classified by the Open Society Institute Justice Initiative): abuse of public resources and monopoly; abuse of regulatory and inspection powers and administrative pressures (licencing, tax reliefs, etc.)

immense influence and pressure from the representatives of the authorities, whereas the envisaged independence has never indeed been achieved.<sup>90</sup> The public broadcasters belong to the group of captured media who are under the control of state or in its ownership.<sup>91</sup> This is corroborated by the fact that broadcasters in their reporting mostly take the side of government, and in addition to the separate acts of journalists and hidden provocations, there is a serious lack of criticism and questionings about the work of government representatives.

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

---

There are no special internal organisational rules within public broadcasters that would ensure greater independence of newsrooms from the managing bodies. Regardless of the existing legal provisions, such independence has not been achieved. Today, the editors in PBs are under a vast political pressure and influence, they are engaging in defensive silence and the criticism is not changing the course of their editorial work.<sup>92</sup>

**What are the most frequent forms of pressure exerted by the Government on newsrooms or individual journalists in public broadcasters? What were the most illustrative examples of Government pressure on the operation of the newsrooms or individual journalists in the previous year?**

---

The pressures exerted on journalists and media workers in public broadcasters differ from those related to private media. There is intense political pressure on editors extending to journalists too, the lack of reaction to certain topics and issues, self-censorship and soft censorship. The journalists refusing to obey the demands of management and editors, being critical of the government representatives' decisions, are disfavoured, remaining completely marginalised in performing their job.

Such journalists are on the PBs payroll for years, mostly because the broadcasters would have bigger problems if they would fire them.<sup>93</sup>

#### **B4 Editorial independence of the non-profit media**

---

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

---

Non-profit media usually do not have their own codes of ethics but instead they abide by the Serbian Journalists' Code of Ethics, though, some of them have created internal documents to regulate their work additionally. The Centre for Investigative Journalisms of Serbia - CINS, Insajder, Balkan Investigative Reporting Network - BIRN and portal KRIK have developed their internal acts, and BIRN has its code of ethics. Non-profit media possess bigger capacities in achieving optimal editorial independence, strategically and editorial-wise, and the reason for that is the manner of their organisation.

Non-profit media experience the highest pressure, for example, the investigative portals whose journalists are the usual targets, experiencing pressure and brutal attacks due to their criticism from pro-government media and tabloids, most often: from putting into negative context and public targeting by highest representatives of the authorities or tabloid media that are government-inclined, in particular, in prime time shows on the national frequency media, smear campaigns, different pressures and insults through social networks, live insults against journalists during press conferences, and the abuse of institutions that might influence the work of media as legal persons<sup>94</sup>. Moreover, threats to digital safety became the increasing concern almost every day. Almost regularly, the investigative journalists are tagged as foreign mercenaries, associates of Western embassies and people working against the interest of the country, even named associates of the criminal groups suspected of the most aggravating crimes.<sup>95</sup>

---

90 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

91 Investigative Centre for Media, data and Society – CMDS "State of government media – Global analysis of editorial independence of government media and introduction to new media typology". <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/article/2091/the-state-of-state-media.pdf>

92 Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

---

93 Ibid.

94 Ibid.

95 Safejournalists database of attacks and pressures on journalists in 2021. <https://safejournalists.net/>

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

The most severe example of the pressure against the non-profit media was the brutal attack of pro-government tabloids on 10 March when on their front pages they published that the suspect leader of the criminal group Veljko Belivuk cooperated with KRIK portal – that it was his “private media” and that he had a “secret deal” with them.<sup>96</sup> Such information, although declared as pressure, has put safety of the journalists from newsrooms at serious risk, linking the journalists with a criminal group waging an “open mafia war” with other clans, completely misinforming the citizens and creating the false picture and confusion about KRIK’s activities.

### **B5 Freedom of journalists in the news production process**

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

Free selection of topics that journalist would work on largely depends on the media where a journalist works, notably on its organisation and policy. In investigative media and public broadcasters, the topic of the freedom in proposing topics is common. The journalists and editors usually jointly decide on topics they prepare, however, there is a difference in approach to topics and possibility to select specific story for sensitive topics. In public broadcasters, the sensitive socio-political topics are present in the news only to the extent necessary to keep the safe distance concerning the critical attitude towards the public office holders. Almost any topic is welcome if it refrains from commenting on the executive decisions. The representatives of authorities and public office holders often refuse invitations to be guests in specific media outlets, thereby, this reflects on the topics and their approach and interpretation of these topics. The clear political and ideological orientation is a trend for years now, in particular, in the selection of guests, selection of topics and genres in which the topics would be presented, and despite their orientation, it seems that no media outlet has been excused from that.<sup>97</sup>

<sup>96</sup> Krik.rs, “Attacks on KRIK: mafia-butchered portal”, that has “fired the first bullet on the president and the country”, <https://bit.ly/3LgoJve>

<sup>97</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

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

The journalists have their role in the work of editorial team and newsroom, both through meetings and staff meetings, other ways too, however, when choosing to write about certain topic their real impact is dependent upon the media company they work for and its business policy. In smaller media companies, journalists are engaged through participation in staff meetings, whereas in bigger media companies they usually do not participate but rather have separate agreements with their editors. In non-profit investigative portals that have higher degree of freedom to select the topics of news, the relationship between staff is closer and characterised by constant agreement with editors. On the other hand, public broadcasters have more rigid organisation.<sup>98</sup>

#### What are the attitudes of journalists regarding journalists’ ethics?

The ethics that journalists respect and apply is an individual thing of every journalist, but it largely depends on the media where a journalist works. This means that journalists quite often behave in accordance with the media policy. Such behaviour is usually justified by unpredictable situation and wish to keep their jobs in the media. The tabloids keep breaking almost all ethical standards, severely breaching privacy, personal data and human rights of the citizens they write about, presenting details from citizens’ health records, also from particularly difficult cases such as murders, violence against women and children, missing persons and other adversities people are facing.<sup>99</sup> Although they often do not wish to write about certain topics, journalists are forced to do it at the request of editors who are pressured by owners and managers. On the other hand, the distinction of expectations is clear depending on the media company journalists work for, hence they are aware of what is expected from them, which again influences the standards that journalists abide by.

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

In Serbia, journalists do not report the cases of censorship, however they are exposed to various forms of it.

<sup>98</sup> Ibid.

<sup>99</sup> News Agency BETA, “Novakovic: Journalists’ Code is deliberately violated, tabloids compete in bloody details”, 31.12.2021. <https://bit.ly/38USALx>

Self-censorship is almost a trend and the most common form of censorship in Serbia. It is linked with the problems of economic and financial nature. Since they witness the specific consequences with other colleagues, the journalists notice possible problems that can happen to them too. Hidden censorship and self-censorship are particularly emphasised, primarily depending on the media that journalist works for. Politically-dependant media companies engage the journalists who are aware of the expectations and how they should write, hence there is no direct restriction as the journalists are deliberately self-censored.<sup>100</sup>

## **B6 The economic position of women in journalism**

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

The status of female journalists in working environment has worsened compared to the status of men. There is a general impression that more female journalists are working in media outlets than males. However, higher engagement of female journalists in media is related to poor status of journalism as a profession, which the society treats as a job with low power and very weak status.<sup>101</sup> This forced men to simply avoid those jobs, so automatically they are more wanted, and even have better status in the media outlets. On the other hand, the official data indicate almost equal level of engagement of female journalists having a slight advantage compared to their colleagues. Due to competition and position, female journalists experience higher economic and financial pressure than men, but also pressure stemming from traditional perspective of their role as women due to culture and values. Female journalists are still highly undesirable for employers with intolerant attitude to pregnancy and maternity leaves.

**Do women tend to assume leading positions in newsrooms as much as men do?**

Although there are some women editors, even in the newsrooms where the number of women is prevailing, such posts are usually assumed by men. This is ex-

plained by the fact that the position and power of editors, as male and female journalists claimed, is primarily a goal of men. The traditional conservative attitudes still put men in advantage, while women's advancement can even be linked with sexism.<sup>102</sup>

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

Salaries of female journalists are almost identical to those of male journalists', in relation to other conditions of work and their position. Both male and female journalists deem that there are no special differences that would cause the imbalance in salaries, not even due to the trend of increasing the number of female journalists compared to men in newsrooms. This trend is explained by the dominance of women on lower-paying jobs in media industry, while there are few women on (better-paid) managing positions in media companies.

**Are female journalists subject to specific sex-based pressure?**

Female journalists are much more exposed to gender-based pressure compared to their male colleagues. Such specific forms of pressure are higher in number and leave greater consequences, primarily in relation to direct pressure, insult, mobbing or threat, but also in relation to consequences of secondary victimisation after the primary pressure. These are expressed inside the newsroom but also by the external factors. There are particularly difficult pressures online and on social media (Instagram and Twitter), where female journalists are often harassed solely for being women and often without any other reason to be linked with their journalistic work. The female journalists are subject to openly negative comments regarding their physical characteristics, the way they dress or look, the topics they report or even their private life shared on their profiles accessible online and private posts they share on social media. Representatives of the authorities as well as other journalists are addressing them inappropriately during press conferences or other events. Because of such relationship, the majority of female journalists feel jeopardised, discriminated, often without any understanding and adequate support of the working environment, including their families that can leave negative consequences on their jobs and personal life.<sup>103</sup>

<sup>100</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Outlined by journalists and media professionals interviewed for the purpose of the survey in January and February 2021. There have been in total of 10 in-depth interviews and 3 focus groups with 25 male and female journalist participants.



## **C1 Statistics of safety and impunity**

---

In 2021, according to the journalist attack database of the Safejournalists network (Safejournalists.net), there has been in total 66 incidents registered in Serbia, categorised as attack on journalists and media workers. The Republic Public Prosecutor's Office has regularly published information in accordance with their data on received criminal complaints and notifications, but they have recorded lower number of attacks.

### **Verbal threats and harassment**

The year 2021 was marked by increasing number of threats and harassments of journalists through stalking and government representatives' statements. There were 20 cases of various forms of verbal threats and harassments, often via Internet, i.e. social media. By all means, the worst was the case of publishing a warrant for Isidora Kovacevic, journalist of "Podrinjske", the warrants being distributed and posted on several locations in Sabac, Western Serbia. Those were prepared and distributed by several persons linked with organisation of violent clashes with the protesters during eco protests in November 2021. The case was reported to the police, and investigation is still ongoing. The executive is exerting serious pressure and partially abusing the competent authorities such as public prosecutor's office and the police and similar to that, there have been cases of pressure and intimidation of journalists who were subject of misdemeanour charges and were summoned for questionings in implementing preliminary investigations since they were suspected of organising forbidden pro-

Table 2: Number of registered attacks on journalists in 2021

Categories	Numbers	Description
<p><b>Verbal threats, pressure and harassment</b></p> <p>The verbal threats and harassments include:</p> <ul style="list-style-type: none"> <li>– surveillance or trailing;</li> <li>– harassing phone calls;</li> <li>– arbitrary judicial or administrative harassment;</li> <li>– aggressive declarations by public officials;</li> <li>– other forms of pressure that can jeopardise the safety of journalists in pursuing their work.</li> </ul> <p>These types of threats do not include mobbing and bullying in the working environment.</p>	20	<ul style="list-style-type: none"> <li>– Verbal threats against Jelena Zoric in front of the Court</li> <li>– Natasa Kovacev was not allowed to enter Orthodox church courtyard in Srbobran</li> <li>– Verbal threats on Twitter to Brankica Stankovic</li> <li>– The government representatives pressure against TV N1</li> <li>– Pressure against daily Danas by government representatives on press conference</li> <li>– Heavy tabloid campaign against Dinko Gruhonjic</li> <li>– Threats and vulgar messages against Verica Marincic on Facebook</li> <li>– Threats and insults against Dinko Gruhonjic on Facebook</li> <li>– Campaign, pressure and insults against KRIK by an MP on Twitter</li> <li>– Threats against portal Q21, posters with hate messages</li> <li>– Verbal threats and insults against Zeljko Veljkovic on social media</li> <li>– Minister of Interior pressure against Vuk Cvijic on TV</li> <li>– Various disturbing threats and messages against association Transparency Serbia and Nemanja Nenadic</li> <li>– Verbal threats against Jovana Gligorijevic and Snezana Congradin on Twitter</li> <li>– Police pressure on Milena Dimic</li> <li>– The security removing Sava Majstorov from Municipality Sombor assembly hall</li> <li>– Harassment and pressure against Goran Jevremovic by police officers in Jagodina</li> <li>– New harassments and pressure on Milena Dimic in Vranje by the police</li> <li>– Threats by injuries to Stojan Markovic via comments on Ozon portal</li> <li>– Heavy pressure and brutal campaign against Isidora Kovacevic</li> </ul>
<p><b>Threats against the lives and physical safety of journalists</b></p> <p>These may include:</p> <ul style="list-style-type: none"> <li>– Threats of killing journalists, journalists' friends, family or sources;</li> <li>– references to making physical harm against journalists, journalists' friends, family or sources.</li> </ul> <p>These threats may be:</p> <ul style="list-style-type: none"> <li>– made directly or via third-parties;</li> <li>– conveyed via electronic or face-to-face communications;</li> <li>– may be implicit as well as explicit.</li> </ul>	26	<ul style="list-style-type: none"> <li>– Verbal threats against Jelena Zoric in front of the Court for Organised Crime</li> <li>– Death threats to Zoomer newsroom and Tamara Urosevic</li> <li>– Internet threats of serious bodily harm to Vojislav Milovancev</li> <li>– Threats of serious assault against the editor of Podrinjske portal, Ivan Kovacevic</li> <li>– Threats by assault and stalking against Ivan Ivanovic</li> <li>– Death threats to Gordana Uzelac on Instagram</li> <li>– Death threats to Dragan Vucicevic through comments on Informer portal</li> <li>– Death threats to NS Uzivo portal newsroom, handwritten on building wall</li> <li>– Threats to Zaklina Tatalovic via social media attacks</li> <li>– Threats against Dejan Kozul on Instagram due to comments written on published photo</li> <li>– Threats against Dejan Kozul on Instagram</li> <li>– Direct murder threat to Marko Vidojkovic on Instagram</li> <li>– Gojko Vlaovic and Danas newsroom received threats on Facebook comments</li> <li>– Nenad Kulacin and Marko Vidojkovic received threats from Aleksandar Sapic during TV Pink guest appearance</li> <li>– SMS threats to Aleksandar Stankov by Sima Spasic</li> <li>– Direct threat against Zoran Sekulic on Facebook</li> <li>– Serious threats against Marko Vidojkovic and Nenad Kulacin on Facebook</li> <li>– Serious threats and hate speech against Marko Vidojkovic and Nenad Kulacin on Facebook</li> <li>– Threats and insults against Marko Vidojkovic and Nenad Kulacin on official Youtube channel of Dobar, los, zao</li> <li>– Serious threats against Marko Vidojkovic and Nenad Kulacin on TikTok</li> <li>– Threats against Nenad Kulacin directly referred to his mother in Bor</li> <li>– Direct threat against Marko Vidojkovic on Facebook</li> <li>– Direct threat against Nenad Kulacin and Marko Vidojkovic on Facebook</li> <li>– Threats against Marko Vidojkovic on Twitter</li> <li>– Death threats against KRIK newsroom on Twitter</li> <li>– Verbal threats against TV N1 newsroom on social networks</li> <li>– Invitation to break in the TV N1 newsroom and attack on journalists on Twitter</li> </ul>
<p><b>Attacks on journalists</b></p> <p>Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	8	<ul style="list-style-type: none"> <li>– Dejan Kozul all four car tyres pierced</li> <li>– Attack and threat against Milan Jovanovic, restriction of movement</li> <li>– Physical and verbal threat, restriction of movement of journalist Zorica Radulovic by famous football player on the street</li> <li>– Physical attack on Milan Nikic on the regional road during eco protests</li> <li>– Physical attack and seizing equipment from photojournalist Andrija Vukelic</li> <li>– Physical assault on Aleksandar Milinkovic, thrashing the equipment</li> <li>– Unknown persons provoking citizens have gathered in Novi Sad and pepper sprayed Vladimir Sper</li> <li>– Physical assault and blows against Davor Lukac in Belgrade during protests by unknown persons provoking citizens</li> </ul>

Categories	Numbers	Description
<b>Killings of journalists</b> (in the past 15-20 years) Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, etc.	1	– Milan Pantic was killed by brutal metal bar blows in Jagodina 11 June 2001.
<b>Threats and attacks on media institutions, organisations, media and journalists' associations</b> Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.	12	– At Government of Serbia press conference heavy pressure on TV N1 – Attack on Danas daily by government representatives – Serious pressure and targeting of KRIK portal by tabloids TVs and linking with criminal clans – MPs exerting pressure over KRIK portal in the Assembly hall podium about alleged links with mafia clans – Prime Minister of Serbia pressures and targeting of the TV N1 newsroom – Hate speech and pressures against Nova magazine, by an MP in parliament – Serious pressure and targeting of Danas daily by President of Serbia in TV Pink live appearance – Pressure on Resavski postonosa by the local mayor – Attacks and targeting of KRIK in tabloids due to publishing of Veljko Belivuk testimony – Pressure on Danas daily and linking with organised criminal groups – Pressure on Danas daily and linking with organised criminal groups – Organised targeting and attacks on several media outlets and associations, tabloids making "lists"

tests of citizens and eco organisations in November and December 2021.

#### Threats to life and physical safety of journalists

Number of serious verbal threats has increased compared to last year, so 26 cases were recorded. The most serious case already mentioned are related to open intimidation and targeting of KRIK newsroom, followed by other threats against journalists, originating from the continuing and organised public hunt that linked KRIK with one of the most notorious criminal groups in the Balkans. The public prosecutor's office and police failed to carry out investigation in this case, as under the established practice, they believed there were no elements of endangerment of journalists' safety. Due to their critical opinion of government representatives' actions, journalists Marko Vidojkovic and Nenad Kulacin were subject of more than 10 different serious verbal threats on life and body through social media or in person. The most of these proceedings are underway, and in one of the proceedings by the application of the principle of opportunity, the measure of the compulsory medical treatment of the perpetrator has been pronounced. Such threats mostly occurred after targeting by some of the highest government representatives.

#### The number of physical assaults

In 2021, the number of physical assaults has significantly dropped, so 8 cases were recorded. The physical as-

saults are linked with journalists reporting from various protests and other events characterised by participants' violent behaviour, especially towards the specific group of critically oriented media.

#### Number and type of journalists' murders

In the past 26 years, Serbia witnessed three journalists' murders. The only case that saw some progress is the murder of journalist Slavko Curuvija, editor-in-chief and owner of Dnevni telegraf, which occurred in 1999. After the passed judgment in 2019, whereby the specialised court in Belgrade enacted the first instance judgment and convicted four members of the former state security service, and after the appeals, on 7 September 2020 the Appellate Court in Belgrade sustained the appeals and cancelled the first instance judgment. The retrial started in October 2020, and after several hearings postponement, on 2 December 2021 new judgment was passed. After the retrial, the specialized court chamber found four former members of the State Security Service (SSS) – Radomir Markovic, Milan Radonjic, Ratko Romc and Miroslav Kurak, guilty of murder of the journalist and publisher Slavko Curuvija. The court sentenced Radomir Markovic and Milan Radonjic to 30 years of prison, while Ratko Romc and Miroslav Kurak were sentenced to 20 years of imprisonment each.

In the case from 1994 when journalist of Duga magazine, Radislava Dada Vujasinovic, died, and in another case from 2001 when correspondent of Vecernje novosti from Jagodina, Milan Pantic was murdered, there

is still no visible progress. Both cases are in pre-investigation procedure, in particular, the Pantic's case as it is still in the pre-investigation phase exactly 20 years after. It has been reiterated on several occasions, in particular by representatives of the Commission for the Investigation of Murders of Journalists, that competent prosecutor's office has enough data to continue the processing and preparation of the charges. Journalist Dejan Anastasijevic did not live to see the resolution of the attempt of his murder in 2007 that luckily was not fatal. The case is still in the pre-investigation phase. There has been no clarification who committed the assault and who were the ordering parties.

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

The number of attacks and threats to media companies was seemingly not so high compared to other forms of threats and attacks, however, there were 12 such incidents recorded in 2021, mostly against the TV N1 teams that were verbally harassed, physically intercepted, assaulted and insulted, and their equipment and property was destroyed as well. On the other hand, the practice demonstrated that specific forms of pressure, targeting, intimidation and threats against journalists were in fact indirect attacks on media companies as well. Local media experienced violent attacks as well, potentially even with greater consequences. They often experienced hackers' DDOS attacks, at precise time, after the reporting on certain topics or at a time when certain topic had to be reported on.

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

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

The Criminal Code of RS recognises and envisages protection from threats to safety of "persons performing the activities of public importance in the field of information, relating to the activities performed", referring to journalists, media workers and other persons reporting in public interest. Within that meaning, the Code recognises three criminal offences that in the special parts directly

refer to endangerment or damage against journalists.<sup>104</sup>

Through the work of the Standing Working Group for raising awareness on the journalist safety (hereinafter: SWG), 27 new special criminal offences are introduced that upon reporting of the incidents and further processing by competent public prosecutor's offices and the MI may be considered as eligible for endangering journalists' safety.<sup>105</sup> The most important and efficient mechanism has been developed within the Standing Working Group for Safety of Journalists that includes the RPPD, MI and seven journalists organisations and associations. Within the group, the system of contact points has been developed for reporting and monitoring the incidents against a journalist who is reporting and examining the course of proceedings launched so as to react if some irregularities are detected. In 2021, the Working Group for Journalists' Safety was very active – consisting of the representatives of government, ministries handling journalists' safety within their powers, public prosecutor's office representatives, MI, journalists and media associations, associations of judges and prosecutors and journalists' trade unions. The Group working under the auspices of the Government of Serbia has demonstrated the efficiency in specific cases benefiting from the response of the executive representatives through their channels in coordination with other representatives of the group, in order to alleviate the damage caused against journalists or initiate the solving of problems before other competent authorities upon the initiative of the group, Prime minister or Government. This has been helping shape specific mechanism through practical solutions that the group could implement effectively.

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

Within the Standing Working Group, as one of the results of the agreement on introducing the contact points system and 27 new criminal offences that could be qualified as offences against journalists, the MI and Republic Public Prosecutor's Office have developed internal instruction with the aim of improving the system of reception of complaints and proceedings in cases of at-

<sup>104</sup> Three criminal offences that refer to endangerment of safety of person performing the activities of public importance in the field of information in relation to the activities performed are as follows: "Endangerment of safety" under Article 138, para. 3, "Aggravated murder" under Article 114, para. 1, item 8 and "Serious bodily harm" under Article 121, para. 6 of the Criminal Code.

<sup>105</sup> Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Association of Independent Electronic Media, Media Association, Association of online media and Journalists' Association of Vojvodina (whose work was in the meantime suspended and it subsequently withdrew from the Agreement and the Standing working group).

Table 3: history of the most severe court cases related to journalists in the last 5 years

Case	Year 2017.	2018.	2019.	2020.	2021.
<b>KRIK</b> After the investigation into the assets of public officials, on 15 July 2016 KRIK newsroom received threats through social networks that “they should be lined up and shot as foreign agents in Serbia”.	<ul style="list-style-type: none"> <li>– The case is ongoing before the prosecutor’s office.</li> <li>– Letters of request have been addressed for the provision of international legal aid.</li> </ul>	<ul style="list-style-type: none"> <li>– The case is ongoing before the prosecutor’s office.</li> <li>– Letters of request have been addressed for the provision of international legal aid.</li> </ul>	<ul style="list-style-type: none"> <li>– The case is ongoing before the prosecutor’s office.</li> <li>– Letters of request have been addressed for the provision of international legal aid.</li> </ul>	The procedure still ongoing. There is no progress.	The procedure still ongoing. There is no progress.
<b>Slobodan Georgiev</b> Threats addressed on 9 September 2016 on social network Twitter after he wrote a comment referring to a cover of a daily paper.	<ul style="list-style-type: none"> <li>– The procedure before the prosecutor’s office is ongoing.</li> <li>– Evidence collecting is being implemented.</li> </ul>	<ul style="list-style-type: none"> <li>– The procedure for the application of opportunity principle is ongoing.</li> </ul>			
<b>Nihad Ibrahimkadic</b> On 5 January 2017 the journalist was injured in an attack near railway station in Belgrade.	<ul style="list-style-type: none"> <li>– The case was reported to the police.</li> </ul>	<ul style="list-style-type: none"> <li>– Criminal charges rejected for two persons</li> <li>– The case was transferred to the records of unknown perpetrators</li> <li>– Collection of evidence was resumed.</li> </ul>	<ul style="list-style-type: none"> <li>– The case is ongoing before the prosecutor’s office, in the records of unknown perpetrators of criminal acts.</li> </ul>	The procedure still ongoing. There is no progress.	The procedure still ongoing. There is no progress.
<b>Groups of journalists</b> Several journalists were attacked in front of the Assembly of the Republic of Serbia while they reported from a public gathering during the inauguration of new President of Serbia, Aleksandar Vucic.	<ul style="list-style-type: none"> <li>– One case was reported to the First Basic Public Prosecutor’s Office</li> <li>– The Prosecutor’s Office extended the case to all journalists attacked at that event</li> <li>– The Prosecutor’s Office passed a decision and rejected the criminal charges.</li> <li>– One journalist lodged the appeal</li> <li>– Higher Public Prosecutor’s Office in Belgrade sustained the appeal and returned the case to the First Basic Public Prosecutor’s Office for collecting all necessary evidence.</li> </ul>	<ul style="list-style-type: none"> <li>– The First Basic Public Prosecutor’s Office again passed the decision and rejected the criminal charges</li> <li>– There was no objection</li> </ul>	The case was discussed in the Standing working group for journalists’ safety. One of the stated information is also that none of the attacked journalists complained about the behaviour of members of the Ministry of Interior during inauguration.		
<b>Marija Vucic</b> After the publishing of a text, the journalist received threats on Facebook on 24 June 2017: “Whore, you’ll be slaughtered soon”.	<ul style="list-style-type: none"> <li>– The case was reported to the prosecutor’s office and police.</li> </ul>	<ul style="list-style-type: none"> <li>– The case is ongoing before the prosecutor’s office, in the records of unknown perpetrators of criminal acts.</li> </ul>	<ul style="list-style-type: none"> <li>– The case is ongoing before the prosecutor’s office, in the records of unknown perpetrators of criminal acts.</li> </ul>	The procedure still ongoing. There is no progress.	The procedure still ongoing. There is no progress.

Case	Year 2017.	2018.	2019.	2020.	2021.
<b>Dragana Peco</b> On 7 July 2017, the apartment of journalist Dragana Peco was broken into while she was out of Belgrade.	– The case was reported to the police and they immediately conducted investigation.	– The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts.	– The case is ongoing before the prosecutor's office, in the records of unknown perpetrators of criminal acts.	The procedure still ongoing. There is no progress.	The procedure still ongoing. There is no progress.
<b>Zeljko Matorcevic</b> On 9 October 2018 the journalist was physically attacked by an unknown person.	– The case was reported to the police.	– The case was reported to the police.	– The Prosecutor's office passed a decision to reject criminal charges – Appeal was lodged by the injured party – The objection was sustained, the evidence collection scheduled.	After additional collection of evidence, a decision was passed on rejection of criminal charges against the reported person. The case was filed in the registry of unknown perpetrators until identification and collection of evidence.	No progress. The case is still in the records of unknown perpetrators of criminal acts and remains in the registry of the unknown perpetrators until the identities are revealed and additional collection of evidence is undertaken.
<b>Milan Jovanovic</b> On 12 December 2018, the journalist's garage was initially set on fire and later it spread on the entire family house in Grocka.	– The case was reported to the police.	– The case was reported to the police.	– The Second Public Prosecutor's Office in Belgrade filed criminal charges. – The court procedure is underway – Out of 7 main hearings, only three have been held.	Eight hearings were held. Dragoljub Simonovic was sentenced by first instance verdict of 23 February to four years and three months of imprisonment. The Second Basic Court in Belgrade pronounced the same punishment for Aleksandar Marinkovic who is on the run, as the direct perpetrator for whom it has been established to have thrown Molotov cocktail on the garage in Jovanovic's house. Vladimir Mihailovic was sentenced to four years as it was established he was an intermediate who selected the perpetrator.	After the appeal of the accused, the Appellate Court quashed the first instance decision. The retrial before the first instance court is ongoing.
<b>Zikica Stevanovic</b> The journalist was brutally beaten by members of the Gendarmerie of the Ministry of Interior during violent demonstrations on 7 July 2020. Stevanovic took several hard blows, particularly hard in the head, although he kept demonstrating the press ID.				Criminal charges filed for abuse. Proceedings are ongoing. Internal control of conduct of Gendarmerie officers is carried out in the Ministry of Interior	Proceedings are ongoing. The MI internal control is still underway.

Case	Year 2017.	2018.	2019.	2020.	2021.
<b>Andrija Vukelic</b> Photojournalist was brutally beaten when he tried to make photos at the SNS supporters rally in Sabac on 29 November 2021. Vukelic was nearly lynched by a group of people, when he took several blows on his head and body, and his camera was stolen.					Photojournalist reported the physical attack directly in the police station. The proceedings still ongoing.

tacks against journalists. The Ministry of Interior instructions include rapid response of police officers in cases of attacks against journalists, liaising acting officers with contact points, improved internal control of the proceedings and informing of the injured parties. The RPPO adopted General Mandatory Instruction that is based on the criminal offence of endangerment of safety under Article 138, para. 3 of the Criminal Code. In practice, the instruction helped accelerate the actions of public prosecutors within the period of 24 to 48 hours from opening of the case, increasing the number of contact points in each prosecutor's office, registering special records, but also possibility of disciplinary proceedings against the prosecutor who has failed to act upon the provisions of the obligatory instruction.<sup>106</sup> The document confirmed the direct improvement via the recognition of the emergency actions and broader consideration of the problem of attacks against journalists, demonstrated in practice several times, in particular against public prosecutors who failed to undertake appropriate actions.

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

Since 2016, the Republic Public Prosecutor's Office (RPPO) and Ministry of Interior have been keeping the records of attacks against journalists. On a monthly basis, the RPPO is making a Newsletter – information on actions of public prosecutor's offices related to criminal offences against journalists, delivering it to all members of the Standing Working Group. At the end of the calendar year, the data on total number of cases are added and published, as well as statistical data on chang-

es compared to previous years that are published on especially designated page of the RPPO official website.<sup>107</sup> The MI keeps its internal records and does not publish official data on attacks against journalists. So far, the Working group for making of the platform has developed the classification of cases to be recorded to record, preparing the database of attacks and pressures. The special mechanisms for monitoring of cases have been developed within the system of contact persons from journalists' organisations and associations and contact points of public prosecutors and MI officers via the Standing working group for journalists' safety. The contact points monitor and report and consider cases of attacks. The similar system has been developed within the Working group under the auspices of the Serbian Government that also monitors, considers and reports on cases of attacks and threats. The most important mechanism for monitoring and reporting on cases of threats and attacks on journalists remain the journalists' organisations and associations that collect and publish information and react by press releases regarding the reported events. For years now, IJAS and JAS have been recording the cases of attacks in their databases. The special portal "Safejournalists" is aimed at ensuring information relevant for work of journalists at one place, starting from help guidelines and relevant practice up to the S.O.S. line for reporting cases and information on contact points within competent authorities.<sup>108</sup>

<sup>106</sup> Law on Public Prosecutor's Office, "Disciplinary proceedings", under Article 104, para. 1, items 4 and 5.

<sup>107</sup> RPPO, Safety of journalists. <http://www.rjt.gov.rs/sr/bezbednost-navinara>  
<sup>108</sup> Ibid.

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

---

The state institutions recognise the attacks on journalists in the form of criminal offences under the Criminal Code and Law on Public Order and Peace, and under the latter the milder forms are recognised through the existing misdemeanours. The establishment of new working groups for safety based on the success of the Standing working group for journalists' safety indicates that the state somewhat recognises the existence of problems regarding journalists' safety and consider this a road to be pursued due to its efficiency. However, regardless of the solid decisions on the surface and establishment of mechanisms that proved successful to some extent, the common positions and complete non-selective efficiency regarding all cases of attacks against journalists are still lacking. Representatives of authorities often fail to address some specific cases, e.g. when critically oriented media are targeted, often launching the harsh attacks themselves. The selective and periodic response, absence of severe condemnations of serious pressures, targeting and accusations against journalists tell more about the absence of the recognition of attacks as the form of violation of the freedom of expression.

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

---

State institutions usually cooperate with journalists' associations through working groups for journalists' safety and communicate directly with the journalist associations and organisations through contact points, which proved to be a good form of communication and cooperation. The associations believe that, in addition to the establishment of cooperation and communication channels, the state only tries to simulate a certain level of activity that should resolve the problems of attacks and its rapport towards journalists, but that actually it only wants to present an image of understanding and resolving of the issues of journalists' matters before the international players.

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

---

Surveillance over electronic communications has been regulated by special provisions that specify the manner and cases when this is possible and how the sur-

veillance is applied.<sup>109</sup> On the other hand, there is no special law in Serbia to regulate the area of production, trade and use of secret data collection equipment. In that regard, there are doubts that the devices for secret collection of citizens' personal data already have been used in Serbia. In 2021, no official cases of the electronic surveillance over journalists' work have been recorded.

**C3 Efficiency of the justice system regarding threats and violence against journalists**

---

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

---

Since 2013, Serbia has had the Commission for consideration of the facts that were obtained in the investigations that were conducted on the killings of journalists: Slavko Curuvija, Milan Pantic and Dada Vujasinovic. It was established by the Government of Republic of Serbia and it was tasked with establishing a plan and dynamics for collection of evidence and establishing other circumstances regarding the investigations of murders, as well as cooperation with the authorities responsible for running such investigations, to make a track-record based on the obtained information regarding the course of conducted investigations, to present an opinion on the efficient manner of improving the conducting of investigations and propose concrete steps to be taken. Regarding the case of murder of journalist Milan Pantic, the Commission prepared and submitted a report containing useful information on police investigation, however it did not yield any result for the acting public prosecutor's office since 20 years after the murder, the case is still in pre-investigation phase. The situation is similar with the case of murder of journalist Dada Vujasinovic.

**Do the state prosecutor's office and the Ministry of Interior provide adequate resources for covering the investigation of threats and violence against journalists?**

---

The Republic Public Prosecutor's Office and the MI have ensured good resources to work on resolution of the issue of journalists' safety. The RPPO has provided for in the prosecutor's office Mandatory Instructions in total of 113 contact points for the safety of journalists in basic,

---

<sup>109</sup> Criminal Procedure Code, Articles 161 to 173.

higher and appellate public prosecutor's office, ensuring good work capacities.<sup>110</sup> On the other hand, the MI has about one hundred police officers – contact points in local, city and municipality police administrations in charge of monitoring the proceedings upon the reported cases when journalists are damaged. The problem of the lack of knowledge of the acting officers, especially in lower ranks, regarding the difficulties that journalists face in doing their job as well as their position still remains. The most efficient resource for support to the journalists is still to be found among representatives of the RPPO and the MI in working groups for journalists' safety. The RPPO ensures open channel of communication with the journalists' associations that report and take interest in the course of the prosecutor's investigations, while the MI has improved the communication significantly, and the exchange of information and cooperation with the journalists' associations.

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

The investigations of the reported incidents against journalists are initiated quickly and efficiently, however in the later stages of the proceedings, depending on the case, they are considerably slowed down. The representatives of the competent authorities, in particular, the special prosecutor's office for cybercrime, take up received cases quite quickly, in accordance with provided instructions. On the other hand, the filing of charges, prosecutors and police officers positions in relation to specific criminal and legal matters and collection of evidence often bring the dissatisfaction of the damaged journalists and expert public. The cases of intimidation are investigated if reported, however, quite rarely they are further prosecuted due to legal positions that fail to recognise intimidation as the existing criminal offence. The impression of selective approach and lack of efficiency in some cases reveal many problems in understanding criminal offences against journalists. However, decisions in strategically very important cases still indicate the problems in medium and later stages of investigations. The majority of cases never get to trial.

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

The degree of protection provided to journalists often does not correspond to the threats they are subject to. Besides individual cases that demonstrate the neces-

sity of response, there are numerous examples of inadequate protection, extended consequences of the primary and especially aggravating forms of secondary victimisation. The responses of institutions and reactions are often highly selective, wide in spectrum – from complete understanding to ignoring. As one of the most drastic examples of inadequate protection is denying police protection to journalist Milan Jovanovic whose house was set on fire, and several persons were convicted in first instance. After several months and profuse reactions of the journalists associations and organisations, the police protection for Jovanovic has been restored. The targeting and intimidation of the KRIK portal newsroom linked with one of the most dangerous criminal groups in the Balkans as their financial supporters signifies a very difficult case without application of the adequate measures. Conflicting statements have appeared in the public, the lack of reaction of the competent authorities and public authorities' condemnation absence. For the purpose of raising the level of responsibility, changing relationship towards victims and reducing the secondary victimisation, the MI adopted internal acts for the police actions regarding victims of criminal offences in order to improve position of victims and witnesses. Such instruction will be obligatory for all police officers when informing and assessing vulnerability risks and needs for protection and support measures.

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

In relation to actions on filed charges and decision-making, the court practice still shows different results. Systemically important cases (such as the murder case of Slavko Curuvija and the incineration of Milan Jovanovic's house) collapsed before different court instances, so due to many omissions, there were retrials in these cases. Despite this, the readiness to pass these judgments is encouraging. Precisely in the cases referred, the sentences were imposed on not only direct perpetrators, but also ordering parties and instigators. However, the basic problem remains for judges to understand the substance of particular criminal offences, in particular the criminal offence of endangerment of safety or stalking as the most common form of attack on journalists. That is still one of the main reasons why prosecutors are reluctant in filing charges. The expected turn in their practice did not occur, so cases have hard time reaching the courts.

---

<sup>110</sup> *Safe journalists, "Prosecutor's Office", <https://bezbedninovinari.rs/article/24/tuzilastvo>*

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

---

The workshops and training are mostly organised in the scope of the international projects, so in 2021, the first of several workshops and trainings planned for the purpose of understanding the problems the journalist are facing, increasing the capacities related to procedures and criminal offences has been organised for the contact points – the MI representatives by the Council of Europe. The workshops and training include active participation of journalists' organisations. The Agreement on cooperation and measures for raising the level of journalists' safety provides for training of the members of prosecutor's office and police with the aim to ensure improved understanding of the specific problems and more efficient actions by competent authorities in the cases of endangerment of the journalists' safety. Since 2018, in accordance with the Agreement with the support of the OSCE Mission to Serbia, the consultative meetings and exchange of experience between prosecutors, police and the journalists have been held.

# Conclusions and Recommendations

## Conclusions

---

**A.** Media freedom and freedom of expression are guaranteed by the regulations. The legal framework regulating the protection of fundamental rights has been established, however, the realisation is not meeting the desired level, so the amendments have been introduced. The draft of the LPIM amendments has been made providing for so-called „alternative solutions”, but this draft is not consistent with the goals of the Media Strategy that the media associations have agreed with, including the Action Plan for its implementation. The regulator fails to fulfil its functions independently and is greatly influenced by the authorities, and it often uses its powers to place some entities into a more favourable position compared to others. The state advertising in the media affects their editorial independence. The institutions only publish data they are legally obliged to. The legal framework provides for project co-financing through public competitions aimed at realisation of the public interest. The protection of rights closely connected to defamation, such as damage to honour and reputation, is provided for by regulations. The lawsuits and their costs are exhausting the material resources of the journalists. REM is carrying out media monitoring, however, without objective approach to media scene and real representation of the political actors who do not have fair and equal access during the election campaigns. The journalists' sources are protected, however, there are many attempts at the moment to reduce the acquired rights. The access to information of public importance is diminishing compared to last year.

**B.** The social and economic status of journalists in Serbia remains very unfavourable and is additionally aggravated by the upcoming financing problems and economic cri-

sis. There are still no precise data on how many journalists have signed the employment contracts that include corresponding social insurance. The journalists work in very unfavourable conditions, but such position continues to aggravate. The editorial independence varies depending on the media service, private or non-profit media. The media services are greatly influenced by the authorities, the private media are influenced by the owners, and non-profit media depend on projects. The journalists are exposed to various forms of censorship, and self-censorship is the most common form and almost a trend. The investigative non-profit media are under the greatest pressure, both by representatives of the authorities and pro-government tabloids. The ethics journalists respect and employ largely depends on the position of the media that hires the journalist. The position of a female journalist in the working environment is worse compared to a male journalist. The female journalists are more exposed to gender-based pressure, and this leaves severe consequences.

**C.** The total of 66 serious incidents is registered in the Safejournalists database on attacks against journalists. The threats mostly concern increased number of online verbal threats and smaller number of physical attacks. The Republic Public Prosecutor Office, in line with its data on the received reports and notifications, regularly publishes data, recording the decreased number of attacks. Criminal legislation recognise journalists as endangered and injured parties, and the state has organised three working groups that deal with matter of journalists' safety on different levels. The competent authorities have their detailed protocols on procedures in cases of attacks against journalists and provide for the liability of public prosecutors if they fail to act. The special mechanisms for reporting and monitoring of cases have been developed in the framework of the contact points system from journalists associations and organisations, public prosecutor's office and police. The institutions recognise the attacks on journalists through offences provided for in regulations, however, there are no identical opinions and complete efficiency regarding all cases of the attacks. The representatives of the authorities often do not give statements for specific cases, and quite often, they initiate severe attacks themselves. The competent authorities have ensured good resources for solving problems of journalists' safety and they have continuous training. The investigations are launched quickly and efficiently, however, in the later stages of the proceedings, depending on the case, they are significantly slowed down. The case law still shows variable results in its practice in reference to the charges filed and decisions adopted.

**General conclusion.** The legal framework regulating the protection of fundamental rights is established, however, the application is not as near to the desired level, so the media regulations have to be amended as in the

suggested form they differ from the goals of the Media Strategy that the media associations have agreed with. The regulator fails to carry out its obligations in accordance with the law and often places specific entities from the media scene under the protection. The state advertising in the media affects their editorial independence, and institutions only publish information they are legally obliged to. The project financing through public competitions is largely abused, and protection is almost inefficient. The working conditions of the journalists are very unfavourable, along with heavy social and economic position that is deteriorating, including various forms of pressure and censorship. The investigative non-profit media are under severe pressure, both by government representatives and tabloid pro-government media. The female journalists are more exposed to gender-based pressure that leaves the consequences. The institutions recognise attacks on journalists, however there are no identical opinions and complete efficiency regarding all cases of the attacks. The representatives of the authorities often do not give statements for specific cases, and quite often, they initiate severe attacks themselves or give reason for other more severe attacks through targeting. The investigations are launched quickly and efficiently, however in the later stages of the proceedings, depending on the case, they are slowed down and there is no efficiency in the proceedings.

## Recommendations

Improvement of the legislation:

- Consistent application of the Action Plan for implementation of the Strategy for the Development of Public Information System in the Republic of Serbia by 2025 (Media Strategy);
- The Action Plan for the implementation of the Media Strategy needs to be additionally strengthened by deadlines that would ensure its real and meaningful application, but it also needs to be amended so as to include all key measures envisaged by the Strategy;
- Ensure inclusive and transparent work on amendments of the relevant laws related to the media freedoms that must be in line with the rights acquired and guaranteed under the law in application of the Media Strategy as well. The planned amendments of the LPIM must strictly adhere to the predictions from the strategy, but acquired rights may not be diminished or abolished;
- The work of Regulatory Authority for Electronic Media should be improved, by selection of truly independent and unbiased professionals, as well as the stability and independence of work of this body. The following should be done:

- Modify the authorised proposers for the appointment of REM members, to ensure their greater independence and greater stability of REM by safeguarding its financial independence, by enlarging the funds from the resources realised by penalising broadcasters, reducing political influence and pressure from the authorities and higher transparency when setting up the financial plan;
- Provide REM with possibility of directly imposing fines to broadcasters when confirming the violations of laws and bylaws;
- Establish appropriate responsibility of the REM Council and responsible persons in professional services regarding identified failures in the application of regulations;
- Although in the last two years, the regulator has started practicing the monitoring of the campaigns in different stages (pre-election and election campaign), it is primarily necessary to regulate matters legally and ensure permanent obligations of REM to carry out the media monitoring during the campaigns;
- Precisely identify and establish objective criteria for monitoring, ensure public disclosure of the findings and continuing information of the public, as well as the responsibility for disclosed data and the results;
- REM must carry out mandatory supervision instead of the Temporary Supervisory Body for Media Monitoring. If introduction of the special bodies for media monitoring is even attempted, it must be carried out in line with media regulations and competences given;
- Amend suggested Draft of the Rulebook on the manner of performing the obligations of public broadcasters during election campaign and regulate it so it would cover all providers of media services and not only public broadcasters;
- REM must ensure higher transparency in their work, responsibility for the actions undertaken or failures to carry out the same actions within their competences, and better communication with citizens;
- Amend laws and bylaws for improving the process of project co-financing of media content of public interest, in the following manner:
  - Stipulate obligation of opening competition for co-financing of media content, and liability and sanctions for responsible persons in cases of failure to launch competitions;
  - Ensure independence of co-financing from the political influence by introducing the obligations for responsible persons to publish competitions at the beginning of the year;
  - Introduce mandatory analyses of needs for media content in order to establish public interest for each individual local self-government;
- Define clear criteria for selection of members into expert commissions and responsibility in the event of abuse, by prescription of sanctions for non-abiding by the regulations;
- Obligate expert commissions to consider the decisions of the regulatory body and the Press Council when deciding on the distribution of funds;
- Improve the control mechanism for the co-financing procedures and introduce a more efficient legal instrument in this field. When it comes to more efficient legal instruments, it is necessary to raise awareness on the efficiency of the inspection, in particular the administrative inspection for the purpose of implementing regulations, and budget inspection for controlling the purpose and appropriate objective of the project;
- Introduce mandatory evaluation of realised projects and introduce the implementation of external financial audit of media that received the funds above certain amount;
- Ensure better and more efficient control of implemented competitions, realisation of the awarded topics and contracts through obligatory programmes of auditing the awarding and spending of the funds. Within this meaning, it would be useful to introduce the audit of the project purpose;
- Advertising in media should become one of the priorities in work of the Government of the Republic of Serbia, including the implementation of the solutions on advertising taken over from the Media Strategy through existing regulations, by paying special attention to determining the supervision over the implementation of such provisions, and designing measures with the purpose of regulating the conflict of interest;
- Introduce special rules for political advertising in order to prevent officials campaigning, and potential abuse by the political parties in power, ensure transparency of political advertising and spending of funds by the political parties on the web platforms during the election campaign;
- For the purpose of the further improvement of the legal regulations, establish the obligation of the public broadcasters and their webpages – portals that in form of the hidden advertising publish the news with illustrations and statements;
- Regulate the supervision over the use of personal data by political parties for the political campaign through special regulations;
- Amend laws and bylaws to ensure higher independence of public broadcasters (PBs): higher financial independence of public broadcasters, transparency, communication and accountability before the public, higher independence of the Managing Board, define the role and jurisdiction of the Programme

Council with the aim of ensuring higher level of independence compared to management board and external pressure.

- Strategically predict and work on development of special system of the anti-SLAPP regulations to protect journalists and media from malicious lawsuits, and establish the responsibility of the representatives of the authorities in particular who abuse such lawsuits;
  - Align court practice in indemnification proceedings against journalists in reference to publishing of information with the practice of the European Court for Human Rights;
  - Additionally strengthen the access to information to ensure support for journalists in reference to public authorities that ignore, fail to act upon requests, provide false answers and abuse deadlines for delaying the responses;
  - Provide for penalties to public authorities by the Commissioner for Information of Public Importance, appropriate penalties for responsible persons proportionate to impact and damage, and functional execution mechanisms;
  - Ensure better status of journalists and other media professionals in terms of the labour law:
- Signing of sectoral collective agreement that would ensure better working conditions, support trade union organisation and more efficient controls to reduce grey market;
  - Establish measures and procedures for improving status of female journalists, editors and women working in the media, by creating better conditions for the bigger share of women in management positions;
  - Ensure greater independence of journalists and newsrooms in relation to the owners and management by signing special acts that would enable such independence or envisage the signing of annexes to employment contracts which define professional rights and obligations of journalists and editors;
- Ensure greater safety of journalists and other media professionals:
  - It is extremely important to disclose and solve all cases of attacks on journalists and endangerment of their safety as soon as possible;
  - Clearly and precisely define the scope of work of all working groups with regard to journalists' safety, harmonise their work and raise the level of cooperation;

- Ensure urgent and quick reaction in practice without exceptions in all cases of attacks and threats that have the elements of criminal and misdemeanour acts;
- Communication strategies of public prosecutors' offices and the MI must be raised to a higher level. They should be open regarding the transparency of their procedures, to the extent of not jeopardising the prosecutor's investigation and actions by supporting public prosecutors and their deputies to address the public and communicate on the cases they are in charge of, but also protecting the proceedings, investigation and prosecutor's office itself;
- Ensure clear, unambiguous and non-selective condemnations of any violence against journalists by high public officials in order to convey a message on inadmissible conduct;
- Achieve continuity of training intended for police and prosecutor's office members within the scope of public prosecutor's office to improve reaction of the MI and prosecutor's office members within the scope of their competences;
- Ensure clear and non-selective internal accountability with bodies responsible for prosecuting the perpetrators of criminal offences against journalists;
- The key change is the amendment of the criminal legislation in practice of understanding the specific criminal offences that protect journalists, such as endangerment of safety under Article 138 para. 3 of the Criminal Code, or more precise interpretation of the special part regarding the endangerment of safety under Article 138a, by introducing offences to protect journalists as human rights defenders;
- Introducing new forms of criminal offences against journalists and increased protection with the existing criminal offences;
- Involving judges in the issues of the journalists safety and consequences of attacks and threats, with focus on the substance of the criminal offence against journalist;
- Ensure attained levels of protection for journalistic sources in relation to potential adverse effects of other regulations that could deteriorate their position (such as Draft Law on Internal Affairs).





